

## EXTENSIONS OF REMARKS

### THE NOTCH BABY ACT OF 2001

**HON. JO ANN EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mrs. EMERSON. Mr. Speaker, today I am again introducing legislation to assist the over 6 million senior citizens who have been negatively impacted by the Social Security Amendments of 1977. Seniors born between the years of 1917 and 1926—the Notch Babies—have received lower Social Security monthly payments than those seniors born shortly before or after this ten year period. My legislation, the Notch Baby Health Care Relief Act, will offset the reduction in Social Security benefits by providing a tax credit for Medicare Part B premiums.

The approach taken in this bill is different than taken by my Notch Baby Act of 2001 or in any other Notch bill that has been introduced. This legislation is particularly noteworthy because it was suggested to me by one of my constituents—adjust Medicare Part B premiums for senior citizens born between the years 1917 and 1926, their spouses and their widows or widowers. The bill also eliminates the Medicare Part B premium late enrollment penalty for these individuals.

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

### RE-INTRODUCTION OF THE MEDICARE UNIVERSAL PRODUCT NUMBER ACT

**HON. LOUISE McINTOSH SLAUGHTER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Ms. SLAUGHTER. Mr. Speaker, it is my pleasure to re-introduce today a bill that could provide a significant new tool in the battle against Medicare waste, fraud and abuse: the Medicare Universal Product Number Act.

In 1996, the first-ever comprehensive audit of Medicare's books revealed that Medicare was losing more than \$23 billion every year to waste, fraud, and abuse—almost 14 percent of the program's budget. Since that time, the Department of Health and Human Services has taken important steps to crack down on abusive practices. By fiscal year 1999, net payment errors totaled an estimated \$13.5 billion, or about 8 percent of total Medicare fee-for-service benefit payments.

While significant progress has been made, we must do more to ensure that all Medicare

funds are used for the benefit of patients. In particular, room for improvement exists in Medicare's reimbursement for durable medical equipment (DME). Durable medical equipment includes supplies like catheters, wheelchairs, walkers, and ostomy supplies needed by patients. Many Americans would undoubtedly be shocked to learn that the Medicare program frequently pays for DME without knowing exactly what product was supplied to the beneficiary. Under the current system, items are grouped under broad codes. Medicare pays the average price for all the items included in that category, no matter whether the least or most expensive one was provided. Moreover, the coding system does not allow government officials to determine exactly which product under the code was supplied.

The Medicare Universal Product Number Act will empower Medicare to know precisely what items are being supplied. This bill would require all medical equipment paid for by Medicare to have a Universal Product Number (UPN) very similar to the bar codes on groceries. When suppliers submit claims for reimbursement, they will identify items by UPN. Medicare will know exactly what equipment has been provided and reimburse accordingly. The UPN can be an invaluable aid in tracking down improper payments, identifying willful upcoding and fraud, and reducing program waste.

UPNs are already used extensively by the Department of Defense, Veterans Administration, and many private hospitals and health care purchasing cooperatives. HCFA should recognize the utility of UPNs for Medicare and support the passage of the Medicare Universal Product Number Act.

I am proud to be joined in this effort by my distinguished colleague from Corning, Representative AMO HOUGHTON, who has a long record of activism on health and Medicare. I would also like to note that this legislation has the support of the American Orthotics & Prosthetics Association, the Healthcare Electronic Data Interchange Coalition (HEDIC), the Health Industry Distributors Association, the Health Industry Group Purchasing Association, Invacare, the National Association for Medical Equipment Services (NAMES), the National Association of Wholesaler-Distributors, Premier, Inc., the Uniform Code Council, and VHA, Inc.

Medicare program integrity is improving, but we still have a long way to go. The current system is wasteful and vulnerable to abuse. UPNs are a common-sense solution to make Medicare a smart health consumer for the sake of older Americans, taxpayers, and medical equipment suppliers alike.

### INTRODUCTION OF THE SURVIVING SPOUSE FAIRNESS ACT

**HON. MARGE ROUKEMA**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mrs. ROUKEMA. Mr. Speaker, today I talk about the Surviving Spouse Fairness Act that I will introduce today. I propose this legislation out of fairness and the need to make the tax code simpler to those who have suffered the loss of a spouse.

Today's tax code pressures a surviving spouse to sell their home within the same year that their spouse died in order to reap the full \$500,000 capital gains exclusion. After the year of death, the surviving spouse is treated as a single person and only allowed \$250,000 exclusion.

Why should a surviving spouse incur a tax penalty on the sale of their home just because their spouse died?

Why should a surviving spouse, who was married for decades, not be treated the same as a married person?

My bill would allow the full \$500,000 of capital gains exclusion on the sale of the home of a widow or widower who has not remarried and would have otherwise qualified for the exclusion if their spouse had not died.

The Joint Committee on Taxation last year found that this bill would cost only \$43 million over five years. The small revenue loss would be exceedingly affordable for the amount of emotional relief, justice and tax simplification the bill would provide.

I call on my colleagues to support this important legislation.

### THE BIPARTISAN COMMISSION ON SOCIAL SECURITY REFORM

**HON. ROB PORTMAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. PORTMAN. Mr. Speaker, the 2000 Report of the Social Security Board of Trustees projects that the amount of money going out of the Social Security Trust Fund will begin to exceed the tax dollars coming into the system in 2015 and, as a result, the Social Security Trust Fund will be depleted in 2037. At that time, only 72% of Social Security benefits would be payable with incoming receipts unless changes are made today.

The primary reason is demographic: the post-World War II baby boomers will begin retiring in less than a decade and life expectancy is rising. By 2025 the number of people age 65 and older is predicted to grow by 75%. In contrast, the number of workers supporting the system would grow by 13%.

If there are no other surplus governmental receipts, policymakers would have three choices: raise taxes or other income, cut

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

spending, or borrow the money. Mirroring this adverse outlook are public opinion polls showing that fewer than 50% of respondents are confident that Social Security can meet its long-term commitments. There also is a widespread perception that Social Security may not be as good a value in the future as it is today.

While it is accepted that Social Security reform is needed without undue delay, there clearly is no consensus on how this should be accomplished. This was evident by the Report of the 1994–1996 Social Security Advisory Council, which provided three very different plans but none of which received a majority's endorsement. It also is reflected by the many bills introduced in the 105th and 106th Congress and proposals by the Administration that represents a diversity of approaches to Social Security reform. As a result of differences within Congress and no clear direction from the outgoing Administration during the last 8 years, there has been no movement on Social Security reform.

This state of affairs shows the need for to develop consensus legislation between Congress and the Bush Administration that can be enacted into law without undue delay. To accomplish this goal, Mr. CONDIT and I are re-introducing a bill we offered last year to establish a Bipartisan Commission on Social Security Reform charged with developing a unified proposal to ensure the long-term retirement security of Americans. It is important to note that President-elect Bush has endorsed the concept of a bipartisan commission to pave the way to a consensus on Social Security reform.

The Commission we propose will consist of 17 members to be appointed by the House and Senate majority and minority leadership and the President. The commissioners are to be individuals of recognized standing and distinction who can represent the multiple generations who have a stake in the viability of the Social Security system. They also must possess a demonstrated capacity to carry out the commission's responsibilities. At least 1 of the commissioners will represent the interests of employees and 1 member will represent the interests of employers.

Reforming Social Security needs to be addressed sooner, not later, to allow for phasing in any necessary changes and for workers to adjust their plans to take account of those changes. Further delay simply is not acceptable, and it is my hope that we will take up the Bipartisan Commission on Social Security Reform Act of 2001 as one of the first pieces of business in the 107th Congress. Mr. CONDIT and I will be working with the leadership and the Bush Administration to make this goal a reality.

#### INTRODUCTION OF THE DRUG PRICE COMPETITION IN THE WHOLESALE MARKETPLACE

**HON. JO ANN EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mrs. EMERSON. Mr. Speaker, today I am introducing legislation that will preserve drug price competition in the wholesale marketplace, prevent the destruction of thousands of small businesses across America and avoid a

possible disruption in the national distribution of prescription drugs to nursing homes, doctors offices, rural clinics, veterinary practices and other pharmaceutical end users. As befitting such legislation, I am pleased to note that this bill has cosponsors from both political parties, a number of different committees and many different areas of the country.

Our objective is to prevent and correct the unintended consequences to prescription drug wholesalers of a Final Rule on the Prescription Drug Marketing Act (PDMA) issued by the Food and Drug Administration in December 1999. This regulation will require all wholesalers who do not purchase drugs directly from a manufacturer to provide their customers with a complete and very detailed history of all prior sales of the products all the way back to the original manufacturer.

Absent such sales history, it will be illegal for wholesalers to resell such drugs. But in a true "Catch 22" fashion, the regulation does not require either the manufacturer or the wholesaler who buys directly from the manufacturer to provide this sales history to the subsequent wholesaler. In addition, the wholesaler who does not purchase directly from a manufacturer has no practical way of obtaining all the FDA required information needed to legally resell Rx drugs. The result of this rule will be that most small wholesalers will be driven out of business. The FDA has estimated that there are about 4,000 such secondary wholesalers who are small businesses.

The FDA's Final Rule will also upset the competitive balance between drug manufacturers on the one hand and wholesalers and retailers on the other by granting the manufacturers the right to designate which resellers are "authorized" and which are not, quite apart from whether the reseller buys directly from the manufacturer or not. The original intent of the PDMA was that wholesalers who purchase directly from manufacturers be authorized distributors, exempt from the requirement to provide the sales history information to their customers. However, the FDA's regulation has separated the designation of an authorized distributor from actual sales of product, and will allow manufacturers to charge higher prices to wholesalers in exchange for designating them as authorized distributors. Drug price competition will also be significantly reduced if thousands of secondary wholesalers are driven out of business. The result of the FDA's regulation will be that consumers and taxpayers will pay even higher prices for prescription drugs.

Seems to me that the FDA is protecting the drug companies at the expense of the American public at a time when these companies must be encouraged to lower their outrageous prices so that our seniors and others in need can afford to pay for their medicine.

Thus, while the Congress wrestles with difficult questions regarding drug pricing for seniors, expanded insurance coverage for prescription drugs and the like, the PDMA Rules is a drug pricing issue that is relatively uncomplicated, easy to solve and not expensive.

The bill would make minor changes in existing language to correct the two problems described above. First, the bill would define an authorized distributor as a wholesaler who purchases directly from a manufacturer, making the definition self-implementing and removing the unfair advantage given to the manufacturer by the regulation. Second, the bill will

add language to the statute which will greatly simplify the detailed sales history requirement for most wholesalers. If prescription drugs are first sold to or through an authorized distributor, subsequent unauthorized resellers will have to provide written certifications of this fact to their customers, but will not have to provide the very detailed and unobtainable sales history. For any product not first sold to or through an authorized distributor, a reseller would have to provide the detailed and complete sales history required by the FDA Rule. This would protect consumers against foreign counterfeits or any drugs which did not enter the national distribution system directly from the manufacturer, while eliminating a burdensome and expensive paperwork requirement on thousands of small businesses which has no real health or safety benefit in today's system of drug distribution.

My cosponsors and I invite and encourage Members to add their names to this bill and look forward to its prompt enactment this year. Unless the FDA regulation is reopened and significantly modified by the agency, overturned in court or, as I hope, corrected by this bill, wholesalers will have to start selling off their existing inventories as early as May because the products will be unsalable when the regulation goes into effect in December 2001. This forced inventory liquidation will be accompanied by an absence of new orders by thousands of wholesalers, and the result could easily be disruptions in the supply of prescription drugs to many providers and end users. Let us then move quickly to fix this problem and save consumers, taxpayers and thousands of small business men and women across the land from higher drug prices, potential health problems due to supply interruptions and significant economic loss and unemployment.

#### RE-INTRODUCTION OF THE COLLEGE STUDENT CREDIT CARD PROTECTION ACT

**HON. LOUISE McINTOSH SLAUGHTER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Ms. SLAUGHTER. Mr. Speaker, today my colleague Representative JOHN DUNCAN and I are proud to re-introduce the College Student Credit Card Protection Act.

I drafted this legislation in 1999 in response to a growing number of horror stories about young people and credit card debt. For example, I heard from a constituent whose stepson filed for bankruptcy at the age of 21. He was \$30,000 in credit card debt. According to a University of Indiana administrator, we lose more students to credit card debt than to academic failure.

Credit card companies are aggressively marketing their cards to college students. We all receive credit card solicitations at home. In just one year, one of my employees received a shopping bag full of credit card solicitations. Now, magnify that number exponentially for college students.

I remember when an unemployed student was not able to get a credit card limit without a parent as a co-signer. Now, students are not only targeted through the mail and by phone, but also in person through booths set up on

campus that promise a free t-shirt or mug for every completed application. As fundraisers, student groups can earn \$5 for every application they get their friends to fill out. Most of the time, all they require for approval is a student identification card.

The easy access to credit allows students to make costly purchases that would not have been possible under a typical student budget. Students then no longer make the connection between earnings and consumption—needs and wants. Students can go from getting the card just in case of an emergency to charging entertainment expenses such as nights out with their friends and then to extravagances like a spring break trip to Cancun.

While many college students are adults who are responsible for the debt they charge, the credit card industry's policy of extending high lines of credit to unemployed students needs to be reviewed. The College Student Credit Card Protection Act would require the banks to determine if a student can even afford to pay off a balance before the companies approve a card. My bill would limit credit lines to 20 percent of a student's annual income without a cosigner. Students could also receive a starter credit card with a lower credit limit, allowing increases over time for prompt payments. Another provision would eliminate the fine print in credit card agreements and solicitations, where fees and penalties are hidden. If a parent cosigns for their child's credit card, my bill would require the credit card company to notify the parent in writing of any credit line increase.

So before the credit card statements with Christmas purchases arrive, the message to credit card companies should be simple: determine if the student can afford to pay off a balance before approving a card.

#### INTRODUCTION OF LEGISLATION PRESERVING THE MORTGAGE INTEREST DEDUCTION

### HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mrs. ROUKEMA. Mr. Speaker, today I support the resolution preserving the mortgage interest deduction. I introduced this resolution today and I ask my colleagues to join me in support of this important resolution.

The mortgage interest deduction has served as one of the cornerstones of our national housing policy for most of this century and may well be one of the most important tax policies in America today. This incentive has transformed this nation from one that was ill housed to the best-housed nation in the world.

The value of home ownership to this nation is beyond measure. Home ownership is a fundamental American ideal that promotes social and economic benefits beyond the simple benefits that accrue to the occupant of a home.

Homeowners are allowed to deduct the interest paid on their home mortgage when filing their personal income tax returns. There have been a number of attempts in recent years, however, to convince Congress to repeal or restrict the deduction. My legislation is a resolution expressing the "sense of Congress" that the deduction should be left intact.

Mr. Speaker, I ask all my colleagues to join me in this important resolution.

TRIBUTE TO EDWARD J. MARUSKA

### HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. PORTMAN. Mr. Speaker, I rise today to recognize a good friend and distinguished constituent, Edward J. Maruska, who recently stepped down as the long-serving Executive Director of the Cincinnati Zoo and Botanical Garden. He will be honored on January 12, 2001, by the Board of Trustees of the Cincinnati Zoo and Botanical Garden for his outstanding accomplishments and steadfast work.

In 1962, Ed began his work at the Cincinnati Zoo and Botanical Garden as General Curator. In 1968, he became the Zoo's Executive Director, and, since then, he has worked tirelessly to make it one of the very best in the nation.

The Zoo is known for its rare and diverse animal collection, which includes 75 endangered species. Thanks to Ed, the Zoo now also is recognized around the world for its state-of-the-art exhibits. Exhibits like the outdoor primate center, Big Cat Canyon and the outdoor red panda area are praised worldwide for their appearance and design. In addition, the Zoo has been very successful at breeding rare and endangered species.

Ed has written more than 20 books, articles and papers that cover a number of zoological topics ranging from exotic cats to amphibians and salamanders. He is also one of the world's foremost experts on salamanders, and his research interest in the maintenance and reproduction of amphibians has made the Zoo's research collections of salamanders among the best in the nation.

Ed has dedicated much of his time as a member of many organizations, including the American Association of Zoological Parks and Aquariums; the Society for the Study of Amphibians and Reptiles; the Whooping Crane Conservation Association; the Explorer's Club; the International Society of Zooculturists; The Wilds; and the International Union of Directors of Zoological Gardens.

Ed plans to maintain an office at the Zoo where he will continue his work as a writer and on conservation efforts with a particular focus on species extinctions. All of us in the Cincinnati area are grateful to Ed for his vision and hard work, and we wish him well on his future endeavors.

#### DEFEND THE RIGHT TO LIFE

### HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

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

One of the things that sets America apart from the rest of the world is the fact that in

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

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

#### INTRODUCTION OF THE RESEARCH CRITICAL ON WOMEN'S HEALTH AND ENVIRONMENTAL RESEARCH CENTERS ACT

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Ms. SLAUGHTER. Mr. Speaker, I am proud to introduce a very important bill that will enhance scientific research analyzing the relationship between women's health and the environment: the Women's Health Environmental Research Centers Act. This legislation seeks to address the current lack of initiatives specifically examining women's health in connection with the environment.

Scientists have recently uncovered startling linkages between environment exposures and disorders like Parkinson's Disease. These new findings have particular significance for women. Women may be at greater risk for disease associated to environmental exposures due to several factors, including body fat and size, a slower metabolism of toxic substances, hormone levels, and for many, more exposure to household cleaning reagents.

The Pew Environmental Health Commission just released the results of an 18 month study in which they found that the nation suffers from a troubling shortage of strong leadership in environmental health. The Pew report stressed that an understanding of environmental factors offers the best disease prevention and cost saving opportunities. Among the recommendations of the Pew report is the development of a nationwide tracking network for environmental toxins and disease. The Commission is strongly urging the incoming Administration to strengthen our public health infrastructure. During the current fiscal year, Congress has already asked the Centers for Disease Control and Prevention (CDC) to develop a nationwide tracking network so we can begin to associate disease with certain environmental toxins, genetic susceptibility and lifestyle. I was proud to lead a group of my colleagues in writing to CDC Director Koplan to urge that this project be undertaken quickly and given priority by the agency.

Over the past decade, evidence has accumulated linking effects of the environment on women and reproductive health, cancer, injury, asthma, autoimmune diseases such as rheumatoid arthritis and multiple sclerosis, birth defects, Parkinson's Disease, mental retardation

and lead poisoning. Lead and other heavy metals found in the environment have been implicated in increased bone loss and osteoporosis in post-menopausal women.

Chronic diseases like those listed above account for 3 out of 4 deaths in the U.S. annually. One hundred million Americans, more than a third of the population, suffer from some form of chronic disease. And chronic conditions are on the rise. Rates of learning disabilities have risen 50 percent in the last decade. Endocrine and metabolic diseases such as diabetes and neurological diseases such as migraine headaches and multiple sclerosis increased 20 percent between 1986 and 1995.

The New York Breast Cancer Study found that women carrying a mutant form of a breast cancer gene are at higher risk of developing breast or ovarian cancer if they were born after 1940, as compared to women with the same mutant genes before 1940. This suggests that environmental factors are affecting the rates of incidence.

The interaction between environmental factors and one's genes also affect susceptibility to disease. This will be a major area of research now that the Human Genome Project has been completed and new disease-related genes are being found at a rapid pace.

While the scientific community has become increasingly aware of the unique susceptibilities of women to environmental and chemical exposures, our understanding of how these exposures contribute to the diseases of women, and how they interact with genetic factors, is quite negligible. It has been difficult to determine which genes are susceptible to certain environmental toxins because of the lack of large scale studies and centralized data collection. It is time we looked at these possible exposures and their effects from a variety of disciplines—oncology, microbiology, endocrinology and epidemiology.

Current scientific findings indicate that environmental factors affect women's health. For example:

More than 8 million Americans have autoimmune diseases. Most are several times more common in women than in men. More than 90% of patients with Systemic Lupus Erythematosus (SLE) are women.

Studies have shown that occupational exposure to silica is related to SLE and other diseases. These occupations include mining, pottery and glass making, farming and construction.

Exposure to nitrous oxide (laughing gas) by women dental assistants has been correlated to a severe decrease in fertility according to one study.

Over 9 million working women also have serious back pain. Women are twice as likely to endure job related injuries and illnesses than men.

Dioxin exposure is a key factor in cancers and other reproductive health factors such as endometriosis, fertility and birth defects. Dioxins, which include 219 different chemicals and polychlorinated biphenyls (PCBs), have been found to disrupt human endocrine systems.

More than 70,000 synthetic chemicals are in commercial use today, with an estimated 1000 new chemicals being introduced each year. Most Americans would be shocked to learn that only a handful of these chemicals have ever been adequately tested to determine their

effect on humans (full data exists for only about 7% of these chemicals).

The evidence is clear and accumulating daily that the byproducts of our technology are linked to illness and disease and that women are especially susceptible to these environmental health related problems. We need research programs that are specifically targeted towards women's health. The passage of the Women's Health Environmental Research Centers Act is a crucial step toward establishing the valuable and needed basic research on the interactions between women's health and the environment.

This legislation has the strong support of a range of organizations, including the Society for Women's Health Research, the National Women's Health Network, the Association of Women's Health, Obstetric, and Neonatal Nurses, and Physicians for Social Responsibility. I am proud to have as original cosponsors two distinguished colleagues: Rep. SUE KELLY of New York, a long-time activist on women's health issues, and Rep. DAVID PRICE, who represents the Research Triangle area of North Carolina, where the National Institute for Environmental Health Sciences is located.

The Women's Health Environmental Research Centers Act is a simple, common-sense step Congress can take toward filling the current gaps in women's health research. I urge my colleagues to cosponsor this legislation and support its speedy passage.

#### YOUNGER AMERICANS ACT

#### HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mrs. ROUKEMA. Mr. Speaker, on December 16, 2000, in accepting his appointment as Secretary of State, Colin Powell urged America to invest in its youth. He said, "We have nothing more valuable as a national asset in anyone's country than the young people." Today, I rise to introduce the Younger Americans Act, a comprehensive, coordinated, community-based approach to youth development. This legislation, which is based on the principles promoted by General Powell's America's Promise group, is a major investment in the youth of this country.

Mr. Speaker, as General Powell has said, now is the time to invest in America's youth. This effort is long overdue. Too many of our programs for youth focus on problems after the fact. The Younger Americans Act is intended to help our young people stay on the road to success and survive the challenges along the way. This legislation is designed to provide additional resources for programs that prepare youth for adulthood. This is "preventive medicine" that will keep good youth from becoming "problem youths."

President-elect George W. Bush has urged this Nation's leaders and policymakers to "leave no child behind." The Younger Americans Act is a bold, new investment in America's young people, providing the critical resources they need to develop skills, contribute to their communities, and build a better future for themselves and the Nation.

This legislation establishes, for the first time in our Nation's history, a comprehensive, coordinated national youth policy. The programs

developed under the legislation will follow the five core principles of America's Promise, the organization founded by General Colin Powell to strengthen the "character and competence" of America's youth.

Ongoing relationships with caring adults—parents, mentors, tutors, or coaches.

Safe places with structured activities during non-school hours.

Access to services that promote healthy lifestyles, including those designed to improve physical and mental health.

Opportunities to acquire marketable skills through effective education.

Opportunities to give back through community service and civic participation.

Fulfilling these five promises will help prepare young people to be the parents, workers, voters, and leaders of the future. Under the Younger Americans Act, our national youth policy will not regard young people as problems or only seek to prevent risky behaviors such as delinquency, truancy, and drug abuse—as do most existing Federal programs for youth. Rather, it will support positive youth development efforts, creating positive goals and outcomes for all our country's youth. It will also ensure that young people are involved in the planning, implementation, and evaluation of efforts directed toward youth.

One key component of the bill is that mental health screening and services are made available to young people. Many youth who may be headed toward school violence or other tragedies can be helped if we identify their early symptoms. Just today, David Satcher, Assistant Secretary for Health and Surgeon General, released a National Action Agenda for Children's Mental Health, in which it was found that the Nation is facing a public crisis in mental health for children and adolescents. According to the report, while 1 in 10 children and adolescents suffer from mental illness severe enough to cause some level of impairment, fewer than 1 in 5 of these children received needed treatment. Dr. Satcher urged that "we must educate all persons who are involved in the care of children on how to identify early indicators for potential mental health problems." In fact, a tragedy of contemporary youth is the significant rise we have seen in suicide rates.

According to Dr. Satcher, "the burden of suffering by children with mental health needs and their families has created a health crisis in this country. Growing numbers of children are suffering needlessly because their emotional, behavioral, and developmental needs are not being met by the very institutions and systems that were created to take care of them." This bill provides an important step in ensuring that children with mental health needs are identified early and provided with the services they so desperately need to help them succeed in school and become healthy and contributing members of society.

This bill provides resources for after-school programs, to ensure that youth have access to positive activities that promote their development. I was a member of the Bipartisan Working Group on Youth Violence in the 106th Congress. The findings of this group, and numerous studies, have indicated that charitable and community initiatives should promote access to after-school programs during the peak hours for youth crime of 3:00 to 6:00 p.m. Too often, children return after school to an empty home or to the streets. An estimated 5 to 7

million "latchkey" children go home alone after school. Children who are unsupervised during the after-school hours are more likely to engage in delinquent and other high-risk behaviors, such as alcohol and drug use. After school programs can provide safe, drug-free, supervised and cost-effective havens for children. Quality after-school programs can provide adult supervision of children during after-school hours, and they can provide children with healthy alternatives to and insulation from risk-taking and delinquent behavior. Students should be encouraged to participate in extra-curricular school activities. Studies have shown that a student in one after school activity is almost 50 times less likely to commit crime.

One important aspect of the bill is the collaboration of public and private local organizations. I am pleased that faith based organizations have been included in the bill as collaborators in youth development activities. These organizations have proven effective in addressing the needs of youth and it is important that we have the benefit of their expertise when creating youth development programs.

Finally, let me say that there is no "one size fits all" way to helping our children become productive members of our society. We must allow for an array of programs to address the variety of youth in a variety of communities. This bill provides the flexibility necessary to allow each community to tailor their youth development efforts to their specific needs.

Investing wisely in children and youth by engaging them in positive activities is more effective and much less costly than waiting until young lives have taken a bad turn. The Younger American's Act is a common sense approach to what should be a high national priority. Young people are 23 percent of our population, but 100 percent of our future. This bill will help them achieve their full potential and their rightful place as valued—and valuable—members of their communities.

Let's make sure that "we leave no child behind." General Powell has promised to use his new role as Secretary of State to spread the America's Promise message on the value of youth around the world. Let's be certain that his message is heard and taken to heart in the U.S. Congress.

**MOVE SWIFTLY ON CAMPAIGN  
FINANCE REFORM**

**HON. STEPHEN HORN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. HORN. Mr. Speaker, as the 107th Congress convenes today to begin work on the nation's business, one of our first priorities must be reform of our campaign finance laws. In each of the past two Congresses, the House passed comprehensive legislation in this area by substantial bipartisan majorities. In this Congress, we can and must move swiftly to pass campaign finance legislation and assure that comprehensive reforms become the law of the land.

Later this month, I will be joining with many of my colleagues in cosponsoring bipartisan legislation offered by Mr. SHAYS of Connecticut and Mr. MEEHAN of Massachusetts. The Shays-Meehan bill is genuine, meaningful re-

form to prohibit the use of so-called "soft" money that pollutes our campaign system with unregulated, unlimited and unconscionable sums of money from special interests. Both major parties have become addicted to this flood of money. By adopting the Shays-Meehan bill, we all can just say "No" to soft money.

Another bill that I am cosponsoring is more limited, but no less important. This is the "Stand by Your Ad" bill offered by our colleague DAVID PRICE of North Carolina to require that advertisements put out by campaigns carry a clear and prominent statement identifying which candidate is responsible for the ad. This simple step toward accountability could do wonders for improving the tone of our campaigns. I commend Mr. PRICE for his work on this bill and I am proud to join him.

**INTRODUCTION OF THE NOTCH  
BABY ACT OF 2001**

**HON. JO ANN EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mrs. EMERSON. Mr. Speaker, today I introduce the Notch Baby Act of 2001, which would create a new alternative transition computation formula for Social Security benefits for those seniors born between 1917 and 1926. These seniors, who are generally referred to as "Notch Babies," have been receiving lower monthly Social Security benefits than seniors born the years just prior to or after this ten year period.

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

By phasing in an improved benefit formula over five years, the Notch Baby Act of 2001 will restore fairness and equity in the Social Security benefit computation formula for the Notch Babies. For once and for all this legislation would put to rest the Notch issue, and it would put an end to the constant barrage of mailings and fundraising attempts, which target our Nation's seniors in the name of Notch reform. Our seniors deserve fairness and equality in the Social Security system. They deserve an end to the repeated Congressional stalling on this issue. I urge my colleagues in the House to discuss this issue with the seniors in their districts, and to join me in ensuring that the Notch issue is addressed in the 107th Congress.

**RE-INTRODUCTION OF THE SMALL  
COMMUNITIES ASSISTANCE ACT**

**HON. LOUISE McINTOSH SLAUGHTER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Ms. SLAUGHTER. Mr. Speaker, my colleague Representative SHERWOOD BOEHLERT and I are proud to reintroduce the Small Communities Assistance Act.

For years, small towns and villages have labored to satisfy environmental regulations tailored to the needs and resources of major cities. This bipartisan legislation would direct the U.S. Environmental Protection Agency (EPA) to provide more help for small communities in meeting their environmental obligations.

Larger urban areas can have an entire environmental services department that employs dozens of people to interpret the EPA's complex and sometimes costly regulations. At the same time, small communities often do not have even one full-time employee assigned to this task. This bill will assist small communities and give them a larger voice in drafting regulations with a fair and balanced approach considering they do not have the staff and financial capabilities of larger communities.

People who live in small towns are proud of their community and their environment. They want to comply with health and environmental standards in order to leave a healthy legacy for their children. However, small communities need flexibility in order to comply with environmental regulations as they seek to protect their families' health and the local environment. One size does not fit all.

The Small Communities Assistance Act would require each EPA regional office to establish a Small Town Ombudsman Office to advocate for small communities. The EPA would also develop a plan to increase the involvement of small communities in the regulatory review process so that EPA regulations would be flexible enough to account for small town priorities. The agency would be required to survey small communities and establish a small community advisory committee.

**AN EXCELLENT SELECTION FOR  
TRANSPORTATION**

**HON. STEPHEN HORN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. HORN. Mr. Speaker, I want to commend President-elect Bush for his nomination of Norman Mineta to be his Secretary of Transportation. Secretary Mineta will bring great distinction to his new role, building upon a distinguished record in this body and as Secretary of Commerce.

When I was first elected to Congress, Norm Mineta took me, a freshman in the minority party, around Congress and helped in any way he could. I will never forget that generosity, but it reflects the personality of this true gentleman. Secretary Mineta has lived a life that we can all learn from.

Growing up in California during the Second World War, I have strong feelings on the national shame perpetrated against the Japanese-American community during the war. I

have been touched by how that experience formed Norm, a period prominently displayed in his official portrait that hangs in 2167 Rayburn. Instead of harboring a lifetime of bitterness against the country that imprisoned him and his family, Norm Mineta devoted much of his life to public service. He has helped make this a better nation and has helped us become better Americans.

During his 21 year in this House, Norm Mineta was a leader in transportation policy and a fair chairman of what was then called the Committee on Public Works. He is well suited to leading the Department of Transportation in the years to come. Congress—and this body—has fought hard to provide our nation the funding necessary to address the many problems facing transportation today. Norm Mineta brings with him the intelligence, experience, and disposition to be an excellent member of the new Administration and I look forward to working with him in the years to come.

#### A BALANCED FEDERAL BUDGET

### HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mrs. EMERSON. Mr. Speaker, this afternoon I fulfill the pledge I made to the citizens of southern Missouri to introduce and work tirelessly to pass an amendment to the Constitution of the United States, that requires a balanced Federal budget. Over the course of the past several decades, fiscal irresponsibility has produced a Federal debt that is fast approaching \$5 trillion. That's trillion, with a 't,' Mr. Speaker. A debt of \$5 trillion is a mind-boggling figure, but it can be placed in a much clearer perspective. A child born today immediately inherits nearly \$20,000 of debt, owed directly to Uncle Sam. The same is true for every American. The era of continuing annual budget deficits must end, and it is clear that the only way to restore conservative fiscal values to the Nation's budget is to pass the balanced budget amendment to the Constitution.

The stakes in this debate could not be more important. The fiscal future of the United States hinges on the ability of Congress and the President to make the difficult choices required to balance the Federal budget. It's more than debating trillion dollar figures. It's about making our economy stronger and providing every working American family with a better chance to make ends meet. A balanced budget will strengthen every sector of our economy with lower interest rates that will help families stretch each paycheck further. Home mortgages, automobiles, and a better education will become more affordable to every working family, making the American Dream closer to reality for all.

Mr. Speaker, I am committed to working with my colleagues in the new Congress to see that the balanced budget constitutional amendment is passed and sent to the States for ratification. A constitutional amendment is certainly no substitute for direct action on the part of the Congress. However, we have seen time and time again instances where those who object to conservative fiscal responsibility find convenient excuses to deny the American people a balanced budget. An unbreakable enforcement mechanism is clearly needed to

ensure that those who would continue to spend our children's future further into debt are not able to do so.

I also want to make plain that the Social Security trust fund has no place in this debate. The independent trust fund is a sacred trust between generations and must never be used to balance the budget or hide the true size of the deficit.

Commonsense conservatives in Congress and the American people are committed to balancing the budget. I look forward to working throughout this session with all of my colleagues and the White House to pass the balanced budget constitutional amendment on a bipartisan basis. The obligations we owe to hard working American families, their children, and our Nation's future generations deserve nothing less than decisive action to preserve our future by balancing the budget. A constitutional amendment will ensure this outcome.

#### RE-INTRODUCTION OF THE LOUISE MCINTOSH SLAUGHTER

### HON. LOUISE MCINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Ms. SLAUGHTER. Mr. Speaker, I am proud to reintroduce the Women's Right to Know Act in the 107th Congress. This bill ensures that so-called "gag rules" upon women's access to information about reproductive health care are not imposed by the states or the federal government in the future.

First imposed during the Reagan and Bush Administrations by executive order, the gag rule denied federal funds for any health care clinic whose employees counseled, referred, or discussed terminating a pregnancy in any way. If they did so, the clinic's funding could be rescinded. Congressional efforts to overturn these executive orders were vetoed.

Thankfully, President Clinton revoked the gag rule as his first order of business in 1993. While this marked major progress towards better health care for women on a federal level, it did not prevent individual states from imposing statewide gag rules. Currently two states, Missouri and Colorado, have gag rules—with Pennsylvania's state senate having considered and narrowly defeated a similar law in May 2000. With statewide "gag rules" on the rise, the threat of a federal "gag rule" being re-implemented looms on the horizon.

Contrary to the predictions of many gag rule supporters, abortion rates have not been linked to a reversal of this federal policy. In fact, abortion facts actually declined to a twenty year low in 1997 with record drops in teen pregnancy.

Leaving the gag rule to the power of executive order is playing Russian roulette with women's reproductive health. We must intensify our efforts to safeguard a women's access to full reproductive options and prevent the gag rule from ever being imposed again. For the government to withhold information about reproductive health care in a violation of our democratic principles and an unconscionable act against the people it intends to serve.

The Women's Right to Know Act ensures that gag rules will not be imposed by the states or the federal government in the future. This legislation states that no state or federal

government entity may limit the right of any health care provider to supply, or any person to receive, factual information about reproductive health services, including family planning, prenatal care, adoption, or abortion.

The government has no right to interfere with private health care decisions. I therefore urge my colleagues to support this legislation and allow Americans to have access to complete, factual information so that can make informed decisions about their health care.

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

### HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

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

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

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

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

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

This measure is very similar to the H.R. 218 reported by the Judiciary Committee in the 106th Congress.

Members and the public interested in additional background information on the Community Protection Act, I encourage them to read the Judiciary Committee report accompanying H.R. 218 from the 105th Congress (H. Rept. 105-819), my testimony before the House Judiciary Subcommittee on Crime Tuesday, July 22, 1997, or my statement from introduction in the 106th Congress on January 6, 1999.

I urge all my colleagues to support this important common sense anti-crime legislation.

#### TRIBUTE TO MARK MIODUSKI

### HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. OBEY. Mr. Speaker, there are many people in this institution who work tirelessly and often thanklessly in order to improve the lives of the people we serve. Those who benefit from their work will never recognize their faces or know their names and day after day and year after year they produce a better country. Today, I rise to pay special tribute to one of them. I offer my most sincere gratitude to Mark Mioduski who has recently left the minority staff of the House Appropriations Committee after fourteen years of distinguished service to the federal government.

For the past five years, Mark Mioduski has been my right-hand man on the Labor, Health and Human Services and Education Appropriations Bill. He has applied a unique blend of technical know how from both budgetary and parliamentary standpoints, creativity and high energy to staffing this important bill. As many people know, the Labor, HHS bill is one of the most difficult appropriations bills to manage and is usually one of the last appropriations bills to pass. Mark has been instrumental in helping to navigate and negotiate numerous high profile and tricky issues affecting the Department of Labor, including funding for the Occupational Safety and Health Administration (OSHA) and the National Labor Relations Board (NLRB) and the recently published ergonomics regulation. In fact, Mark has lived and breathed the ergonomics issue over the last five years and knows the issue better than virtually anyone else on Capitol Hill. In addition, Mark has made significant contributions to a wide range of health and education issues, including working to expand funding for health care access, for biomedical research at the National Institutes of Health, for AIDS and emerging infectious diseases, for Low-Income Energy Assistance, for Head Start, for the Social Services Block Grant, and for Pell Grants for disadvantaged students. The Departments of Health and Human Services, Labor, and Education also owe him a debt of gratitude for his detailed attention to their programs and appropriations requests.

Mark has spent most of his career in public service. He began his federal service after being selected to participate in the Presidential Management Intern Program, which is designed to attract the best and brightest to the federal government. He then spent four years with the Interior Department as a senior budget analyst before joining the staff of the House Appropriations Committee. For the last decade he has worked on the Appropriations Committee and, he has been of great assistance to many members and their staffs. I am sure a good many of you saw him as he wore a path to and from the Capitol often carrying his signature workbag which was passed down to him by his father.

Mr. Speaker, I have greatly appreciated the job that Mark has done with humility and good humor over the years. Mark has been not only an outstanding public servant, but also he is an outstanding human being. He cares a great deal about the well being of this country and the people in it who rely on those of us in government to help make this a better place for everyone, especially the most vulnerable among us. Not many of those Americans know his name or know the countless hours he has devoted to his job, but he can leave this institution knowing that many, many Americans and their families have been benefitted from his efforts.

He, like all of us, has been a public servant and he has measured up to the meaning of that term in the fullest possible measure. America's health care system with all its shortcomings provides more help for more deserving Americans because he has worked here. The National Institutes of Health are stronger and the research it oversees is better because he has worked here. Public health programs, not just in this country, but abroad provide more protection to millions of children and adults because he has worked here. Worker protection programs are better able to improve

the safety and health of workers, and working families throughout this country have been able to take advantage of additional training and education to improve their livelihood because he has worked here.

Mark's dedication to the Appropriations Committee and to his work has resulted in many long hours. There were weeks on end when I am sure that Mark did not see much of his family. Mark's departure is a great loss for me as well as the Committee, but I hope that he will be able to spend more time with his wife Lori Whitehand and his two young sons, Ryan and Eric. I wish him the very best in his new endeavors and much success in this new chapter of his career.

#### VOLUNTARY SCHOOL PRAYER

### HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mrs. EMERSON. Mr. Speaker, I rise today to introduce a constitutional amendment to ensure that students can choose to pray in school. Regrettably, the notion of the separation of church and state has been widely misrepresented in recent years, and the government has strayed far from the vision of America as established by the Founding Fathers.

Our Founding Fathers had the foresight and wisdom to understand that a government cannot secure the freedom of religion if at the same time it favors one religion over another through official actions. Their philosophy was one of even-handed treatment of the different faiths practiced in America, a philosophy that was at the very core of what their new nation was to be about. Somehow, this philosophy is often interpreted today to mean that religion has no place at all in public life, no matter what its form. President Reagan summarized the situation well when he remarked, "The First Amendment of the Constitution was not written to protect the people of this country from religious values; it was written to protect religious values from government tyranny." And this is what voluntary school prayer is about, making sure that prayer, regardless of its denomination, is protected.

There can be little doubt that no student should be forced to pray in a certain fashion or be forced to pray at all. At the same time, a student should not be prohibited from praying, just because he/she is attending a public school. This straightforward principle is lost on the liberal courts and high-minded bureaucrats who have systematically eroded the right to voluntary school prayer, and it is now necessary to correct the situation through a constitutional amendment. I urge my colleagues to support my amendment and make a strong statement in support of the freedom of religion.

#### INTRODUCTION OF THE ESTABLISHMENT OF A PERMANENT OFFICE OF VIOLENCE AGAINST WOMEN ACT

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Ms. SLAUGHTER. Mr. Speaker, I am proud to join with my distinguished colleague, Representative CONNIE MORELLA, in introducing the Violence Against Women Office Act. This bill would make permanent the Violence Against Women Office within the Department of Justice.

Mr. Speaker, domestic violence is shockingly pervasive in our society today. The National Violence Against Women Survey, released by the National Institute of Justice and the Centers for Disease Control and Prevention in July 2000, found that:

Domestic abuse rates remain disturbingly high. Nearly 25 percent of women and 7.6 percent of men surveyed reported they had been raped or physically assaulted by a current or former spouse, cohabiting partner, or date at some point in their lifetime.

Stalking by intimates is more common than previously thought. Almost 5 percent of surveyed women and 0.6 percent of surveyed men reported being stalked by an intimate at some point in their lifetime; 0.5 percent of surveyed women and 0.2 percent of surveyed men reported being stalked by such a partner in the previous 12 months.

Domestic violence has major implications for public health and our health care system. Of the estimated 4.9 million intimate partner rapes and physical assaults perpetrated against women annually, approximately 2 million will result in an injury to the victim, and 570,457 will result in some type of medical treatment to the victim. Of the estimated 2.9 million intimate partner physical assaults perpetrated against men annually, 581,391 will result in an injury to the victim, and 124,999 will result in some type of medical treatment to the victim.

According to these statistics, approximately 1.5 million women and 834,732 men are raped and/or physically assaulted by an intimate partner each year in the United States. Domestic violence is nothing less than an epidemic, and must be attacked with all the resources we would bring to bear against a deadly disease.

We have made important progress over the past decade. One of my proudest accomplishments in Congress was my work as a lead author of the Violence Against Women Act. This bill, passed by Congress in 1994 and signed into law by President Clinton, has effected a sea change in the way our nation views and addresses domestic violence. VAWA made possible today's programs to educate judges and law enforcement officers, support shelters for battered women and children, and collect vital information on statistics on violence. Nevertheless, studies show that we still have a long way to go.

The legislation I am introducing today with Representative MORELLA would establish a permanent Office of Violence Against Women within the Department of Justice. At present, this office only exists by administrative fiat. It could be abolished or subsumed into another

part of the Department at any time. In our view, the existence of the Office of Violence Against Women should not be subject to changing political winds.

This legislation has the support of numerous domestic violence organizations all over our nation. In the 106th Congress, it garnered the support of almost 150 bipartisan cosponsors in short time. Representative MORELLA and I are hopeful that the 107th Congress will acknowledge the importance of this bill by passing it into law as soon as possible.

Tragically, there is no indication that domestic violence will disappear any time soon. Congress should signal its commitment to the fight against domestic abuse by establishing a permanent Office of Violence Against Women.

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#### THE RE-INTRODUCTION OF THE FAITH-BASED LENDING PROTECTION ACT

**HON. EDWARD R. ROYCE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. ROYCE. Mr. Speaker, each day our Nation's religious institutions quietly go about performing critical social programs that serve as lifelines to individuals and families in need. Besides providing places of worship, religious institutions also serve their communities by operating outreach programs such as food banks soup kitchens, battered family shelters, schools and AIDS hospices. To families in need, these programs often provide a last resource of care and compassion.

Yet, in spite of the clear social good that these programs provide to communities across America, we are faced with the growing reality that religious institutions are finding it increasingly difficult to secure the necessary capital resources at favorable rates that enable them to carry on this critical community work.

Mr. Speaker, today I am re-introducing legislation that I believe will help ensure that religious institutions have available all the financial resources necessary to carry out their missions of community service. The Faith-Based Lending Protection Act, which enjoys bipartisan support, seeks to amend the Federal Credit Union Act by clarifying that any member business loan made by a credit union to a religious nonprofit organization will not count toward total business lending caps imposed on credit unions by Federal law.

Each year credit unions loan millions of dollars to nonprofit religious organizations, many located in minority and/or lower income communities. Historically, these loans are considered safe and help sustain critical social outreach programs. Without legislative action, Mr. Speaker, these religious institutions will find it increasingly difficult, if not impossible, to secure the necessary funds under favorable terms to allow them to continue their work. I urge my colleagues to join me in this legislative effort.

#### INTRODUCTION OF THE YOUNGER AMERICANS ACT

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased today to re-introduce, along with my colleague Mrs. ROUKEMA, the Younger Americans Act. Last September, we introduced this bill with our counterparts in the Senate and a vast national coalition of supporters including former Joint Chiefs of Staff Chairman Colin Powell and America's Promise, the Boys & Girls Clubs of America, Big Brothers/Big Sisters, the National Urban League, America's Promise, the Child Welfare League of America, the United Way, the National Mental Health Association, and others.

We knew then that we would not have enough time in the 106th Congress to pass the legislation. But we did want to signal the strong support of a bipartisan coalition in both the House and Senate and of a broad array of national and grassroots organizations. I look forward now to working with them to pass this legislation in the 107th Congress. This is landmark legislation that will dramatically increase after-school opportunities for youth by providing them with adult mentors, education, sports, and volunteer activities.

As any parent or teacher knows, the best way to keep kids out of trouble and help them learn and grow is to keep them busy and give them opportunity. Today's bill is an historic opportunity to dramatically expand safe and exciting programs for children and youth after school, a time when too many kids suffer from a lack of activity and adult supervision. A recent Urban Institute study found that one in five young people age 6-12 are left without adult supervision after school and before their parents come home from work, a critical period during the day to keep youth both positively engaged and out of trouble.

Thirty-five years ago, Congress made a decision to help seniors and passed the Older Americans Act. In doing so, Congress launched a series of highly effective local efforts that have improved and enriched the lives of our nation's elderly. It helped pay for senior centers, Meals on Wheels, and community service programs like Green Thumb. For too long, however, Congress has ignored the needs of our nation's young people. It has failed to make the issues of young people a priority and has failed to make an adequate investment in their development and well-being.

Our new bill attempts to correct that oversight. Today, we seek to repeat the success of the Older Americans Act by funding a national network of high-quality programs tailored to the particular challenges faced by youth today. Too often, we find that public programs for young people focus on the problems of youth and promote piecemeal policies that seek to redress negative behaviors like juvenile delinquency or teen pregnancy. But the evidence shows that the most promising approaches to helping young people are those that foster positive youth development, build social and emotional competence, and link young people with adult mentors. This is the future of youth social program in the 21st century and it is an approach we seek to advance through this legislation.

The Younger Americans Act will help coordinate and fund youth-mentoring, community service through volunteerism, structured academic and recreational opportunities, and other activities aimed at fostering the positive educational and social development of teens and pre-teens. Under the bill, the federal government would distribute funds by formula to community boards that would oversee the planning, operation, and evaluation of local programs. Funding for local programs in the initial year would be \$500 million, and would rise to \$2 billion in 2006, in addition to matching funds provided by local and state governments and the private sector.

To qualify, each local program would be required to adopt a comprehensive and coordinated system of youth programs with the following five general components: ongoing relationships with caring adults; safe places with structured activities; access to services that promote healthy lifestyles, including those designed to improve physical and mental health; opportunities to acquire marketable skills and competencies; and, opportunities for community service and civic participation. Thirty percent of funds would be targeted to youth programs that address specific, urgent areas of need such as urban and rural communities that currently lack sufficient access to positive and constructive opportunities.

I want to thank all of the members of the coalition behind this bill for bringing us together. I applaud their work on this legislation and the work that they do every day in each of our local communities. I want to express special appreciation to all of the young people from these associations, who have rightly played such a key role in drafting and advocating for this legislation.

Congress has enacted many worthwhile programs to help young people. But the bill we are introducing today has a different message. Our bill responds to the tremendous desire of young people to have the greatest opportunity possible to be active, creative, and productive citizens in our society, rather than receiving society's help only after they are in trouble. Kids are asking to be given a chance to make a difference in their own lives. We are saying that that is exactly what Congress can and should do. I am confident we can make that happen. I look forward to working with my colleagues to pass this legislation.

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#### INTRODUCTION OF THE IDENTITY THEFT PREVENTION ACT

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. PAUL. Mr. Speaker, today I introduce the Identity Theft Prevention Act. This act protects the American people from government-mandated uniform identifiers which facilitate private crime as well as the abuse of liberty. The major provision of the Identity Theft Prevention Act halts the practice of using the Social Security number as an identifier by requiring the Social Security Administration to issue all Americans new Social Security numbers within five years after the enactment of the bill. These new numbers will be the sole legal property of the recipient and the Social Security Administration shall be forbidden to divulge

the numbers for any purposes not related to Social Security Administration. Social Security numbers issued before implementation of this bill shall no longer be considered valid federal identifiers. Of course, the Social Security Administration shall be able to use an individual's original Social Security number to ensure efficient administration of the Social Security system.

Mr. Speaker, Congress has a moral responsibility to address this problem as it was Congress which transformed the Social Security number into a national identifier. Thanks to Congress, today no American can get a job, open a bank account, get a professional license, or even get a drivers' license without presenting their Social Security number. So widespread has the use of the Social Security number become that a member of my staff had to produce a Social Security number in order to get a fishing license!

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

Congressionally-mandated use of the Social Security number as an identifier facilitates the horrendous crime of identity theft. Thanks to the Congressionally-mandated use of the Social Security number as a uniform identifier, an unscrupulous person may simply obtain someone's Social Security number in order to access that person's bank accounts, credit cards, and other financial assets. Many Americans have lost their life savings and had their credit destroyed as a result of identity theft—yet the federal government continues to encourage such crimes by mandating use of the Social Security number as a uniform ID!

This act also forbids the federal government from creating national ID cards or establishing any identifiers for the purpose of investigating, monitoring, overseeing, or regulating private transactions between American citizens, as well as repealing those sections of the Health Insurance Portability and Accountability Act of 1996 that require the Department of Health and Human Services to establish a uniform standard health identifier. By putting an end to government-mandated uniform IDs, the Identity Theft Prevention Act will prevent millions of Americans from having their liberty, property and privacy violated by private-and-public sector criminals.

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

Mr. Speaker, of all the invasions of privacy proposed in the past decade, perhaps the most onerous is the attempt to assign every American a "unique health identifier"—an identifier which could be used to create a national database containing the medical history of all Americans. As an OB/GYN with more than 30 years in private practice, I know well the importance of preserving the sanctity of the physician-patient relationship. Oftentimes,

effective treatment depends on a patient's ability to place absolute trust in his or her doctor. What will happen to that trust when patients know that any and all information given to their doctor will be placed in a government accessible data base?

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

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

Mr. Speaker, while I do not question the sincerity of those members who suggest that Congress can ensure citizens' rights are protected through legislation restricting access to personal information, the only effective privacy protection is to forbid the federal government from mandating national identifiers. Legislative "privacy protections" are inadequate to protect the liberty of Americans for several reasons. First, it is simply common sense that repealing those federal laws that promote identity theft is more effective in protecting the public than expanding the power of the federal police force. Federal punishment of identity thieves provides cold comfort to those who have suffered financial losses and the destruction of their good reputation as a result of identity theft.

Federal laws are not only ineffective in stopping private criminals, they have not even stopped unscrupulous government officials from accessing personal information. Did laws purporting to restrict the use of personal information stop the well-publicized violation of privacy by IRS officials or the FBI abuses by the Clinton and Nixon administrations?

Second, the federal government has been creating property interests in private information for certain state-favored third parties. For example, a little-noticed provision in the Patient Protection Act established a property right for insurance companies to access personal health care information. Congress also authorized private individuals to receive personal information from government databases in the copyright bill passed in 1998.

Perhaps the most outrageous example of phony privacy protection is the Clinton Administration's so-called "medical privacy" proposal, which allow medical researchers, certain business interests, and law enforcement officials' access to health care information, in complete disregard of the Fifth Amendment and the wishes of individual patients! Obviously, "privacy protection" laws have proven greatly inadequate to protect personal information when the government is the one providing or seeking the information.

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

Mr. Speaker, those members who are unpersuaded by the moral and constitutional reasons for embracing the Identity Theft Prevention Act should consider the overwhelming opposition of the American people toward national identifiers. The overwhelming public opposition to the various "Know-Your-Customer" schemes, the attempt to turn drivers' licenses into National ID cards, the Clinton Administration's Medical Privacy proposal, as well as the numerous complaints over the ever-growing uses of the Social Security number show that American people want Congress to stop invading their privacy. Congress risks provoking a voter backlash if we fail to halt the growth of the surveillance state.

In conclusion, Mr. Speaker, I once again call on my colleagues to join me in putting an end to the federal government's unconstitutional use of national identifiers to monitor the actions of private citizens. National identifiers threaten all Americans by exposing them to the threat of identity theft by private criminals and abuse of their liberties by public criminals. In addition, national identifiers are incompatible with a limited, constitutional government. I, therefore, hope my colleagues will join my efforts to protect the freedom of their constituents by supporting the Identity Theft Prevention Act.

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#### INTRODUCTION OF THE MILITARY RETIREE HEALTH CARE TASK FORCE ACT

**HON. JO ANN EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mrs. EMERSON. Mr. Speaker, I am here today to introduce the Military Retiree Health Care Task Force Act of 2001. This legislation will establish a Task Force that will look into all of the health care promises and representations made to members of the Uniformed Services by Department of Defense personnel and Department literature. The Task Force will submit a comprehensive report to Congress which will contain a detailed statement of its findings and conclusions. This report will include legislative remedies to correct the great injustices that have occurred to those men and women who served their country in good faith.

Let us not forget why we are blessed with freedom and democracy in this country. The sacrifices made by those who served in the military are something that must never be overlooked. Promises were made to those who served in the Uniformed Services. They were told that their health care would be taken

care of for life if they served a minimum of twenty years of active federal service.

Well, those military retirees served their time and expected the government to hold up its end of the bargain. They are now realizing that these were nothing more than empty promises. Those who served in the military did not let their country down in its time of need and we should not let military retirees down in theirs. It's time military retirees get what was promised to them and that's why I am introducing this legislation.

HONORING JUNE PINKNEY ROSS

**HON. NICK LAMPSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. LAMPSON. Mr. Speaker, today I salute and honor the indomitable June Pinkney Ross of Galveston, Texas.

I was recently honored to have contributed to the "Book of Letters" being presented next week to Ms. Ross in celebration of her twenty-seven year career as Executive Director of the Galveston County Community Action Council.

The residents of Galveston County, particularly the disenfranchised and the children who could not speak for themselves, have been well served by June Ross' unselfish acts of caring, sharing, kindness and understanding of their plight.

It is well known that June Ross will literally fight to the bitter end for the right thing, is bluntly and sometimes frighteningly honest about how to address the needs of the poor and does not mind sharing her unedited opinion on any subject that is placed on the table. We who know her and have been privileged to work with her always knew that we could count on her to go after grants for which her agency qualified and, once the money was received, to disburse it where it was most needed. I have enjoyed working with June Ross and always felt that she would make a fair assessment of any situation that she was confronted with and react accordingly.

My one regret during our relationship is that I never got a chance to sample her cooking. Ms. Ross' radio cooking class was quite successful and listeners would bombard the station for her recipes. I am sure that she approached that job with the same diligence and commitment that she has given to the State of Texas and Galveston County throughout the years. I want to also take this opportunity to let her know that I am grateful for her service to our great nation as a member of the United States Military.

Mr. Speaker, I salute June Ross for all she has done to make the community better (United Way, one of the original founders of Hospice) and hope she knows how much she is respected and loved.

CHIEF PHILLIP MARTIN—CHAMPION OF PEACE AND PROSPERITY

**HON. TOM DeLAY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. DELAY. Mr. Speaker, I am proud to introduce to the RECORD the following editorial

that appears in Indian Country Today. As the piece points out, Chief Phillip Martin of the Mississippi Band of Choctaw Indians has for more than a quarter of a century used the free market as a tool to better the lives of his fellow tribe members and neighbors.

Self-reliance and not government dependency is the secret to prosperity. But there is no need to tell Chief Martin that fact. He has lived his life promoting the economic vitality of his people and they have reaped the benefits of his progressive thinking. I salute Chief Martin for all he has done to further the cause of freedom—for his people and for our nation.

[From Indian Country Today, Dec. 27, 2000]

MISSISSIPPI CHOCTAWS: THE BENEFITS OF PEACE CHIEFS

If a people are going to strive to achieve economic prosperity, the reduction of conflict, the acceptance and understanding of peace, is a most useful strategy. Mutual understanding, common cause and unity of action become possible. Little ever improves from virulent conflict and nothing moves forward in war. Leadership with vision often works actively to reduce conflict while putting its major efforts toward the positive building of fair community governance and efficient enterprises. At this moment of shifting political climates, when the future of Native nations is clouded by uncertainties on the national level, it seems proper to salute a consistent peace chief, one who led his own people from severe poverty and obscurity to sustained prosperity and regional political prominence.

He is Phillip Martin, long-time chief of the Mississippi Band of Choctaw Indians. A man of great perseverance, the 75-year-old Martin has led and guided his 6,000-member Choctaw tribe since 1959. Periodically, yet consistently reelected to the tribe's highest office for more than 40 years, Phillip Martin is universally credited for the success of the Choctaw, who are well posed to enter the 21st century as a self-determined people. While other, more conflictive tribes have deepened their economic dependencies and allowed spirals of violence to weaken their body politic, the Mississippi Choctaws have built steadily for more than 30 years. A well-entrenched tradition remembers the attitude of historical chief, Pushmataha, who in 1811 reasoned against war with their neighbors while Tecumseh appealed to the Choctaw warriors to join his war parties. While he had been a great warrior as a young man, Pushmataha opted for peace as he aged as a chief.

While Tecumseh has come down through the history as the greater leader, and Pushmataha is the lesser known. Interestingly, the response of Pushmataha, who coolly analyzed the horrible suffering war would bring, was actually quite sophisticated and just as completely dedicated to the preservation and survival of his people. He pointed out how his own tribe had painstakingly worked out friendly relations with their white neighbors. Their relations were reciprocal and as a result, things were going well. To start killing their neighbors with whom they had such relations did not seem a good idea to Pushmataha, who kept his people out of the war and guided them for another 14 years.

Like Pushmataha, Phillip Martin came home from war to embark in a career that would build education and civic action and economic opportunity for his people. He was one of those from what has been called "the greatest generation." A World War II Air Force combat veteran who lost a brother in the war, Martin served in the military until 1955. When he returned home, his people had their pride and their language, but little

else. They were among the poorest sharecroppers in a poor state, acutely discriminated against. They were basically just holding on to a tribal base, having come through a very dark historical period as a people of color in a racially polarized South. Suffering from 80 percent unemployment, 90 percent lived in poverty and the tribe averaged a sixth-grade education.

Appreciably, Martin returned home of sound mind and character and applied himself to the betterment of his people through self-sufficient enterprise. Martin led an early flight to construct and operated the first high school on the reservation in 1963, beginning a trend that has seen consistent improvement in the educational level of the reservation population. He began the planning that would lay out a modern community infrastructure with good housing. He pursued and constructed an industrial park and after 10 years of chasing contracts, began a successful 20 years of economic growth. General Motors, Ford Motor Co., Oxford Speakers and other companies have located manufacturing plants in the Choctaw's 80-acre industrial park, which boasts 500,000 square feet of manufacturing space.

By 1994, the year when their enterprises diversified and accelerated with construction of a casino and entertainment center, the nation ran a total payroll topping \$84 million. It had sound management and was ready to take on the complexity of gaming. The nation's Chahta Enterprises is now one of the 10 top employers in Mississippi. Its entertainment complex receives more than 2.5 million visitors a year and the tribe has built more than 1,000 new houses, constructed a major hospital, schools, nursing home, shopping center and day care center.

In what used to be the poorest county in the poorest state in the United States, in one of the most conservative states in the union, the Choctaws led an economic revolution. Today, with nearly universal employment, only 2.7 percent of household income comes from social services and this mostly involves elderly and handicapped. The tribe's manufacturing plants, still going strong, consistently win high quality awards. They employ some 8,000 people, mostly non-Natives.

Most interestingly, a stroll down the reservation's main elementary school will reveal a lot of students speaking fluent Choctaw.

"Tell the other tribes" Martin says, "we can all do this. If you really want to do it, and get your act together, you can do it." This is a generous thought, but such progress will also require vision, and political acumen. To Martin's credit, when the political winds turned right in 1994, he was positioned to solidify friendships with such Republican powerhouses as Sen. Trent Lott, R-Miss.

Hiring quality lobbyists as their new wealth allowed, the Choctaw leader persuaded a good sector of Republicans to the righteousness of the Native nations sovereignty from taxation. In particular, the Choctaw initiative convinced the country's major anti-tax organization—Americans for Tax Reform, whose 500-plus organizations network and 90,000 activists supported the Indian case as an anti-tax strategy.

Politics is the art of achieving your group's self-interest, and it certainly makes for diverse bedfellows. But always the proof is in the pudding. The Choctaw strategy, precise and proper for their geopolitical context, is pragmatically brilliant. In the hold of the old South, this Mississippi tribe provides a welcome signal, an example of where visionary leadership can make a huge difference to the future of a people. An appreciation and salutation is due Choctaw chief and statesman, Phillip Martin, visionary, quiet building, steady helm.

TRIBUTE TO MARK TOLBERT, JR.

**HON. KAREN MCCARTHY**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to pay tribute to Mark Tolbert, Jr., a young man fatally injured in an automobile accident December 22. Affectionately known as "Marky," he was the oldest son of Bishop Mark Tolbert, Sr. and Mrs. Emelda Tolbert, pastor and First Lady of Christ Temple Church in Kansas City, Missouri. Marky was taken to heaven by a "chariot of fire" one month past his nineteenth birthday. Although Marky left us at a young age, he led a remarkable and inspiring life.

He had recently completed his first semester of college at the University of Kansas in Lawrence, majoring in Business Administration. He was looking forward to working during the semester break at a local sporting goods store, continuing the work ethic he developed at an early age by working after school and during the summer.

Marky had a genuine love for people, especially children. He coached an after school basketball team at Faxon Montessori School that went undefeated for two years. He was a tutor at the Lee A. Tolbert Community Academy Saturday School and by his counseling, guidance, and initiative served as a role model to the youth of our community. With his strong work ethic and love of God and family he was destined to make the world a better place.

Before Marky could walk, he was involved in Christ Temple Church, beginning by making "joyful noises" on the drums. He further developed his musical talents over the years and played the keyboard at Sunday morning services even during his first semester of college. He helped serve the homeless during the church's annual "Feed the Multitude" ministry. He was President of the New Generation Choir and a member of the Sunday School. Marky was a founding member of the Radical Praise Steppers, a group of youth who showed praise to their heavenly Father through dance routines that encompassed clapping, stepping and stomping in unison while singing praises to God. They performed at church, district councils, national conventions and community events.

I attended his funeral December 30 with over 800 people. So many mourners came that the overflow of almost 300 people had to be accommodated in the church basement to watch the service on large screen television. Senior Pentecostal Ministers from around the country spoke in praise of Marky's life and legacy. The eulogy was performed by a family friend, Bishop Norman L. Wagner, President of the Pentecostal Assemblies of the World. Bishop Wagner delivered a powerful, uplifting sermon from the Second Book of Kings of the Bible. He compared Marky with the prophet Elisha and ended his sermon by stating that "God had to send a chariot of fire to take him out." Those in the congregation as well as the grieving family felt their hearts lifted from sorrow to joy knowing that Marky's greatness would not be diminished by death.

Marky's memory will live on in all those whose lives he has touched. His is a loss felt by his family and congregation, and the greater Kansas City community. Marky's beacon of

light may be extinguished here on earth, but it glows brightly in heaven.

Mr. Speaker, please join me in expressing condolence to the Tolbert family for the loss of this very special child, and to paying tribute to the service he gave to family friends, church and community during his 19 years on this earth.

TRIBUTE TO DON H. COX

**HON. DUNCAN HUNTER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. HUNTER. Mr. Speaker, I wish today to honor a distinguished public servant from my district in Imperial County, California. Don H. Cox retired on December 1, 2000 after serving for 12 years as a member of the Board of Directors for the Imperial Irrigation District (IID). He represented district 4, which includes the city of Brawley where he and his family reside.

Don was elected to the Board in 1988 and reelected in 1992 and 1996. He served as Board President in 1991 and 1997, and served as Vice-President in 1990, 1995, and 1996. Don also served on the District's Water, Budget, EPA, Geothermal, Salton Sea, Energy, and Salton Sea Emergency study groups. He was appointed by the Governor of California to serve as a director of the Regional Water Quality Control Board for the Colorado River area and also served as a member/director of the Colorado River Board of California, the IID Water Conservation Advisory Board, California Farm Water Coalition, and the Association of California Water Agencies' Water Rights Committee. I had the pleasure of working closely with Don through his leadership on the Salton Sea Authority since its inception in 1993.

Don served in the United States Navy during World War II and upon returning from the war, earned his degree in agriculture economics from the University of California, Berkeley. Following his studies, Don returned to the Imperial Valley to farm with his sons, which he has done for over 40 years. He is a past member of the Imperial Valley Vegetable Growers Association and was involved with many cotton boards. Despite his recent retirement, Don remains involved in the farming community as a newly elected member of the Board of Directors of the Imperial County Farm Bureau.

Don has been a member of the Brawley Rotary Club for over 30 years, a member of the Benevolent and Protective Order of Elks-Lodge #1420 for over 40 years and a lifelong member of the Imperial Valley Navy League. He has also served his community as a member of the Brawley Union High School Quarterback Club.

Throughout my many years in Congress, I have valued Don's insight into, and knowledge of, the many important issues facing the IID and the farming community in the Imperial Valley. It is my distinct privilege to honor my distinguished friend.

FAIRNESS AND EQUITY FOR FEDERAL RETIREES WITH PART-TIME SERVICE

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. MORAN of Virginia. Mr. Speaker, today, I am reintroducing legislation to correct a longstanding inequity that affects a great number of Federal retirees in my district and throughout the Nation who have served for a portion of their careers in a part-time capacity. I am pleased that Mr. DAVIS of Virginia, Mr. WYNN, Ms. NORTON, Mrs. MORELLA, Mr. WOLF, and Mr. GILMAN have joined me as original cosponsors of this important legislation.

The current retirement formula for Federal workers with part-time service was enacted by Congress in 1986 as a provision of the Consolidated Omnibus Budget Reconciliation Act (COBRA) (P.L. 99-272). For the most part, the reforms contained in COBRA were fair. They ensured an equitable calculation for all employees hired after 1986 and prevented part-time employees from gaming the system in order to receive a disproportionately higher benefit. The 1986 reforms were based on a procedure developed and recommended to the Congress by the General Accounting Office (GAO). In a nutshell, the new methodology determines the proportion of a full-time career that a part-time employee works and scales annuities accordingly. Under the formula, a part-time worker's salary is calculated on a full-time equivalent basis (FTE) for retirement purposes. Thus, a worker's "high-three salary" could occur during a period of part-time service. This often happens when a senior level worker cuts back on his or her hours to care for an ill spouse or deal with other personal matters. Many of the people in this situation are women.

The problem is that the 1986 law had unintended and often unfair consequences for workers hired before 1986 who have some part-time service after 1986. Specifically, according to the way the law has been implemented by OPM, some part-time workers are not able to apply their full-time equivalent (FTE) salary to pre-1986 employment. This effectively limits their ability to receive the advantage of their "high-three average" salary for their entire careers. The reason for this inequity can be traced to subsection (c) of Section 15204 of COBRA. It provides that the new formula shall be effective with respect to service performed "on or after the date of the enactment of this Act."

Whether this was a drafting error, or whether OPM has taken an unnecessarily restrictive reading of the statute is hard to determine. What is clear is that the current practice is plainly contrary to the intent of the Congress, which was to grandfather existing employees into the new system and to ensure that no Federal workers would be harmed by changes in the retirement formula.

In a letter dated February 19, 1987 to then-OPM Director Constance Horner, the Chairman of the Committee on Post Office and Civil Service, The Honorable William D. Ford, objected to this anomalous and unfair result. He wrote:

As in many other instances involving benefits, Congress chose to protect or to "grandfather" past service—to apply the new benefit

formula only to future service rather than previously performed service under the older, more generous formula. This policy is often adopted to avoid penalizing individuals through the retroactive application of changes not anticipated by them. (As a measure of fairness, the policy of prospectivity is often applied to benefit improvements as well.)

Notwithstanding Chairman Ford's efforts to clarify congressional intent, this inequity has continued for 14 years. OPM has publicly acknowledged that there is a problem with COBRA. Director Lachance stated publicly in a letter to Chairman Fred Thompson of the Senate Committee on Government Affairs: "I agree that an end-of-career change to a part-time work schedule can have an unanticipated adverse effect on the amount of the retirement benefit." She also acknowledges in that same letter that a comparable bill in the other body, S. 772 introduced by Senator ROBB, "would eliminate the potential for anomalous computations by providing that the full time salary would be applicable to all service regardless of when it was performed while the proration of service credit would apply only to service after April 6, 1986 [the date of enactment]."

This is precisely what the bill we are offering today does. It allows the retirees affected by this inequity to have their full-time equivalent salary for their high 3 years to apply to their entire careers, not just the portion after 1986. My bill differs from S. 772 in that it places the burden on affected retirees to request a recalculation of benefits. This is coupled with a requirement that OPM conduct a good faith effort to notify annuitants of their right to obtain a recalculation. For all future retirees, benefits will be calculated in accordance with the new formula.

This bill is identical to a measure I sponsored last year. That legislation was cosponsored by seven members of the House and was endorsed by the National Association of Federal Workers in July. NARFE has made the bill a high priority.

Mr. Speaker, this is a matter of great consequence to many Americans who devoted their most productive years to public service. Some of my constituents have annuities that are thousands of dollars less than they would be under my bill. As I indicated, a disproportionate share of these retirees appears to be women, who left the federal service to care for others.

It is particularly appropriate that we address this issue now, as changing work-force needs and lifestyles make part-time service more popular, both from the standpoint of the worker and the employee. Many of the anticipated work-force shortages that are anticipated in the federal civil service can and should be met with part-time workers. I am concerned that they will not be so long as the anomalous and unfair provisions of P.L. 99-272 are allowed to stand. I urge my colleagues to join me in cosponsoring this important legislation.

#### PROTECT OUR FLAG

### HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mrs. EMERSON. Mr. Speaker, today I introduce a constitutional amendment for the pro-

tection of our nation's flag. The flag is a revered symbol of America's great tradition of liberty and democratic government, and it ought to be protected from acts of desecration that diminish us all.

As you know, there have been several attempts to outlaw by statute the desecration of the flag. Both Congress and state legislatures have passed such measures in recent years, only to be overruled later by decisions of the Supreme Court. It is clear that nothing short of an amendment to the Constitution will ensure that Old Glory has the complete and unqualified protection of the law.

The most common objection to this kind of amendment is that it unduly infringes on the freedom of speech. However, this objection disregards the fact that our freedoms are not practiced beyond the bounds of common sense and reason. As is often the case, there are reasonable exceptions to the freedom of speech, such as libel, obscenity, trademarks, and the like. Desecration of the flag is this kind of act, something that goes well beyond the legitimate exercising of a right. It is a wholly disgraceful and unacceptable form of behavior, an affront to the proud heritage and tradition of America.

Make no mistake, this constitutional amendment should be at the very top of the agenda of this Congress. We owe it to every citizen of this country, and particularly to those brave men and women who have stood in harm's way so that the flag and what it stands for might endure. I urge this body to take a strong stand for what is right and ensure the protection of our flag.

#### IN HONOR OF BARBARA BASS BAKAR

### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to a wonderful San Franciscan as she celebrates her 50th birthday. Barbara Bass Bakar is a leader in our community whose commitment to quality health care, education, and the performing arts has greatly benefited our city. It is my honor to commend and thank her for her work.

Barbara has actively worked to promote better health care. Her efforts on behalf of the University of California, San Francisco's (UCSF) programs in the areas of cancer science and patient care have made a difference in many people's lives. She serves on the UCSF Board of Directors and helped to create the UCSF Foundation Wellness Lecture Series and the Raising Hope benefit series. With her husband, Gerson, she established the Gerson and Barbara Bass Bakar Distinguished Professor of Cancer Biology at UCSF's Cancer Research Institute.

Barbara's commitment to education is exemplified by her contributions to the Achievement Rewards for College Scientists (ARCF) Foundation, Inc. She has volunteered her time for many years on the Board of Directors of the ARCF Foundation and has been instrumental in their success at promoting science education in the U.S. through graduate scholarships.

In the arts community, Barbara is highly regarded for her service on the Board of the

American Conservatory Theater. She has served on the Executive and Finance Committees of this resident professional theater. Barbara has also donated her time to the San Francisco Museum of Modern Art, including as a member of the Accessions Committee, and to the endowment committee of the Jewish Community Endowment Fund.

All of Barbara's contributions to our community life are in addition to her remarkable career in the business world. After successful tenures with Bloomingdales, Macy's California, and Burdines, she rose to the post of President and CEO of Emporium and Weinstocks. Prior to that, she served as Chair and CEO of I. Magnin. She also sits on the Board of Directors of the Bombay Company and the DFS Group Ltd. and DFS Holdings Ltd.

San Francisco is fortunate to count Barbara Bass Bakar among its residents as she continues to direct her considerable talents and energies toward improving our world. It is my honor to thank her and to join her husband, Gerson, in wishing her a Happy Birthday.

IN MEMORY OF RALPH LAIRD, JR.

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. FARR of California. Mr. Speaker, I rise today to pay tribute to a man who affected the lives of many during his career in public education and his community activities, Ralph Laird, Jr. Mr. Laird passed away on October 24 in Walnut Creek, California, after a long illness.

Ralph Laird, Jr., was born in Danville, Illinois on March 23, 1924. He graduated from Danville High School in 1942, served in an Army unit under the overall command of General George Patton in World War II, and returned to the United States to attend the University of South Dakota under the G.I. Bill. Graduating in 1949, and later receiving his Masters Degree in Education from San Francisco State University, Mr. Laird was the only one of his brothers and sister to receive an education past the eighth grade.

Mr. Laird worked for nineteen years at John Swett High School in Crockett, California. It was here that he began an incredible career in education working as a teacher, coach, Vice Principal and, for the last five years of his service there, as Principal. He was the coach of the 1959 championship John Swett basketball team, the first such championship for the school in decades, and also participated in community activities as a manager of an East Vallejo Little League team, camp director for the Vallejo YMCA, and a father in the Indian Guides program.

Mr. Laird was the first principal of San Dimas High School in San Dimas, California, and later was principal of Amador High School in Pleasanton, California. He ended his career in education as Assistant Superintendent of the Amador School District, but remained active as a leader in the SIRS organization and was a member of the Pleasanton Library Board.

In his life, he was committed to helping every person rise to their full potential. In all his school positions, he served as a mentor, worked extra hours, supported new teachers,

and stayed in touch with many students with whom he had worked during his thirty-five years in education. His dedication to public service in its most pure form—the education and nurturing of our children—is an example for all of us to strive for.

Beyond his professional life, Ralph Laird was also well known for his ability to tell a story or a joke on almost any subject. His obituary stated, "He never met a pun he didn't like." He brightened any room he walked into, and was the patriarch of a wonderful family. He will be sorely missed not just by his community, but by his family—including his wife of 54 years, Dorothy; his sons, John, James and Thomas; and three grandchildren. All those touched by him during his life will miss his friendship, leadership, good humor, and guidance.

REGARDING THE RESOLUTION OP-  
POSING THE IMPOSITION OF  
CRIMINAL LIABILITY ON INTER-  
NET SERVICE PROVIDERS BASED  
ON THE ACTIONS OF THEIR  
USERS

**HON. DAVID DREIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. DREIER. Mr. Speaker, as the Internet has grown in importance to our economy and our culture, Congress has considered a succession of bills addressing unsavory conduct on the Internet. While many of these proposals have been well-intentioned, they have proposed widely differing, sometimes technologically unrealistic, or unconstitutional approaches to this important issue.

The Internet offers Americans an unprecedented avenue for communication and commerce, changing the way we work, play, shop, and communicate. This phenomenon, referred to by the United States Supreme Court as the "vast democratic fora of the Internet" can be attributed chiefly to the policy embraced by the House in an amendment to the Telecommunications Act of 1996 offered by my distinguished colleagues CHRIS COX and RON WYDEN, and that I was pleased to support.

The Cox-Wyden amendment ensures that Internet service providers, website hosts, portals, search engines, directories and others are not burdened by the threat of civil tort liability for content created or developed by others. This measure has provided welcome certainty and uniformity with regard to civil tort liability on the Internet, while in no way limiting remedies against the provider of illegal content.

However, criminal bills continue to take widely varying and often quite different approaches to this issue. In addition, foreign nations and courts in Europe and Asia are stepping up efforts to hold U.S. companies liable for website content located in the United States that is criminal under their laws, but entirely lawful under our First Amendment. There is even a Cyber-crime Treaty that the Clinton Administration has been negotiating with countries that are part of the Council of Europe that could restrict Congress' ability to legislate in this area if we do not act soon.

For these reasons, I believe that the 107th Congress must act to preserve strong criminal

penalties against criminals on the Internet, while creating a uniform and sensible structure limiting service providers' liability for content that third parties have stored or placed on their systems, but that may violate some criminal law. Given the importance of U.S. global leadership in the Internet industry, and of keeping the Internet open so that individuals can communicate and do business with one another, we cannot afford to cede the initiative or authority in this important area.

ON RE-INTRODUCTION OF THE NO-  
TIFICATION AND FEDERAL EM-  
PLOYEE ANTI-DISCRIMINATION  
AND RETALIATION ACT

**HON. F. JAMES SENSENBRENNER, JR.**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. SENSENBRENNER. Mr. Speaker, today I am making good on a promise I made during the last days of the previous Congress. During a press conference on October 24th last year announcing the introduction of H.R. 5516, the Notification and Federal Employee Anti-discrimination And Retaliation Act (the No FEAR Act) of 2000, I pledged to reintroduce this legislation on the first day of the 107th Congress. That day has arrived. I am pleased to introduce the No FEAR Act of 2001.

During that press conference, a spokesman for the NAACP noted the NAACP Task Force on Federal Sector Discrimination and other civil rights organizations are supporting this legislation. It was hailed as the first civil rights legislation of the 21st Century. I would like to thank the courageous individuals and organizations, which have spoken out on the need for this legislation for their support.

I would also like to thank Representative SHEILA JACKSON-LEE and Representative CONNIE MORELLA for their support of this bill when it was first introduced. This year I have made some modifications to the bill which ensure that its contents do not otherwise limit the ability of federal employees to exercise other rights available to them under federal law. The new draft also requires federal agencies to report their findings to the Attorney General in addition to Congress. Finally, the legislation makes more explicit references to reimbursement requirements under existing law. I believe that these changes make a good bill better.

As the Chairman of the Committee on Science during the last Congress, I was very disturbed by allegations that EPA practices intolerance and discrimination against its scientists and employees. For the past year, the Committee on Science has investigated numerous charges of retaliation and discrimination at EPA, and unfortunately they were found to have merit.

The Committee held a hearing in March 2000, over allegations that agency officials were intimidating EPA scientists and even harassing private citizens who publicly voiced concerns about agency policies and science. While investigating the complaints of several scientists, a number of African-American and disabled employees came to the Committee expressing similar concerns. One of those employees, Dr. Marsha Coleman-Adebayo, won a \$600,000 jury decision against EPA for discrimination.

It further appears EPA has gone so far as to retaliate against some of the employees and scientists that assisted the Science Committee during our investigation. In one case, the Department of Labor found EPA retaliated against a female scientist for, among other things, her assistance with the Science Committee's work. The EPA reassigned this scientist from her position as lab director at the Athens, Georgia regional office effective November 5, 2000—a position she held for 16 years—to a position handling grants at EPA headquarters. In the October 3 decision, the Department of Labor directed EPA to cancel the transfer because it was based on retaliation.

EPA's response to these problems has been to claim that they have a great diversity program. Apparently, EPA believes that if it hires the right makeup of people, it does not matter if its managers discriminate and harass those individuals.

Diversity is great, but in and of itself, it is not the answer. Enforcing the laws protecting employees from harassment, discrimination and retaliation is the answer. EPA, however, does not appear to do this. EPA managers have not been held accountable when charges of intolerance and discrimination are found to be true. Such unresponsiveness by Administrator Browner and the Agency legitimizes this indefensible behavior.

Subsequent to the hearing, other federal employees have contacted me with information regarding their complaints of harassment and retaliation.

Federal employees with diverse backgrounds and ideas should have no fear of being harassed because of their ideas or the color of their skin. This bill would ensure accountability throughout the entire Federal Government—not just EPA. Under current law, agencies are held harmless when they lose judgements, awards or compromise settlements in whistleblower and discrimination cases.

The Federal Government pays such awards out of a government-wide fund. The No FEAR Act would require agencies to pay for their misdeeds and mismanagement out of their own budgets. The bill would also require Federal agencies to notify employees about any applicable discrimination and whistleblower protection laws and report to Congress and the Attorney General on the number of discrimination and whistleblower cases within each agency. Additionally, each agency would have to report on the total cost of all whistleblower and discrimination judgements or settlements involving the agency.

Federal employees and Federal scientists should have no fear that they will be discriminated against because of their diverse views and backgrounds. This legislation is a significant step towards achieving this goal.

NO TO A WORLD COURT

**HON. DOUG BEREUTER**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. BEREUTER. Mr. Speaker, this Member would ask his colleagues to consider carefully and submit the following editorial from the December 30, 2000, edition of the Omaha World-

Herald, entitled "No to a World Court" into the CONGRESSIONAL RECORD.

[From the Omaha World-Herald, Dec. 20, 2000]

#### NO TO A WORLD COURT

America's political leaders are being wooed with a siren song they would do well to resist. Foreign governments, political activists and academics are sounding that song with the aim of enticing the United States into ratifying a treaty to create an International Criminal Court. The song goes something like this:

Turn away from old notions. Turn away from your antiquated allegiance to national sovereignty. Embrace a higher moral order. Recognize that if nations are to promote true justice, they must swallow their pride and bow to a higher authority, a court, that will decide questions of war crimes and genocide and see that wrongdoers receive the punishment they deserve.

If a treaty establishing the court is approved by 60 nations, the world would finally have a permanent international forum with the authority to prosecute masterminds of genocide and war crimes.

It is superficially appealing. But behind the high-minded sentiments lies an agenda hostile to U.S. interests.

Foreign governments and activists organizations have sent strong indications that they envision the court largely as a tool for reining in the assertion of U.S. power. Through its ability to prosecute American officials and military people, the court would give anti-American critics a powerful new instrument for undermining U.S. military operations and intimidating U.S. leaders from launching future ones.

Creation of the court would also aid its boosters in their efforts to create a new standard for military operations, an "enlightened" standard that would, in effect, severely restrict U.S. military options under threat of international prosecution.

The eagerness of international activists to promote such extravagant legal claims was demonstrated this year when human rights groups tried unsuccessfully to haul NATO officials before an international tribunal investigating war crimes from the Yugoslav civil war. The activists claimed, without foundation, that NATO's 1999 bombing campaign violated international law in reckless disregard for civilians.

That air campaign, ironically, was marked not be callousness on the part of NATO officials but by the extraordinary lengths to which they sought to minimize casualties, civilian as well as military. Regrettable losses of civilian life occurred nonetheless, fanning the criticism of such interventions.

As if all this weren't enough, the proposed procedures for the International Criminal Court would place it in direct opposition to civil liberties guaranteed under the U.S. Constitution. Proceedings before the court would allow no trial by jury, no right to a trial without long delays, no right of the defendant to confront witnesses, no prohibition against extensive hearsay evidence and no appeals.

David Rivkin and Lee Casey, two American attorneys with extensive experience in international law, note that the court would serve as "police, prosecutor, judge, jury and jailer," with no countervailing authority to check its power.

Rivkin and Casey also point out that trying Americans under such conditions was precisely the sort of injustice that Thomas Jefferson warned against in the Declaration of Independence more than 200 years ago.

In listing the injustices committed by the British government, the Declaration heaped

particular scorn on the way Americans had been abused by British vice-admiralty courts. Such courts, the Declaration said, had subjected American defendants "to a jurisdiction foreign to our constitution, and unacknowledged by our laws." The courts denied people "the benefits of Trial by Jury" and involved transporting them "beyond Seas to be tried for pretended offenses."

When the U.S. Constitution was drafted in the late 1780s, it specifically required that criminal trials be by jury and held in the state and district where the crime was committed.

The appropriate course for the United States would be to continue supporting international courts on an ad hoc basis, such as the Yugoslav tribunal, to meet the needs of particular situations. Such bodies have powers far more modest than that of the proposed court.

A chorus of foreign governments, advocacy groups and commentators has a far different agenda, however. They are urging the United States to sign and ratify the treaty creating the International Criminal Court. To hinder the court's creation, they say, would be the opposite of progressive.

But the siren song ought to be resisted. Otherwise, by bowing to foolhardy legal restrictions, the United States would be handing its clever critics the very chains with which they would bind this country. And so we would lose some of our ability to defend not only our own interests but the freedoms of others.

#### RECOGNIZING MRS. ANN HEIMAN OF GREELEY, COLORADO

#### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. SCHAFFER. Mr. Speaker, today I wish to recognize one of my constituents, Mrs. Ann Heiman of Greeley, Colorado. Last autumn, Mrs. Heiman received The Daily Points of Light Award for her community action and acts of generosity.

Mrs. Heiman's story is remarkable. A cancer survivor of 47 years, she has never stopped in her service to her fellow citizens. Mrs. Heiman was a founding member of the original Eastside Health Center, served on the task force for a family assistance organization, and was a founding board member of the Weld Food Bank—which distributes 37 tons of food weekly to those in need. She was also one of the first board members of A Woman's Place, a center for abused women, and she is a member of the local board of education.

I am extremely proud of Mrs. Heiman. I am proud to recognize her as an outstanding Coloradan. Her dedication to our western community and her compassion for all have made an enduring difference in the lives of her neighbors. I ask the House to join me in extending congratulations to Mrs. Heiman of Colorado.

#### TRIBUTE TO MARQUETTE POLICE CHIEF SAL SARVELLO ON THE OCCASION OF HIS RETIREMENT

#### HON. BART STUPAK

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. STUPAK. Mr. Speaker, as you and our House colleagues are aware, I have worked

since my first day in Congress to bring a broad awareness of the needs and concerns of law enforcement officials to the floor of this chamber. I experience the great joy of this personal mission when I can speak, as I do today, to celebrate the career and dedication of a law enforcement officer at the house of this retirement.

Police Chief Salvatore Sarvello joined the Marquette, Michigan, Police Department as a patrolman in 1971, about the same time that I was joining public safety department in the nearby community of Escanaba. Our careers took different paths—I became a Michigan State Trooper and eventually entered politics, while Sal worked his way up through his department, becoming chief in 1995. Despite our different paths, we had numerous opportunities to work together, perhaps most significantly on the issue of methcathinone, an illegal drug that plagued northern Michigan for several years. Production of this drug, commonly known as CAT, took root in our area. With the help of Sal and other investigators in the region, I was able to develop legislation—my very first piece of federal legislation signed into law—that took the claws out of this highly addictive substance.

Sal has always been a supporter of the COPS program, the wonderfully ambitious and successful plan to help cities, counties, townships and other municipalities hire additional law enforcement officers. I have worked hard in Congress to ensure this program continued to receive funding until the goal of hiring 100,000 new officers by the 2000 was reached, and the support grass-roots support of officers like Chief Salvatore was essential in accomplishing this task. I worked with Sal for the visit of Vice President Al Gore, first in 1992 as part of a campaign swing for the Clinton-Gore ticket, and again in '94. I appreciate and applaud his professionalism in dealing with the complications, uncertainties and last-minute decisions associated with a visit on short notice of a national political to a small community.

A recent article in the Marquette *Mining Journal* notes that Chief Sarvello's law enforcement career actually goes back to the mid-60s, when he served as a U.S. Air Force Security police officer in Vietnam. This lifetime of public service, the article notes won't end with the Chief's retirement, because he plans to remain active with the Marquette West Rotary Club and with his parish, St. Michael's Catholic Church.

The chief looks forward to spending more time with Joan, his wife of 34 years, and his sons, Michael and Scott. At a special gathering Friday, the community will have a chance to wish the best to its retiring chief. Mr. Speaker, I ask you and our colleagues to join me in offering our thanks to this dedicated public servant, Chief Sal Sarvello, for a job well done.

#### INTRODUCTION OF BILL TO AMEND CLEAR CREEK COUNTY, COLORADO, LANDS TRANSFER ACT

#### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. UDALL of Colorado. Mr. Speaker, I am today reintroducing a bill to provide additional

time for Clear Creek County to sell certain lands that it received from the United States under legislation passed in 1993.

Under that legislation—the Clear Creek County, Colorado, Public Lands Transfer Act—the County took title to certain public lands with explicit authority for their sale, subject to two basic requirements: the County must pay to the United States any net proceeds realized after deduction of allowable costs, as defined through agreement with the Secretary of the Interior; and any lands not sold within 10 years after enactment of the Transfer Act must be retained by the County.

In the last Congress, I introduced a bill to extend for an additional ten years the period during which the County will be authorized to sell these lands. This has been requested by the Commissioners of Clear Creek County because it has taken longer than anticipated for the county to implement this part of the Transfer Act. Additional time would mean a greater likelihood that the County can sell these lands, and thus a greater chance that the national taxpayers will benefit from payments by the County. Last year, the House passed the time-extension bill, but the Senate did not complete action on it.

The bill I am introducing today is almost identical to the one the House passed last year. The only difference is that the new bill would extend until May 19, 2015 the time for the county to sell the lands in question—one year longer than under the previous bill. The additional year would be provided in recognition of the additional time that will now be required for the bill to be enacted into law.

#### TMJ IMPLANTS

### HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 3, 2001

Mr. TANCREDO. Mr. Speaker, in April 1999, I received a phone call and correspondence from TMJ Implants, a company located in Golden, Colorado, in my district, which had been having problems with the review of its Premarket Approval Application of the TMJ Total and Fossa-Eminence Prosthesis by the United States Food and Drug Administration (FDA). Over the last year and a half—and delay after delay resulting in the pulling of the implants from the market, I have watched the process drag on, leading to the loss of millions of dollars by the company and countless number of patients who have been put through unnecessary pain. While I will let my submission speak for itself, suffice it to say that I sincerely believe that most of the frustration could have been avoided had everyone sat down and laid everything out on the table in the spirit of what was called for under the FDA Modernization Act. Unfortunately, the agency has been unwilling to do so—and it seems that these problems will continue into the foreseeable future.

Over the last year and a half, my office has received numerous letters from physicians all across the country—from the Mayo Clinic to the University of Maryland—each relaying to me the benefit of the partial joint and the fact that the partial and total joint results in immediate and dramatic decrease in pain, an increase in range of motion and increased function. To date, there is no scientific reasoning

for the fact that the total and partial joints are not on the market. All of this calls into question the integrity of the agency—something that I find very disturbing.

Dr. Christensen is a true professional and a pioneer in his field and holder of the first patents. His implants are widely accepted as effective and safe throughout the dental and surgery community—indeed, several of my constituents have literally had their lives changed by the procedure.

I am convinced that the work of TMJ is based on solid, scientific principles and the removal of the implants from the market has been and continues to be erroneous, contrary to the Agency's earlier findings and the statutory standard that should be applied.

I would like to take this opportunity to submit into the RECORD a copy of a letter from Mr. Roland Jankelson to the FDA urging the agency to come to an agreement as soon as possible so that this disaster is remedied and thousands of patients in the general public can receive relief.

ROLAND JANKELSON,  
15 PONCE DE LEON TERRACE,  
Tacoma, WA, December 28, 2000.

MR. LES WEINSTEIN,  
U.S. Food and Drug Administration, Ombudsman,  
Center for Devices and Radiological Health,  
9200 Corporate Blvd., Rockville MD.

Re: TMJ Implants, Inc.

DEAR MR. WEINSTEIN,

With reference to our phone conversation today, please note the following comments (especially the last point, which I hope will shape your actions in the next couple of days):

1. There is no need for another meeting with ODE. The purposes of this meeting (as stated in the Blackwell E-mail) are bogus—just more obfuscation and more delay. As Mike Cole stated in his December 27, 2000 letter to Tim Ulatowski, a copy of which you have: "You say we must arrive at an acceptable, consistent diagnosis criteria in order to write a label". I say we are already there, and have been for two months . . . (Underlining is my emphasis).

2. There never has been any credible evidence before the FDA of a safety problem (in over thirty plus years of use) that would prevent the Christensen devices (total and partial joint) from meeting the required standard of reasonable assurance of safety. Approval was given to TMJ Concepts device with limited data and little history. The information, data and history given to FDA for the TMJ Implants device exceeds many-fold, by every possible measure, the composite of information used to approve its competitor. The Christensen Company, its consultants and its attorneys have responded to every issue, every hypothetical concern posed by FDA, no matter how far-fetched these issues and concerns were. See Mike Cole's notes attached for just a quick summary of the Company's responses since the October Panel meeting. As Mr. Cole states in his letter, the questions posed in the Blackwell E-mail were addressed two months ago. Yet, for two months, there has been no response from the Ulatowski side. You and Mr. Ulatowski have been informed that this was a company on the verge of financial ruin. This does not make any difference to Mr. Ulatowski—It is not his concern, not his focus. A man's reputation, ruined. A company financially gutted. Patients suffering. "Myotronics" all over again. How could this happen again? it has.

With respect to the meeting called for in the Blackwell E-mail: There is no more ex-

planation needed from the Company. There is no more "perspective (Blackwell's word) to share. Just more delay.

3. Forget that Dr. Christensen faces financial ruin. Forget that his company's resources are nearly exhausted. Every day that goes by without FDA approval of the TMJ Implants, Inc. total joint, and partial joint in particular, is a day that patients suffer. The PMA record is indisputable. Physicians and patients have uniformly made it clear that the FDA is harming them. The FDA is on notice that physicians are withholding needed surgery, waiting for the Christensen devices, both total and partial joint. The physicians have uniformly made it clear to the FDA that the TMJ Concepts, Inc. joint is unacceptable for their patients. Others have made it clear that without the availability of a partial joint, patients will be subjected to surgery that unnecessarily destroys healthy anatomy. Withholding approval of these devices is a willful disregard by FDA of the public health. Ulatowski does not care.

4. About five years ago, Rick Blumberg, Deputy Counsel for Litigation, for whom I have great respect, persuaded me to forego what would have extended FDA's involvement in the Myotronics matter, i.e. litigation by Myotronics that would have further publicized the already well-publicized findings of more than two years of Congressional hearings, OIA and IGHS investigations. Rick assured me, and I believe he believed, that the FDA was, indeed, changed in reaction to the revelations of the multiple and extra-legal activities of FDA employees intentionally directed at and intended to harm Myotronics. BUT HE WAS WRONG! The abuse, misuse of agency authority for the pursuit of a private agenda to harm a targeted company, retaliation and punishment, is all repeated against TMJ Implants, Inc., whose devices for thirty plus years served a specialized "salvage need" and relieved human suffering. Standing in the middle of these abuses: the same Mr. Tim Ulatowski.

5. The record cries out for intervention by you and other responsible FDA officials. Neither Susan Runner nor Tim Ulatowski have credibility in this matter. In reviewing this matter, you and senior FDA and OIA officials should look at a number of issues:

(a) A phone call from Dr. Susan Runner to Dr. Christensen days before the May 1999 Panel meeting informing Dr. Christensen that his PMA would be disapproved, and advising him to withdraw it.

(b) Information leaked by the FDA prior to the 1999 Panel that TMJ Implants, Inc. devices "were either withdrawn by FDA or would soon be". Remember the FDA leaking in the Myotronics case.

(c) Treatment of TMJ Implants, Inc. PMA's with standards different than used for its competitor, TMJ Concepts, Inc.'s PMA: TMJ Concepts, Inc. was approved without delay in spite of a device history covering only a few years and limited data, compared to a device history of more than thirty years for the Christensen devices, and much more data.

(d) Removal of the partial and total joint from the market in spite of a 9-0 Panel approval and a need acknowledged the FDA Panel.

(e) Allegations that Dr. Susan Runner had a conflict of interest stemming from her past relationship with Dr. Mecuri, TMJ Concepts, Inc. chief technical consultant—allegations rejected by OIA without any apparent serious injury.

(f) Data and evidence covering over thirty years of use that demonstrates a remarkable safety record. Why has this device been held hostage?

(g) Staff's dismissal of TMJ Implants, Inc. request for the addition of qualified experts for the October 2000 Panel.

(h) The assembly of a Panel for the October 2000 meeting which lacked balance and qualifications. Only one certified Oral Maxillo-Facial surgeon among five consultants. Why?

(i) Concerns about the independence of a number of October 2000 Panel members and consultants.

(j) Acknowledgement by one of the October 2000 Panel members to Dr. Christensen *prior to the Panel meeting* that he believed (knew) the Panel would recommend disapproval.

(k) Acknowledgement by the same Panel member that he knew by the noon break in the October 2000 Panel meeting that members intended to vote for disapproval.

(l) Acknowledgement by the same Panel member that he believed the PMA (the TMJ Implant, Inc. partial joint) should be approved, but that he voted for disapproval (with the majority) because he believed he would not otherwise be invited to another panel. So much for the idea of independence!

(m) Questions concerning why the partial joint PMA was subjected to a second Panel (the October 2000 Panel) after a May 1999 Panel recommended approval 9-0 (what conditions).

(n) Questions regarding the appropriate level of micro-management of diagnostic

protocols, and pathology indications, and why labeling provided by the company was deemed unacceptable. On the issue of concern about improper staff micro-management, see December 31, 2000 letter from Roland Jankelson to Lee Weinstein.

(o) Did the Ulatowski group, particularly Susan Runner, ignore information and misrepresent data and information provided by the Company? Incompetence? Deliberate?

(p) Did the Ulatowski group ignore for two months the Company's responses following the October 2000 Panel meeting when it knew the delay threatened the financial viability of the Company? See (1) Mile Cole notes, and (2) Mike Cole letter to Ulatowski dated December 27, 2000.

(q) Questions about Susan Runner's independence and objectivity. Appearances of a personal agenda to favor TMJ Implants, Inc. competitor. Differences of standards and treatments applied to each are indisputable. Why did it happen?

(r) Concern about the extraordinary delay in the review process, continuing to this date, and whether it is intended to deliberately punish TMJ Implants, Inc. There are similarities between this case, and a history of retaliation by FDA employees revealed by

1995-1996 hearings of the House Subcommittee on Oversight and Investigations.

(s) Concern about Susan Runner's competence (qualifications, training and experience) to review these particular devices.

(t) Questions about why the Ulatowski group has ignored the physicians' claims of patient harm from the removal of these devices from the market. See sample of physicians' letters. See sample of patients' letters.

6. No more meetings, please. No more conference calls that just provide more delay. Have Tim Ulatowski put in writing all matters with which he is not satisfied, any standing in the way of approval. If he cannot state it in writing, "it should not exist". Have this happen on Tuesday, Ulatowski's first day back (while he took last week away from work, Dr. Christensen continued to "bleed" more money). Get this PMA done next week. We can argue about culpability, need for investigations and legal remedies later. I thank you in advance for doing what needs to be done.

Sincerely,

ROLAND JANKELSON.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this infor-

mation, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 4, 2001 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 9

10:30 a.m.  
Foreign Relations  
To hold hearings on a United Nations Reform Report.

SD-419

JANUARY 16

10:30 a.m.  
Foreign Relations  
To hold hearings on the nomination of Colin L. Powell, to be Secretary of State.

SH-216

JANUARY 17

10:30 a.m.  
Foreign Relations  
To hold hearings on the nomination of Colin L. Powell, to be Secretary of State.

SH-216