EXTENSIONS OF REMARKS

TRIBUTE TO DR. MILDRED M. ALLEN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 2002

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Dr. Mildred M. Allen, a leading advocate in the mental health field, who has dedicated the past 17 years to making the Fordham-Tremont Community Mental Health Center a viable and effective mental health facility that performs at a superior level.

Dr. Allen was born in Guayanilla, Puerto Rico, where she lived until graduation from the University of Puerto Rico. Here, she earned a Bachelor of Arts Degree and went on to obtain a Masters of Social Work, a Masters in Public Administration, and a Doctorate in Art and Science from New York University. Armed with this extensive education and training, Dr. Allen went on to play a pivotal role in New York's mental health arena.

Mr. Speaker, Dr. Allen has been a key participant in numerous state, national, and global conferences on mental health. In 1985 and 1987, she was a panelist at the World Congresses in Mental Health held in England and Egypt, respectively. Dr. Allen's contributions to mental health public administration include the first city-wide conference on Domestic Violence which she organized in 1985. In 1986, Governor Cuomo appointed her to the Manhattan Children's Psychiatric Center Board of Visitors. She continues to be an active member, and often officer, of many key boards that focus on various aspects of mental health. Dr. Allen's concern for the Puerto Rican community, particularly its youth, led her to create the Hispanic Advocacy and Resource Center, Inc. in order to facilitate the adoption of Puerto Rican children and provide support to families. She also went on to co-found the Puerto Rican Empowerment Partnership Corp., a non-profit organization focused on improving the mental and social welfare of Puerto Ricans living in New York State.

Clearly, Dr. Allen will leave an undeniable mark on the world of mental health and has directly impacted the lives of an untold number of people. She is described as a truly kind and dynamic woman whose unyielding spirit inspires those around her. She has spent most of the last two decades in my district, sharing her gift and leading the Fordham-Tremont Community Mental Health Center to even greater success, with the support of an outstanding staff.

I ask my colleagues to join me in honoring Dr. Mildred Allen for her illustrious and distinguished career and in thanking her for her unceasing passion.

H.R. 3343

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 2002

Mr. STRICKLAND. Mr. Speaker, I have spoken on the floor on many occasions about the damage brought to our nation's energy security as a result of the privatization of the United States Enrichment Corporation in July of 1998. Through the thorium cleanup legislation before us today, I am pleased Congress will take out an insurance policy to ensure that we have the capacity to produce the nuclear fuel needed to supply our nation's nuclear power reactors in the event of supply interruptions. That insurance policy authorizes the Secretary of Energy to carry out necessary activities at the Portsmouth Gaseous Diffusion Plant in Piketon, Ohio to maintain our country's uranium enrichment capability. Such activities include placing 3 million Separative Work Units (SWU) of capacity on cold standby at the Piketon, Ohio facility.

I am pleased that the Speaker of the House, the Under Secretary of Energy Bob Card, and the Energy and Commerce Committee were able to work together to craft this legislation. I note that legislation to authorize Cold Standby at the Portsmouth plant was included as an amendment to the ''Energy Advancement and Conservation Act of 2001'' (H.R. 2587) during mark up in the Energy and Commerce Committee, but it was stripped in the Rules Committee and was not ruled in order as part of the package of amendments considered on the floor during debate on H.R. 4. I am pleased that there is bipartisan agreement on authorizing Cold Standby.

Today, over 20 percent of our nation's electricity supply comes from nuclear power. While there is general agreement that we should not be dependent on foreign supplies for our energy requirements, our country's nuclear fuel imports have increased dramatically in a few short years. Out nation now depends on imports for approximately 77 percent of the nuclear fuel that powers our nation's nuclear powered electricity plants. U.S. utilities require 11.0 million SWU of enrichment services each year; approximately 8.5 million SWU is imported and the remainder is produced at the Paducah, Kentucky plant operated by USEC. Approximately 5.5 million SWU comes from Russia as part of the US-Russian Highly Enriched Uranium (HEU) Agreement, and 3.0 million SWU are imported from European producers.

The Portsmouth uranium enrichment plant was shuttered by USEC, Inc. in June 2001, three years ahead of the earliest closure date agreed to in the ''Treasury Agreement.'' The Treasury Agreement was intended to assure post-privatization compliance by USEC with the statutory requirements contained in the USEC Privatization Act of 1996, including the obligations to maintain a reliable and economic source of domestic uranium enrichment services. The Treasury Agreement also was intended to see that operation of the Department of Energy's two uranium enrichment plants continued until December 31, 2004 or until new, more efficient laser based technology is deployed.

USEC terminated its laser-based technology development less than a year after privatization, and today it has no credible prospects for deploying new technology for the foreseeable future.

Indeed, NRC and industry reports reveal that USEC's finances are precarious at best. The USEC operated Gaseous Diffusion Plant in Paducah, Kentucky presently operates at a deficit, and there is widespread concern that USEC management will close this plant, leaving the U.S. completely dependent on foreign sources of fuel. I urge the Administration to prevent our nation from losing its entire enrichment industry and to take the steps needed to promote the deployment of competitive centrifuge technology at both Portsmouth and Paducah. It is ironic that 3 years ago the U.S. was in a position to be fully self-reliant for its own nuclear fuel supply and today we are on the verge of losing that capability.

A single, uneconomic enrichment plant and no foreseeable prospects for new enrichment technology is not what Congress intended when it authorized privatization of USEC. I note that the Energy Department has sent the Energy and Commerce Committee draft language providing the Secretary with the authority to operate the gaseous diffusion plants and to sell low enriched uranium in order to meet domestic requirements. I believe that once the Energy and Commerce Committee has had the chance to evaluate the proposed framework for assuring domestic enrichment supply, there will be support to take the additional steps to begin to repair the damage caused the USEC Privatization.

There are a number of significant policy concerns associated with USEC's premature closing of the Portsmouth enrichment plant and the absence of replacement technology coming on-stream in the interim. Specifically, these challenges are:

(1) Loss of approximately one-half of the U.S. capability to produce enriched uranium;

(2) Increased dependence on the Russian HEU Agreement such that a disruption could result in USEC's inability to meet its obligations. This raises both energy security concerns at home and national security concerns abroad with respect to enrichment and plutonium recycling (for example, the U.S. committed to supply Japan, South Korea and Taiwan with enriched uranium as an incentive to avoid use of plutonium based fuels for electricity generation);

(3) The U.S. government has liabilities and obligations under Sections 3108 and 3109 of the USEC Privatization Act to honor all sales contracts entered into by USEC prior to the date of privatization in the event USEC fails to fulfill its obligations;

(4) Today's trend toward just-in-time fuel procurement further increases vulnerability to supply disruption; and

(5) Next generation Pebble Bed Modular Reactors being developed by the utility industry require fuel enriched to 8 percent U 235, and the Portsmouth plant is the only facility in the U.S. that is licensed and capable of enriching uranium to that level. This will put the nation in the position of having to rely on imports for the next generation of nuclear reactors.

The September 18, 2000 DOE report entitled ''Options for Government Response to Energy Security Challenges Facing the Nuclear Fuel Cycle'' outlines a variety of scenarios where USEC would not be able to assure a reliable supply of uranium fuel.

Today's legislation authorizing DOE to maintain the Portsmouth enrichment plant on Cold Standby serves as an insurance policy for the nation's electricity supply against supply disruptions.

What exactly is entailed in Cold Standby?

Cold Standby involves placing those portions of the uranium enrichment plant needed for 3 million SWU/year production capability in a shut-down non-operational condition and performing surveillance and maintenance activities necessary to retain the ability to resume production after a set of restart activities are conducted. This involves treating the cells to remove uranium deposits, buffering the process cells with dry air to prevent wet air inleakage (which would destroy the barrier equipment), installation of buffer cell alarms to insure that proper integrity is maintained, and establishing procedures to keep equipment in a safe condition capable of being restarted. Today this takes place under the oversight of a Nuclear Regulatory Commission certificate.

I am pleased that the Secretary of Energy was able to reprogram funding in April 2001 in order to place Portsmouth on Cold Standby when the plant closed in June of 2001 and to secure the funds needed to winterize these process buildings.

Long term, I believe the best way to fund Cold Standby is to use a portion of the $1.2 billion in funds contained in the USEC Fund that are not already reserved under P.L. 105–204 for conversion of depleted uranium hexafluoride (DUF6). These funds are held in the Treasury and, during the previous administration, these funds were determined by the General Counsel of the Office of Management and Budget to be available for meeting the expenses of privatization. I urge the OMB to reexamine this as a source of funding for Cold Standby and to work with Congress to make these funds available.

Alternatively, the cost of Cold Standby can be met through the use of appropriated funds, as was accomplished in the FY 02 Energy and Water Development Appropriations Act. Either way, the nation will be purchasing insurance against the type of energy supply disruptions that could be worse than the problems witnessed in California earlier this year.

As we discussed in the Energy and Commerce Committee, this authority to fund ''cold standby'' is not intended to compete for funds from the Energy Department's environmental clean-up fund known as the Uranium Enrichment Decontamination & Decommissioning (UED&D) Fund.

While we are increasing the amount of funding from the UED&D Fund, it is important to me and my friends from Kentucky and Tennessee that the reimbursement for clean up at the thorium site does not shift funds from clean up activities at the three uranium enrichment sites. It is also important that the burden for cleaning up the thorium site does not fall on nuclear power ratepayers. I know the intent of this substitute is to address both of those issues by holding harmless the uranium enrichment sites' cleanup schedule and protecting our nuclear ratepayers from shouldering the additional cost of cleaning up the site in West Chicago, Illinois.

I support this bill.

H.R. 3166—INFRASTRUCTURE INVESTMENT IS THE BEST ECONOMIC STIMULUS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 2002

Mr. OBERSTAR. Mr. Speaker, the so-called economic stimulus legislation presented to the House is like that old story of throwing an eight-foot rope to a person who's drowning ten feet from shore: it just doesn't get there; there isn't enough rope.

Well, there isn't enough help in this initiative the Majority has set before the House and the nation. Extension of unemployment compensation is important, but 13 weeks isn't enough. Offering the unemployed an individual tax credit to buy health insurance on the open market isn't enough: average monthly premiums for COBRA range from $220 for an individual to $580 for a family; the standard unemployment benefits don't even begin to provide workers with the financial assistance they need to carry on their existing health insurance or buy new coverage in the private health insurance marketplace. The rope is just too short.

The people in my district who are out of work—and I don't think they are much different from people elsewhere in America—would far rather be paid for working at a useful job than being paid for not working. What they want most is a full time job paying a living wage with decent benefits, such as health insurance, and others that are provided in most collective bargaining agreements in the work place. We ought to be considering legislation that will invest in the nation's infrastructure and create those living wage, productive jobs instead of this mirage of a stimulus bill.

At the depths of the Great Depression, President Franklin Delano Roosevelt established the Works Progress Administration, the Civil Conservation Corps and the National Youth Administration which together created jobs for over six million Americans, giving people real hope, lifting the nation out of depression and putting in place permanent improvements that elevated the quality of life throughout America.

In 1962, President John F. Kennedy signed into law the Accelerated Public Works Act, which invested over $1 billion in community facilities, putting over 900,000 previously unemployed persons back to work by building water and sewer lines and sewage treatment plants, municipal buildings, fire halls, police stations, street lighting systems, sidewalks, streets, roads and bridges throughout the country.

In 1976, President Ford signed the Local Public Works Act and President Carter signed LPW 2, which invested a cumulative $2 billion in similar works throughout the country, creating jobs for over 1.5 million unemployed workers.

Today, we should do no less. The Democrats on the Transportation and Infrastructure Committee have developed and introduced a bill to authorize $50 billion for infrastructure investments to enhance the security of the nation's rail, environmental, highway, transit, aviation, maritime, water resources, and public buildings infrastructure. With leveraging features included in this legislation, the ten-year cost to the U.S. treasury would be less than $32 billion.

The $50 billion of investment initiated by our proposal would create more than 1.5 million jobs and generate $90 billion of total economic activity.

Under the Democratic measure, H.R. 3166, preference would be given to infrastructure investments that provide enhanced security for the nation's transportation and environmental systems. Our bill specifically requires that the states, cities, transit authorities, airport authorities, etc., who would receive these funds, commit their investment to meeting security needs of their infrastructure systems and that the funds will be invested in ready-to-go projects to which those funds can be obligated within two years.

These investments create the private-sector jobs that build America, that provide the decent wages to buy homes, big-ticket household appliance, automobiles, and the other consumer goods that are the engines of growth for our economy, and which create permanent improvement for our cities and towns, for urban and rural America and improve the quality of life for all of our fellow citizens.

Yes, we ought to provide an extension of unemployment compensation and interim health insurance coverage for the nation's unemployed until they can get back to work; but we must create those jobs through enactment of the Rebuild America First Act to finance infrastructure renewal and security for the nation's transportation systems.

IN SUPPORT OF H.R. 3178, THE DEVELOPMENT OF ANTI—TERRORISM TOOLS FOR WATER INFRASTRUCTURE

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 2002

Mr. SMITH of Michigan. Mr. Speaker, I rise in strong support of the bill H.R. 3178, which I am proud to co-sponsor. This important legislation will address research gaps and support the development of new and improved technologies and practices that will improve the security of our water infrastructure.

As we respond to the horrific attacks of September 11 militarily and diplomatically, we must be able to assess and reduce our vulnerabilities at home to make our nation more secure.

The safety and availability of our water supply is something that we tend to take for granted. Across the U.S., over 27 billion gallons of water are pumped each day. Some of our water infrastructure is extremely old and is subject to natural threats, accidents, and terrorists.

A major contamination of public water, either accidentally or deliberately, could cause widespread panic, disrupt the economy and lead to a loss of public confidence in water supply systems throughout the country. In 1996, the President's Commission on Critical Infrastructure Protection probed the security of the nation's critical infrastructures and determined that our water systems are highly vulnerable. In 1998, the President designated water systems as a critical infrastructure and assigned primary responsibility for this critical infrastructure.

H.R. 3178 authorizes $12 million for each of fiscal years 2002 through 2006 for the EPA to provide grants and other assistance for research, development, and demonstration of innovations to strengthen the security of water infrastructure systems. This includes processes and procedures that can be used to protect water systems and technologies for early warning systems, real-time monitoring sensors, water and wastewater treatment technologies, backup systems, and improved computer controls. Cyber security also is addressed.

It is important that we not advertise our vulnerabilities and our response to them. I am pleased, therefore, that this legislation restricts access to the information developed under this program to those who need to know.

Mr. Speaker, the critical importance of water to our nation would make H.R. 3178 necessary even without the current war on terrorism. In the wake of September 11, this legislation takes on renewed urgency, and I want to thank the Gentleman from New York and Chairman of the Science Committee, Mr. BOEHLERT, for his work in bringing this bill to the floor.

I urge my colleagues to support this important bill.

LEGISLATIVE HISTORY AND INTENT CONCERNING H.R. 3323, THE ADMINISTRATIVE SIMPLIFICATION COMPLIANCE ACT

HON. WILLIAM M. THOMAS

OF CALIFORNIA

HON. CHARLES B. RANGEL

OF NEW YORK

HON. NANCY L. JOHNSON

OF CONNECTICUT

HON. FORTNEY PETE STARK

OF CALIFORNIA

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 2002

BACKGROUND AND NEED FOR LEGISLATION

Mr. THOMAS. Mr. Speaker, the administrative simplification provisions of the Health Insurance Portability and Accountability Act (HIPAA) of 1996 will improve administrative efficiencies in the health care market by facilitating electronic transactions between covered entities—health plans, clearing houses and health care providers. Indeed, the Department of Health and Human Services estimated that administrative simplification will save $29.9 billion over 10 years as a result of increased efficiencies.

Many covered entities believed coming into compliance with the October 16, 2002 deadline set by the regulations implementing the transactions and code set standards required by HIPAA was an insurmountable hurdle. As such, they argued that a one-year delay in implementing the standards was necessary.

The Committee was concerned, however, that a one-year delay in the implementation of these standards had the potential to result in an indefinite delay, as advocates for the status quo would present more excuses next year in asking for an additional extension, which could lead to indefinite extensions. The Committee also believes entities should undertake actions to prepare to come into compliance.

However, a number of covered entities presented legitimate reasons why they could not come into compliance by the October 2002 deadline, and the Committee determined legislative action was necessary.

H.R. 3323

The House and Senate passed legislation, H.R. 3323, the Administrative Simplification Compliance Act, to address this issue and to provide a glide path for covered entities to come into compliance.

Specifically, the legislation requires that any entity that has not come into compliance by the October 2002 deadline may receive a year extension if they submit a compliance plan with the Secretary demonstrating how they will come into compliance within the next year. The compliance plan forces entities to think deliberatively through what it will take to come into compliance and to go on record with the Secretary that they intend to come into compliance. The bill also requires the Department of Health and Human Services to issue model compliance plans, which include critical benchmarks such as establishing a compliance budget, a work plan and an implementation strategy for coming into compliance. The Secretary is not required to approve the compliance plans (as this would compel a review and decision on millions of applications), yet is required to widely disseminate reports containing effective solutions to compliance problems identified in the compliance plans.

Finally, to provide a disincentive to going back to paper claims, the bill requires covered entities to submit electronic Medicare claims to the Centers of Medicare and Medicaid Services (CMS) as a condition of payment. The Committee does not foresee this requirement as being problematic in any way since 98 percent of Part A providers and 85 percent of part B providers already submit claims electronically. In addition, the legislation has exceptions from the electronic submission requirement for cases in which no method is available for the submission of claims other than in written form and for small providers (defined as having fewer than 25 full time equivalent employees for facilities or 10 for physician practices).

In submitting the Committee's legislative intent, the authors make the following specific observations.

ADDITIONAL TIME

The Committee encourages those entities that can reasonably become compliant with the original October 16, 2002 deadline for electronic transactions and code sets to continue their efforts. It is the clear intent of the Committee that the additional twelve-month extension not delay compliance efforts already underway.

The Committee also encourages the Department to not penalize a compliant entity that must send non-compliant transactions because their trading partners have filed for the extension. This should be considered ''good cause'' for non-compliance pursuant to Sec. 1176(3) of the HIPAA law.

SUMMARY COMPLIANCE PLANS

The Committee intends that the plan submitted to the Secretary under Section 2(a)(2) of the bill will be a minimal reporting requirement. The plan will provide summary information regarding the work to be completed for the covered entity to be compliant with the transactions and code set standards by October 2003. The Committee intends that submission of a compliance plan will force covered entities to analyze and consider the exact steps needed to ensure compliance with the regulation by the compliance date, and to achieve those steps.

In preparing the plan, it is important for the covered entity to generally indicate that it has or will begin, accomplish, or is working towards completing, a particular task, in addition to the summary information relating to the task itself.

MODEL FORM AND TIMING OF SUBMISSION

If a covered entity so chooses, it may use the model form promulgated by the Department of Health and Human Services (HHS), or it may provide the information in an alternative format at any time prior to October 16, 2002. Entities do not need to wait until HHS promulgates a model form in order to file a compliance plan. The model form promulgated by HHS should be concise, and the Committee encourages the Department to immediately post the mailing and electronic submission address for extension filings on their website.

The Committee recognizes that compliance with respect to long-term care insurers and providers has been delayed by the absence of standard code sets for long-term care services. The Committee also recognizes that long-term care covered entities have been working diligently with the Secretary to correct this problem. The Committee encourages the Secretary, when issuing the model form, to provide guidance regarding the form's submission that addresses the unique situation facing long-term care insurers and providers.

REPORT AND ANALYSIS

It is the Committee's intent in enacting this legislation that the National Committee on Vital and Health Statistics (NCVHS) will perform analysis of compliance extension plans, conduct hearings, and disseminate reports to HIPAA covered entities.

The Committee realizes that clearinghouses, the vendors of software programs and computer services, and the vendors of remediation services will play a role in helping providers and plans come into compliance with the transactions and code set standards as well as the other administrative simplification standards. The Committee expects the Secretary and the NCVHS to consult with all entities listed in the statute and the vendor community or their representatives directly.

The Committee intends that information provided in compliance plans will be redacted when provided to NCVHS so as to prevent the disclosure of trade secrets, commercial or financial information that is privileged or confidential. The Committee, however, believes that a covered entity that has submitted a

compliance plan should inform as many of its trading partners as possible of the anticipated timelines for its compliance activities, including its schedule for beginning testing, in order to avoid confusion.

SCOPE AND APPLICATION OF CONFIDENTIALITY RULE

In this legislation, the Committee has sought to ensure that entities become compliant with the April 14, 2003 HIPAA confidentiality requirements despite the fact that the final transaction standards will not be effective until six months later. With regard to clearinghouses, the Committee appreciates that there are healthcare information technology vendors, such as applications service providers (ASPs) that create, adjudicate and process claims in other ways than converting data into standard transactions formats other than HIPAA standardized formats. The Committee does not intend to create any new covered entities under any of the HIPAA rules during this time.

The Committee does not intend to modify the April 14, 2003 effective date of the confidentiality regulation in this legislation.

FILING OF PAPER CLAIMS

This legislation requires the electronic filing of claims with Medicare, with exceptions. It is not the intent of the Committee to preclude a Medicare beneficiary from submitting a paper claim for covered services. Although virtually all Medicare claims are filed on behalf of a beneficiary by the provider rendering services, there are situations where a beneficiary receives a covered service by a non-Medicare enrolled provider and would, therefore, be eligible for reimbursement. Such claims are likely to be filed on paper, and nothing in this legislation should be construed as preventing the filing of a paper claim Medicare claim directly by a beneficiary.

COMPLETION OF ADDITIONAL RULES

The Committee strongly encourages the Department of Health of Human Services to complete, in final form, the outstanding rules provided for in the original statute, namely the provider identifier, plan identifier, and employer identifier. Congress also strongly encourages the Department to issue the final security and electronic signatures regulation.

USE OF AUTHORIZATION

The Committee intends the authorization of funds included in Section 5 would be used to speed the issuance and final promulgation of all HIPAA administrative simplification rules. In addition, the authorization is not intended to be used for direct individual compliance activities of covered entities, but to broadly provide technical and educational assistance. Because the Committee expects timely compliance by the private sector with these standards, the Committee wants the Secretary to issue the model form in a timely manner. Failure to meet the deadline outlined in the legislation jeopardizes authorized funds.

TRIBUTE TO MR. LOUIS BALLOFF

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 3, 2002

Mr. DUNCAN. Mr. Speaker, since September 11th there have been many acts of kindness that have gone a long way to bridge the gaps between all faiths, not just here in the United States, but around the world.

Many of these acts are done one at a time, noticed by few, but each having a significant impact on many individuals and communities.

Mr. Louis Balloff, immigrating to this country from the Ukraine during the late 1800s, was one who touched many lives. He came to this country with nothing, fleeing religious persecution, seeking a new start to a better life and participating in the American dream.

He eventually settled in LaFollette, Tennessee, and became a successful merchant. This community was good to him and he always felt a need to give back many of his financial successes to this town in rural Appalachia.

The following article is a typical way in which Louis felt obligated to help less fortunate members of his community, not knowing the impact it would have on so many others.

I have included an article from the Knoxville News Sentinel, which highlights one such act, that I would like to call to the attention of my fellow Members and other readers of the RECORD.

[From the Knoxville News-Sentinel]

MERCHANT GIVES LOVE

BOY TOOK GIANT STRIDES IN GIFT OF SHOES

(By Jacquelyn B. Dean)

A single act of kindness can sometimes have a tremendous impact on a person's life, with repercussions felt halfway around the world.

Such was the case of Louis Balloff and Roy Asbury of Campbell County.

''They were good friends,'' said Asbury's son, Campbell County Circuit Judge Lee Asbury, ''but it was a strange partnership. Mr. Balloff was an older, real conservative merchant, and dad was a country lawyer and rabblerouser who dabbled in politics. They were not alike, but they were still close friends.''

Both men are deceased.

Balloff, a Russian Jewish immigrant who moved from New York City to Campbell County and began his retail business as a peddler selling goods in the mining camps, died of a heart attack in 1964.

Roy Asbury was a well-known Campbell County lawyer who served one term as a state representative (in the 85th General Assembly in the mid-1960s). He died of a heart attack in 1970.

The story of their friendship, and how it began, is told over and over again by members of their families.

Asbury was a poor, teenaged boy who walked barefoot from Caryville to Jacksboro High School one September day in 1922.

Balloff was a merchant who called him into his store that ''cold, frosty morning and encased his feet in a good pair of shoes with socks.''

Their families later became friends, but at that time Asbury was so resentful and prejudiced against Jews that he left the store without saying thank you.

Forty years later, in a letter dated April 28, 1962, Asbury finally told Balloff ''thank you'' and recounted how that single incident caused him to reconsider and shed his prejudiced attitudes ''against all 'furringers,' and especially Jews.''

Asbury wrote:

''The years began to slip by, you and that boy was always and at all times friendly, but the shoes were never mentioned.

''The boy learned as he grew older to love and respect the Jews, and he developed a strong feeling of sympathy for all minority groups, oppressed groups, or individuals, and he never forgot that pair of shoes being put on his cold feet, by a Jew, and continually promised himself that one day, he would do something for a Jew to repay for the shoes, and most of all for forever erasing from his mind prejudice against a race or member of a race by prejudgment without due examination.''

Asbury found his opportunity in Paris in 1944, when he served in the U.S. Army during World War II.

He wrote that in September 1944 he found an orphanage housing about 300 children, mostly girls and virtually all of them Jewish. Their parents and relatives ''had been taken to Germany and killed by that despot, Hitler.''

Asbury wrote that the children were in the care of an old Catholic priest and four nuns, but they were suffering from extreme malnutrition. ''The old priest could not speak much English, but he convinced that boy (Asbury) they needed sugar and sugar products.''

That night, he couldn't sleep. He woke a fellow soldier who spoke French, and together they obtained a truck, went to a U.S. Army supply depot, and ''appropriated 1,500 pounds of sugar and 500 pounds of candy bars, and drove to the orphanage, arriving just before daylight.''

They unloaded the truck, awakened the priest and felt they could foresee better days for all the children, he wrote.

Before long, ''the U.S. Army personnel was furnishing food, clothing, and medical supplies in abundance, and by the next spring, the children looked almost normal,'' Asbury wrote.

He said the old priest and nuns followed the truck and tearfully tried to thank them.

''The boy heard their expressions of thanks.'' Asbury wrote of his experience, ''but he knew they were not talking to him but to a man who, on a cold frosty morning, put a pair of shoes on the cold feet of a boy who was barefoot; and that boy knew he was trying to do something for the Jewish race to repay him for that pair of shoes, worn out more than 20 years before. ''

Asbury concluded the letter by saying, ''Lou, I don't know how to say it, but for erasing from my mind and heart all prejudice for any race, member of a race, or an individual because of his race, creed or color, MANY, MANY, MANY THANKS.'' He signed it, ''Yours truly, Roy Asbury.''

Judge Lee Asbury said, ''I've heard dad tell that story as long as I can remember. It's part of the *family lore*.''

He said he's also known about the letter a long time, and has a copy of it in his files. ''Dad was inspired at least in part by Mr. Balloff's helping him out,'' he said.

Says Lee Asbury of the Balloffs, ''I can't ever remember not having a deep affection for the whole family.''

Ed Balloff, who, with his brother, Sam Balloff of Knoxville, operated a chain of Balloffs stores in LaFollette, Oak Ridge and Knoxville, said, ''The letter meant a great deal to me, and I've kept it in my files.''

When Ed Balloff sought Lee Asbury's advice about what to do following his retirement from the retail business, the judge suggested he volunteer with the public defender's office in Campbell County. He did.

A mutual friend, Jim Agee, a distant cousin to famed writer James Agee, suggested the letter might be especially significant in this 50th anniversary year of D-Day.

Asbury said there is a greater significance: ''People are not any different. We all have the same desires. The quicker everybody comes to that conclusion, the better off we will all be.''