

and two years before he could receive citizenship. In 1931, Paul O'Dwyer became America's newest citizen-lawyer, ringling with the impulses of Thomas Paine. "He sounded simple and logical to my young mind," Mr. O'Dwyer explained.

Anti-Semitism in college fraternities had bonded him to Jewish friends, he recalled in his 1979 autobiography, "Counsel for the Defense." "And the Kings County Young Democratic Club thenceforward was made up of 35 Jewish classmates and me," he noted proudly.

It followed naturally that he was involved in the cause of a Jewish homeland in 1946 by arranging for the illegal entry of Holocaust survivors to Palestine and by aiding the gun-running operations of the Irgun militants fighting the British in the Holy Land. The next year, as chairman of the Lawyers' Committee for Justice in Palestine, he pleaded at the United Nations for Israeli sovereignty.

Successfully defending an admitted Jewish gun-runner in New York in 1948, Mr. O'Dwyer told the court, "He was only doing what every other freedom-loving person would be doing."

As a lawyer, Mr. O'Dwyer became a principal in one of the city's flagship immigrant law firms, O'Dwyer & Bernstien. He began as a clerk to Oscar Bernstein and worked his way to senior partner. From the firm's offices in the financial district, Mr. O'Dwyer helped build the business but found time for assorted challenges to social injustice, typically without fee. He soon was respected as one of the city's sharper-tongued liberals.

"If I thought at the end of the year that all I did was make a living, I'd regard it as a pretty incomplete year," he said of his rich life as an agitator within the system.

"If I've had any success at all, it's been in large measure from listening to young people," said Mr. O'Dwyer, whose eagle-like visage—a dark-eyed glare and shock of prematurely white hair—stood out in the thick of any battle.

LEADING A WELCOME FOR GERRY ADAMS

Even in decline he stayed keen for political justice. In 1994, he beamed from a wheelchair and led the welcoming cheers when Gerry Adams, the Northern Irish republican political leader, was finally allowed into the United States to plead his grievance against Britain. Mr. O'Dwyer was the national coordinator for the American League for an Undivided Ireland.

He ran 12 times for elective office in campaigns noteworthy for thread-bare war chests and life-liberal agendas, daring to call for decriminalizing drug addiction in one. His two successes were in 1963, as Councilman at Large in Manhattan, and 1973, as City Council President, a post in which he made sure to alter the city's official founding date from 1664, when the British landed, to 1625, when Dutch settlers arrived. In six total years in office, he instigated numerous causes, including an uphill battle in 1965 to raise the city's minimum wage to \$1.50 an hour.

Mr. O'Dwyer's abiding comfort was in the good fight. Losing to Carol Bellamy in a 1977 bid to remain Council President, he said "I fought for a lot of civil rights 25, 35 years ago, including women's rights, and I'm in poor shape to complain if I find myself in the way of the machinery that I myself helped set in motion."

He offered a decidedly Irish smile of bemusement when critics focused on his antiwar activity and tried to dismiss him as a single-issue politician.

"The one issue is fair play over the period of a lifetime," Mr. O'Dwyer amended.

His wife of 45 years, the former Kathleen Rohan, died in 1980. In 1984 he married Patricia Hanrahan, then the upstate chief of Gov.

Mario M. Cuomo's women's division. She survives him, along with four children from his first marriage: William, of Albany; Roy, of Fort Lauderdale, Fla; Brian of Manhattan, and Eileen O'Dwyer Hughes of New York. He had eight grandchildren and three great-grandchildren.

Mr. O'Dwyer long tried to persuade his wife, Patricia, to restake the family flag in elective politics. She finally agreed this year, and he lived to see her running for the 95th State Assembly District in orange county, true to his favorite line of Yeats:

That I may seem, though I die old,
A foolish, passionate man.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1999

SPEECH OF

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4060) making appropriations for Energy and water development for the fiscal year ending September 30, 1999, and for other purposes:

Mr. ADERHOLT. Mr. Chairman, I rise today in support of H.R. 4060, the Energy and Water Development Appropriations Act for Fiscal Year 1999, and for the hard work of Chairman MCDADE and Ranking Member FAZIO. Although the allocation is tight, they managed to craft a bill that reverses the irresponsible cuts in the budget for the Army Corps of Engineers and other infrastructure projects that are so important to this nation. However, I am concerned about the lack of funding for the non-power programs administered by the Tennessee Valley Authority (TVA).

Since its creation in 1933, TVA has had two responsibilities in the Tennessee Valley: produce electric power; and to provide flood control, navigation, and manage aquatic vegetation growth along the Tennessee River and its tributaries. Many people in Washington today confuse the non-power programs with the larger issue of electric utility restructuring.

I realize that last year the House decided to eliminate funding for non-power programs because the Chairman of TVA, Craven Crowell, announced in early 1997 that TVA would forgo non-power programs to concentrate on the production of electric power. The residents in the Tennessee Valley and the state and local governments expressed a strong desire for TVA to continue its traditional non-power programs.

Under the agreement reached last year between the House and the Senate, TVA is scheduled to receive no funding for these important programs in Fiscal Year 1999. However, the Senate has included \$70 million for the programs, and I am hopeful that when the Energy and Water bill goes to Conference, the House will reconsider funding the non-power programs for Fiscal Year 1999. Until there is an alternative with a clear transition, it is imperative that TVA continue these programs through the appropriations process. The ratepayers of my Congressional District, and throughout the Tennessee Valley, deserve no less.

THE SENIOR CITIZENS PROTECTION ACT

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 25, 1998

Mr. LAZIO of New York. Mr. Speaker, I rise today to introduce a bill, H.R. 4155, to cut fraud and abuse in our Medicare system, restore balance in our health care system, and give us all a better quality of life. Federal, state, and local governments need more tools at their disposal to crack down on rampant health care fraud. Congress needs to empower law enforcement to preserve and protect Medicare, decrease the crime rate, and let each and every one of us feel safe and secure in our retirement years.

The Health and Human Service's Office of the Inspector General recently released startling information on their audit of the Health Care Financing Administration (HCFA). According to the audit, the Medicare Program lost \$20 billion in fraud and improper payments in Fiscal Year 1997. What is unconscionable is that only \$4 billion was recovered!

A recently published "Focus Group Study of Medicare Insurance Counselors" found that most officials believe a significant amount of fraud exists and continues to undermine the Medicare program. In the study, many experts said HCFA took no action after being notified of fraud. The May 1998 study further cited that HCFA did not have adequate systems and procedures in place to root out fraud.

A major reason health care fraud is at historic levels is because current law bars state officials from even investigating suspected fraud in the Medicaid. This creates an enforcement gap because an entity defrauding Medicaid is often linked to fraud in other federal health programs.

An example from my district on Long Island illustrates this predicament perfectly. A provider was suspected of defrauding Medicaid. The state and its Medicaid Fraud Control Unit began an investigation. That investigation spilled over into allegations of Medicare fraud and the state could not investigate because it lacked the requisite authority. Despite repeated requests from the state, the federal government did not investigate or prosecute the allegations. While the state was trying to wrest control of the investigation for the federal government, the provider billed nearly \$2 million. If the state had the power to investigate, some fraud could have been stopped and stolen money would have been recovered and returned to the government coffers.

My bill, the Senior Citizens Protection Act of 1998, will empower the states and their Medicaid Fraud Control Units by allowing them to investigate Medicare fraud cases when Medicaid fraud has been alleged.

A second reason health care fraud remains unchecked is because current law prohibits states from investigating patient abuse in assisted living and residential-care facilities. Currently, a state only has the authority to investigate patient abuse in facilities that receive Medicaid reimbursement, usually nursing facilities. Yet today, more and more of our friends and family reside in assisted living and other residential-care facilities. Normally, federal and local governments do not investigate suspected patient abuse in these non-traditional