

# EXTENSIONS OF REMARKS

## AUTOMOBILE LEASE ADVERTISING ACT OF 1998

SPEECH OF

**HON. JOHN J. LaFALCE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Sunday, October 11, 1998*

Mr. LaFALCE. Mr. Speaker, automobile leasing is a growing phenomenon that is supplanting traditional new car sales and dominating automobile advertising. A decade ago consumer leases represented less than 5 percent of all new car transactions. Today, more than a third of all new automobile transactions involve leases. By the year 2000, auto industry experts predict, leases will constitute over half of all new car transactions and a significant portion of used car transactions.

This rapid growth in automobile leases has generated a concomitant increase in lease advertising. Leases now figure more prominently than traditional auto sales in advertising in my Congressional district in Western New York, in the Washington, D.C. market and, I suspect, in most major markets across the country.

While automobile leases can be beneficial for many consumers, current advertising practices make it virtually impossible for consumers to make intelligent, informed choices between leasing and buying options, or even among competing lease options. Unlike other major household purchases, consumers have little or no basis to evaluate comparable lease opportunities. Therefore, I am today introducing legislation that will reform the advertising of auto leases and permit consumers to comparison shop. My legislation, the "Automobile Lease Advertising Act of 1998", amends the Consumer Leasing Act of 1976 to provide consumers with more consistent, relevant and timely information about auto lease terms and costs. It does not dictate how leases must be structured or transacted, but only requires that dealers provide more relevant and understandable information about the terms of advertised leases.

### I. THE PROBLEMS IN LEASE ADVERTISING

Auto leases are, by their nature, far more complex and confusing than traditional auto sales. Lease advertising, rather than clarifying and simplifying lease terms, instead tends to confuse and obfuscate. Advertisements feature only the most attractive lease terms while hiding or omitting significant consumer costs and liabilities. Key elements of leases—the vehicle capitalized cost, residual value and lease interest rate—lack standardization and are easily manipulated to hide actual costs. Detailed information on actual lease terms is generally unavailable to consumers until they are in the dealership and engaged in lease negotiations. And, even then, key cost disclosures required by Federal law are typically not provided until just before lease signing.

The entire process provides information far too late to permit consumers to make intelligent choices between leasing and buying an automobile or between competing lease opportunities.

As a special task force of State Attorneys General commented to the Federal Reserve Board in 1995, current lease disclosure standards tend to "sanction the hiding of valuable information from consumers."

It is lease advertising that poses the greatest potential for confusing and deceiving consumers. The problems of lease advertising are visible every day—in television advertisements that boldly promote attractive monthly lease payments while scrolling other costs and conditions illegibly across TV screens, print advertisements that hide important lease terms in confusing tiny print, and advertisements generally that fail to disclose substantial consumer costs and liabilities. While one of the worst advertising practices—highlighting "no downpayment" when significant upfront payments are in fact required—is less common in lease advertising as a result of recent enforcement actions by the Federal Trade Commission and State Attorneys General, other abusive practices continue. Many advertisements feature low, "come on" monthly lease payments that are artificially reduced through a number of common devices. The advertisement of extended or irregular lease terms, rather than the 24- or 36-month terms typically offered consumers, can misleadingly lower monthly payment amounts. Substantial required downpayments, typically hidden in small print, can produce the same result. Mileage allowances that are considerably below what most drivers require or accept can inflate vehicle residual values and also reduce monthly payments, while hiding substantial lease-end excess mileage charges. Advertisers often employ all of these devices.

Clearly anything goes in lease advertising under the current system. Advertisers have one purpose in mind and one purpose only—getting customers into the dealership where they can potentially be influenced into signing any lease terms. There is no desire to adequately inform or educate consumers. The primary purpose of lease advertising is to bait consumers with misleading or incomplete information that minimizes real costs and makes it virtually impossible to compare alternative deals on comparable vehicles.

In their comments to the Federal Reserve the State Attorneys General expressed concern that "automobile lease advertisements have, for several years, generally failed to adequately disclose material information consumers need to make informed decisions." The Federal Trade Commission echoes this sentiment, stating that current "misleading advertisements may significantly hinder comparison lease shopping, in direct contradiction of the purposes of the Consumer Leasing Act."

### II. THE PROVISIONS OF THE LEGISLATION

The legislation I am introducing today addresses these problems by requiring that more relevant and uniform information be provided in lease advertisements and that more detailed information on actual lease terms be made available earlier in the lease process. These changes would empower consumers by providing more of the information they need to

compare lease options and make intelligent decisions.

My legislation does this in a number of ways. First, lease advertisers that include a monthly lease payment would have to include a calculation of the payment using a formula that includes several fixed lease terms. These are relatively standard terms found in consumer leases, but often manipulated for purposes of advertising: a lease term of 24 months, no downpayment or capitalized cost reduction requirement, and a mileage allowance of 12,000 miles per year (or 24,000 miles for a 24-month lease). This eliminates some of the artificial differences between advertised lease payments, emphasizing more basic cost differences between competing leases. Advertisers could also include a different monthly payment amount in an advertisement for the same vehicle, as long as it is not featured more prominently than the required information, and provided they also identify the varying lease terms—a required downpayment, a longer lease term, etc.—that explain the difference between the two payment amounts.

This change would provide a relatively uniform monthly payment amount that makes it easier for consumers to compare advertised leased payments for similar, comparably-priced vehicles. It would also help inform consumers of the potential options available in auto leases, of how changes in key terms will affect monthly payments and of the potential costs and penalties that may be hidden in otherwise attractive lease payments. This proposal would encourage the type of advertisement used recently by a Chevrolet dealer in my district that featured six vehicle models on a chart with monthly payments for each vehicle based on a uniform lease term, no required downpayment and 12,000-mile annual mileage allowances. Additional columns on the chart showed how this payment would change with a higher downpayment or a longer lease term. A final column on the chart provided the alternative purchase price for each vehicle. This is an excellent example of advertising that educates rather than confuses consumers.

Second, my bill would require that automobile dealers post in a conspicuous location in their dealership a listing of all customer incentives available to consumers on vehicle models they offer. This would include special interest and lease rates, cash rebates, special vehicle residual amounts, regional promotions and other special offers available for both lease and purchase transactions by auto manufacturers, banks, leasing companies and local dealers. This is public information that consumers typically do not have and which often is offered only within the context of backroom deals. This proposals would allow interested consumers to see and compare all the potential incentives available on different vehicle models to see where they can find the best deals and to help them decide between leasing and buying a vehicle.

Third, my bill also requires automobile dealers that advertise monthly lease payments, or

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

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

participate in national or regional promotions that feature lease payments, to make available to the public, upon request, a brief, written summary (which should, I expect, be not more than one brief page) of the essential lease terms and costs used in computing the advertised lease payment. Since the dealer has sought to benefit by publicizing the monthly lease payment, it follows that interested consumers should be able to see the other relevant terms used to calculate that payment. This would provide consumers with more detailed information earlier in the lease process and give them a more equal position in lease negotiations. And it would give consumers more detailed information that they could take to other dealerships to compare available lease options.

This proposal would achieve in auto leasing the same basic principles identified in recent House and Senate hearings regarding the reform and simplification of RESPA mortgage disclosure requirements—making it easier for consumers to comparison shop by providing more detailed information earlier in the sales process.

Fourth, the bill would incorporate in current law several important changes in lease advertising advocated by the Federal Reserve Board and the Federal Trade Commission. It includes Federal Reserve proposals to increase the maximum contractual obligation amount of leases subject to disclosure and advertising requirements of the Consumer Leasing Act to accommodate the higher cost leases routinely offered in today's marketplace. It would clarify the "clear and conspicuous" disclosure requirement in current law with more detailed "reasonably understandable" standards implemented by the Federal Trade Commission in its 900 Number rule and other industry advertising orders. It includes a Federal Reserve proposal to expand the simplified 800-Number disclosure option in current law to television as well as radio advertisements. It strengthens the FTC's authority to enforce lease advertising requirements by seeking civil penalties in federal court. And it would codify the prohibition, enunciated in recent FTC enforcement actions, against advertising that no downpayment is required on a lease when substantial undisclosed payments are required at lease signing.

Finally, my bill would clarify that the requirements of the Consumer Leasing Act apply not just to television, radio and newspaper advertising, but to all potential lease advertising in publications, videotapes, toll-free telephone numbers, newsletters and commercial mailing and fliers. It would also bring the Consumer Leasing Act into the electronic age by extending disclosure requirements to advertising on the internet and in computer programs.

### III. CONCLUSION

Other than purchasing a home, buying or leasing an automobile is one of the most important consumer transactions for most American households. It shouldn't be a confusing or an intimidating experience. Consumers have a right to know all the relevant costs and details before signing a lease. And they deserve to have adequate information to comparison shop for auto leases in the same way they shop for a mortgage or for any major consumer purchase.

My legislation would empower consumers by requiring that they be given more consistent and detailed information about auto leases

in a manner that is timely and that allows them to make careful comparisons and intelligent decisions. It does not dictate how leases must be structured or transacted, only that dealers make available more relevant information about the costs and terms used in a lease. This simply extends the principles of truth in advertising to the automobile leasing process.

I believe this is important and needed legislation that can transform the entire auto leasing process in ways that will benefit both consumers and automobile dealers. I urge my colleagues to give careful consideration to the changes and initiatives proposed in this legislation.

#### CONSUMER AUTOMOBILE LEASE ADVERTISING ACT OF 1998

Sponsor: Rep. John J. LaFalce (NY).  
Bill Number: H.R. ; Introduced October 10, 1998 and referred to the Committee on Banking and Financial Services.

#### SECTION-BY-SECTION SUMMARY

##### Section 1. Short title

Consumer Automobile Lease Advertising Act of 1998

##### Section 2. Purpose

To amend the Consumer Leasing Act of 1976 (Chapter 5 of the Consumer Credit Protection Act—"Truth in Lending Act") to simplify and standardize automobile lease advertising in order to provide consumers with more relevant and easily understood information regarding the terms and costs of lease offerings earlier in the leasing process and permit consumers to compare lease and purchase options and comparison shop among lease opportunities.

##### Section 3. Applicable consumer leases

Increases the total contractual obligation of leases that are subject to the consumer disclosure and advertising requirements of the Consumer Leasing Act to \$50,000 (from \$25,000 set in 1976) to accommodate the higher cost lease transactions now routinely offered. Requires annual adjustment of the maximum obligation amount to reflect changes in the consumer price index.

##### Section 4. Automobile lease advertising

Clarifies and Updates Current Lease Advertising Disclosure Requirements

Requires that lease transactions be clearly identified as a lease in both the audio and video portions of television advertisements in addition to print advertisements.

Clarifies that disclosure requirements apply to all lease advertising, including television, radio, videotapes, toll-free telephone numbers, publications, newsletters and commercial mailings and fliers.

Extends disclosure requirements and standards to advertisements in computer programs and in web pages on the Internet.

##### Section 5. Alternative lease disclosures

Permits television advertisements to use the simplified disclosure option in current law for radio advertisements, thereby permitting an advertiser, in lieu of making all required disclosures in an advertisement, to prominently identify a toll-free 800 number in the advertisement that permits consumers to obtain all required disclosures by telephone.

Requires that alternative disclosures by toll-free telephone numbers be in a format that permits information to be repeated, that is free of marketing information and that permits consumers to request the information in writing and by mail.

##### Section 6. Advertisement for automobile lease

###### Prohibited practices

Prohibits a lessor from advertising that no downpayment is required when the lessor re-

quires a capitalized cost reduction payment, acquisition fee, vehicle trade-in or other significant up-front payment to be made at lease signing that is not refundable to the lessee.

Prohibits lessor from advertising payment amounts or other lease terms that they do not routinely or customarily offer or make available to consumers, that they do not intend to make available generally to customers as part of any promotion, or that they customarily offer or make available only to selected or preferred customers.

###### Advertised lease payment amounts

Requires that any lease advertisement that includes a monthly lease payment amount for a vehicle model include a calculation of the monthly payment amount using a formula established in regulation by the Federal Reserve Board that includes the following lease terms:

Vehicle Price: the vehicle capitalized cost without adjustment for any down payment, capitalized cost reduction, vehicle trade-in or other required payment by the lessee at or before lease signing;

Lease Term: a lease term of 24 months; and  
Mileage Allowance: a mileage allowance of 12,000 miles for each year of the two-year lease term (or 24,000 miles) before excess mileage charges may be imposed.

Requires that a lease advertisement that states a monthly payment amount also include a clear and conspicuous statement that the payment amount applies to a lease with a 24-month term, with no required downpayment and with an annual mileage allowance of 12,000 miles.

Permits an advertiser or dealer to advertise additional lease payment amounts for a vehicle model that are different from the payment amount required to be advertised, provided that any additional payment amount does not appear more prominently than the required payment amount and the advertisement includes additional disclosures that explain the difference between the payment amounts.

##### Section 7. Availability of written information

Requires that an automobile dealer that advertises a monthly lease payment amount, or participates in any national or regional promotion that includes an advertised monthly lease payment amount, make available to consumers at the dealership a brief written summary of the essential costs and terms associated with the advertised lease.

Requires an automobile dealer that offers consumer leases to post in a conspicuous location in the dealership a listing by vehicle model of all customer incentives, including special interest or lease rates, rebates, vehicle residual values, regional programs and other special offers and promotions that are available for both lease and purchase transactions.

##### Section 8. Clear and conspicuous disclosure

Clarifies the "clear and conspicuous" requirement in current law for required disclosures in automobile lease advertisements by incorporating more specific "reasonably understandable" standards used by the Federal Trade Commission in the 900 Number Rule and other industry advertising orders. Under these standards, any required disclosures that appear in writing in print and video advertisements, must be sufficient type size, shade, contrast and prominence to be readily noticeable, readable and comprehensible to an ordinary consumer; in the audio portions of television, radio and videotape advertisements, must be delivered in a volume, cadence and location, and for sufficient duration, as to be readily noticeable, hearable and comprehensible to an ordinary consumer; in advertisements on the internet,

must appear in a type size, contrast, prominence and location as to be readily readable and comprehensible to users and separated from marketing and promotional information.

Requires that nothing contrary to, inconsistent with or in mitigation of any required disclosures be used in any advertisement and that no audio, video or print technique be used that will obscure or detract from the communication of any required disclosures.

#### *Section 9. Administrative enforcement*

The section clarifies that a violation of the lease advertising sections of the Leasing Act are to be considered unfair and deceptive acts or practices under the FTC Act, thus providing the FTC with the same enforcement authority it currently exercises in enforcing violations of its trade regulation rules. This would permit the FTC to bring court actions for civil penalties in the first instance (rather than the FTC having to first place violators under consent agreements in order to enforce these agreements).

#### *Section 10. Civil liability*

Increases the maximum potential liability of a lessor for punitive damages in civil actions for violations of the Consumer Leasing Act from \$1,000 to \$10,000.

#### *Section 11. Regulations*

Directs the Federal Reserve Board to issue regulations to implement the changes made by the Act within 6 months of the date of enactment.

Directs the Board to issue regulations and staff commentary, as necessary, to update and clarify the requirements of the Consumer Leasing Act as amended by the Act and to facilitate compliance with or prevent circumvention of any amendment made by the Act.

### PROJECT UPLIFT

#### HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Ms. WILSON. Mr. Speaker, I wish to bring your attention to a project in my district which has received Presidential recognition as a "Promising Practice" that will improve education and career opportunities in mathematics, science, and engineering for minority youth in New Mexico.

Project Uplift produces a regular half-hour television program broadcast across New Mexico that teaches young people in every part of our state about careers in high technology. In addition, the project sponsors the annual High Technology Career Preparedness Youth Institute at Sandia National Laboratory. Through hands-on activities, this week-long institute introduces young people to professionals in a variety of fields relating to the environment, medicine and health, advanced computing and robotics, advanced manufacturing and astronomy.

Another important initiative of the project is the annual Rio Grande High Technology Minority and Women Job Fair. Each fall, this job fair draws over 600 university students from all over New Mexico majoring in engineering, physical and life sciences. Room and board is provided for these students who then have the opportunity to meet potential employers from across the country.

Project Uplift's success has even garnered international attention through the United Na-

tions Educational, Scientific and Cultural Organization (UNESCO). UNESCO officials were impressed with the success of Project Uplift in reaching diverse and remotely situated people.

Project Uplift has done an excellent job of addressing New Mexico's diverse population and rural character. I am proud to highlight their accomplishments and encourage their future success.

### AFFORDABLE HEALTH CARE FOR THE NEAR ELDERLY ACT

#### HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Mr. DREIER. Mr. Speaker, I am concerned by the large number of near-elderly individuals who cannot afford insurance. According to a recent study by the General Accounting Office (GAO), those without health insurance face a nearly impossible task of obtaining affordable and adequate health care. For many, their age, health status and income force them to go without health care until they reach 65 when Medicare coverage begins. The GAO concluded that the problem will only worsen as more individuals retire early without health insurance coverage from their employer.

In response to this growing problem, President Clinton proposed permitting the near-elderly to buy into the Medicare program by paying a large annual premium. To qualify for Medicare, elderly couples would have to pay nearly \$10,000 a year which is too expensive for many retirees on fixed incomes. In a recent study, the National Coalition on Health Care concluded that the high annual premium means that the President's proposal would have "little impact" in providing coverage to the 3 million near-elderly individuals without health insurance. Furthermore, the Congressional Budget Office estimates that only 320,000 individuals, approximately 10% of the affected group, would buy into Medicare. In addition, the President's plan may also hasten Medicare's solvency crisis. The American Association of Retired Persons recently expressed their concern that the proposal could threaten the current Medicare program.

I believe that Congress can expand access to affordable health care for the uninsured near-elderly without harming Medicare. Today, I have introduced H.R.—, which allows the near-elderly to enroll in the Federal Employees Health Benefit Program, which gives participants a wealth of health care choices at lower prices. To participate, a near-elderly individual would pay the total cost of the premium, the employees share and the federal subsidy, which is up to \$2,000 less per year than the President's proposal. The lower premium could mean that more uninsured individuals would enroll in a health plan that provides services, like prescription drugs and dental care, not offered by Medicare. My bill also allows younger Americans to access Medical Savings Accounts to prevent a loss of health insurance before they qualify for Medicare.

Mr. Speaker, this legislation addresses the need of three million uninsured near-elderly individuals who need an affordable health care option. I believe that this common-sense approach can help the vulnerable near-elderly without requiring them to sacrifice their entire pension for health care.

NORTH QUEENSBURY VOLUNTEER FIRE COMPANY, INC. CELEBRATES 50 YEARS

#### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Mr. SOLOMON. Mr. Speaker, when one walks into my Congressional office in Washington he or she immediately notices a prominent fixture in the reception area—the collection of fire helmets representing the many volunteer fire companies in my district that stand ready at all times to protect the lives and property of their communities' residents.

Volunteer fire companies epitomize the overwhelming sense of community that exists in the small towns and villages of the Hudson Valley of New York. The sense of pride, spirit of volunteerism and undeniable camaraderie among neighbors is one of the things I so relish about my time spent at home in the 22nd Congressional District. This spirit is no more evident than in North Queensbury, New York and its beloved volunteer fire company.

This year the North Queensbury Volunteer Fire Company is celebrating its 50th year of all-volunteer service to the North Queensbury community. As part of the continuing 50th anniversary celebration, on October 17 the fire company will be dedicating its new firehouse.

Mr. Speaker, as a former fire volunteer myself, it is a great honor for me to invite my fellow colleagues to join me in commemorating this joyous event, and in doing so recognize the outstanding contributions the North Queensbury fire volunteers give to their neighbors.

In a rural area like the 22nd District of New York, fire protection is often solely in the hands of volunteer companies. I cannot say enough about the many lives and millions of dollars of property that have been saved due to the efforts of the North Queensbury volunteers. But the value of such a vital public service can hardly be identified in terms of dollars and cents. The willingness of these volunteers to selflessly place themselves in harm's way to ensure the preservation of their neighbors' lives and property is worthy of the highest praise.

Mr. Speaker, I have always been one to judge people by the contributions they make to their community. To that end, the men and women who comprise the North Queensbury Volunteer Fire Company are truly great Americans! I am truly proud of this organization and its spirit of volunteerism that is such a central part of the American way of life. Therefore, it is with great pride, Mr. Speaker, that I ask all members to join me in paying tribute to them on their 50th anniversary.

CELEBRATING THE 125TH ANNIVERSARY OF THE FIRST ASCENT OF MT. WHITNEY

#### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the 125th anniversary of the first ascent of Mt.

Whitney, the highest mountain peak in the continental United States at 14,494 feet, located in California's Inyo County. Having climbed Mt. Whitney in 1986 with my dear friend, Hulda Crooks, I wanted to share some of the storied history of this majestic mountain with my colleagues.

In the early 1870's, as the Owens Valley community first began to attract settlers, local residents often visited nearby Soda Springs to fish, hunt, and to escape the summer heat. In August 1873, a large group of Lone Pine locals were camping in this area when three of them decided to take a hike up to the summit. Previous attempts to climb this mountain had been made by Clarence King, in party with a California Geological Survey expedition sponsored by Josiah Whitney. King identified the mountain and named it "Mount Whitney" in 1864. He claimed to have reached the summit in 1871, but it was soon discovered that he missed the mark and accidentally climbed another peak.

The "Three Fishermen" (locals Charley Begole, Johnny Lucas and Al Johnson) credited with Whitney's first ascent made the hike from Soda Springs to the summit and back in one day on August 18, 1873. They christened the mountain "Fishermen's Peak," which touched off a controversy that lasted several years. The Lone Pine residents were not in favor of the name "Mount Whitney," since they did not share a high opinion of Mr. Whitney. Local residents petitioned in favor of the names "Fishermen's Peak," "Fowler's Peak," or "Dome of Inyo," anything but "Mount Whitney," which is the name that stands today.

Undaunted by the unwanted name, local residents raised funds and built a trail to the summit in 1904. Mr. Gustave F. Marsh of Lone Pine, was the engineer who led this effort. He also served as contractor and supervisor for the Smithsonian Institute in 1909 when the trail was repaired and the summit shelter was built. Local residents again pitched in to raise funds for this effort. As one ponders this sequence of events, the baffling question is, "What motivated these early settlers to build a trail?" There was not a large tourist industry in the area at that time; there were no automobiles; and the only people interested in mountaineering were college professors or researchers—people of science and letters. The summit hut was originally financed by the Smithsonian for astronomical and atmospheric research purposes.

In contrast, the early residents were largely farmers and miners. And yet, as the trail and hut stand today, no one really knows how many hundreds of thousands of people from all walks of life and from all countries of the world have climbed to the summit of Mount Whitney. Without the efforts of the first settlers, would this have been the reality today? Also, very little has ever been mentioned of the Native Americans, who knew of the peak and in their world, called it "The Old One," or "The High One."

On August 18, 1998, as a tribute to these early settlers, another group of local residents climbed Mount Whitney to pay honor to the contribution that these pioneers made, and to bring recognition to their efforts. Several descendants of the original group still live in the Lone Pine area.

I can well remember donning a backpack and sleeping bag and hitting the trail with Hulda Crooks, better known on the mountain

as Grandma Whitney, in August 1986. A friendship was born over those days that has been among the most special and enduring of my life. Because of her legacy, Congress passed legislation and Hulda returned to Mt. Whitney in 1991 for the announcement that Crooks Peak, adjacent to the Whitney summit, would forever bear her name. Hulda was a mentor and teacher to me, personally, and remained one of my dearest friends over the years until her passing last November.

Mr. Speaker, I ask that you join me and our colleagues in paying tribute to the men and women who have provided Mt. Whitney with its rich and textured history. Without any question, for every person who has ever climbed or tried to climb this magnificent peak, Mt. Whitney holds its own special memories, and its own meaningful place in their life.

#### RECOGNIZING SYRIA'S LIBERAL POLICY OF JEWISH EMIGRATION

##### HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Mr. CAMPBELL. Mr. Speaker, I come to the floor today to recognize with commendation that the country of Syria followed through on its promises regarding Jewish emigration over the past six years.

Beginning in 1992, without fanfare, Syria eased its strict travel and emigration policies on its Jewish community. Numbering around 100,000 at the turn of the century, the Syrian Jewish community numbered only approximately 5,000 by 1992. Up until 1992, Syrian Jews could only travel outside of the country individually, and only if family members remained behind. Between April and October of 1992, however, approximately 2,600 of this 5,000 were allowed to emigrate from Syria.

In October of 1992, Syria temporarily suspended this eased emigration policy. However, in December of 1993, Secretary of State Warren Christopher visited the country, and in a goodwill gesture during this visit, President Assad informed Secretary Christopher that all remaining Jewish families were free to leave Syria. The liberal Jewish emigration procedures soon resumed, and the Department of State informs me that all but 118 Jewish individuals have been granted exit visas and left Syria. The majority of these families decided to resettle in the United States, specifically in Brooklyn, where a thriving Syrian Jewish community of about 35,000 exists. The State Department reports none of these remaining Syrian Jews have reported Syrian government persecution, and that many plan to emigrate soon.

I was first made aware of Syria's emigration policy towards its Jewish community when I met with President Assad this past June in Damascus. In discussion, President Assad referenced this emigration policy as an example of Syria's continuing good faith effort to propel forward the Middle-East peace process. He did not, but some in the Syrian government did, observe that no statement of acknowledgment of Syria's following through on its emigration commitment had ever been entered into the CONGRESSIONAL RECORD. I wish to correct that oversight now.

Emigration is a basic human right that all responsible nations respect and allow. I com-

mend President Assad for joining the community of nations that seek to guarantee this human right. In an attempt to create a conducive atmosphere toward fostering the peace process, President Assad allowed Syrian Jews to emigrate. Six years have passed since this policy began. It is time that recognition and approbation be properly given.

#### IN RECOGNITION OF DONALD LEE LARGE

##### HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Mr. RILEY. Mr. Speaker, I rise today to pay tribute to Donald Lee Large, a great Alabamian. Don Large recently retired from the Falk Corporation in Auburn after more than 23 years of loyal and dedicated service.

Don Large directed the Falk Corporation through numerous changes over his tenure and has left behind an impressive legacy. The most notable of these is the changeover from batch manufacturing to cellular manufacturing. This change required all new equipment, new processes, and was made possible by the culture established years before. Don worked extremely hard in recruiting quality people, setting up training programs, and establishing a culture based on the fundamental ideas of "mutual trust and respect". During this three year project finishing in 1995, Falk did not miss a single shipment.

Don has spent tireless hours dedicating his time and energy to better the community in which he lives, and the entire state of Alabama. Don has been on the Board of Directors for the United Way, Chamber of Commerce, Junior Achievement, and Chairman of the Industrial Relations Committee.

In addition to his community service, Don and his wife Barbara taught Ballroom dancing to over 1000 people, including many dignitaries and ranking public officials.

Mr. Speaker, I am here today to recognize Mr. Large for his outstanding service to his industry and community. He truly leads by example and hard work, and is a model for all of us.

#### INTRODUCTION OF THE CONSUMER PROTECTION AGAINST HUMAN TELLER FEES ACT

##### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Ms. DELAURO. Mr. Speaker, I have learned that some financial institutions are charging teller fees to customers who want or need to see a bank teller. In effect, they will be fined for not using an automatic teller machine. This is patently wrong, and today I am introducing the "The Depository Institution Customer Protection Act" that would prohibit financial institutions from charging these fees.

Customers should be able to converse with bank and credit union representatives without being charged to access their own money or to make a deposit. Some customers may be unable to use ATMs, especially if they are

blind or using wheelchairs. And no ATM or automated phone system can answer every question about an account. Seniors on fixed incomes, families living on today's pitifully low minimum wage, and blind or disabled customers—including veterans—will be penalized for the "privilege" of making a deposit or taking funds out of their account. Even the most sophisticated customers sometimes need to speak with a teller. Now banks will punish individuals who are simply asking for assistance.

My own mother is 85 years old and is still an active public servant. Yet I recognize the difficulty she has interacting with today's technology. I am confident that many of my colleague's parents—and perhaps some of my colleagues themselves—have difficulty using automatic teller machines.

Like many of my colleagues, I have been hearing from constituents who feel bombarded with automatic teller machine user fees. Now, customers will be charged for discussing a transaction with a human teller too. Financial institutions are squeezing money out of customers and other consumers—money that should be used to improve our economy, not line the pockets of our wealthiest institutions.

This user fee hurts the customers with limited means the most. These consumers may not be able to access electronic commerce, yet they'll be punished by the institution that holds—and makes money off—their assets.

The bill I am introducing today will prohibit banks and credit unions from charging these onerous fees.

I urge my colleagues to stand up for consumers, and protect our most vulnerable citizens from unfair human teller fees. Please join me in this effort by cosponsoring the "The Depository Institution Customer Protection Act."

#### A TRIBUTE TO THE CENTER FOR MILITARY AND PRIVATE SECTOR INITIATIVES

#### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Mr. LEWIS of California. Mr. Speaker, while the end of the Cold War eased international tensions, it led to a significant downsizing of the U.S. armed forces. Nearly one tenth of our country's population, or 26 million people, have served in uniform. Over two million have left military service since the end of the Gulf War. Approximately 275,000 veterans of military service are being discharged each year, projected well into the next century. Once again, as in previous post-war periods, American employers have the opportunity to access men and women returning to civilian life in large numbers.

Unlike previous periods, when American were drafted for service, these men and women are volunteers. Surprisingly, the harsh reality for many of them is that a successful military career is not a guarantee of gainful employment in the private sector. This is a startling phenomenon, especially considering the extensive experience, diverse talents, and strong work ethic of military professionals. Clearly, much needs to be done to uncover and address the reasons for the continued underutilization of this highly trained and motivated force.

Indeed, a comprehensive survey conducted for the Joint Chiefs of Staff by a national executive search firm, Wesley, Brown and Bartle (WB&B) reports that stereotypes and myths caused businesses and professional recruiting services to discard an alarmingly high percentage of resumes submitted by our veterans.

There are disturbing dimensions to the problem. The Bureau of Labor Statistics reports that the jobless rate for male veterans discharged since 1994 is seven percent, considerably higher than the current national average of 4.5 percent of all Americans. The rate of unemployment for female veterans is 5.9 percent. Even more alarming is the state of underemployment of former military. Our downsizing of the Army by 60 percent since the Gulf War has thrust hundreds of thousands of early retirees from military service into the private sector. The WB&B survey showed that they are not being welcomed as they should be by civilian employers, perhaps only because only one in every 147 of them has prior active duty military service, compared with one in every ten after World War II. Indeed, retired Admiral Stanley Arthur, the Navy's top commander in the Gulf War, said that "the military is no longer an institution with which most—even many—people can identify."

A random survey of 1700 recently transitioned military personnel found most of them to be active job seekers. More than half of them sent out at least 50 resumes. Another 30 percent distributed more than 100 resumes. Three in every four of them received not one reply. Only one of about every six who heard back received even a single job offer. Among those who accepted, 80 percent were found to earn less than \$20,000.

Wesley, Brown and Bartle is to be commended for founding the Center for Military and Private Sector Initiatives which was established to help military men and women more effectively transition from active duty to civilian life. Through the Center, corporate America has a rare opportunity to forge partnerships that will positively impact the transition of military professionals and enhance America's workforce.

Mr. Speaker, the Center for Military and Private Sector Initiatives is to be commended for providing American business with the value that former military professionals bring to the workplace, making corporate America more competitive. When American businesses capitalize on the value of the military experience, America wins.

#### SALUTING THE EMPLOYEE BENEFIT RESEARCH INSTITUTE ON ITS 20TH ANNIVERSARY

#### HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Mr. POMEROY. Mr. Speaker, I rise to salute one of our Nation's leading public policy institutes on the occasion of its 20th anniversary. For two decades now, the Employee Benefit Research Institute (EBRI), under the outstanding leadership of its president Dallas Salisbury, has been providing trusted data and analysis on some of the most important public policy issues of our time—Social Security re-

form, health coverage and quality, and the changing world of private pensions.

As one who has made retirement and health security issues the core of my legislative agenda, I have benefited many times from EBRI's exceptional and nonpartisan research and analysis. I have relied on EBRI to provide me with the very latest findings and developments, and I have called on their stable of experts many times for objective data and analysis as I have begun work on a new legislative initiative.

I want to commend EBRI in particular for two of its most recent endeavors. One was the central role EBRI played in organizing this year's National Summit on Retirement Savings, which highlighted the critical issues of saving and planning for retirement. The second is EBRI's recent development of a highly sophisticated computer model of the Social Security system that is now the leading tool in the country for analyzing the effects of Social Security reform proposals.

Mr. Speaker, again let me congratulate the Employee Benefit Research Institute for 20 years of outstanding work. I look forward to EBRI's continued contribution to the public policy of our Nation.

#### INTERNATIONAL ANTI-BRIBERY AND FAIR COMPETITION ACT OF 1998

SPEECH OF

#### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mr. DINGELL. Mr. Speaker, we all have a strong interest in seeing that there is a level playing field on which U.S. business and U.S. workers can compete in world markets.

The bill are considering today, H.R. 4353, points out just how unlevel that playing field can be. In May of 1976, Congress received from the Securities and Exchange Commission an extensive "Report on Questionable and Illegal Corporate Payments and Practices" that revealed corrupt foreign payments by over 300 U.S. companies involving hundreds of millions of dollars and the falsification of accounting records and the deceit of auditors.

Since 1977, U.S. law has made it a crime from American businessmen to bribe foreign government officials to obtain business contracts. Yet, Germany and other countries do not just fail to prohibit bribery on the part of their business representatives, they make it a tax deductible expense.

Last December, 33 of our major trading partners signed the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. Under this agreement, our major trading partners commit, for the first time, to make business-related bribes to foreign officials a crime under their respective legal systems.

H.R. 4353 expands and strengthens the Foreign Corrupt Practices Act (FCPA) to implement U.S. obligations under the OECD convention. It expands the FCPA to include bribes to foreign public officials that are made to secure "any improper advantage." The bill also expands the FCPA to cover not only U.S. businesses and issuers of securities, but also

any foreign natural or legal person that engages in a prohibited act within the territory of the United States.

In addition, this legislation expands the definition of public official in the FCPA to include officials of public international organizations. It makes foreign employees and agents of issuers and domestic concerns subject to criminal penalties in the same way that U.S. citizens are. This legislation also amends the FCPA to provide for jurisdiction even when U.S. businesses and nationals engage in the offering of bribes wholly outside the United States.

Mr. Speaker, this legislation contains strict monitoring and reporting requirements to ensure that our OECD partners fully implement the anti-bribery convention under their laws. It requires that the Administration report to Congress concerning its efforts to strengthen the Convention by extending the prohibitions contained in the Convention to cover bribes to political parties, party officials, and candidates for political office.

Mr. Speaker, the Senate has already passed legislation ratifying and implementing the anti-bribery convention. Although we are rapidly approaching the end of this Congress, it is my hope that Congress can complete action on this important legislation this year.

However, the legislation before us also contains matters having to do with international satellites, which are unrelated to the implementation of the anti-bribery convention. These satellite provisions are not in the implementing legislation passed by the Senate. It is my sincere hope that these extraneous satellite provisions will not prevent the House and Senate from sending the President legislation implementing the anti-bribery convention, before this Congress adjourns.

The Commerce Department reports that there have been significant charges of bribery associated with international commercial contracts valued at more than \$100 billion since 1994. Mr. Speaker, bribery hurts American business and American workers who must compete in the world market place. American business and American workers need the protections the OECD Convention provides, and they need them now.

If we fail to implement the anti-bribery convention because of an inability to reach agreement on extraneous matters, American business and American workers will pay the price. Delay on our part will only give our OECD partners an excuse to delay their implementation of these important anti-bribery commitments.

Mr. Speaker, swift action by this House, and this Congress, is needed, so the United States can set an example for our OECD partners to ratify and fully implement this important convention, as well. I hope my colleagues will give this important legislation their strong support.

PASSAGE OF TAX EXTENSION  
LEGISLATION

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Ms. DeLAURO. Mr. Speaker, I am pleased to support this tax extender legislation, which

will continue important tax benefits for businesses and individuals.

This bill extends the research and development tax credit, which encourages the development of cutting edge technology and supports the creation of high paying, good jobs in states like Connecticut. From the defense industry to the biotech industry to software development, this tax credit plays an important role in maintaining US leadership in the world economy and helping our firms compete against their global rivals.

I am also pleased that this bill extends the Work Opportunity Tax credit, to create incentives that help businesses, particularly small businesses, afford new staff and help move people from welfare to work. Likewise, the permanent extension of income averaging for farmers will help family farms to sustain their businesses through the swings of income which so many farms experience from year to year.

This bill also accelerates the phase-in of deductions of health insurance premiums for the self-employed. Under this bill, 75% of the cost of health insurance can be deducted in 2002, and 100% can be deducted in 2003. For too many self-employed individuals find the cost of health insurance prohibitive, and this legislation will assist them in obtaining the health coverage that they and the families which depend on them need and deserve.

I am pleased to support this bipartisan bill, which will strengthen businesses, particularly small businesses, and help them to improve their competitiveness and to hire more employees at livable wage. And I look forward to working with my colleagues in the early months of the next legislative session to strengthen the Social Security retirement Trust Fund, so that we can enact broad-based tax relief for all working families.

SONNY BONO COPYRIGHT TERM  
EXTENSION ACT

SPEECH OF

**HON. BOB CLEMENT**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 7, 1998*

Mr. CLEMENT. Mr. Speaker, I rise to lend my support for copyright term extension. Title I of S. 505 extends the term of copyright protection by twenty years, from the life of the artist plus 50 years to the life of the artist plus 70 years. This copyright term extension will bring the United States in line with most of the rest of the world.

However, Title II of this bill contains a gross injustice. Title II, inappropriately titled the "Fairness in Music Licensing Act", is anything but fair. This provision exempts restaurants smaller than 3,750 square feet and retailers smaller than 2,000 square feet from paying royalties for radio and television. As I previously argued on the floor of the House when this issue was first raised, the so-called "Fairness in Music Licensing Act" compromises the intellectual property rights of this nation's songwriters and assaults their ability to make a living. According to the Congressional Research Service, this provision would allow more than 70% of bars and restaurants to use radio and TV music for free. The earnings of songwriters, composers, and publishers stand

to be reduced by tens of millions of dollars annually. The average songwriter, many of whom live in my hometown of Nashville, makes less than \$5,000 annually from music royalties. Yet, by supporting this provision, we are choosing to take from songwriters and give to restaurant owners, who make on average \$45,000 annually.

Title II of this bill also violates our International treaty responsibilities. One or more of our trading partners will file a complaint in the World Trade Organization. As the Secretary of Commerce, the Honorable William Daley, so aptly observed, ". . . we know that our trading partners will claim that it is an overly broad exception that violates our obligations under the Berne Convention for the Protection of [Artistic and] Literary Works and the Agreement on the Trade-Related Aspects of Intellectual Property Rights. The United States will lose, and we will be presented with a series of unfortunate options: ignore the WTO, incur sanctions, or modify our law. All will be contentious and difficult."

Finally, I would like to point out that my friends on the other side of the aisle are tireless in their pursuit of protecting property rights. I submit to you, Mr. Speaker, that intellectual property deserves every bit as much protection as tangible property. In Nashville, you can now get a bank loan using your songs as collateral.

In a heartbeat, without informed debate, Congress is taking away the property of songwriters and transferring it to restaurants without due process of law or just compensation. The Fifth Amendment of the Constitution, as my colleagues well know, states that "no person shall be . . . deprived of life, liberty, or property, without due process of law."

I am unequivocally opposed to Title II of S. 505.

INTERNATIONAL ANTI-BRIBERY  
AND FAIR COMPETITION ACT OF  
1998

SPEECH OF

**HON. ZOE LOFGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Ms. LOFGREN. Mr. Speaker, I am proud to cast my vote in favor of the conference report on the Securities Litigation Reform Act of 1998. This legislation is the culmination of a long, hard effort to enact reform of securities litigation.

When Congress passed the Private Securities Litigation Reform Act in 1995, we thought we had stopped the increasingly troubling practice of "strike suits." In these suits, a small group of attorneys took advantage of the legal system to coerce huge settlements out of growing high-tech companies, often with little or no evidence of wrong doing.

Unfortunately, loopholes in the new law were found. To avoid the new heightened pleading standards, cases were moved from Federal Courts into State courts. According to a recent study by Stanford Professors Joseph Grundfest and Michael Perino, 26% of securities litigation activity has shifted to state courts.

Because the threat of "strike suits" still exists, many executives in Silicon Valley are reluctant take full advantage of key provisions of

the 1995 law. For example, the 1995 Act created a "safe harbor" provision to encourage companies to disclose valuable information about their prospects to investors. However, this provision is not being implemented because executives still are concerned about their exposure to strike suits in State courts. This hurts investors who lose access to valuable information, and it undermines the efficiency of securities markets.

It is time to close the loopholes. The Securities Litigation Uniform Standards Act of 1998 will finally slam the door on strike suits by establishing Federal court as the exclusive venue for securities class actions. This legislation targets abuses in our court system, but it also protects the rights of consumers who actually suffer from fraud.

I urge my colleagues to support this important bill.

## PROGRESS FOR LATVIA

### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Mr. BEREUTER. Mr. Speaker, the editorial of the October 12, 1998, edition of *The Washington Post* very appropriately lauds the continued progress Latvia is making in perfecting its democratic form of government, especially as it relates to the complex and controversial subject of extending citizenship and civil rights to the very large proportion of non-citizens which reside in that country. Of the estimated 600,000 non-citizens in a population of 2.5 million, most of the non-citizens are Russian nationals who are part of or ancestors of the Russian populations encouraged to resettle in Latvia by the Soviets after their brutal subjugation of the Baltic states to implement the infamous Molotov-Ribbentrop Pact of 1939. Many of the Latvians including their president, Karlis Ulmanis, were forcibly removed to Siberia to fall unspeakable hardship and death.

Despite the understandable frustration and anger among Latvians of their loss of independence under the domination of the Soviet Union, the Latvian votes commendably rejected a referendum that would have derailed legislation to liberalize the requirements for obtaining citizenship for its non-citizen residents. In a country like Latvia, where ethnic Latvians now make up slightly less than half of the people living there, Latvian voters have sensibly recognized the reality of the changes it must make to maintain domestic tranquility and integrate its citizens into a unified force to build its future and reduce one crucial element of controversy with its neighbor, the Russian Federation.

Mr. Speaker, this Member encourages his colleagues to read the following editorial and to act to individually commend the Latvian government and voters for their good judgment, even in the face of the suffering and repeated provocations they have felt from the Soviet Union.

[From the Washington Post, Oct. 12, 1998]

#### LATVIA'S PROGRESS

One of the great dramas of this decade has been the struggle of three small Baltic countries to reestablish their national identities after a half-century of Soviet occupation. Estonia, Latvia and Lithuania are succeed-

ing more quickly and with less fuss than anyone had reason to hope. Only on rare occasions of tension, such as when Russia suddenly began putting the squeeze on Latvia last spring, does one or another Baltic nation make a brief appearance in the news. A recent referendum held in Latvia typically went mostly unnoticed here.

The Soviet government shipped so many Latvians to Siberia and settled so many Russian-speakers in Latvia that when it regained independence in 1991 barely half its residents were ethnic Latvians. For any tiny nation trying to preserve a language and culture in the shadow of a large power, this would have posed a challenge; for a nation that felt it barely had escaped extermination, the challenge was particularly sharp. At the same time, many Latvians realized they could not hope to join modern Europe unless they welcomed and integrated all of their residents into their society. Many realized that a large pool of disaffected ethnic Russians would offer a perpetual pretext to make trouble for politicians in Moscow.

The Oct. 3 referendum concerned the rights of these 600,000 noncitizens (in a population of 2.5 million). In June, parliament approved a liberalizing law allowing any number to apply for citizenship instead of setting an annual quota. The law also qualified for citizenship children born since 1991 to noncitizens. Latvian nationalists opposed to the law, or resentful of Russian and Western pressure on the matter, gathered enough signatures for a referendum. But Latvians, by 55 percent to 43 percent, endorsed the changes.

Latvians still must demonstrate a sustained commitment to integration through language classes and other means. Russian speakers still must demonstrate their commitment to their new country. But the referendum result is an important symbol of Latvia's desire to join the West as a liberal democracy. Now Western institutions that strongly encouraged this result, and in particular the European Union, should respond by accelerating Latvia's inclusion in Europe.

## THE ASSET-BUILDING FOR WORKING AMERICANS ACT

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Mr. THOMPSON. Mr. Speaker, as you know, there are a variety of different manners through which eligibility for public assistance programs are limited according to income and resources. Unfortunately, these complex procedures often produce unwanted effects. I have particular concerns with the manner in which eligibility for public assistance programs is affected by savings accrued through the Earned Income Tax Credit (EITC). The legislation I will introduce today, the "Asset-Building for Working Americans Act," will seek to correct these problems. While the Asset-Building for Working Americans Act may undergo some changes before next year, I hope this original draft will stimulate a productive debate and suggestions for possible improvement before its reintroduction in the 106th Congress.

Existing income and resource limitations governing eligibility for Supplemental Security Income (SSI), Medicaid, and public housing disregard money saved from EITC payments for two months. At the end of these two months, working families must spend their

EITC payment in order to prevent losing their eligibility for these programs. As a result, working families may miss the opportunity to build the savings needed to accrue enough assets to escape poverty permanently.

The Asset-Building for Working Americans Act corrects this unfortunate situation by adjusting the resource limitations for SSI, Medicaid, and public housing to disregard savings made through the EITC for 12 months—the same provision governing the eligibility for food stamps at the present time. The bill will also encourage states to define eligibility for Temporary Aid to Needy Families payments in the same manner.

Permitting families to save their EITC payments for up to a year and still remain eligible for these public assistance programs would allow low-income working families to live and raise their children in health and safety while saving money for long-term security. In effect, families could save two EITC payments rather than just one—up to \$4,304 for a family of three. Once these two annual EITC payments make such a family ineligible for public assistance under the new resource limitations proposed in my bill, the family would have saved the money needed to take good steps towards building a better future, such as starting a small business; getting an education; or making a down payment towards a first home.

The Asset-Building for Working Americans Act does not encourage increased government handouts or dependence. It will instead encourage working Americans to save their EITC payments for the future by assuring them of access to the temporary assistance needed at the present. The Asset-Building for Working Americans Act is a good first step towards encouraging low-income families to look towards tomorrow today, and I encourage my colleagues on both sides of the aisle to work with me in support of it during the next Congress.

## NATIONAL SALVAGE MOTOR VEHICLE CONSUMER PROTECTION ACT OF 1998

SPEECH OF

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mr. DINGELL. Mr. Speaker, at some point, I hope that my Republican friends will explain to me their views on federalism. With this bill, the Majority is embracing the notion that the Federal Government possesses wisdom superior to the states on the subject of issuing motor vehicle titles.

The legislation stops short of a federal takeover of the state function of titling motor vehicles or creating a new Federal Department of Motor Vehicles. However, it tells every state in the country that it must comply with new federal regulations governing how states title motor vehicles. These new regulations will establish, and I quote, "uniform standards, procedures, and methods for the issuance and control of titles for motor vehicles and for information to be contained on such titles."

In Committee, Democratic Members raised a number of concerns about this legislation. Those problems still remain in the bill we have before us today.

First, this legislation gives no money to the states to perform inspections, if required, nor

does it provide funds to carry out other new, federally imposed duties. I must admit I'm a bit perplexed. I thought my Republican colleagues had committed not to impose costly new burdens on state and local governments without compensating them for their expense.

Second, the bill could still preempt state laws that give the consumer greater protection. Although, under certain circumstances, the amendment before us lets the states set the percentage of value loss that will define what a salvage vehicle is, this bill could still preempt state laws that provide greater consumer protections in other areas of salvage vehicle title branding.

Third, the bill gives the Department of Transportation authority to issue regulations covering all aspects of vehicle titling by the states. That may be more than needed to accomplish the bill's stated purpose, which is to require title branding for salvage vehicles nationwide.

Mr. Speaker, for these reasons, the National Association of Attorneys General has opposed this legislation, as has a broad-based coalition of consumer groups. Among the consumer groups opposing the bill are: the Consumer Federation of America, Public Citizen, Consumers Union, and the U.S. Public Interest Research Group.

Clearly, there are legitimate theft prevention and consumer protection issues involved in the way the states title motor vehicles. I am not opposed to addressing these in a prudent and careful manner which respects the rights of the states.

I, therefore, suggest strongly that this bill simply needs more work and that it should not be enacted into law in its present form. This legislation seeks to address important public policy goals. However, we should be careful that our solution to these public policy concerns does not create new problems that we are not prepared to deal with.

#### ASSISTIVE TECHNOLOGY ACT OF 1998

SPEECH OF

**HON. PATSY T. MINK**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 9, 1998*

Mrs. MINK of Hawaii. Mr. Speaker, I am pleased to rise in strong support of S. 2432, the Assistive Technology Act of 1998.

Assistive technologies have dramatically improved the quality of life for thousands of people in Hawaii and millions around the country. In addition to increasing the range of physical functions a person is capable of, assistive technologies provide psychological benefits increasing self esteem and empowering individuals with independence.

The Assistive Technology Act authorizes a range of programs designed to eliminate barriers preventing maximum utilization of Assistive Technologies. In addition to grants for public awareness, promotion, outreach and research, S. 2432, provides for programs that would encourage various segments of the community to become involved in assistive technology efforts.

I am particularly pleased that this bill contains specific provisions for outreach activities in rural and impoverished urban areas and for children and older individuals.

I am also delighted that S. 2432 authorizes alternative financing mechanisms including: loan guarantee or insurance programs, low-interest loan funds and interest buy-down programs; to help individuals with disabilities and their families to purchase assistive technology devices.

For many individuals with disabilities, assistive technologies means freedom and independence. What most of us take for granted.

I support the Assistive Technology Act of 1998 and urge its immediate passage.

#### RECOGNITION OF EMMA UDOVICH INDUCTED INTO THE TEXAS SENIORS HALL OF FAME

**HON. SILVESTRE REYES**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Mr. REYES. Mr. Speaker, I am pleased to recognize Emma Udovich, of El Paso, as a recent inductee of the Texas Seniors Hall of Fame. Emma was honored on September 22, 1998 at the opening ceremonies of the state games in Temple, Texas. At 74 she has won a roomful of medals for her athletic endeavors.

In 1986 Emma Udovich heard about the Senior Games over the radio in El Paso, she entered two cycling events and won two gold medals. Emma did not begin competing until she was in her sixties. In the next 13 years she found herself entering over 14 venues in the Senior Games as well as all 6 national Senior Games all over the Country.

Among her accomplishments Emma boasts the following titles: the first woman to be named El Paso Senior Games; Athlete of the Year (1994), Broke Senior national games; cycling record in mile race (1991), Lubbock Sports Classic; Outstanding Woman Athlete (1997), and Emma has won more than 200 gold medals among her 300 awards in senior games competition since 1986.

I am proud to recognize my fellow El Pasoan, Emma Udovich, for her remarkable accomplishments. Emma is a role model for all of us, at 61 she found her calling in athletic competition and pursued her dream. Today Emma has realized that dream through hard work, perseverance and the love of athletic competition. She is a beacon of hope for us all, and shows us that it is never too late to pursue your dreams.

#### HONORING ELEANOR GARLISI FOR HER YEARS OF SERVICE AS HEAD NURSE IN THE OFFICE OF ATTENDING PHYSICIAN, US CAP- ITOL

**HON. BOB CLEMENT**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Mr. CLEMENT. Mr. Speaker, I rise today in honor of Eleanor Garlisi and her six years of service as the Head Nurse in the Office of Attending Physician of the US Capitol.

On November 3, Nurse Garlisi will retire from the Office of Attending Physician. I would like to take this opportunity to thank Nurse Garlisi for her years of service to this body

and for making sure that all of my distinguished colleagues have had their shots.

During her tenure as Head Nurse, Eleanor has done everything from educating her patients on how to improve their health to providing emergency care for members, staff, and visitors to these hallowed halls.

I know that all of my colleagues who have had to visit the Office of Attending Physician will join me in thanking Nurse Garlisi for her care and compassion. I congratulate Nurse Garlisi on her years of service and wish her continued happiness and success in her future endeavors.

#### TRIBUTE TO SUE ELLIS

**HON. DAVID E. BONIOR**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Mr. BONIOR. Mr. Speaker, I would like to recognize today the accomplishments of my good friend, Sue Ellis. On September 30, Sue retired from her position as Director of Congressional Relations for Gallaudet University after nearly thirty years of service. During her years at Gallaudet, Sue has held many positions and her list of accomplishments is long.

Sue has been a wonderful asset to Gallaudet through her commitment to furthering the causes of the hearing-impaired community. Under Sue's watch, the University has flourished. Gallaudet has grown from a college to a university—an institution of higher learning led by a hearing-impaired president. Through much of her work with Congress, Sue has helped increase awareness of the importance of Gallaudet University to every community, not just the hearing-impaired.

Personally, Sue has been a very good friend to me and my staff and has encouraged my office to become more involved with the hearing-impaired community in my district. Sue has helped my office hire hearing-impaired interns and full-time staff and we appreciate her support and assistance to make this possible by helping to install the proper technology and arrange sign language classes for my staff and me.

I have also worked closely with Sue in her tireless efforts to organize the Congressional Basketball Game. This fundraising effort has grown from a small event into a tremendous success with national support and raises hundreds of thousands of dollars for the students at Gallaudet.

Through our many years of working closely with Sue, my office considers her a part of our family. I would like to personally thank her for her dedication to an important issue and her commitment to making our world a better place for all. We wish you all of the best in your retirement.

#### PERSONAL EXPLANATION

**HON. GEORGE R. NETHERCUTT, JR.**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Mr. NETHERCUTT. Mr. Speaker, on October 9, after 6:00 p.m. and on October 10, I was absent from the Chamber. I ask unanimous consent that the RECORD reflect that had

I been here I would have voted "Aye" on roll-call votes 511–520.

CELEBRATING 9TO5'S TWENTY-FIVE YEARS

**HON. THOMAS M. BARRETT**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Mr. BARRETT of Wisconsin. Mr. Speaker, on Thursday, October 16, 1998, 9to5, the National Association of Working Women, will celebrate 25 years of advocating work place issues for women.

9to5 started in 1973 when a group of clerical workers in Boston decided that women workers deserved respect, higher pay, and better working conditions. Since then, as an increasing number of women continue to join the workforce, 9to5 has challenged employers and lawmakers to make the work place more responsive to women and families.

9to5 has worked tirelessly to win rights for women workers. They have worked to eliminate the practice of firing pregnant women, to establish leave time for women—and men—to care for a sick loved one, and to educate employers and employees about sexual harassment. Their efforts have translated into better work environments and higher morale for employees and higher production and lower turnover for employers.

In 1978, 9to5 members were instrumental in passing landmark legislation, the Pregnancy Discrimination Act, making it illegal for employers to discriminate against pregnant women. During the 1980's, 9to5 focused on passing a number of State laws on pay equity and family and medical leave. In 1987, in my home city of Milwaukee, Wisconsin, 9to5 piloted the "Job Retention Project" to help women make the transition from welfare to work. The successful project became the model for similar projects in Cleveland, Atlanta, and Los Angeles.

In 1993, 9to5 championed another legislative milestone, passage of the Federal Family and Medical Leave Act which allows workers to take leave to care for a family member without risk of losing their job. Also, in the 1990's, 9to5 has focused on sexual harassment in the work place by helping employers establish effective policies on sexual harassment.

As 9to5 celebrates the successes of the past 25 years, issues of fairness and equality continue to challenge women in the workforce. 9to5 will continue to fight the battle for women in the work place seeking higher and more equitable pay, more and better family-friendly policies, stronger employment programs and a reliable social safety net.

I congratulate 9to5 on its accomplishments and I encourage its members to continue their efforts to make the work place safer for women across the country.

RECOGNIZING THE ACCOMPLISHMENTS OF INSPECTORS GENERAL

SPEECH OF

**HON. RICK LAZIO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Saturday, October 10, 1998*

Mr. LAZIO of New York. Mr. Speaker, I rise in support of the joint resolution, S.J. Res. 58, to recognize and praise the accomplishments of our Inspector Generals who strive every day to prevent and detect waste, fraud, abuse, and mismanagement, and to promote economy, efficiency, and effectiveness in the Federal Government.

I would specifically like to commend the accomplishments of the Office of the Inspector General of the Department of Housing and Urban Development (HUD). HUD Inspector General Susan Gaffney has worked with the Secretaries of HUD, the Congress, HUD managers and employees and the public to prevent and detect waste, fraud and abuse and bring about positive changes in the integrity, efficiency, and effectiveness of HUD operations.

For many years, HUD has been highly criticized for its poor performance and mismanagement. In September 1992, Congress mandated that the National Academy of Public Administration (NAPA) conduct a comprehensive review of HUD. The final July 1994 NAPA Report found that HUD's overload of some 240 programs was draining HUD's resources, muddling its priorities, fragmenting HUD's workforce, and confusing communities. NAPA concluded that if HUD did not clarify and consolidate its legislative mandate in an effective, accountable manner in five years (by 1999), Congress and the Administration should consider dismantling the Department.

And there is more. In 1994, the GAO designated HUD a "high-risk agency" because of long-standing Department-wide mismanagement which have made HUD vulnerable to fraud, waste, and abuse. As a result, HUD has weak internal controls, poorly integrated information and financial systems, organizational problems and an insufficient mix of staff with proper skills.

HUD Inspector Susan Gaffney, appointed to office in August 1993, has spent the last five years getting things done at HUD.

Gaffney brings much experience and knowledge to the table. Susan Gaffney received a B.A. degree at Wilson College in 1965, earned an M.A. at Johns Hopkins School of Advanced International Studies, and studied in the Ph.D program in economics at Cornell University.

In 1970, Ms. Gaffney began her experience with housing issues as a staff analyst in the Department of Housing Preservation and Development with the City of New York. She departed, in 1979, as Deputy Commissioner of that Agency to accept a position as Director of Policy, Plans and Programs, Office of Inspector General, Agency for International Development.

She served in that capacity until 1982, when she was selected to serve as Assistant Inspector General with the General Services Administration (GSA). In 1987, Ms. Gaffney became Deputy Inspector General of GSA, where she assisted the Inspector General in directing all audit, investigatory and adminis-

trative functions. Appointed Acting Assistant Director of OMB's Financial Policy and Systems Branch, Management Integrity Branch, and the Cash and Credit Branch. She developed OMB's financial management strategy, and developed policy for implementation of the Chief Financial Officers Act. Her duties also included the formulation of revised policy and instructions for the Federal Managers' Financial Integrity Act, Federal credit programs, and cost principles governing Federal reimbursements.

Beginning in 1991, Ms. Gaffney served as Chief of the Management Integrity Branch at OMB; and developed government-wide policy relating to the Federal Managers' Financial Integrity Act, OMB's High Risk List, and the Inspector General Act. She also directed government-wide implementation of organizational, personnel, and reporting requirements of the Chief Financial Officers Act. Her experience in directing audit and investigatory functions has allowed her to bring a level of professionalism to the Office of the HUD IG that demands commendation.

Gaffney has spent the past five years at HUD supervising and coordinating audits and investigations of HUD's programs and operations. Furthermore, she recommends policies and coordinates activities geared to promoting economy, efficiency, and effectiveness in HUD programs.

Susan Gaffney has worked closely with former Secretary Henry Cisneros and Secretary Andrew Cuomo to help change HUD's high-risk status by monitoring management reform initiatives made by the Department. Ms. Gaffney has also taken important strides to improve public housing with the Operation Safe Home program. The Operation Safe Home program is a collaboration by the Office of Inspector General (OIG) and Federal, State, and local law enforcement agencies to combat crime in public and assisted housing.

Despite the dedicated efforts on the part of HUD and the IG, the Department still must make more progress. The HUD IG's Semi-annual report to Congress recognized improvements in some aspects of HUD's performance, but noted that, "progress is slow, and the Department's systemic weaknesses have not been directly addressed." In particular, Gaffney found that the HUD staff is incapable of managing the enormous number and wide-variety of programs run by the Department. In addition, the OIG found that various components of HUD are not equipped to provide reasonable stewardship over taxpayer funds expended for their programs.

The GAO also concluded that while HUD deserves credit for its progress in addressing management deficiencies, the department is far from fixed. The GAO states that HUD programs will remain high-risk until two actions are completed. First, HUD must complete more of its planned corrective actions, principally those related to internal controls and information systems. And, secondly, the Administration and Congress must agree on HUD's mission, structure, and approach to programs.

It is important to acknowledge that the work of the Inspector General is an on-going, vital process of maintaining smooth government operations and of preventing the waste and abuse that can occur in federal programs. The HUD IG must continue her work with the Department to improve all high-risk programs.

I encourage all Members of Congress to support this resolution. Let's praise and acknowledge the valiant efforts of all the Offices of Inspector Generals to facilitate our oversight duties and help us to improve the programs and operations of the Federal Government,

EXTENSION OF REMARKS ON THE  
MEDICARE MEDICAL NUTRITION  
THERAPY ACT

**HON. JOHN E. ENSIGN**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Mr. ENSIGN. Mr. Speaker, it is rare for any legislation in the House of Representatives to obtain the support of a majority of its members. In fact, fewer than one percent of all bills introduced in the 105th Congress have reached this status. I would like to announce with pride that a bill I sponsored, H.R. 1375, The Medical Nutrition Therapy Act, has achieved this remarkable level of support.

Over 220 of our colleagues support this measure because they recognize that the absence of coverage for nutrition therapy services is a glaring omission in current Medicare policy. Medical science makes clear that properly nourished patients are better able to resist disease and recover from illnesses than those who are malnourished. We also know that elderly Americans are at a higher risk of malnutrition than others in society due to the naturally occurring aging process.

Despite this knowledge, Medicare does not cover nutrition assessment and counseling services by registered dietitians—what is commonly known in the health care field as medical nutrition therapy (MNT). As a result, the elderly either pay for this service out of their own pockets, or go without. This is not a choice that those on fixed incomes should have to make. Medical nutrition therapy is medically necessary care and ought to be a covered benefit.

I am convinced that this bill is an important part of the solution to saving Medicare. It will help us cut costs without sacrificing the quality of patient care. Empirical evidence shows that MNT is effective for patients with diabetes, heart disease, cancer and other costly diseases that are prominent among the elderly. It lowers treatment costs by reducing and shortening the length of hospital stays, preventing health care complications and decreasing the need for medications. Yet still, we do not provide seniors coverage for this care.

It should be noted that support for medical nutrition therapy is not confined to Congress. Major patient advocacy groups including the American Cancer Society, the American Heart Association, the National Kidney Foundation, the American Diabetes Association and the National Osteoporosis Foundation also support coverage for MNT. These groups understand that appropriate nutrition therapy saves money and lives.

Any measure that achieves such an impressive level of political support is deserving of serious deliberation in this body. While I regret that this bill will not be taken up in the remaining days of this Congress, I urge the leadership of both parties to make this bill a top priority next year. While the Balanced Budget Act helped strengthen the Medicare program in

the short term, additional reforms will be necessary to prepare the program for the coming retirement of the Baby Boom generation. Congress will be remiss if it overlooks medical nutrition therapy as part of those long-term reforms.

In closing, I want to thank the American Dietetic Association and the Nevada Dietetic Association for their fine work in helping me educate members of Congress about this important measure. The dedicated health and nutrition professionals represented by those groups can be proud of how far this bill had advanced in the 105th Congress and confident that we will ultimately succeed in these efforts.

STAND UP FOR STEEL

**HON. JERRY F. COSTELLO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Mr. COSTELLO. Mr. Speaker, I rise today to stand up for steel. Our steel industry is being decimated and the Republican leaders in Congress have once again resorted to partisan tactics that hurt American workers.

I am a cosponsor of H. Con. Res. 328. This resolution was cosponsored by 120 of my colleagues—both Democrat and Republican. This resolution calls on the Administration to take all necessary measures to respond to the surge of unfairly traded steel imports resulting from financial crises overseas. When one of my democratic colleagues attempted to bring the matter up for debate in this House last week, he was rebuked, essentially along party lines.

Instead, today the Republican leadership brings to the floor of this House a sham steel resolution. The Republican resolution makes substantial changes to water-down H. Con. Res. 328. This weakened resolution does not adequately address the seriousness and urgency of the steel crisis, nor the prospect of losing hundreds of thousands of American jobs.

The U.S. steel industry is suffering because the Russian and Asian financial crises have led those countries to illegally dump their steel on our market. Unfortunately, the trade laws that would protect American workers from unfair and illegal practices are being ignored. Foreign steel is pouring into our country where it is being sold below the cost of production. U.S. steel prices have fallen 20 percent in the last three months and will dive even further in the future if we do not act now. The U.S. steel industry has been forced to layoff workers and move to shorter work weeks. The industry has seen significant cuts in production and orders have been lost. In my district, steel companies have been forced to send workers home and are operating on four-day weeks.

We can ill-afford to be the world's dumping ground for unfairly-traded steel. While I am saddened by the financial disasters in Asia, Russia, and elsewhere, these countries should not be allowed to export their problems here. We must find other means to help our trading partners deal with their economic challenges. Allowing unfairly-traded steel to flood our markets helps no one.

I am disappointed and ashamed that the Republican leadership in this body has turned the steel crisis into a partisan game. The reso-

lution we consider today is a poor attempt to lull American workers into thinking that Republicans are concerned about their plight. We should reject this resolution. We must take a real stand for U.S. steel and U.S. steelworkers. This resolution does not fit the bill. Let's send it back and bring a strong resolution—like H. Con. Res. 328—to the floor of this House. I urge my colleagues to defeat this resolution.

TRIBUTE TO THE HUNTER COLLEGE CENTER ON AIDS, DRUGS AND COMMUNITY HEALTH

**HON. JOSÉ E. SERRANO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to the Hunter College Center on AIDS, Drugs and Community Health, which will celebrate its tenth anniversary of promoting public health in New York City on Friday, October 16.

The Hunter College Center on AIDS, Drugs and Community Health was created in 1987 to respond to the growing public health crises that were devastating New York City's low-income communities. Its mission is to assist the people and organizations in poor neighborhoods to respond more effectively to the threats to public health caused by HIV/AIDS, substance abuse, tuberculosis, violence and related conditions.

Mr. Speaker, in the past ten years, the Center has provided direct services to more than 25,000 individuals, helped more than 75 community organizations create or strengthen health programs, trained more than 5,000 health and social service professionals, and provided internships, courses or research placements to more than 2,000 students from Hunter and elsewhere.

The Center has also received more than \$17 million in grants and contracts from private foundations and public agencies and has in turn provided more than \$500,000 directly to community organizations and neighborhood service providers to support their programs.

While it is important, and appropriate, to recognize the caregivers who provide these services, it is even more important that those individuals who have made special efforts to overcome their challenges also receive our attention and support.

As the Center enters its second decade, it has ambitious plans for the future. Beginning in 1998, with the support of the New York City Department of Health and in collaboration with the Hunter Center for Occupational and Environmental Health, the Center will provide training, assistance and evaluation support for a new citywide initiative against childhood asthma, which is a major problem in my congressional district.

Mr. Speaker, I hope my colleagues will join me in honoring the physicians, nurses, case-workers, administrators, clerical workers, and all of the other caregivers and support staff of the Hunter College Center on AIDS, Drugs and Community Health for their outstanding efforts at this important milestone, and in wishing them continued success.

PRESCRIPTION DRUG INFLATION:  
WHY WE NEED TO PASS A MEDI-  
CARE PRESCRIPTION DRUG PRO-  
GRAM

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Mr. STARK. Mr. Speaker, last week, I introduced H.R. 4753, a bill to provide a Medicare prescription drug benefit.

Prescription drug expenses are projected to continue to inflate at a rate far above the general inflation in the economy and in medical care. More and more Americans and Medicare retirees will be facing financial hardship in paying for prescription drugs in the coming years. A national prescription drug insurance program, which would utilize the buying efficiencies of the Medicare program, is the best way to help meet this growing problem.

The September/October 1998 issue of Health Affairs contains a major article by HCFA actuaries and economists entitled, "The Next Ten Years of Health Spending: What Does the Future Hold?" Following are the paragraphs from the article describing anticipated prescription drug spending. Clearly, if these predictions are half correct, Congress should act to help.

Growth in prescription drug spending is expected to continue at a relatively rapid pace, supported by continued declines in our out-of-pocket payments for drugs associated with the shift of Medicare patients into managed care and an acceleration in new product introductions. Drug-price inflation began to rise in early 1998 and is expected to exceed its relatively slow pace of recent years through 2007.

Drugs. Recent rapid growth in drug costs over the past two years has often been cited as a contributing factor to health plans' escalating costs. Recent higher spending growth is almost entirely accounted for by rising utilization (number of prescriptions) and intensity (including changes in size and mix of prescriptions). Drug price inflation (as measured by the CPI for prescription drugs), which has historically been a major factor in rapid growth, has been relatively restrained since 1993. Excess inflation for prescription drugs averaged only 0.5 percent for 1993-1997, following a period (1982-1993) of 5.3 percent average growth.

Response by both consumers and health plans to slower growth in consumers' out-of-pocket payments for drugs has clearly played a role in the recent rise in utilization. In addition to slower drug price inflation, growth in out-of-pocket expenditures has been low since 1993, which reflects the shift to managed care, in which copayments for drugs tend to be much lower.

Growth in drug spending is expected to accelerate moderately through 1998 and to sustain fairly rapid rates of growth through 2007. Real per capita growth is expected to average just below 6 percent, about equal to the average during the 1980's. While drug prices are projected to accelerate from recent lows, average inflation rates are assumed to remain below the exceptionally rapid pace of the 1980's, with excess drug price inflation averaging 1.7 percent for 1998-2007. Rapid growth in use and intensity are expected to continue to account for most of the growth in spending.

AUTHORIZING THE COMMITTEE ON  
THE JUDICIARY TO INVESTIGATE  
WHETHER SUFFICIENT GROUNDS  
EXIST FOR THE IMPEACHMENT  
OF WILLIAM JEFFERSON CLIN-  
TON, PRESIDENT OF THE UNITED  
STATES

SPEECH OF

**HON. SAXBY CHAMBLISS**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 8, 1998*

Mr. CHAMBLISS. Mr. Speaker, "The House of Representatives shall have the sole power of impeachment." I take these words directly from Article I, Section 2 of the Constitution of the United States. Reading further, "The President shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors" (Article II, Section 4). It is this Constitution I swore an oath to uphold as Representative of the people of Georgia's 8th district, and it is the demands of this Constitution that I must interpret as I prepare to vote on this resolution to authorize a full inquiry to determine whether sufficient grounds exist to impeach President William J. Clinton.

Recently, the House of Representatives received the report of the Independent Counsel, Kenneth Starr, as his investigation relates to White House response to certain activities. While I condemn the President's decision to carry on a sexual relationship he has now come to admit, the substance of this relationship is irrelevant to the decision we face today.

The independent Counsel has reported 11 separate counts that may serve as the basis for the impeachment of the President. Among them, they include obstruction of justice, perjury, and witness tampering. Note that not one of the counts reported to the House addresses the right or wrong of the President's relationship with the former intern. The report contains allegations of activity that are inconsistent with the laws of this land, laws the President has sworn to uphold, laws the President and no man are above.

The decision we face today is as follows: Based on the report of the Independent Counsel, should the House of Representatives direct its committee on the Judiciary to make such investigation as is necessary to determine whether the facts warrant the bringing of articles of impeachment to the full House. Having had the opportunity to review the report of the Independent Counsel, my answer must be 'yes.'

While I regret much of the detail associated with this inquiry, the responsibility for it may not be laid at the foot of the Congress or the Independent Counsel. I am confident that this House can and will pursue this inquiry with the import and dignity that will be demanded by the American people and the Constitution, itself. I do not take this action lightly, but if this Nation is to continue as the beacon of freedom, the seat of democracy, and if it is to continue to be in the words of Abraham Lincoln a "Government of the people, by the people, and for the people," we must not shy away from our responsibility. Over its history this great Nation has many times offered the ultimate sacrifice of its sons and daughters to protect our constitutional form of government.

If for no other reason, it is for those fallen Americans that we must enforce the rule of law today.

Mr. Speaker, it is with a sad, yet resolved, heart that I support the resolution before us today to authorize the inquiry into whether sufficient grounds exist to impeach President William J. Clinton.

IN PRAISE OF CHARLOTTE, NORTH  
CAROLINA'S "UNITY AGAINST  
HUNGER AND POVERTY"

**HON. SUE MYRICK**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 12, 1998*

Mrs. MYRICK. Mr. Speaker, I rise today in support of Charlotte, North Carolina's "Unity Against Hunger and Poverty." For years, this coalition of Charlotte area anti-hunger and homelessness programs has worked hard to care for the needy of Charlotte-Mecklenburg. Recently, the members of "Unity Against Hunger and Poverty" sent a letter to my colleague, Representative TONY HALL of Ohio, praising Mr. HALL for his tireless efforts to secure full federal funding for The Emergency Food Assistance Program (TEFAP). I am submitting the text of the group's letter for the CONGRESSIONAL RECORD because it serves as a suitable tribute to both the work of my friend, Mr. HALL, as well as to the dedication and efforts of "Unity Against Hunger and Poverty."

I will always support full funding for the TEFAP program. TEFAP provides vital assistance to our nation's local anti-hunger programs, providing food banks with 20% of the food they need every year. At the same time, TEFAP is a model of government efficiency. While the food stamp program returns only four cents of every dollar to agricultural producers, the TEFAP program returns eighty-five cents of every dollar back to America's farmers. It simply makes sense for the government to purchase excess agricultural commodities to distribute to food banks. By doing so, we can help families get through hard times and can help farmers deal with low commodity prices.

AUGUST 13, 1998.

Hon. TONY P. HALL,  
*House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE HALL: For over twenty years, you have led the fight against domestic and international hunger in the halls of Congress. So often you must have felt alone and discouraged, but still you persevered. People you will never know have benefited from your work and the battles you have fought.

Today we, the members of Unity Against Hunger and Poverty in Charlotte, send this letter to express our heartfelt gratitude. Your beacon has led us, pointing the way as we battled the darkness of hunger and poverty in our daily work.

Your leadership transcends Ohio's Third Congressional District. Indeed, your spirit has touched us here in North Carolina. We are better as professionals and as human beings because you inspired us with your example of hope laced with action.

Thank you for bearing the standard when so many others have fallen aside. We pray that you will be given the strength to continue.

Sincerely, the undersigned members,  
Unity Against Hunger and Poverty:

LYN MORTON,

Loaves & Fishes.  
 KEN M. MONTAPUT,  
 Charlotte Emergency  
 Housing.  
 BETSY VAN WIER,  
 Second Harvest Food  
 Bank of Metrolina.  
 FRANCES DANIEL,  
 Church World Serv-  
 ice/CROP.  
 MARY ANN PILCE,  
 Urban Ministry Soup  
 Kitchen.  
 BONNIE WHIT,  
 Community Food  
 Rescue.  
 MARILYN MAAS,  
 Society of St.  
 Andreu/Gleaning  
 Network.  
 E.J. UNDERWOOD,  
 Charlotte Rescue  
 Mission.  
 FRANK MANFIELD,  
 Uptown Shelter for  
 Homeless Men.  
 LUCY BUSH,  
 Friendship Trays.  
 MARCIA MORTON,  
 Presbytery of Char-  
 lotte.  
 BEF HOWARD,  
 Loaves & Fishes.

#### MAKAH WHALING EFFORT

#### HON. JACK METCALF

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, October 12, 1998

Mr. METCALF. Mr. Speaker, I rise today to briefly discuss the ongoing Makah whaling effort. As you may know, the Makah tribe have begun their efforts to hunt gray whales inside the Marine Sanctuary off the coast of Washington State. I continue to stand opposed to the slaughter of these whales, and have grave concerns about the effects that this hunt will have on the whale watching industry in my region and the precedent it sets world wide.

I ask unanimous consent to include this letter in the section for Extension of Remarks, written to NOAA by Mr. Will Anderson of the Progressive Animal Welfare Society (PAWS), an organization in Washington State. The letter brings forward some very interesting and provocative points against the whale hunt, and I would like to submit the text for consideration by the Members of the House and the public.

PAWS,

Lynnwood, WA, September 29, 1998.

D. JAMES BAKER,  
 Under Secretary for Oceans and Atmosphere,  
 Washington, DC.

DEAR DR. BAKER: As you know, the Makah have declared in the media that they will hunt gray whales anytime after October 1, 1998. This letter is a petition and notification on behalf of the members and supporters of the Progressive Animal Welfare Society (PAWS), a nonprofit organization based in Lynnwood, Washington. The subject of this letter concerns three documents created by agencies within the Department of Commerce.

However, before I describe our concerns regarding those documents, I need to first bring up the question of the Makah whaling season and their agreement, in the Makah Management Plan, to not kill resident whales.

I have read your letter to Mr. Ben Johnson, Chairman of the Makah Tribal Council,

dated March 6, 1998. In that letter, with one reservation, you approved the Management Plan For Makah Treaty Gray Whale Hunting For The Years 1998-2002 (the Plan) and indicated that the Plan was understood by your agency to mean that only migrating gray whales would be targeted by Makah hunters. PAWS concurs with your finding that migrating gray whales are unlikely (we believe there is zero chance) to be in the area of Neah Bay until November. However, we are also aware of ample research data from both the United States and Canada that states the southward migration of gray whales will not arrive in Washington waters until December. Until that time, resident whales predominate. I recently confirmed this with Dr. Jim Darling, whose data the U.S. attorneys used in Metcalf versus Daley recently.

Unfortunately, the Makah seem intent on breaking the Agreement Between NOAA and the Makah Tribal Council (the Agreement). They have given clear signals to the media that they intend to kill whales on October 1, or shortly thereafter. Only "resident" whales will be there at that time.

So, we have two immediate problems: The first is that the Makah appear prepared to break the Agreement, perhaps within 48 hours, with Commerce's pre-knowledge. The second is the March 16 letter that asserts that the migration will be passing through Washington in November. Additionally, to my knowledge, as of today, the Makah have neither consulted with Commerce/NMFS that they believe a migration is under way, as is provided by the Whaling Plan and your March 16 letter, nor does NMFS have any idea of what that consultation would consist of or who would make that decision (personal communication with NMFS Seattle, this date).

Dr. Baker, I respectfully request that you immediately inform the Makah Whaling Commission and the Makah Tribal Council that it is a violation of the Agreement to kill the resident gray whales who transit between SE Washington harbors, to Neah Bay waters and Vancouver Island, Canada. More appropriately, the Makah hunt should not be done in the fall, even December, since the first of the migrating southbound whales are characteristically pregnant females.

Because the Makah are going back on their stated intent to only kill migratory gray whales and they appear to be violating the understanding as expressed in your March 6 letter, resident whales will be killed. (It should be noted that it will be impossible to tell the difference between migrants and residents during the migration because the two categories intermingle at those times. Only the odds of killing a resident change.)

PAWS urges you to rectify these matters by stating that, at the least, whaling will not be allowed to commence until December and that no whaling permits should be issued until that time. Furthermore, PAWS requests that you notify NMFS Seattle and instruct them to not declare a migration is in progress. It is scientifically untenable to do so.

The second overriding problem is that it appears Commerce has approved a Plan and entered into an Agreement which are both materially insufficient, at the least. There is a direct linkage beginning with 50CFR, Part 230 that describes what each document is to accomplish and what it is to contain. What follows is a review of three key documents that are the foundation of the Commerce Department's pro-Makah whaling program. The documents are. Federal Register/Vol. 61, No. 113/Tuesday, June 11, 1998/Rules and Regulations which is the publication of 50 CFR, Part 230, the revised domestic whaling regulations enabling the Inuit and Makah to hunt; the Agreement Between The National

Oceanic And Atmospheric Administration And The Makah Tribal Council (the "Agreement"); and the Management Plan For Mikah Treaty Gray Whale Hunting For The Years 1998-2002 (the Plan).

FEDERAL REGISTER ("FR"), 6/11/98: 50 CFR, PART 230

There are a number of "promises" made by the Department of Commerce/NMFS in both the preamble discussion and the final Rule. Both Toni Frohoff, representing the Humane Society of the United States (HSUS) and I, representing the Progressive Animal Welfare Society (PAWS) submitted comments on the revised regulations. Quotes from the Federal Register are in quotation marks and italicized.

(A) FR, page 29630, bottom half of second column, "Nevertheless, NMFS will initiate research this summer on gray whales in the Makah area and in Puget Sound. This research is intended to help differentiate resident whales which may swim near Seattle and other local whale watching areas, from whales that are migrating past Neah Bay." Comment: Aside from the known fact that any whales killed in October will not be migrants, and the fact that we know John Calamokidis has an ongoing research program of Washington's gray whales funded by NMFS, has the research been completed? Does this research cited in Commerce's response really give us the ability to differentiate between residents and migrants?

(B) FR, page 29630, bottom of second column to top of third column, "If the IWC authorizes whaling by the Makah Tribe, NMFS will re-assess its obligations under the National Environmental Policy Act." Comment: Was there a formal re-assessment for this action?

(C) It should be noted that historically, IWC requirements for aboriginal whaling were stated in terms of cultural and subsistence need. Previous to the revision, that is how US regulations stated the requirements. In this 50 CFR, Part 230 revision, Commerce began stating that it was cultural and/or subsistence need. My comment in the FR, page 29629, third column, half-way down "Comment" the definition of whaling village should be changed to read 'any U.S. village having a cultural and subsistence need for whaling' instead of having a cultural and/or subsistence need for whaling: Their "Response: NMFS believes that the current language more accurately reflects the interpretation of the IWC of the requirements for aboriginal whaling." Comment: This is an arbitrary decision that has had an important effect on US conservation strategy and actions, domestically and internationally. The Commerce change of the word "and" to "and/or" was essential to the overall strategy to get the Makah approved as cultural whalers. The and/or decree appears to be a major administrative rule change that has the effect of law, yet there appears to be no formal administrative procedure(s) nor NEPA process.

(D) FR, page 29629, bottom of third column top of next page, 29630. Here is a discussion of Penalties. A commenter stated that penalties should be in CFR 50, Part 230. The Commerce response was that the "Cooperative Agreement may delegate some enforcement functions to the Native American whaling organizations." They also state that, ultimately, the whalers are subject to the Whaling Convention Act (WCA) and the MMPA, and that Commerce has specific responsibilities under the law that would be enforced after failure of tribal efforts and consultation with tribes. However, in the Agreement and Plan, all penalties are tribal and no mention is made of any other provision. The Makah, operating under a treaty right, are exempt from the MMPA—or so it appears. The WCA may be the only enforcement mechanism, but this

and its provisions are not discussed in the FR posting. We question the sufficiency of this arrangement and the change from delegating "some" to delegating totally.

(E) FR, page 29631, top of first column, is the state, "This final Rule does not change the regulations that allow whaling only for subsistence and cultural use." Commerce uses "and" here. Do I not understand that "and" means both criteria apply as was the original practice? Or is this just a FR slip of the tongue? Please comment.

(F) FR, page 29631, "If the IWC authorizes whaling by the Makah Tribe, NMFS will reassess its obligations under the National Environmental Policy Act." This is the second time this was "promised." See item "B" above. Was it ever acted upon? If not, we request NMFS do so before the hunt.

(G) FR, page 29631, two-thirds down the first column, "... whaling activities conducted under this rule will have no adverse effects on marine mammals beyond what is authorized by the IWC." This increases our concerns about the current stuck and lost criteria (see FR page 29628). Commerce states that a harpoon that falls out of a whale (see later discussion) does not count as a strike. This can do affect several whales beyond the 13 who are already above the quota of 20 which is "what is authorized by the IWC."

(H) FR, page 29631, bottom of third column, whaling village is defined as having a cultural and/or subsistence need for whaling. See items "C" and "E" above. Also take note of the definition assigned to "strike" as I will refer to it when discussing the Plan.

(I) FR, page 29631, Definitions. "Aboriginal subsistence whaling means whaling authorized by paragraph 13 of the Schedule annexed to and constituting part of the Convention." Does this paragraph 13 include the enabling language the US Government is claiming as the quota given at Monaco, 1997? If so, it includes the phrase, "... whose subsistence and cultural needs have been recognized." It has historically been the IWC that does the "recognizing."

(J) FR, page 29632, part 230.4, two-thirds down the first column. Item "(e) No person may receive money for participation in aboriginal subsistence whaling." I was told by one Makah person that Makah Whaling Commission Members were paid for each meeting and for each canoe/whaling practice. Is this true?

#### THE AGREEMENT BETWEEN NOAA AND THE MAKAH TRIBAL COUNCIL (THE "AGREEMENT")

(A) First page, Introduction. In this first paragraph there are references to the Treaty, the Whaling Convention Act (WCA) and "other Federal law." I find it hard to believe that this agreement makes no mention of 50 CFR, Part 230 as well as the ESA and MMPA which are in the Federal Register notice describing the requirement for the Agreement (FR, page 29629). This needs to be added to the Agreement.

(B) First page, Introduction, second paragraph, item (a) note that this stated the old language "for subsistence and ceremonial purposes." I believe in its first appearance, this Agreement preceded the revised 50 CFR, Part 230 as published in the Federal Register (FR) which suddenly stated the and/or definition. Examples abound. Also note in item (b) the reference "under a quota approved by the IWC." It brings up (as repetition) the amendment which read in part, "whose subsistence and cultural need is recognized" but this 1997 JWC language is not included in the Agreement which should be updated.

(C) Page 2, Request For Quota, 1.1(a) Again in pre-revised 50 CFR, Part 230, Commerce calls the Makah request subsistence. The referred-to statement was highly criticized. In part (b) of this section, the supplemental

statement of need essentially said whale meat would replace junk food and become a meaningful part of their diet that would in turn improve their health. In part (c) I am unaware that NOAA/NMFS used any specific criteria for determining the adequacy of a needs statement. What are the criteria for objectively determining whether a needs statement meets a non-arbitrary threshold.

(D) Page 4, Item 2(d). "An explanation of the circumstances associated with the striking of any whale not landed, and an estimate of whether the animal suffered a wound that might be fatal to the animal." This is an important and arguable aspect that consists of two parts. The first, as I will describe when evaluating the Makah Whaling Plan, is that the definition of strike in the Plan does not appear to agree with the definition in the Federal Register, revised 50 CFR, Part 230. The second has to do with defining and estimating what might be fatal. Though not directed primarily at whaling activities, NOAA Technical Memorandum NMFS-OPR-13, Differentiating Serious and Non-Serious Injury of Marine Mammals Taken Incidental to Commercial Fishing Operations: Report of the Serious Injury Workshop 1-2 April 1997, Silver Spring, Maryland, January, 1998 by Robyn P. Angliss and Douglas P. DeMaster sheds some important light as it does discuss whales injured by fisheries activities. Physiological responses appear to vary but can lead to death due to prolonged stress. There are several lengthy quotes that include physical injury to whales that did not appear to heal and afterward said whales were found dead on a beach. In short, NOAA/NMFS cannot tell with any accuracy (much less a Makah whaler), what constitutes a serious injury, especially with a .50 caliber projectile traveling into the water column some distance, out of human sight.

(E) Page 4, Management, item 3(b). The Makah Whaling Plan fails to declare an opening a closing date. Refer to this item when I bring it up in the Makah Whaling Plan.

(F) Page 5, item 3(e). Here it is stated that the hunting activities will take place outside of the Tatoosh-Bonilla Line. I have contacted a resource who is a cartographer who in turn called the Coast Guard. The Tatoosh-Bonilla line runs from Tatoosh Island near Neah Bay to Bonilla Point which is on Vancouver Island. Bonilla Point Latitude is 48 degrees, 35.7 minutes; Longitude is 124 degrees, 43 minutes. The Coast Guard's proposed regulatory zone extends eastward from this line where whaling is not supposed to take place. So whaling is not supposed to take place anywhere near Neah Bay, nor in most of the Strait of Juan de Fuca. Furthermore, "whaling" is defined in the Makah Whaling Management Plan as "the scouting for, hunting, striking, killing or landing of a whale." Please note: we do not have, at this date, a copy of the Final Rule issued by the Coast Guard, so we can only assume what is known. I requested twice this morning a copy of the Final Rule and was told it would be published October 1, perhaps less than twenty-fours hours before the Makah hunt. If this is the case, it is intolerable to PAWS that the scheduling of the administrative Rule is set so close to a hunt. It deprives us of the information we and our representatives need to understand the Rule.

(G) Page 5, item 4(a) Enforcement. There is no mention regarding waste. In the Federal Register, in response to my comment on the revision of 50 CFR, Part 230, "The term 'wasteful manner' should include the use and waste of whale products after landing." Keep in mind that landing means bringing any whale products on shore. NOAA/NMFS stated, "NMFS agrees. The term has the same meaning as §216.3: 'Wasteful manner means

any taking or method of taking which is likely to result in the killing of marine mammals beyond those needed for subsistence or the making of authentic native articles of handicrafts and clothing or which results in the waste of a substantial portion of the marine mammal..." Yet, the Agreement makes no mention of waste whatsoever. Please add a discussion and prohibition of waste to the Agreement.

#### THE MAKAH MANAGEMENT PLAN (THE "PLAN")

I believe the Makah Management Plan, already approved by D. James Baker (letter, March 16, 1998) with one exception (hunt in November, not October) is materially insufficient in not meeting the Federal Register published 50 CFR, Part 230 criteria and the Agreement.

(A) Page one, third paragraph. Note Commerce is now using "ceremonial and subsistence" language though the Department never proved a subsistence/nutritional need at the IWC, and arguably, nor in their needs statement domestically. What are the NOAA/NMFS criteria for approving/not approving cultural and subsistence needs? I have not seen any Rule or other promulgation to that effect.

(B) Page Two, Definitions, item "G." Strike is defined in the Plan far differently than is defined in 50 CFR, Part 230. The language in the Plan requires the strike to "result or is likely to result in death" in order to be counted as a strike. The Plan additionally requires the harpoon to remain embedded in the whale to count as a strike! Five harpoons could conceivably fall out of a single whale and not be counted as a strike. Commerce appears to have no basis for making this determination. The 50 CFR, Part 230 reads, "Strike means hitting a whale with a harpoon, lance or explosive device." That's it. See my citation on wounded whales incidental to fishing operations for a wealth of quotes that indicate the Plan's definition is simply insupportable. It does not follow the precautionary principal. Please make the Plan consistent with 50 CFR, Part 230. Every weapon striking the skin, perhaps breaking the skin, of a whale should count as a strike.

(C) Page 2, Definitions, item "A." Calf. I'm going back to this because I've always been bothered with the response of NOAA to our comments regarding the definition of calf. Commerce took the position of determining whether or not a whale was a calf by seeing if there was milk in his stomach after—the infraction when the whale calf is dead. It is interesting that in the old CFR regulations, a Bowhead whale was called a calf if she was under 25 feet in length. We protest the new definition in that it weakens and fails efforts to protect calves.

(D) Page four, item "D." The Council shall provide at least 24 hours advance notice to the NMFS prior to approving a whaling permit. That advance notice is not required if an NMFS agent is on the Makah Reservation. The time frame does not allow enough administrative oversight (one field biologist given information and sole authority) and ensures the public will be excluded from notice.

(E) Page 4, item "F." "The Commission (here referring to the Makah Whaling Commissions, in other documents The International Whaling Commission) may issue a whaling permit only after determining there is an unmet subsistence or cultural need for whale products in the tribal community." Here is the same pattern, mixing "and" with "and/or" and now "or." Which is it?

(F) Page 5, item "V." Training/Qualifications. This paragraph says that Makah whaling team members will be trained and certified for their roles under certification guidelines established by the Commission. I'd like to see those guidelines. We should be

able to because this certification is required by 50 CFR (Part 230.4(d)) "*No whaling captain shall engage in whaling without an adequate crew or without adequate supplies and equipment.*" There is a clear link between the CFR and this Plan. Page 3, top, of the Agreement requires the Plan. The Agreement is required by 50 CFR in Part 230.2 Definitions, Cooperative Agreement. Are we not allowed access to them, as they are required by CFR?

(G) Item VII, Area Restrictions, "A." Whaling is only permitted westward on the open ocean outside the Tatoosh-Bonilla Line. As described in my item "F" under the

critique of the Agreement, this line is far different from the Coast Guard's regulatory/exclusion zone (note, since the Final Rule is not out at this date, I and the public are clueless as to the content and application of the Rule).

(H) Enforcements and Penalties Sections on pages 8 and 9. As discussed earlier, in the 50 CFR negotiations, it was published in the FR that some enforcement/penalties responsibilities may be transferred to tribal authorities. See my comments under the 50 CFR critique, my item (D).

(I) There are no opening and closing dates for each year's hunts in the whaling in the Plan. This is succinctly required in the Agreement on page 4, item 3(b). They would have to do this for the Spring hunt as well.

Secretary Baker, since this matter is of urgent importance, we respectfully request a timely response to our concerns, before the Makah are allowed to conduct their hunt.

Sincerely,

WILL ANDERSON,  
*Wildlife Advocate.*