

# EXTENSIONS OF REMARKS

## A CENTURY OF SERVICE: JEWISH WAR VETERANS OF THE UNITED STATES OF AMERICA

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 4, 1996*

Mrs. MORELLA. Mr. Speaker, in 1894, articles appeared in numerous newspapers and magazines portraying Jews as being unpatriotic. In response, Jewish men who had served in the Civil War met at the Lexington Avenue Opera House on 58th Street in New York, on March 15, 1896 and formed a new Jewish veterans organization. They called themselves the Hebrew Union Veterans Association of the Civil War Veterans, and their mission was to fight the vicious anti-Semitic lies.

Amazingly, these 78 Jewish veterans, who have been described as "old and infirmed", not only fought these allegations against Jewish participation in the Civil War, but caused Harper's Weekly to retract its stories, and won an apology from Mark Twain, who had helped promote this lie until presented with the facts.

Over the years, there have been changes in the organization's name to recognize the Jewish soldiers who fought in the Spanish-American War and World War I—then calling themselves the "Hebrew Veterans of the Wars of the Republic", but since that time they have been known as the Jewish War Veterans of the United States of America [JWV]. A thread that remains from the past, however, is a continuing dedication toward fighting anti-Semitism. They have worked closely with the Office of Special Investigation in their efforts to prosecute Nazi war criminals living in the United States, and in addition they have a JWV Reward Fund which dispenses money to individuals who help in the arrest and conviction of those responsible for acts of anti-Semitism and racism.

Remembering that their bond and strength is their experience as veterans, the JWV honors their ancestors through the National Museum of American Jewish Military History, located in Washington, DC, the only museum in this country dedicated to chronicling Jewish participation in the defense of this Nation. In addition to the many services they provide for Jewish veterans, the JWV has close ties with Israel and has built a Soldier's "R and R" home in Beersheba. Mindful of the discrimination suffered by others, they were the only veterans' organization to join the Reverend Martin Luther King in his historic March on Washington.

Mr. Speaker, I honor and salute the Jewish War Veterans as they celebrate their 100th birthday. On Veterans Day this November, they will be the host at Arlington National Cemetery. They deserve our respect and congratulations for all they have contributed to our country and I wish them all good wishes for their next 100 years.

## TRIBUTE TO ASSEMBLYMAN PHILLIP ISENBERG

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 4, 1996*

Mr. FAZIO of California. Mr. Speaker, I rise today to pay tribute to a close friend and dedicated public servant, Hon. Phil Isenberg, who represents Sacramento in the California Assembly.

Phil and I got our starts in politics together as staff members in the assembly, Phil for Willie Brown. An assemblyman himself since 1982, Phil has served as the conscience of that body. He is an unabashed liberal in the best sense of the word—using government to care for people—yet his record for fiscal responsibility in government was unrivaled and broke the mold of traditional liberalism in our State. Now, due to term limits, he is retiring at the end of the year.

In the assembly, Phil authored laws to allow people who have been denied health insurance because of previous medical conditions to buy State-backed coverage, and he wrote the law establishing the toughest smoking prevention programs in the Nation. He was the author of landmark legislation to reform conditions in California nursing homes.

Phil has been a leading advocate of restructuring State and local government to deliver services to citizens more effectively. As chairman of the assembly judiciary committee from 1989 to 1995, he authored landmark legislation mandating efficiencies in court operations, providing State funding for trial courts, and increasing public access.

Phil has long been committed to the protection of the Delta and to the equitable distribution of water for people, farms, and the environment. He authored laws to promote agriculture water conservation, expand wetland areas, and protect Mono Lake.

Phil's election to the California Assembly in 1982 came after years of active service at the local level. He served first as city council member, then two-term mayor for Sacramento, and he, more than anyone, was responsible for putting Sacramento on the map. He was the first mayor to focus on economic development, and his efforts have transformed Sacramento from a small city dominated by State government into one of the fastest-growing and most attractive cities in California and the United States, where high technology companies flourish alongside modern agriculture and manufacturing facilities.

Born in 1939, his family moved to California in 1945. Phil earned a bachelor's degree from Sacramento State University and a law degree from the University of California, Boalt Hall, in Berkeley. He served in the California National Guard and as a civilian employee at McClellan Air Force Base.

I have long admired Phil's contributions and service to his community and to his State. As

he retires from the California Assembly with a record of achievement for his district and his State, I wish him continued success, especially with his art collection, and I extend my congratulations to him and his wife Marilyn.

## ACCOUNTABLE PIPELINE SAFETY AND PARTNERSHIP ACT OF 1996

SPEECH OF

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 27, 1996*

Mr. SHUSTER. Mr. Speaker, I wish to address a concern that was raised at the last minute that this bill may somehow affect protection for wetlands. Under the current pipeline safety laws, in section 60109 of title 49, the Office of Pipeline Safety at the Department of Transportation is required to identify unusually sensitive environmental areas. Once these areas have been identified, DOT is to promulgate rules to minimize the chances of a liquid pipeline accident in those areas. DOT is currently in the process of implementing these laws.

Currently, subsection (b) of section 60109 does not specify which areas should be identified as unusually environmentally sensitive; rather, it identifies several types of areas that DOT should consider when making its determination. In fact, current law does not even identify wetlands as one of the areas DOT should look at when identifying areas that should be classified as unusually environmentally sensitive. That is why the Congress in S. 1505 directed DOT to include critical wetlands in the types of areas that it should consider when it determines areas that are unusually environmentally sensitive.

Apparently, at the last minute, the use of the term "critical" has raised a question as to whether the Congress is somehow attempting to create a new category of wetlands that might undermine other wetlands protection programs carried out by the Environmental Protection Agency or the Corps of Engineers. This is not true.

The language in S. 1505 that amends section 60109(b) of title 49 is simply intended to give direction to DOT as to what type of areas should be considered when it determines what areas are unusually environmentally sensitive. In no way is this provision intended to have any application or precedent with respect to any other statute or any other Federal agency. This provision is not intended to diminish the role of DOT to protect the environment and the public's safety in and around pipelines. Rather, this language is intended to strengthen the pipeline safety program's protection of people and the environment.

• 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.

## TRIBUTE TO SAM KARAS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 4, 1996*

Mr. FARR of California. Mr. Speaker, I rise today to recognize a remarkable man who has served his community for more than 40 years. He has been an impressive figure of California's central coast and a strong leader in his home town of Monterey. It is with sadness that I announce that Sam Karas will soon be retiring from the Monterey County Board of Supervisors.

Sam's long tradition of public service began in 1943 when he moved to Monterey as a second lieutenant in the U.S. Army. It was at this time that he also married the lovely Edith James. The Karas' have been blessed with three daughters, all of whom graduated from the Monterey Peninsula Unified School District, and four granddaughters.

When not doting on his family, Sam Karas has long been involved in community service. Employed in the wholesale meat industry for 35 years, Sam always found time to involve himself in a variety of activities and humanitarian causes, donating his time and talent as a fund raiser. He was one of the original board members of the Human Rights Commission, which led the fight against California's proposition 14, a discriminatory housing initiative. He has received awards from the National Association for the Advancement of Colored People, the League of United Latin American Citizens and the Japanese American Citizens League for his outstanding work. Sam also served as an organizer and board member of the Monterey Peninsula Visitor and Convention Bureau.

Additionally, Sam Karas served as board member for the Monterey Peninsula Visitor and Convention Bureau, and on the board of trustees of the Monterey Peninsula Unified School District from 1973 to 1980. During this time his contributions included fighting for a Magnet School Program and advocating for the integration of students, staff, and teachers. In 1984, Sam was elected to the Monterey County Board of Supervisors and has served Monterey County in that capacity ever since. He was elected chair of the board of supervisors in 1986 and again in 1991. In his role as county supervisor, I have had the honor of cochairing the Big Sur Multi-Agency Advisory Council with him where he always provides a fresh outlook and a candid perspective.

Among Sam's many accomplishments is the work he has done on behalf of the farm worker community and in support of decent and affordable housing in Monterey County. In addition to this, Sam Karas created the Carmel River Task Force which successfully rebuilt community bridges and neighborhoods after two devastating floods in the winter of 1995. Sam also helped to protect the environment by coauthoring a countywide ballot measure to prevent offshore oil and gas development in the Monterey Bay—now part of the Monterey Bay National Marine Sanctuary.

Sam's contributions to the area have stretched far beyond the average capacity, adding to the artistic richness of the community as well. He has appeared in many local theater productions, including being asked by his friend Clint Eastwood to play a role in the

Academy Award winning film "Unforgiven." Sam helped to organize the famous Monterey Pop Festival, served as an original member of the board of directors of the Monterey Jazz Festival, and is currently on the board of directors of the Monterey Bay Blues Festival. He has received many honors recognizing his extensive talents.

Sam's devotion to community service is exemplary. It has been an honor and a pleasure to work with him for the benefit of Monterey County. Sam has offered us concern, compassion, realism, and a spunk that we will miss greatly. I know and I am speaking for all residents of Monterey County when I say that we will be sad to see Sam Karas retire from the Monterey County Board of Supervisors, but wish him all the very best in his future endeavors.

HONORING ST. JUDE THADDEUS  
CATHOLIC CHURCH

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 4, 1996*

Mr. BENTSEN. Mr. Speaker, I rise today to honor the parish of St. Jude Thaddeus in Highlands, TX, as they prepare to commemorate their 50th anniversary on November 3, 1996. The church has been a building block and an inspiration for the community.

The history of St. Jude Thaddeus Catholic Church began with a census taken in 1945 to determine the community and spiritual needs for a Catholic Church in Highlands, TX. In 1946, the parish began building a wooden structure on 2½ acres of land on Main Street. With Father Bernard Roehmer serving as resident pastor, Bishop Christopher Byrne dedicated this new structure on November 30, 1947.

On March 6, 1966, the existing brick church and C.C.E. Building were completed and blessed by the Reverend Bishop John L. Morkovsky. From the humble beginning of 30 registered families at St. Jude Thaddeus Catholic Church, the support and commitment of the community has been inspirational.

Father John Zabelskas, appointed in 1992, serves as the eighth pastor of the present facilities which include Marian Hall, a new rectory, C.C.E. Building, and parish gym. On Sunday, November 3, 1996, St. Jude Thaddeus Catholic Church will celebrate its 50th anniversary with a High Mass, dinner, and reception in the parish gymnasium. I thank the parish for all that they have contributed to our community in these 50 years and wish them many blessings for the future.

## A TRIBUTE TO GEORGE R. BOGGS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 4, 1996*

Mr. CUNNINGHAM. Mr. Speaker, I rise today to praise George Boggs, president of Palomar Community College. It has been my privilege to work with Mr. Boggs in addressing the educational needs of the people of San Diego County.

On October 12, George Boggs will be recognized as the best community college executive in the United States by the Association of Community College Trustees. His record of achievement is outstanding and clearly deserving of this recognition.

I submit for the RECORD an editorial from the October 4, 1996, North County Times—Escondido, CA—newspaper which further describes President Boggs' outstanding achievements.

Congratulations George, you have earned it.  
[From the North County (CA) Times, Oct. 4, 1996]

## UNJUSTIFIED MODESTY

When George R. Boggs came to Palomar Community College in 1985 to serve as its president, there were 15,500 students, the equivalent of 325 full-time faculty members, and a standard array of course offerings.

Today, the college has about 26,000 students enrolled, a full-time equivalent faculty of 516, and the honor of being named as one of three "flagship" community colleges in the nation, for the college's focus on learning outcomes.

Humility being one of his obvious traits, Boggs would never take credit for the school's successful growth. But his board of trustees and his national peers would: Boggs has been named the best community college executive in the United States by the Association of Community College Trustees.

On Oct. 12, Boggs will receive the 1996 Marie Y. Martin Chief Executive Officer Award at the association's annual conference. It is an exceptional honor, one earned by Boggs' exemplary performance in a politically and economically challenging era for community colleges. And his success is not based on his numerous publications, the size of the school's endowment, or the value of its research facilities.

No, instead Boggs has focused the district's resources on that which is most important to the community: student learning. Boggs has built partnerships within the community to improve both student access to higher education and the experience they have in the classroom. And the college is continuing to grow.

North County is lucky to have Boggs and the outstanding curriculum, staff, and student body he has helped to nurture. Congratulations.

TRIBUTE TO AMERICAN LEGION  
POST 642

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 4, 1996*

Ms. KAPTUR. Mr. Speaker, I rise today to commemorate the 50th anniversary of American Legion Post 642—the Przybylski Post—in Toledo OH. The post is celebrating the occasion on Sunday, October 6, 1996. As part of this golden anniversary celebration, the post's adjutant has announced that the members and families of American Legion Post 642 will "honor the founding and present members for the American endeavor and patriotism which have sustained the post for so long." To mark this auspicious occasion, we recall the "American Creed," penned by William Tyler Page.

I believe in the United States of America as a Government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a republic, a sovereign Nation of

many sovereign States; a perfect Union one and inseparable; established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes. I therefore believe it is my duty to my country to love it, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies.

The men and women of American Legion Post 642 have vigilantly upheld the tenets of the "American Creed" to a superior degree. For remaining true to these precious beliefs in times of battle and in times in peace, we thank them, and we honor their strength.

TRIBUTE TO ASSEMBLYMAN  
THOMAS M. HANNIGAN

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 4, 1996*

Mr. FAZIO of California. Mr. Speaker, I rise today to pay tribute to a close friend and dedicated public servant, Hon. Tom Hannigan, a California Assemblyman representing Solano County, Yolo County, and the delta portion of Sacramento County in the California State Assembly.

I owe my political career to Tom because he stepped aside when I first ran for the California Assembly and undoubtedly would have beaten me. A few years later, when I ran for the House of Representatives, he was elected to that assembly seat where he has served with distinction ever since.

Due to term limits in the California Assembly, Tom is retiring at the end of this year. But for many years, he has worked as a quiet, effective assemblyman, playing a central role in the most important issues confronting California, chief among them budget, education reform, agriculture, and transportation.

Tom Hannigan has been instrumental in easing the commuter crunch around Sacramento's transportation arteries, such as the Interstate 80 corridor. He has pushed for increased passenger train service between the State capital and the Bay Area.

Tom has also played a major role regarding California's largest industry—agriculture. He is the author of legislation strengthening the Williamson Act farm preservation law. His legislation also created the California Center for Cooperatives at UC-Davis, providing research and support for agricultural co-ops and other rural development initiatives.

Tom has deep roots in Solano County. He was first elected to the California Assembly in 1978 after years of active service at the local level—as a successful businessman, as mayor of Fairfield, and as chairman of the Solano County Board of Supervisors. In the assembly, among other positions, he served as Democratic Majority Leader.

He is a native Californian, born in Vallejo, and he stayed loyal to his State by attending college at Santa Clara University, receiving his degree in business administration. After college, Tom served his country as a U.S. Marine Corps officer and saw service in Vietnam.

It may not be an exaggeration to say that Tom was a successful assemblyman only because Fairfield is close enough to Sacramento for him to get home to his family every night. His commitment to his family always ranked

first on his priority list. Term limits may be forcing his retirement from the assembly, but perhaps not that much sooner than the strong call of grandchildren would have required.

Tom's retirement from the California Assembly is a real loss, not only for his constituents, but for the assembly and for California itself. He retires with a record of achievement for his district and his State. I wish him continued success, and I extend my congratulations to him, his wife Jan, and their children and grandchildren.

NATIONAL INVASIVE SPECIES ACT  
OF 1996

SPEECH OF

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 4, 1996*

Mr. SHUSTER. Mr. Speaker, last night the Senate passed H.R. 4283, the National Invasive Species Act of 1996, clearing the measure for the President. Given the process that unfolded, Members and others may find helpful a few remarks to clarify the bill's legislative history.

H.R. 4283 is the text of H.R. 3217—as passed the House on September 24, 1996—with four additional provisions requested by Senators from the Environment and Public Works Committee and the Commerce, Science, and Transportation Committee. These amendments modify the bill's safety exclusion and restriction on ballast water discharges into harbors, authorize research funding in Narragansett Bay, require a study of shoreside ballast water facilities, and clarify authority to fund regional research. The House passed H.R. 4283 on September 28, 1996.

This broadly supported, bipartisan legislation—introduced and championed by Representative STEVE LATOURETTE—builds upon the 1990 Act that addressed zebra mussels and other invasive species in the Great Lakes.

H.R. 4283 is national in scope, extending a voluntary, incentive-based approach to all coasts and regions at risk.

Whether you call them invasive, exotic, or nonindigenous, these species of plants, animals, and invertebrates can wreak havoc on infrastructure, commerce, recreation and tourism, and the environment.

H.R. 4283 coordinates agencies, research institutions, and others to prevent and control the introduction and spread of invasive species—primarily through voluntary ballast water exchange and management, education, and research.

The Transportation and Infrastructure Committee's report on H.R. 3217 (Rept. 104-815) provides a detailed description of the bill and our committee's intent.

For a description of the changes made to the reported bill, I would refer my colleagues to the floor debate on H.R. 3217 on September 24, 1996.

Finally, I would be remiss if I did not thank some of the Members and committees instrumental in moving this important legislation.

More than anyone else, Representative STEVE LATOURETTE is responsible for this bill and its movement through the House. He has worked with all interests to build broadly supported legislation. He has also worked closely

with his colleague from Ohio and in the other body, Senator GLENN, who worked on the 1990 law and S. 1660, the Senate version of the National Invasive Species Act of 1996.

Transportation and Infrastructure Committee members should also be congratulated for their efforts, particularly the ranking Democrat of the committee, JIM OBERSTAR, the chairman and ranking Democrat of the Water Resources and Environment Subcommittee, SHERRY BOEHLERT and ROBERT BORSKI, and the chairman and ranking Democrat of the Coast Guard and Maritime Transportation Subcommittee, HOWARD COBLE and BOB CLEMENT.

Other committees have been helpful as well—particularly the Committees on Resources, Science, House Oversight, International Relations, National Security and Agriculture.

Senate colleagues, including the chairmen and members of the Environment and Public Works Committee and Commerce, Science, and Transportation Committee, should also be commended. Without their cooperation and help, we could not have crafted this legislation and shepherded it through Congress and to the President.

Mr. Speaker, I congratulate my colleagues in both Chambers for their efforts to enact the National Invasive Species Act of 1996. The bill is yet another example of the 104th Congress' efforts to protect the Nation's environment and water infrastructure.

PROTECT U.S. INTERESTS AND  
JOBS

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 4, 1996*

Mr. MOAKLEY. Mr. Speaker, I rise today to commend a recent action taken by the Clinton administration on behalf of U.S. businesses and their thousands of employees in Massachusetts.

Earlier this year I wrote to USTR, to the Secretary of Commerce, and to the Secretary of State, urging decisive action to combat unfair trade practices by Argentina that keep United States products out of their marketplace. Argentina acted in direct violation of its obligations under the GATT and WTO—where it had committed to maintaining tariffs on footwear and apparel at no more than 35 percent. Even this level was quite high. In the U.S., import tariffs on footwear are in the 8 to 10 percent range. However, Argentina suddenly imposed footwear duties up to 150 percent, violating their agreements under the GATT and WTO. Ambassador Barshefsky has just announced that the U.S. is challenging these unfair duties by invoking the WTO section 301 dispute settlement mechanism. I applaud the administration's use of this initiative to protect U.S. interests and jobs.

In my district, for example, the Reebok company employs over 2,000 Massachusetts citizens in good family-wage jobs. For Reebok, as well as other major athletic footwear brands, the U.S. constitutes 50 percent of their market, while world-wide sales provide the other 50 percent. In this global economy, growth cannot occur if other nations close their markets to our exports. Doing so denies their own consumers access to U.S. products

and violates their international treaty responsibilities. But, most importantly, they jeopardize the continued employment of thousands of Americans in my congressional district and around the Nation whose jobs depend upon a fair and open market.

EVEN PRESIDENT CLINTON  
PRAISES 104TH CONGRESS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 4, 1996*

Mr. SOLOMON. Mr. Speaker, the 104th Congress has truly been the most significant Congress in over 40 years. When the people of this great Nation voted on November 8, 1994 to finally change Government as we know it, the 104th Congress responded. Mr. Speaker, not only has there been news pieces, editorials, and commentaries supporting the superb accomplishments of this Republican controlled Congress throughout this country, but our own President, Democrat Bill Clinton states, and I quote, "You guys did such a great job. It's amazing how much you've got done in the last few weeks. You should really be proud." And proud we are, Mr. Speaker.

Mr. Speaker, let me briefly mention some of the major accomplishments. Welfare as we have known it is no longer a guarantee of assistance, workers who change jobs will be assured of continued health coverage, mothers will no longer be forced out of hospitals after they bring new life into this world as they were in the past, we have relieved small businesses of excessive tax burdens while increasing the minimum wage to enable millions of American workers to bring home more pay. Mr. Speaker, this Congress promised to get tough on crime and we did just that. For example, crimes committed against our elderly and children are no longer tolerated; environmental protection acts like the Safe Drinking Water Act, along with legislation to overhaul pesticide regulations. I could go on and on, Mr. Speaker.

The 104th Congress has done such a great job, 7 items of our Contract of America have been signed into law by President Clinton. And this is nothing new, Mr. Speaker. The President has been campaigning on our issues and beliefs all year now. You see, Mr. Speaker, President Clinton figures if you can't beat 'em, you might as well join 'em.

At this time I commend to you an article that appeared in the Albany Times-Union about the achievements of this Congress.

104TH CONGRESS IS HISTORY

(By Elaine S. Povich)

WASHINGTON.—The Senate approved an important aviation safety and spending bill Thursday, breaking a Democratic-led filibuster over a labor issue, and wrapped up business of the watershed 104th Congress for the fall campaigns.

The Congress, the first in 40 years to be controlled by Republicans, ended as it began: with partisan wrangling. The immediate battle was over a Federal Aviation Administration bill that Democrats, led by Sen. Edward M. Kennedy, D-Mass., said contained a special provision making it more difficult for Federal Express employees to unionize. After the filibuster was broken with a 66-31 vote (six more than the number needed), the bill passed easily, 92-2.

"This is special-interest legislation that never would have been passed by a Democratic House and a Democratic Senate," Kennedy maintained. "We look forward today to the next vote for working families, which is Nov. 5 (Election Day)."

But the provision for Federal Express, which would require its employees to organize nationally rather than locally, was supported both by Democrats and Republicans. Sen. Ernest Hollings, D-S.C., the provision's main champion, said Kennedy was trying to give the bill the "bum's rush."

The urgency of many senators to get home to campaign, along with the fact that the bill contained millions for airport construction projects, contributed to the lopsided vote.

The White House had notified the senators that President Clinton opposed the Federal Express provision. Thursday, however, aides indicated that Clinton would sign the bill, which the House approved last week.

"Because of this legislation, criminal-background checks can now be conducted on airport personnel, new explosives-detection technology can be deployed, baggage will be checked in more thoroughly, passenger profiling will be instituted, and the families who lose a loved one in an accident will be able to get the help they need," Clinton said in a statement.

The bill includes several anti-terrorism provisions for airports, including stepped-up security. Some of the requirements include background checks on airport-security personnel and provisions aimed at dealing more humanely with families of air-crash victims.

The bill also streamlines the FAA, beefing up the regulatory aspects of the agency and phasing out the air-travel promotional functions.

Also on the Senate's last-minute agenda was a major federal parks bill that passed on a voice vote after days of wrangling over boundary lines in 100 individual federal parks.

Legislation to increase penalties for misuse of the so-called "date-rape drug" cleared the Senate and was virtually certain to win final congressional approval.

The Senate acted by voice vote to control use of Rohypnol. The bill, sponsored by Rep. Gerald Solomon (R-Queensbury), must return to the House, where a slightly different version was approved last week, 421-1.

Rohypnol is a tranquilizer that has no taste, order or color when dissolved in a drink and is 10 to 20 times more powerful than Valium. In "roone rape," victims who are slipped the drug become dizzy and disoriented and have trouble moving their arms and legs. Ultimately, they pass out and have little or no memory.

After clearing up the last-minute items, Senate Majority Leader Trent Lott, R-Mass., and Minority Leader Tom Daschle, D-S.D., made the traditional telephone call to Clinton to announce that this session of Congress had concluded its business.

"We've got good news for you," Lott told Clinton. They discussed bills Congress had passed over the past few weeks.

"You guys did such a great job," Clinton said. "It's amazing how much you've got done in the last few weeks. You should really be proud."

KEY LEGISLATION

Some of the major bills passed by the 104th Congress:

**Welfare:** The longstanding federal guarantee of assistance to every person who qualifies will end, to be replaced by state programs financed partially by federal grants. Eligibility for welfare generally will be limited to five years. Food stamps, aid to legal immigrants will be scaled back considerably.

**Health:** Workers who change jobs will be assured continued health coverage without a waiting period for pre-existing conditions. Insurers will have to pay for at least 48 hours' hospital care for newborns and their mothers and provide higher benefits for mental-health care.

**Taxes:** No across-the-board tax reduction, although targeted cuts were approved for adoption expenses, long-term health care, helping small businesses bear the cost of raising the minimum wage and helping the self-employed buy health insurance.

**Minimum wage:** The \$4.25-an-hour federal minimum wage will rise in two steps to \$5.15.

**Speed limit:** The 55 mph federal speed limit was repealed.

**Crime:** More money for police on the street. Limitation of appeals in death-penalty cases. Tougher penalties for crimes against the elderly and children. Interstate stalking was made a federal crime.

**Environment:** A new standard restricts cancer-causing pesticides in fresh and processed foods and also targets residues that raise the risk of birth defects. A new Safe Drinking Water Act zeros in on pollutants posing the greatest risk to health.

**Telecommunications:** A major overhaul allows local telephone companies to enter the long-distance business; big gas and electric companies will be able to offer telecommunications services. A "V-chip" eventually will screen TV programs for violence and adult-oriented content.

**Gay marriages:** States will be allowed to refuse to recognize same-sex marriages. No federal spousal benefits will be available in such marriages.

HONORING HELEN MILLER

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 4, 1996*

Mrs. MEEK of Florida. Mr. Speaker, the people of Dade County recently lost one of our hardest-working and most-loved citizens. Helen L. Miller, most recently vice-mayor of the city of Opa-Locka, passed away on Tuesday, October 2, 1996.

Mrs. Miller dedicated her life to the service of our community. She served in almost every position of leadership in the city government. The improvements she made in the lives of the citizens of Opa Locka made her one of the most prominent and respected members of the community.

Mr. Speaker, I would like to share with my colleagues an article from the Miami Herald detailing the remarkable life and many accomplishments of Helen Miller. Her life is an inspiration and example to everyone in public service.

[From the Miami Herald, Oct. 3, 1996]

HELEN MILLER, WHO "PUT OPA-LOCKA ON MAP," DIES

(By Marika Lynch)

Opa-locka legend Helen Miller, Florida's first black female mayor and the city's current vice mayor, died of an apparent heart attack early Wednesday at Parkway Regional Medical Center. She was 71.

Mayor to some, and "momms" to others, Miller was one month short of her political retirement after 13 years on the Opa-locka dais. But in her many roles on state and local boards, including a stint in 1995 as president of the Dade league of Cities, Miller's influence spread beyond the North Dade city.

"She put Opa-locka on the map," said state Rep. Willie Logan, another former mayor, who credited his political success to Miller. "Wherever she went, she carried the Opa-locka banner and brought resources back to the city."

Shortly after taking office in 1981, Miller pushed to bring paved streets, lights and parks to the city's long-ignored black neighborhoods. She helped bring an arts-and-cultural center to the Triangle, one of the city's roughest areas.

Most recently, Miller persuaded the Tri-county commuter Rail Authority to stop its train in Opa-locka.

Those were just her material accomplishments, Mayor Robert Ingram said.

"But her spirituality had a greater value," Ingram said. "Her aura, her ability to stand in adversity. People would hate her, but she did not return that hate. She was very helpful across cultures, and that is how she could keep getting elected."

Even in the early 1980s, when naysayers burned a cross on the City Hall lawn and insulted her at city meetings, Miller stood determined, Ingram said.

"She seemed to have some kind of mystique that just put everybody at ease and by example, got everybody working together," said Russ Marchner, executive director of the Dade League of Cities. "It made her particularly valuable in making appearances before the county commission and state committees."

In honor of Miller's longtime service, the city threw a retirement party Aug. 31. More than 200 people gathered in the rain to pay tribute. Her retirement gift: two round-trip tickets to Hawaii—a trip she was planning to take with her family.

Miller, the daughter of a tailor and a homemaker, was born in Pottstown, Pa. After her parents, James and Frances Moss, separated when she was a year old, Miller was reared by her great-aunt and uncle in Nassau.

She lived in New York briefly and married Walker Miller, a New Yorker in 1947. The couple moved to Opa-locka in 1950. Miller worked as a nurse's aide for a short time and owned Miller and Sons Grocery in Liberty City with her husband. Walker Miller died in 1989. The store, now under renovation, is being run by her children.

"She was active as a community-oriented person, a church person, and she just was a good mom," said daughter Regina Miller. "She was always there for us."

Miller is survived by daughters Regina, Gail and Alvina Miller, and Cotez Jacobs; and son Alvin Miller, who is vying to fill his mother's commission seat in the fall elections.

Funeral services are set for Oct. 12, with the time and place to be named. In lieu of flowers, please send donations to the Helen Miller Scholarship Fund, P.O. Box 1036, Opa-locka, Fla. 33054.

#### PATENT HOLDER COMPENSATION

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. FROST. Mr. Speaker, I am pleased that the provision of the bill that I had introduced and that the House passed last year—H.R. 632—has finally also been passed and returned to the House by the other body. At long last, small investors will be guaranteed fair, reasonable, and entire compensation when they are required to defend their patents rights when appropriated by the Government.

When the bill was pending in the other body, we received some questions whether the legislation was intended actually to provide full coverage of costs as it states, or whether some cap on costs might appropriately be added by the Congress as has been done in some other contexts.

The short answer is that the legislation means just what it says. It intends that all costs are to be reimbursed, with the only limitation being reasonableness, and the determination of reasonableness by a court is to be realistic, not miserly. If the patent holder's actual costs are within the realm of reason under the circumstance, they are to be fully compensated.

A patent holder whose invention is taken by the Government can obtain compensation only by bringing a case in the Court of Federal Claims under Section 1498 (a) of Title 28, United States Code. A case brought under that Section differs substantially not only from the usual cases brought in Federal courts, but also from other eminent domain cases. There is no procedure for an offer by the Government to be submitted to a patent holder for its taking of his patent rights. There is no administrative or other simple procedure for resolution of differences and settlement. There is no prominent single-issue such as valuation as in real estate condemnation cases, but instead a series of issues of unusual complexity. The patent holder must initiate a lawsuit, and must marshal professional assistance capable of establishing the validity of the patent, the infringement of the patent, and the proper valuation of the damages stemming from the infringement. Such lawsuits are exceedingly difficult and time-consuming to prepare and present to the court. They require extensive review, research, analysis, and presentation by capable professionals in the fields of law, engineering, science, accounting, and licensing. The time of such professionals is not inexpensive. Yet a patent holder has no choice but to engage such competent assistance, and to incur such costs, if he is to defend his patent right against the Government's taking.

It is our intent and our expectation that the court bear in mind these unique characteristics of Section 1498(a) lawsuits in the course of judging the reasonableness of the patent owner's costs during the investigation, preparation, liability, and accounting phases of such a case. It is also our intent and expectation that the court base its determination on a realistic view not only of the kinds of costs that it is reasonable to incur in such cases, but also of the reasonableness of the amounts of those costs. With respect to the kinds of costs that it would be reasonable to incur, apart from the costs of professional assistance, we have in mind such court costs as may be taxed under Section 1920 of 28 United States Code, as well as reasonable out-of-pocket expenses charged to the patent owner by expert witnesses and attorneys for such items as computerized research, communications, travel, hotels, and meals. With regard to the reasonableness of the amounts to be reimbursed, we note that suits under section 1498(a) are not elective ones such as prompted the Congress in the past to impose arbitrary limits on attorney's fees as in 28 United States Code, Section 2412(d)(2)(A), and on expert witnesses fees as in 28 United States Code, Section 1821(b). Thus, the touchstone for the court is simply a realistic appraisal of what is reason-

able under the circumstances. Certainly, when a small patent holder's economic survival may be threatened by the cost of responding to an unwelcome governmental taking, the concerned patent holder cannot be limited to bargain-basement professional assistance if he is to receive "just" compensation as required by the Constitution. In such a situation, as well as in less dire circumstances, the intended test of reasonableness of professional fees actually incurred by the patent holder is whether they are within the range commonly charged by competent professionals in the same locality, in cases of similar complexity and similar importance to the patent holder.

In short, we intend that the Court of Federal Claims at last be empowered to do complete justice in such cases, and we believe that complete justice requires realism and practicality in the assessment of the reasonableness of the patent holder's costs.

#### TRIBUTE TO TEHAMA COUNTY SUPERVISOR BILL FLOURNOY

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. FAZIO of California. Mr. Speaker, it is with a great deal of sadness that I rise today to announce the passing of Bill Flournoy of Tehama County, CA, who died on September 5, 1996, at the age of 75.

Bill was a member of the Red Bluff Elks Lodge No. 1250, a member of the Tehama County Cattlemen's Association and the California Cattlemen's Association, a member of the Woolgrowers Association, a member of the Tehama County Fair Board, and a member of the Flood Control Board.

Bill's 24 years of service as a Tehama County Supervisor was the longest tenure of any supervisor in recent years. He served his community with distinction in a variety of ways for many years. I extend my sympathy to his surviving family members while expressing my appreciation and the appreciation of every citizen of Tehama County for his life of service.

#### CONGRATULATING HARVARD STREET NEIGHBORHOOD HEALTH CENTER

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise on this occasion to compliment, encourage, and bring national attention to a successful grass roots health care initiative that started in my district at Harvard Street Neighborhood Health Center and has been implemented throughout the great Commonwealth of Massachusetts. This unique health care program is called Men of Color Health Care Initiative.

This initiative, among other things, is an outgrowth of the fact that the population the program serves tends not to seek out or utilize the medical services available to them. The need for this type of program becomes even more urgent, considering the fact that this

population, when compared to the general public, reflects a disproportionate level of medical needs, including cardiovascular disease, strokes, diabetes, and cancer. Harvard Street Neighborhood Health Center and the other Men of Color health care programs do aggressive outreach and case management, and offer medical services in all major areas. They are to be commended for their hard work and commitment to the community.

I also commend Brigham and Woman's Hospital, the Massachusetts Department of Public Health, and the numerous businesses and individuals whose hard work and financial contribution make this initiative possible.

# CONGRESSIONAL BIOMEDICAL RESEARCH CAUCUS CELEBRATES 50 BRIEFING SESSIONS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 4, 1996*

Mr. GEKAS. Mr. Speaker, I am pleased to inform my colleagues that since the beginning of the Congressional Biomedical Research Caucus in 1990, until the last briefing of this Congress on September 25, there have been 50 briefing sessions for Members of Congress and their staffs on the latest cutting edge developments in biomedical research.

Over the 6-year period, the Biomedical Research Caucus has developed a working relationship with the five scientific societies: American Society for Cell Biology, American Society for Biochemistry and Molecular Biology, Biophysical Society, Genetics Society of America, American Association of Anatomists and the Association of Anatomy, Cell Biology and Neurobiology Chairpersons, which compose the Joint Steering Committee for Public Policy [JSC]. JSC under the leadership of Dr. Marc Kirschner, chairman of Cell Biology at Harvard Medical School and with the scientific resources of the member societies established a committee, chaired by Nobel Prize winner Dr. Harold Varmus, the current Director of the National Institutes of Health, to develop a biomedical research briefing program for the Congress. I am proud of the quality of the programs and the new opportunities in health care that are presented at the caucus briefings. Since Dr. Varmus assumed his duties at the NIH, we have been fortunate to have Dr. Michael Bishop, University of California, San Francisco, his former colleague and co-prize winner of the Nobel award advise us on appropriate topics and speakers for the caucus briefings. This past year in 1996, Dr. Bishop suggested the caucus learn about issues involving: genetic testing, antibiotic resistance, mad cow disease, and us, how vision wires our brains and the potential for learning, the latest in new drug therapy that may prevent the HIV virus from becoming full blown AIDS and allow individuals to live productive lives, and how H Pylori is involved in ulcers and stomach cancer. We look forward to his suggestions for next year.

This December, 1996, the American Society for Cell Biology at its annual meeting in San Francisco will give its Public Policy Award to Dr. Marc Kirschner, the first research scientist to receive the award. Previous recipients of the Public Policy award have been the Sen-

ator from Iowa [Mr. HARKIN] and the gentleman from Illinois [Mr. PORTER] for their contributions to the field of biomedical research. I think it is fitting that scientific societies begin to recognize and reward the service and contributions that their members make to the public arena on behalf of biomedical research. Dr. Kirschner has served the Congress well in beginning the briefing series and bringing all his colleagues, specifically Dr. Varmus and Dr. Bishop to our attention. Once again, Dr. Kirschner has served the Congress well in securing a replacement for his leadership of the JSC societies, Dr. Eric Lander, Director of the Whitehead Institute Genome Center at MIT. For the last year Dr. Lander, a member of the Genetics Society of America, has succeeded Dr. Kirschner, as chair of the efforts of the five societies of the Joint Steering Committee, which continue to provide us excellent advice and guidance on the latest developments in biomedical research. Over the years the caucus briefing series has developed a reputation for excellence and an audience among the Congress from the Congressional Research Service analysts to professional staff of the health and related Committees of the Congress. Two years ago the caucus hosted a briefing presentation by NASA, which was beginning its biology research on the Space Lab and in attendance was astronaut Shannon Lucid, the current American with the longest flight in space and her replacement in space John Blaha. We are able to bring these issues to the Congress by using the noon hour for briefing meetings because of the contribution of the Federation of American Societies for Experimental Biology, which cooperates with the Joint Steering Committee in this service.

We look forward to working with Dr. Lander, who was recently featured in a New York Times profile of a scientist at work, "Love Of Numbers Leads To Chromosome 17". Dr. Lander is an amiable adviser who brings the unique perspective of a mathematician to the work of genetics and biology. I commend the attached article about Dr. Lander for your reading and inspiration:

[From the New York Times, Sept. 10, 1996]

LOVE OF NUMBERS LEADS TO CHROMOSOME 17

(By Philip J. Hilts)

CAMBRIDGE, MASS.—In the career of Dr. Eric Steven Lander, as in the new branch of biology known as genomics, the life of numbers and the numbers in life have come together.

Dr. Lander, director of the Whitehead Institute/M.I.T. Genome Center here, is a leader in constructing a complete catalogue of the human DNA code or genome. But he did not arrive at this position in the traditional way—for example with a degree in biology. Only when past 30 did this curly haired and energetic figure first crack a book in biology.

Rather, he grew up in the thrall of numbers. As a high school mathematics whiz, he was on the United States high school team that came in a close second to the Soviet team in the world mathematics Olympiad in 1974. He later trained as a pure mathematician at Princeton University. Only then did he fall in love with biology, as he spent hours talking with his brother, Arthur, a neurologist.

Biology itself has also been undergoing change in recent years. The old style of academic biology is now admitting a brash new branch of inquiry, one that is information-heavy, computer-driven and closely allied to business. And for Dr. Lander, that has been

perfect. When he emerged from his personal transformation, there he was, at the leading edge of molecular biology.

He established his credentials in biology by tackling subjects that could only be approached by someone with a strong background in mathematics, like how to analyze statistically whether a disease may be caused by one or many genes, and how to ferret out the different contributing genes.

In August, a team led by Dr. Lander found a gene that contributes to type 2 diabetes, a disease caused by many genes, each with many variants. Dr. Lander's strategy began with the calculation that elusive genes are easier to identify in isolated populations, where people are descended from only a few founders and have not accumulated the many genetic variations of more cosmopolitan groups. He searched for the diabetes gene among a group of people in the Bothnia region of western Finland where few outsiders have migrated in the last 1,000 years.

When biologists began to consider the task of making a complete catalogue of the entire three billion letters in the human body's DNA code, Dr. Lander's work made him a natural candidate to lead one of the several teams of DNA sequencers.

Craig Venter, head of the Institute for Genetics Research, a private concern in Rockville, Md., a competitor of Dr. Lander in the race to sequence genomes, said: "In sequencing whole genomes the breakthrough has been mathematics, applied math and new algorithms. These are the kind of things Eric is good at."

At the Whitehead Institute/M.I.T. Genome Center, Dr. Lander's group has produced the first genetic maps of the human and mouse genomes, a necessary step toward working out the complete DNA sequence. His laboratory is one of several that are financed by the National Center for Human Genome Research in Bethesda, Md. The consortium of laboratories had planned to complete the full DNA sequence of the human genome by the year 2005 at a cost of \$3 billion, but is already two years ahead of schedule and below budget. The project has already identified many genes of medical interest and prompted investments by several companies.

Dr. Lander, 39, was born and raised in Brooklyn in a family of lawyers. As student at Stuyvesant High School in Manhattan, he was sent one summer to participate in an elite mathematics program, where the students decided that 17 was the most interesting of all numbers. They formed a 17 club and made up a T-shirt emblazoned with amazing facts about the number 17. Dr. Lander can still quote examples: "Many multisided figures are stable when set down any one of their sides, for example, a pyramid. But did you know that a 17-sided figure is the only one that is stable on one side only?"

Recently, the number 17 has sneaked back into his life. The Whitehead genome center has chosen human chromosome No. 17 as the one it will sequence as its contribution to the Human Genome Project.

"Someone suggested I had picked chromosome 17 because of my fascination with that number," Dr. Lander said. "That's not really true, but I am thinking of taking the old T-shirt out of the closet. I still have it."

As Dr. Lander followed his instincts, his career took some sharp turns, from pure mathematics at Princeton and Oxford, to managerial economics at the Harvard Business School. Then, while teaching mathematically oriented business classes by day, at night he crossed the Charles River to hang out in biology laboratories.

He had begun to see that beneath the surface of the two very different disciplines of mathematics and biology there lay some



links of possible importance. Biology, however chaotic it might appear, had regions that he felt would yield to the firepower of mathematical methods. His first few papers exploring mathematical approaches to biology were sufficiently remarkable that he won a MacArthur Fellowship, the so-called "genius" award. "That grant was crucial for me," he said. "I was struggling to establish myself at the interface of math and molecular biology. Why should anyone take me seriously? The MacArthur gave me that essential credibility."

The \$250,000 grant helped finance travel to the far-flung and isolated human populations where he knew gene-hunting would be easier.

Dr. Lander soon started to make an impact in molecular biology, creating the mathematical tools to tease out a major gene in asthma, and a "modifier" gene that can suppress colon cancer. But eventually he tired of hunting down genes in the genetic jungle, one by one. "That time is over," he said. He is now laying plans for the next era in biology, in which he foresees that the entire set of human genes and their functions will be available on one CD-ROM disk, so there will be no more Stanley-and-Livingston searching.

"Now, suddenly, biology is finite," he said.

"The genome project is wholly analogous to the creation of the periodic table in chemistry," Dr. Lander said. Just as Mendeleev's arrangement of the chemical elements in the periodic table made coherent a previously unrelated mass of data, so Dr. Lander believes that the tens of thousands of genes in present-day organisms will all turn out to be made from combinations of a much smaller number of simpler genetic modules or elements, the primordial genes, so to speak. He theorizes that these modules helped carry on life in the most primitive cells living on the planet three billion years ago. The basic functions of the life carried out by the first genes must all have been formed very early in evolution, Dr. Lander surmises. Most present-day genes are variations on these few original themes, he said.

"The point is that the 100,000 human genes shouldn't be thought of as 100,000 completely different genes," Dr. Lander said. "They should be thought of as maybe a couple hundred families that carry on essentially all of life."

Making such a periodic table for families of genes will define a new direction for biology, in Dr. Lander's view. The completed table would mark the end of structural genomics, the analysis of the structure of genes. "When you get the last base of the genome, driven in like the golden spike in the transcontinental railroad, we'll maybe have a big ceremony," he said. "But when it's done, it's done."

Then comes what Dr. Lander calls functional genomics, or making practical use of the table. For example, Dr. Lander says, biologists may learn to read human DNA so effectively that laboratories will quickly be able to tell patients all the important variations they have in their entire gene set, or genome. Further, it should be possible to tell which of those genes are turned off or on at a given moment, thus getting a picture of whether the cells of the body are up to snuff.

"So here's the manifesto for the era of functional genomics," Dr. Lander said.

"One. At the DNA level we want the ability to re-sequence an entire genome—anybody's genome—in a regular medical setting, to find all the variations. Because you and I differ in one-tenth of 1 percent of our bases, and that accounts for our differences.

"Most genes will have two, three or four major variants. If you have 100,000 genes, that means there will only be about 300,000 major variants. It's a finite number. We can

then take that list, and then correlate all the different variations with health outcomes. You could take the Framingham Heart Study and find the rate of each disease associated with each of the 300,000 variants of genes."

That would allow each person to get a full list of what disease they are most at risk for, based on their inheritance.

With a mix of hope and skepticism, he said: "In principle, that would allow us to have personalized health care and personal health care strategies. In practice, of course, whether we do that will depend on what we as a society want to pay for, and how much we can protect our privacy, and so on."

"Two," he said, holding up fingers to signal the next item on his manifesto. "We want to be able to monitor gene expression." Finding out which of an individual's genes are active at any time would help indicate a body's response to drugs, dieting, exercise and other factors.

"All this is not so crazy as it sounds," Dr. Lander said. "Less crazy, in fact, than the genome project itself. There are already genetic 'chips' that can make these things possible."

He was referring to one of his favorite new technologies, which has put human genes on microchips. Genes in a blood sample can be matched against the standard ones on the chip to see if there are any important abnormalities.

So far, one company making "gene chips," Affymetric Inc. of Santa Clara, Calif., has succeeded in putting all the genes of H.I.V., the virus that causes AIDS, on a chip for such comparison. The company has plans to put 30 to 40 human genes on one chip, and "in principle at least," said Robert Lipschutz of Affymetric, "we should be able to put all human genes on a chip."

Dr. Lander has a piece of that company, as well as a major financial interest in Millennium, a company that intends to make use of the data from the genome project to design diagnostics and treatments of disease.

If there is a danger sighted ahead in the "new biology," some critics suggest, it is that businesses may be too close to science, and may even sometimes be in the driver's seat. Scientific judgments may too often yield under pressure from business needs.

Dr. Lander, an avid businessman, takes these problems more seriously than most people in science, said Dr. Francis Collins, director of the Federal genome project. Dr. Collins credits Dr. Lander with leading the way to help solve at least one of the problems—that of hoarding data to gain business advantages.

The Whitehead genome center, at Dr. Lander's direction, puts out on the Internet all the data it produces on DNA markers and sequences, which are freely available to anyone who wants to copy the material.

At first the M.I.T. laboratory's data were posted every few months, and soon they will be disseminated almost daily, Dr. Lander said. "This work is paid for with public money and it's got to be made public as fast as we can," he said. "That means breaking with tradition and getting it out there long before it can be published in scientific journals."

The effect he says, is highly stimulating for biologists. "We get 50,000 to 100,000 hits on our database per week. People need this data."

The Federal genome project office has begun to follow his lead, and those receiving grants must now make their data available at least every six months.

The task over the next few years for those leading molecular biology will be to get biologists away from their traditional tools—pipettes, gels and flasks—and into analyzing gene function with computers.

"In the next one to three years, we have to figure out how to get humans out of the loop," he said. "Then we can really get to work thinking about biology and what's going on in life."

# REMARKS OF KIKA DE LA GARZA AT THE CONGRESSIONAL HISPANIC CAUCUS INSTITUTE'S 19TH ANNUAL GALA

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. RICHARDSON. Mr. Speaker, on Monday, September 30, 1996, the gentleman from Texas, Mr. DE LA GARZA, addressed the House for the last time. I would like to include for the RECORD Mr. DE LA GARZA's remarks at the Congressional Hispanic Caucus Institute's 19th Annual Gala.

PARTIAL TRANSCRIPT OF CONGRESSMAN KIKA DE LA GARZA'S REMARKS AT THE CONGRESSIONAL HISPANIC CAUCUS INSTITUTE'S 19TH ANNUAL GALA, WEDNESDAY, SEPTEMBER 25, 1996

This is a great night for me, of course for the tribute, but more important for who we are, and what we do, and what we celebrate here, beyond me. The odyssey began a thousand years ago, in a little corner of Europe called the Iberian peninsula. And then, some 500 years ago, it crossed a vast ocean to a new world. Those galleons were manned by Spaniards, Hispanics. And then they came and explored the coast of the Carolinas, Newfoundland, what we now know as North and South America and began settlements. So the odyssey continued—Spanish, Mexican and Texan, and Confederate and U.S. and we never moved from the same ranch.

... people out of the United States, how not to educate children because their parents might be illegal or ... that to me was a sad occasion that a child, you know, the Master said, "Suffer the children to come unto me." He didn't say if they were Palestinians or Nazaranians, he said, "the children, come unto me." And here we're saying, "No, you're not going to teach this child. You're going to throw him out on the street. We don't care if he's educated because his parents are illegal or because he's illegal. That's not right. That's not what America is all about. (Applause) Thank you. (Applause)"

Some of us have been more fortunate than others. I have been more fortunate. But I come to you saying that, to those who receive much, have more to repay, and this is something that we have to look at, and that's been my thrust all along. That we have a ... When they said life, liberty, and the pursuit of happiness, that's what it means, having a youngster be educated, have a youngster the ability to help himself. If no one else will help them, at least he'll help himself. And I had, throughout my life, the best educators, teachers, since my very first nun, Sister Mary Teresita, and my very first scout master, and following that my first high school coach. We followed them, and we were able to achieve. And my friends, I stand here tonight as part of that odyssey that began long time ago, thank to those who have touched my life along the way. Family, my wife, my kids. I regret that my kids could not be here. One, Mike, is out in the middle of the Mediterranean, the task force with the Enterprise, Lieutenant Commander Mike de la Garza. We're very proud of him. Our daughter Angela works for Jay Morwin (??) in Austin with the Gulf of Mexico initiative. And our heart surgeon George, we're

very proud of him. He's there at home and he's the one that we see more often. But that's the family, that's the evolution, but we're family, all of us Hispanics. That's what our life has been about. Family. Unity. Any primo can find a place . . . we don't have any homeless among the Hispanic community. There's always a relative to go and take them in. (Applause) There are many people in Texas who got me where I am tonight. (Applause)

(Break in recording)

. . . When my wife and I go there and they can't hug me much more above my waist, but they come and hug me and all of them are so happy that we're there. I'm . . . That's the only school named after someone that's not dead. So they're glad to see me, "Yes, that's Kika de la Garza, yes, oh boy." (Laughter) But they're learning and that's the future. That's who we're working for. Those of you who are in the corporate world, those of you who help us with the interns and the fellows. I just got a call today from a former fellow of the Hispanic Institute who is a dean at Cornell University. (Applause) And that, my friends, is what it's all about. That we include la familia . . . Unfortunately we're having hard times in this country, and there's no perfect country. We're probably the closest one to perfection, with all our faults, of all the countries in the world. And what we have from Mexico all the way to Chile and Argentina and through the Caribbean, that's the extended family. That's la familia. But because of an accident of history, many of us became American citizens and let me tell you that when we became American citizens we transferred the loyalty. We transferred all of our interest and we have pledged allegiance to the flag of the United States of America. But I respect the Mexican flag because that was part of my family history in the beginning. And that's something that (Applause) . . . that some people would not understand, but we served. I served in the navy. I served in the army. And this is something that . . . "We can't spend our money on the youngsters because he's illegal." There is an illegal dead marine whose family has the Congressional Medal of Honor at home. That, my friends, . . . (Applause) . . . And we served. We have some Congressional Medal of Honor winners here. I saw the winner, Mr. Rojo. Where are you? Will you take a bow? (Applause) . . . And from Mission, Texas, we had Sergeant Lopez and we're going, October the 12th, we're going to commission the U.S.S. Freddy Gonzalez, a new cruiser, and Freddy died in Vietnam. And got the Congressional Medal of Honor, which his mother has, and my uncle Bobby, my mother's youngest brother, died in World War II. And for those that may doubt, let me tell you, I grew up in el barrio en el escuela Católica. We all lived around the Catholic school. Let me tell you. Joaquin Castro, buried somewhere in the Pacific ocean, only the good Lord knows where he is at, Roberto Gonzalez, killed after 65 missions as an aerial gunner, came and died in an accident, his plane fell in Utah. Around the corner, Ricardo Alaniz, Cayo we called him, died in the Battle of the Bulge. Next to him Daniel Garcia, somewhere in the bowels of the Pacific ocean, only the good Lord knows where he's at. My uncle Bobby that lived with us for some time after my grandmother died. Around the corner Merced Salinas, 28 years in the army waiting for thirty, dead in Vietnam. And Panchito Bentania, 18 years old, dead in Vietnam. My friend, this is our family, this is our neighborhood—el barrio y la escuela Católica—that's our contribution: everyone served. (Applause) And so I truthfully tell you we don't want any handouts, we just want to be treated as every other American should be treated. And hopefully

we will get the same respect and treatment as everyone else. And we'll work. Because Lyndon Johnson came to my district once after he'd left the Presidency for something they had for me and he was asked by the media "What has been your philosophy of life? What have you tried to do in politics as president?" He said, "Very simple—a job for every person able to work, a decent home for his family, and a good school for his children. Beyond that, they can take care of themselves." And that's what I have tried to do my friends.

We are la familia. We are la familia. We have been able to garner a coalition to stop legislation—not to pass—but we can garner our coalition to stop almost any bit of legislation if we can get that coalition going. And we have passed some good legislation. So let me say that as we celebrate Hispanic month, as we look around us at la familia—who the Hispanics are—whatever color, whatever shade of face or hair or how much hair, we know that we have worked together, we know that we have the love that every family has for their children and want to see their children achieve and prosper and succeed in life. We want to see that every child becomes your child—that every child becomes my child—and that together we gather that family and we work to see that the doctor, lawyer, or engineer. It was so great the other night to see in the baseball, in the arts, in education, those that were recognized as having been leaders and having achieved beyond the norm the greatness of these individuals. In my area you know, our brethren and our brothers in the Black College Fund have a saying that a mind is such a terrible thing to waste. My friends, this is true. I grew up—Don Baltisario Guzman could play 5 musical instruments, could write poetry. He was photographer at funerals and weddings if there wasn't anybody to delivery the speech he would be there. This man who was a genius never went to school. Can you imagine had he had a formal education what he could have achieved beyond what he did? And this is what we're talking about. That everyone be able to fulfill their good-given ability and this is . . . Don Baltisario was to me was one of my heroes. There was a scientist, Ben Villalone, and he tamed the wild jalapeño. No one had been able to do that. He's a research scientist at Weslaco and head of that Texas A&M experiment station in Doctor José Amador who is here with us tonight and we're very proud of him, that he's here with us.

And so, let me just put it all together, my friends, that as we achieve, we shouldn't disregard . . . there's a saying "No see me olvida de donde vine ni quien me puso donde estoy.—I don't want to forget where I came from nor who placed me where I'm at." And this is it. I brought them with me tonight. (Applause) I brought them with me tonight. The Freddy Gonzalez, and the Cayo Alaniz, the migrant who worked in the fields, the sailors in those galleons that came across the vast ocean to begin what we celebrate tonight. The mothers who worked in the fields and reared the children, the teachers who worked for free in the neighborhood, the priests, the nuns, the preachers, all of those that came to people of low economic resources. I bring them all with me tonight and any tributes that you give me, really belongs to them. They're here. (Applause)

They are here, my friends, and I hope that you can visualize that they're here, my friends from the migrants, my friends the campesinos, my friends who worked and toiled, my friends who are able to say "I never went to school but all my kids have graduated from college." That's what it's all about. (Applause) And so let me say, you're saying what is this guy doing? (Laughter)

I'm waiting for the President to come. (Laughter) (Applause) May I can tell the submarine story.

So let me just end with this, my friends. A long time ago, when the explorers were going to the North (Laughter) they stopped in the evening near a big mountain. And one of the soldiers said "I wonder if anybody will ever know we came this way." And his commander said "Well, I'm going to take care of that for me." So he got his saber and he carved his name on the side of the rock and put the date and below it put "Pasó por aquí." So my friends I contributed my little grain of sand to the vast ocean of what is the legislative field, but I wanted you to know that hopefully someday somehow the world and our friends and especially my Hispanic family will know that someone named Eligio de le Garza, otherwise known as Kika pasó por aquí. Thank you. (Applause)

# CONFERENCE REPORT ON H.R. 3005, NATIONAL SECURITIES MARKETS IMPROVEMENT ACT OF 1996

SPEECH OF

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, September 28, 1996

Mr. BLILEY. Mr. Speaker, in connection with the historic passage in the House of Representatives and the Senate of the National Securities Markets Improvement Act of 1996, I offer the following remarks to clarify the congressional intent underlying certain provisions in the act.

## PREEMPTION OF STATE AUTHORITY OVER SECURITIES ISSUERS

Section 102 of the National Securities Markets Improvement Act of 1996 eliminates State regulation of securities offerings by a variety of securities issuers, while preserving State authority to police against fraud and to require notice filings and fees. The legislation's express preservation of State authority to require securities issuers to file documents with the States for notice purposes only is intended to allow States access to information that is routinely filed with the Commission and is not intended to extend to documents that are not filed with the Commission. This would not, however, preclude a State that, consistent with the legislation, has legitimate cause to commence an investigation pursuant to its anti-fraud authority from requesting such documents as it might be entitled to pursuant to such authority.

The preemption effected by section 102 also extends to securities that are listed on the New York Stock Exchange, the American Stock Exchange, or the National Market System of the Nasdaq Stock Market. This preemption is intended to apply to securities that are nationally traded and list or have been authorized for listing on any of these three markets. In the past, disparate regulatory treatment of these markets by State laws has unnecessarily hindered the competition that improves the markets for investors. This legislation is designed to provide a level playing field for those markets by eliminating duplicative or unnecessary State regulation equally for securities that are listed or authorized for listing on any of the New York Stock Exchange, the American Stock Exchange, or the National Market System of the Nasdaq Stock Market.



Furthermore, the preemption effected by the act applies to a security that is a "covered security" or will be a "covered security" upon completion of the transaction. Thus, for example, the preemption effected by section 102 applies to initial public offerings that are authorized for listing on the National Market System of the Nasdaq Stock Market and are sold in advance of the effective date of their registration statements.

Generally, States regulate securities offerings through laws administered by State securities administrators or, in certain cases, State insurance regulators. The preemption provided in section 102 of the act applies to any State authority, whether a securities administrator or an insurance regulator.

EXCEPTIONS FROM THE DEFINITION OF "INVESTMENT COMPANY"

Section 209 of the act provides a new exception from the Investment Company Act for investment pools that sell their shares only to "qualified purchasers"—qualified purchaser pools. This section provides a grandfather provision enabling private investment companies that qualify for the exception from the definition of "investment company" in section 3(c)(1) of the Investment Company Act—"Section 3(c)(1) pools"—to qualify under the qualified purchaser pool provision notwithstanding that such a section 3(c)(1) pool might have investors that are not "qualified purchasers" under the provision, so long as the pool complies with certain requirements, including providing notice to its beneficial owners of its intent to use the qualified purchaser pool exception.

Section 209 includes a requirement that the Securities and Exchange Commission prescribe rules defining the term "beneficial owner" for purposes of this notice requirement. I would expect the Commission to promulgate rules pursuant to this provision that will ensure that this notice requirement is not unnecessarily burdensome, especially for sec-

tion 3(c)(1) pools that have shareholders that are themselves section 3(c)(1) pools, investment companies, or other institutional shareholders. The notice requirement was intended to ensure that direct shareholders of section 3(c)(1) pools seeking to convert to qualified purchaser pool status would be notified of the imminent change in their investment. The notice requirement was not intended to cause a section 3(c)(1) pool seeking to convert to qualified purchaser pool status to have to provide notice of the impending change to the underlying shareholders of the converting pool's institutional shareholders, such as shareholders that are section 3(c)(1) pools, investment companies, or other companies, so long as those institutional shareholders are not under common control or controlled by the converting pool. The purpose of this notice is to ensure that the investor in the converting pool is aware of the imminent change in the nature of the pool so that the investor may choose whether to divest from the pool or not. Thus, notice to the person making the investment decisions for an institutional shareholder should suffice to carry out this congressional intent. In the event the institutional shareholders of a converting section 3(c)(1) pool are under common control or controlled by the converting pool, it might be appropriate to require the converting fund to provide notice of its intent to the underlying shareholders. I would expect the Commission to act expeditiously to promulgate rules to implement this congressional intent with respect to the notice requirement.

In addition, the Commission should act as soon as practicable to promulgate the rules defining "investments" under section 209 of the act in order to expedite the effective date of that section.

SEC EXEMPTIVE AUTHORITY

This act grants the Securities and Exchange Commission the authority to issue exemptions from the provisions of the securities laws. We

intend that the Commission use this exemptive authority responsibly and flexibly. We are certain that the Commission will not use the exemptive authority to undermine the basic goals of the federal securities laws. However, in the past, Congress tied the hands of the Commission: for example, it limited the Commission's ability to decide when a prospectus should be delivered. I expect that the Commission will use the exemptive authority granted by this legislation to provide for greater flexibility in the administration of the securities laws. The Commission has used its existing exemptive authority, such as its authority under section 10(b) of the Securities Exchange Act of 1934 to define deceptive or manipulative conduct, to further the Federal securities laws by creating exemptions and safe harbors in order to make the letter of the law consistent with the spirit of the law. Similarly, in section 21A(c) of the Securities Exchange Act of 1934, Congress granted the Commission authority to exempt, in whole or in part, either unconditionally or upon specific terms and conditions, any person or transaction or class of persons or transactions from the provisions allowing the Commission to seek certain civil penalties for insider trading.

The exemptive provisions in this legislation are intended to expand such existing exemptive authority, so that the Commission will be able to create exemptions from any provision of the securities laws where the Commission finds it appropriate to do so, consistent with this provision. The Commission will have the ability to adapt rules to the needs of all types of issuers, investors, and broker-dealers. The provisions will afford the Commission the ability to tailor rules to new technology, evolving products, and differing investor needs. We further intend that this exemptive authority will be used for the protection of investors and the public, as well as to promote efficiency, competition, and capital formation.