

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