

In addition, on December 16, 1996, the Postal Rate Commission [PRC] declared that the USPS' packaging service, Pack and Send, is subject to the PRC's ratemaking. In its decision, the PRC found that "the Pack & Send service is 'postal' in character, and that establishment of the service and recommendations concerning its fees are functions that the Postal Reorganization Act contemplates to be within the jurisdiction of the Postal Rate Commission." The USPS must now either discontinue the service or submit the service for a rate with the PRC.

Under our bill, the USPS will return to focusing on the core services that it was offering as of January 1, 1994. This is a reasonable approach to protecting jobs and satisfying American consumers seeking postal services. I encourage my colleagues to join me in cosponsoring Mr. HUNTER's legislation.

COMPREHENSIVE PREVENTIVE
HEALTH AND PROMOTION ACT
OF 1997

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. GILMAN. Mr. Speaker, we are all aware of rising health care costs and reports of abuses by private health insurance companies. The United States spends far more per capita on health care than any other major nation; according to 1993 estimates, national health expenditures totaled \$884 billion, or 13.4 percent of the gross domestic product [GDP]. Projections on health care expenditures indicate that consumer spending for health services will exceed 18 percent of GDP in the year 2000.

As health care costs continue to climb, insurance carriers have increasingly used experience ratings and underwriting practices to reduce their expenses. This has caused insurance companies to compete for business based on risk selection rather than on efficiency or service to the customer. Essentially, insurers find themselves competing for the healthiest, lowest-cost groups—a situation that leaves individuals, small businesses, families, and high-risk groups searching for affordable, accessible health insurance.

Making matters worse are reports which continue to surface describing practices by HMO's which restrict patients access to quality health care. Examples include health plan restrictions governing their relationships with providers, limiting consumer access, and failing to cover or offer adequate preventive health care.

Accordingly, I rise today to introduce legislation which will help produce a healthier Nation. This measure will cover individuals for periodic health exams, as well as counseling and immunizations.

The Comprehensive Preventive Health and Promotion Act of 1997 will direct the Secretary of Health and Human Services [HHS] to establish a schedule of preventive health care services and to provide for coverage of these services under private health insurance plans and health benefit programs of the Federal Government.

More specifically, the Secretary of HHS, in consultation with representatives of the major

health care groups, will establish a schedule of recommended preventive health care services. The list of preventive services will follow the guidelines published in "The Guide to Clinical Preventive Services" and "The Year 2000 Health Objectives." The preventive services will cover periodic health exams, health screening, counseling, immunizations, and health promotion. These services will be specified for both males and females, and for specific age groups.

Additionally, HHS will publish and disseminate information on the benefits of practicing preventive health care, the importance of undergoing periodic health examinations, and the need to establish and maintain a family medical history for businesses, providers of health care services, and other appropriate groups and individuals.

Moreover, prevention and health promotion workshops will be established for corporations and businesses, as well as for the Federal Government. A wellness program will be established to make grants over a 5-year period to 300 eligible employers to establish and conduct on-site workshops on health care promotion for employees. The wellness workshops can include: counseling on nutrition and weight management, clinical sessions on avoiding back injury, programs on smoking cessation, and information on stress management.

Finally, my legislation directs HHS to set up a demonstration project which will go to 50 counties over a 5-year period to provide preventive health care services at health clinics. This program will cover preventive health care services for all children, adults under a certain income level. If above the determined income level, fees will be based on a sliding scale. Additionally, the project will entail both urban and rural areas in different regions of our Nation to educate the public on the benefits of practicing preventive health care, the need for periodic health exams, and the need for establishing a medical history, as well as providing services.

Mr. Speaker, we can all agree that our current health care system needs to be improved, and our Nation needs to become healthier. Experts have concluded that practicing preventive health care does work, and will produce a healthier Nation. Although there is a consensus on the benefits of practicing preventive health care, only approximately 20 percent of health insurance companies offer coverage for periodic health exams.

Accordingly, to all my colleagues who share my concern regarding the importance of producing a healthier Nation, I invite and urge you to cosponsor this measure, sending a clear message to our Nation's citizens that Congress is taking significant steps to improve our Nation's health care system.

REFORM OF THE FEDERAL BLACK
LUNG PROGRAM

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. RAHALL. Mr. Speaker, today, I am reintroducing legislation that I have sponsored for several Congresses now to form the Federal Black Lung Program.

This legislation reflects the frustration of thousands of miners and their families with the extremely adversarial nature of the current program as administered by the Labor Department.

As it now stands, disabled miners who suffer from the crippling effects of black lung disease are faced with the Federal bureaucracy so totally lacking in compassion to their plight, that it appears intent upon harassing their efforts to obtain just compensation at every single step of the claim adjudication process.

In fact, today we are witnessing less than a 10-percent approval rate on claims for black lung benefits.

This figure does not attest to any reasonable and unbiased comportment of the facts.

Rather, it represents nothing less than a cruel hoax being perpetrated against hard-working citizens who have dedicated their lives to the energy security and economic well being of this Nation.

The original intent of Congress in enacting legislation to compensate victims of black lung disease was for this to be a fairly straightforward program. This intent has been defeated by years of administrative maneuverings aggravated by some extremely harmful judicial interpretations. Under this bill, we will return to a program that reflects the statutory commitment Congress, and indeed, the Nation, made to compensate these coal miners and their families.

Make no mistake about it. Victims of black lung disease are not people who are looking for a handout.

They are people who worked their lives in one of the most dangerous occupations in this country.

They are people who were promised compensation by their Government. And they are people who now see their Government break that promise.

It is time, indeed, long past the time that Congress move legislation on behalf of the thousands of miners, their widows, and families who are being victimized by this program, the very program that was intended to bring them relief.

In general, this measure contains the following proposals:

I. New Eligibility Standards: A miner would be presumed to be totally disabled by black lung if the miner presents a single piece of qualifying medical evidence such as a positive x ray, ventilatory or blood gas studies, or a medical opinion. The Secretary of Labor could rebut the presumption of eligibility only if he can show that the miner is doing coal mine work or could actually do coal mine work.

II. Application of New Eligibility Standards: The new standards would apply to all claims filed after enactment of the Black Lung Benefits Act of 1991. All pending claims, and claims denied prior to enactment of the Black Lung Benefits Act of 1991 would be reviewed under the new standards.

III. Elimination of Responsible Operators: All claims would be paid out of the coal industry financed Black Lung Disability Trust Fund. The purpose of this provision is to eliminate coal operators as defendants in black lung cases and the advantage they have over claimants by being able to afford to pay legal counsel.

IV. Widows/Dependents: A widow or dependent of a miner would be awarded benefits if the miner worked 25 years or more in the mines; the miner died in whole or in part from

black lung; the miner was receiving black lung benefits when he died; or medical evidence offered by the miner before he died satisfies new eligibility standards. Widows who are receiving benefits and who remarry would not be disqualified from continuing to receive the benefits, and a widow would be entitled to receive benefits without regard to the length of time she was married to the miner.

V. Offsets: The practice of offsetting a miner's Social Security benefits by the amount of black lung benefits would be discontinued.

THE REINTRODUCTION OF THE FAIRNESS IN POLITICAL ADVERTISING ACT

HON. LOUISE MCINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Ms. SLAUGHTER. Mr. Speaker, in this past election season, spending levels for Federal elections shattered all previous records, for an estimated total of \$1.6 billion. Given the vast sums of money required to run for office, wealthy individuals have a significant advantage over ordinary citizen candidates. That is hardly representative government. The cost of running for political office in America has simply become too high, and I am determined that we find a better way.

On election night, I vowed to redouble my efforts to clean up our out-of-control campaign finance system. Today I am reintroducing the Fairness in Political Advertising Act, which would both reduce the cost of elections and level the playing field by requiring broadcast stations to make free political advertising time available to candidates, as a condition of those stations renewing their licenses. And because so many voters have expressed dismay over negative advertising, my bill would also require that the programming consist of unedited segments in which the candidate speaks directly into the camera. In this way, candidates would be directly accountable for any statements made.

My first responsibility in this Congress is to see that the people of New York's 28th Congressional District, as well as our Nation, experience fair and clean campaigns in the years to come. The Fairness in Political Advertising Act would go a long way toward reducing the influence of money on our elections. I urge Congress to enact it now.

A BEACON-OF-HOPE FOR ALL AMERICANS: LORRELLE HENRY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. OWENS. Mr. Speaker, with the 1996 election behind us, this Nation has completed another cycle of the ongoing democratic process which makes America great. The electoral process and the public officials selected through this process are invaluable assets in our quest to promote the general welfare and to guarantee the right to life, liberty, and the pursuit of happiness. It is important, however, Mr. Speaker, that we also give due recognition

to the equally valuable contribution of non-elected leaders throughout our Nation. The fabric of our society is generally enhanced and enriched by the hard work done year after year by ordinary volunteer citizens. Especially in our inner-city communities which suffer from long public policy neglect, local grassroots leaders provide invaluable services. These are men and women who engage in activities which generate hope. I salute all such heroes and heroines ad BEACONS-OF-HOPE.

Lorrelle Henry is one of these BEACONS-OF-HOPE residing in the central Brooklyn community of New York City and New York State. Ms. Henry served as the director of libraries for the New York City school system until her retirement. She now serves as an adjunct professor at the Borough of Manhattan Community College.

Although retired from the school system, Ms. Henry continues to work as an advocate for children. Ms. Henry serves as president of the Central Brooklyn Martin Luther King Commission; vice president of the New York City Martin Luther King Commission; treasurer of the Brooklyn Women's Political Caucus; member of ALA Caldecott Committee, which selects outstanding children's books; member of the Coretta Scott King Award Jury, which selects outstanding children's books by black authors; member of the board of directors of the Great Day Chorale; member of the Lincoln Place Block Association; and member of the Award of the Americas Committee, which selects outstanding children's books portraying Latin American and Caribbean life. Moreover, she is a recipient of numerous awards including the School Library Service Award and the New York State Martin Luther King, Jr. President's Award.

Lorrelle Henry is the oldest of two children and grew up in Harlem during the exciting times of Langston Hughes, Adam Clayton Powell, and others. Lorrelle's parents always emphasized the necessity for donating time and energy to neighbors and community. In addition, her parents encouraged their children to be political activists.

Lorrelle Henry is a native New Yorker who attended the city's public schools. She later graduated from Brooklyn College and obtained a master's in library science from St. John's University.

Ms. Henry is the mother of three children, Michelle, Gairre, and Scott. And she is the proud grandmother of Kahlil, Shaniqua, Naren, and Jordan.

Lorrelle Henry is a BEACON-OF-HOPE for all of central Brooklyn and for all Americans.

COMPUTER MAINTENANCE COM- PETITION ASSURANCE ACT OF 1997

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. KNOLLENBERG. Mr. Speaker, I rise today to introduce a bill to ensure that a computer owner may authorize the activation of their computer by a third party for the limited purpose of servicing computer hardware components. This is the same language that I worked with former Chairman Carlos Moorhead to include in H.R. 1861, section 7, "Limitations on Exclusive Rights; Computer Programs," during the 104th Congress. Under suspension of the rules, H.R. 1861 was passed by voice vote.

The specific problem is when a computer is activated, the software is copied into the Random Access Memory [RAM]. This copy is protected under section 117 of the Copyright Act, as interpreted by the Fourth and Ninth Circuits Court of Appeals. This technical correction is extremely important to Independent Service Organizations [ISO's] who, without this legislation, are prohibited from turning on a customer's computer. A wave of litigation has plagued the computer repair market. The detrimental effect is that ISO's are prevented from reading the diagnostics software and subsequently cannot service the computer's hardware. The financial reality is that the multibillion dollar nationwide ISO industry is at risk.

My bill provides language that authorizes third parties to make such a copy of the limited use of servicing computer hardware components. My bill does nothing to threaten the integrity of the Copyright Act and maintains all other protections under the act.

The intent of the Copyright Act is to protect and encourage a free marketplace of ideas. However, in this instance, it hurts the free market by preventing ISO's from servicing computers. Furthermore, it limits the consumer's choice of who can service their computer and how competitive a fee can be charged.

BANKRUPTCY LAW TECHNICAL CORRECTIONS ACT OF 1997

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 7, 1997

Mr. CONYERS. Mr. Speaker, today I am introducing the Bankruptcy Law Technical Corrections Act of 1997. This legislation provides a number of much-needed technical corrections and updates to our bankruptcy laws.

Many of the changes identified in the bill are designed to remedy drafting errors in the Bankruptcy Reform Act of 1994, while others relate to provisions in the Bankruptcy Code which pre-date the 1994 changes. The legislation is based in part on a series of changes brought to Congress' attention by the non-partisan National Bankruptcy Conference last Congress, many of which were incorporated into S. 1559, the Bankruptcy Technical Corrections Act of 1996.

Among other things, the bill I am introducing today updates a number of definitions, clarifies that debtors' attorneys may be compensated out of the debtor's estate, clarifies the types of professional services which are eligible for administrative expense treatment, and provides that the 1994 amendments to section 525(c) apply only to bar discrimination concerning students loans and grants because of prior bankruptcies.

The bill also specifies that in 1994, when Congress overruled the *Deprizio* line of cases, we intended the new law to apply to transfers of liens in property. In addition, the bill modifies section 365 of the Bankruptcy Code to, among other things, make it clear that subsection (b)(2)(D), providing an exception to the obligations which must be cured in order for