

stamps to deserving legal immigrants, such as the elderly and disabled. A dozen states are dipping into their own treasuries to supply food stamps. Sixteen do the same to support Medicaid services. Eighteen use state money for cash grants for those who desperately need it. Massachusetts is included in each of those categories.

Perhaps this is fine with members of Congress who would wash federal hands of any such responsibility, and who view legal immigrants as burdens at best.

But immigration policy is a function of the federal government, not of the 50 individual states.

What's happening now is that the states' where the human trauma of cutbacks is the worst have felt compelled to act on their own and at their own expense to repair the damage caused by those federal cutbacks.

It is petty and small-minded of Congress, the president and the federal government to allow this to continue. Using legal immigrants as an ideological punching bag is a political gimmick unworthy of the United States—but not evidently, of many members of Congress.

#### SUPPORT GROWS FOR CARVE-OUT OF DISPROPORTIONATE SHARE COSTS FROM PAYMENTS TO H.M.O.'s MEMBERS INVITED TO COSPONSOR H.R. 2701

#### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 28, 1997*

Mr. RANGEL. Mr. Speaker, on Wednesday, October 22, five of us introduced H.R. 2701, a bill to "carve out" disproportionate share hospital [DSH] payments from the amount Medicare pays managed care organizations, and provide it directly to the DSH hospital when an MCO patient uses that DSH hospital.

Today, I am adding Representatives MATSUI, COYNE, and McDERMOTT to the list of co-sponsors.

To help explain the purpose of the legislation, I would like to include in the RECORD below a press release from the American Hospital Association in support of this legislation "which helps hospitals caring for large numbers of poor Americans."

I want to thank the Greater New York Hospital Association, the American Hospital Association, and the Healthcare Association of New York State for their early support.

#### AHA APPLAUDS BILL WHICH HELPS HOSPITALS CARING FOR LARGE NUMBERS OF POOR AMERICANS

WASHINGTON (October 22, 1997)—The American Hospital Association (AHA) added its strong support to legislation introduced today by Rep. Charles Rangel (NY) to ensure that Medicare payments meant to help hospitals caring for large numbers of low-income Americans actually reach those institutions. Other original co-sponsors included Rep. Pete Stark (CA), Rep. Benjamin L. Cardin (MD), Rep. John Lewis (GA) and Rep. Xavier Becerra (CA).

Within the Medicare program, hospitals that provide care to a large number of low-income Americans receive special payments to help serve these patients. Currently, these hospital payments are included in the rates Medicare pays managed care plans. Typically, these payments are not passed along by plans to hospitals that provide the care. The Rangel bill separates those payments

from Medicare managed care plan payments and directly pays them to the institutions that deliver this vital care in communities.

"This bill gives credit where it's due," said Rick Pollack, AHA's executive vice president. "Nearly 1,900 hospitals care for large numbers of the poor and are due these payments. This bill gives many hospitals the financial underpinnings necessary to continue providing such quality health care. It's an important step to ensure access to care for the poor."

A similar approach was included in the recent budget bill. Under the budget deal, Medicare payments to cover the costs of teaching our nation's physicians are passed directly to the hospitals that incur these expenses, and not folded into Medicare payments to managed care plans. The AHA strongly supported that measure. An AHA-supported proposal, similar to the Rangel bill, was discussed during the budget debate, but ultimately not enacted.

"We look forward to quick passage of this important legislation," said Pollack. In addition, Pollack noted that AHA will continue to seek repeal of the guaranteed 2 percent increase in Medicare managed care payments to help smooth out the still considerable variation in payment rates across the country.

The AHA is a not-for-profit association of health care provider organizations that are committed to health improvement of their communities. The AHA is the national advocate for its members, which includes 5,000 hospitals, health care systems, networks, and other providers of care. Founded in 1898, AHA provides education for health care leaders and is a source of information on health care issues and trends. For more information visit the AHA, web site at [www.aha.org](http://www.aha.org).

#### "BEAR" MILLS—STRIVING FOR EXCELLENCE

#### HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 28, 1997*

Mr. COMBEST. Mr. Speaker, I rise today to commend Mr. "Bear" Mills from Midland, TX for recently receiving the 1997 Texas Elementary School Teacher of the Year Award.

Mr. Mills was an award winning columnist and radio commentator in Texas and overseas for 10 years before going back to school to obtain his teaching certificate in 1994. After several years of working with educators, including his wife Caryl, Mr. Mills decided education was right for him. Four years later Mr. Mills is the 1997 Texas Elementary School Teacher of the Year.

Mr. Mills teaching philosophy is simply, "If I'm not striving for excellence every single day as a teacher, then what right do I have to expect excellence of my students?" he says.

Being an expert in your field and a strong figure in the classroom are two things Mr. Mills believes creates a good teacher.

Mr. Mills is dedicated to strengthening the commitment to basic academics as well as educating our children in safe and nurturing environments.

I think as both parties discuss how best to improve our education system we should learn from Mr. Mills' example.

#### CONGRATULATING MAACO ON ITS 25TH ANNIVERSARY

#### HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 28, 1997*

Mr. TALENT. Mr. Speaker, I rise today to congratulate MAACO on the occasion of its 25th anniversary.

In 1972, Anthony A. Martino, the man who had founded AAMCO Transmissions in the mid-1950's, decided to create another franchise system for quality production auto painting and body repair. He opened a pilot center in Wilmington, DE, and despite critics who proclaimed "you could never franchise paint and collision repair," today, on the 25th anniversary of MAACO Auto Painting and Bodyworks, there are 500 MAACO franchise centers in 48 of the United States, and in Canada, Mexico, and Puerto Rico.

Next week, MAACO will celebrate the culmination of its 25 years in business at the Hotel Del Coronado in San Diego, CA, and at the same time, observe that in this its 25th year, MAACO has also achieved the painting and repair of its 10 millionth vehicle, while opening its 500th center in North America.

Tony Martino, founder and still CEO of the chain today, has always believed that with a strong operating manual and a strong system, and, in the case of MAACO, by offering the public a quality paint and body repair service at reasonable prices, you can be successful.

Since 1972, MAACO has built a \$335 million franchise system and has made hundreds of men and women successful owners of a small business that has become part of the economic engine of America. As MAACO observes its 25th anniversary, it has proven that MAACO is more than a business to its hundreds of independent MAACO operators.

#### HONORING DR. GORDON P. EATON

#### HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 28, 1997*

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to Dr. Gordon Eaton, who is an outstanding member of the Northern Virginia community. Gordon is retiring as the Director of the U.S. Geological Survey (USGS) which is an agency under the jurisdiction of the U.S. Department of Interior.

The mission of USGS is to gather information for every State in order to minimize the loss of life and property from natural disasters; to maintain water, biological, energy and mineral resources; to enhance and protect the quality of life; and to contribute to sound economic and physical development. It is the Nation's largest natural resources science and civilian mapping agency. In that role, USGS must work in cooperation with nearly 2,000 organizations across the country to provide reliable, impartial information needed by resource managers and planners. Guiding an agency with such an important and diverse mission is a difficult task requiring an individual that is both management-oriented, and has an understanding of several different scientific fields.

Gordon is a man with these skills and many more as evidenced by his tenure at the USGS.

Dr. Eaton is the 12th director in the 118-year history of the USGS. He has headed the agency for the past 3 years and has guided USGS through one of its most tumultuous periods. Dr. Eaton has led the bureau during a time of Government downsizing and has succeeded in redefining the mission of USGS so it may continue as a preeminent science bureau into the 21st century. When he came to the USGS, it was facing criticism that it had outlived its mission as a Government agency and no longer provided valuable scientific information. Dr. Eaton was able to expand the public's knowledge of the many contributions the USGS makes as well as make the services of the bureau more accessible to the public. Gordon was able to communicate the need for change to employees who felt threatened by and out-of-touch with their constituency.

Dr. Eaton helped the employees of USGS to rethink their position and helped the many different branches of the bureau to better coordinate their services. He made it a grassroots effort at the USGS as he tried to make sure everyone felt included in the changes at the agency. Dr. Eaton solicited the opinions of employees at every level in deciding how the agency could most effectively adapt to a new mission. Dr. Eaton's leadership skill and willingness to face down any challenge will certainly be missed by the many employees at USGS who enjoyed his open-door management style.

Mr. Speaker, I know my colleagues join me in honoring and thanking Gordon Eaton for his achievements in guiding the U.S. Geological Survey into the next century. We appreciate all of his hard work and devotion in making the USGS an efficiently run agency that is able to provide the highest level of service to the American public.

### LUPUS, A HARMFUL AND RAVAGING DISEASE

#### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 28, 1997*

Ms. ROS-LEHTINEN. Mr. Speaker, recently, Congresswoman CARRIE MEEK and I hosted a forum at Jackson Memorial Hospital to talk about a disease, lupus, that burdens the lives of almost 2 million Americans, striking 1 out of every 185 Americans. Moreover, although this disease can affect individuals at any age, and in either sex, 90 percent of those who suffer from this ravaging disease are women.

Lupus is not an equal opportunity illness. It not only targets women, but African-American and Hispanic women face an increased threat—as many as three times over.

Lupus, whose name comes from the facial rash it produces, is an autoimmune disease, where instead of protecting itself against viruses, bacteria, and other foreign materials, the body makes antibodies against itself. It is in a class of illnesses that includes forms of diabetes, arthritis and, according to recent research, many also include a number of conditions such as Parkinsons. All of these illnesses occur when the immune system ends up attacking the very body it is supposed to defend.

Although this devastating disease is not infectious, rare, or cancerous and it ranges from mild to life-threatening, the reality is that thousands of Americans die with lupus each year. Moreover, while many other chronic diseases make the headlines, lupus affects more individuals than AIDS, cerebral palsy, multiple sclerosis, sickle-cell anemia, and cystic fibrosis combined.

Even though the outlook for lupus patients has greatly improved, there is still a need for increased research. Therefore, I am proud to be a cosponsor of CARRIE MEEK's bill, H.R. 1111, legislation which will increase research funded through the National Institutes of Health from \$33 million last year to \$50 million for the next fiscal year and would make an additional \$50 million available to State and local governments, as well as nonprofit organizations, to assist with providing essential services to low-income individuals with lupus.

While improvements in medication can allow those afflicted to look forward to a normal life span, there is still much work to be done in education and research. It is my hope that this legislation will hasten the day when lupus is nothing more than a bad memory.

I implore my colleagues to take an active role during Lupus Awareness Month and sign onto H.R. 1111, which 84 of my colleagues have already cosponsored, so that those 2 million Americans afflicted with lupus will have a fighting chance of battling this harmful and ravaging disease.

### PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 1997

SPEECH OF

#### HON. RICK HILL

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 22, 1997*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1534) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the U.S. Constitution, have been deprived by final actions of Federal agencies, or other Government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when Government action is sufficiently final to ripen certain Federal claims arising under the Constitution:

Mr. HILL. Mr. Chairman, I rise as a cosponsor of H.R. 1534, the Private Property Rights Implementation Act. I proudly voted for this bill when it passed the full House on October 23, 1997.

The fifth amendment in the Bill of Rights guarantees the protection of individuals against the power of all levels of government. According to recent studies, between 80 and 95 percent of all individuals trying to defend their fifth amendment rights in Federal court never get a hearing on the facts of their case. They get lost in a bureaucratic maze of administrative and judicial hurdles that waste time and money.

Of those 5 to 20 percent who break through that maze, it takes an average of 10 years be-

fore the merits of their case are even heard. That's 10 years of fighting just to have your fifth amendment claim heard in Federal court. That is 10 years of financial burden and stress for the private property owner in Montana.

Let me give you a specific example from my home State of Montana. There was a plan to develop a condominium project over a 4 acre area. The aim of this project was to provide affordable housing for the community, with plans to develop 34 units at about the average cost of \$85,000 per unit.

That sounds quite simple and certainly beneficial, but with the current process this was not the case. To go through the approval process, the project was zoned residential, went through a planned unit development hearing, numerous reviews, a redrawing of the plans approximately five times, and an extensive hearing process, all before the city commission granted a final approval. This took approximately 1½ years.

However, the city commission approved the project with only 24 units. This completely changed the concept of the project, and proved quite burdensome. After a year and a half of extensive hearings, what recourse did the project directors face? They could appeal, not to a court, but to the city commission who had granted this arbitrary number of 24 units or once again begin a costly and untimely review process.

Without access to a court, the project managers had little choice but to proceed with the city commission's inflexible recommendation of 24 condominiums. This, of course, had dramatic consequences.

What was supposed to be affordable housing units at \$85,000 per unit, ended up costing \$135,000 per unit. Due to structural modifications forced by the commission's approval, this excessive cost undermined the intent of providing affordable housing.

Furthermore, imagine if this were the case for first amendment rights protecting freedom of religion, or fourth amendment rights protecting against illegal search and seizure. I wonder whether those arguing against H.R. 1534 would feel so passionate about protecting the status quo. All Montanans including Montana property owners, deserve equal protection under the Constitution and an equal ability to defend their constitutional rights in Federal court.

The House spoke on behalf of guaranteeing equal protection when it passed this much-needed legislation. I look forward to working with my colleagues further in the hope that the Senate will take up this measure.

### TRIBUTE TO W. PETER MCBRIDE

#### HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 28, 1997*

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention W. Peter McBride of Franklin Lakes, NJ who is being honored this evening as the "1997 Man of the Year" by the Boys and Girls Club of Paterson. This award is presented to Peter in recognition of his outstanding leadership activities throughout the north Jersey area, and his many philanthropic activities in the Greater Paterson community.

Peter was born and lived his early childhood in Paterson. He attended primary school in