

I would like to take this opportunity to applaud the students and faculty of Todd Lane Elementary as well the residents of Center Township who have donated year after year. Without you, Give-a-Christmas would not be possible. Your contributions have not gone unnoticed. Also a special thanks to Todd Lane's program coordinators: Larry Deep, Paul DeFilippi, Peggy Coladonato, Cindy Halsac, Kathy Fouse, and Principal Zigerelli. They should all be commended for their outstanding efforts.

On behalf of the thousands of families who have been fed, clothed and provided with Christmas gifts, I stand before my fellow members of Congress and thank you for a job well done. You have demonstrated the true meaning of the holiday season.

COLLEGE OF SAN MATEO'S 75th ANNIVERSARY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. LANTOS. Mr. Speaker, I would like to bring attention to the outstanding achievements of the College of San Mateo and congratulate the institution on its 75th anniversary. As one of the leading community colleges in California, I have the pleasure of having this college in my district.

Founded in 1922 as the first community college on the Bay Area Peninsula, the College of San Mateo rose to meet the needs of the community. As the cost of universities rose, educators in San Mateo saw the need to provide education for those who could not afford 4 year universities. The College of San Mateo acted as a bridge to the University of California and Stanford when higher education became increasingly more important. Here, students could save money and still receive a high quality education.

The College of San Mateo never stopped serving the community. When World War II struck, the college became the top support center in northern California. As Dean Moris stated:

If the need was to have remedial courses, then there would be remedial courses. If a trade school was needed, then trade school classes would be provided. If the community requested adult education, then an adult school would be formed.

The college became an invaluable asset to the community and a most valuable tool for the economic future of the region.

Hundreds of thousands of students have been educated by the College of San Mateo since its founding 75 years ago. The college has helped start two other community colleges in the county and has been the only community college in northern California to sustain both a television and radio station.

As the college of San Mateo approaches the 21st century, the outlook of the community is very bright. For those student that are unable to attend 4 year institutions, this college is an equal alternative. I am proud to acknowledge the outstanding job the College of San Mateo has done educating our community for the past 75 years and will continue into the next century.

INTRODUCING THE ATOMIC VETERANS MEDAL ACT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. RICHARDSON. Mr. Speaker, today I am introducing legislation that will award a medal for the service of America's atomic veterans.

My bill will recognize the sacrifice that these long forgotten veterans gave to their country. These soldiers were placed in harm's way by their country, and in many cases they were unaware of the dangers they faced. Many of these veterans have suffered severe health problems due to the radiation exposure they suffered during their service. Recognizing these veterans with a medal that signifies their extraordinary contribution to our national defense is the right thing for America to do.

I hope that you will join me in working to pass this bill in the 105th Congress and give long overdue recognition to these brave Americans.

TRIBUTE TO JOHN E. KOBARA

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of John E. Kobara, the departing associate vice chancellor of university relations at UCLA. For the last 20 years, John has been leading and managing diverse, complex, and innovative organizations with close ties to the higher education community.

John is a graduate of UCLA where he received his BA in political science and sociology before going on to earn an MA in urban studies at Occidental College, and an MBA in marketing and finance at the University of Southern California. As an undergraduate he served on the Undergraduate Student Association, the student body of UCLA, demonstrating an early thirst for involvement in the affairs of the campus and an abiding concern for its welfare. These traits, coupled with his love of UCLA, would become landmarks of his professional career with the university. John is deeply committed to the realm of education and to addressing the issues of diversity and multiculturalism in education and in society at large.

As associate vice chancellor for university relations at UCLA, John has served as the chief external relations officer for the institution, overseeing the public relations, alumni relations, campus-wide marketing, government affairs and special events, and protocol offices. Bringing tremendous vision to this role, he has been instrumental in UCLA's embrace of advanced information technology in its external affairs programs, and in guiding the university onto its present course as a leader on the information superhighway. Prior to serving in this role, John served as executive director of the UCLA Alumni Association. His multifaceted career has also included positions as vice president and general manager of a cable television station, president of a theater, and president of a trade association.

John is a masterful communicator, highly regarded for his ability to further mutually respected relationships between and among communities. Committed to empowering others to recognize and actualize their full potential, John delivers dozens of presentations each year on career change, technology, networking, personal growth and empowerment. A Coro alumnus with an extensive record of community involvement, he serves on boards of the Coro Foundation, the East West Players, the Rose Bowl Operating Co., the Asian Pacific Women's Center, and the Council for Advancement and Support of Education.

Mr. Speaker, I ask that you join me, our colleagues, John's wife, Sarah, and his three children, in recognizing the many important contributions of this remarkable man. For his many year of dedicated service, it is only appropriate that the House recognize John Kobara today.

HEALTH INSURANCE ASSISTANCE FOR THOSE 55 AND OLDER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. STARK. Mr. Speaker, in the 104th Congress, I introduced legislation to provide assistance in obtaining health insurance to those 55 and older. Today, I rise again to introduce the same legislation to make the COBRA health continuation program available to anyone between age 55 and the time they become eligible for Medicare.

The 1990's have confronted us with many difficult issues, both foreign and domestic. One issue in particular impacts an everincreasing segment of our population. According to statistics from the Department of Labor, in 1988, there were 13.1 million private sector retirees and 4.9 million had health insurance coverage. In 1994, the number of private sector retirees had risen to 17.4 million but the number of individuals covered by health insurance had declined to 4.7 million. In other words, the proportion of private sector retirees covered by health insurance from a former employer dropped from 37 percent in 1988 to 27 percent in 1994.

As the level of employer-provided insurance declines and as hundreds of thousands of older workers face early retirement because of corporate down-fixing, layoffs, and restructuring, the problem of health insurance for those not-yet-eligible for Medicare is becoming more and more serious.

As Corporate America continues to focus on profit levels, often at the expense of providing health insurance benefits to workers, these individuals face an uncertain and frightening future in the health care arena. The steady decline in coverage among active workers translates into lower likelihood of retiree health benefits being available.

The frightening reality of this situation will only get worse. In 1994, almost 24 percent of retirees—4.1 million, were between the ages of 55 and 64. The pressure on retiree health plans will only increase as the number of persons over the age of 55 nearly doubles—from 55 million today to nearly 100 million—by the year 2020.

There exist numerous examples that help demonstrate the significance of the situation to the older workers.

In October 1996, Philips Consumer Electronic Co. gave about 2,000 employees layoff warning notices. Union leaders involved contend that companies make these moves in part to get rid of older workers who cost more in wages and pension and health benefits and replace them with lower-wage, younger workers.

In October 1996, the Massachusetts State Department of Employment and Training confirmed that 36.1 percent of people claiming unemployment checks in August of the same year were 45 or older—usually considered the most productive, reliable group of workers.

In November 1995, Sunbeam Corp. announced that nearly 6,300 employees, half of its total work force would be let go.

At AT&T, 34,000 jobs had to be cut. Workers were to receive a lump-sum payment based on years of service, up to 1 year of paid health benefits and cash to cover tuition costs or to start a new business—but what happens to health coverage after 1 year?

Two giant New York City banks, Chase Manhattan and Chemical recently combined and 12,000 jobs from the combined banks were subsequently cut.

Since 1990, United Technologies has cut 33,000 jobs.

In 1994, Scott Paper cut 11,000 jobs or 35 percent of their work force.

A 1994 Nationwide study of 2,395 employers by A. Foster Higgins & Co., a New York-based benefits consulting firm, showed that among large companies—those with 500 or more employees—46 percent provide some form of coverage for early retirees, while only 39 percent provide insurance for Medicare-eligible retirees. Fewer than one in five large employers are willing to pay the entire cost of health care for their retirees, while 40 percent of the companies that do offer some form of health care coverage require the retiree to pay all of the costs. Those companies that do provide health care coverage for their retirees are increasingly requiring them to pay a share of the cost, especially for dependents.

Group health insurance is, of course, much less expensive than individual policy insurance, and that is why the COBRA benefit is so vital and useful. The difference in cost for obtaining group versus individual health insurance can easily be several thousand dollars.

Receiving help with the cost of this insurance is particularly important for those in their 50's and 60's because most insurance premiums rise sharply with age. For example, in the Los Angeles market, Blue Cross of California offers a basic, barebones in-hospital \$2,000 deductible plan. This plan is a PPO which restricts options for hospital usage. For a couple under age 29, the cost is \$64 a month. For a couple between age 60 and 64, the cost soars to \$229 a month.

In order to ensure that the cost of COBRA continuation is not an excessive burden to business, my bill calls for age-55+enrollees to pay 110 percent of the group rate policy—compared to 102 percent for most current COBRA eligible individuals and 150 percent for disabled COBRA enrollees.

I realize that the cost of paying one's share of a group insurance policy will still be too much of a burden for many Americans. Many of them will be forced into the uncertain mer-

cies of State Medicaid policies. But for many others, this bill will provide an important bridge to age 65 when they will be eligible for Medicare. I wish we could do more, but in the current climate, this bill is our best hope. We cannot allow the everincreasing ranks of early retirees to be without options in addressing necessary health insurance needs.

The following November 3, 1996 Washington Post article provides further data on why we need to pass this bill.

RETIRING? DON'T ASSUME HEALTH BENEFITS ARE FOREVER

(By Albert B. Crenshaw)

For 14 years, James Murdock worked as a brewing supervisor at Pabst Brewing Co., putting in long hours at the big Milwaukee-based beer producer. But two years ago, when his wife developed multiple sclerosis, he decided to take early retirement to be with her.

He checked the company's employee manual, which he said "guaranteed" health care coverage until age 65, including early retirees and their dependents.

But after giving Pabst notice and even selling his home, Murdock got a computer print-out describing his benefits. "Near the bottom was a sentence that said in essence that they had the right to modify, rescind, cancel and so on" his and his wife's health insurance, he recalled last week.

"It was the first I knew about it. By then it was too late" to halt his retirement. "My replacement was there and trained," he said.

Company officials were reassuring. "They said they never canceled anybody's benefits before," Murdock said.

But this time they did.

Less than two years after his retirement, Murdock is working part-time as a clerk in a hardware store to pay the premiums on a policy for himself. His wife, Carol, is uninsurable and has no coverage. The couple is praying her health holds up until next May, when she becomes eligible for Medicare because of her disability.

"That's going to be our oasis in the desert. I just hope we can get there before there's any major problems," he said.

Murdock's is not an isolated case. Rising medical costs and pressure for profits are driving more and more large employers to end or sharply curtail health care coverage for retirees. Others are boosting the share of the costs retirees are expected to pick up.

As recently as 1988, about 37 percent of retirees were covered by health insurance from a former employer; by 1994 that share had dropped to 27 percent. And those who still have coverage are paying more: In the same 1988-94 period, the proportion of retirees with coverage whose entire premium was paid by the companies declined to 42 percent from 50 percent.

In thousands of cases, workers and retirees are being caught by surprise, either because they assumed that the benefits always would be there, or because materials given to them by employers indicated that they would, but didn't really promise.

The courts are full of cases that turn on the question of what was a binding promise and what was not. The Labor Department is involved in lawsuits on behalf of about 87,000 retirees—including 800 from Pabst—whose benefits have been eliminated or reduced.

"Employees very often are premising their entire financial planning for retirement on the basis of the promises that are made to them by their employers," Labor Secretary Robert B. Reich said last week.

"Promises are made or assumed to be made and employees rely on them and then suddenly discover that they are not there. Retirees can be left holding the bag, can be in severe difficulty," he said.

Retirees aged 65 and older can fall back on the federal Medicare program, but in most cases that covers only the individual. Retirees with younger spouses or children will have to find other coverage for them.

Reich said the problem is growing as the number of retirees rises. He said the department is considering seeking legislation next year, assuming President Clinton is re-elected, that would at a minimum require "clearer disclosure so that workers know exactly what they are being promised."

At the other end of the option range, Reich said, might be legislation that would ensure that these promises "are treated like any other contracts.... If you have a reliance interest then they are enforceable."

He said the 1974 Employee Retirement Income Security Act sweeps these issues into the federal courts as pension issues rather than contract disputes that would be handled under state contract law. The federal courts have been "all over the place" on the issue, he said, making it very difficult for workers and retirees to determine whether their benefits are guaranteed.

In a number of cases, the company has seemed to guarantee the benefits in one place in their benefit plan documents, but has backed away from it somewhere else. In a case involving former salaried workers at General Motors Corp. whose benefits were cut, a federal appellate court has allowed legal claims to proceed. At Pabst, though, a federal district court ruled against retirees who lost coverage. Both cases are still in litigation.

Reich acknowledged that employers are not required to provide health insurance for workers or retirees, and any regulatory or legislative changes must strike a balance—protecting workers without discouraging companies from offering the benefits in the first place.

The Labor Department's Pension and Welfare Benefits Administration has issued a brief advisory bulletin that outlines steps you can take to assess your situation and to try to protect yourself.

The key step is to review your company's plan documents, which describe the benefits offered, spell out eligibility and give other details.

First, look at your Summary Plan Description. This gives the major features of the plan. It can be changed from year to year or contract to contract, so make sure you get a current one. The one in effect on the date you retire is the controlling document—get a copy and keep it.

There may be other documents as well, such as a collective bargaining agreement or an insurance contract. Look at them as well.

In the documents, look for language that looks like a clear promise to continue benefits or provide them for a certain period. But also look for language reserving the right to change or eliminate them.

This "reservation clause" typically will say something like: "The company reserves the right to modify, revoke, suspend, terminate or change the program, in whole or in part, at any time."

It's likely to be there. Companies want to avoid open-ended promises to workers and retirees.

When both a promise and a reservation are there, it's not clear what your rights will be. Some courts have refused to enforce what seemed to be a clear promise if there was a reservation clause; others have enforced a promise contained in the summary even though there was a reservation clause elsewhere in the plan documents.

Hang on to any other communications your company or supervisors give you. Courts sometimes take into account informal communications in deciding rights.

If you are taking early retirement, check out the documents concerning its terms. Special promises made in such deals can override other plan documents.

And don't be shy about protecting yourself. If you can negotiate a personal promise of health insurance for yourself and/or dependents in retirement, do it. If your company is anxious to see you go, it may well agree.

Talk to experts as well. If you're in a union, officials there can be helpful. Or you may want to run the material by a labor lawyer. There's a lot of money at stake.

Free copies of the Labor Department bulletin are available from the Pension and Welfare Benefits Administration's publication hotline at 202-219-9247. It's also on the World Wide Web, at <http://www.dol.gov/dol/pwba/>.

POW/MIA RESTORATION ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. GILMAN. Mr. Speaker, I rise today to introduce the POW/MIA Restoration Act. Last year, this body secured a victory for U.S. service personnel, their families, and the families of POW/MIA's by winning the passage of H.R. 945, the Missing Service Personnel Act.

H.R. 945 received unanimous support in the House as part of the Department of Defense Authorization Act of 1996.

Unable to prevent the passage of H.R. 945, the opponents of the legislation waited until last summer to attach a Senate amendment to the 1997 Defense Authorization Conference Report. That amendment essentially tore the heart out of the Missing Service Personnel Act.

In response, along with other supporters of our Nation's POW/MIA's, I introduced H.R. 4000, which would have restored the provisions which were stripped out by the Senate amendment. Unfortunately, while H.R. 4000 was passed unanimously by the House, it fell victim to the procedural rules of the Senate which were skillfully used by the bill's opponents to ensure that it was not taken up for consideration before Congress adjourned.

The POW/MIA Restoration Act would restore the provisions stricken from the Missing Service Personnel Act by the Senate amendment.

The first provision to be restored requires that military commanders report and initiate a search for any missing service personnel within 48 hours, rather than 10 days as proposed by the Senate amendment. While current regulations require local commanders to report any individual missing for more than 24 hours, such missing often fall through the cracks, especially during military operations.

The second provision covers missing civilian employees of the Defense Department. These civilians are in the field under orders to assist our military, and deserve the same protections afforded our men and women in uniform.

The third provision to be restored states that if a body were recovered and could not be identified by visual means, that a certification by a credible forensic authority must be made. There have been too many recent cases where misidentification of remains has caused undue trauma for families.

Finally, H.R. 4000 would restore the provision which would require criminal penalties for

any Government official who knowingly and willfully withholds information related to the disappearance, whereabouts, and status of a missing person.

Prompt and proper notification of any new information is essential to the successful investigation of each POW/MIA case. This cannot be achieved if individual bureaucrats deliberately seek to derail the process.

The opponents of the Missing Service Personnel Act have to this day never offered any credible reasons for their opposition to the legislation. Rather than create more redtape I believe these provisions will help streamline the bureaucracy and improve the investigation process.

Moreover the Missing Service Personnel Act has not been public law long enough to be adequately evaluated. To repeal provisions of a law after 5 months does not make sense, especially when that law has not yet had a chance to be tested.

Accordingly, I urge my colleagues today to join me in supporting the POW/MIA Restoration Act.

MILTON BERGERON, A MAN OF HEART AND SOIL

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to Milton Bergeron, who successfully combined teaching and conservation practices, his two passions, to make an important impact on the conservation efforts in Arenac County.

Milton is retiring from the Arenac Soil Conservation District Board after serving for 13 terms or 39 years. Elected to the Arenac Soil Conservation District Board in 1958, Milton has held the position of chairman, vice chair, secretary, and treasurer. While serving on the board, he taught and shared his knowledge of conservation with farmers, students, and teachers.

Born in Sterling, MI, Milton began his career in Holly, MI, he moved to Clintonville where he taught at School House Lake before becoming the principal of Waterford. He enjoyed teaching and working with young people, but his real love was farming. He bought his first 40 acre parcel and never stopped teaching, by sharing with other farmers conservation practices, he utilized in his own farming operation.

He founded an education program for the Arenac Conservation Board to help young people understand the importance of preserving high quality water and soil. Meeting with several teachers in the area, they started programs such as the annual poster contest now in its 30th year, the annual Arbor Day celebrations and taking fifth graders on an annual tour since the early 1970's.

Milton's dual passion for education and conservation fueled him to work with local teachers and the Department of Agriculture to sponsor a soil judging contest for high school students. Also wanting to recognize the teachers who were promoting conservation efforts in their classrooms, Milton presented a teacher of the year award at the district's annual meeting. Although Milton will continue to farm part time and participate in 4-H, church and community service.

Milton could not have been such an integral part of educating and promoting conservation efforts without the support of his wife, Lela, who he married in 1940 and his son and daughter-in-law, Ron and Mary Bergeron and his daughter and son-in-law, Ronella and Ron Berlinski.

Mr. Speaker, as you can see, Milton is a leader in his field—educating people of all ages on the importance of conservation efforts. His generous contributions over the years should be applauded and I commend Milton Bergeron for his many accomplishments.

THE TWENTY-FIRST CENTURY PATENT SYSTEM IMPROVEMENT ACT

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 9, 1997

Mr. COBLE. Mr. Speaker, today I am pleased to introduce an updated version of legislation originally drafted in the last Congress by two former members of the Judiciary Committee who have since retired, Carlos Moorhead and Pat Schroeder. Many of us were cosponsors in the 104th Congress, including our distinguished chairman, Mr. HYDE, and ranking member, Mr. CONYERS. Original cosponsors of this bill include Mr. GOODLATTE, a senior member of the Subcommittee on courts and Intellectual Property, Mr. CONYERS, and Ms. LOFGREN, also a member of the subcommittee.

This legislation is necessary to allow American businesses to compete effectively in markets today and into the 21st century. The United States is by far the world's largest producer of intellectual property. This success is of course due to the great creativity of our citizens, but this success is also the direct result of a rational and sound policy of protecting intellectual property—a system that encourages the development of new inventions and processes. However, America does not have a monopoly on creativity. Many other nations have learned from our success—America no longer stands alone in its commitment to a strong system of patent protection for its inventors, small businesses and industries. Consequently, it is more important now than ever that we adopt certain reforms that will ensure that America maintains its position as the world leader in the production of intellectual property.

Under current law, foreign companies enjoy certain benefits in America that American companies do not enjoy in their countries, like the advantages of publication and prior user rights; the changes proposed today are especially useful for small businesses—many of which simply will not survive if foreign competitors continue to operate on a tilted playing field in America.

This legislation will benefit American inventors and innovators and society at large. First, by providing more efficient and effective operation of the Patent and Trademark Office; second, by furthering the constitutional incentive to disseminate information regarding new technologies more rapidly; third, by guaranteeing that patent applicants will not lose patent term due to delays that are not their fault;