

HOYER-GREENWOOD BILL RESTRICTING LATE-TERM ABORTIONS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. HOYER. Mr. Speaker, abortion is one of the most difficult and divisive issues facing the public today. Like most Americans, I would prefer that there were no abortions. Also, like most Americans, I believe the decision is one that is for the woman and family involved, not the Government.

However, I oppose late-term abortions, except for the most serious and compelling of reasons. I am specifically and adamantly opposed to what some refer to as "abortion-on-demand"—after the time of viability. For that reason, I and others have introduced the "Late Term Abortion Restriction Act of 1999."

The specific intent of this legislation is to adopt as Federal policy, a prohibition on post-viability, late-term abortions. Critics of this legislation point out that there are exceptions. They are correct. We believe that in the event that the mother's life is in danger or where the continuation of the pregnancy will pose a threat of serious, adverse health consequences to the woman, then and only then can this prohibition on late-term abortions be overcome.

I introduced this legislation in both the 104th and the 105th Congress. I did so then because I am opposed to abortions being performed after the viability of a fetus, except for the most serious of health risks if the pregnancy is continued.

This prohibition is similar to restrictions on late-term abortions in 41 of our States, including my own State of Maryland. Those States believed that it was appropriate policy to prohibit late-term abortions "on demand." We share that view.

Those who oppose abortion under almost all circumstances at any time during the course of pregnancy have criticized this legislation as meaningless. They do so because they believe that some doctors will contrive reasons to justify a late-term abortion. I do not doubt that may happen. But if it does, it will be illegal under this act and subject the doctor to the penalties set forth in the bill and to such professional sanctions as are imposed by the appropriate medical societies and regulatory bodies.

This legislation is much broader than the partial-birth abortion bills introduced by others in the 104th and 105th Congress. Those bills and the Partial Birth Abortion Act of 1999 recently introduced in the Senate had and continue to have at their purpose, the elimination of a particular procedure to effect an abortion at any time during the course of the pregnancy.

To that extent it is inaccurate and misleading to define it as many proponents and press reports have, as a prohibition on late-term abortions. It is both much narrower and, at the same time, broader than that. It is my belief that its terms would not prohibit the performance of a single abortion. They would simply be performed by a different procedure.

Congressman JIM GREENWOOD and I are introducing this legislation today with 14 other bipartisan original cosponsors. This bill, in

contrast to the partial birth abortion bills, would prohibit all late-term post-viability abortions by whatever method or procedure that would be employed. While there are exceptions to this general prohibition, we believe that our bill will, in fact, prohibit all post-viability, late-term abortions that are not the result of a serious cause.

This legislation establishes a clear Federal policy against late-term abortions. We would hope that the Judiciary Committee would hold an early hearing on this legislation and bring it to the floor so that the Federal Government could adopt this sensible prohibition, which is similar to that adopted by over 80 percent of the States. They did so because their legislatures wanted to make it clear that late-term abortions were, in almost all circumstances, against public policy and against the law.

We should do the same.

IN HONOR OF FATHER McNULTY'S 25TH ANNIVERSARY OF ORDINATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor Father McNulty's 25th Anniversary of his Ordination as a Priest.

Father McNulty was born in October of 1948. He attended Borromeo High School, Borromeo College, Wickliffe and St. Mary's Seminary. Throughout the last 25 years Father McNulty has dedicated himself to helping others in his community. He has been involved in a number of different assignments in the greater Cleveland area. He is currently the pastor at SS. Philip and James in Cleveland as well as the Chaplain for the Ancient Order of Hibernians, the Ladies Ancient Order of Hibernians and is the Deputy National Chaplain for the Ladies Ancient Order of Hibernians.

His work has proven time and time again to be a tremendous help to the community and is a very well known and respected priest in the Cleveland area. Through his dedicated efforts the community has grown together. His work should be recognized as having a very influential and positive effect on the people in the greater Cleveland area.

My fellow colleagues, please join me in honoring Father McNulty's 25 years of service to the greater Cleveland community.

WHITE HOUSE FELLOWSHIP PROGRAM

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. BASS. Mr. Speaker, I am pleased to pay tribute to a recipient of the distinguished 1998-1999 White House Fellowship Program—Lieutenant Commander Mark Montgomery of Sunapee, New Hampshire.

Established in 1965, the White House Fellowship program honors outstanding citizens across the United States who demonstrate excellence in academics, public service, and leadership. It is the nation's most prestigious fellowship for public service and leadership

development. Each year, there are 500-800 applicants nationwide for 11 to 19 fellowships. Past distinguished U.S. Navy White House Fellow alumni have gone on to become exceptional military leaders and I have no doubt Commander Montgomery will be successful in his future endeavors.

This award is well-earned by an individual who carries himself with great professionalism and distinction in the finest traditions of our country's military history. Lieutenant Commander Montgomery was most recently Executive Officer of the destroyer U.S.S. *Elliot*. He was one of only a handful of liberal arts majors to complete the naval nuclear power program. Lieutenant Commander Montgomery has completed two overseas deployments on the nuclear powered cruiser U.S.S. *Bainbridge*. He also led a team of thirty *Bainbridge* sailors to provide disaster relief on the island of St. Croix after Hurricane Hugo. He later was assigned as Operations Officer of U.S.S. *Leftwich* and then to the reactor department of the U.S.S. *Theodore Roosevelt*, where he was deployed to Bosnia during air strikes. Commander Montgomery will be Commissioning Commanding Officer of U.S.S. *McCampbell*. In addition to his military service, Commander Montgomery is involved with the Big Brother organization.

Commander Montgomery's distinguished military career made him a perfect candidate for his current White House Fellowship assignment with the National Security Council. In this capacity, he manages the operation for the Critical Infrastructure Coordination Group, which is responsible for implementing presidential decision directives on critical national infrastructures. He also coordinates the interagency development of a National Infrastructure Assurance Plan, which formulates the Administration's efforts to protect our government and private sector infrastructures from terrorist attack. Commander Montgomery was a member of the U.S. delegation that traveled to the United Arab Emirates on a mission regarding security cooperation. Other responsibilities include working on the Counter-Terrorism Security Group and coordinating NSC policy on international Y2K issues.

The people of this nation can feel secure in the knowledge that individuals like Commander Montgomery are working for them. For his efforts, and in recognition of the well-deserved honor of serving as a White House Fellow, I am privileged to command and pay tribute to Commander Montgomery.

HOSPITAL ACCREDITATION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. STARK. Mr. Speaker, Healthcare facilities must comply with certain conditions in order to participate in the Medicare program. The Health Care Financing Administration relies on accrediting organizations to certify that healthcare facilities provide quality services to Medicare beneficiaries. The Joint Commission on Accreditation of Healthcare Organizations (JCAHO) is one such organization. A facility that receives JCAHO accreditation automatically meets the Medicare Conditions of Participation.

I believe that there is a serious conflict of interest between the mission of accrediting agencies and their internal governance. Currently, the majority of members of these governing boards are representatives of the very industries that the agency accredits. While the accrediting agencies are likely to object and claim that the members of their governing boards are beyond reproach, I remain skeptical and wish to establish several basic checks and balances.

Because accrediting agencies have a prominent role in certifying Medicare facilities, I believe that we have a vested interest to ensure that the accrediting process is as rigorous and quality-oriented as possible. Doing so will help ensure that all citizens may expect high-quality, safe, and effective medical treatment at any medical facility they use.

Others share my skepticism. A July 1996 report from the Public Citizen Health Research Group charged that the JCAHO is "a captive of the industry whose quality of service it purports to measure" and "fails to recognize the often conflicting interests of hospitals and the public".

In my home state of California, 29 JCAHO-approved hospitals had higher-than-expected death rates for heart attack patients. In some cases the rate was as high as 30–40% compared to a state-wide average of approximately 14%. What is particularly troubling is the fact that two of these hospitals received JCAHO's highest rating.

In an analysis of New York hospitals, the non-profit Public Advocate presents strong evidence that hospitals circumvent JCAHO's annual announced survey visits—simply by hiring extra staff to make operations look smoother than they really are. In too many cases, the report finds that JCAHO's accreditation scores mask the truth—some accredited hospitals do not meet basic standards of care. For example, 15 accredited hospitals showed problems ranging from substantial delays in treatment of emergency room patients to outdated and broken equipment to overcrowded, understaffed clinics and unsanitary conditions.

Given the critical role of health care facilities to our society, we must ensure that these facilities and the agencies that certify them are held publicly accountable. For this reason, I am introducing a bill that requires all Medicare-accrediting organizations to hold public meetings and to ensure that half of the governing board consists of members of the public.

The intent of the bill I am introducing today is to ensure the accountability of accrediting boards—to guarantee that the public voice is represented in the organizations responsible for the safety and quality in Medicare's healthcare facilities. With these checks and balances we can assure all patients that they will receive high quality treatment in all Medicare-approved facilities.

This bill has two simple provisions. First it requires that half of the members of an accrediting agency be members of the public who have been approved by the Secretary of Health and Human Services. These individuals are specifically prohibited from having a direct financial interest in the health care organizations that the agency certifies. Second, the legislation would require all meetings of the governing board be open to the public.

Medicare and health care organizations operate in the public trust. Our tax dollars fund

all Medicare benefits delivered by health care organizations as well as countless other medical benefits and programs. Therefore, the accreditation and certification of hospitals and other health care organizations must represent the interests of the public.

HUGO AND LAMAR AGRICULTURE FORUMS

HON. BOB SCHAFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SCHAFER. Mr. Speaker, last month during the April district work period, I had the opportunity to hear from many of my constituents regarding the economic challenge in agriculture. Specifically, on April 7, 1999, I held two agriculture forums, one in Hugo, Colorado, and one in Lamar, Colorado, to discuss some of the challenges facing agricultural producers. The purpose of these forums was to allow individuals and organizations to provide advice and suggestions about the problems currently facing today's farmers and ranchers. We heard from a number of experts who made presentations and fielded questions at the well-attended events.

For example, at the earlier meeting in Hugo, we heard from Mr. Freeman Lester, President of the Colorado Cattlemen's Association (CCA). He mentioned country-of-origin labeling, packer concentration, the European ban on hormone enhanced beef, estate taxes, wilderness legislation, and reform of the Endangered Species Act as his main areas of interest and concern. At this time, Mr. Speaker, I hereby include the "Colorado Cattlemen's Association Key Issues for the 106th Congress" in the record.

Taxes.—CCA supports the repeal of the death tax and reductions in capital gains taxes. Death taxes are extremely punitive with onerously high rates, and are the leading cause of the breakup of thousands of family-run ranches, farms and businesses. Congress' Joint Economic Committee has concluded that death taxes generate costs to taxpayers, the economy and the environment that far exceed any potential benefits arguably produced.

Country-of-Origin Labeling.—CCA supports efforts to let consumers know the origin of the beef they purchase. Consumer surveys have consistently shown that the majority of consumers support country-of-origin labeling for meat. Imported beef is labeled by country-of-origin, either on the product or on shipping containers, when it enters the U.S. to facilitate inspection. However, these labels are lost during further processing. Country-of-origin labeling will provide a "brand-like" mechanism for the beef industry. Currently most beef is marketed as unbranded generic "beef" regardless of where it is produced. Other countries require U.S. beef to be labeled by country-of-origin. Japan has required all meat imports be labeled by country-of-origin effective July 1, 1997 and Europe will likely require labeling comparable to that required for domestic product, once access to the European market is achieved.

Price Reporting.—CCA supports mandatory price reporting by any U.S. packer controlling more than 5 percent of the live cattle market. CCA also supports price reporting on boxed beef and imports. It is vital to keep the playing field level especially given that

four major packers slaughter 80 percent of the fed cattle and market approximately 85 percent of the boxed beef. Openly assessable up-to-date information and market transparency are necessary to keep the highly concentrated processor sector from having insider or privileged information that could give packers a significant advantage over sellers or others in the beef trade. Secretary Glickman has publicly indicated that the U.S. Department of Agriculture (USDA) would welcome authorization to implement mandatory price reporting.

Water Quality.—CCA believes that water quality regulations address site-specific as well as species-specific needs and are based on sound science, taking into account current cattle industry environmental and economic practices that have been successful for generations.

Property Rights.—CCA supports passage of a law to require, at minimum, the federal government to prepare a takings implication assessment (TIA) prior to taking an agency action. Such TIA should: define the point at which a reduction in the value of the affected property, due to a regulation, constitutes a compensable taking; set clear takings guidelines, and provide a mechanism for landowners to avoid lengthy and costly litigation.

Also on hand was Mr. Brad Anderson, Executive Director of the Colorado Livestock Association (CLA). Mr. Anderson expressed his disappointment with the lack of fairness in implementation of the North American Free Trade Agreement (NAFTA). Specifically, he felt our government should do more to expose Canada's subsidies and that we needed to do a better job of opening more markets around the world for Americans agricultural products.

He also mentioned his concern with Amendment 14, a recently passed state ballot initiative, he said would "put hog producers out of business." Amendment 14 sets the air particle ratio, an odor measurement, for hog farms at 2–1, a standard which is virtually impossible to meet. The air particle ratio for industry is 7–1, leading him to believe that agriculture is being unfairly targeted.

Mr. Anderson also mentioned the shortage of workers and the need to eliminate the sales tax on agricultural products, which was recently accomplished at the state level at the end of this year's session of the General Assembly in Colorado.

The panel also included Mr. Greg King of the Lincoln County Farm Service Agency (FSA). Mr. King mentioned his frustration with the Freedom to Farm Act passed by Congress in 1996. He felt it would not work as originally designed, unless our government was willing to open more markets for trade. "We are currently shut out of 108 markets because of embargoes," he said.

In addition, Mr. King also spoke of the need to reform the Endangered Species Act. He specifically mentioned the possibility of devastating impacts to the agricultural industry should the proposed listing of the mountain plover and the black-tailed prairie dog move forward. The irony is that the Natural Resource Conservation Service under (USDA) has worked with farmers and ranchers for years to develop "environmentally friendly" ranching and farming practices. Now, however, the U.S. Fish and Wildlife Service (USFWS) has stepped in and said farmers and ranchers need to manage their land for these species, the mountain plover and the black-tailed prairie dog. If this were to occur,