

The lack of openness and scrutiny creates an opportunity for partisan mischief, and the majority yielded to temptation in the last Congress.

In this new Congress, let's not repeat our mistake. Let's follow through on the Speaker's promise of bipartisanship and cooperation.

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#### INTRODUCTION OF LEGISLATION

##### HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 1999*

Mr. MARKEY. Mr. Speaker, I rise today to introduce a bill to eliminate the preemption of State prescription drug benefit laws in connection with Medicare+Choice plans. I am pleased to be joined in this endeavor by every member of the Massachusetts congressional delegation.

Mr. Speaker, on January 1, 1999 many seniors in Massachusetts lost the unlimited prescription drug benefit available from their Medicare HMO due to a provision in federal law that was interpreted by a court to override Massachusetts state law. Massachusetts is the only state which had a law of this kind—one which required Medicare+Choice plans doing business in the state to provide an unlimited prescription drug benefit to seniors. Despite the efforts of the entire Massachusetts congressional delegation, the Administration, and the Governor of Massachusetts to find a legislative or administrative fix at the end of last year, which included making it possible for the HMOs to do the right thing and extend the benefit, the HMOs refused to provide the unlimited benefit. This vital benefit must be restored, and the legislation I am filing today will restore the coverage this year.

Mr. Speaker, my Massachusetts colleagues and I believe that Congress did not intend to pre-empt the Massachusetts prescription drug benefit law and force seniors in Massachusetts to choose between prescription drugs and food or other necessities when it passed the Balanced Budget Act of 1997. Congress can clarify its intent by passing the bill we are introducing today, and correct the gross injustice perpetrated upon Massachusetts seniors enrolled in these plans.

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#### INTRODUCTION OF H.R. 520—THE DEVIL'S SLIDE TUNNEL ACT

##### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 1999*

Mr. LANTOS. Mr. Speaker, we on the Pacific Coast of our nation face the periodic wrath of nature when the El Niño storms lash our coast. We faced that last year. We faced a similar series of El Niño winter storms in 1983 which wreaked havoc with our coast. I am sure my colleagues remember the images of Pacifica, California, in my Congressional District of homes sliding down cliffs into the pounding surf below.

One of the most serious concerns along the Pacific Coast 12 miles south of San Francisco is the impact of these periodic storms upon a section of the Coast Highway, Highway 1,

which is known locally as Devil's Slide. This part of the highway precariously hugs a cliff high above the pounding surf of the Pacific Ocean 600 feet below.

In 1983, the winter storms forced the closure of Highway 1 at Devil's Slide for six months after a section of the roadway slipped into the ocean. In the winter of 1998 another series of winter storms resulted in the closure of the highway for several weeks.

The closure of the highway at Devil's Slide has left residents and businesses dangerously isolated. Perennial closures of Devil's Slide have had a devastating effect on coastal communities and residents. Residents have endured unbearable commutes; access to emergency medical care and other services have been threatened; businesses have lost thousands of customers; and some businesses have failed as a result of the closure of the highway. For residents and businesses along the San Mateo County coast, it is vital to maintain the integrity of Highway 1 in this area.

Mr. Speaker, 16 years ago, in 1983, heavy winter rains left a 250-foot-long crevice in the road which made the road impossible for 4 months. Then Chairman of the Surface Transportation Subcommittee, Glenn Anderson, held a series of field hearings in Half Moon Bay and Pacifica, CA, and committee members carefully surveyed the unstable roadway which was sliding into the sea at a rate of 3 inches a day. Committee members viewed 8-foot-deep cracks and fissures in the roadbed and determined that this vital transportation link was eligible for emergency Federal funds. At my request, the Congress provided funding for the permanent repair of Highway 1 at Devil's Slide.

The California Department of Transportation [CALTRANS] made temporary repairs to the roadway and proposed building a controversial 4.5 mile long bypass around Devil's Slide as the permanent repair. Many of the residents opposed the bypass on environmental and other grounds, and construction was delayed in the courts for over a decade. More recently, a false sense of security, brought on by 10 years of drought, ended in January 1995, when heavy rains again closed Devil's Slide for extended periods, disrupting the lives and livelihoods of tens of thousands of residents and businesses.

Mr. Speaker, after public debate and lengthy lawsuits, the voters of San Mateo County resolved the conflict in a referendum in which the voters decided overwhelmingly in favor of the construction of a mile-long tunnel at Devil's Slide rather than the earlier proposal for a bypass which would involve extensive cutting and filling of Montara Mountain. The referendum amends the local coastal plan, substituting a tunnel as the preferred permanent repair alternative for Highway 1 at Devil's Slide, and prohibits any other alternative unless approved by the voters. Following the release of a Federal Highway Administration sponsored study which found that the tunnel is environmentally feasible and its costs would not differ significantly from the costs of a bypass, CALTRANS reversed its opposition to a tunnel at Devil's Slide.

Mr. Speaker, today I have introduced H.R. 520, the Devil's Slide Tunnel Act, to ensure that funds already appropriated and obligated for Devil's Slide will remain available to CALTRANS to build the tunnel at Devil's Slide.

This legislation will provide greater flexibility to State transportation officials to use Federal funds already appropriated by Congress to fix this vital transportation link.

Joining me as cosponsors of this legislation are bipartisan members of the Bay Area congressional delegation whose constituents are most affected by the Devil's Slide highway problem—my colleagues, Tom Campbell of San Jose, Anna Eshoo of Atherton, and Nancy Pelosi of San Francisco.

Mr. Speaker, if local and state agencies and the citizens of a region determine that a better transportation alternative exists than the alternative for which funds have been obligated, as was the case for Highway 1 at Devil's Slide, then the Federal Government should provide greater funding flexibility, as long as all other Federal laws are complied with. It is important that we not permit these funds to lapse. The rebuilding of a severely damaged highway in its existing location may no longer be feasible, and in such cases funds already available to a community should continue to be available.

History tells us that Devil's Slide will wash out again—it is only a matter of time. It is my hope that swift enactment of this legislation will ensure a permanent solution to the residents of the San Mateo County Coastsides. I urge my colleagues to support the "Devil's Slide Tunnel Act."

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#### TRIBUTE TO MARCY TUBLISKY

##### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 1999*

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Marcy TUBLISKY, Executive Director of the Hauppauge Industrial Association, who is being honored on February 9, 1999, by the members of the HIA on the occasion of her 10th year of service to them.

Marcy's career is reminiscent of many success stories in the manner of our great American tradition.

Marcy TUBLISKY began her working life as an Elementary School Teacher in the Bronx, but she did not rest when the school bell rang to end the day. Through her extensive years as a volunteer, she served the PTA as its President, gave her time as Pink Lady at St. John's Hospital, and was appointed to the Small Business Advisory Council. Marcy is an alumna of the Citizens Police Academy, and a member of the Suffolk County Police Reserves. In addition, she has received the Distinguished Business Leaders Award from the March of Dimes.

Since 1989, she embraced the challenge of Executive Director for the Hauppauge Industrial Association. Under her tenacious, caring and committed leadership, the membership has more than doubled.

She has led this organization and its members into partnerships with outside agencies to establish programs that not only have proven beneficial to the HIA membership and their families, but also have enabled them to expand their companies nationally and globally. She is very proud of her membership involvement in HIA's 17 active committees and partnerships with schools, police departments, ambulance corps, and charitable organizations.

Under her watchful eye, the HIA planted the seed for the nation's first intergenerational day care in an industrial park. She embarked on this venture in 1989, and with a handful of volunteers developed and realized her dream. Today, that day-care program has more than 100 participants.

Concentrating on providing the best she could for the membership, she encouraged and convinced the Suffolk County Police Department to place a defibrillator in the Park's police sector car, and to establish a medical emergency police vehicle to provide immediate assistance to the victims of emergency situations in the Industrial Park.

Marcy is a life-long resident of Long Island, where she lives today with Mark, her husband of 35 years. Her pride and joy are her two daughters: Ilyse, a Physical Therapist at South Side Hospital, and Beth, a health-care consultant for Price Waterhouse.

A person is truly judged successful if she is able to bring about positive change that enhances and broadens the lives of others. Clearly, Marcy fulfills this notable standard.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me now in saluting Marcy Tlublisky for her outstanding leadership, creativity and commitment, and to extend our best wishes and congratulations as she is honored by the members of the Hauppauge Industrial Association.

#### PERSONAL EXPLANATION

##### **HON. JULIA CARSON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 1999*

Ms. CARSON. Mr. Speaker, I was unavoidably absent yesterday, Tuesday, February 2, 1999, and as a result, missed rollcall votes 7 and 8. Had I been present, I would have voted "yes" on rollcall vote 7 and "yes" on rollcall 8.

#### IN MEMORY OF PAUL A. DEFRENCISCO

##### **HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 1999*

Mr. KUCINICH. Mr. Speaker, I rise today to honor the memory of a great public servant, Paul A. DeFrancisco. Mr. DeFrancisco served the people of Bedford Heights for nearly three decades.

Mr. DeFrancisco worked for 35 years in radio and television. As an employee Paul was diligent, intelligent, and optimistic. His unfailingly positive nature was infectious, and his technical skill helped "Today in Cleveland" run smoothly.

Mr. Paul DeFrancisco's greatest legacy is that of public service. For 29 years Paul worked on the Bedford Heights City Council. His wit and charm converted former foes into lifelong friends. Political opponents spoke highly of Paul's work. The City of Bedford Heights could not have asked for, nor could have received better representation than the high level of service provided by Mr. DeFrancisco. With graciousness and dignity, Paul served his community with humility and honor.

Following ill health in mid 1998, Mr. DeFrancisco resigned from the city council. After his passing the flags in front of the Bedford Heights City Hall flew at half mast, a symbol of his fellow citizens' respect for his long-time public service. To think of Bedford Heights without Paul DeFrancisco is almost impossible. His work and service to the community will be felt for years to come. To be loved by friends and admired by opponents and to serve both is the goal of all great leaders; it is a goal which Paul admirably attained.

Ladies and gentlemen, please join me in honoring the memory of Paul A. DeFrancisco.

#### CONTINUE THE U.S. ADVISORY COMMISSION ON PUBLIC DIPLOMACY

##### **HON. TIM ROEMER**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 3, 1999*

Mr. ROEMER. Mr. Speaker, I rise today to focus the attention of the House of Representatives on a short-sighted decision by Congress last year to terminate the United States Advisory Commission on Public Diplomacy, an oversight board of the U.S. Information Agency. The advisory commission expires at the end of this fiscal year as a result of a miscellaneous provision hidden inside the Omnibus Appropriations Act of 1999, which was enacted hastily by the 105th Congress before adjournment. Today, I am introducing legislation with the gentleman from New York (Mr. HOUGHTON) to continue the advisory commission.

The U.S. Advisory Commission on Public Diplomacy is a highly distinguished Presidential-appointed panel created by Congress to look broadly into the public interest of U.S. government activities intended to inform, understand and influence public groups in foreign countries. The advisory commission is responsible for assessing the public diplomacy policies and related programs of the United States Information Agency, other U.S. foreign affairs organizations, and U.S. missions located overseas. It has an excellent track record for helping the State Department and USIA achieve its foreign policy goals and giving the American people a meaningful return for their tax dollars.

The advisory commission was created by Congress in 1948 and has remained an independent and bipartisan oversight board for more than half a century. The seven commissioners are appointed by the President with the advice and consent of the Senate. They are all private citizens who represent different professional backgrounds and who volunteer their own time as commissioners with the conviction that public diplomacy is indispensable to the national interest and to U.S. foreign policy. The advisory commission reports its findings and recommendations to the President, the Congress, the Secretary of State, the Director of USIA, and the American people. It meets on a monthly basis and has a full-time staff of four with an average annual budget of less than \$450,000. Over the last three years, the advisory commission has returned an average of \$75,000.

Since its creation, the advisory commission has provided oversight of our international ex-

change programs, international broadcasting, and publicly-funded activities of foreign non-governmental organizations. Over the years, it has been chaired by many distinguished members and published several highly acclaimed reports. Recently, the advisory commission has arrived at serious conclusions regarding the training, promotion and spending policies of the State Department and USIA. Accordingly, it has also recommended insightful and intelligent new approaches to guide U.S. diplomats away from current methods that can render them ill-equipped to relate to foreign citizens, foreign news media and the non-governmental organizations, which are increasingly influential in shaping international policy- and opinion-making. These recommendations are intended to help our diplomats communicate more effectively with people other than just their official counterparts and help them recognize and understand foreign attitudes and thinking.

In 1996, for example, the advisory commission issued a series of recommendations under the publication "A New Diplomacy for the Information Age," which called for the combination of the State Department's expertise in dealing with foreign states and USIA's expertise in dealing with foreign publics to maximize the "edge" we enjoy in information and communications technology. Subsequently, the advisory commission made additional recommendations in the report entitled "Publics and Diplomats in the Global Communications Age," which called for more public diplomacy training for all diplomats and establishing a permanent interagency coordinating body to develop and implement diplomatic communication strategies.

The advisory commission's reports illustrate how the increase in global communications and technology makes foreign publics far more important than ever and why we should use our advanced skills in these areas to inform, understand and influence those foreign publics. Last year's report, for instance, explains how Saddam Hussein used public diplomacy to his advantage when he shifted the focus of the world media from his arsenal of weapons of mass destruction to the tragic suffering of Iraqi children, a campaign that did nothing to help the United States build the same coalition in 1998 as assembled against Saddam's sinister regime in 1991. The advisory commission's report, which can be accessed via USIA's web page, also includes intelligent and thoughtful recommendations on how to deal with such problems in the future. I believe this represents one of the most important advisory functions of the commission, and I encourage my colleagues to read the report.

While the State Department reorganization section of the omnibus appropriations legislation retained the advisory commission to the Arms Control and Disarmament Agency, it eliminated the advisory commission to USIA—a much larger agency. It is important to indicate that there was no provision for the elimination of the advisory commission in the bill as originally passed by the conference committee deliberating the State Department reorganization bill. However, since the omnibus appropriations legislation was not opened for amendments, it was not in order to vote on the advisory commission's continuance. That was not a fair consideration of its future, and