

a Consultant for the United Nations Development Program (UNDP), the United Nations Educational, Scientific & Cultural Organization (UNESCO), the National Science Foundation (NSF), the new American Schools Development Corporation (MASDC) and the American Association of School Administrators (AASA). He has also served on several prestigious national task forces and panels such as the Presidential Awards for Excellence in Science and Mathematics, the Florida Speaker's Task Force on Mathematics, Science and Computer Education, and the National Council of Supervisors of Mathematics.

Many of his colleagues admire him for his leadership in ensuring equality of opportunity in our schools. At the same time, his forceful advocacy in adhering to the tenets of equal treatment under the law for all has been unequivocal not only in the halls of academia, but also in every government agency geared toward the responsible and productive well-being of our children. In fact, countless others have been touched by his untiring commitment to this agenda.

Dr. Agrawal is the consummate educational activist who abides by the dictum that those children who have less in life through no fault of their own should be helped at all costs in their quest for mastery of the basic skills and academic achievement. He has not faltered one iota in his belief that all children can learn and can succeed, given the appropriate affective and cognitive assistance from their parents and teachers. The numerous accolades with which he has been honored by various state and national organizations succinctly represent a genuine testimony of the utmost respect he enjoys from the academic community.

Blessed by a down-to-earth common sense, he is also imbued with the uncommon wisdom of subtly recognizing the strengths and limitations of those who have been empowered to govern over the well-being of others. It is this quality that endears him to many of his colleagues. And it is this superlative rapport that buttresses his leadership over several civic and social organizations, which have so wisely depended upon his vision and commitment.

Presently, he serves as Vice-President of the National Advisory Council for South Asian Affairs, a public interest foreign policy group recognized by the U.S. State Department. In 1994 he was appointed by the then Secretary of Commerce Ron Brown to the U.S. 2000 Census Advisory Committee on the Asian and Pacific Islander Populations for a three-year term. In 1997, he was reappointed to another three-year term by current Secretary of Commerce William M. Daley.

He thoroughly understands the accoutrements of power and leadership. And he is wont to exercise this knowledge alongside the mandate of his convictions and the wisdom of his conscience, sagely focusing their elements upon the good of the community he has learned to love and care for so deeply. His word is his bond to those he deals with—not only in his moments of triumphal exuberance, but also in his quest to help transform our communities into the veritable mosaic of vibrant cultures and diverse people converging into the great promise and optimism that is America.

Dr. Piyush Agrawal truly exemplifies this unique leadership whose courageous vision and firm belief appeal to our noble character

as a nation. At the risk of being presumptuous, I want to extend to him the gratitude of our community. I sincerely bid him good luck on his well-deserved retirement and wish him Godspeed in all his endeavors. He will certainly be missed.

#### PERSONAL EXPLANATION

### HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 30, 1999*

Mr. BECERRA. Mr. Speaker, on September 30, 1999, I was unavoidably detained during three rollcall votes: number 460, H. Res. 312 on Agreeing to the Resolution Providing for Consideration of H.R. 2910, National Transportation Safety Board Authorization; number 461 on Approving the Journal; and number 462 on Passage of H.R. 2910, the National Transportation Safety Board Authorization. Had I been present for the votes, I would have voted "aye" on rollcall votes 460, 461, and 462.

#### TRIBUTE TO OHIO CITIZENS AGAINST LAWSUIT ABUSE

### HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 30, 1999*

Mr. BOEHNER. Mr. Speaker, the week of September 19–25, 1999 was recently observed in my home State of Ohio as Ohio Lawsuit Awareness Week (LAAW). As the House prepares to vote on the critical issue of managed care reform, there is perhaps no more appropriate time to focus attention on the importance of preventing lawsuit abuse and reversing our Nation's transformation into an overly litigious society.

Ohio Citizens Against Lawsuit Abuse (OCALA) has been a leader in this regard in recent years. We owe a debt of gratitude to the more than 5,000 consumers, physicians, taxpayers, small business operators and other professionals associated with OCALA who have dedicated their time and resources to increasing public awareness of lawsuit abuse and the need to improve America's civil justice system. We owe particular thanks to Dr. David Rummel, DDS; Peter Beck; Ken Blair, Jr.; Gerald Miller; and Claire Wolfe, MD, all of whom are members of OCALA's Board of Directors.

In recent years Congress has made great strides in the effort to reform our Nation's justice system and ensure that it is structured to protect the rights of citizens, rather than simply the prosperity of the trial bar. Whether the issue has been securities litigation, medical malpractice, or the "Y2K" problem, we have been steadfast in our support for bipartisan reforms that seek to restore fairness to the legal system and limit frivolous litigation. Next week, as the House faces the highly politicized challenge of protecting patients and expanding access in our Nation's healthcare delivery system, we must strive to be consistent in that posture.

Mr. Speaker, I would like to offer my congratulations to all of the individuals associated

with OCALA, and to express my strong support for the cause for which OCALA exists. Through the courage and dedication of organizations like OCALA across the United States and the courageous support of legislators who support its vision, we will continue to move toward an American civil justice system that will truly meet the need of its citizens in the 21st century.

#### TRIBUTE TO VALLEY COLLEGE

### HON. HOWARD L. BERMAN

OF CALIFORNIA

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 30, 1999*

Mr. BERMAN. Mr. Speaker, my colleague, Representative HENRY A. WAXMAN, and I, rise to pay tribute to Los Angeles Valley College, which this year is celebrating its 50th anniversary. Over the past five decades, Valley College has exemplified the best in American public education. Despite charging nominal fees to its students, the college has a top-notch faculty, the largest library in the San Fernando Valley and today offers more than 50 academic majors. Forty percent of the students who attend Valley College view it as a pathway to facilitate transfers into four-year colleges and universities.

When Valley College opened its doors in 1949, the San Fernando Valley was a suburban/rural community. The changes in the college since that time have paralleled the changes in the Valley, which is much more diverse than it was at the end of the Second World War. The College had done an outstanding job of adapting its curriculum and facilities to new and different circumstances.

Valley College has also kept up with the rapid pace of technological change at the end of the 20th century. The library recently completed its automation project and is now online with access to four separate databases. The College currently maintains a Bio-Tutorial Lab, Computer Science Lab, Music Listening Lab, Speech Lab, Foreign Language Lab, Statistics Lab and several open labs with Internet access for all students.

Valley College has developed a program that provides a number of one- and two-year technical programs such as accounting, business administration and computer sciences. Through the years, thousands of students have used these programs to enter rewarding careers.

Valley College has also made a concerted effort to meet the educational needs of high school students in the San Fernando Valley. The Afternoon College enables these young people to improve their basic skills before they graduate, which helps ensure that they will succeed in college. The Early-Start Program allows college-bound high school students to earn college credit while still attending high school.

We ask our colleagues to join us in saluting Dr. Tyree Wieder, President of Valley College, and the entire faculty and staff on this special occasion. Thanks to these dedicated educators, Valley College is a superb example of the best that California's Community College System has to offer. With the continued hard work of such committed individuals, the next

50 years at Valley College will be equally successful in serving our community.

PREMIUM SUPPORT: DO WHAT I  
SAY, NOT WHAT I DO

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 30, 1999*

Mr. STARK. Mr. Speaker, in March, the Bipartisan Commission on the Future of Medicare voted 10 to 7 on a plan known as Premium Support. The law establishing the Commission required that for a formal report to be issued, 11 votes were needed.

One of the 10 votes for Premium Support was by Samuel Howard of Nashville, Tennessee.

Premium Support is a proposal to use higher premiums in traditional Medicare to push beneficiaries into private, managed care HMO-type plans. It is based on the theory that the private sector is more efficient and can do a better job—save money and offer extra benefits—than the traditional Medicare program.

Mr. Howard was one of the leading proponents of the idea that the business sector is always better than the government sector, and that government is inept and stupid. His comments in the Commission's public meetings never varied from that theme.

I submit for the RECORD an article from The Tennessean of September 4, 1999:

STATE BLAMES XANTUS CHIEF FOR  
INSOLVENCY

(By Keith Snider)

Xantus Corp. Chairman Samuel H. Howard used TennCare money to finance other business deals, misled state regulators and presided over a health plan that routinely lost claims, a report filed yesterday alleges.

State receivers who have been running insolvent Xantus HealthPlan of Tennessee blamed Howard for much of its demise, saying his business decisions left the TennCare plan disorganized and vulnerable.

Xantus disregarded a state law that requires health maintenance organizations to maintain a minimum net worth, the report says, and used cash from the health plan to pay debts and expand its parent firm, Xantus Corp., into Mississippi and Arkansas.

"Xantus HealthPlan of Tennessee was not managed in a compliant, operationally sound, or financially sound manner for several years," leaving it unable to meet its obligations, the report concludes.

Howard released a short statement challenging the report and saying he hasn't had time to read it in detail.

"I could not disagree more with its findings and conclusions," said Howard, former chairman of the Nashville Area Chamber of Commerce and one of the city's most prominent African-American businessmen. "I am deeply disappointed that our voluntary entry into rehabilitation has resulted in a report of this nature."

The Tennessee Bureau of Investigation said it is continuing a probe of possible wrongdoing at Xantus, but spokesman Mark Gwyn would not say whether the report will affect the investigation.

Officials in the attorney general's office and in the state Department of Commerce and Insurance couldn't be reached late yesterday for comment.

David Manning, a former state official who co-wrote the report with Manny Martins,

would not say whether the receivers have shared information with the TBI. "Obviously, we're making public filings and they're available for anybody who has an interest," he said.

Xantus, the state's third-largest TennCare plan with 160,000 members, has been in the hands of receivers since March 31.

On Thursday, Manning and Martins asked a Davidson County Chancery Court judge to approve a rehabilitation plan that would replace the health plan's management and begin paying creditors with \$30 million in state funds.

The new report, supported by a thick stack of documents, describes a business that gradually was run into the ground.

Among other things, Howard used money from Xantus HealthPlan in 1994 to repay a \$1 million start-up loan and used at least \$2.8 million in 1996 to open a health plan in Mississippi, the report says.

Howard explained the 1994 transaction as a "management fee" paid by Xantus HealthPlan to Xantus Corp., but the report says no management agreement existed at the time and would have required state approval.

Xantus Corp. overcharged the health plan by millions of dollars in management fees to replace money it had originally invested in Xantus HealthPlan, the report says. That left the health plan relying only on TennCare payments to keep its net worth above state minimums.

After the state warned Xantus in April 1998 that it was undercapitalized, Howard approved a \$10 million transfer from the health plan to the parent company to pay the \$9 million balance of a Nations-bank loan, the report says.

And in September 1998, Xantus diverted an additional \$350,000 from the health plan to its Mississippi business despite reporting a negative net worth of \$3.4 million in the same quarter, the report says.

Xantus misreported its net worth for that year, the report says, and financial reports for that year show "a pattern of questionable financial 'recovery' at the end of the first three calendar quarters" and that the health plan "recurrently 'rallied' at the end of each quarter."

Howard misled Commerce and Insurance officials on management fees, the source of loans, intercompany transfers, his salary, and about how he intended to finance the acquisition of Health Net's TennCare business two years ago, the report alleges.

Xantus didn't properly investigate loss-plagued Health Net before buying it, the report says, and limped along with inexperienced managers and a claims processing system that paid claims to the wrong provider, paid the wrong amount, lost claims and denied claims that had been preauthorized.

The receivers said earlier this week that their estimate of how much Xantus owes doctors and hospitals has grown from \$50 million-\$60 million to \$80 million because the processing system hasn't been sorted out.

Manning characterized the findings as "a factual report that reaches reasonable conclusions."

State Sen. Thelma Harper, who called a June news conference along with other prominent African-American leaders to express concern about the investigation of Xantus, couldn't be reached for comment.

Howard, who has blamed flaws in the \$4.3 billion TennCare program for Xantus' problems, said yesterday he's learned "that the gap between the business world and government is deep and wide."

But the report says Howard's contention that Xantus had an unfair share of very sick enrollees was contradicted by a state review and by data from Xantus itself.

It concedes the state didn't allow Xantus to close its rolls to new members and also rejected a plan in August 1998 that would have cut management expenses from 17% to 11%.

The state should shoulder some of the blame, said Craig Becker, Tennessee Hospital Association president, who represents hospitals that have unpaid Xantus claims.

"The ultimate responsibility belongs to the state," he said. "It was their lack of oversight that allowed it to happen."

AGRICULTURAL RISK PROTECTION  
ACT OF 1999

SPEECH OF

**HON. JIM NUSSLE**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 29, 1999*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2559) to amend the Federal Crop Insurance Act, to strengthen the safety net for agricultural producers by providing greater access to more affordable risk management tools and improve protection from production and income loss, to improve the efficiency and integrity of the Federal crop insurance program, and for other purposes:

Mr. NUSSLE. Mr. Chairman, I rise today in strong support of H.R. 2559, the Agricultural Risk Protection Act. I would like to start by saying how impressed I am with the progress the House has made this year in transforming the concept of Federal crop insurance reform into the legislation we have in front of us today.

In 1994, as a member of the House Agriculture Committee, I had the opportunity to help write the last revision of the Federal crop insurance program. While the 1994 bill was a step in the right direction, that reform was done under the old Depression-era farm policy. I said then that the crop insurance program needed to become more farmer friendly by providing participation incentives for farmers.

As everyone in this chamber should recall, on February 1, 1999, the President submitted to Congress his fiscal year (FY) 2000 budget which failed to include a single dollar for crop insurance reform. After the President submitted his budget, I began working with House Budget Committee Chairman KASICH to provide funds for crop insurance reform in the House's FY 2000 budget. After a long hard-fought battle, on March 25, 1999, the House took a critical step in securing the necessary funds to reform crop insurance this year by providing \$6 billion over five years for crop insurance in the FY 2000 budget. This decision by the Budget Committee gave the House and Senate Agriculture Committees the flexibility to address the need for workable risk management tools that are available to all farmers.

I applaud the House Agriculture Committee for the legislation they have brought before the House today. This legislation will provide future stability in the farm safety net by increasing premium assistance to producers, rewarding the productive capability of farmers, and creating new coverage for falling crop values and livestock losses. This legislation simply offers more choices to more farmers and less cost to farmers and taxpayers.

This bill addresses the need for workable risk management tools that are available to all