

In 1956, he was elected by his fellow judges as President of the Municipal Judges Association for the entire state. And while serving on the municipal court bench, Judge Plunkett completed the first recodification since 1875 of all of the laws governing the municipal and conciliation courts in the state of Minnesota. His recodification was enacted by the state legislature in 1961, exactly as he wrote it.

A decade later, another Minnesota governor elevated Judge Plunkett to the District Court. On July 1, 1967, Governor Harold LeVander made possible what would become a 25-year career serving the people of Minnesota. During his remarkable tenure, Judge Plunkett personally set up and organized the Family Court Division of the Ramsey County District Court; he spent three years recasting all of the jury instructions in use in the state's civil courts; he worked for five years to rewrite all of the pension and retirement laws for judges in the state of Minnesota; he served on the Public Defender's Board, which supervises the entire public defender operation in Ramsey County; and he was elected by his fellow judges as an officer of the state-wide Minnesota Judges Association, serving as its Treasurer.

As an experienced District Court judge, Jerry Plunkett was appointed in 1977 to sit as a temporary member of the Minnesota Supreme Court, where he heard over 30 cases and authored seven Supreme Court opinions. Among the matters before Judge Plunkett was the historic Reserve Mining Company case, arising out of claims that the firm's iron-ore processing plant at Silver Bay, Minnesota had disposed of its ore wastes in a way that discharged asbestos particles into the air and into Lake Superior.

Despite these enormously time-consuming professional achievements, family has always been Jerry Plunkett's first priority. Throughout his adult life, he has been devoted to—and guided by—his wife, the former Patricia Bonner. They have raised eight children, all of them impressive in their own rights: John, a forensic pathologist; Patrick, an attorney; Marnie, a computer engineer; Timothy, an insurance executive; Paul, an attorney; Michael, a radiologist; Ann, a business executive; and Peggy, a graphic designer. Imbued with their parents' sense of community and led by the example of their parents' lives, this generation of Plunketts stands as a living testament to the values that each of us in Congress is proud to call American.

Jerry Plunkett's love of his country, his leadership as a jurist for his state, and his dedication to his wife and his family have always been matched by a high level of involvement in the local community. He served as Chairman of the Ramsey County Law Library. He was Director of the Capital Community Center. He has been a Trustee of St. Thomas Academy, and the President of the school's Alumni Association. He has given of himself, his time, and his energies without limit, and all of us owe him an enormous debt of gratitude for his service and his outstanding example.

To mark the occasion of Judge Jerry Plunkett's 75th birthday, his family and his friends will gather with him in St. Paul in celebration. What better way to repay his many kindnesses to our country, if only in part, than by giving him this tribute? I know that all of my colleagues join with me in wishing a happy birthday, and many more to come, to a great American.

CONCURRING IN SENATE AMENDMENTS TO H.R. 2280, VETERANS BENEFITS IMPROVEMENT ACT OF 1999, WITH AMENDMENTS

SPEECH OF

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. UNDERWOOD. Mr. Speaker, I rise today in strong support of H.R. 2280—the Veterans Benefits Improvement Act of 1999. I know many of my colleagues share my sentiments when it comes to our veterans; for their selfless sacrifice in the name of freedom, we can never thank them enough. The basic principle that lies behind the public support our veterans traces back to the earliest days of this Republic.

This bill, in part, carries on that legacy of gratitude. Among some technical fixes included within this bill is legislation concerning the National WWII Memorial, the expansion of Veterans cemeteries, benefits for homeless veterans, and mechanisms for improving the Court of Appeals for Veterans Claims. Finally, this bill includes a Senate Amendment that will provide a cost-of-living adjustment in rates of compensation for veterans with service-connected disabilities.

As we come to the close of the 20th Century, we are again reminded of the brutality that has been unleashed on human kind as a result of war and armed conflict. Whenever and wherever there had been a just cause, the United States was there to support the side of righteousness. The dedication and bravery exhibited by our veterans can never be forgotten. As a citizen from the territory of Guam, a place that was occupied by foreign troops some 50-odd years ago, the feat of liberation by the combined efforts of both Chamorro insurgents from the hills and from American Marines on the shores will forever remain legendary in the annals of history. Mr. Speaker, on this eve of the 81st anniversary of Veterans day, passage of this bill is all together fitting and proper. I commend Chairman STUMP for his leadership in bringing this measure to the floor. I would also like to thank my good friend Mr. EVANS for his tireless efforts to fight for the American veteran and always keep them within the public consciousness. I urge all my colleagues to support this important legislation.

THE REGULATORY IMPROVEMENT ACT OF 2000

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1999

Mr. GEKAS. Mr. Speaker, I am pleased to introduce the Regulatory Improvement Act of 2000. This bill would bring a greater degree of rationality and sounder science to the regulatory process.

We are all aware that regulations have a huge effect on society. They seek to protect the health and safety of the American people, and they seek to protect the natural environment. They deal with transportation, agriculture, communication, manufacturing—lit-

erally every walk of American life. They also directly and indirectly cost consumers billions and billions of dollars. There is a consensus, I believe, that the relationship between these benefits and these costs needs to be better known. This is the fundamental aim of the bill.

Let me say, first, that our effort rides on the shoulders of enormous work that has been done by our colleagues in the Senate, particularly Senator THOMPSON, the Chairman of the Senate Committee on Governmental Affairs. He joined Senator LEVIN to introduce a bill that has the same goals as this one. While there are differences between the two bills, our effort follows from and builds on the work of our colleagues in the other body. I applaud them for their work.

While significant details differ, the contours of this bill are quite similar to theirs. This bill would require federal agencies promulgating major rules to conduct essential analyses of the rules they propose. These analyses will not only cause the agencies to do better thinking about the problems they confront, but they will also allow fuller public discussion of the regulations that are proposed by executive branch agencies.

In the past, we have been shocked at the sight of agencies moving forward precipitously, and in the face of conflicting scientific information, with regulations having massive effects on economic growth and progress. We were pleased to see the Court of Appeals for the D.C. Circuit put the brakes on the Environmental Protection Agency's massive effort to stall economic progress in Pennsylvania and numerous other parts of the country.

That being said, however, I have never weighed in on the substance of these regulations because their true anticipated benefits were never known. As Chairman of the House Judiciary Subcommittee on Commercial and Administrative Law, I was not satisfied that the administrative processes were being followed as these regulations were written. I did not have confidence that the agency was acting rationally and in the best interest of the nation. Nor did many other Members of Congress on both sides of the aisle.

Once the Regulatory Improvement Act of 2000 is passed, we will be able to have confidence in the decisions made by regulatory agencies. This bill will cause more information about the decisions of regulators to come to light allowing everyone—Congress, the press, and the public—to understand the benefits of major regulations. It will also direct agencies toward addressing common causes of injury and disease, rather than popular fears about injury and disease. These are different things, and the federal bureaucracy needs to use sound science to solve the real problems that face Americans, rather than problems that are merely exaggerated in the public mind. Too often, interest groups feed distorted statistics and selective anecdotes to a hungry media in order to advance some agenda. If the regulatory process was better anchored to scientific analysis, the practice of fomenting hysteria among the public would not work as well. Americans would not have to live with trumped up fears.

The bill requires cost-benefit analysis of major regulations, along with risk assessment and substitution risk evaluation of major regulations that address health, safety, or environmental risks. In general, a major regulation is one that has an effect on the economy of \$100 million or more.

Cost-benefit analysis would allow Congress, the press, and the public to learn how cost-effective a given regulation is. We would be able to see how much value we are getting back when we give something up pursuant to regulation. Cost-benefit analyses of different regulations could be compared and we could see what regulations bring large improvements and what regulations bring small improvements to American life. We include in our bill a requirement that agencies analyze a wide variety of regulatory alternatives. Doing so will reveal what the incremental costs and benefits are along a range of options. This will help agencies choose the right place to draw the line—the place where we get the most benefits for the least cost.

Risk assessment is a characterization of the nature of the harm addressed by a regulation, and our bill requires it for regulations addressing health, safety, and the environment. Rather than anecdotes and fear, we need sound scientific descriptions of what causes a given harm, how the harm is caused, and what the chances are that a harm will occur. We also need to reveal what assumptions these assessments rely on. Certain harms are extremely rare, and even speculative, yet sometimes we protect against them more carefully than the harms that befall hundreds of Americans every day. Quality risk assessment will reveal where this has been the case, so we can refocus our efforts on real improvements in quality of life for all Americans.

A substitution risk assessment should study what risks might be created or threatened in the process of avoiding another risk. Substitution risk assessment is the reason most people do not jump into automobile traffic to avoid meeting a bicycle on the sidewalk. The risk this would create is greater than the risk avoided. I do not suggest that any current regulations actually create net risks, but there have been examples where a significant new harm was created by a regulation. We want to avoid this in the future, for the good of our people and for the credibility of the regulatory process.

Let me make some key points about this bill, though I recognize that mine will not be the only view on these subjects. First, to do an effective cost-benefit analysis, all effects of a regulation must be quantified in comparable terms. We must be able to compare apples to apples and oranges to oranges. Otherwise, the true effects of a rule will be obscured. Note well, Mr. Speaker, that accurate cost-benefit analysis does not require tough choices to be made. It illustrates the choices that inevitably are being made in a proposed regulation.

Second, anything that we refer to as a law, including administrative law, must be enforceable. That is, there must be someone to review the actions of the agency. The best source of this kind of review, the one that has always been recognized in this country, is the courts. In the 104th Congress, I was the original author of legislation to make compliance with the Regulatory Flexibility Act judicially reviewable. Judicial review made it into the Regulatory Flexibility Act in the Small Business Regulatory Enforcement Fairness Act of 1996. Today, we have seen the benefits of judicial review. A very small number of agencies have been reversed or remanded by the courts, while the clear majority of agencies are now assiduously following the law. If we intend this

bill to be followed once it is law, there should be judicial review. This bill is silent as to review, which means that its provisions are subject to judicial review under the Administrative Procedure Act, which it amends.

These are just two important points I want to lend to the debate on how to achieve rational regulation. I am pleased to introduce this bill, and again acknowledge the hard work of colleagues who have laid the foundation for it.

We realize the window of opportunity for advancing this bill is small. It would represent true improvement of the regulatory process, which is a serious challenge to the status quo. We intend to conduct hearings and move this bill at the outset of the next session. We hope that our vision of regulatory improvement proves out and attracts the support of an administration that has so far only offered to reinvent the regulatory wheel.

I am confident that we will succeed and that the vision we all share—of safe and healthy people, unburdened by irrational regulation—will be achieved through this legislation.

TANNER PRAISES DR. JOHNS'
COMMITMENT AS CARROLL
COUNTY CIVIC LEADER

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 10, 1999

Mr. TANNER. Mr. Speaker, it is a personal privilege to rise, and have spread on the pages of the CONGRESSIONAL RECORD, an article about my good friend, Dr. Howard Johns of Huntingdon, Tennessee. The article adequately describes Dr. Johns' many sterling qualities, as well as his dedicated and distinguished service to Carroll County.

I would be remiss not to add that my late father-in-law, Mr. Billy Portis, and Dr. Johns were close personal friends for over 50 years. Mr. Billy and Dr. Johns both served as Carroll County Commissioners, and both were active in the Democratic Party.

Dr. Johns attended many of our family functions, and, in fact, he has been almost like a member of our family.

So it is with pride and pleasure that I include a profile article about Dr. Johns that was published recently in *The McKenzie Banner* and reprinted below. Dr. Johns is a distinguished Tennessean and I am proud to call him my friend.

[From the *McKenzie Banner*, Oct. 20, 1999]

DR. HOWARD JOHNS—RETIRED VETERINARIAN,
ACTIVE CIVIC LEADER

(By Deborah Turner)

Summers spent in rural Georgia on his grandfather's farm are among the favorite memories of Dr. Howard Johns, retired doctor of veterinary medicine in Huntingdon. Nestled in a tiny town consisting of two stores and a service station, his grandfather owned a racehorse farm, and Howard got to help with the animals while visiting from his hometown of Eatontown, Georgia.

He enjoyed feeding, washing, walking and brushing the beautiful, spirited horses which were trained to pull the two-wheeled carriages, called sulkies, in which one man rode to drive the horse in racing.

He was the middle child of five children: 2 older brothers and a younger brother and sis-

ter. His brothers accompanied him in his visits to the farm, where cows, mules and other animals were raised as well as racehorses. Together, the boys got into plenty of mischief during the visits, but what Howard enjoyed most was riding out with his grandfather on visits to other farms. His grandfather was a "quack veterinarian", doing what he could to help sick or injured animals in his community. It was because of his grandfather's influence that Dr. Johns decided, "I'm going to be a graduate veterinarian; I'm going to go to school." World War II intervened when, at age 20, Dr. Johns joined the Air Force as a mess sergeant serving in the Pacific theatre, traveling to New Guinea with rotation to Australia. Finally able to make his dreams come true at the end of his tour of duty, there were only six schools in the nation teaching veterinary science. Sixty slots were available at Alabama Polytechnic Institute at Auburn; Dr. Johns was chosen from 1500 applicants and began his studies.

Unfortunately, his grandfather did not live to see him become a graduate veterinarian, passing away after Dr. Johns completed pre-veterinary school.

In 1949, as a licensed veterinarian, Dr. Johns came to Tennessee to practice. An avid duck hunter, he came here "looking for ducks," he said, and he found them. He dated Judith McConnell for a year and a half before tying the knot in marriage. Over the years, the couple had 4 children; Judy's child, also named Judy, came into the marriage from Judy's earlier relationship; the couple had two more daughters, Kathy and Johnny Beth. Their son, Howard, Jr., affectionately known as Bubba, was tragically lost at the age of eight when he slipped on some hay, falling from a truck as it rounded a corner.

Upon arriving in Carroll County, Dr. Johns set up his clinic in a room at the Carroll County Co-op building, where he remained for a year and a half. Although there were several persons practicing as unlicensed vets, Dr. Johns brought a learned element as the only educated veterinarian in the area. Through the Co-op, Dr. Johns met many farmers and built his practice. He moved into a new clinic on Main Street, where the beauty shop "Snips and Curls" is now housed. There he was able to establish an animal hospital, where around the clock medical care could be provided. As time went on, Dr. Johns saw much evolution in veterinary medicine. When he first began his practice, he saw more large farm animals than small animals. Later, people began taking better care of their pets, and didn't mind spending a little money to keep them healthy. Another change was drive-in service, when farmers and large animal owners began bringing their cows and horses to the clinic in trailers for treatment. Even more has happened in advancements in the science since his retirement 12 years ago, according to Dr. Johns, with better drugs being developed, creating more options for treating diseases. Before the advent of life savings drugs, "We treated symptoms, that's all we could do with the drugs we had," said Dr. Johns. Common in those days were outbreaks of "black leg", caused from a bacteria that enters the muscles where gasses form, capable of killing a calf within two days. The bacteria is found in the soil, and once there it remains, although the advent of vaccinations now prevents recurring breakouts. Another common infection in earlier years was stomatitis, an infection caused by fungus growing on the grasses. When eaten, the mouth becomes infected, rendering the animal unable to eat due to the soreness of its mouth. Many of the advancements made in veterinary medicine are the result of research. Dr.