

including the National Association for the Advancement of Colored People (NAACP) Special Service Award and the Outstanding Service Award, presented to him by Dr. Martin Luther King, Jr. Reverend Peters worked for Dr. King in Connecticut where he raised money for civil rights causes. These funds were used to organize bus trips from Connecticut to the South for demonstrations and for bailing protestors out of prison among other things.

In Denver, Reverend Peters helps to fulfill both the spiritual and humanitarian needs of Denverites through his work as Pastor of the New Hope Baptist Church and as a member of the Denver Housing Authority Board of Commissioners. As a member of that board, he assists 22,000 public housing residents in enhancing the living conditions of their homes. His devotion and service to the community have earned him several accolades. Since his arrival in Denver, the Anti-Defamation League recognized him with its Civil Rights Award and the Denver City Council cited him for his leadership in Denver.

Menola Neal Upshaw has devoted herself to the city of Denver as the President of the Denver branch of the NAACP and as a teacher and administrator. Mrs. Upshaw taught elementary school students in Oklahoma City, East St. Louis, Illinois and Denver. She served as a Denver Public Schools administrator for 26 years. The Denver Public Schools recognized her outstanding work as a teacher and administrator with a cherished award, the Teacher of the Year Award. Menola also won the NAACP Legend of the Year Award and Woman of the Year Award.

She has been a member of the NAACP since she was 9 years old and the president of the Denver branch since 1994. She has won additional awards for her parenting skills and work with her church. She won the Parent of the Year Award from Ottawa University and the Most Valiant Woman award given by the Zion Baptist Church, where she served as Sunday School Superintendent for 25 years.

Reverend Jesse Langston Boyd, Jr., enriches Denver working as the pastor of Shorter Community African Methodist Episcopal Church and also through his own community efforts. His contributions to his parishioners have included the rebuilding and relocation of his church, containing education facilities and a multi-family housing complex. He is a past president of the Denver Ministerial Alliance and Methodist Ministers Fellowship in Denver and has served as a member of the Executive Board of Denver's Council of Churches.

He has also held important secular positions. He is currently Chairman of the Board of Directors of Denver-Metro Push and is the organizer of PUSH-Los Angeles. In addition, former Governor Roy Romer appointed him the first African American on the State of Colorado Wildlife Commission and to the Colorado Commission for Prenatal Care.

I would also like to recognize Arie Parks Taylor who has devoted a lifetime to improving Denver. Arie Taylor is often compared to Bella Abzug, a former Congresswoman from New York, who is remembered for her custom of wearing hats and her advocacy for the disadvantaged. Arie wears hats as well, but it is her compassion for people that helped Colorado so much.

Arie served Colorado as a State Representative for District 7 for 12 years. While in office

she passed legislation amending fair housing and civil rights laws. She also sponsored legislation to help people with hemophilia and sickle cell anemia find care. She caught the eye of the Nation when she served three times as a delegate at the National Democratic Convention, where she protested the seating of all-white southern delegations. Not only did she work in these positions, but she retired in 1995 as Denver's first African American Clerk and Recorder.

Please join me in commending Rev. Paul Martin, Gloria Holliday, Rev. James Peters, Jr., Menola Neal Upshaw, Rev. Jesse Langston Boyd, Jr., and Arie Parks Taylor for their courage and fortitude. It is the strong leadership they present in their everyday lives that make them so beloved in our community.

INTRODUCTION OF THE PATIENT
FREEDOM FROM RESTRAINT ACT
OF 1999

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. STARK. Mr. Speaker, I am pleased to join with Rep. Degette and our colleagues in introducing the Patient Freedom from Restraint Act of 1999. According to recent estimates, between 50 and 150 people die each year in psychiatric hospitals and other residential treatment centers while restrained or in seclusion. This legislation would extend much needed and long over due protections for people who rely on others for their care and safety. Specifically, our legislation will protect individuals living in residential facilities for adults and children who are developmentally delayed or suffer from a mental health disability.

According to a 1996 GAO report on institutions for the mentally retarded, one of the most common problems of care was excessive or inappropriate use of restraints. Other reports indicate the deaths due to restraint result from inappropriate and reckless use of restraint techniques and neglect of the patient's well being. Even if there is no physical harm due to restraint, the violent act can have long-term implications for the patient's psychological health and recovery.

Restraint and seclusion have no medical or therapeutic function. In fact, these techniques may do more to harm the individual than help. The only time that such measures are warranted occur when the person's behavior creates an immediate threat to the health and safety of self and others.

Currently, there is no federal statute or uniform regulation that protects patients from the misuse of restraints and seclusion. Many years ago, the same problem existed in nursing homes. Patients were indiscriminately restrained and suffered terrible as a result. The Omnibus Budget Reconciliation Act of 1987 greatly changed how the nation's elderly are treated. In essence, we revised the Social Security Act to make clear that restraint and seclusion could be used only in extreme cases. The result of that legislation has been an incredible improvement in the treatment that seniors receive. The staff of nursing homes found that simple changes in the environment and procedures made restraints unnecessary.

Our legislation would not prohibit the use of restraint or seclusion, it merely identifies the conditions when they may be used. The more important aspect of the legislation is that it would protect the health and safety of the patient. Our legislation would require that treatment facilities document the use of restraint and seclusion in the patient's treatment or medical record. In addition, to reporting the incident, the staff of the facility must document treatment a treatment plan to reduce the future risk of episodes requiring restraint or seclusion.

The legislation would require that residential facilities train their staff in the appropriate use of restraint techniques and its alternatives. We believe that this is an essential feature of the bill. Many of the deaths and severe injuries that patients experience result from misuse of standard restraint procedures.

Finally, the legislation would require that cases of severe injury and death be reported to the State's Protection and Advocacy Board, and the Secretary of Health and Human Services. Documentation of these cases is an essential mechanism for protecting the rights and liberties of the patients.

MORE JOBS IN THE
TELECOMMUNICATIONS INDUSTRY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. BONIOR. Mr. Speaker, I rise today to applaud the Department of Justice and SBC Communications for reaching an agreement which resolves the Department's antitrust concerns about SBC's pending merger with Ameritech. This agreement brings consumers one step closer to more options, lower prices and more substantial jobs in the telecommunications industry. The intent of the 1996 Telecommunications Act was to bring more competition to the telecommunications industry and this merger would be a good step towards a more competitive marketplace.

I commend SBC and Ameritech for their commitment to American workers. This proposed merger has the support of the AFL-CIO, the Communications Workers of America and the International Brotherhood of Electrical Workers. SBC and Ameritech have committed to these labor unions that this merger will increase, not decrease, the number of good jobs in the telecommunications industry. SBC has already proven itself. Despite some critics' concerns, since SBC merged with Pacific Telesis, residential and business prices for basic local service in California have remained stable. In the meantime, SBC has also introduced new products and services and has created more than 2000 new jobs.

Mr. Speaker, I urge the FCC to move quickly in approving this merger and to enforce the Congressional intent of the 1996 Telecommunications Act to lower prices, provide more choices for consumers and create new jobs in the industry.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. BECERRA. Mr. Speaker, on February 25, 1999, I was unavoidably detained during a rollcall vote: number 27, on Approving the Journal. Had I been present for the vote, I would have voted "aye."

TRIBUTE TO BARTON E. WOODWARD

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to pay tribute to the late Barton E. Woodward, a Colorado water expert, who recently passed away at the age of 57.

Woodward was born near Snyder, Colorado, in 1941. He was a 1959 graduate of Snyder High School and received his degree in broadcast engineering in 1963 from Bob Jones University. Also in 1963, he and Roxanne Miller celebrated their marriage, and then moved to the family farm near Snyder.

In addition to being a farmer, Woodward pursued other interests including computer consulting and water engineering. For the past 15 years, he was very active in Colorado water issues, including serving on the board of directors of the Riverside Irrigation District and most recently as the district superintendent. As superintendent, he was instrumental in the construction of Vancil Reservoir.

He has also served as president of the Groundwater Appropriators of the South Platte since 1984 and currently was on the board of directors of the South Platte Lower River Group. He was a long-time member of Colorado Water Congress and former president, and also served as president of the Pioneer Water and Irrigation District.

Woodward also served the community as an activist in the Republican Party, serving as Morgan County Republican Party Chairman and on the Republican Central Committee.

Mr. Speaker, I am proud to pay tribute to this man whose friends, including me, knew him to be a man of compassion, integrity and honesty. When he gave his word, you could count on it. His passion for agriculture and knowledge of resources will be sorely missed by the agricultural and water communities of eastern Colorado.

OUR THANKS TO SUSAN L. TAYLOR

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the U.S. House of Representatives to join me in expressing appreciation to a remarkable woman of our times who will be lending her support to a school in my Congressional District this weekend, Ms. Susan L. Taylor.

Editor in Chief of Essence Magazine and Senior Vice President of Essence Communications, Ms. Taylor still manages to give generously of her time so that others might enjoy a fuller and richer life. On Saturday, March 27, she will be featured as the keynote speaker at an event entitled "An Afternoon of Inspiration" in support of New Hope Academy in Newark, New Jersey, so that the school may continue to offer young people the chance to achieve their dreams. She is a believer in the African proverb that "It takes a whole village to raise a child."

I was fortunate to serve on a panel at Essex County College several years ago with Ms. Taylor where the discussion centered around the challenges facing single parents. Her presentation was so impressive and dynamic that years later, people are still coming up to me and commenting about how well they recall that discussion.

Ms. Taylor has inspired many others with her outstanding professional success. Under her leadership, Essence Magazine enjoys a monthly circulation of 1 million and a readership of 7.6 million.

Mr. Speaker, I know my colleagues share my appreciation for Ms. Taylor's generosity in sharing her time and talents with others. We thank her for her appearance in support of New Hope Academy and wish her continued success.

TRIBUTE TO NELLIE MACKAY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Ms. Nellie Mackay, an outstanding individual who has dedicated her life to public service. She will be honored this Saturday, March 27, by parents, family, friends, and professionals for her outstanding contributions to the community at the Sixth Annual Senior Citizen Luncheon hosted by the Patterson Volunteer Committee, Inc. at the Mott Haven Community Center.

Born in Elkton, Tennessee, Ms. Mackay moved to New York and has been a resident of Patterson Houses for 32 years. A 1986 graduate from Vermont College and graduate of Medical Aide Training School in 1997, she has certainly shown the importance of life long learning.

She is a Bronx State Committee member and a member of Community Planning board #1. Through her years of service, she has served on the National Advisory Council of Save a Marriage, the City of New York Child Abuse and Maltreatment committee, and New York University Food Service and Management program among many others.

Mr. Speaker, Nellie also visits Middletown New York Prison once a year to do a Black History workshop with inmates. She was the representative for Senior Citizens for Social Security from 1973 until 1975 and in 1979 she ran a workshop for children from the Mott Haven Day Care Center about their heritage, which appeared in Big Red newspaper. She has been involved in a wide variety of community activities, including volunteer work with the elderly and marriage counseling.

The business, professional, and civic organizations to which she belonged, like the honors

and awards she was given are almost beyond counting.

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. Nellie Mackay for her outstanding achievements and her enduring commitment to the community.

FIRST-TIME HOMEBUYER AFFORDABILITY ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 25, 1999

Mr. LaFALCE. Mr. Speaker, today I am introducing the First-time Homebuyer Affordability Act. I am joined in this effort by 20 original cosponsors. I am also pleased to announce that Senator KERRY (D-MA) will be introducing this legislation in the Senate.

This bill is a pro-homeownership initiative, based on the principle of empowering families and individuals to use funds in their own retirement accounts to buy a home.

The First-time Homebuyer Affordability Act unlocks the \$2 trillion currently held nationwide in Individual Retirement Accounts (IRA's) for homeownership use. It does so by allowing individuals to borrow up to \$10,000 from their own IRA (or from their parent's IRA) to use as a downpayment on a first-time home purchase. Since funds are borrowed, rather than withdrawn, the homebuyer does not incur Federal taxes or a premature withdrawal penalty.

This bill is a targeted effort to narrow the arbitrary disparity between treatment of 401(k) retirement plans and IRA retirement plans. Under current law, individuals may borrow from their 401(k) retirement account without paying taxes for a broad range of purposes, including buying a home. Yet, individuals cannot borrow or otherwise use funds in their IRA for personal use, even to buy a home, without incurring Federal taxes. This is a significant and inequitable impediment to homeownership.

Two years ago, Congress took a modest step toward lowering financial barriers to the use of IRA funds for home purchase—through enactment of a waiver of the 10 percent premature withdrawal penalty for withdrawal of up to \$10,000 from an IRA account for a first-time home purchase. However, such a withdrawal still subjects the homebuyer to Federal taxes on the amount withdrawn. For a \$10,000 withdrawal by a typical taxpayer in the 28 percent tax bracket, this creates a Federal tax liability of \$2,800—leaving only \$7,200 for a downpayment on a home purchase.

Under the First-time Homebuyer Affordability Act, funds may be borrowed tax- and penalty-free from an IRA account for a period of up to 15 years, either on a fully amortized or interest only basis. The loan must be repaid if the house is sold or if it ceases to be a principal residence. When the loan is repaid, the funds are restored in the IRA account, fully available for re-investment on a continuing tax-deferred basis.

Alternatively, the bill permits use of IRA funds for a first-time home purchase as a home equity participation investment. Under this approach, IRA funds are used for downpayment; when the house is sold, the investment, plus a share of the profit from home sale (typically 50 percent) is repaid to the IRA account.