

Celebration of Music. I know they will represent my wonderful state, and my district, very well.

STUDENT PROTECTION FROM
SEXUAL ABUSE ACT OF 1999

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 19, 1999

Ms. NORTON. Mr. Speaker, I introduce the Student Protection from Sexual Abuse Act of 1999 today because the U.S. Supreme Court has asked for Congressional guidance on whether we intend Title IX to allow damages and/or injunctive relief when a 9th grade student is sexually assaulted and harassed. Like the four Members of the Supreme Court in the closely divided 1998 opinion, *Gebser v. Largo Vista School District*, I believe that Congress intended damages and injunctive relief when a child is sexually assaulted by a teacher while in school. I agree with Justice Stevens and the dissenting justices, as well as the Department of Education, that the Court's own prior rulings and the statute itself allows damages without meeting criteria that virtually guaranteed no Title IX remedy. The majority of the Court, however, concluded that it needed "further direction from Congress."

This bill provides that guidance. I believe that no Member would want to be responsible for the bizarre and unacceptable result that sexual harassment is now covered when a principal harasses a teacher but not when a teacher assaults or harasses an underaged student. I do not believe that Congress intends for a school system to be able to virtually immunize itself from damages even though a teacher repeatedly has had intercourse with a ninth grader. Further, my bill not only protects a child and her parents, but the school system as well by limiting damages to compensatory damages.

The Court says it's our fault. Twenty-seven years ago, when Title IX was written, Congress did not foresee what we see clearly today: cases of teacher-student sexual abuse are arising fast and often. The ball is in our court, and this is not child's play. The Supreme Court in the *Gebser* decision has given the Congress a virtual summons to remedy, or, if you prefer, to update our own language to correct a glaring child abuse gap in our law.

I ask for bipartisan support on this the Student Protection from Sexual Abuse Act of 1999 and for passage this year. The earlier we do so, the sooner school systems will take action to prevent sexual abuse of children committed to their charge, thus eliminating the need for court suits.

TRIBUTE TO LA.COM

HON. BRAD SHERMAN

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 19, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to LA.com and its founders, David Ezra and Martin Mizrahi.

As more and more Americans turn to the web as a source of information, LA.com pro-

vides comprehensive information on entertainment, business and consumer information affecting the LA area. In addition, it provides travel and tourism information, as well as traffic assistance. More importantly, it also provides free exposure for organizations to advertise their philanthropic and cultural events.

In offering a venue for various public service organizations, it provides these groups with an opportunity to share their services and information with a large audience they might not otherwise reach.

LA.com offers something for everyone looking for everything from critical information in or around Los Angeles, to entertainment and social happenings. In establishing this site, David Ezra and Marty Mizrahi have provided to a valuable resource the people who visit and live in Los Angeles by which they can be informed of important occurrences throughout the city.

Mr. Speaker, distinguished colleagues, please join me in commending these gentlemen. These innovative entrepreneurs are paving the way for other cities to follow in disseminating important information among the community.

SPECIAL RECOGNITION OF JUDGE
JOHN R. EVANS UPON HIS RE-
TIREMENT FROM PUBLIC SERV-
ICE

HON. MICHAEL G. OXLEY

OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 19, 1999

Mr. OXLEY. Mr. Speaker, I rise to honor a true public servant and long time friend, Judge John Evans of Lima, Ohio. Judge Evans has served the good people of America and of Ohio ever since joining the United States Army Infantry in November of 1953.

Judge Evans was born in Lima on January 11, 1928. Upon his completion of high school in 1945, Judge Evans went on to Miami University, Oxford, Ohio where he graduated with a bachelor of science degree in mathematics. In 1949, he entered Ohio Northern University Law School where he received his degree in jurisprudence. While honorably serving in the United States Army he was awarded the American Spirit Honor Medal. After completing his military service, he returned to Lima where he entered private practice on January 2, 1955. Beginning January 1957, he served as Assistant Prosecuting Attorney for Allen County, Ohio until January 1962 when he became Director of Law for the City of Lima. Moreover, Judge Evans was Solicitor of the Village of Spencerville, Ohio.

In January 1963, Judge Evans became a partner in the law firm of Gooding, Evans & Huffman, where he practiced until January 1987. Judge Evans was elected to the Third District Court of Appeals and took his oath of office in February the same year.

In addition to his professional responsibilities and family, which include his wife, Joyce, and three sons, Judge Evans has served as trustee of the Ohio Forestry Association, a member of the Board of the Lima Symphony Orchestra, trustee of Woodlawn Cemetery Association and a member of the advisory committee of the Ohio Biological Survey. He also served as a member of the Civil Service Board for the City of Lima.

Mr. Speaker, as you can witness by this long list of public service and generosity to the people of Allen County, Judge Evans will be sorely missed after his retirement from the bench. I do know that he will continue to work on worthwhile community projects during his well deserved retirement. I commend Judge Evans and wish him and his wife, Joyce, all the best in this New Year.

IN MEMORY OF A. LEON
HIGGINBOTHAM, JR.

HON. ELIJAH E. CUMMINGS

OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 19, 1999

Mr. CUMMINGS. Mr. Speaker, I rise to pay tribute to A. Leon Higginbotham, Jr.

Higginbotham, a noted civil rights defender who went on to become one of the country's most prominent African-American judges, recently died in Boston after suffering several strokes. He was 70.

Throughout his life, as a judge and scholar, Mr. Higginbotham was known as a passionate defender of civil rights. The late Supreme Court Justice Thurgood Marshall once called him "a great lawyer and a very great judge."

A native of Trenton, N.J., Higginbotham earned his law degree at Yale Law School.

In 1962, President John F. Kennedy named him to the Federal Trade Commission, making him the FTC's first African-American commissioner.

Higginbotham served as president of the Philadelphia chapter of the National Association for the Advancement of Colored People (NAACP) from 1960-1962.

In 1964, Higginbotham was appointed to the U.S. District Court in the Eastern District of Pennsylvania, becoming the third African-American federal district judge.

Four years later, President Lyndon Johnson appointed him vice chairman of the National Commission on the Causes and Prevention of Violence, to investigate the urban riots of the 1960's. The resulting Kerner Report blamed the growing polarization between blacks and whites for the violence.

Higginbotham again broke new ground in 1969 when he became Yale's first African-American trustee.

In 1977, he was appointed by President Jimmy Carter as judge of the 3rd U.S. Circuit Court of Appeals. In 1989, he became chief judge of the U.S. Third Circuit Court of Appeals, which covers Pennsylvania, New Jersey and Delaware.

He retired from the bench in 1993 and became a public service professor of jurisprudence at Harvard's John F. Kennedy School of Government.

At the request of South African leader Nelson Mandela, Higginbotham became an international mediator for issues surrounding the 1994 national elections in which all South Africans could participate for the first time.

Mr. Higginbotham was awarded the nation's highest civilian award, the Presidential Medal of Freedom in 1995, a year after he was honored with the Raoul Wallenberg Humanitarian Award.

In 1995, the American Association of University Professors appointed Higginbotham to its panel to investigate the University of California Board of Regents' decision to end race-based affirmative action.

Recently, Mr. Higginbotham urged the House Judiciary Committee not to impeach President Clinton. "Perjury has graduations. Some are serious, some are less," he testified. "If the president broke the 55-mph speed limit and said under oath he was going 49, that would not be an impeachable high crime. And neither is this."

Mr. Higginbotham is also acclaimed for his multivolume study of race, "Race and the American Legal Process." In those books, he examined how colonial law was linked to slavery and racism, and examined how the post emancipation legal system continued to perpetuate oppression of blacks.

At the time of his death, Higginbotham was working on an autobiography.

He leaves his wife, Evelyn Brooks Higginbotham, a professor of history and Afro-American studies at Harvard; two daughters, Karen and Nia; and two sons, Stephen and Kenneth.

RE-INTRODUCTION OF THE "CODE OF ELECTION ETHICS"

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 19, 1999

Mr. BALDACCI. Mr. Speaker, most campaign reform efforts are focused on the financing aspect. This is an important issue, and I have been a strong proponent of moving forward with campaign finance reform. However, while the American people are tired of the abuses in our campaign finance system, they are equally tired of the negative campaigns that seem to have become the norm. The tone of campaigns—as well as their financing—has an impact on public trust in government and citizen participation in the electoral process.

For that reason, I am today re-introducing legislation that would encourage congressional candidates to abide by a "Code of Election Ethics." It is based on the Maine Code of Election Conduct, which was developed by the Margaret Chase Smith Center for Public Policy at the University of Maine and the Center for Global Ethics in Camden, Maine. During the 1996 and 1998 general elections, all Maine gubernatorial and congressional candidates agreed to abide by the state Code. The Code worked well, and Maine voters benefited from generally positive, issue-based campaigns. Maine's voter participation rate was among the highest in the nation.

This Code of Election Ethics asks candidates to be "honest, fair, respectful, responsible and compassionate" in their campaigns. The bill requires the Clerk of the House and the Secretary of the Senate to make public the names of candidates who have agreed to the Code.

I believe that the American people want a campaign system they can be proud of. This has to include two parts. First, we must clean up the way in which campaigns are financed. And second, we must elevate the level of the debate between candidates, to ensure that we engage in civilized and substantive campaigns. The Code of Election Ethics will serve as a reminder to candidates, and provide the public with a yardstick by which to measure the performance of candidates.

Something must be done to enhance people's confidence in government and faith in

our democracy. I believe this bill is a step in the right direction. I am proud to have Representatives ALLEN and HINCHEY joining me as original co-sponsors, and I hope that many of you will add your support to this effort to improve the quality of congressional campaigns.

SOFT MONEY BAN

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 19, 1999

Mrs. MINK of Hawaii. Mr. Speaker, last session, we came close to passing meaningful campaign finance reform that would have put integrity back in our election laws. Unfortunately, the final bill died in the House and the 1998 elections were business as usual.

When we look at the numbers of the 1998 election, they tell us the whole story: that money decided the winners and losers of the elections.

According to the Center for Responsive Politics, in 94 percent of Senate races and 95 percent of U.S. House races, the candidate who spent the most money was the winner on election day. In the House of Representatives, incumbent re-election rate was 98 percent—the highest rate since 1988 and one of the highest this century. This re-election rate was directly attributed to the amount of money spent.

We have got to take a stand now. If we do not, the race for money will only continue to grow and grow.

We can argue on the numerous provisions that should be included in comprehensive campaign finance reform, but one thing we should all agree on is the banning of soft money to National Parties.

My bill simply does that. It places the same limits on the contributions to the National Parties as is currently in effect for contributions made to all candidates for federal office.

Let's ban soft money this year. Let's take a stand and restore confidence in our government.

INTRODUCTION OF LEGISLATION TO HELP MEDICARE BENEFICIARIES HURT BY Y2K COMPUTER DELAYS IN HOSPITAL OUTPATIENT DEPARTMENT PAYMENT REFORM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 19, 1999

Mr. STARK. Mr. Speaker, a number of Medicare provisions in the Balanced Budget Act have been delayed because of the Year 2000 computer "bug" problem. One delay involves postponing reforms in the way Medicare pays for beneficiaries who receive services in hospital outpatient departments (HOPDs).

This is as complicated and Byzantine an area of payment policy as exists in Medicare—but the bottom line is that the delay will cost seniors and the disabled \$460 million in 1999 compared to what they would have saved if the HOPD reform that Congress in-

tended and enacted had proceeded on course.

\$460 million is a lot of money for seniors facing medical problems. Hopefully, HCFA's Y2K corrections will proceed on schedule and beneficiaries can begin saving money in 2001 when the HOPD changes are implemented. But in case there are problems, seniors could continue to see higher costs than they should well into year 2000.

This is a relatively simple problem to fix. I am introducing a bill today that will deliver on the BBA's promise to seniors of nearly half a billion in savings in 1999. I urge the Ways and Means and Senate Finance Committees to consider this proposal on an emergency basis. It will have no cost of Medicare—but it will provide much needed relief from HOPD overcharges. It has the support of the Administration.

Following is a technical explanation of the problem and the solution. Again, Mr. Speaker, we should not get lost in the turgidness of the issue—we should just keep our eyes on the fact that the half billion in promised savings can still be achieved.

PROPOSAL TO REDUCE MEDICARE OUTPATIENT DEPARTMENT COINSURANCE

CURRENT LAW

Coinsurance for hospital outpatient department (OPD) services is currently based on 20 percent of a hospital's charge. Under the prospective payment system (PPS) for hospital OPD services, coinsurance will no longer be based on charges. Instead, base copayment amounts will be established for each group of services based on the national median of charges for services in the group in 1996 and updated to 1999. These copayment amounts will be frozen until such time as coinsurance represents 20 percent of the total fee schedule amount. If the OPD PPS were implemented in 1999, calculation of the copayment amounts in such a fashion would result in coinsurance savings of \$460 million for beneficiaries in 1999.

HCFA, however, will not be able to implement the OPD PPS in 1999 due to the intensive efforts and resources that must be devoted to achieving year 2000 compliance. It will be implemented as soon as possible after January 1, 2000. In the absence of the OPD PPS, coinsurance will continue to be based on 20 percent of charges.

PROPOSAL

Beginning on January 1, 1999 and until such time as the OPD PPS is implemented, coinsurance would be based on a specified percentage of charges, which will be lower than 20 percent. The specified percentage (e.g., 18% or 17.5%) would be calculated by the Secretary and specified in law so that the beneficiaries, in aggregate, would achieve coinsurance savings equal to \$460 million in 1999. These savings are equal to the amount that would have been saved by beneficiaries in 1999 if the OPD PPS were implemented.

The Medicare payment, however, would continue to be calculated as if coinsurance were still based on 20 percent of charges. In so doing, the beneficiary coinsurance savings are not passed on to the Medicare program as a cost. Instead, the loss will be absorbed by hospitals, which is the same outcome that would have occurred in 1999 under the OPD PPS.

Under this proposal, hospitals would not be able to recoup their losses by increasing their charges. In fact, increasing their charges would result in a further loss. This is because higher charges cause an increase in coinsurance but an offsetting reduction in