

TRIBUTE TO MARK TOLBERT, JR.

**HON. KAREN MCCARTHY**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to pay tribute to Mark Tolbert, Jr., a young man fatally injured in an automobile accident December 22. Affectionately known as "Marky," he was the oldest son of Bishop Mark Tolbert, Sr. and Mrs. Emelda Tolbert, pastor and First Lady of Christ Temple Church in Kansas City, Missouri. Marky was taken to heaven by a "chariot of fire" one month past his nineteenth birthday. Although Marky left us at a young age, he led a remarkable and inspiring life.

He had recently completed his first semester of college at the University of Kansas in Lawrence, majoring in Business Administration. He was looking forward to working during the semester break at a local sporting goods store, continuing the work ethic he developed at an early age by working after school and during the summer.

Marky had a genuine love for people, especially children. He coached an after school basketball team at Faxon Montessori School that went undefeated for two years. He was a tutor at the Lee A. Tolbert Community Academy Saturday School and by his counseling, guidance, and initiative served as a role model to the youth of our community. With his strong work ethic and love of God and family he was destined to make the world a better place.

Before Marky could walk, he was involved in Christ Temple Church, beginning by making "joyful noises" on the drums. He further developed his musical talents over the years and played the keyboard at Sunday morning services even during his first semester of college. He helped serve the homeless during the church's annual "Feed the Multitude" ministry. He was President of the New Generation Choir and a member of the Sunday School. Marky was a founding member of the Radical Praise Steppers, a group of youth who showed praise to their heavenly Father through dance routines that encompassed clapping, stepping and stomping in unison while singing praises to God. They performed at church, district councils, national conventions and community events.

I attended his funeral December 30 with over 800 people. So many mourners came that the overflow of almost 300 people had to be accommodated in the church basement to watch the service on large screen television. Senior Pentecostal Ministers from around the country spoke in praise of Marky's life and legacy. The eulogy was performed by a family friend, Bishop Norman L. Wagner, President of the Pentecostal Assemblies of the World. Bishop Wagner delivered a powerful, uplifting sermon from the Second Book of Kings of the Bible. He compared Marky with the prophet Elisha and ended his sermon by stating that "God had to send a chariot of fire to take him out." Those in the congregation as well as the grieving family felt their hearts lifted from sorrow to joy knowing that Marky's greatness would not be diminished by death.

Marky's memory will live on in all those whose lives he has touched. His is a loss felt by his family and congregation, and the greater Kansas City community. Marky's beacon of

light may be extinguished here on earth, but it glows brightly in heaven.

Mr. Speaker, please join me in expressing condolence to the Tolbert family for the loss of this very special child, and to paying tribute to the service he gave to family friends, church and community during his 19 years on this earth.

TRIBUTE TO DON H. COX

**HON. DUNCAN HUNTER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. HUNTER. Mr. Speaker, I wish today to honor a distinguished public servant from my district in Imperial County, California. Don H. Cox retired on December 1, 2000 after serving for 12 years as a member of the Board of Directors for the Imperial Irrigation District (IID). He represented district 4, which includes the city of Brawley where he and his family reside.

Don was elected to the Board in 1988 and reelected in 1992 and 1996. He served as Board President in 1991 and 1997, and served as Vice-President in 1990, 1995, and 1996. Don also served on the District's Water, Budget, EPA, Geothermal, Salton Sea, Energy, and Salton Sea Emergency study groups. He was appointed by the Governor of California to serve as a director of the Regional Water Quality Control Board for the Colorado River area and also served as a member/director of the Colorado River Board of California, the IID Water Conservation Advisory Board, California Farm Water Coalition, and the Association of California Water Agencies' Water Rights Committee. I had the pleasure of working closely with Don through his leadership on the Salton Sea Authority since its inception in 1993.

Don served in the United States Navy during World War II and upon returning from the war, earned his degree in agriculture economics from the University of California, Berkeley. Following his studies, Don returned to the Imperial Valley to farm with his sons, which he has done for over 40 years. He is a past member of the Imperial Valley Vegetable Growers Association and was involved with many cotton boards. Despite his recent retirement, Don remains involved in the farming community as a newly elected member of the Board of Directors of the Imperial County Farm Bureau.

Don has been a member of the Brawley Rotary Club for over 30 years, a member of the Benevolent and Protective Order of Elks-Lodge #1420 for over 40 years and a lifelong member of the Imperial Valley Navy League. He has also served his community as a member of the Brawley Union High School Quarterback Club.

Throughout my many years in Congress, I have valued Don's insight into, and knowledge of, the many important issues facing the IID and the farming community in the Imperial Valley. It is my distinct privilege to honor my distinguished friend.

FAIRNESS AND EQUITY FOR FEDERAL RETIREES WITH PART-TIME SERVICE

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. MORAN of Virginia. Mr. Speaker, today, I am reintroducing legislation to correct a longstanding inequity that affects a great number of Federal retirees in my district and throughout the Nation who have served for a portion of their careers in a part-time capacity. I am pleased that Mr. DAVIS of Virginia, Mr. WYNN, Ms. NORTON, Mrs. MORELLA, Mr. WOLF, and Mr. GILMAN have joined me as original cosponsors of this important legislation.

The current retirement formula for Federal workers with part-time service was enacted by Congress in 1986 as a provision of the Consolidated Omnibus Budget Reconciliation Act (COBRA) (P.L. 99-272). For the most part, the reforms contained in COBRA were fair. They ensured an equitable calculation for all employees hired after 1986 and prevented part-time employees from gaming the system in order to receive a disproportionately higher benefit. The 1986 reforms were based on a procedure developed and recommended to the Congress by the General Accounting Office (GAO). In a nutshell, the new methodology determines the proportion of a full-time career that a part-time employee works and scales annuities accordingly. Under the formula, a part-time worker's salary is calculated on a full-time equivalent basis (FTE) for retirement purposes. Thus, a worker's "high-three salary" could occur during a period of part-time service. This often happens when a senior level worker cuts back on his or her hours to care for an ill spouse or deal with other personal matters. Many of the people in this situation are women.

The problem is that the 1986 law had unintended and often unfair consequences for workers hired before 1986 who have some part-time service after 1986. Specifically, according to the way the law has been implemented by OPM, some part-time workers are not able to apply their full-time equivalent (FTE) salary to pre-1986 employment. This effectively limits their ability to receive the advantage of their "high-three average" salary for their entire careers. The reason for this inequity can be traced to subsection (c) of Section 15204 of COBRA. It provides that the new formula shall be effective with respect to service performed "on or after the date of the enactment of this Act."

Whether this was a drafting error, or whether OPM has taken an unnecessarily restrictive reading of the statute is hard to determine. What is clear is that the current practice is plainly contrary to the intent of the Congress, which was to grandfather existing employees into the new system and to ensure that no Federal workers would be harmed by changes in the retirement formula.

In a letter dated February 19, 1987 to then-OPM Director Constance Horner, the Chairman of the Committee on Post Office and Civil Service, The Honorable William D. Ford, objected to this anomalous and unfair result. He wrote:

As in many other instances involving benefits, Congress chose to protect or to "grandfather" past service—to apply the new benefit

formula only to future service rather than previously performed service under the older, more generous formula. This policy is often adopted to avoid penalizing individuals through the retroactive application of changes not anticipated by them. (As a measure of fairness, the policy of prospectivity is often applied to benefit improvements as well.)

Notwithstanding Chairman Ford's efforts to clarify congressional intent, this inequity has continued for 14 years. OPM has publicly acknowledged that there is a problem with COBRA. Director Lachance stated publicly in a letter to Chairman Fred Thompson of the Senate Committee on Government Affairs: "I agree that an end-of-career change to a part-time work schedule can have an unanticipated adverse effect on the amount of the retirement benefit." She also acknowledges in that same letter that a comparable bill in the other body, S. 772 introduced by Senator ROBB, "would eliminate the potential for anomalous computations by providing that the full time salary would be applicable to all service regardless of when it was performed while the proration of service credit would apply only to service after April 6, 1986 [the date of enactment]."

This is precisely what the bill we are offering today does. It allows the retirees affected by this inequity to have their full-time equivalent salary for their high 3 years to apply to their entire careers, not just the portion after 1986. My bill differs from S. 772 in that it places the burden on affected retirees to request a recalculation of benefits. This is coupled with a requirement that OPM conduct a good faith effort to notify annuitants of their right to obtain a recalculation. For all future retirees, benefits will be calculated in accordance with the new formula.

This bill is identical to a measure I sponsored last year. That legislation was cosponsored by seven members of the House and was endorsed by the National Association of Federal Workers in July. NARFE has made the bill a high priority.

Mr. Speaker, this is a matter of great consequence to many Americans who devoted their most productive years to public service. Some of my constituents have annuities that are thousands of dollars less than they would be under my bill. As I indicated, a disproportionate share of these retirees appears to be women, who left the federal service to care for others.

It is particularly appropriate that we address this issue now, as changing work-force needs and lifestyles make part-time service more popular, both from the standpoint of the worker and the employee. Many of the anticipated work-force shortages that are anticipated in the federal civil service can and should be met with part-time workers. I am concerned that they will not be so long as the anomalous and unfair provisions of P.L. 99-272 are allowed to stand. I urge my colleagues to join me in cosponsoring this important legislation.

#### PROTECT OUR FLAG

### HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mrs. EMERSON. Mr. Speaker, today I introduce a constitutional amendment for the pro-

tection of our nation's flag. The flag is a revered symbol of America's great tradition of liberty and democratic government, and it ought to be protected from acts of desecration that diminish us all.

As you know, there have been several attempts to outlaw by statute the desecration of the flag. Both Congress and state legislatures have passed such measures in recent years, only to be overruled later by decisions of the Supreme Court. It is clear that nothing short of an amendment to the Constitution will ensure that Old Glory has the complete and unqualified protection of the law.

The most common objection to this kind of amendment is that it unduly infringes on the freedom of speech. However, this objection disregards the fact that our freedoms are not practiced beyond the bounds of common sense and reason. As is often the case, there are reasonable exceptions to the freedom of speech, such as libel, obscenity, trademarks, and the like. Desecration of the flag is this kind of act, something that goes well beyond the legitimate exercising of a right. It is a wholly disgraceful and unacceptable form of behavior, an affront to the proud heritage and tradition of America.

Make no mistake, this constitutional amendment should be at the very top of the agenda of this Congress. We owe it to every citizen of this country, and particularly to those brave men and women who have stood in harm's way so that the flag and what it stands for might endure. I urge this body to take a strong stand for what is right and ensure the protection of our flag.

#### IN HONOR OF BARBARA BASS BAKAR

### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to a wonderful San Franciscan as she celebrates her 50th birthday. Barbara Bass Bakar is a leader in our community whose commitment to quality health care, education, and the performing arts has greatly benefited our city. It is my honor to commend and thank her for her work.

Barbara has actively worked to promote better health care. Her efforts on behalf of the University of California, San Francisco's (UCSF) programs in the areas of cancer science and patient care have made a difference in many people's lives. She serves on the UCSF Board of Directors and helped to create the UCSF Foundation Wellness Lecture Series and the Raising Hope benefit series. With her husband, Gerson, she established the Gerson and Barbara Bass Bakar Distinguished Professor of Cancer Biology at UCSF's Cancer Research Institute.

Barbara's commitment to education is exemplified by her contributions to the Achievement Rewards for College Scientists (ARCF) Foundation, Inc. She has volunteered her time for many years on the Board of Directors of the ARCF Foundation and has been instrumental in their success at promoting science education in the U.S. through graduate scholarships.

In the arts community, Barbara is highly regarded for her service on the Board of the

American Conservatory Theater. She has served on the Executive and Finance Committees of this resident professional theater. Barbara has also donated her time to the San Francisco Museum of Modern Art, including as a member of the Accessions Committee, and to the endowment committee of the Jewish Community Endowment Fund.

All of Barbara's contributions to our community life are in addition to her remarkable career in the business world. After successful tenures with Bloomingdales, Macy's California, and Burdines, she rose to the post of President and CEO of Emporium and Weinstocks. Prior to that, she served as Chair and CEO of I. Magnin. She also sits on the Board of Directors of the Bombay Company and the DFS Group Ltd. and DFS Holdings Ltd.

San Francisco is fortunate to count Barbara Bass Bakar among its residents as she continues to direct her considerable talents and energies toward improving our world. It is my honor to thank her and to join her husband, Gerson, in wishing her a Happy Birthday.

IN MEMORY OF RALPH LAIRD, JR.

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 3, 2001*

Mr. FARR of California. Mr. Speaker, I rise today to pay tribute to a man who affected the lives of many during his career in public education and his community activities, Ralph Laird, Jr. Mr. Laird passed away on October 24 in Walnut Creek, California, after a long illness.

Ralph Laird, Jr., was born in Danville, Illinois on March 23, 1924. He graduated from Danville High School in 1942, served in an Army unit under the overall command of General George Patton in World War II, and returned to the United States to attend the University of South Dakota under the G.I. Bill. Graduating in 1949, and later receiving his Masters Degree in Education from San Francisco State University, Mr. Laird was the only one of his brothers and sister to receive an education past the eighth grade.

Mr. Laird worked for nineteen years at John Swett High School in Crockett, California. It was here that he began an incredible career in education working as a teacher, coach, Vice Principal and, for the last five years of his service there, as Principal. He was the coach of the 1959 championship John Swett basketball team, the first such championship for the school in decades, and also participated in community activities as a manager of an East Vallejo Little League team, camp director for the Vallejo YMCA, and a father in the Indian Guides program.

Mr. Laird was the first principal of San Dimas High School in San Dimas, California, and later was principal of Amador High School in Pleasanton, California. He ended his career in education as Assistant Superintendent of the Amador School District, but remained active as a leader in the SIRS organization and was a member of the Pleasanton Library Board.

In his life, he was committed to helping every person rise to their full potential. In all his school positions, he served as a mentor, worked extra hours, supported new teachers,