

demonstration is modeled on successful work undertaken by the Occupational Safety and Health Administration to promote compliance with complicated requirements. Through this demonstration, we are going to help small providers overwhelmed by the complexity of Medicare's rules by showing them what they need to do to comply.

We also create an ombudsman to help providers solve problems they encounter with the Medicare program. Too many doctors tell us that they operate in fear of making an innocent error and ending up with the very viability of their practice in jeopardy. We need to change that mind set—Medicare should help providers comply with rules—it shouldn't drive them away from the system.

Passage of the Johnson-Stark bill will take a long step toward making that goal a reality. I look forward to working with my colleagues and with the Administration to see our bill become law this year.

**CLEAN WATER USERS PROTECTION ACT**

**HON. C.L. "BUTCH" OTTER**

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

Mr. OTTER. Mr. Speaker, I rise today to introduce the "Clean Water Users Protection Act." This bill provides that plaintiffs under the Clean Water Act must post a bond for their opponents' legal fees before filing a case. Ordinary farmers, small businessmen, rural counties and school districts have all become targets for zealots who place their own interpretation of the law before the interests of rural America. My act will ensure that only legitimate lawsuits are brought under the Clean Water Act.

Congress established Clean Water Act citizen suits in the 1970's to ensure that each citizen would have a voice in making sure that our environment remained clean. Unfortunately, the process was corrupted by those who want to destroy private enterprise and line their pockets in the process. The Talent Irrigation District is a perfect example. In that case a radical environmental group challenged a commonly used, federally regulated herbicide as violating the Clean Water Act. A lower court rejected their suit, and rightfully so. The 9th Circuit Court ruled, against nearly 30 years of precedent to the contrary, that aquatic herbicides are also covered by the Clean Water Act. Every irrigator in the United States now faces the prospect of losing their farms or going to jail. Had the plaintiff in the case been forced to post a bond, perhaps they would have thought twice before filing their suit.

The Clean Water Users Protection Act does not change any obligation under the Clean Water Act. It does not reduce the remediation and/or penalties that can be ordered if violations of the Clean Water Act are found. It will, however, reduce the incentives for frivolous suits to be filed. It will restrain the impulse for mercenary lawyers to set up shop in the guise of caring for the environment. The Sacramento Bee recently ran a series of articles about the immense amounts of money that flow into the pockets of lawyers performing such "citizen-suits." They reported that the government paid out \$31.6 million in plaintiffs attorneys fees for

434 environmental cases during the 1990's. Businesses, farmers, and local governments have paid an untold amount more. My bill will stop the flow of dollars away from environmental protection and into lawyers pockets while protecting the honest men and women who live in, care for, and make their living from the beautiful Western states we call home.

**DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002**

SPEECH OF

**HON. JERROLD NADLER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 30, 2001

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2620) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2002, and for other purposes.

Mr. NADLER. Mr. Chairman, I rise in support of the Rangel amendment to the Fiscal Year 2002 VA-HUD Appropriations bill which would eliminate funding used to implement the community service requirement for residents of public housing.

The community service requirement amounts to nothing more than an attack on those who are poor. Granted, residents of public housing do receive a benefit from the government—a benefit Congress began providing almost a century ago, because it understood that despite their hard-work, parents could not meet the basic needs of their families.

But instead of proactively addressing the factors that cause people to need public housing in the first place—lack of jobs, low wages, poor education—and helping them to escape the vicious cycle of poverty, we just add to their hardships and label them as undeserving. With these community service requirements, we're essentially saying to them, "Earn your keep or else."

If we followed this logic and made every American earn their keep, then we would demand CEO's of nuclear power companies, who receive millions of dollars from the government to subsidize their liability insurance—far more than the meager cost of a public housing unit—to hand out sandwiches at the church soup kitchen. We would demand heads of pharmaceutical companies who, year after year, get billions of dollars in tax breaks, to be candy strippers at the local hospital.

But do we demand those things? Of course not. Because those are the people who donate to our campaign war chests.

If we followed this logic, we would demand the suburban couple, who got a tax break when they bought their first home, to scrub graffiti off the wall at the subway station. We would demand the farmer, who received a subsidy when his crops were damaged in last summer's drought, to pick up litter along the highway.

But do we demand those things? Of course not. Because those people aren't poor. And in Congress, we only like to make things difficult for those who are poor.

For the last decade, every time that poverty issues come before the House, my colleagues on the other side of the aisle, proclaim the words, "personal responsibility." I challenge my colleagues to hold themselves to that same standard. Take responsibility for your own actions. Admit that provisions like this are only intended to demonize those who are poor. Don't hide behind the falsehood that this community service requirement will somehow alleviate the problems of those living in public housing. Acknowledge that your failure to offer serious solutions has only exacerbated their problems.

Mr. Chairman, I urge my colleagues to vote for the Rangel amendment and encourage them to support initiatives that will actually improve the situation of those struggling to make ends meet.

**TRIBUTE TO RUDY ABBOTT**

**HON. BOB RILEY**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

Mr. RILEY. Mr. Speaker, I rise today to pay tribute to Rudy Abbott, the head baseball coach of Jacksonville State University, Jacksonville, Alabama, for 31 years.

Coach Abbott retired this year after a remarkable career. He is the 29th coach in NCAA history to win 1,000 games and was the winningest coach in Alabama collegiate sports history. Among the highlights of his coaching career are the fact that he led the Jacksonville State Gamecocks to back-to-back NCAA Division II National Championships in 1990 and 1991 and was named the NCAA Division "Coach of the Year" in both years. He guided five teams to the Gulf South Conference titles and earned Gulf South Conference "Coach of the Year" on seven different occasions. He captured eleven Gulf South Conference Division crowns and took seven teams to championships and NCAA Division II World Series berths.

Such a record is all the more remarkable when you learn the "rest of the story" that he only got into collegiate coaching by chance. Following graduation from a junior college in Mississippi, Coach Abbott had returned home to Anniston, Alabama, and landed a job as sports writer for The Anniston Star. In 1964, he became the Sports Information Director at Jacksonville State, and in 1970, he asked to step in as Baseball Coach for a temporary period of time due to the illness of the permanent coach. He stayed for 31 years.

It is said that the measure of a man is the influence he has on the lives of others. Over his thirty years in coaching, it is almost impossible to imagine how many lives Coach Abbott has affected. On a professional level, he coached 24 All Americans and over 75 of his players have gone on to the professional ranks. But more important is what he has done for Jacksonville State University and its athletic department and its student athletes and its student body. I salute Coach Abbott at the end of his baseball coaching career and wish him and his family the very best in the future.

## CONCERN-REGARDING BUSINESS OWNERS AND THEIR EMPLOYEES

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

Ms. BROWN of Florida. Mr. Speaker and fellow Members of Congress, I want to alert you to a matter of concern that I have regarding business owners and their employees, particularly small business owners, within our country. This problem has been told to me by some of my constituents and is a problem about which business owners throughout the country have written to you.

We are a nation that is built upon the rule of law. This has assured a system of accountability for our conduct as individuals, businesses and institutions. Congress, as elected representatives, meets and acts to improve and refine the system in order to protect the people and their property. The foundation as framed by our nation's founders in the Constitution is the concept of due process and the right thereof. We each have the assurance that the law protects our person and property from libelous, slanderous, and otherwise tortious interference with our reputation or business. Unfortunately, I have learned that we have within our country a private organization that with the appearance of being quasi-governmental and without any legal or regulatory oversight and control can libel and slander and tortuously interfere with a small business. They can do so with virtual immunity. This organization is the National Better Business Bureau and their franchise local Better Business Bureaus. At times, some of these bureaus classify small business owners as unsatisfactory, libel and slander them with opinion and innuendo, and provide them no due process to correct the problem. If sued in court, they argue qualified immunity under the guise of the public good. No one disputes the right of a Better Business Bureau to print facts. It is when they print falsehoods, opinion, or negative innuendo that a mechanism for redress or correction must be assured.

When closely examined, however, one finds that there are Better Business Bureaus that arbitrarily and capriciously exclude and negatively classify those they don't like. They also frequently rate companies with terrible records as being satisfactory. No written guidelines or rules are available that require the Better Business Bureau to adhere to any legal standard in their dealings with business. (With the internet, the conduct of one local Better Business Bureau is then taken as true and disseminated everywhere.) The Better Business Bureaus also charge money for these reports. They make money without responsibility for how they make it. Why are they above the law and other businesses?

On a first-hand basis, I recently inquired of the National Better Business Bureau regarding the process and I was met with hostility and rebuke. Prominent members of my community who tried to ascertain information about how to redress a concern with a local Better Business Bureau were hung up on by senior ranking National Better Business Bureau employees.

The process I have described is not in the public's best interest. It is not appropriate for us to allow our business owners and their em-

ployees, the men and women who make our country strong, to be exposed to this arbitrary and capricious process. A right to redress the actions of the Better Business Bureau when libelous, slanderous, arbitrary, or capricious action is apparent is a fundamental right we must insure. Thank you.

## ENSURE FAIR WAGES AND DUE PROCESS FOR DAY LABORERS

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

Mr. GUTIERREZ. Mr. Speaker, today I am introducing the "Day Laborer Fairness and Protection Act," a bill to ensure fair wages and due process for day laborers.

Day laborers are individuals who are hired by agencies to work on a day-to-day basis for employers who pay for the services of temporary laborers. Day labor is not of a clerical or professional nature. Most day laborers perform construction, warehouse, restaurant, janitorial, landscaping or light industrial work—often taking home far less than the minimum wage.

In the absence of federal guidelines, day laborers are often subjected to long, unpaid wait-periods before being assigned to a job. Commonly, these workers also face dangerous working conditions and are paid lower wages than full-time workers performing the same or similar jobs. Further, day laborers are frequently charged high (often undisclosed) fees for on-the-job meals, transportation to and from job sites and special attire and safety equipment necessary for jobs. Some agencies even ask workers to sign waivers in case they are injured on the job.

Partially due to these unfair labor conditions, many day laborers are caught in a cycle of poverty. A recent study by the University of Illinois Center for Urban Economic Development found that 65 percent of 510 surveyed day laborers receive \$5.15 per hour. Taking into consideration the number of hours spent waiting to be assigned to work (often between 1.5 and three hours), the real value per hour of work is reduced to less than about four dollars per hour. This low figure does not reflect transportation and food and equipment fees, which are often deducted from day laborers' wages.

To address these problems, this Act requires day laborer wages that are equal to those paid to permanent employees who are performing substantially equivalent work, with consideration given to seniority, experience, skills & qualifications. Also, it mandates wages for job assignment wait-times lasting more than thirty minutes. Such wages shall be at a rate that is not less than federal or state minimum wages. Further, it requires itemized statements showing deductions made from day laborers' wages. Finally, it mandates that when a day laborer is hurt on the job, the employer who has requested the services of the day laborer provide for coverage of health care costs.

Mr. Speaker, I urge my colleagues to support this pro-labor legislation.

ARTICLE BY FORMER SEC. BILL RICHARDSON REGARDING KAZAKHSTAN

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 2, 2001

Ms. CARSON of Indiana. Mr. Speaker, an article published in The Washington Times of Monday, July 30, 2001, by Mr. Bill Richardson, has especially impressed me. While world attention focuses on major nations, Mr. Richardson reminds us of the strategic importance of a lesser-known, but truly significant nation, Kazakhstan.

We remember Bill Richardson as a former member of this body; as our nation's Ambassador to the United Nations; and, as Secretary of Energy, all excellent credentials for his incisive assessment and powerful reminder of the critical geopolitical importance of Kazakhstan, bounded by Russia, China and Iran, and the enormous store of energy it holds for the world.

I commend the article and urge that my colleagues give it their attention.

[The Washington Times, Published 7/30/01]

CRAZY FOR KAZAKHSTAN

(By Bill Richardson)

As secretary of energy and ambassador to the United Nations during the Clinton administration, I traveled three times to Kazakhstan to underscore the importance of this key Central Asian country to U.S. interests. Of all the countries rising from the ashes of the Soviet Union, few offer the promise of Kazakhstan. In terms of both economic potential and political stability, Kazakhstan is critical to the long-term success of the Central Asian nations. The Bush administration should continue our policy of engaging Kazakhstan to ensure that this key country moves towards the Western orbit and adopts continued market and political reforms.

From its independence from the Soviet Union in 1991 to the present, Kazak leaders have made the difficult and controversial decisions necessary to bring their country into the 21st century. In May 1992, President Nursultan Nazarbayev announced that Kazakhstan would unilaterally disarm all of its nuclear weapons. In the aftermath of the Soviet Union's collapse, Kazakhstan was left with the fourth-largest nuclear arsenal in the world, a tempting target for terrorists and other extremists. Mr. Nazarbayev's courageous decision to disarm in the face of opposition from Islamic nationalists and potential regional instability was one of the fundamental building blocks that have allowed Kazakhstan to emerge as a strong, stable nation and a leader in Central Asia. Then President George Bush hailed the decision as "a momentous stride toward peace and stability."

Since that time, Central Asia has become an increasingly complex region. Russia is re-emerging from its post-Soviet economic crises and is actively looking for both economic opportunities in Central Asia as well as to secure its political influence over the region. China is rapidly expanding its economic power and political influence in the region. Iran, despite recent progress made by moderate elements in the government, is still a state sponsor of terrorism and is actively working to develop weapons of mass destruction. Many of the other former Soviet republics have become havens for religious extremists, terrorists, drug cartels and transit points for smugglers of all kind.