

I urge my colleagues to cosponsor this important piece of legislation and to demand its immediate consideration in the House. I also wish to express my gratitude to the bill's author, Congressman JOHN CONYERS, as well as to Congresswoman LYNN WOOLSEY, for their leadership on this important issue. I am confident that we will be able to work in a bipartisan fashion to pass H.R. 1343 and bring an end to hate-based crimes in the United States.

TRIBUTE TO HAZEL GARDNER

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to congratulate Hazel Gardner of Eckley, Colorado. Mrs. Gardner was recently recognized for her fifty years of volunteer work for 4-H at a banquet held in honor of local 4-H leaders.

Mrs. Gardner is a life-long resident of the eastern plains of Colorado and has been active with 4-H since she was nine years of age. In addition to raising her three children she has volunteered with 4-H groups and with state-level governing boards. Fifty years later, she continues to work with children in the program to which she has devoted much of her life.

4-H is a nationally recognized program that boasts the honor of having a chapter in every county in the nation. Over 6.8 million youth participated in 4-H in 2000 with the addition of 610,000 adult volunteers. The 4-H mission is "building a world in which youth and adults learn, grow, and work together as catalysts for positive change."

It is an honor for the state of Colorado to have such an esteemed woman who has dedicated so much of her life to improving the lives of community children. On behalf of the citizens of Colorado, I ask the House to join me in extending congratulations to Mrs. Hazel Gardner.

THE NATIONAL VACCINE INJURY COMPENSATION PROGRAM IM- PROVEMENT ACT OF 2002

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. BURTON of Indiana. Mr. Speaker, I'm proud to be introducing legislation today to help families that are trying to cope with children who have suffered vaccine-related injuries.

Vaccine injuries may be very rare, but when they do occur, they're devastating. Fifteen years ago, we created the National Vaccine Injury Compensation Program. It was supposed to be generous. It was supposed to be non-adversarial. It was supposed to compensate families without tying them up in court for years.

Too many times, this program hasn't worked the way we intended. Last fall, we held two hearings. We heard testimony from parents of injured children. We heard testimony from husbands of injured wives. They told us about

long delays. They told us about overly adversarial tactics. They told us about having to fight for years over injuries that are widely acknowledged to be related to vaccines. We've also heard from families who learned about the program too late to file claims. There is a bipartisan consensus that reforms are needed.

Not every family has faced these kinds of problems. Many families have worked their way through the system without facing the kinds of ordeals we've heard about. However, too many families have faced too many problems for us to sit by and do nothing.

I want to thank HENRY WAXMAN, the Ranking Minority Member of the Government Reform Committee for working with me to put this bill together. I want to thank DAVE WELDON, one of our subcommittee chairmen, for working with us as well. I also want to thank our other original cosponsors, JERROLD NADLER, CONSTANCE MORELLA, BENJAMIN GILMAN, STEPHEN HORN, MARTIN FROST, JOHN DUNCAN, DENNIS KUCINICH, JO ANN DAVIS and TOM DAVIS.

This bill doesn't do everything we'd like to do to fix this program. It's not going to eliminate some of the problems families are encountering. However, I think it's a good first step. I think it's a realistic assessment of what we can accomplish this year. This bill does some very worthwhile things: It changes the calculation for future lost earnings for injured children to make it more generous.

It increases the level of compensation a family receives after a vaccine-related death from \$250,000 to \$300,000. It allows families of vaccine-injured children to be compensated for the costs of family counseling and creating and maintaining a guardianship to administer the award. It allows for the payment of interim attorneys fees and costs while a petition is being adjudicated. It extends the statute of limitations for seeking compensation to six years instead of three. It provides a one-time, two-year period for families to file a petition if they were previously excluded from doing so because they missed the statute of limitations.

I want to briefly mention a couple of the stories we heard during our hearings so my colleagues will have a better understanding of the kinds of problems families are facing.

The first story involves Janet Zuhlke and her daughter Rachel of Florida. Rachel received her pre-kindergarten vaccinations in 1990. Within 6 hours, she had a severe reaction. Within three weeks, she was in critical condition and had to be medi-vac'd to a hospital. Today, Rachel is a mentally retarded teenager. She suffers from periodic bouts of blindness and severe neurological breakdowns that leave her confined to a wheelchair.

Rachel's condition is known as an encephalopathy. Medical experts agree that this is one of the most common injuries caused by vaccines. The connection is so well-established, it's written into the table of vaccine injuries in the law. Despite this, the government attorneys fought for nine years to try to prove a questionable theory that Rachel's injury was caused by a strep infection. For nine years, Janet Zuhlke has had to pay all of Rachel's medical bills without any help.

Last year, she finally won her case. But the process drags on. It could still be another year before the Zuhls receive a penny.

Next, I want to talk about the case of Lori Barton and her son Dustin of Arizona. Dustin received a DTP shot in 1989. He began to

have subtle seizures within hours. Eventually, he was diagnosed with residual seizure disorder and he became legally blind.

The Barton's filed for compensation, but the government lawyer assigned to the case set out to prove that Dustin's seizures didn't start as soon after the shot as Lori claimed. At their first hearing in 1993, that lawyer's tactics were so abusive that she was reprimanded by the special master overseeing the case. Lori Barton testified that she felt like she was being treated like a criminal. It took them four years to get to the next hearing, in August 1997. Three months later, Dustin suffered a massive seizure and died.

In 1999, eight years after the Bartons filed their petition, they were finally awarded compensation. But there was one final hitch. The government threatened to appeal the decision unless the Barton's agreed not to have it published so it couldn't serve as a precedent for other families. That's wrong, and we shouldn't accept it.

As I said before, every family that enters the program isn't treated this way. Not every government lawyer is abusive. There are many people who work in this program who sincerely want to help these families. But these aren't isolated incidents. We have real problems here, and Congress needs to address them. For many of these families, the deck is stacked against them, and that's not right.

I want to thank my colleagues who've worked with me to put together this legislation—the National Vaccine Injury Compensation Improvement Act of 2002. It has strong bipartisan support. There are other problems that go beyond the scope of this bill, and we need to address those. But this is a good first step. I hope all of my colleagues will support it.

IN HONOR OF CHRISTOPHER EL- DERS, RECIPIENT OF A 2002 RHODES SCHOLARSHIP

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. HILLIARD. Mr. Speaker, I rise today to honor and pay tribute to Christopher Elders, a 2002 Rhodes Scholar. On Tuesday, February 12, 2002, Mr. Elders was acknowledged for his outstanding achievement at a dinner reception hosted by U.S. Congressman John Lewis.

A political science major at Morehouse College, Christopher Elders is the only African-American among the 32 students in the United States named to the 2002 Class of Rhodes Scholars. Currently, he serves as the Deputy Executive Director of the Morehouse College Student Government Association (SGA). In this role, he heads the committee responsible for redrafting and modifying the college's code of ethics. Prior to his stint as Deputy Executive Director, Mr. Elders served as an SGA Senator from 1998 until 2000.

While at Morehouse, Elders has done a remarkable job of balancing his academic achievements with his civic responsibilities. He has worked tirelessly as a tutor and mentor to several students enrolled in Atlanta inner-city public schools. In addition, he has served as a volunteer with AID Atlanta, a private agency

that promotes AIDS awareness and prevention.

A Kansas City, MO native, Christopher Elders graduated from Raytown South High School. This fall, he will matriculate at Oxford University in International Relations.

Today, I ask my colleagues to join me in honoring Christopher Elders for his selfless community service and tremendous academic achievements.

REGARDING THE TESTIMONY OF
KARL V. FARMER

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. DELAHUNT. Mr. Speaker, Mr. Karl Farmer, a retiree of the Polaroid Corporation, testified before the Senate Committee on Health, Education, Labor and Pensions last week. I would like to take this opportunity to see that Members of the House also benefit from his powerful testimony on the lack of worker and retiree protections under our current pension and bankruptcy laws. I ask my House colleagues to consider his experience, and join with me in enacting new safeguards to ensure retirement security for all workers and retirees.

TESTIMONY OF KARL V. FARMER, BEFORE THE
SENATE COMMITTEE OF HEALTH, EDUCATION,
LABOR AND PENSIONS

Good morning. My name is Karl Farmer, and I am a former Polaroid employee and chairman of the Official Committee of Retirees for Polaroid Corporation. I am also accompanied today by counsel for the Official Committee of Retirees, Scott Cousins, of Greenberg Traurig, as well as Betty Moss, another former Polaroid employee.

I am 55 years old. I have lived in Roxbury, Medford, Bedford and Lawrence, Mass., and I recently moved to New Hampshire.

I started working for Polaroid more than 30 years ago as an engineer and became a retiree after I left the company on September 29, 2001. At the time I started with the company, Polaroid was one of THE places to work. It was an especially good company for minorities, very progressive. Polaroid was doing affirmative action programs before it became fashionable or mandatory. It was a family company with a caring upper management.

Up until 1988, I had begun to save for my retirement by contributing 2% of my pay to the Polaroid 401 (k). Polaroid matched that contribution dollar for dollar so that I was able to start building for my retirement with a diversified retirement plan.

But in 1988 Polaroid started the mandatory ESOP plan which required employees to contribute 8% of their pay to the ESOP plan. I had always understood that most ESOP plans did not require workers to contribute to them, but Polaroid required that we contribute to this one.

Because of the mandatory requirement that we contribute to the ESOP, I was no longer financially able to contribute to my 401(k). As a result, my retirement was then tied up almost exclusively with the ESOP and Polaroid stock. I have not figured out how much money I would now have if I had continued to contribute to my diversified 401 (k) instead of the ESOP, but I am meeting with a financial advisor from Fidelity next week, and I'm sure they'll be able to tell me the bad news.

I didn't really realize the danger of not being allowed to diversify my retirement account until August 2001 when I was told my job was being eliminated, and I was promised a severance package, which included medical, dental and life insurance coverage at employee prices for six months, along with six months severance pay. This transition period actually took me to retirement—where I could count on my ESOP and pension plans.

The day I was to receive my first severance payment I called to verify that it was being deposited. I later learned that many people who were supposed to receive severance payments that day did not, and the next day Polaroid declared Chapter 11. As a result, Polaroid is not paying my severance, or providing the medical, dental or life insurance it had agreed to. I have been left unemployed with no benefits. I had to break a lease and vacate my apartment. I had also taken out two loans on my 401 (k) plan, and I will now be unable to pay those back. As a result, I'm also going to be hit with a huge tax penalty for making withdrawals on my 401 (k).

As for my ESOP plan, I had 3500 shares which, at their peak, were worth about \$210,000. Without asking me, or apparently anyone else, management decided to liquidate these shares for about \$300.

We learned, after the fact, that State Street Bank & Trust, the trustee of the fund, started liquidating Polaroid's ESOP shares in mid November 2001, and completely liquidated the fund by mid-December 2001. After the liquidation was complete, Gary DiCamillo, Polaroid's current CEO, sent out a letter on December 10, 2001 to all employees notifying them that "it was in the best interest of participants in the ESOP fund to liquidate all shares."

Many of us cannot understand how the trustee of a retirement savings plan acted "in our best interest" by selling the ESOP stock when it reached 9 cents a share. Not only that, the liquidation of those shares means the "employee owners" have almost no influence. We used to own almost 20% of the company. Now we cannot even vote on the Polaroid bankruptcy and related matters. We decided to try to influence the process, even if we were disenfranchised former owners of the company. It took a big effort to pull folks together to fight for what's been promised. People are scattered and we do not have lists of everyone who has been affected. Still, we organized. I'm the chair of the Official Committee of Retirees of Polaroid, which was recently recognized by the bankruptcy court. This allows us legal representation with the bankruptcy proceedings.

The offices of both Senator Kennedy and Representative Delahunt have worked very diligently with us in our fight for justice. And recently a letter was sent to Polaroid's CEO from the entire Massachusetts Congressional delegation denouncing Polaroid's actions. Our committee and its constituents thank you and the other members of the Massachusetts delegation for those clear signs of support. In the same spirit, we urge you to change the rules on ESOP programs to allow employees some control of their own destiny.

TRIBUTE TO SABRINA URAN

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to congratulate Sabrina Uran of

La Junta, Colorado. A student at Manzanola High School, Sabrina recently published a poem titled "God Said . . ." in the "Scroll Original Arts Magazine." This piece was the first published for the young author.

Sabrina has always held an interest in the language arts and is very excited one of her pieces has achieved professional recognition. The poem is written in the first person, as a dialogue between the narrator and God. As the Rocky Ford Daily Gazette wrote, "Uran's work is read with a definitive rhythm, which culminates into an impacting finish."

It is an honor for the state of Colorado to have such a young talent recognized for her abilities. It is vital that America encourages all young people to strive for their goals, and Sabrina is a shining example of a young person achieving her aspirations. On behalf of the citizens of Colorado, I ask the House to join me in extending congratulations to Ms. Sabrina Uran.

BURN AWARENESS WEEK

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. CAPUANO. Mr. Speaker, I rise today to bring attention to Burn Awareness Week. The tragic events of September 11th have created many enduring memories. The attacks on the World Trade Center and Pentagon not only reminded us of our vulnerabilities to acts of terror but have also demonstrated the horrific nature of burn injuries.

Burn injuries are among the most painful and traumatic injuries one can suffer. Historically, few patients survived serious burn injuries, however because of significant advances in treatment over recent years, this is no longer the case.

I am privileged to have one of the leading burn treatment and research facilities in the country in my Congressional District: The Shriners Hospital for Children Burn Unit. One of four in the country, the Shriners Hospital has pioneered numerous breakthroughs in burn treatment. Not long ago, patients with burns over 50 percent of their body would probably not survive. Today, individuals with burns over 90 percent have a much greater chance of survival.

The four national burn centers run by the Shriners Hospitals treat over 20 percent of all pediatric burn injuries in the United States—more than 156,000 children last year alone. These children were treated free of charge and the hospital does not accept insurance or parental reimbursement. These hospitals provide much more than just treatment. They focus on education and prevention to ensure that burn injuries do not occur, as well as on the psychological and emotional care necessary to restore children who suffer burn injuries to full physical and mental well being.

Burn Awareness Week provides an opportunity to educate children and families about certain risks of burn injury that can be avoided. For example, the Consumer Product Safety Commission relaxed the safety standards for children's sleepwear in 1996. This resulted in a sharp increase in the number of children suffering sleep-wear related burn injuries. Shriners Hospitals have led the effort in Congress to restore stricter safety standards for