

HONORING MR. FRED HILL UPON
HIS INDUCTION INTO THE PLYM-
OUTH, MICHIGAN HALL OF FAME

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. McCOTTER. Mr. Speaker, I ask the House of Representatives to join me in recognizing Mr. Fred Hill, as he was recently inducted into the Plymouth, Michigan Hall of Fame.

His passion for Plymouth, Michigan has led him to serve as President of the Plymouth Community Chamber of Commerce, Plymouth Community United Way, Kiwanis Club of Colonial Plymouth, and Plymouth Downtown Development Authority. Mr. Hill also served on numerous boards and committees including the City Charter Commission, Salvation Army Board, and the Plymouth Jaycees. He is also the founder and leader of the nationally known Fred Hill Briefcase Drill Team.

Mr. Hill is a tremendous ambassador for the Plymouth community, and we at home are indebted to, and grateful for his dedication, passion, and humor—if not his singing.

Mr. Speaker, I extend my sincere appreciation to Mr. Fred Hill, as he is inducted into the Plymouth, Michigan Hall of Fame, for his fine service to our country.

INTRODUCTION OF H.R. 1345, THE
EQUITY FOR RESERVIST ACT
(ERA)

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mr. LANTOS. Mr. Speaker, recently I learned about an extraordinary individual, Mr. Gary Kibbee, a firefighter with the South San Francisco Fire Department and member of the Navy reserves. Firefighter Kibbee was activated shortly after September 11, 2001 and has remained deployed in an active duty role since then. He serves his country with honor and distinction, and I feel safe knowing that men like him are defending our nation.

I am deeply concerned, however, that while Firefighter Kibbee is concentrating on the extraordinarily difficult and dangerous mission he had been deployed to perform, he is also being forced to worry about the welfare of his wife and two children. For Firefighter Kibbee's family has to worry not only about whether he will return, but also about how they will make ends meet.

The Kibbee family is victim of a "pay gap" suffered by many of the over 200,000 Reservists and National Guardsmen currently activated. While he is activated, Firefighter Kibbee receives military pay that is significantly less than his civilian pay. This is a sacrifice he, his family, and his brothers and sisters serving in the Reserves and National Guard should not have to bear.

Thankfully, for the past year Firefighter Kibbee has been able to rely on the generosity of the City of South San Francisco to cover the discrepancy between his civilian and military salary. However, South City, like so many other cities and towns, is facing looming

deficits and is unable to continue to cover the difference in salary after 12 months, even for a two-time "Firefighter of the Year" award winner. Firefighter Kibbee was recently notified that his activation has been extended for another 12 months, taking his total time on active duty to the full two years.

Mr. Speaker, if Firefighter Kibbee's concern was unique it would be extremely unfortunate. However, the fact that there are many other brave men and women sharing his concerns is truly a tragedy. Too many members of our Reserve components are faced with the difficult choice of defending their country or providing for their family.

When a civilian is called up to active duty the Reservist's civilian salary is placed on hold and their paycheck now comes from the military. Often the amount of military pay is significantly less than the amount of their civilian salary. As a result of this discrepancy the families of reservists are asked to carry a double burden; a member of their family is temporarily absent—as is a portion of his or her salary.

In order to substantially reduce the discrepancy in pay between civilian and military salaries for Reservists and members of the National Guard who are involuntary activated for more than thirty days, I, along with five of my colleagues, have introduced H.R. 1345, "The Equity for Reservists Pay Act." I am pleased to report that this bi-partisan legislation also has the support of both the National Guard Association and the Reserve Officers Association. I request that copies of both are included in the CONGRESSIONAL RECORD.

While the problems caused by this discrepancy in salary has long been known, the recent shift in the frequency and length of activations has aggravated the salary discrepancy issue. During the Cold War era, the Reserve components were hardly utilized, and in fact between 1945 and 1989 Reservists were involuntarily activated by the federal government only four times, an average of less than once a decade. In the aftermath of the Cold War our nation has relied more heavily on the Reserve components, involuntarily activating Reservists units six times since 1990, an average of about once every two years.

Mr. Speaker, the mobilization of Reservists in the aftermath of the September 11th terrorist attacks has been the largest and longest since the 1990–91 Gulf War. Currently there are over 210,000 men and women Reservists on active federal duty. The average length of deployment since September 11th has been, for some, the longest continuous activation ever.

The brave men and women serving in America's Reserve and National Guard make tremendous sacrifices for their country. Some are called to make the ultimate sacrifice. One sacrifice they and their families should not have to make is worrying about their financial security. It is the duty of our government to ensure that the men and women of the military reserves are not financially burdened when they answer their call to duty.

Mr. Speaker, it is important to note that this bill does not provide extra compensation to members of the National Guard and Reserve components, but rather ensures that our Guardsmen continue to receive the amounts of their civilian salaries.

It is well known in the Department of Defense that the potential for income loss during activation is a major concern for both officers

and enlisted personnel in the Reserves. Given the Pentagon's increasing reliance on the Reserve Component, there exists a valid concern that the potential for financial losses would have a negative impact on recruiting and retention in the Reserves. Passage of H.R. 1345 would alleviate this concern and provides both for the financial security for our Reservists as well as security to our nation as a whole.

Mr. Speaker, this important legislation is designed to ensure that federal, state and local government employees and those employed in the private sector can continue to defend our country without being forced to worry about their families pinching pennies to adjust to a life on a reduced salary. The legislation covers members of the Reserves who are involuntarily called up for a period of longer than 30 days as defined in Section 101(19) of Title 37 United States Code.

The coverage of Federal employees uses a commonsense and cost neutral approach. The bill simply requires the employee's federal agency to pay the employee the difference between their military pay as defined by Section 101(21) of Title 37 (not including allowances) and their civilian base pay. Since Federal agencies and departments have already budgeted for their employees' salaries, there should not be additional expenditures required to cover any discrepancy the reservist employee suffers as a result of his or her involuntary call up.

In addition to the numerous Federal government employees that this bill would cover, I believe that Congress should also assist state and municipal governments in providing the difference in salary that their Reservist employees face. H.R. 1345 also provides assistance to the state and municipal governments who choose to provide financial equity to their employees by allowing the states to request a reimbursement of 50 percent of the expenditures required for the first 9 months. After 9 months, the participating state and municipal governments are eligible for a full 100 percent reimbursement.

In order to ensure that our government's generosity is not taken advantage of, I have included language into this legislation to prevent abuse. The anti-fraud provision of this bill, which is analogous to California law, requires municipal employees to return to their government jobs upon deactivation. An employee who accepts money to make up their salary discrepancy and doesn't return will have the received funds treated as a loan to be paid back in a manner to be determined by the Secretary of the Treasury. Additionally, the appropriate Secretary has the discretion to waive all or part of the loan should an appropriate situation arise.

Finally, Mr. Speaker, in order to provide the necessary incentive for non-government employers to make up the discrepancy in income that their brave employees encounter as a result of being involuntarily activated for more than 30 days, this legislation amends Subpart D of Part IV of subchapter A of Chapter 1 of the Internal Revenue Code, creating an "Active-duty Reserve Component Employee Credit." This credit should provide an incentive for private companies to continue to pay their employees. This credit will be equal to 50 percent of the compensation paid to the reservist employee to make up the difference between their private salary and reservist pay.

This legislation is a common sense solution to the unfortunate problem of financial insecurity suffered by the brave men and women of the Reserves. We cannot ask courageous men and women like Firefighter Kibbee to choose between supporting their families and defending our country. Since an extended activation results in financial loss for the Reservists and their families, it is only equitable that our government limits the financial loss as much as possible. H.R. 1345 is a fair and balanced approach to resolve this unacceptable and intolerable situation. I urge its expedited passage.

RESERVE OFFICERS ASSOCIATION
OF THE UNITED STATES,
Washington, DC, March 19, 2003.

Hon. TOM LANTOS,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN LANTOS: On behalf of the nearly 80,000 members of the Reserve Officers Association of the United States, congressionally chartered to "support the development and execution of a military policy for the United States, that will provide adequate national security," I want to thank you for your efforts in introducing the Omnibus Equity for Reservists Pay Act of 2003. The bill is an important step forward in recognizing the contributions of the members of the Reserve components of our Armed Forces to the Total Force and our national defense.

Today as we wait anxiously for news of whether or when we will go to war with Iraq, more than 200,000 members of the Reserve components of our Armed Forces have been mobilized and/or deployed in anticipation of that event. Since September 11, 2001, a quarter-million citizen-soldiers, sailors, Marines, and airmen have been called to active duty and have left their homes, families, and communities in response to emerging contingencies. By the Department of Defense's own estimate, about one third of these activated reservists are losing money when their civilian paycheck is compared to their military salary (including the tax advantages of various benefits and allowances). Nearly seventy thousand troops is a hefty slice of Total Force assets going broke on active duty, going bankrupt before they even see the enemy they came to fight. The situation is bad and it can only get worse when you consider that Iraq will very likely take several years to be rebuilt, that the Reserve components will probably be supervising the project, and that if recent history is any guide, such occasions will continue.

The issue here is that if we are serious about the societal benefits of the Total Force policy and the popular support it brings to any military undertaking, we need to reinforce it in every way possible. We cannot allow the compensation aspects of the system to drift so far off center that fully a third of its Reserve component members become economically dysfunctional merely by putting on their uniforms. Bankruptcy is not an effective recruiting or retention tool. With all of the other more immediate (and less tractable) issues mobilized reservists must face, we should do all we can to eliminate or ameliorate financial insecurity caused by post-mobilization compensation dysfunction.

Your bill provides a range of solutions to the problem that has long plagued reservists and by extension the Total Force, and ultimately the nation. We are pleased at your vision in introducing it and we stand ready to assist in any way we can.

Sincerely,

JAYSON L. SPIEGEL,
Executive Director.

NATIONAL GUARD ASSOCIATION
OF THE UNITED STATES,
Washington, DC, March 19, 2003.

Hon. TOM LANTOS,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN LANTOS: On behalf of the men and women of the National Guard Association of the United States, I would like to commend you for your efforts in introducing the "Omnibus Equity for Reservists Pay Act of 2003."

Thousands of Guardsmen and women are currently being called to active duty in support of the Global War on Terrorism, defense of the homeland, and the pending war in Iraq, in addition to the multitude of other state and federal operational missions normally performed. Many Guardsmen and women are experiencing financial hardship when they serve their country for extended periods of time due to the difference of income between their civilian and military pay. Your legislation, the "Omnibus Equity for Reservists Pay Act of 2003" will help mitigate financial loss by making up the difference between a person's civilian and military salaries.

The employer credit will encourage private industry to compensate their National Guard employees. The high National Guard is drawing members of the National Guard away from their employers for up to two years at a time. This increased operational tempo places additional financial burdens on employers, to a much greater extent than in past years. Employers should not be expected to bear the increased financial burdens Guard deployments place on them. Assisting employers with tax credit provides the ability to inject those funds back into their businesses in order to offset the effects of the temporary loss of their National Guard employees.

As always, the NGAUS stands ready to assist you and looks forward to our continued relationship ensuring a strong and viable National Guard. If you have any questions, please do not hesitate to contact my staff or me.

Respectfully,

RICHARD C. ALEXANDER,
Major General (RET), AUS,
President.

THE WOMEN'S OBSTETRICIAN AND GYNECOLOGIST MEDICAL AC- CESS NOW ACT OF 2003 (THE WOMAN ACT)

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 27, 2003

Mrs. DAVIS of California. Mr. Speaker, today, I am reintroducing the Women's Obstetrician and Gynecologist Medical Access Now Act, the WOMAN Act. This bill will ensure that every woman has direct access to her ob-gyn.

I believe women should not need a permission slip to receive ob-gyn care. Unfortunately, that is the reality faced by many women when they need to see their doctor. Numerous managed care plans require women to visit their primary care physicians before seeking the health care services they need from the providers they want. Denying direct access, or forcing women to jump through numerous bureaucratic hoops to see their ob-gyn is not acceptable treatment.

The WOMAN Act recognizes that women have different medical needs than men and

that ob-gyns, in many cases, have the most appropriate medical background to address these needs. My legislation removes the barriers complicating women's access to their doctors. Women will no longer have to contend with the gatekeeper system that can prevent or delay appropriate care.

It is easy to understand what a difference direct ob-gyn access makes in women's health care. Imagine, for a moment, a woman in San Diego who works 45 hours a week and has limited sick and vacation time. Now, imagine she has an urgent medical problem requiring an ob-gyn visit. On Monday, she calls from work to make an appointment with her primary care physician. If she is lucky, she gets an appointment for the following morning. She takes time off Tuesday to go see her doctor. Her primary care doctor agrees she should be seen by her ob-gyn and gives her a referral. Tuesday afternoon she returns to work and calls her ob-gyn for an appointment. The doctor is in surgery on Wednesday, but they offer her an appointment on Friday morning. On Friday she takes another morning off from work and finally, after almost a week, gets the care she needs. The unnecessary referral process resulted in her taking an extra morning off work and delayed her proper medical care by 5 days. The patient, employer, primary care physician, and health plan provider would have saved money and time if the patient had been able to go directly to her ob-gyn.

An American College of Obstetricians and Gynecologists/Princeton survey of obgyns showed that 60 percent of all ob-gyns in managed care reported that their patients are either limited or barred from seeing their ob-gyns without first getting permission from another physician. Nearly 75 percent also reported that their patients have to return to their primary care physician for permission before they can see their ob-gyn for necessary follow-up care. Equally astounding is that 28 percent of the ob-gyns surveyed reported that even pregnant women must first receive another physician's permission before seeing an ob-gyn.

The public overwhelmingly supports direct access to ob-gyn care. A survey conducted by the Kaiser Family Foundation and Harvard University found that 82 percent support direct access legislation and 63 percent would support it even if their health insurance costs increased. When asked about a range of health policy issues another Kaiser survey discovered that women rate direct access to ob-gyns as their second priority.

While serving in the California State Assembly, I heard from many women who experienced the same problems I have outlined today. After meeting with women, obstetricians and gynecologists, health plan representatives, and providers in the State of California, I wrote the state law allowing women direct access to their ob-gyn. That law was a good first step; however, it still does not cover the almost 5 million Californians enrolled in self-insured, federally regulated health plans. This means that if a woman lives in a state with direct access protections, like California, she may not be able to see her ob-gyn without a referral if she is covered by a federally regulated ERISA health plan. This also means that one in four insured families are not protected by state direct access to ob-gyn laws.

I believe the time has come to make direct access to an ob-gyn a national standard.