

Please accept this letter as our Association's support for this very important legislation. We thank you for taking the leadership on this issue.

Sincerely

ROBERT S. ELSBERG,  
*Legislative Chairman.*

#### LEN SWINEHART'S BIRTHDAY

##### HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 20, 1998*

Mr. GINGRICH. Mr. Speaker, it isn't often that someone can celebrate their 50th birthday and help pass a 4,000-page appropriations bill. Len Swinehart has been a hardworking, knowledgeable and effective member of the Speaker's staff. He has specialized in budget and appropriations issues and he has effectively represented the taxpayers of America. For the last two weeks Len has been immersed in monitoring the details of this massive \$500 billion budget. Tonight he will be able to celebrate his first half century and a job well done. Happy birthday Len and thank you.

#### PROTESTING SECTION 103 OF DIVISION A OF THE OMNIBUS APPROPRIATIONS BILL

##### HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 20, 1998*

Mr. FRELINGHUYSEN. Mr. Speaker, today I introduced a measure to correct H.R. 4328 by striking section 103 of division A. As passed now, section 103 of division A will cost American taxpayers \$1 billion because it permits the Tennessee Valley Authority to refinance some of its \$30 billion debt through the Federal Government.

I have thought for a long time that New Jersey taxpayers should not have to help pay to subsidize electricity for the Tennessee Valley which is one reason why I have fought to end the Federal Government's subsidies for TVA. But compared to TVA's refinancing deal, the non-power program subsidy was peanuts. Taxpayers will be footing the bill for this backroom deal and the cost is over \$1 billion.

Striking out this section would wipe out the hidden provision to allow TVA to refinance its billions of dollars of debt through the Federal Government at the cost of U.S. taxpayers.

Since the New Deal, TVA has asked for and received the Federal Government's help to control flood waters in the Tennessee Valley, but when it comes to the flood of Federal dollars for the TVA, they just say "let it flow." This refinancing scheme and extra funding is not fair to taxpayers in New Jersey and all around America and it is against the expressed will of Congress.

I led the efforts to zero out this annual Federal subsidy contained in the Energy and Water Appropriations bill. Both House and Senate Appropriators agreed with me, and this year we cut the \$70 million subsidy in the FY99 Energy and Water Appropriations bill already signed into law by the President.

But in a last-minute deal, two amendments slipped into the Omnibus bill which will cost

the taxpayers. One amendment would provide \$50 million for the TVA's non-power programs in 1999. But another provision would cost taxpayers much more than the \$50 million or even the original \$70 million for TVA's non-power programs. The second TVA provision also attached to the Omnibus bill would permit TVA to refinance some of its \$30 billion debt through the U.S. Treasury's Federal Financing Bank. If passed, TVA would be allowed to borrow \$3.2 billion from the Federal Government and taxpayers would be forced to pay for the \$1 billion cost of this refinancing.

Despite the vehement protests of appropriators and authorizers, the legislation allows this giant utility to refinance its debt without paying the contractually-required prepayment penalty.

TVA is already \$30 billion in debt, pays no taxes, enjoys access to low-cost capital, and avoids scores of Federal laws and State regulations. The taxpayers must not be burdened further by TVA.

#### COMMERCE COMMITTEE CONCURS WITH H.R. 3494

##### HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 20, 1998*

Mr. BLILEY. Mr. Speaker, I rise in support of H.R. 3494, "the Protection of Children From Sexual Predators Act of 1998." Several days ago, the House concurred with amendments made to H.R. 3494 by the Senate. The legislation is now being prepared for the President's signature.

In general, H.R. 3494 amends current law to strengthen the provisions that protect children from sexual predators. The amendments are needed to ensure that our laws keep pace with technology and that we do all we can to maintain the innocence of our children. While the actions of sexual predators are inexcusable, subjecting our children to this sick and harmful behavior is morally unacceptable. These practices are degrading and undermine the fabric of our society. H.R. 3494 will help put an end to such practices.

The Commerce Committee has been integrally involved in a similar effort to protect children. The Commerce Committee has worked in the past with the Judiciary Committee to craft similar legislation. Thus, the Committee was pleased to see the development of H.R. 3494 as it proceeded through the legislative process and chose not to raise jurisdictional issues that may have prevented the legislation from moving forward. It is important, however, to highlight our jurisdictional interest in this important matter.

I note that at least two sections of H.R. 3494, sections 401 and 901 fall within the jurisdiction of the Commerce Committee. Section 401 imposes a new prohibition on the transfer of obscene material to minors (under the age of 16). The scope of this provision would cover all transfers of such material, including via mail or telecommunications networks. Congress has already addressed this matter when it enacted section 223(a) of the Communications Act of 1934, as added by title V of the Telecommunications Act of 1996 (also known as the Communications Decency Act), which was jointly written by Members of the Commerce and Judiciary Committees.

Section 223(a) provides that whoever makes any comment, request, suggestion, proposal, image or other communication which is obscene or indecent, knowing that the recipient of the communication is under 18 years of age, shall be subject to criminal fines and penalties. While certain parts of section 223 have been successfully challenged in the court system, the Supreme Court upheld the constitutionality of this provision relating to transmittal of obscene material. Thus, it seems that section 401 of H.R. 3494 would overlap with the provisions of section 223(a), providing an additional tool for prosecutors to use. In doing so, it should be clear that whether a prosecutor uses section 223(a) of the Communications Act or section 401 of H.R. 3494 to address the increasing problem of the availability of obscene material to minors available through a telecommunications device, the Commerce Committee retains oversight responsibility.

Section 901 provides for the Attorney General to contract with the National Academy of Sciences to conduct a study of computer-based technologies and other methods to address the problem of access to pornography by children. The provision requires the study address a number of issues, including the present-day computer-based technologies for controlling electronic transmission of pornographic images, research needed to develop effective computer-based technologies for such purposes, potential limitations of computer-based technologies for such purposes, and operational procedures necessary to ensure the computer-based technologies are effective.

Over the last few years, the Commerce Committee has addressed computer-based technologies, including software screening programs and computer-based age verification technologies. In fact, section 901 is similar to the provisions added to H.R. 3783, the Child Online Protection Act (COPA), which recently passed in the House, to limit access to pornographic material by children. Section 104 of H.R. 3783 establishes a Commission composed of government and industry experts, including representatives in the business of providing Internet filtering and blocking services and software, Internet access services and Internet labeling or ratings services.

The purpose of the Commission is to study methods to help reduce access by minors to material that is harmful to minors on the Internet. The Commission is tasked with submitting a report to Congress which will include: (1) a description of the technologies and methods identified by the study and the results of the analysis of each such technology and method; (2) the conclusions and recommendations of the Commission regarding each such technology or method; (3) recommendations for legislative or administrative actions to implement the conclusions of the Commission; and (4) a description of the technologies or methods identified by the study that may meet the requirements for use as affirmative defenses provided under other provisions of law.

I believe the Commerce Committee and the Judiciary Committee have arrived at complementary solutions. The study authorized by H.R. 3494 would fit well within the study authorized by H.R. 3783.

While I am hopeful that H.R. 3783 will become law this Congress, it should be recognized that the Commerce Committee intends

to fully exercise its jurisdiction over future consideration of such matters, including involvement with the National Academy of Sciences study authorized under H.R. 3494. The Committee intends to monitor the implementation of section 401 by the Attorney General particularly as it relates to section 223(a) of the Communications Act. Support for H.R. 3494 passage this Congress should not be read as a lack of interest in the relevant jurisdictional matters.

THANK YOU, MRS. ROBIN MOLL  
MEAGHER

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 20, 1998*

Mr. GORDON. Mr. Speaker, I want to give thanks to Robin Moll Meagher, my legislative director, who will be leaving Capitol Hill after six years of dedicated service.

Robin has become my right hand on telecommunications and healthcare policy.

This session, she helped me pioneer legislative action on telecommunications fraud called Cramming, by developing Congressional Hearings, drafting groundbreaking legislation, and working with industry leaders to resolve this problem.

Whether confronting complicated federal bureaucracies, or helping a constituent solve a difficult problem, Robin has never forgotten the peoples' priorities.

On a daily basis, I have been able to count on Robin to manage policy issues in my office, coordinate the legislative staff that help me do my job, and keep the overwhelming amount of information coming in organized and manageable.

I owe her a debt of gratitude, and I am not the only one.

Like the Oilers from her hometown of Houston, Robin came to serve the people of Tennessee after a long period of service with some of my former colleagues from Texas.

Working for Congressman Pete Geren and Jake Pickle, Robin's diverse skills helped her achieve important successes in trade policy, by amending NAFTA implementation language; transportation policy, by helping secure important aviation routes for her state, and by assisting her state in a number of other ways that benefited her bosses' constituents; and her alma mater, the University of Texas.

Like many bright young Americans, after Robin graduated college—from a school in Austin we in Tennessee call "the Other UT"—she came to Washington to serve her country, its elected representatives, and its people.

We are grateful for her help. As Robin opens a new chapter in her life, I would like to say good luck and thank you.

IN MEMORY OF THE POLKA KING

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 20, 1998*

Mr. KUCINICH. Mr. Speaker, I rise today to remember Frank Yankovic, America's Polka King. The story of Yankovic's rise from a hard

scrabble youth on the streets of Cleveland, Ohio to the country's best selling Polka music artist deserves recognition.

In a recording career that spanned 60 years, two gold single records, thirty million records sold, and the first Grammy Award in the category of Polka music, Frank Yankovic's "Cleveland-Style Polka" has been widely credited with catapulting an Eastern European art form into a mainstay of American music culture. Tinkering with orchestrations and translating lyrics into English, Yankovic proved that Polka music could appeal to millions of Americans and become a vehicle for mass entertainment. His millions of record sales are a testament to this vision.

An inductee of Chicago's International Polka Association Hall of Fame and the "Cleveland-Style" Polka Hall of Fame, in addition to the Wisconsin and Michigan Polka Halls of Fame, Yankovic collaborated with an eclectic group of artists, ranging from Duke Ellington to Doris Day to Chet Atkins to Drew Carey. Yankovic was featured with his own float in the 1996 Presidential Inaugural Parade. The "Frank Yankovic Band" has performed to enthusiastic crowds across the country and around the world and made its Kennedy Center debut in 1998.

My fellow colleagues, Frank Yankovic was indeed an inspiration. He will be greatly missed, but his enormous contribution to American music culture will never be forgotten.

#### FINAL GOODBYE POLKA

(By William F. Miller)

They had come to mourn his death, but the Polka King's rollicking music worked its magic one more time.

As faint strains of Frankie Yankovic's "Blue Skirt Waltz" and "Just Because" drifted through St. Mary Church yesterday from accordionists warming up outside, people at the solemn funeral Mass looked up in recognition.

Then they began to smile.

A few minutes later, they stood outside and sang along.

"The music seemed like it was coming from heaven," remarked a woman wearing a babushka.

"It looked like rain, but did you notice the skies turned to blue when the accordionists played the 'Blue Skirt Waltz'?" said August Pust, special assistant for multicultural affairs to Gov. George V. Voinovich.

"I'm speechless and so happy for the music they are playing for my father," Yankovic's daughter, Andrea McKinnie, said through her tears. "That is exactly—yes, exactly—the way he would have wanted it, and thankfully they knew to do it. God bless them all."

An estimated 800 people attended the church service for Yankovic, a Cleveland native who won the first Grammy ever given for polka music and whose tireless touring brought Cleveland Slovenian-style polka to the top of the music charts. Yankovic, 83, died last Wednesday in New Port Richey, Fla.

Police officers blocked traffic along the route from St. Mary to Calvary Cemetery as the funeral cortege passed.

A delay in the hearse's departure from the church created the opportunity for a miniconcert outside. Eight of Yankovic's musician friends had brought their accordions, planning to play as Yankovic's casket was taken to the hearse.

They ended up repeatedly playing "Blue Skirt Waltz" and "Just Because,"

Yankovic's biggest hits from the 1940s, the only two polka songs ever to sell more than a million copies each.

Many of the mourners, especially older ones, began singing along when the impromptu band broke out some old-fashioned folk Slovenian songs. The musical scene was repeated at Calvary Cemetery, where an estimated 250 people bid their polka hero farewell.

During the funeral Mass, members of Yankovic's family went to the altar to express their love for him, calling him a loving and caring husband, father and grandfather. The Rev. John Kumse, pastor of St. Mary, said everyone benefited from and can be thankful for Yankovic's gifts as an entertainer.

Yankovic's loyal followers, many in their 70s and 80s, attended the service.

Emma Yudovich, 70, traveled from El Paso, Texas.

"He would tour in those early days and we would travel hours to see him to concert or at a dance, wherever he was, because we loved his polka music," she said. "We are sad, of course, but we cannot be too sad for him because he lived one of the fullest lives one could live."

Cleveland Councilman Michael D. Polensek, who grew up in Collinwood, Yankovic's old neighborhood, said the Polka King "was a hero in the neighborhood."

He said that as a councilman he was constantly asked to get a council resolution honoring Yankovic on his retirement. "I think I must have produced 10 of them over the years, and then Yankovic would change his mind and continue playing," Polensek said.

### TRIBUTE TO HMONG AND LAO VETERANS

### HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 20, 1998*

Mr. VENTO. Mr. Speaker, I rise today to pay tribute to Hmong and Lao Veterans and their supporters from St. Paul and across the United States. Working together as patriotic and civic-minded citizens, they have successfully pressed H.R. 371, the Hmong Veterans Naturalization Act, forward through the House Judiciary Committee with 77 bi-partisan cosponsors. More importantly, they have helped to bring overdue national recognition to the Hmong and Lao people and the noble cause that they served during the Vietnam War.

I would like to salute and bring to the attention of my colleagues a number of those individuals who worked tirelessly during this 105th Congress, spearheading efforts to help educate the public and Members of Congress about the plight of the Hmong Veterans and promoting the importance of H.R. 371, a bill which I was again proud to introduce. I would like to thank the Lao Veterans of America, the nation's largest Hmong and Lao non-profit organization, for its leadership role on these crucial matters; Colonel Wangyee Vang, the National President; Chertzong Vang, Chairman of the Minnesota State Chapter; Philip Smith, who serves as the Washington, D.C. director; Angela McCaffrey, Attorney at law; and Chris Johnson, a Hamline University law school student. I would also like to thank the Lao Family Community in Minnesota, Inc., whose headquarters are in St. Paul, for their special efforts, specifically: Chong Bee Vang, President;