

agency. He also made great contributions on the national level."

The priest, who will continue to lie where he has for years at Catholic Charities' St. Joseph's Home for Children in south Minneapolis, most recently has been instrumental in developing a plan for residential academies to serve at-risk youth.

Archdiocesan Catholic Charities board chair Karen Rauenhorst said, "Msgr. Boxleitner has not only served the poor of our community but has touched the lives of so many. I have been deeply impacted by his commitment to living as Christ did in service to the widows and orphans in our midst."

## ENERGY CONSERVATION REAUTHORIZATION ACT OF 1998

SPEECH OF

**HON. TOM BLILEY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 1998*

Mr. BLILEY. Mr. Speaker, the House now considers S. 417, a bill to extend certain conservation and export promotion programs authorized under the Energy Policy and Conservation Act, the Energy Conservation and Production Act, and the National Energy Conservation Policy Act.

I want to begin by observing this legislation enjoys broad support. The gentleman from Colorado, Mr. SCHAEFER, the Chairman of the Subcommittee on Energy and Power of the Committee on Commerce, crafted this legislation closely with the minority, and the bill is co-sponsored by Mr. HALL, the Subcommittee Ranking Member. The bill was approved by the Committee on Commerce by voice vote and passed the House under suspension on September 28. Not one Member spoke against the bill when it was considered by the House. I understand the Department of Energy supports the legislation, as do many energy efficiency organizations. I commend Mr. SCHAEFER for working so closely with the minority and the Department of Energy on this legislation.

I support the bill. In particular, I support language crafted by the gentlemen from Colorado that expands the use of energy savings performance contracts, permitting Federal judicial and legislative agencies—in addition to executive branch agencies—to enter into these contracts. That will cut the energy bill of the Federal government and save taxpayers money. The Government Printing Office alone estimates that use of energy savings performance contracts will cut their energy costs by \$500,000 per year.

I want to commend the Department for its aggressive support for energy savings performance contracts. Recently, the Department announced it had awarded contracts to seven energy savings companies to begin capital improvements at Federal buildings in 20 States. The energy savings performance contracts entered into by DOE to date have the potential of cutting the energy bill of the Federal government—and saving taxpayers—\$3 billion.

I urge support for S. 417.

## SENSE OF THE HOUSE REGARDING MURDER OF MATTHEW SHEPARD

SPEECH OF

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 15, 1998*

Mr. KUCINICH. Mr. Speaker, I rise today in support of this resolution. It is appropriate that the House should honor Matthew Shepard in his death, and condemn the heinous crime which took his life.

But I also rise to say that this resolution is not enough. The event that has brought us together in mourning was not only a murder. It was certainly not only a robbery. It was an attempt by two people to send a message to an entire community.

The alleged perpetrators of this crime made no efforts to hide their actions. Mr. Shepard's dying body was not buried in a ditch. He was not hidden. He was not disguised. He was left to die, hung on a fence in an ostentatious bid for discovery. The message Mr. Shepard's attackers intended to send is clear. Their message was that lesbian and gay people should not feel welcome anywhere, a message that lesbian and gay Americans everywhere should fear for their safety. This message is the wrong message in a democratic society.

As Americans we have a moral responsibility to send our own message back. A message that despite our divisions, we all hold inalienable rights to life, liberty, and the pursuit of happiness. A message that we, as a country and as a community, condemn not only this murder, but all crimes perpetrated against our fellow Americans for their race, religion, gender, disability or sexual orientation.

We have an opportunity to send this message by passing the Hate Crimes Prevention Act before we adjourn the 105th Congress. We must not drag our feet any longer. I urge my colleagues to pass the resolution condemning Matthew Shepard's murder, and I also urge them to pass the Hate Crimes Prevention Act now. Let's send the clearest possible message that American values are the values of tolerance, non-violence, and equality.

## SPEAKER'S RALLY FOR THE 105TH CONGRESS

**HON. NEWT GINGRICH**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 1998*

Mr. GINGRICH. Mr. Speaker, the 105th Congress has achieved numerous victories for the American people. Among many other things, we have balanced the budget for the first time in decades, kept funding in the control of local officials for their schools, passed strong anti-drug legislation, increased funding for the military, and passed tax cuts so American families can keep their hard-earned money. I submit the following speech for further consideration of the accomplishments of the 105th Congress.

RALLY FOR THE 105TH CONGRESS, OCTOBER 20, 1998

(By Hon. Newt Gingrich)

Mr. GINGRICH. It's truly disorienting and I commend the other speakers. They got up

here and looked out over a sea of eager young faces and to see Bill Young and Bill Thomas in the middle of them is one of the more disorienting moments of this entire Congress. (Laughter.)

The thought of the two of you as interns is almost beyond comprehension. And we can't get them up here. They both deserve a lot of credit. Bill Young worked very hard on the defense effort that we put in this year. And Bill Thomas, an achillean effort working with Mike Bilirakis and Bill Archer and with Tom Bliley managed to get home health care included at the very last minute.

And a very important home health care (off-mike). I'm delighted both of you are back here. (Applause.)

I want to drive home three messages and then illustrate them for a minute because I think it's important that we recognize that politics at its best is an educational experience. Despite the 30 second commercials and the some times mindless talk shows, the fact is that the way a country grows over time is by engaging in the political process.

And there are three lessons at the end of this year I think. The first is that this is an American victory. And I kept getting phone calls from reporters and the president who was in the Rose Garden claiming credit for the budget, and I wanted to set up a fight. I wanted to say well, don't you want to claim credit? And I said, you know, Republicans in the Congress deserve five percent of the credit for balancing the budget. The president under our Constitution had to sign the agreement and he deserves five percent of the credit. And 90 percent of the credit for balancing the budget belongs to working, tax paying Americans who sent the money to Washington. And that's what ought to be. (Applause.)

Well if you think about it, the things we've tried to do for the last few years are the overwhelming sentiment of the overwhelming majority of Americans. Welfare reform according to "The New York Times" the week before it was finally signed into law after two vetoes, 92 percent of the American people supported it. Virtually every Democrat, virtually every Republican, virtually every Independent. It was an American victory that we were simply the vehicle of the American people in getting their will through to a Washington, DC that didn't want to believe in the people.

The question of balancing the budget, every poll for 30 years has shown that whether you're a Democrat, a Republican or an Independent, you thought balancing the budget mattered. The Republican party through the Contract with America became the vehicle for the American people's will and we moved from a three trillion, one hundred billion dollar projected deficit over 11 years when we were sworn in as a majority in January of 1995 to a one trillion, 650 billion dollar surplus over the same period now that we've had three-and-a-half years to get a job done. (Applause.)

But those lower interest rates that Heather described are a victory for every young American who's going to college. The lower interest rates that Vito Fossella described earlier are a victory for every small business, every family farm, every person who buys a home. All Americans are better off. When you balance the budget, lower interest rates and have lower taxes because you don't have to tax this entire generation to pay the interest on three trillion dollars in debt. So that's an American victory.

Strengthening our defenses for the first time since 1985 is an American victory because every American should care about the young men and women who have the courage and the patriotism to put on our uniform and we did the right thing in the vote we're

going to have tonight in rebuilding our defenses, and as Tom DeLay pointed out, in establishing a national missile defense. Because if we can save one American city from a North Korean, Iranian, Iraqi or other missile, one city, that will be a victory for every American and the lives that we'll (ph) lead (ph) there because we had the foresight to invest in the right kind of defenses. And that's an American victory. (Applause.)

As Heather pointed out, we took the president's proposal. Look this negotiation took nine days.

We could have done it the three if we just caved. We took the president's proposal for a Washington-based, Washington-controlled, Washington-regulated, narrowly-designed teacher plan. We broadened it out to include every grade. We brought it out to include special education and special needs teachers. We brought Chairman Bill Goodling, who is an expert on the topic, into the room.

And we returned power back exactly as Heather Wilson said, to the local school board. We didn't say the Republican school board. We didn't say the Democratic school board. We said the local school board because we believe it is American to have local people working with local teachers to have local children get an education under local control. And that's a big difference in the two philosophies. (Applause.)

The second point I'd make is that you get major achievements by sheer persistence. We ran on a Contract with America. We didn't get it all. We learned that the Senate's not always easy and the White House is far harder. We learned the hard way in the fall of 1995 that the president, no matter how weak he is in the polls, nonetheless has a veto pen. And a clever president can use it well.

And we got back up and we kept moving. Three months after that, we cut \$100 billion out of domestic discretionary spending. We passed the Freedom to Farm bill liberating midwestern farmers. We passed the Telecommunications Reform Act. And five months after that, we passed the welfare reform bill, and then we had the election of 1996 and we campaigned on getting the job done, completing the contract, and in the summer of 1997 we passed a bill to save Medicare exactly as we had promised, without raising taxes. We passed a tax cut, as Tom pointed out, the first in 16 years, including \$500 tax credit per child because we believe parents are better than bureaucrats and the center of raising children. (Applause.)

We reduced the capital gains tax substantially, and I would suggest to you as you look at market turmoil around the world this year, it's a pretty good thing the Republican Congress insisted on lowering the tax on investment at a time when we need to make sure that the investment community doesn't have the kind of problems it could have if we had liberal Democrats raising taxes and imposing regulations.

And finally, we got to a balanced budget. September 30th, we ended the 1998 fiscal year, and they will report in the next few days somewhere a \$71-75 billion surplus last year, that will go to paying down the national debt and setting the stage for us to save Social Security. (Applause.)

The bill we will pass tonight still provides for over \$60 billion in surplus, and if the economy grows, I suspect we'll be above \$80 billion next year and I might point out, in January when the Congressional Budget Office was talking about an \$8 billion surplus, I was saying they were way off and way too small. And all year they played catch up before they got the \$70 billion. And I noticed by the way that the architect of the historic balanced budget act I think just walked in the room back there. Direct from Iowa I believe, John Kasich come up here and join us John. (Applause.)

If you weren't . . . I just read that you were in Iowa. You were on a hiad (ph). Well thanks for (off-mike). I just want to say, when I talk about persistence, no one can tell the story better than Kasich who started as a back-bencher offering his own budget when all of us thought he was nuts and I include myself in that group. We all opposed him. Came back as the ranking member when we were the minority. Came back as our budget committee chairman fought his way through. And without John Kasich's courage and charisma and effort, we would not have a balanced budget today. (Applause.)

Mr. KASICH. Now let me just say one thing. If you think that Newt and I early on fought for a balanced budget, because it wouldn't be done without Newt's help, we are going to have a huge, giant tax cut next year. And we are going to fight for it every single day until we get it done. (Applause.)

Mr. GINGRICH. So if my (off-mike) was that this is an American victory, and my second point is it takes persistence, remember I said we had the contract. It took us through the summer of last year and January, I began talking about four goals per generation. They were very direct. Win the war on drugs and violent crime, give us a world class system of education and learning, use the surplus to save Social Security and modernize government to reduce its cost so we can ultimately lower taxes so that no American paid more than 25 percent of their income in total taxation state, federal and local combined.

Let's look at this year. We will pass tonight the strongest anti-drug measure in the history of the Congress. We will pass a substantial increase in interdiction money and we will ban the federal government, block the federal government from distributing free needles to drug addicts because it is exactly the wrong signal. You cannot have healthy drug addicts. The message we should send to drug addicts is, we want to reach out a helping hand for you to be rehabilitated and get on drugs. Not we want to help you stay on drugs. But at least your government will give you clean needles. I think this is a major victory in the right direction. (Applause.)

Second, we began to insist on point after point on the basic concept of dollars for the classroom of returning power back to local control and allowing the local community to really take a grip on their local education system. And we're going to continue in that direction. And again this evening, we'll be voting on an important step forward for our second goal.

Our third goal frankly got postponed for a year. I'm sorry it did. I began talking with the president and working with the president in October of last year on saving Social Security. John Kasich and Bill Archer whom I saw a minute ago, both worked very hard. We've been working with President Bush and President Reagan's economists. We think it's possible to develop a program to use the surplus to save Social Security by creating personal savings accounts for every person that pays the FICA tax so they can have a savings accounts they control that has a tax free build up of interest of dividends with no Washington politician taking the money away from them. But frankly, in this kind of an election year, with all of the other problems that began in January, it was not possible to move that dialogue as far as we would have liked.

I also repeat what John just said, because I agree with him entirely. We fought for a tax cut this year. I am proud of the House because we passed an \$80 billion tax cut this year. That was the right thing to do. I am very disappointed that the Democrats in the Senate and the president blocked us passing a tax cut.

But I want them to know that very early next year, with Chairman Archer's leadership, we're going to bypassing a bill that both saves Social Security and takes any extra surplus and turns it into a tax cut on a very simple premise. The number one difference between liberals and conservatives in American today is that we believe the surplus belongs to the American people who pay the taxes. They believe the surplus belongs to the Washington bureaucrats and who ought to be allowed to spend it. And everybody knows if you leave a trillion dollars sitting around here near Al Gore and Teddy Kennedy, they will find a way to spend it.

So we're going to get it back home first to save Social Security, and second as a very large tax cut early next year. (Applause.)

Our fourth goal to modernize government in order to be able to reduce taxes and I mean modernize at all levels—state, federal and local to reduce all taxes combined to 25 percent on the moral premise that in a free society in peace time, no one should have to work longer than Monday and half of Tuesday to pay their taxes. That the rest of their week in peace time ought to belong to themselves, their family, their community, their favorite charity, their church or synagogue or mosque, their own retirement. That's going to be a big complicated job and it's one that we're going to be enlisting every Republican committee chairman to work on. We're going to try enlist every committee to begin next year working with the budget committee on this.

And I've already been talking with governors, mayors, county commissioners, school boards, because it has to be done at every level including tracking the state legislators. And we'll be having a conference in December of state legislative leaders around the country to talk about how we can work together to reduce the cost of government at all levels so we can have a one-third cut in taxes over the next 10 to 15 years so the American people can be working for their room families more of the time and for government bureaucracy less of the time.

Let me say finally, in addition to this being an American history, in addition to persistence paying off, elections matter. There is a very big difference in where the two parties will take America. I sometimes get distressed by our friends in the media because they try to reduce everything to gossip, scandal mongering and cynicism that I think is profoundly false for this country's future.

There is an enormous difference in the two parties. We would go two very different places. The Democrats legitimately stand for a big government, big bureaucracy, high tax vision of the future. There's nothing dishonorable about it. Charlie Rangel can defend it eloquently. It is his vision of how America works. More bureaucrats with more paperwork based on more taxes from working Americans. They have a model of big unions and big trial lawyers gradually wiping out small businesses and medical doctors. But it's a rational model. And we need to honor it by having honest debate and talking about how really different the two parties are.

We favor a smaller central government, lower taxes, more free enterprise, more job creation, more volunteerism. We favor money being in the family rather in Washington. And there are places we do think government has a powerful legitimate role. For example, we want to census strong enough that it's accurate. That's not a weak government.

We truly are prepared to work with the Black and Hispanic caucuses to design a census that will reach out to every minority neighborhood that will count every American because we believe we have a constitutional duty to have a government effective

enough and modern enough to count every American in an actual enumeration as required by the Constitution.

Similarly, we're very proud that we've began strengthening defense because we think it's important that this country lead the world. I'm frankly proud that the president is working today trying to bring peace to the Middle East. I am proud that this president reached out in Northern Ireland. And I can tell you from my own visits there, and my conversations there that without his leadership and Senator Mitchell's leadership, we would not have made progress. We can work together as Americans even when we disagree about basic philosophy or even when we have other problems we have to work on.

And so we believe that just as the 1994 election changed the direction of America, and no serious person believes that the Democrats would have balanced the budget, cut taxes and reformed welfare if they had remained in charge. Jim Traficant, a Democrat has said flatly, he tried every year with his own leadership to bring up the IRS reform bill. And they would never bring it up. It took a Republican Congress, it took Rob Portman as chairman of the IRS commission, it took Bill Archer as chairman of the Ways and Means Committee to pass IRS reform. So elections do matter.

And two weeks from today, this country can vote for higher taxes by voting Democrat or it can vote for lower taxes by voting Republican. It can vote for more power and bureaucracy in Washington by voting Democrat. It can vote for more power back home by voting Republican.

It can vote for a weaker defense by voting Democrat or it can vote for a stronger defense by voting Republican. It can vote for less effort on the drug war by voting Democrat. It can vote for a much stronger effort on the drug war by voting Republican. These are basic legitimate philosophical differences. And I think we've proven over the last four years, it makes a big difference whether or not you're elected to try to move in one direction or another.

We're think we're getting our message to the American people. And if we come back and we're a majority for the third time, which would be the first time since the 1920's in 70 years. We will have our marching orders from the American people to get some more American victories starting with saving Social Security and cutting taxes. Thank you very much. (Applause.)

#### MEDICARE HOME HEALTH BENEFIT PAYMENT SYSTEM

**HON. J.C. WATTS, JR.**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 21, 1998*

Mr. WATTS of Oklahoma. Mr. Speaker, I wish to commend the staff members and administrators who provide home health care services in my home state of Oklahoma and across the country. During the past year I have had the opportunity to work with hundreds of dedicated home health care providers, and they should all be very proud of and we should all be very thankful for their outstanding service to the nation's elderly and disabled.

I have been working with these constituents to make reforms in the Interim Payment System (IPS) that was part of the Balanced Budget Act. An unintended consequence of that Act

has been an unfair payment system that has caused a 15 percent drop in Medicare certified home care agencies in Oklahoma. Regrettably, the complexities of the IPS have resulted in misunderstandings in Congress as we search for a solution.

This week I received a letter from former Senator Frank Moss who sponsored the original Medicare home care benefit. His perspective on and explanation of this benefit is enlightening, and I would like to submit his letter for the RECORD. As we continue to work on this issue in the next Congress, Senator Moss's letter will help us move forward in finding a solution.

SALT LAKE CITY, UT,  
*September 30, 1998.*

Hon. JULIUS CAESAR WATTS,  
*U.S. House of Representatives, Washington, DC.*

DEAR CONGRESSMAN WATTS: Your assistance, in a matter of great importance to the nation's disabled and older Americans, would be very much appreciated. I am appealing to you to help save the Medicare home care benefit, which is in grave jeopardy at the very time when we need it the most.

You may remember that I was the sponsor of the Medicare home care benefit. This came in 1965 after I had spent several years investigating nursing home abuses. We were looking for the best way to care for the growing numbers of disabled seniors. Home care keeps families together; it keeps seniors independent in their own homes where they want to be; and home care is cost-effective in comparison to institutional care. I still believe in home care so much that I volunteer my time to serve on the Board of the local Visiting Nurses here in Salt Lake City, as well as on the Board of our national organization.

You may remember that I devoted a substantial part of my career to policing Medicare and Medicaid programs. I am sending you a few clippings that capture this history. I conducted more hearings and investigations and authored more investigative reports on the subject of fraud and abuse than anyone. Among the legislation that I authored were provisions that: (1) made Medicare and Medicaid fraud a felony, (2) created the Office of the Inspector General and the Department of Health and Human Services, and (3) created State Medicare Fraud Units. Our committee put every part of Medicare and Medicaid under the magnifying glass. Home health care was unique. It was one part of the many programs that had the least amount of fraud and abuse. One reason for this is that the reimbursement formula that I wrote into the Medicare home health law is a veritable fiscal straight jacket. My most recent review of Medicare and Medicaid convictions indicate that while there have been a few highly publicized cases, the relative incidence of fraud in home health is miniscule when compared with the record of the doctors, nursing homes, hospitals and other providers. I still insist, however, that we continue with our policy of zero tolerance for fraud. I commend all Members of Congress who have continued the oversight work that was so important to me.

There is no doubt that we are on the verge of a national crisis with respect to home health care. To assist you in understanding what is happening, I include herewith, a list of questions & answers, which I have described as myths and realities. There is no way to get around the fact that 1200 home health agencies (1/8 of the total) have either dropped out of Medicare or closed their doors over the past ten months. The home health problem has many parts. The root, however, is an element within the interim payment system (IPS) called the aggregate per bene-

ficiary limit (ABL). Agencies already had their per visit costs limited. However, this new limit also spells out how much home health agencies can spend per patient based on their historical reimbursement numbers. Agencies that have been cost-efficient in the past are now being penalized. They may now have a per beneficiary limit of \$2,000 or less. Other agencies who have been less careful with Medicare monies may have \$15,000 or more to spend per patient for patients with identical needs, in the same locality. It is easy to see why the aggregate per beneficiary limits are fundamentally flawed and unfair.

If our intention was to reduce the incidence of fraud and abuse, this new aggregate per beneficiary limit does exactly the opposite. We are losing many of our best home health agencies because they are at a competitive disadvantage. To make matters worse, home health agencies were asked to comply without knowing, with certainty, what these limits will be. Nearly a full year into the program, many agencies still do not know the exact dollar amount of their limits. Moreover, when agencies do know their ABL, as computed by the intermediary insurance companies who administer Medicare for the government, they find that the per beneficiary limit works at cross-purposes with the existing agency per visit limitation. Making matters even worse, HCFA has said that they cannot comply with the October 1, 1999, deadline for putting in place a prospective payment system (PPS) for home health care under Medicare. This means the IPS, with its lethal and unfair per beneficiary limits, will be in place indefinitely. If all this is not bad enough, another 15 percent across the board cut in the Medicare home health benefit is scheduled to take effect on October 1, 1999.

There are only three ways to fix the problem with the aggregate per beneficiary limit. Option one is to abandon the idea of using agency specific costs as the basis for it and use instead a blend of national and regional costs. The second option is to delete the per beneficiary limit. Option three is to replace the per beneficiary limit with another cost control limit. Following are comments on each.

A. Develop a blended rate. The idea is to set a limit based not on a home care agency's historical costs, but upon some formula of national and regional averages. My analysis is that this simply will not work. No matter what percentages are used, some people will be helped and others will be hurt. You simply create different winners and losers. The idea, by definition, is divisive. It divides not only providers and patients, but also members of Congress, the latter who can be expected to endorse a blend that most helps their part of the country. Under this approach there can be no national consensus—to help New England is to hurt the Southeast, or vice-versa. Medicare is a Federal program that should offer patients and provides alike a level playing field.

B. Repeal the per beneficiary limit. This is probably the best option overall. There is no parallel limit in Medicare for hospitals, nursing homes or physician services. In my view, we should recognize the fact that we have cut the home care benefit by twice what Congress has intended, projected by HCFA at \$37 billion instead of \$16.2 billion from FY 98-02. Total spending for home health in FY 98-02 is down from \$127 billion to \$89 billion. I do not know how we can be thinking of tax cuts when the burden of this gift will be on the backs of the sickest of the sick—patients who need home care. I would argue that we should restore some of the cuts in home care by canceling the per beneficiary limit, since the Medicare home care