

holiday designated for his birthday. However, of the ten permanent federal holidays, only The King Birthday lacks the notation in the U.S. Flag Code, and it is appropriate to correct this omission.

I would also like to offer my appreciation to Mr. Charles Spain, a resident of Houston and president of the North American Vexillological Association, which studies flags. Mr. Spain brought this very important matter to my attention, and I am grateful for his diligence and assistance in helping my office to correct this error. His effort demonstrates that all citizens have the ability to contact Congress and make important contributions to the legislative process.

Mr. Speaker, I rise in support of the unanimous consent request for the House to take up and pass H.R. 3216, legislation I introduced to amend the Act commonly known as the United States Flag Code and add the Martin Luther King, Jr., holiday to the list of days on which the flag should especially be displayed. I want to thank the Chairman of the Rules Committee for making this request.

While I am disappointed the Senate will not be able to consider this important legislation during the 105th Congress, I am very pleased the House will pass the legislation this evening and send a strong signal that this legislation will be enacted in the 106th Congress. I urge my colleagues to support this measure. Let us continue to honor the legacy of Dr. King and move forward with his dream.

DIGITAL MILLENIUM COPYRIGHT
ACT

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. BERMAN. Mr. Speaker, anyone trying to discern the meaning of the anticircumvention provisions of H.R. 2281 risks bewilderment by the many pages of the CONGRESSIONAL RECORD that have been devoted to the detailed analyses submitted by one or another Member of this House. I am a member of the Judiciary Committee, which reviewed this legislation in detail, and which reported the key provisions in a form in which they ultimately received the approval of the House and of the conference committee, on which I also served.

First, the operative provisions which define the key prohibition of trafficking in the tools of circumvention of technological protection measures—section 1201(a)(2) and (a)(3), and section 1201(b)(1) and (b)(2), of Title 17—were not changed throughout the legislative process. They read almost verbatim in the final version of this legislation, which is on the way to the President's desk, as they read when the legislation was first introduced, when it was reported by the Judiciary Committee, and when it was unanimously approved by the House. Thus, statements on the floor that purport to explain how these provisions have been narrowed, or how implicit exceptions to them—not spelled out in the language of the bill—have been expanded, deserve little attention. In particular, the three-point test spelled out in sections 1201(a)(2) and 1201(b)(1) for determining whether a particular product or service runs afoul of the legislation has never been substantively amended. This test re-

mains operative, not the test of “no legitimate purpose” imagined by some of my colleagues.

Second, the operative provision defining the prohibition on the act of circumvention of technological protection measures that control access to copyrighted materials—contained in section 1201(a)(1)—has also emerged from the legislative process completely unchanged. It is true that the effective date of this prohibition has been delayed, and that a rulemaking proceeding has been grafted on to this provision to determine whether, with regard to particular classes of copyrighted materials, the applicability of this particular prohibition should be delayed even further. But the prohibition itself remains unchanged, and means exactly what it meant when our committee first reported it several months ago.

Third, section 1201(c)(3)—the no mandate provision—in the final text of this legislation is identical to the provision that emerged from the Senate Judiciary Committee over six months ago. The changes proposed by the House Commerce Committee, which threatened to open a huge loophole in the protections afforded by the legislation, were rejected by the conference committee. The no mandate provision means what it says, and what it says is this: there is no design mandate in this legislation, other than the negative mandate to avoid designing a product primarily for the purpose of circumventing an effective technological measure. The addition, by the conference committee, of specific provisions concerning certain protections used to control copying of audiovisual works in analog formats does not change the meaning of section 1201(c)(3) one iota. If the conferees had intended that these new provisions were to have had any impact on the application of the “no mandate” provisions to other technological protection measures, we would have said so. We did not, in fact, we said the opposite.

Fourth, on the much-contested issue of playability, the language adopted in the conference report is the most definitive statement substantively on the circumstances under which product performance adjustment does or does not violate the anticircumvention provisions of this legislation. The conference report, which specifically addresses this issue, has been adopted without recorded dissent in both Houses, and any subsequent inconsistent interpretation should carry no weight.

I do not seek to put a new gloss on the words in the conference report. Those words speak for themselves. I would simply point out that nearly all the fundamental operative provisions of Title 1 of H.R. 2281, and indeed, of much of the rest of the bill as well, simply recapitulate the provisions that have been part of this legislation since it was introduced, that have remained unchanged throughout the complex and protracted legislative process, and that are amply explained by the reports of the respective Judiciary Committees, which first approved them.

CONFERENCE REPORT ON H.R. 4328,
DEPARTMENT OF TRANSPORTATION
AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. WEYGAND. Mr. Speaker, on October 20, 1998, this House was finally able to bring to a close our Constitutionally-required duty of approving a budget for the United States. I regret, however, that while we have brought this process to a close, it is in no way complete. As a member of the House Budget Committee, I find it distressing that this year marks the first year that Congress failed to properly begin the process by not completing its work on a Budget Resolution.

While there is much to criticize about the process that produced this bill and the lack of time we had to carefully review it, the fact remains that there is much in this bill that I believe is good for Rhode Island and for Rhode Islanders.

Last year, the Balanced Budget Act created a new interim payment system (IPS) for home health care benefits under Medicare. The IPS was enacted to decrease the rate of growth of home health care spending until a prospective payment system (PPS) was implemented. Unfortunately, the IPS adversely impacted home health agencies and Medicare beneficiaries across this country. Due to the manner in which it was written into law, the IPS rewarded agencies whose costs were inflated, while effectively punishing those which had worked hard to contain their costs. In fact, it was estimated that Rhode Island lost more than \$18 million in home health care reimbursement due to the IPS.

Since the passage of the Balanced Budget Act, I have been working hard with several colleagues to reform the IPS and make the system more equitable and fair. Following the passage of my amendment to the Budget Resolution calling on Congress to reform the IPS, we were able to form a bipartisan coalition to work diligently on this issue. I felt, and continue to feel that we need to do all we can to ensure home health care is available to every Medicare beneficiary who truly deserves to retain their independence and dignity by receiving care at home.

I was pleased that the Omnibus Appropriations Act includes a small measure of relief for home health care agencies throughout our nation and in Rhode Island. Provisions related to home health care were hard fought and will provide additional reimbursement to home health care agencies with per-beneficiary limits below the national average. In addition, the bill increases per-visit limits for certain home health care agencies.

One of the most significant home health care related provisions in this bill is the one year delay of the automatic 15% cut in home health care reimbursement until October 1, 2000. As my colleagues are well aware, the Balanced Budget Act mandated that an automatic cut occur on October 1, 1999 if the PPS is not fully implemented. Earlier this year, the Health Care Financing Administration stated that the PPS would not be ready and that a 15% cut would be necessary. I am pleased my colleagues joined me in recognizing the

importance of delaying these additional cuts to home health care agencies, which were already struggling with the negative affects of the IPS.

Although I believe much more must be done, I believe the home health care related provisions in the legislation are a small, yet positive step forward.

One of the first bills I introduced when I came to Congress was legislation to allow for the deduction of health care benefits by small businessmen. I was pleased that a version of my legislation was included in the FY98 budget. This year, the Omnibus bill provides for the acceleration of the health insurance deduction for self-employed individuals. This will provide much needed tax relief to small businesses and place them on a level playing field with large businesses that can already deduct 100 percent of their health care costs.

As Rhode Island works to develop the former Quonset Point Naval Air Station in North Kingstown, Rhode Island into an intermodal industrial park, efforts are underway to provide for a third rail track between Quonset Point and the Massachusetts state line allowing uninhibited movement of freight through Rhode Island and the Northeast rail corridor. Completion of this track is a critical component for the development of Quonset Point Davisville and the future of Rhode Island's economy. The Omnibus bill includes \$5 million for the continuation of the Rhode Island Rail Development Project.

As a landscape architect, I have a particular interest in and concern for our environment. I am pleased that the final agreement includes significant funding for the Blackstone River Valley National Heritage Corridor, including \$750,000 for construction of exhibits throughout the corridor, \$328 million for the Land and Water Conservation Fund (LWCF) for the protection of sensitive and valuable public lands. In addition, the bill eliminates the wasteful purchaser road credit program. I do not believe it necessary for the federal government to subsidize the building of roads in our national forests by timber companies.

As a member of the House Committee on Banking and Financial Services, I am pleased that the Administration and the majority were able to come to agreement on the important matter of funding for the International Monetary Fund. Along with the money—the bill provides \$17.9 billion—are the reforms that the IMF must make. These reforms are similar to the ones approved by the Banking and Financial Services Committee. This will help stabilize foreign economies while at the same time make the IMF's transactions more transparent, liberalize the IMF's trade policy, and require the IMF to address environment, labor and human rights conditions in the nations they lend to.

The bill also provides funding for the Overseas Private Investment Corporation (OPIC) and the Export-Import Bank (Ex-Im) that help U.S. business enter foreign markets.

Title II-B of the Job Training Partnership Act (JTPA), known as the Summer Youth program at the Department of Labor, has been fully funded at \$871 million. The purpose of this program is to enhance the educational skills of young people, encourage enrollment in additional education, and provide exposure to the working world. It is estimated that Rhode Island will receive \$2,671,035 which will allow 2,081 young Rhode Islanders between the

ages of 14 and 21 to participate in this worthwhile program.

I am particularly pleased that Congress provided funding equal to the amount requested for the Job Corps program. I hope that full funding will pave the way for approval, by the U.S. Department of Labor, of an application by the state of Rhode Island for a new Job Corps Center. Rhode Island is one of only four states in the nation without a Center.

Since its creation in the early 1960's as part of President Johnson's War on Poverty, the Job Corps Program has provided hundreds of thousands of poverty level young men and women all over the United States with one last opportunity to become contributing members of their community. It is always a trying decision for any young person to say no to their family, friends and neighborhoods and yes to Job Corps and the possibility of a new beginning. Unfortunately, that decision has been all the more difficult for the young people in Rhode Island who have been forced to travel to other states for Job Corps training. In all too many instances, the distance has been just too difficult. Hopefully, saying yes to Job Corps and a brighter future will be just a little bit easier for Rhode Islanders in the near future.

Two other job training programs important to Rhode Island also received proper funding in this budget. Both Title II-A of JTPA, the adult training program and Title III, the Economic Dislocation and Worker Adjustment Assistance Act, may provide close to \$7 million in training aid to Rhode Island workers. Regrettably, funding for these programs remains of great importance to Rhode Island. In recent weeks I have been working with the U.S. Department of Labor and the Rhode Island Department of Employment and Training to assist the employees of two separate companies who have lost their jobs and are in need of retraining for the future. Historically, Rhode Island's economy has been blue collar in nature. As we stand at the doorway of the next century, Rhode Island is making the changes necessary to compete in the high tech, global economy of the future. As we make that conversion, it will be very important that our workers receive retraining to make the jump to that new economy.

In August of this year, I joined with South County Community Action, West Bay Community Action, Self Help, Inc., Tri-Town Community Action, Providence Community Action, the Blackstone Valley Community Action, the Rhode Island Department of Elderly Affairs and several representatives from energy companies comprising the Good Neighbor Energy Fund to express our concern about proposed cuts in the Low-Income Home Energy Assistance Program (LIHEAP) then proposed by House Republicans. I am pleased that the final budget will fully fund LIHEAP. This program will provide much needed heating assistance to over 17 thousand Rhode Islanders this year. Nobody should ever have to choose between heating or eating. Without LIHEAP, too many people would be forced to make that terrible decision.

As I have stated time and time again, our children deserve a world class education. With a quality education, children can succeed in this ever evolving and ever competitive global society.

I am pleased the Omnibus Appropriations Act includes critical money for local school dis-

tricts to begin hiring additional teachers to reduce class sizes, especially in the lower grades. This \$1.2 billion down payment will provide over \$5.6 million for the State of Rhode Island to lower class sizes. Reducing class sizes has proven successful in raising education outcomes, not only for students in the classrooms where the sizes are smaller, but also for students in higher grades. The 30,000 teachers provided in this budget will assist our neighborhood schools to provide quality education for all of our children. We need to continue funding this important program and realize the goal of 100,000 additional, well-trained and highly qualified teachers in the near future.

I was disappointed that the budget did not include much needed money for school construction and modernization. Countless school buildings in my district are in need of repair and rehabilitation. Countless others need assistance with modernizing their facilities, so they can prepare their students to compete well in the global economy. The federal government must provide some measure of assistance to local school districts to respond to their infrastructure needs. Although I am troubled that the Omnibus Appropriation Act does not provide this assistance, I am pleased that Congressional Democrats and the White House were able to succeed in providing some assistance to the students of our nation.

All in all, Mr. Speaker, I think this legislation is good for Rhode Island. For that reason, I voted in favor of the bill.

CONFERENCE REPORT ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 12, 1998

Mr. EVANS. Mr. Speaker, I rise today to support H.R. 4328, The Omnibus and Emergency Appropriations Bill of 1998. Many of the provisions contained in this measure are deserving of support—these include aid to farmers, support for education and other worthy programs. However, I do have some serious reservations about one provision—Division D—Persian Gulf War Veterans Act of 1998. This measure incorporates text from S. 2358, including compensation legislation for Gulf War veterans that would attempt to override a compromise developed by both bodies' authorizing committees. This provision was inserted over objections in both Chambers in an effort to conciliate one member of the other body. I am unaware of any prior conference process that has been blatantly overridden to account for the desires of one Member. I am also extremely disappointed with my colleagues on the Appropriations Committee of the House and Senate for acceding to the demands of one individual who clearly did not express the authorizers' views.

By putting this authorization into "must pass" legislation with a number of worthy funding initiatives, I feel that my colleagues have exploited the position in which I and others find ourselves today. The Veterans Affairs Committee in the House and the other body, the committees of jurisdiction, agreed to comprehensive veterans' legislation which is now