

live. What the DCERA seeks today is not the full value of the rights and remedies due us and which we will never concede. Today, we seek enough relief from taxes to give us the only route to economic salvation for the city—a middle income tax base.

**SAFEGUARDS AGAINST UNNATURAL INCREASES  
IN COST OF LIVING**

Requires Proof of D.C. Residency For 183 Days Annually

Applies Only to Wage and Salary Income Earned in D.C. or Metropolitan Region

Applies to Investment and Dividend Income Earned Within D.C. Only

Capital Gains Relief on D.C. Investments Only

Old IRS Rate on Investments Outside D.C. Annual Treasury Study to Protect Against Unintended Consequences

Stand-by Legislation Examples

Council Passed Legislation Freezing Property, Sales, and Income Taxes Effective Upon Enactment of DCERA

Cap on Property Tax Rates and Growth of Assessments (Similar to TRIM, P.G. County)

Surtax on Capital Gains Derived from Excess Profits

Revolving Fund for Zero Percent Interest Loans (Or Tax Credits) to Cover Unusual Increases in Home Prices

Maintenance of Rent Control

**INTRODUCTION OF THE COMPREHENSIVE ONE-CALL NOTIFICATION ACT OF 1998**

**HON. RICHARD H. BAKER**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 4, 1998*

Mr. BAKER. Mr. Speaker, I rise today joined by the distinguished gentleman from New Jersey, Mr. PALLONE, in introducing the "Comprehensive One-Call Notification Act of 1998."

This is an industry initiated, self-help, pro-environment bill that places public health and human safety at the very top of the list of our concerns as this nation builds an underground infrastructure that we all rely on for the movement of goods and services across this country.

The introduction of this legislation addresses an important national public safety issue—the prevention of damage to this nation's underground infrastructure. My bill is aimed at improving state one-call notification, or "call-before-you-dig," systems. Participation in one-call programs saves lives and protects the environment by reducing the number of accidents caused by excavation near unmarked facilities.

These accidents are serious business—something my constituents know about firsthand. In May 1996, an underground petroleum pipeline near Grammercy, Louisiana, was hit, causing the release of 8,400 barrels of highly flammable gasoline into a nearby swamp. The accident killed hundreds of fish, six alligators, snakes and at least one deer. It caused the closure of U.S. Route 61, inconveniencing scores of re-routed drivers. It forced the shutdown of the Kansas City Southern Railroad. And finally, the bearer of the Olympic torch, who just happened to be passing through the area on the way to the opening of the Atlanta games, was forced to detour.

This accident was caused when an unknown excavator dug into the pipe, and failed

to report the damage. Mr. Speaker, my bill could prevent such terrible accidents.

Too often, laws are only changed as a result of a disaster, such as the one in Louisiana. In Louisiana, we learned from our experience. We passed a strong state one-call law. Now it is time for the rest of the nation to follow suit.

One-call programs work by giving excavators a clearinghouse to use prior to beginning a project. A contractor or other excavator calls a central number and notifies the one-call center of the location of the planned excavation. The one-call center then notifies all pipelines, utilities and phone companies in the area of the proposed excavation, so that all underground facilities can be located and marked. The excavator can then work around the underground utilities, and avoid the use of heavy equipment near such facilities.

Better communication is the answer, and better communication is what one-call centers are all about. But while 49 states have one-call statutes and programs, these programs vary widely in the level of required participation, and in the overall effectiveness of damage prevention. Some states exempt certain groups of excavators, and some states exempt certain underground facility operators. The result is an accident rate that is much too high. This is unacceptable.

We must improve the effectiveness of state one-call programs—before another disaster occurs. And that is precisely what this legislation does.

The idea is simple: prevent accidents by establishing an open line of communication. All excavators should call before digging. All underground facility operators should accurately mark their facilities. And states should enforce their own laws to discourage violations.

The answer to better one-call systems is not billions of dollars in federal money, or federal mandates on the states. The answer is national leadership on improving one-call systems nationwide, followed by more comprehensive and consistent programs in all 50 states.

Mr. Speaker, this bill does not try to write the perfect one-call statute. Those decisions need to be made at the state level, by those involved in looking at the unique problems within a particular state. What this legislation does do is encourage states to provide for a maximum level of one-call participation by all excavators and all underground facility operators. It also encourages states to develop more effective enforcement efforts.

On the question of exemptions, the bill advocates the use of a risk-based analysis to determine whether a party should be required to participate. Those entities which represent a potential risk to the public or the environment should be required to participate. On the other hand, those who represent only a de minimis risk can participate on a voluntary basis, if at all. The whole question of whether exemptions should be made, however, is still left to the states. Ultimately, it is the state governments which need to be examining the unique situations within their borders.

My legislation is based on incentives, not mandates. If a state feels that its one-call program provides the level of coverage and enforcement envisioned in this legislation, then it can apply to the Department of Transportation for a one-time grant. We are, in essence, rewarding the "A" students and encouraging the

others to do better. States are not compelled to apply for a grant, and they are not punished if they chose not to participate. This legislation does give the advocates of stronger one-call programs one more tool to use in their efforts at the state level.

Let me be clear. This legislation is not a federal "takeover" of state one-call programs. To the contrary, the goal of my legislation is to support states in their efforts to improve the quality of underground damage prevention. After this becomes law, states will continue to exercise exclusive jurisdiction over one-call programs within their borders. I view this type of legislation as an example of the kind of responsible federalism that should be supported by this Congress, and extended to other programs as well.

Similar legislation has already passed unanimously in the other chamber. That legislation, S. 1115, was sponsored by Majority Leader TRENT LOTT and Minority Leader TOM DASCHLE, as well as a host of other Republicans and Democrats. The bipartisan support of the Senate bill is something I believe will happen in the House as well.

Improving public safety is not a partisan issue. All of us want to do a better job in preventing life-threatening accidents. I want to encourage my Republican and Democratic colleagues to join me in supporting this legislation.

Mr. Speaker, I look forward to working with my colleagues on both sides of the aisle to move the process forward here in the House and send this common sense initiative to the President for his signature. The Comprehensive One-Call Notification Act provides a public policy statement which is long overdue. My state of Louisiana learned its lesson the hard way. It's time for the rest of the country to follow our example. Let's not wait for another accident. Let's improve One-Call programs today.

**THE COMPREHENSIVE ONE-CALL  
NOTIFICATION ACT OF 1998**

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 4, 1998*

Mr. PALLONE. Mr. Speaker, four years ago, I introduced H.R. 4394, the Comprehensive One-Call Notification Act, in response to a terrible pipeline accident that occurred in my district. In Edison, NJ, a rupture in a natural gas pipeline caused an explosion that demolished eight apartment buildings and left hundreds of people homeless. The explosion produced a fireball so great that it could be seen in three States, and a fire so intense that it melted the cars parked at the apartment complex.

Four years later, I am still trying to pass a Comprehensive One-Call Notification Act. Four years later, I am still working to improve One-Call systems. I am pleased today to join my colleague from Louisiana, Mr. BAKER, in introducing the Comprehensive One-Call Act of 1998. This legislation is a modified version of my 1994 bill, designed to encourage the development of better One-Call programs. This bill does not contain any state mandates with regard to One-Call programs. It does encourage states to adopt comprehensive programs to maximize safety assurances for all citizens.

To the people in my district, the safety of pipelines is absolutely essential. My constituents were witnesses to a horrible tragedy that they carry with them, even four years later, fears they had never before imagined. In a way however, they were also witnesses to a miracle: only one person lost her life in the accident, tragically suffering a heart attack, and most residents escaped without injury. Certainly, in light of the total devastation of the area, the potential for a greater number of fatalities is apparent.

The Edison accident, like the majority of pipeline accidents, was caused by third party damage. Often times, excavators do not know what is buried beneath their work sites. This ignorance can lead to fatal and expensive consequences. The bill we are introducing today proposes three simple solutions to this problem: before they begin digging, all excavators should call a central phone number to learn whether there are any underground facilities at the excavation site. All facility operators should participate in One-Call programs, and, once notified, should accurately mark any underground facilities. Finally, states should strongly enforce their One-Call laws to encourage maximum participation in One-Call programs. These simple measures can save lives, prevent property damage, and prevent the need for expensive repairs.

More than anything else, One-Call is about prevention. One telephone call can prevent explosions like the Edison accident. One telephone call can prevent the death of an excavator digging near a gas line. One telephone call can prevent the contamination of the environment by a ruptured hazardous liquid or sewer line. One telephone call can prevent the need for expensive repairs to fiber optic cables. As another example, shortly after the pipeline incident in my district, a cut in an electric line at Newark airport by a contractor resulted in closure of the Airport for nearly 24 hours. One-Call programs—and this bill—would prevent this type of accident.

Today, 49 States have some kind of One-Call system, but Federal action is necessary, as demonstrated by the accidents mentioned above. Many current state systems are inadequate. Some provide exemptions for certain types of excavators. Some fail to cover all underground facilities. Some states have incredibly complex enforcement mechanisms, and some states don't bother to enforce One-Call laws at all. This bill recommends a program that will be successful. The key to this success is the concept of participation by all excavators and facility operators. Excavators will be assured that they are digging in a safe place, and facility operators have insurance that their lines will not be damaged.

This bill encourages States to improve their One-Call programs. It contains no mandate that States adopt such a system. Instead, it provides grants to States that choose to institute the principles of this bill and develop effective one-call systems. I believe that once states delve deeply into this issue they will conclude, as I have, that a comprehensive One-Call system is a life-saving device that should be a part of any public safety program.

With this bill, we have an opportunity to prevent accidents like the Edison explosion in every community in this country. Let us take the explosion that awoke the residents of the Durham Woods Apartment Complex in Edison as a wake up call to us. Pass one-call.

HONORING THE BIRTH OF ABBEY DEENA TO DR. HERBERT LEPOR AND DR. ELLEN SHAPIRO

### HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 4, 1998*

Mr. KING. Mr. Speaker, I rise to inform the House that on February 25, 1998, Dr. Herbert Lepor and Dr. Ellen Shapiro became the proud parents of a baby daughter, Abbey Deena. Abbey Deena was born at The New York Presbyterian Hospital and she weighed in at 6 pounds, 14 ounces. The best news of all is that Abbey Deena and her mother are in perfect health.

I am proud to be able to call Dr. Lepor and Dr. Shapiro my good friends. Dr. Shapiro is an internationally renowned Pediatric Urologist and is the Director of Pediatric Urology at New York University Medical Center. She received her medical degree from the University of Nebraska College of Medicine, was a surgical intern and resident at the Johns Hopkins Hospital and a Clinical Associate in the Surgery Branch of the National Cancer Institute, Bethesda, Maryland. She was a fellow in Pediatric Urology at the Children's Hospital of Michigan and was Assistant Professor of Surgery at the Washington University School of Medicine and at the Medical College of Wisconsin. Prior to moving to New York City, she practiced Pediatric Urology at the Children's Hospital of St. Louis and the Children's Hospital of Wisconsin.

Dr. Lepor has been Chairman of Urology at New York University School of Medicine since 1993. During that time he has established one of the preeminent centers of urological care, education and research in America. Dr. Lepor graduated Phi Beta Kappa and summa cum laude from the University of California, Los Angeles (UCLA) at the age of 20. He earned his medical degree at the Johns Hopkins University School of Medicine and completed Urology Residency Training at the Brady Urological Institute at Johns Hopkins. Dr. Lepor is a nationally renowned expert on prostate treatment and has written numerous scientific articles and books on that topic. He performs more radical prostatectomies a year than any other surgeon in the tri-state area. He has been recognized by American Health magazine and New York Magazine for his expertise in prostate cancer.

At the time of their marriage, Dr. Lepor and Dr. Shapiro were the only husband and wife Urology team in America. More important than any of their professional abilities, however, they are outstanding people who care deeply about their patients and give untiringly of themselves.

As happy as Dr. Lepor and Dr. Shapiro are over the birth of their beautiful daughter, I know that Abbey Deena will soon realize how fortunate she is to have such outstanding parents. On behalf of myself and my family I wish them the very best of health and happiness.

HONORING HENRY STEELE COMMAGER

### HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 4, 1998*

Mr. DAVIS of Virginia. Mr. Speaker, it is with deep sadness that I rise today to announce the passing of a great historian and teacher, Henry Steele Commager. His contributions to our nation during the twentieth century are beyond measure. He taught generations of Americans to respect the genius that lay behind one of the greatest documents in world history, the United States Constitution. Mr. Commager died on Monday, March 2, 1998 at the age of 95. It is difficult for me to believe that such a prolific American historian is gone.

When I was a student at Amherst College, I had the honor of having Mr. Commager as an instructor. This brilliant scholar reminded his students about the unique circumstances and rare, combined genius that existed when our republic was created. In addition, he worked tirelessly to awaken a true respect for and commitment to our government institutions from his students. Under his tutelage, I came to learn about the power of our Constitution and the importance of its structure in every facet of our government. I believe Mr. Commager's tireless passion led many young people such as myself to public service. Moreover, I firmly believe he showed many of his students how to be active citizens committed to fighting apathy in the American electorate.

Mr. Commager encouraged all politicians not to be afraid of their moral convictions and to vote on the principles that originally elected them to office. He was a strong-willed man with the singular courage to pursue the hearts and minds of all Americans. His writings were not limited to the academic world, rather he actively sought to engage all individuals and rouse in them a passion for our history, our founding fathers, and our institutions of government. Henry Steele Commager dedicated himself and his life's work to preserving our Constitution.

I know that Henry Steele Commager will be missed by lawmakers in both chambers who were influenced by his many writings, particularly *The Growth of the American Republic*. The breadth of his work and its lasting legacy will always serve as a reminder of Mr. Commager's patriotism and the strength of his commitment to democratic principles. My deepest condolences go to Henry Commager's family, his wife Mary Powesland and his children. Recent articles in both *The Washington Post* and *The Washington Times* illustrates Mr. Commager's contributions to our nation.

[From the Washington Post]

Henry Steele Commager, 95, one of the leading scholars of U.S. history, died March 2 at his home in Amherst, Mass. The cause of death was not reported.

Dr. Commager taught U.S. history at colleges and universities for more than a half-century. Since the 1930's, he had maintained a torrential outpouring of writing aimed not only at sophisticated scholars but also at undergraduates, high school students and the general reader. He had the gift, rare in an academic, of being able to seemingly effortlessly translate historically complex matters into supremely lucid and deceptively simple prose.