

EXTENSIONS OF REMARKS

IN MEMORY OF TINY KRUEGER

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. ROTH. Mr. Speaker, today I rise to pay tribute to Clifford "Tiny" Krueger, a veteran legislator from Wisconsin. In his 34 years as a State senator Tiny spread his warmth and charm throughout the State. His death not only marks the loss of a great public servant, but also the loss of a great friend.

Tiny Krueger was born in Madison, WI, and spent most of his early life enthralled by the circus. In the summers of 1937 and 1938, he joined the Seils-Sterling Circus based in Sheboygan. This experience helped shape his life and career as a politician.

In the circus, Tiny learned to overcome his shyness about his size, and also learned about compassion for other people. These lessons would benefit him for the rest of his life.

Even in his later years, Tiny still loved the circus. In 1968, he was elected to the board of directors of the Historic Sites Foundation, which operates the State Historical Society's Circus World Museum. He was also a member of the Circus Fans Association of America and the "Tiny Krueger Tent," a circus fan organization named after him.

As a State senator, Krueger enjoyed wide support from his district in northern Wisconsin. He was the Senate's Republican floor leader from 1975 to 1981. He was very successful in tailoring legislation and seeing it pass—although he was often on the minority side. State Senator Krueger was not a partisan but had a broad picture of the legislation—and because of that he held a good deal of sway on the floor of the State senate.

Tiny Krueger will be sorely missed by his many friends and relatives. His wit and humor touched everyone that he knew. I will always have fond memories of Tiny.

LAWRENCE AREA TEENS CITED
FOR COMMUNITY SERVICE

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. ATKINS. Mr. Speaker, the Community Service Network of New England recently cited some of my most dedicated constituents—hundreds of teenagers who live in the Merrimack Valley of Massachusetts—for giving their time and love to make life better for their community.

In an era of shrinking Government support for social action programs, the volunteer work these students have performed in aiding the

elderly, the retarded, and the disabled; tutoring children cleaning up the environment, and raising money for charity, is heartwarming and heroic.

Teenagers, of course, have always been motivated by idealism and willing to make constructive efforts to build a better society. That is true in my district and in the districts of every Member of this body. But too often the news media focus on the troubled teenagers, the drug users, and the delinquents.

So I would like to take this opportunity to pay tribute to some of the young people I represent who have made a positive mark in their neighborhoods.

The Community Service Program I speak of involves hundreds of teenagers. The Lawrence Eagle-Tribute, which is helping promote the idea of volunteer action, recently cited some of the teenagers for their good deeds. These few represent hundreds of other junior and senior high school students in my district, all of whom deserve our applause and all of whom bring credit not only to themselves and their schools, but to their proud parents.

Robert Benedetto, 17, of Andover, MA, a senior at Central Catholic High School in Lawrence, who worked at an orphanage in Mexico.

Eddie Mejia, 17, of Lawrence, MA, and John Gianino, 17, of Lowell, MA, both students at Central Catholic High, who tutored children at the Merrimack Court Housing project.

Andy Peck, 15, of Andover, MA, a student at Central Catholic High, who worked at the Bread and Roses soup kitchen in Lawrence.

Natalie Belkin, 17, of Andover, MA, a student at Andover High, who taught horseback riding to the physically challenged.

Corin McGinley, 17, of Andover, MA, a student at Andover High, who participated in the Big Brother-Big Sister Program in Lawrence.

Emily Tilghman, 17, of Andover, MA, a student at Andover High, who tutored children.

Ryan Zannini, 17, of Methuen, MA, a student at Methuen High, who was a peer leader in the Greater Lawrence Education Collaborative and worked with the Heart Fund, the Cancer Society, and the St. Jude Hospital Fund.

Alan Picarillo, 17, of Methuen, MA, a student at Methuen High, who volunteered as a referee for the junior soccer league in Methuen and who worked with the St. Jude Hospital Fund and Dollars for Scholars.

Andrew Joel, 17, of Andover, MA, a student at Phillips Academy, who taught the physically challenged to ride horses and helped with a weekly athletic program for mentally retarded children.

Sharon Slater, 17, of Methuen, MA, a student at Phillips Academy, who tutored third, fourth, and fifth graders at the Lawrence Boy's Club and participated in the Big Brother-Big Sister Program.

RETIREMENT OF WILLIAM H.
FITZGERALD, JR.

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. COUGHLIN. Mr. Speaker, I would like to take this opportunity to salute one of the truly outstanding public servants in our Nation's Capital, William H. Fitzgerald, Jr., the Deputy Assistant Secretary for Budget and Programs at the U.S. Department of Transportation. Fitz, as he is fondly known by his colleagues and staff, plans to retire in January after 40 years of service in the Federal Government. He began his career with the U.S. Coast Guard and served as budget officer for the Coast Guard and the Federal Railroad Administration prior to becoming the Department's Budget Director in 1981.

Those of us on the Appropriations Committee who have had the opportunity to work with Mr. Fitzgerald have benefited greatly from his counsel and knowledge. He combines a thorough understanding of the Federal budget process and the Department's programs with wit, good humor, and diplomacy. Few people are more dedicated to keeping our budget process on track. Mr. Fitzgerald embodies the best of the Civil Service. We wish him well in his new endeavors, but needless to say, his friends in Congress and in the Department will sorely miss him.

TRIBUTE TO KENNETH FUJINO

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to an outstanding individual, Kenneth Fujino, and ask my colleagues to join me in honoring this exceptional member of my community. Mr. Fujino is this year's recipient of the coveted Goodfellow Award, presented each year by the Boys & Girls Club to an outstanding member of the community who has demonstrated a commitment to the welfare of humanity.

Kenneth Fujino symbolizes the spirit, energy, and future of the San Fernando Valley. He has served the southern California community for many years. His pleasant personality and ready willingness to be helpful has endeared him to both his colleagues in the insurance business and to the public he has served so well. His leadership has led to great success in the business world as well as success in his countless hours of work for charitable causes. In addition, he has enhanced the lives of young people through sub-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

stantial contributions of time and finances to the Boys & Girls Club of the San Fernando Valley. As a result of his hard work and excellent performance, he enjoys respect and support throughout the San Fernando Valley.

Kenneth is currently the chief operating officer of Fairmont Insurance Co., and was previously employed by Fireman's Fund in San Francisco where he served for 22 years in increasingly responsible positions.

Throughout his career, Kenneth has always shown a willingness and desire to give freely of his valuable time to aid organizations or causes important to his community. At present he is on the board of directors of California Workers' Compensation Institute and serves on Workers Compensation Committee of the Association of California Insurance Companies. He also was an active member of 20/30 Club and Rotary Club of Sacramento.

Kenneth is a native of Los Angeles. He is a graduate of the University of Minnesota. He is married to Arlene, and is the proud father of two daughters.

Few people have given of their time and energy as selflessly as Kenneth. It is my distinct honor and pleasure to ask my colleagues to join me in honoring Kenneth Fujino, an invaluable member of our community, and a truly remarkable human being.

SCHOOL'S INTERNATIONAL CELEBRATION NOTED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. SUNDQUIST. Mr. Speaker, in my district in Memphis, TN, I recently had the privilege to take part in a special ceremony of flags at Craigmont High School. I should explain that Craigmont High is Memphis' optional school for international studies. It serves as a magnet for the city's brightest students whose interest lies in the field of international studies. The student body is diverse and varied, boasting children of immigrants and a good number of foreign exchange students.

These young people, under the direction of the school's principal, Dr. Jane Walters, presented a most impressive and inspiring program earlier this month, and I wanted to share something of this event with my colleagues.

The ceremony of flags featured the colors of 43 nations, from Australia to Zimbabwe, some presented by students whose families hail from those lands. Add to this the embellishments of musical selections from several of the nations, and special tributes to the countries that have served as honored countries in Memphis' celebrated "Memphis in May" celebration.

In this day of global communications, when far less separates the people of the Earth than at any time in recorded history, it was stirring to see the involvement of so many young people in a program of this sort.

And Members of this House will be heartened to know that flying proudly among those many flags is one that flew over this Capitol on the day we marked the 200th anniversary of our Constitution.

The young people at Craigmont High School understand and appreciate that people of different languages and nations can get along. They understand that to know something of how others live is to gain a new appreciation of the freedoms and opportunities we have been blessed with in this country.

I was proud to salute the student body of Craigmont High School and their faculty advisers and sponsors, and I wanted to share something of their accomplishment with you.

TRIBUTE TO TOM TRIMBOLI OF THE HOUSE SMALL BUSINESS COMMITTEE

HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. HAYES of Illinois. Mr. Speaker, I want to take this opportunity to express a warm farewell to Mr. Tom Trimboli, the senior legislative counsel for the House Small Business Committee. As the 100th Congress draws to a close, it also brings to an end Tom's work with the Small Business Committee.

As a member of the Small Business Committee, I want to take this moment to commend Tom for his excellent work. Tom has been a strong force as a senior staff member of the committee for the last 13 years. I personally will be sad to see such a devoted and impressive young man leave my committee, but certainly wish Tom well in his future endeavors.

As the author of significant pieces of small business legislation, including the recently passed 8(a) reform bill, Tom has had a great impact on improving the status of our Nation's small business community. Without a doubt, Tom is an expert when it comes to small business procurement.

Since my election to this Congress, I have certainly appreciated Tom's personal insight on the various issues considered by the Small Business Committee. He has truly been a guiding force in helping to set a progressive agenda for the committee. Tom has been an exceptional friend to small business, and I have further observed his particular commitment to small, disadvantaged minority businesses.

I rise today to make special notice of the devoted works of a man with integrity and a strong sense of duty. Mr. Speaker, we say goodbye to a good friend, with respect and affection and with gratitude for having had the privilege to work with such a man. I, as I am sure other members of the Small Business Committee, will certainly miss Tom's wisdom and service. Again, I wish him all the best as he leaves us.

NEWARK'S 10TH ANNUAL PRIDE BOWL

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. RODINO. Mr. Speaker, I want to bring to the attention of my colleagues a very special event that recently took place in my own city of Newark. On October 1, the Pride Bowl—the 10th annual—celebrated "A Golden Decade for Newark Youth" and once again provided a catalyst for instilling pride in the youth of Newark.

The Pride Bowl, which this year included a festive parade and a football game between Montclair State College and Wagner College, is sponsored by Project Pride. It is the culmination of months of hard work by dedicated volunteers. The proceeds from the game will be used for recreational, educational, and scholarship programs which will benefit more than 13,000 young New Yorkers.

Mr. Speaker, I want to salute all of those who helped to make the 1988 Pride Bowl such a special event and I want to commend Project Pride for its outstanding service to our community. By encouraging pride and instilling hope in our children, this worthwhile project is helping to ensure a brighter tomorrow for us all. With your permission, I would like to include in my remarks an article from the Star Ledger.

[From the Newark Star-Ledger, Sept. 29, 1988]

PRIDE BOWL—NEWARK GRIDIRON TRADITION HELPS YOUTHS MEET LIFE GOALS

(By Lauren Robinson)

At least once a year for the past 10 years, magic has swept through the city of Newark, turning college football players into superheroes, taking urban children out of statistic books and fusing those who hold the promises with those who need the promises.

You can bet that Saturday's Pride Bowl, "A Golden Decade for Newark Youth," will be tucked neatly away in the memories of the thousands who come to the game. You can guess that the hundreds of volunteers who have spent the past couple of months in preparation for the game will be relieved—yet somewhat saddened—when the final buzzer sounds.

You can hope that the players, arch rivals with a score to settle, will feel honored no matter who wins the game. You should know that more than 13,000 kids will spend the rest of the year participating in recreational, educational and scholarship awarding programs, all supported by the proceeds of the game.

"It's amazing that no one has ever gotten paid but we have lasted. It has always been for the kids," said Jerry Izenberg, president of Project Pride and a sports columnist for The Star-Ledger, before he departed to cover the Olympics in South Korea. "This will be the first game I have missed and to tell you the truth, I'd rather be here."

According to Joe DiVincenzo, director of the game, one of the highlights of the 10th anniversary Pride Bowl will be a telephone call linking Izenberg to the crowd. Other highlights include a pre-game parade, a

halftime show and an awards ceremony to cap off the day.

"I think we've finally reached our milestone," DiVincenzo said. "This year we doubled our budget with the money we've raised. We'll be looking our best. It's a happening you won't want to miss."

Some 2.4 million viewers in the tristate area won't have to miss the game, which will be cablecast by the Madison Square Garden Network (MSG) at 7 p.m., thanks to a donation from Mutual Benefit Life.

The Actual game, pitting Montclair State College against last year's NCAA Division III champs, Wagner College of Staten Island, starts at 1:30 p.m. in Newark Schools Stadium, where an overflow crowd of more than 15,000 is expected.

"One day we're going to be on the same level as the Rose Bowl and Orange Bowl," said Charles Bell, president of the board of education and the "head cook and bottle washer" for the game.

"But the Pride Bowl will always be here and will always be special because it sells itself," he continued. "The idea behind Project Pride is having pride in yourself, in your schools and in your community. Some come to the Pride Bowl for the game, some for camaraderie. The beauty is that everything goes to the kids."

"I love marching in the parade and holding the banner," said Darnell Reddin, 13, an eighth-grader at Miller Street School, where many of the students spent the past few weeks creating drills, marches and a banner for the game.

"I feel good about Project Pride. It helps us do things throughout the city," he continued. "We have pride in ourselves and that's important because when you don't, you're scared to do things like talk in front of people."

"Project pride will help our futures," joined Antonio Mendez, 14, one of Reddin's classmates. "If you don't like yourself, why should anyone else? My favorite part of the day is meeting the players. I want to be a professional football player."

Preparations for the game started in January when the 21-member Project Pride board decided which teams to solicit and contacted previous game sponsors, whose ads usually appear in the football program.

Major sponsors for this year's game include: Coca-Cola, the official soft drink of the Pride Bowl and providers of as much soda as fans can purchase; Mutual Benefit Life; Wesray Corp.; New Jersey Bell; First Fidelity Bank; Prudential Insurance Co.; First Jersey National Bank, and Blue Cross and Blue Shield of New Jersey.

Shickhaus Processed Meats has donated 3,000 hot dogs to the game and the New York Pretzel Co. has thrown in 6,000 pretzels.

Other donations include: Tickets purchased by corporations and sent to each elementary school in Newark; 2,500 hats that will be given away to the first entrants to the game, and all kinds of signs, tents and equipment donated by the Essex County Department of Parks, Recreation and Cultural Affairs to be used for turning the game into a professional looking affair.

If it's hoopla you want, tickets are priced at \$5. Newark police and fire departments, the Essex County Sheriff's Office and the North Ward Cultural Center are still your best bets.

The parade starts at Lake Street and Bloomfield Avenue at noon and features 10 elementary schools, the Boys and Girls Clubs of Newark, Weequahic and Barringer

high school bands, Newark police and fire departments, and two floats—one a huge birthday cake full of surprises.

Any youngster needing transportation to the events can take NJ Transit routes 6, 11, 29, 34, 60 and 72 to and from the game for 35 cents each way with a ticket or ticket stub.

If you miss the game, you'll miss the action when Wagner's green and white Seahawks try to soar as Montclair's red and white Indians take aim. But when you miss the game, you miss some of the magic that has kept Project Pride alive and has kept Newark kids yearning for more.

IGNORANCE COSTS MORE THAN EDUCATION

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. DORGAN of North Dakota. Mr. Speaker, much is being said these days about the problems our country is facing with the decline in our educational system. Colleges complain about the increasing number of college freshmen who lack basic skills in reading, writing, and math. Businesses and corporations are having to train and educate graduates entering the work force because these new workers are not prepared. The deficiencies in our Nation's educational system ripple through our Nation's economic well-being. We are paying a price for our ignorance and insufficient education.

An editorial entitled "Ignorance Is Not Bliss" was recently featured in the U.S. News & World Report. This editorial eloquently made this point: Our Nation is paying the price for our lack of an education. Although both Presidential candidates have made promises to be the education President, it is going to take a courageous commitment to establish education as national priority. We are already seeing the cost of neglecting our educational system. Our Nation is quickly falling behind in the development of technological expertise. The bottom line is that an investment in education today will save our economic and political well-being tomorrow. Quality education will provide our children with a better chance to participate and contribute to the productivity of our economy. Otherwise, they may end up simply dependent upon our economy and our social programs.

I would like to include the editorial for the RECORD.

IGNORANCE IS NOT BLISS (By Mortimer B. Zuckerman)

The successful launch of the shuttle Discovery illustrates how America can respond to a challenge by concentrating talent, technology, money and commitment. But we are failing another key challenge—the education of our children. A numbing accumulation of test scores and surveys suggests they are falling behind, and it is not their fault. It is ours.

Japan's approach has illuminated our tarnished record. There is little difference between us in the first grade, but by the fifth grade, the Japanese child is very much ahead. It is in middle school and high school where the failures of our education abound.

Our students still work to a school year that corresponds to a 19th-century agrarian society, when a three-month summer break to tend crops was appropriate. Japan today offers only a 40-day summer break, marked by substantial homework assignments. When Americans test two to three years behind the Japanese upon graduation from high school, and when Japanese teenagers finish the 12th grade with half of them knowing as much as the U.S. college graduate, we can correlate this directly to the lesser amount of time we spend teaching our children between kindergarten and high school.

Then there is a question of quality. We are facing a critical shortage of skilled teachers. In the next decade, we have to replace a million—half the current force—at a time when salaries, which today average \$18,000 a year, have declined in real terms by 1.25 percent annually since the early 1970s. Small wonder that top-notch college graduates are not attracted to teaching.

The nature of our democracy has always presumed an educated citizenry, willing to join in the political process and able to judge issues and candidates. A failure in education is contributing to an erosion of strength in our political democracy, embodied in the disillusion and apathy that will keep half the voters away from the polls this election. And the failure is having a crucial effect on our technocracy, on our ability to flourish in a world of complex and dynamic economies.

We are now, as the National Commission on Excellence in Education described it, A Nation at Risk. In the last century, when the British were the world's leading economic power, they were stunned by American progress toward a system of mass production. Upon investigation, they found that the key ingredient in America's industrial success was the degree of universal literacy. Japan and Korea have recognized a new kind of literacy: The ability to interpret advanced mathematics, read complex engineering blueprints and perform sophisticated tasks on the factory floor. Their workers can do this far better than ours.

We once had a near monopoly on innovation. We could convert ideas into products and processes far better than anyone else. Know-how was our word. It summed up what seemed to be a special American aptitude to fix things; in World War II, the average GI could fix a busted radio or repair a Jeep. That know-how commanded a high price in the commercial marketplace. No more. The product cycle today will more often than not begin with the Japanese introduction of a new product emulated only later by U.S. companies. We are forced to cut our labor costs and the value of our dollar to let our products compete for market share. We have failed too often to convert our scientific breakthroughs into commercially viable products. Color TV and the VCR are examples.

The public cares about this. The annual college issue of U.S. News always evokes an extraordinary response. And both candidates have put forward programs to help middle-class families pay for college. Bush's proposals would use tax incentives, and Dukakis's a program of federally guaranteed student loans. Yet both are haunted by budget constraints and fail to rally America to the scale of the crisis. There is a Chinese proverb: "He who goes to bed to save candles begets twins." Unless we invest now, we will pay more later. One dollar invested in the Head Start program, for example, saves

an estimated \$6 in social-welfare costs, since participating children have a better chance of employment when they become adults.

As the president of Harvard once said: "If you think education is expensive, try ignorance."

S. 2011, THE VETERANS' COMPENSATION BILL

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1988

Mr. EVANS. Mr. Speaker, I rise today to congratulate Chairman MONTGOMERY and the House Veterans' Affairs Committee in passing legislation that would provide for judicial review and compensation for our veterans.

However, I would like to note that an article in today's Washington Post was mistaken by stating that the organization Vietnam Veterans of America [VVA] was opposed to the compromise legislation regarding judicial review of Veterans' Administration claims. VVA has been a strong supporter of legislation that I had introduced with regards to judicial review and they have also taken a very active role in the formulation of this compromise legislation.

I regret that we were unable to include the provisions of the amendment attached to S. 2011, the Veterans' Compensation bill, that is similar to the Veterans' Agent Orange and Vietnam Service Disabilities Act that I have sponsored. This amendment would have established rebuttable presumptions of service connection for Vietnam veterans suffering from two categories of disabilities: (1) disabilities associated with Vietnam service, specifically non-Hodgkin's lymphoma and soft-tissue sarcoma; and (2) disabilities reasonably associated with exposure to dioxin or other toxic agents in herbicides.

I am encouraged by Chairman MONTGOMERY and the committee's support for holding hearings in the next Congress on this critical issue. I look forward to working with the committee to see a bill regarding compensation for our Vietnam veterans. Those who answered this country's call and served in Vietnam should not have to wait any longer for the help and recognition our Government owes them.

DR. GERTRUDE BELLE ELION AWARDED NOBEL PRIZE IN MEDICINE

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. GREEN. Mr. Speaker, recently, the Nobel Prize in Medicine was awarded to Gertrude Belle Elion for her research into the treatment of such diseases as leukemia, heart disease, AIDS, and gout.

Gertrude Belle Elion, cowinner of the 1988 Nobel Prize in physiology or medicine, is the 10th graduate of the City University of New York to win a Nobel Prize and the second Hunter College alumna to be honored. CUNY

has more Nobel Laureates among its undergraduate alumni than any other public university in the country.

Dr. Elion's successes can be traced back to her childhood in the Bronx. Dr. Robert and Bertha Elion provided a solid home in which Gertrude could blossom intellectually. Her father's occupation, dentistry, interested Gertrude Elion immensely. Upon her father's tragic death due to cancer, she stated her intentions to find a cure for the disease. Anyone who knew Gertrude Belle Elion felt little doubt that someday she would find a cure for cancer, or something of similar magnitude. Dr. Elion did not let us down.

Gertrude Belle Elion attended Hunter College of the City University of New York, where she graduated summa cum laude. Her dedication and numerous achievements make her a role model for innercity youth. In 1944, she received her master's degree from New York University, and instead of pursuing a Ph.D. she accepted a job with Burroughs Wellcome Co. of Research Triangle Park, NC. It was here that Dr. Elion teamed with George M. Hitchings, also a Nobel Prize winner, to work on the restructuring of nucleic acid chains in DNA. The next 40 years of research created numerous breakthroughs concerning treatment of various diseases. She codiscovered landmark drugs against a variety of disorders.

I congratulate Dr. Elion and Hunter College on their great success.

JAPAN AND WORLD DEVELOPMENT

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. BROOMFIELD. Mr. Speaker, it's no secret that the Japanese have become one of the world's most astute marketers of products and services. It appears they have now extended their marketing expertise to the whole subject of trade flows.

According to the Wall Street Journal, they are attempting to wrap up their huge trade surplus and a new willingness to ease Third World debt burdens in a nice little package that has found more than a few gullible buyers.

As the Journal points out, the Japanese in effect are seeking to institutionalize their surplus and make it more palatable by tying it to some backdoor charity for hard-pressed Third World countries. By institutionalizing the surplus, Japan would create larger and larger imbalances.

I might add that Japan would thereby have that much more money to invest in American factories, shopping centers, and apartment complexes. That point should not be lost on those in this body who profess a concern about the level of foreign investment in the United States.

The Journal's bottom line? Caveat emptor. Let the buyer beware. It's the huge imbalances in the world that threaten the world economy. According to the Journal: "The goal of Group of Seven policymakers should be to correct the imbalances in the world, not institutionalize them."

[From the Wall Street Journal, Oct. 14, 1988]

JAPANESE BEARING GIFTS

At the recent IMF-World Bank meeting, Japan was talking up a new plan for relieving Third World debt, and the world of international finance is still chewing on this initiative. The plan will no doubt return for the new U.S. administration, which had better watch for a curve ball.

What the Japanese have in mind is rather lacking in details, but there is a broad outline. A special facility at the IMF would acquire debtor-nation paper held by banks, presumably at a discount. This debt would be "securitized," with the securities to be backed with debtor-nation foreign-exchange reserves. Since most debtor nations aren't long on reserves they would be invited to talk to the Japanese, who are extremely long. The Japanese would be willing to lend some of their large balance-of-payments surplus to help back the new securities.

This plan, dubbed the Miyazawa plan in honor of Japanese Finance Minister Kiichi Miyazawa, sounds jolly on the surface. Banks would have a new market at the IMF where they could peddle unwanted debtor-nation paper. The debtor nations would have a new source of financing, of sorts. They could reschedule a portion of their debts, with a possibility, under certain circumstances, of repaying some in their own currencies. The IMF would have a more central role in the management of international debt. And the Japanese would become close partners of the IMF in debt management.

Now, to those people who think that the answer to the problems of debtor nations is to lend them more money, all this no doubt makes sense. The plan has been picking up tentative support here and there. From Michel Camdessus, director general of the International Monetary Fund (IMF), for example, as well as French Finance Minister Pierre Bérégovoy. There are also congressional Democrats enamored of any form of debt forgiveness. So it's not hard to envision an alliance among the French socialist government and the U.S. congressional Democrats and the Japanese Treasury, which does not usually run with the bleeding-heart crowd.

If Japan sets itself up as a permanent rich uncle at the IMF it will have created a permanent justification for Japanese balance-of-payments surpluses. Japan could continue to run trade surpluses, which is very much in keeping with its mercantilist view of the world, with the imprimatur of the IMF bureaucracy and many borrower states. A political block will have been created on behalf of a permanent imbalance in world trade and capital flows. Japan would consolidate its position as the world's largest creditor, with a significantly expanded role in the deliberations of the IMF.

Top U.S. government officials are not fond of such a prospect, which is why they have treated the Japan initiative with skepticism. It isn't necessary to become a Japan-basher to argue that they are right.

The problems of the Third World will not be solved by more loans. The first requirement, rather, is that debtor nations accept the responsibility for restoring themselves to financial health, something that Mexico and Chile already have been doing. This means stabilization of currency, reduction of state subsidies and the introduction of competition through privatization, deregulation and the lowering of import barriers.

Such policies inevitably disturb vested interests and present political difficulties, as has been evident in Mexico with the challenges within the PRI to the party's reform wing. The last thing reformers need within their own political system is the promise of pie in the sky from Japan or the IMF.

The Japanese seem to have something else in mind. The parallel lending of their surpluses would be managed through the Export-Import Bank of Japan, which suggests that debtor nations signing up for Japanese backing might also be expected to show some preference for Japanese exports. Here again, it is easy to wonder if the Japanese really have some vision of how they would improve the workings of the international economy, or whether their only intent was to design yet another mercantilist scheme.

If the Japanese want to help the developing nations and the world economy, the route is clear enough: reduce their surpluses by becoming consumers of more of the world's goods. The goal of Group of Seven policy makers should be to correct the imbalances in the world, not institutionalize them.

IN HONOR OF MASON LAMPTON

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. RAY. Mr. Speaker, Mr. Glenn Vaughn, chairman of the Columbus Ledger-Enquirer, recently wrote an informative and complimentary article on an outstanding citizen, Mr. Mason Lampton. Since moving to the Third Congressional District, and Columbus, GA, Mr. Lampton has among other charitable causes founded the Columbus Steeplechase which has been an outstanding success contributing \$300,000 in 3 years to several local nonprofit organizations.

Mr. Speaker, this former Kentuckian is an example of the entrepreneurial spirit which nurtures and keeps alive our great free enterprise system. I am honored to include in the CONGRESSIONAL RECORD this article, written by Mr. Glenn Vaughn, in tribute to Mr. Lampton.

THE MASON LAMPTON TOUCH IS MAKING BIG, LASTING MARK

Sam Franklin, the polite and properly reserved former president of Columbus' Trust Company Bank, has a talent for sizing up most any circumstance in a few words.

On a weekend visit from Nashville, Tenn., where he is senior executive vice president of a huge-Sun Trust Bank (Third National), he characterized his new location thusly: "Nashville is like a whole city of Mason Lamptons."

That highly compliments the Tennessee capital because the Mason Lampton who adopted our town 11 years ago is a creative doer who gets major things done with strong-mindedness and a keen sense of humor.

Mason, 40, is a native Kentuckian whose family owns and operates the insurance company his grandfather founded. (American Life and Accident Insurance Co. of Kentucky, based in Louisville. His father, Dinwiddie Lampton, is president and his sister, Nancy Lampton, is chairman.)

He's a horse lover and the founder of what was an immediately-successful Columbus Steeplechase at Callaway Gardens, the fourth running of which is scheduled Nov. 19. This time it, along with a number of good commercials about Columbus, will be televised on ESPN.

Having grown up on a horse farm in the land of thoroughbred racing, Mason initiated the steeplechase idea the year he was president of the Columbus Chamber of Commerce. He teamed with Callaway Gardens President Harold Northrop and, using his Hardaway Co. resources, developed a steeplechase track enthusiasts say is among the best in the world.

In three years \$300,000 in Steeplechase proceeds have been contributed to five nonprofit, art-related endeavors: Columbus Museum, Springer Opera House, Historic Columbus Foundation, Callaway Gardens Foundation and the Columbus Symphony.

This year's again will be an international affair with horses from Europe and New Zealand as well as from this country. Something called the Sport of Kings Challenge links the Columbus Steeplechase with three other steeplechase races that will have been held in England, Ireland and Nashville, Tenn. Through an arrangement with Lloyds of London, should a single horse win all four races, a special \$1 million purse will be awarded.

Call that the Mason Lampton touch. However, he had a close call on a similar arrangement last year when the insurance broker, who was to guarantee the big purse, backed out.

Mason's wife of 17 years, Mary Lu, is the daughter of Ben and Sarah Hardaway. The Lamptons, who met when he came to Fort Benning after getting his ROTC commission at Vanderbilt University, have two children, Mason, 14, and Lucile, 12.

Not only did strong-minded Mason Lampton start a racing tradition few thought would succeed, he's been gutsy in the boardroom as well. When his father-in-law, Ben Hardaway invited him to join the huge Hardaway Co. (which grosses more than \$200 million per year in large public construction contracts like dams, bridges and highways), Mason's response was "if you'll sell me the company, I'll come in." A leveraged buyout was agreed to and Mason left the family business he'd worked with six years and came to Columbus.

Also bold, and very important to Uptown revitalization, was his \$4.3 million redevelopment of the Schwob Building on Lower Broadway as a new Hardaway Co. headquarters and office building. The sparkling 55,000-square foot facility, complete with trees and landscaping, will be officially opened Nov. 1. Mason's Hardaway firm, along with two blue chip clients—the CPA firm of Ernst and Whinny and the Thomson-McKinnon brokerage offices—has already moved in.

Maybe Sam Franklin will send one or two more Mason Lamptons our way.

BAND DIRECTOR GARY SULLIVAN

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. WOLPE. Mr. Speaker, I rise to pay tribute to a very special constituent of mine, Mr.

Gary Sullivan. Gary Sullivan is the high school band director and chairman of the band department for Michigan's Charlotte Public Schools. On December 15, 1988 he will be presented with the American School Band Directors Association's Stanbury Award. The award is presented annually to recognized young band directors who have made exceptional contributions to their school and communities.

Gary Sullivan has a very accomplished musical career. He began his work in 1975 as assistant director of the North Branch Bands in North Branch, MI. He later worked in the band programs at Miami and Ohio Universities and Adrian College. Since 1983 Mr. Sullivan has conducted the Charlotte High musical programs.

In addition to being a band teacher, Gary Sullivan is also a skilled composer and musician. He has written several original band pieces such as "Capricious Holiday" and "Greenville Episodes" and he has arranged music for Central Michigan University, Ohio University and Michigan State University. He has also performed with numerous community and university bands and orchestras, playing the trombone and the euphonium.

Mr. Speaker, over the years, Gary Sullivan has distinguished himself as a dedicated musician, conductor, and instructor. His concern for music and musicians has always been present in his approach to teaching. His dedication and his musical talents have endeared him the respect and admiration from those who have had the privilege of his instruction and music.

Mr. Speaker, I am certain that my colleagues will want to join me in saluting Gary Sullivan for his outstanding contributions to Charlotte High School and the entire Charlotte community. We would also like to congratulate him on the recognition he will receive by his selection as this year's recipient of the ASBDA-Stanbury Award.

THE 1,000TH ANNIVERSARY OF CHRISTIANITY IN THE UKRAINE

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mrs. BENTLEY. Mr. Speaker, last month the House passed a bill establishing a "Religious Freedom Week." I am proud to have been the original sponsor of this bill. Indeed freedom of religion is something which many Americans wrongly take for granted. Imagine what our society would be like if people did not have the right to choose—or not to choose—what church they wished to attend.

Unfortunately, there are places in the world where people do not have to imagine what religious repression is like—instead it is an everyday fact of life. In the Soviet Union, for example, priests have been imprisoned, churches closed, and prelates exiled on the whim of the government bureaucracy.

Yet even in the face of these terrible odds religious faith has endured. In fact, this year marks the 1,000th anniversary of Christianity in the Ukraine. Many Ukrainians reside in my

district, and I have been blessed with their support in the past. While I am by heritage a Serb and thus a member of the Serbian Orthodox faith, I feel a certain kinship with them. Both our races have faced persecution for our faith and beliefs over the centuries. Both our peoples, however, have endured despite the odds.

On October 8 a rally was held in honor of the National Ukrainian Millennium Celebration. Mr. Speaker, I urge you as well as all my colleagues to join in saluting the Ukrainian people at this special milestone in their history. Indeed they have fought for the right to worship with a passion that should inspire all Americans. Perhaps the people of this Nation would think more about what it means to have a Constitution protecting freedom of religion if they reflect on the example set by the Ukrainians.

SOMETHING SPECIAL FROM WISCONSIN

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. ROTH. Mr. Speaker, it is often the case that companies celebrate their past instead of their future. Similarly, it seems that many executives are frequently more concerned with their accomplishments rather than their goals. It gives me special pleasure, then, to pay tribute to a young company that has a lot to be proud of, and even more to look forward to in the future.

Just over a year ago, a small company began producing hand-cooked potato chips in Antigo, WI. The chips are all made from potatoes grown in Wisconsin, and are all painstakingly prepared by hand. In a very short time the small company, founded by Mervyn Phillips, became a local favorite.

That company, called Grandpa Merv's, is going strong today. In fact, Grandpa Merv's has expanded beyond the local market of Antigo, and is now serving metropolitan areas around Madison, Milwaukee, and Green Bay. While this transition has been fast, it has not caused Grandpa Merv's to lose site of its modest beginnings. The product is still prepared in the same fashion that won it support in Antigo. In just 1 year, then, Grandpa Merv's truly has become the home of something special from Wisconsin.

I salute the entrepreneurial spirit that has made Grandpa Merv's a success. The unique cooperation between the local community and the founders of Grandpa Merv's has led to a unique pride in the company. As it continues to expand throughout the State, and throughout the country, it will always remain a hometown business. The care and personal attention that began in the early days of the business, will always be a key to its success.

Grandpa Merv's has a solid year of accomplishments behind them. Ahead of them lies even more opportunity. The company is rapidly growing, and plans to start business soon in Minneapolis. From there, the company hopes to begin marketing their product around the country.

Grandpa Merv's is a perfect example of a small company that has taken advantage of the growing economic opportunities in Wisconsin. Starting off as a local business, Grandpa Merv's is now becoming an exporter. In the years ahead the potential for this company are limitless.

It is turning an idea into reality that makes this story so special. Here is a company that is eagerly looking toward its future. The remarkable accomplishments that this company has achieved in 1 year, can only be outdone by its tremendous expectations for the future.

WARREN DUCKETT

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to bring this House's attention to a public servant in my district who has recently been given added responsibility and honor.

Maryland State's Attorney Warren Duckett was recently appointed by Gov. William Donald Schaefer to be a circuit court judge. Governor Schaefer could not have made a better choice for the position. Warren's family has been in Anne Arundel County for generations and produced many judges to serve the citizens of Maryland. He was the youngest person ever to be elected to the Anne Arundel County Council. In 1960, he was also a delegate to the Democratic National Convention that nominated John F. Kennedy for President.

In addition, Warren is renowned for his managerial skills and his courtroom abilities. Unlike other State's attorneys, Warren has stayed in the courtroom and ushered through even the most difficult and unpopular cases. As a manager of a prosecutor's office, he has an excellent reputation for dealing with the diverse requirements of the office. The best testimony of his abilities is probably the fact that in his last three elections there has been no oppositions.

Warren has served two terms as president of the Maryland State Attorney's Organization, and is one of the finest chief prosecutor's in Anne Arundel County history.

The State of Maryland will miss Warren's prosecutorial skills, but will no doubt benefit immensely from his experience and wisdom on the bench.

TENNESSEE SENIOR OLYMPIANS SALUTED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. SUNDQUIST. Mr. Speaker, in this Olympic year we have found much to admire in the athletic performance of our young people in Seoul, but we also have reason, closer to home, to take pride in the athletic accomplishment of older, but no less enthusiastic citizens. I refer to the Senior Olympics, a program active in virtually all of our districts.

I'd like to recognize some special people from my district in Tennessee, Senior Olympians from Chester County who won medals in Tennessee's State competition.

In the horseshow pitch, Lillian Maness took the gold, Arlie Ivy the silver, and Evie Patterson and Robert Jones each won a bronze.

In swimming, Tommie Concialdi took a silver medal. Tylene Seaton won the silver in the discus. In the shot put, Evie Patterson and Lillian Maness each won gold. In walking, Tylene Seaton took the gold, while Hubert Seaton and Mary Schwartz won bronze medals.

In the shuffleboard competition, Lillian Maness took another gold medal, Evie Patterson and Juanita Goff won silver, and Jean Farley and Arlie Ivy won the bronze.

In doubles shuffleboard, Len Carter and George Concialdi, Juanita Goff and Edith Hooper, and Jean Farley and Mamie Austin all took home gold medals. Melburn Connor and Robert Jones, and Evie Patterson and Lillian Maness won silver medals.

The joy of competition and pride of achievement these men and women displayed during my visit with them were obvious. I cannot help but share that pride. I cannot help but be encouraged by the active lives these citizens lead and the compelling example they set for us all.

I ask my colleagues in this House to join me in recognizing the senior citizens of Chester County for their Senior Olympic victories, and to join me in supporting these worthwhile programs all across our Nation.

A COMMUNITY OF EXCELLENCE

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. GUNDERSON. Mr. Speaker, it reminds me of a Norman Rockwell painting, an image nearly universal on every college or university campus in America: Pep rallies, presentations, sporting events, class reunions, parades, alumni dinners, queen coronation, and of course on a crisp Saturday afternoon the big game—homecoming!

Homecoming—a sequence of days in the fall semester dedicated to reminiscing about bygone days at our alma mater, surrounded by youthful coeds absorbing and experiencing their collegiate years to the fullest. Homecoming, a lighthearted connection between an institution's history, tradition, and future.

All this and more will be captured this week on the campus of Gallaudet University for "University Week—A Community of Excellence." Yes, the kickoff rally has been held, presentations have been made by guest speakers, the homecoming queen and court is about to be named, and of course the Gallaudet Bisons only have victory on their mind as they get set to face New York Maritime on the gridiron this coming Saturday afternoon.

This university week on the Gallaudet campus, however, takes on much greater significance. It is extremely special and unique because it signifies the celebration of a new beginning—a new and proud chapter in the

annals of Gallaudet. The true milestone of Gallaudet's 1988 university week will commence tomorrow morning, Friday, October 21, 1988, with the inauguration of a Gallaudet graduate, Dr. Irving King Jordan, Jr., as the eighth president of Gallaudet University, and the first deaf president in Gallaudet's 124-year history. This inauguration is a shining moment that the deaf and hearing-impaired community shares with us all.

Dr. Jordan has an outstanding record of commitment to the Gallaudet community. Since 1973, he has been an educator in the psychology department, and most recently dean of the College of Arts and Sciences. With his excellent record, there is no doubt in my mind that Dr. Jordan will work with the faculty, staff, and students to shape a bright future for Gallaudet. This university week truly is a celebration of excellence at Gallaudet.

Mr. Speaker, it is a distinct privilege for me to serve as a congressional trustee of Gallaudet, and I extend my most heartfelt congratulations to Dr. Jordan, and wish him well in his service as the eighth president of Gallaudet University.

RECOGNIZING THE CENTER FOR HELP IN TIME OF LOSS

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mrs. ROUKEMA. Mr. Speaker, I would like to take this opportunity to honor and thank an extraordinary organization, the Center For Help in Time of Loss, located in Park Ridge, NJ. It was founded in 1978 by Mary Ball and a small group of caring people. They recognized a real and tangible need; that is, helping people cope with the serious illness, death or other loss of a loved one. To meet this need the group established a permanent center in Bergen County—a place where anyone facing severe illness or loss could receive practical and emotional help.

Out of this search for practical methods to ease the acute stress and isolation that accompany illness and loss, a three point program of service, education and research was established. The center offers a safe environment in which people can discover new values, learn to approach life in a positive manner, live more fully and freely, complete unfinished business, and experience life and death with peace and acceptance.

Their nonprofit system of support groups, home care, counseling services, educational, training and speaking programs and a nationwide network of resources has answered the prayers of countless families in desperate need.

As their Representative in Congress, I would like to pay tribute to the Center for Help in Time of Loss and the services it provides to the citizens of New Jersey. I am proud to be a part of their special testimonial dinner to honor a distinguished physician and friend, Dr. Stewart F. Alexander, on October 27. I extend the good wishes and gratitude of all those whose lives have been touched by this wonderful organization.

HOME IS WHERE THE HEART IS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. FLORIO. Mr. Speaker, family issues, such as daycare and parental leave, have captured the attention of the Nation. We in Congress, those on the campaign trail and the media have all announced proposals on exactly how to address these issues.

I would like to take a moment to recognize a man who saw a need for good low-cost childcare before it became a popular cause. Issac Heller is that man. He envisioned an industrial park that met the needs of both the companies and the employees. In the corner of the Heller Industrial Park in Edison, NJ, sits a daycare center that parents dream of. The John Kenney Child Care Center costs \$50 a week. Half of what the daycare costs is paid by Issac Heller, the owner of the industrial park.

This program stems from a genuine concern for employee welfare, but it is also good business. Heller, the founder of Remco Toys, says the center helped attract some of the 38 firms that lease space in the industrial park. Having the employees' children nearby and well cared for is good for the bottom line as well. In a report on family benefits, the U.S. Chamber of Commerce asserts that responsiveness to workers' needs on the home front "can yield higher employee morale, productivity, recruitment, and retention."

I would like to include in the RECORD a copy of an October 3, 1988 Time magazine special report "Family Ties: Home is Where the Heart Is" that features the John Kenney Child Care and Issac Heller.

HOME IS WHERE THE HEART IS

COMPANIES TRY HARDER TO MEET THE PERSONAL
NEEDS OF WORKERS

At sunrise every morning in the Los Angeles suburb of Glendale, the Shanker family gets ready for work. Steven Shanker, 37, and his wife Avima, 35, wake their two sons, Elan, 5, and Dannel, 2, for a hurried breakfast of cereal and orange juice. After the meal Avima heads off by 7:30 to her job as an engineer at Librascope, a computer firm. Then, as other pin-striped parents up and down the San Fernando Valley march out to their cars with groggy children in tow, Steven, a vice president at Union Bank in nearby Monterey Park, drives the boys to their day-care center, where he will pick them up again at 6 p.m.

Millions of American working couples must scramble every day to arrange care for their children. But the Shankers have one big advantage over most parents: the day-care center is at Steven's office. Union Bank provides \$150,000 a year to subsidize the complex, which includes spacious play areas and five classrooms. While it would cost Shanker up to \$700 a month to put his boys in other local day-care facilities of comparable quality, he pays the bank only \$520 through convenient payroll deductions. Moreover, the arrangement allows him to avoid paying taxes on the portion of his salary that goes to child care. The best part, though, is that Shanker can walk downstairs at lunch-time to visit Elan and Dannel, and is nearby in case of emergency.

Union Bank is one of thousands of firms that have grasped a basic fact of business in the era of the two-career household: when companies hire employees, families and all their homelife headaches are taken on as well. If little Suzy goes off to day care with a cold, Dad may fret about it at the office all day. If Mom suddenly has to work late, there may be no one to pick up Suzy and give her dinner. And if Grandma falls and breaks her hip, that budget report due tomorrow just doesn't seem so important anymore.

Instead of blindly demanding endless sacrifices from their workers, companies are increasingly looking for ways to help ease the unavoidable conflicts between career and family. More than half of all U.S. firms provide some form of family benefits, ranging from paternity leave and flexible hours to assistance in finding the right nursing home for an elderly parent. The Merck pharmaceutical company helped start a day-care center near its Rahway, N.J., headquarters, and permits employees to start work as early as 7 a.m. or as late as 9:30 a.m. so that they can meet family obligations. Procter & Gamble offers workers unpaid child-care leave of up to one year, with a guarantee that they will not lose their job. American Express conducts workplace seminars on topics as diverse as pregnancy planning, family stress and elder care. Capital Cities/ABC contributes up to \$3,000 when an employee adopts a child.

All these programs stem at least in part from genuine concern about employee welfare, but they are good for the bottom line as well. In a report on family benefits, the U.S. Chamber of Commerce asserts that responsiveness to workers' needs on the home front "can yield higher employee moral, productivity, recruitment and retention potential, as well as stem excessive absenteeism." From his experience, Union Bank's Shanker agrees: "My commitment has increased and I feel a new level of goodwill toward the bank because my employers have shown concern about my family. There is a direct connection between the existence of the day-care center and my job performance."

But corporate efforts to help families are only beginning to gain momentum, and many working parents still face enormous difficulties. For that reason, family issues are among the hottest topics of political debate in this election year. Congress is considering more than 100 childcare bills, including the so-called ABC (Act for Better Child Care) bill. Backed by Michael Dukakis but opposed by the Reagan Administration, the measure would establish a \$2.5 billion program of child-care grants to the states and would set federal standards for day-care facilities. Vice President George Bush has proposed an alternative approach: a \$1,000 tax credit to help families pay for child care. Under this plan, families earning too little to qualify for the tax refund would get a check for up to \$1,000 per preschool child from the Government.

Some of the proposals for greater federal involvement in family matters are aimed directly at business. The Family and Medical Leave bill would require businesses employing 50 or more people to allow workers up to 15 weeks a year of unpaid medical leave for a variety of family-related reasons, including pregnancy, stress and the care of ailing parents or children. The controversial bill, which would guarantee job security during such leaves, is strongly opposed by many business leaders as too costly, especially for

smaller companies. Says Virginia Thomas, a spokeswoman for the U.S. Chamber of Commerce: "The bill supposes that every employer is like IBM or General Motors and can afford to hold open jobs for 15 weeks per year."

Companies may be wary of heavy-handed Government intervention, but more and more of them recognize that corporate America must adapt to a rapidly changing workforce. Both husband and wife hold jobs in 57 percent of U.S. couples with children, up from 43 percent in 1978. In 1950 only 12 percent of mothers with children under six years old worked outside the home; more than 57 percent do so now. Over the past ten years, in fact, the fastest-growing segment of the U.S. labor force has been mothers of children younger than three years old. More than half of these women have jobs today, up from a third in 1976.

Until recently, companies did not have to be too concerned about the needs of these new employees. If a woman wanted to take time off to have a baby or reduce her hours to spend more time with a child, the employer could easily fill her slot with another worker. During the 1970s, the U.S. work force increased by an average of 3 million people a year. But in the next decade, as the baby bust—the smaller generation behind the huge baby boom—comes of age, the labor force will grow more slowly than at any other time since the 1930s, expanding by just 1.3 million new workers each year. Says Tom Blumer, director of human relations at Corning Glass: "We no longer have the luxury of an unlimited labor supply."

Moreover, the majority of new workers in this small labor pool are women. The Hudson Institute, a nonprofit Manhattan research organization, estimates that 3 out of every 5 people entering the work force during the next twelve years will be women. Most will have children at some point during their careers.

As the child-care problem grows, so does the burden of caring for the elderly. Americans who are 75 or older are the fastest-growing segment of the population. Sociologists have dubbed today's workers the "sandwich generation"—a put-upon group that has to attend to children on one side and parents on the other. Says Robert Beck, executive vice president for corporate human resources at Bank of America: "The focus may be on child care now, but elder care will become the critical issue of the future."

The increase in family pressure on workers creates costly problems for business. Studies conducted by several large corporations, including IBM, Merck and Corning Glass, show that family responsibilities often contribute to reduced performance, higher turnover, greater absenteeism and worsening health among workers. Companies also lose out when experienced employees turn down a transfer or a promotion because they cannot reconcile work and family.

Measuring the costs of such conflicts is difficult, but some researchers have tried. Analysts examining employee turnover typically estimated that replacing a worker can cost the equivalent of a year's salary or more in training expenses and lost productivity. Such outlays are rising rapidly, since women, who are more likely than men to have to leave their jobs, make up an increasingly large part of the work force and are holding more high-salaried managerial posts than ever before. Says Frank, Skinner, president of the Southern Bell telephone

company: "No employee who has to leave a sick child or an elderly parent at home without adequate care can be expected to be your most productive employee. It is clearly in our best corporate interest to find ways to help employees address these problems."

Some companies are doing just that. One in 10 U.S. firms now provides some form of child-care assistance to employees. Many companies merely distribute lists of local community services, but at least 600 firms provide day-care facilities on the premises. In Dade County, Fla., the American Bankers Insurance Group operates a kindergarten and first-grade class, using teachers and classroom supplies provided by the local school district. Since the school opened, absenteeism and employee turnover are down sharply. To hold down costs, companies in some cities have joined forces on child-care programs. In Tysons Corner, Va., 22 firms raised \$100,000 to start a day-care center for their employees last year.

Elder care lags behind child care on the corporate agenda, but increasing numbers of companies recognize that Grandpa can sometimes create more trouble than Junior. IBM learned in an employee survey last year that 30% of its workers help take care of elderly relatives. So starting last February, the computer company began operating the first nationwide elder-care referral service for its 237,000 employees and 33,000 retirees. In the first month alone, more than 4,000 employees called for help. Bobby Sloan, 55, an IBM equipment designer in San Jose, Calif., used the service to arrange medical care for his mother, a 78-year-old victim of Alzheimer's disease who lives 2,000 miles away in Ponca, Okla. Says he: "I don't believe I could have done it without them." Transamerica, Arthur Andersen and Aetna Life & Casualty offer similar services.

In Cambridge, Mass., the Stride Rite company is building an "intergenerational center" near its headquarters to provide day care for up to 60 children and 30 elderly relatives of its employees. Stride Rite chairman Arnold Hiatt believes the center, scheduled to open in 1991, will have advantages over facilities that cater strictly to children or the elderly. Since the two groups will share some activities, both are expected to get more out of the experience.

Perhaps the most common of family benefits is flexible scheduling, or flextime, which permits employees to adjust their working hours to meet personal needs. In some 60 percent of U.S. workplaces, employees are allowed some leeway in when they work. Typically, a flextime employee comes to the office earlier or later than the standard time and then works a full eight-hour day. In Oak Brook, Ill., computer workers at the Official Airline Guides publishing firm can cluster their hours, and work from 7 a.m. to 7:30 p.m. three days a week. Other companies adjust hours on a case-by-case basis. At Stride Rite, comptroller Nancy Cirigliano varied her schedule last December when her father was hospitalized, coming in late some days and leaving early on others. Says she: "My boss said, 'Don't even ask.' He understood."

Traditionally, giving birth has been the common reason for taking a family leave. More than half of U.S. firms offer some form of maternity leave. But a growing number of companies are broadening the policy to give fathers parental leave or to let workers have time off to care for sick children or parents. Southern New England Telephone guarantees the employee's job for up to six months of unpaid parental

leave. Mike Liquori, 34, a customer-service representative, took a four-month leave starting last October to care for his infant son Luke after his wife's maternity leave ended. Says Liquori: "It created a bond between Luke and me that maybe wouldn't be the same if I hadn't been there."

In the years ahead, more and more employees are going to demand the opportunity to give their families at least as much attention as their careers. If they are not satisfied, they may just look for work elsewhere. Says Bank of America's Beck: "Corporations are going to have to do more to get good skilled people and to keep them. To do that, we will have to start looking at the whole person, and work on strengthening our understanding of the employee-family relationship."

Such an effort will yield long-term dividends. Companies that help parents will make it easier for them to raise healthy, happy children. That will go a long way toward ensuring the quality of the next generation of workers. Seen in that light, good family policies are a critical investment in America's economic future.—By Janice Castro.

DAY CARE AT THE OFFICE

To most parents, a good daycare program that costs \$50 a week seems the impossible dream. But in Edison, N.J., such a place exists: in a corner of the Heller Industrial Park is the John Kenney Child Care Center, where 84 children, from 18 months to 5 years old, play with toys, careen down slides and learn to spell and share. Says Bruce Oakley, whose daughter Laura, 4 attends the center: "This is not a place where you just dump the kid off. It's great."

Half of what the day care costs is paid by the owner of the center and the industrial park, Isaac Heller. The founder of Remco toys, Heller, 62 says the center, which is open to all Edison residents, has helped make his park an attractive location for the 38 firms that lease space. Observes Heller: "Not everybody is a yuppie earning \$100,000. Some people earn less, and their children deserve the same care as rich people's children."

LATIN AMERICAN CIVIC ASSOCIATION HONORED

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. BERMAN. Mr. Speaker, it is always a pleasure to recognize the contributions of a civic association that is dedicated to the betterment of its local community. For this reason, I rise to pay tribute to the Latin American Civic Association on the association of 25 years of efforts towards improving the emotional, educational, and social development of low-income families.

The Latin American Civic Association has a long tradition of service and commitment in the San Fernando Valley and is recognized as one of the most successful and operative nonprofit organizations in the Nation as well as in California. The effective programming of the association has positively affected the lives of many children and adults.

LACA is most notably recognized for its successful Head Start/State preschool project which was established 23 years ago to provide for the special needs of economically disadvantaged children. Since its inception in 1965, the Head Start project has helped over 12,000 children and their families, and now boast of serving over 1,000 children daily. Head Start offers a basic preschool program, with 64 classrooms at 21 sites in the greater San Fernando Valley. The project design provides children with a comprehensive curriculum that has produced consistently gratifying results.

Consistent with LACA's commitment to address the needs of low-income families, in February 1987, the association extended its high quality service and introduced the CA/ARES Program. The Center for Adolescent/Adult Remedial Education Services Program focuses on adolescent and adult drop out students, and those of a high risk group. The staff is sensitive, qualified, and capable of helping adolescents and adults who require individualized instruction and counseling in order to establish a sense of personal achievement and develop a positive self-image and the motivation to become successful. The combined efforts of tutoring, counseling, medical attention, as well as job training skills are essential components to the CA/ARES Program.

The hard work and dedicated efforts of the Latin American Civic Association has greatly enhanced the San Fernando Valley. It gives me great pleasure to invite my colleagues to join me in honoring LACA for their contributions toward making the lives of special needs low-income friends more comfortable and rewarding.

TRIBUTE TO TOM TRIMBOLI

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. MFUME. Mr. Speaker, as the 100th Congress approaches its end I've begun reflecting on the things that I've learned in my first term and one sure thing that I would recommend to the newcomers who will join us next year is to identify and know who your friends are early on.

One individual that stood out and that I recognized immediately was Tom Trimboli, senior legislative council to the House Small Business Committee. Tom, who had worked closely with former Congressman Parren Mitchell while he chaired the Small Business Committee, was there waiting, ready, and willing to help all of us who would follow and attempt to further and build on the initiatives of the past.

Tom has authored legislation that is still near and dear to the minority business community. His greatest legislative achievements, no doubt, came when he worked under the leadership of Parren Mitchell. Together, they have left us with a legacy of accomplishments that I hope will be carried forth. As a team, they represented a true dedication to the needs of small and disadvantaged business enterprises.

One of my greatest accomplishments during the 100th Congress included floor passage of the Minority Business Development Act—legislation which he wrote the language for and shared his knowledge with me on. The 8(a) reform legislation which was considered by this Congress also had the benefit of the expertise of Tom Trimboli. An expertise, I must add, that has not expanded its full scope and that we in the Congress will no longer have the direct benefit of.

Mr. Speaker, it is time to say farewell to Tom Trimboli as he has decided to leave the Congress of the United States. This is a farewell that saddens me; one in which I feel a great loss. You see there will never be another Tom Trimboli. And as I struggle to survive the challenges that I will face on the Small Business Committee, his presence will be sorely missed.

To Tom Trimboli, I say thanks. Thanks for being you.

LIBERAL IS NOT A DIRTY WORD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. KANJORSKI. Mr. Speaker, during the current presidential campaign, many observers have commented on the unpopularity of the term "liberal," or the "L" word as some have called it. Yet, Tom Bigler, a columnist for the Wilkes-Barre Times Leader, has written a very perceptive column on the history of liberal contributions to our country. Mr. Bigler records that liberals have created such programs as Social Security, Medicare and Medicaid. It was liberals who pushed for civil rights, clean air and safe foods for all Americans. And it was liberals who have helped create a nation of unparalleled opportunity and growth. Mr. Bigler makes a strong case for recognizing the important contributions made by liberals to our country and suggests that we think twice before we denounce liberalism as something evil or unsavory. Mr. Bigler's column makes for very interesting reading, and I recommend it to all my colleagues.

THOSE WHO CRITICIZE LIBERALS SEEM TO BE FORGETTING A LOT

(By Tom Bigler)

To hear the word "liberal"—and all that it means—tossed about these days as though it were an incurable venereal disease or a branch of the KGB alarms us about the health and memory of the tossers.

We grew up in an era when liberalism was more than a virtue; it was a way of life, an acknowledgement that all men are brothers and that we are responsible to and for each other—all of us, great and small, fortunate and unfortunate.

The keystone was in trying to understand the people and the world about us; to appreciate the endless diversity of life; to accept it all as being as valid a part of creation as ourselves; to reach for tolerance and compassion; and to respect the person and property of others at least as much as we respect our own.

It was a time when the only proper time to be considered a liberal was at the sum-

ming up of a life's service. We've had, after all, more than our share of fair weather patriots. The word "liberal" wasn't to be worn as a badge; it was an epitaph.

Now it is being used by some, who should know better, as a code word for something evil. You've got to wonder if their memories have failed them—or if they ever were a willing part of that heritage. It is as though they reject the great philosophical development of the Western world that culminates in a commitment to justice—to social justice as a co-equal of economic justice.

Do those who now pretend to despise the "L" word also despise Social Security, Medicare, and Medicaid? These are creations of liberals.

Do they despise the Securities and Exchange Commission (SEC) that was created to bring stability and order to the securities markets? The SEC was a creation of liberals.

Do they despise the Federal Reserve System that was created to assure reliability and stability in the nation's financial institutions? The Federal Reserve is a creation of liberals.

Do they despise the Federal Deposit and Insurance Corporation, or the Savings and Loan Insurance Corporation, both of which have protected depositors during the last five years, which saw the largest number of bank and savings and loan failures in the history of the nation? Both agencies are a creation of liberals.

Do they despise laws that prevent child labor and sweat shops, laws that regulate hours and wages for most working people, and laws which encourage collective bargaining? Those laws are creations of liberals.

Do they despise the existence of our great national and state parks: the forest, wildlife, water and mineral preserves? Their existences are creations of liberals.

Do they despise the right of women to vote, to own property, and to have an equal share in all the rights of citizenship? Such laws are a product of liberals.

Do they despise protection of the civil rights of all citizens? Such laws are an inspiration of liberals.

Do they despise laws intended to keep the food they eat, the liquids they drink, the medicines they take, the very air they breathe, safe to consume? Such laws are a creation of liberals.

Do they despise the reliability and stability of the currency they so avidly collect and so stingily dole out? Those laws are a creation of liberals.

Do they despise the assurance that whatever the buy will resemble what has been advertised and, if not, give them a fair chance of recovering their losses? Such consumer protection laws are a product of liberals.

Oh, the list seems endless. Each of its achievements was hard-fought by those who would profit from public gullibility and ignorance, and hard-won by forces led and inspired by liberals.

Who, concerned for his own self-interest and self-respect, could have opposed those efforts then? Why, and how, can they oppose them all now? Does anyone really believe that government belongs to a party, an ideology, to business, but not to the people?

Some would have you believe that liberalism is dead—or should be. These enemies of what is liberal would have you believe it wise and desirable to wipe out the hallmarks of the past 55 years and their fellow accom-

plishments of at least the past 200 years, and to return to an era of greed, selfishness, and prejudice. In forgetting everything man has learned through the centuries, they would have us make the same old mistakes again.

Surely it is their memory that fails them, for the record shows it is the liberal who has been patriotic, has demonstrated loyalty to the Constitution, has implemented the Bill of Rights, and has honored the heritage of this nation.

Which is cause for alarm about the critic's health.

THE FIGHT AGAINST DRUG ADDICTION—TIME FOR NEW STRATEGIES: A NONPOLITICAL REALITY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. STARK. Mr. Speaker, recently, I introduced legislation to establish an addiction treatment trust fund to provide treatment for the millions of Americans tragically dependent on drugs. Increasingly, leaders of all political persuasions are recognizing the failure of current policy, with its emphasis on the supply side and law enforcement.

A case in point is the recent editorial by President Reagan's Secretary of Health and Human Services, Dr. Otis R. Bowen, Washington Post, October 14, 1988. I am attaching the full text of Dr. Bowen's timely and articulate article, but would like to emphasize a few of the key points he so ably makes:

Treatment may be needed for as many as 10 times the number of those currently receiving help for an addiction.

No neighborhood is exempt from the spreading web of users, dealers, and kingpins.

Treatment is expensive; money to run treatment facilities will have to be forthcoming.

Whenever possible, the person undergoing treatment should pay for it.

Treatment is not a panacea. Drug use is a chronic, relapsing disease. Some people may be drug-free for life after treatment. Others may require readmission.

Treatment techniques and facilities must be scrutinized as never before. Fiscal priority should be given to those facilities that make a difference for their patients.

Further Federal and private research is absolutely vital. We need to know more about what works and what doesn't.

As Dr. Bowen further observes, "Obviously, it would be better if Americans were persuaded to ignore the temptation of drugs or deterred from illicit drug use. But treatment is the only answer for the millions of Americans who, for one reason or another, want to say no, but can't."

I couldn't have said it better!

I am pleased to have introduced on October 19, 1988, comprehensive legislation which addresses all of Dr. Bowen's concerns. I would urge my colleagues to study the bill and join our efforts, as cosponsors. This could be the opening salvo of a joint campaign to control drug addiction.

THE QUIET SIDE OF THE WAR ON DRUGS—WE'RE NOT DOING ENOUGH TO TREAT THE USERS

(By Otis R. Bowen)

As we plan and implement new strategies on ending illicit drug use, a central concern must be access to successful treatment. Simply put, any effort to end illicit drug use must ensure that treatment facilities are available, adequately funded and capable of having reasonable success rates.

Often the importance of treatment is ignored in public policy debates. Therefore, let me highlight a few salient facts.

First, availability of treatment is a problem. Over 70 million Americans have used illicit drugs, and about 6.5 million are severely dependent on cocaine, amphetamines, heroin and other opiates. But the available space in many cities is not enough. Treatment may be needed for as many as 10 times the number of those currently receiving help for an addiction. Some institutions have waiting lists as long as two years.

Yet, despite the obvious need, many people oppose the establishment of treatment facilities in their neighborhoods. The battle cry has become "Not in my backyard, you don't!" In addition, some city or county zoning regulations even make the creation of such facilities impossible. Where zoning regulations do allow them, procedural delays are common and may de facto equal a prohibition.

Prohibitions and delays are unfortunate. No neighborhood is exempt from the spreading web of users, dealers, and kingpins. The more dangerous setting is the terrorism caused by illicit drugs in the homes, in the schoolyards and on the job site.

Second, even if treatment facilities could be established, the money to run the facilities would have to be forthcoming. We must remember that treatment is expensive. The cost of treating a single addict may easily range into the tens of thousands of dollars, with no assurance that a drug-free life will be sustained after treatment.

Of course, the Federal Government has a role, and the Reagan administration has made a substantial commitment. Since 1986, the administration has worked hard to put more treatment money in the hands of the states. In addition, the president's fiscal year 1989 budget proposes \$402 million in grant money for states to allocate for treatment.

This is a burden that reasonably must be shared. The Federal Government already supplies one in every five dollars spent. The constitutional and fiscal responsibility primarily lies on the state and local levels. Because of deficit considerations and the fact that several states are running surpluses, fiscal prudence also dictates more non-federal money to be allocated to treatment. Let me also suggest that, whenever possible, the person undergoing treatment should pay for it.

Third, treatment is not a panacea. Drug use is a chronic, relapsing disease. The fact that people may relapse after treatment underlines the fact that our goal should be to keep people drug-free for as long as possible. That means some people may be drug-free for life after treatment. Others may require readmission.

This gets to the heart of the matter. Because there are no easy solutions, we face enormous difficulties in sustaining fiscal and political support for treatment. However, as a nation, we must not allow the difficulties to deter us from making treatment a

full partner in the effort to end illicit drug use.

As a beginning, state and local governments must become more aggressive in their determination to establish treatment facilities and provide slots for drug users. Americans must become more accepting of initiatives to place treatment facilities in areas of need. Local zoning restrictions and unnecessary delays that inhibit the establishment of treatment facilities must be removed. Congress may wish to consider further incentives to help remove these restrictions.

As well, Congress should approve the president's request for treatment funding. Other sources of funding must be further tapped, including state and local budgets, nonprofit sources and individuals in treatment.

Fiscal responsibility requires that Americans receive some assurance that any public money devoted to treatment is well spent. This places the oversight burden squarely on the shoulders of Congress and the administration. Treatment techniques and facilities must be scrutinized as never before. Fiscal priority should be given to those facilities that make a difference for their patients.

We also must address the root problems which may lead to relapse during treatment or after. Further federal and private research is absolutely vital. We need to know more about what works and what doesn't. The more than 3,000 treatment facilities in this country have widely varying methods to help patients remain drug free. Some facilities appear to have better methods for helping patients than do others. We need to know why, and we need to know what more can be done for patients.

We also need more innovative thinking and more insight from all of those involved—treatment personnel, local and state officials, nonprofit and corporate financiers, Congress and the administration.

Obviously, it would be better if Americans were persuaded to ignore the temptation of drugs or deterred from illicit drug use. But treatment is the only answer for the millions of Americans who, for one reason or another, want to say no, but can't.

STUDY FINDS BLACK POVERTY RATES RISING

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. LELAND. Mr. Speaker, this week the Center on Budget and Policy Priorities released a disturbing study, "Still Far From the Dream: Recent Developments in Black Income, Employment, and Poverty."

In 1987 black poverty rates rose while black family income remained stagnant according to the report. This information is not shocking to those who live in black communities and those who are concerned with the quality of life in this country. The importance of this excellent document is in the careful analysis and quantification of the poverty we know exists. Based primarily on data from the U.S. Census Bureau and Department of Labor, it provides a realistic guide for urgently needed program and policy change.

The study will not be welcomed by those who perpetuate the myth that poverty in the black community is solely a problem of single-parent families. Since 1978, a year when economic conditions such as unemployment rates were similar to 1987, both the incomes of both black married families and black single-parent families have fallen further behind those of white families. The income gap has increased most among married couple families.

Among the key findings of the 50 page report:

Despite a fifth year of economic recovery, the black poverty rate rose to 33.1 percent in 1987 and 700,000 more blacks fell into poverty, while the white poverty rate declined.

The gap between the incomes of the typical, or median, black and white family grew by more than \$1,000 last year, as white family income increased and black family income failed to rise.

Poverty rates for both blacks and whites are above the levels of the 1970s, according to the study. Two million more blacks—and eight million more Americans overall—lived in poverty in 1987 than in 1978.

Poverty rates have climbed to especially high levels for black children, the study found. Some 45.6 percent of black children now are poor, a higher rate than in any year in the late 1960s or 1970s. In addition, 49 percent of black children under six—nearly one in every two—lived in poverty last year, the study said.

The center has previously documented the growing gap between the rich and poor in this Nation. Now, it identifies increasing economic distances between lower and upper income black families. From 1978 to 1987, the average income of the poorest fifth of black families plunged 24 percent, from \$5,022 to \$3,837, after adjusting for inflation. The average income of the middle fifth of black families also fell by more than \$1,000.

The detailed data in the report relating to employment, wages, and government programs provides ample direction in identifying the structural forces that keep black Americans in poverty. I commend it to all who seek to bring about greater equity and economic justice.

INTRODUCTION OF THE PAPERWORK REDUCTION INCENTIVE ACT

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. DELAY. Mr. Speaker, the time has come to recognize dedicated personnel of the Federal Government who go to great lengths to reduce the paperwork burden on the American citizen. That's why I am introducing the Paperwork Reduction Incentive Act.

This bill establishes cash and non-cash awards for Federal employees who substantially and directly reduce the paperwork burden on the American public. Specifically, it establishes a \$20,000 award for the most outstanding contribution toward this effort and several recognition of merit non-cash awards.

Because of tough budget constraints, I don't normally support legislation that provides new benefits to the Federal workforce. However, I am convinced that there is a lack of incentive for bureaucrats to comply with the paperwork reduction targets established by the Paperwork Reduction Act of 1980. That act requires all Federal agencies to reduce the paperwork burden on the public by 5 percent per year.

Notwithstanding the requirements of the act, the paperwork burden has actually increased substantially since the act was passed. According to the Office of Management and Budget, which has the task of keeping track of paperwork burdens, the paperwork budget for the entire Government has increased from a mere 1.23 billion hours in 1981 to an incredible 1.82 billion hours this year.

Moreover, according to the Business Council on the Reduction of Paperwork, the Federal Government routinely underestimates the actual paperwork burden by a factor of 7. This was well substantiated recently when the Internal Revenue Service stated that they had underestimated by a factor of 7 the time it takes citizens to fill out personal income tax forms. The original estimate by IRS was about 2¼ hours. Now they admit that it takes closer to 17 hours. Therefore, the paperwork burden on business should have been reduced from the adjusted figure of 5.5 billion hours of 1981 to 3.85 billion hours this year. Instead of this reduction, the paperwork burden has increased to 8.3 billion hours this year—over four times what it should be.

Admittedly, a substantial portion of this amount has been due to legislation enacted by Congress since 1981. New paperwork requirements are added outside the paperwork budgets allocated each year by OMB. Nevertheless, I and others feel that this burden could have been reduced if there had only been a greater incentive within the Federal Government to put the lid on information collections. Currently, OMB is the only office attempting to enforce the paperwork budgets. I applaud their hard work in this regard but feel that the job is much harder than they are able to cope with.

This bill is the first part of a two-pronged approach that I am putting forth to deal with the precipitous rise in paperwork. As I stated earlier, this will establish a prestigious award—an incentive if you will—for bureaucrats who reduce the paperwork burden in their department or agency. The awards will be given annually by the Speaker of the House and the President of the Senate.

In conjunction with this incentive, I will also introduce legislation which establishes a series of penalties for those Government agencies which do not meet the information collection budgets mandated by the Paperwork Reduction Act.

I doubt that anyone would disagree that the paperwork burden on businesses threatens our ability to compete in the global marketplace. It is especially harmful to small and minority owned businesses which often do not have the expertise or resources to fill out complicated Federal forms.

With this in mind, I have stated in the bill the intention to award those who reduce the

burdens on minority and small businesses, in particular. This is not to the exclusion of burdens eliminated for larger firms—these are also very important. However, paperwork is especially burdensome for smaller firms.

Senator LAWTON CHILES has long carried the torch for paperwork reduction and was the original sponsor of the 1980 Paperwork Reduction Act. With his retirement this year from the Senate, it is my hope that we can continue to carry on the legacy and the hard work that he has devoted to this issue.

I am taking this opportunity to introduce this bill today not expecting action in the 100th Congress, but to better generate support for this very important legislation in the 101st Congress. I sincerely hope that all Members consider the benefits to society this bill offers and support this legislation.

PROGRESS BEING MADE WITH HARLEM TRADE CENTER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. RANGEL. Mr. Speaker, I am pleased to announce that the Harlem International Trade Center is well on the way to becoming, among other things, an institution for disseminating pertinent data about trade and investment opportunities in the Caribbean.

Located in my own congressional district of Harlem, NY, the purpose of the Trade Center is to stimulate trade and commerce between the United States and other countries of the world. However, because of the special affinity that the Harlem community enjoys with the Nations of Africa and the Caribbean, the work that we have done to date has been directed towards those regions of the world.

Mr. Speaker, recently a conference was held under the auspices of the Harlem International Trade Center. The purpose of this conference was to educate minority business entrepreneurs in the New York metropolitan area about investment and trade opportunities presently available under the Caribbean Basin Initiative. I had the pleasure of attending this gathering, which was a success. We had a very lively exchange of ideas and I feel confident that everyone who attended left with the sense that a useful dialogue has been initiated on Caribbean investment opportunities.

At this time, I would like to insert into the RECORD an article on this conference, which appeared in one of my hometown newspapers, *Carib News*, titled, "New CBI Trade and Investment Opportunities for Harlem." I believe that it provides an accurate summary of the conference proceedings.

[The article follows:]

[From the Carib News, Oct. 11, 1988]

NEW CBI TRADE AND INVESTMENT OPPORTUNITIES FOR HARLEM

NEW YORK, N.Y., September 15, 1988—Harlem business and financial leaders participated in a step-by-step approach to doing business through investment and trade in the Caribbean Basin, at the first meeting hosted by the Harlem International Trade Center Corporation (HITCC), and co-spon-

sored by the Harlem Urban Development Corporation.

Congressman Charles B. Rangel (D-N.Y.) said that this conference was a fulfillment of what he perceives will be many meetings and trade events to be sponsored by the HITCC. Mr. Rangel sees the organization as an extension of the United Nations where the international business community will meet to develop trade and investment opportunities.

Mr. Roy Anderson, Director of Development for JAMPRO Ltd., said that JAMPRO has a commitment to Black enterprise and to Harlem. He said, "As the economic marketplace becomes wider and more competitive, now is the opportune time for the minority businessman to find new markets by taking a global perspective look, for instance, Jamaica."

H. Carl McCall, Chairman of HITCC, said that the \$150 million building complex which is expected to break ground in a year's time has the support of the Federal Government, The Port Authority and private sector. The complex is expected to create over 7,000 new jobs in Harlem and an additional 2,760 new jobs nationally. The total impact on New York City is expected to reach \$100 million after 5 years of operation.

The conference learned that Harlem International Trade Center Inc. Complex (HITCC) will house a first class hotel, office building, convention and communication center, and a display arena.

JAMPRO Ltd., the investment, trade and industrial modernization agency of the Jamaican Government, and FOMENTO, the Puerto Rican Economic Development Administration, along with Kingston Restoration Company of Jamaica were the first development organization to address the Harlem business community, which enthusiastically applauded their investment presentation.

A department of Commerce Economic Development Administration funded project, the conference also provided a progress report on the construction plans for the HITCI.

TRIBUTE TO DR. ABEL WOLMAN

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mrs. BENTLEY. Mr. Speaker, last month the first Maryland Academy of Science Medal was bestowed upon one of Maryland's greatest scientific minds. This man has been our Nation's pre-eminent expert on water resources throughout this century. He is a man whom the New York Times dubbed "friend of the thirsty". As a sanitary engineer, consultant, and educator he has used his great knowledge and skills to serve his fellow man with great zeal and tireless effort.

The man I speak of is Dr. Abel Wolman, and at 96 years of age he is able to look back on a life replete with accomplishments too numerous to mention. His mind is keen and his spirit strong, and it was a pleasure for me to attend the banquet honoring his latest achievement.

When I say "latest" achievement I am by no means exaggerating. His resume looks like the index to an encyclopedia more than anything else. He has held literally hundreds of positions and won every award there is in the area of water resources. He has been a consultant to cities, States, foreign countries, and the U.S. Government. Titles such as "chairman," "delegate," "editor," and "president" are quite familiar to him. In addition he has published over 300 articles and four books.

Mr. Speaker, what can you say about such an incredible man? How do you sum up a career of achievement which has spanned three-quarters of a century? To do so would require writing a book, and that's not what I'm trying to do here.

Instead I'm just going to say that Dr. Abel Wolman is a person who "made a difference" in a variety of ways. He made a difference when he chose to lend his scientific skills to public service over personal gain. He made a difference when he spearheaded efforts to insure a water supply free of waste and disease. He made a difference when he introduced chlorinated water—an idea for which he does indeed deserve most of the credit.

More than anything else, however, he made a difference in that he has—to the best of his abilities—made this a better world. His colleagues at Johns Hopkins University referred to him as "Very Abel Wolman." Perhaps this recognition by his compatriots is the best award Dr. Wolman ever received.

Mr. Speaker, I urge you as well as the rest of my colleagues in saluting this great man. We—as well as the rest of the citizens of the world—owe him a lot.

Thank you, Dr. Wolman, and congratulations for a job well done.

TRIBUTE TO MR. J.A. "SONNY" HICKS AND MR. GORDON DOWNING

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to pay tribute to two great men who have been serving their communities for many years. Mr. J.A. "Sonny" Hicks and Mr. Gordon Downing, both of Upper Marlboro, MD, have recently been recognized by the Nottingham Democratic Club for their years of dedicated service to both the club and their community.

Mr. Downing, who has resided in Prince Georges County his entire life, was one of the founders of the Nottingham Democratic Club, and he currently serves as an active member. He has been active over the years in precinct operations as well. A longtime tobacco-farmer and horse-lover, Mr. Downing presently serves on a tobacco warehouse board.

Mr. Hicks, who also has resided in Prince Georges County his entire life, has been quite active in his community as well. An active member of both the Brandywine and Nottingham Democratic Clubs, he has taken part in precinct operations and campaign fundraising,

as well as serving as Bill Almonett's campaign Treasurer for ten years. He has served as a member of the Citizens advisory board for Rorerville State Park, and has also been involved in church activities and youth groups. Mr. Hicks presently owns and operates W. Carlton Hick's Grocery, the family store.

The involvement that Sonny Hicks and Gordon Downing have displayed the type of caring for their community that we all should try to emulate. I know many of my colleagues join me in congratulating these gentlemen and urging them to continue to set a fine example to which we all can aspire.

HONORING ROBERT L. MARCALUS

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mrs. ROUKEMA. Mr. Speaker, it is with great personal pleasure that I pay tribute to one of northern New Jersey's most distinguished citizens. Robert L. Marcalus, Sr., will be honored by the board of directors of the Bergen Community College Foundation on October 28 at the college's fourth annual Madallion Awards Dinner. I would like to join the foundation and the entire Bergen County community in recognizing the achievement and the service of Bob Marcalus.

Without a doubt, Bob is a "Captain of Industry," widely respected as former president of the Marcal Paper Mills. He currently serves as chairman of the Board of Directors and Chief Executive Officer of this New Jersey institution.

Yet the true measure of Bob Marcalus lies not in his business success but in the tremendous contribution he has made to his community, his State and his Nation. He plays a major role in many local and civic organizations and has undertaken numerous charitable endeavors, always looking to help those who are less fortunate.

As a lifelong citizen of New Jersey, Bob has been tireless in his service. He is a former member and president of the Wyckoff Board of Education. He now serves both the foundation of St. Joseph's Hospital and Medical Center and the Board of Regents of St. Peter's College. In addition he is a director of Valley National Bancorp, the Delaware Otsego Corp., The American Institute of New York City, and the advisory board of the Bergen Museum of Art and Science.

With his wife, Norma, his 6 children, and his 16 grandchildren by his side, Bob has made important contributions to the lives of many New Jersey citizens. I urge my colleagues to join me in saluting one of this year's Bergen County Community College Foundation's Medallion Award honorees, my friend, Bob Marcalus. We all wish Bob and his family the best for the future.

SOMERDALE LOSES MAYOR JAMES PERRY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. FLORIO. Mr. Speaker, it is with great sorrow that I note the passing of James Perry, who served as mayor of the borough of Somerdale for the past 17 years. As his friend and as his representative, I had the pleasure of working with him over the years and I know that his family and friends, and his constituents will greatly miss him.

Jim Perry demonstrated throughout his career a firm dedication to serving the public and to helping his borough meet the needs and challenges of the past 17 years. He was noted for his warmth and dedication as well as for his long record of accomplishment.

Of course, Jim Perry will be remembered for his efforts on the environment, on drug abuse, on rent control and on human relations, on behalf of the young and the old members of his community. As he fought to improve the borough's budget, to cut taxes, and to encourage economic growth, so he fought until the very end. Although cancer claimed his life at the end, Jim Perry continued fighting his disease while still caring for his constituency and doing everything possible to maintain his commitment to the people of Somerdale. He fought a hard battle but his family and friends can be proud of the way he fought. I would like to express my heartfelt sympathy to his family; I will surely miss him.

I would like to share with my colleagues the following article on Jim Perry:

JAMES PERRY, MAYOR OF SOMERDALE, DIES AT 52

(By Laura Sutphin)

SOMERDALE.—James Perry, who has been mayor of this borough for the past 17 years, died Sunday at Kennedy Memorial Hospital in Stratford after a long battle with cancer. He was 52.

"From the moment he came into office, he began confronting the town's problems and improving life for the residents," said Martin Hansen, who was mayor before Mayor Perry.

During his tenure, Mayor Perry straightened out the borough's budget and cut taxes four times, Hansen said.

He also encouraged growth in the town and saw the development of five shopping centers and the building of Somerdale Community Center with an adjoining library.

"He was loyal to the people and always had their best interest in mind," said Hansen.

Mayor Perry's illness did not affect his dedication to the town, as he sent tape-recorded messages to the town meetings and had his mail delivered to him daily.

He was last re-elected in 1987. When he was too ill to attend the reorganization meeting, he was sworn in at his home. Council president William Murrow has been acting mayor in Mayor Perry's absence.

Borough clerk Eleanor O'Donnell said the mayor was well-liked by the residents of Somerdale.

"He treated everyone as if they were family," she said.

Reporters who covered him remembered him as a man who always spoke his mind, but always with a sense of humor.

He was employed as assistant superintendent of the Waste Water Control Department of the Camden County Health Services and as a legislative aide to Assemblyman Wayne Bryant.

Besides serving as mayor, he served on the planning board for 16 years, the board of health for three years and as chairman of the heart drive in 1977 and the cancer drive in 1972 and 1975.

Mayor Perry established a human relations committee, a rent control commission, an environmental commission, a drug abuse committee, a senior citizens committee, a mayor's advisory committee and a youth committee during his years in office.

In the late 1970s, he was the host of his own cable television talk show, "The Jim Perry Show," which appeared on Tuesday and Friday nights on Channel 2. The show's guests included local media and sports celebrities.

Mayor Perry was one of 13 people appointed by the state Assembly to serve on a task force for the 21st century.

He was a former president of the Camden County Mayor's Association and a member of the N.J. League of Mayors, a state Democratic committeeman elected in 1981 and again in 1985, the first president of the Independent Taxpayers Association, chairman of the Committee on Political Education for the AFL-CIO, former vice president of Local 252 AFL-CIO, president of Somerdale's Young Democrats Club and a member of Our Lady of Grace Church, Somerdale.

A resident of Somerdale for the past 42 years, Mayor Perry was educated in the Somerdale and Philadelphia school systems.

Serving in the U.S. Army from 1954 to 1956, he was an enlisted aide to Major General N.A. Costello.

Mayor Perry was engaged to be married to Toni Chiarulli of Somerdale, but the couple had not set a wedding date. He was divorced from his first wife, Carol.

He is survived by his mother, Matilda of Somerdale; two sons, Louis of Somerdale and James of Voorhees; a daughter, Donna Muller of Pine Hill; two sisters, Terry Emberger of Somerdale and Rita Raimondo of California; and three grandchildren, Gabrielle, James and Adrien.

Funeral services will be 8:30 a.m. Thursday at the Eugene J. Zale Funeral Home, White Horse Pike and Whitman Avenue, Stratford. Mass of Christian Burial will be 9:30 a.m. Thursday at Our Lady of Grace Church, White Horse Pike, Somerdale.

Friends may call from 6 to 9 p.m. tomorrow at the funeral home. Burial will be in St. Joseph's Cemetery, Chews Landing.

THE HIRSHBERGS CELEBRATE 65TH WEDDING ANNIVERSARY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. BERMAN. Mr. Speaker, it is a pleasure to ask my colleagues to join me in sending best wishes to an extraordinary couple who will soon celebrate their 65th wedding anniversary.

On November 7, 1923, Bessie and Samuel Hirshberg were joined in marriage. Still happily married 65 years later, they enjoy a full and

productive life and are an inspiration to all those privileged to know them.

Bessie Maistrosky Hirshberg is a lifetime resident of Haverhill, MA. She was born on February 22, in the first year of this century. After graduating from Haverhill High School, she went directly to work as a secretary in a shoe factory for many years. She is a member of the National Council of Jewish Women.

Samuel Hirshberg was born in East Boston. He moved to Haverhill as a young man and was a prominent shoe manufacturer there and in New Hampshire until his retirement in 1968. At 89 years of age, Samuel is still driving his own car and occasionally stops by the country club for a couple of hands of gin rummy. Samuel is a life member of the Two-Ten Foundation which is the Philanthropic Wing of the American Footwear Industry. He is also a veteran of World War I, having served in the Army Air Corps. He will celebrate his 90th birthday on December 1 of this year.

Samuel and Bessie are hardworking members of the community and both are well known for their kind and thoughtful ways. They have witnessed history unfold and have never lost sight of the ideals and values for which this Nation stands. Their pleasant personalities and ready willingness to be helpful to others has endeared them to both family and friends.

Bessie and Samuel reside in Haverhill, MA, where they have lived all their married life and from where they remain is the backbone of the Hirshberg family. They have a beautiful family of 3 children, 11 grandchildren, and 2 great grandchildren, all of whom they are very proud.

Warmest congratulations are in order for Bessie and Samuel Hirshberg. It is my distinct honor to ask my colleagues to join me in saluting these remarkable individuals.

TELECOMMUNICATIONS MARKET SHOULD BE REEXAMINED

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. KOLBE. Mr. Speaker, for quite some time, I've been interested in the effect of the AT&T divestiture on our domestic telecommunications industry. We've witnessed dramatic changes in the nature of the telecommunications business in the last few years. Among these is the dramatic explosion of technological applications in everyday use. These changes, and their associated effects on commerce, communications, and the quality of life of our constituencies will no doubt require Congress to reexamine the telecommunications marketplace, and to respond to these challenges in a reasonable, measured and prudent way. It is in that spirit that I recently wrote to Representative JOHN DINGELL to express some of my thoughts on this matter. Mr. Speaker, the text of that letter appears below.

OCTOBER 6, 1988.

Representative JOHN DINGELL,
U.S. House of Representatives,
Washington, DC.

DEAR JOHN: I have been following with a great deal of interest the continuing impact of the line of business restrictions imposed by Judge Harold Green in the Modification of Final Judgment, rendered September 10, 1987. The last several years have been witness to tremendous leaps in technology in all phases of the telecommunications industry. In that environment, the relationship of the line of business restrictions to our nation's competitiveness in the world marketplace is definitely worthy of scrutiny and discussion.

Bell operating companies (BOC's) are seeking, through legislative fiat, incremental relief from the sections of the judgment which prohibit the BOC's from manufacturing telecommunications equipment and providing information services. Widespread utilization of information services, in particular, is a source of dramatic potential for our nation, and an area where we can't afford to fall behind. The current MFJ restrictions on the BOCs may hamstring our efforts to stay in front. Their competitors express strong reservations about eliminating these restrictions because of perceived competitive advantages they say favor the BOC's. Few issues we face in Congress are more salient to our nation's competitive status in the technology-based future.

Congress is in a critical position to judge how this debate will be resolved. Will we surrender our policy-making prerogative, and continue to allow Judge Green to make the rules in this dynamic and challenging area? Or will we assert our legitimate right to sponsor a full public airing of the complex and controversial issues at hand? I think our responsibility is obvious. Congress must assert itself fully into this debate once again.

I urge you and your committee to pursue this issue vigorously in the 101st Congress, with an eye toward legislating some form of modifications to the line of business restrictions. I support your work, and look forward to participating in this issue next year.

Sincerely,

JIM KOLBE,
Member of Congress.

THE MUNICH OF AFRICA?

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. HYDE. Mr. Speaker, we appear to be fast approaching a settlement to the seemingly intractable problems of Namibian independence and a total withdrawal of Cuban troops from Angola—a goal this administration has sought for 8 years. Unfortunately, internal reconciliation between the Government of Angola and the democratic forces of Dr. Jonas Savimbi, president of the National Union for the Total Independence of Angola (UNITA), remains elusive. Recently, two of my colleagues on the House Intelligence Committee, Congressmen BUD SHUSTER and ROBERT McEWEN, traveled to Dr. Savimbi's guerrilla base camp, Jamba, located in the liberated zone of Angola. They both returned with

highly favorable views of UNITA's military prowess, but more importantly, they witnessed the enormous strides Dr. Savimbi and UNITA have made in addressing the needs of the Angolan people in the areas of education, medical care, and agriculture.

Upon his return, Congressman SHUSTER drafted a compelling piece on Dr. Savimbi and UNITA, one of the few democratic liberation movements in the world today. His report provides valuable insights into the dynamics of the Angolan Civil War, putting to rest many of the false accusations that have been laid at Savimbi's and UNITA's feet. I commend it to my colleagues' attention and encourage each of you to share its message with your constituents.

THE MUNICH OF AFRICA

By Bud Shuster, M.C.

Flying two hundred feet above the tree-tops to avoid enemy radar, our unmarked plane approached Jonas Savimbi's guerrilla camp deep in the African jungle of south-eastern Angola. The region is called Jamba, meaning "Land of the Elephants," and was called "The End of the Earth" by the Portuguese colonists.

Congressman Robert McEwen and I, as members of the House Intelligence Committee, were on a mission to evaluate the Communist inspired charges that Dr. Savimbi's UNITA organization had little support among the Angolan people; was incapable of mounting a fighting force to seriously challenge the Soviet-Cuban supported MPLA Communist government located in Luanda; controlled only one percent of the country; and was a puppet of the white racist government of South Africa. In short, America should stop supporting Savimbi's UNITA and recognize the MPLA Communist government. Our mission took on added significance when Gov. Dukakis announced, at Jesse Jackson's prodding, that if elected President he would withdraw U.S. support for Savimbi and recognize the Communists.

Negotiations currently under way for a settlement of the conflict hold out hope for a deal that removes Cuban troops from Angola and South African troops from neighboring Namibia. But it is difficult to imagine hard-pressed Cuba giving up the \$705 million annual bounty it extracts from oil and diamond-rich Angola as payment for its troops. And it is equally difficult to imagine the Soviet Union letting Savimbi march into Luanda, where he surely would be sipping tea if the Cubans should go home.

Savimbi's credentials as an authentic black nationalist are irrefutable: He fought the Portuguese colonial government for over a decade from the jungle of his country while leaders of the other liberation movements—the Communist supported MPLA and the Western backed FNLA—directed their struggle from their air-conditioned apartments in Zaire and Switzerland. When Portugal finally gave Angola its independence in 1975, Savimbi agreed to form a united front with the MPLA and the FNLA, believing the Portuguese promise of free elections. As a member of the country's largest tribal group, the charismatic Savimbi's chances as the ballot box were excellent. And he emphasized, "If I cannot win a free election, I would deserve to be treated as a bandit."

But the left wing government of Portugal reneged on its promise of elections and recognized the MPLA as the government, who

in turn invited in the Soviets and Cubans. While the FNLA crumbled, Savimbi and his followers fled into the bush, and for thirteen years have waged a guerrilla war against the unelected MPLS Communist government—with U.S. support during the Ford years, without it during the Carter years, and with it again during the Reagan years. Combined support to UNITA from the U.S., France, South Africa, Morocco, Saudi Arabia, and China has amounted to only a fraction of the billions of dollars in military aid given to the MPLA by the Soviets. Additionally, over 50,000 Cuban soldiers, 2,500 Soviets, and 600 East Germans have turned the Angolan government into a Soviet client state. Contrary to Communist propaganda, South African troops only went to Savimbi's aid two months after 12,000 Cuban troops landed in Angola to support the MPLA. Savimbi consistently has denounced Apartheid, however reminding us that the U.S. joined hands with Stalin to defeat the Nazis.

But the question remains: Can Savimbi win?

Bouncing along in a land rover over dirt roads as rutted as a dried out river bed, past elephant wallows, beneath the swarming cries and cackles of frightened birds, we eventually reached Savimbi's camp. In thatched roofed, mud huts we met the guerrilla leaders, saw their maps and plans, studied their organization and supplies, noted, as in Afghanistan, surface to air missiles have turned the tide of battle in their favor, and witnessed the willingness of thousands of black Africans to endure the hardships of the jungle, dying if necessary, rather than capitulate to Communist rule.

We saw with our own eyes the dedicated troops that help make up his 65,000 man fighting force; flew over a large portion of Free Angola, confirming Savimbi's control of one-third of the country. And then at midnight, after a dinner of antelope and maize, we were led through the gates of a stockade into an open-air amphitheater under an ink-black African sky. Suddenly, lights flickered throughout the packed arena as thousands of men, women, and children clapped and shouted, "Savimbi... Savimbi..." to the rhythm of their native drums. The songs and dances and speeches, powerful as they were, eclipsed by the sheer electricity of Savimbi's dedicated followers.

The next morning we saw the open-air schools beneath the scrub trees where children on crude benches were learning to read and write, and teenagers were studying algebra and chemistry.

Should America support Jonas Savimbi against the Soviet-Cuban controlled Communist government? Do we believe in freedom for others as well as for ourselves? What does oil-rich Angola matter to the U.S.? What does Soviet control of the strategic minerals of Africa mean to the free world and to our standard of living?

Dr. Savimbi says it best: "Angola is the Munich of Africa. Do not suppose that Zaire, Zambia, Botswana, and Namibia will remain with the West when faced with an unopposed Soviet base in Angola. They will be forced to make accommodations just as Eastern Europe fell under Nazi domination."

MASTROSIMONE TO RECEIVE FERMI ACHIEVEMENT AWARD

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. SMITH of New Jersey. Mr. Speaker, I am pleased to announce that the Fermi Federation has selected playwright William Mastrosimone to receive its prestigious Achievement Award.

William Mastrosimone was born in Lawrence Township, NJ to John and Jeanette Seamon in 1947. He attended Pennington Prep and Tulane University, receiving his degree in English literature from Rider College in 1974. He went on to study at the Mason Gross School of Arts where he was awarded a masters degree to playwrighting in 1976.

Perhaps Mr. Mastrosimone's most famous play has been "Extremities". This play received the John Gassner Award and the New York Outer Circle Critics Award for best Off-Broadway play. Furthermore, "Extremities" was produced as a feature film in 1986. Another of Mr. Mastrosimone's plays, "Nanawatai", is currently being filmed under the title "The Beast".

Several other plays written by William Mastrosimone have also received critical acclaim. "The Woolgatherer" was presented with the L.A. Drama Critics Award. "Shivaree" received the Warner Communications Award, and "Tamer of Horses" was honored by the NAACP Award for Playwriting. In addition, the State of New Jersey chose Mr. Mastrosimone for the Governor's Walt Whitman Creative Arts Award.

At the present time, William Mastrosimone is busy working on an 8-hour miniseries for CBA entitled, "The Frank Sinatra Story," and a feature film starring Dustin Hoffman called "Damon".

Mr. Speaker, I commend Mr. Mastrosimone, a native of New Jersey's Fourth Congressional District, for his outstanding achievements. The Fermi Federation has obviously chosen a very worthy recipient for their cherished award.

TRIBUTE TO J. GARFIELD DEMARCO

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. SAXTON. Mr. Speaker, I rise today to ask my colleagues in the House to join with me in paying tribute to J. Garfield DeMarco of Chatsworth, NJ, whose many successes in business, politics, and government, distinguish him as one of New Jersey's most illustrious citizens.

In my 13th Congressional District, Garfield is best known as the chairman of the Burlington County Republican Party. His long tenure of service in that position is, in itself, a tribute to his long string of successful campaign efforts. But this is only one part of a most interesting biography.

Those who have visited Garfield in the far reaches of the southern New Jersey Pine Barrens, and have heard his dissertations on such subjects as government and the fine arts against a backdrop of cranberry bogs and blueberry fields, know that this is a complex yet fascinating individual.

By rights, he can claim many titles—farmer, businessman, bank director, stockholder, party chairman, lawyer, bridge commissioner, scholar—I dare say, Mr. Speaker, the list goes on and on. But what makes it all so incredible is that each title carries with it a list of accomplishments.

Garfield is the president of the cranberry and blueberry enterprises which bears his family's name, he is a member of the New Jersey and American Bar Associations, and a graduate of Yale Law School.

He is a member of the New Jersey Public Broadcasting Authority, an Associate of the Philadelphia Museum of Art, a producer of the Pennsylvania Ballet, and a member of the Charles Wilson Peale Society at the Pennsylvania Academy of the Fine Arts.

He has held or currently holds many government-related posts and is a member of the New Lisbon State School Board of Trustees, a commissioner of the Burlington County Bridge Commission and a former member of the New Jersey Water Policy and Supply Council.

Mr. Speaker, I have barely scratched the surface * * *

Garfield has also made a major mark in education, graduating from Dartmouth College in 1959 with honors. He was a recipient of the Fulbright Grant for study in Italy, and is a member of Phi Beta Kappa.

Those of us who have the privilege of knowing Garfield personally, and sharing in his election day successes, see him not just as a superb political strategist, but also as one keenly interested in responsible government. At the same time, he possesses a sharp wit and sense of humor, and unrelenting respect for family heritage and friends.

Tomorrow evening, Mr. Speaker, the Burlington County Council of the Boy Scouts of America will give due recognition to Garfield and his many accomplishments at a banquet being held in his honor.

I want to take this occasion to commend and thank the Boy Scouts for extending this honor to a most worthy gentleman, and to offer my thanks and congratulations as well to Garfield, not just for what he has done, but for those good things, which, I know, are yet to come.

A TRIBUTE TO CHARLES SERRAINO COMMISSIONER, NEW JERSEY DEPARTMENT OF LABOR

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mrs. ROUKEMA. Mr. Speaker, I urge my Colleagues to join me in recognizing one of northern New Jersey's outstanding citizens. On October 28, the board of directors of the Bergen Community College Foundation will

hold its fourth annual medallion awards dinner. This year they will distinguish The Honorable Charles Serraino, the commissioner of labor for the State of New Jersey, for his outstanding contributions and service.

Charles, a native of Hoboken and a graduate of Garfield High School, has an unbroken record of service to New Jersey, both to industry in the private sector and to the citizens of New Jersey as adviser to an auspicious list of our elected officials. Gov. Richard J. Hughes, William T. Cahill, and our present Governor, Thomas H. Kean, have all depended upon his expertise and counsel. In addition, former New Jersey Supreme Court Chief Justice Hughes and the current chief justice, Robert Wilentz, sought his guidance as their labor Advisers.

Charles was the National Executive Council of the American Arbitration Association's Man of the Year in 1980 and was chosen to chair the Presidential Emergency Board for the Conrail negotiations in 1982 and 1983.

In 1984 he was confirmed as commissioner of the department of labor. Since then he has tirelessly served with distinction and dedication. This is an outstanding public servant. I am pleased to lend my voice to the many deserved accolades that this evening will produce. Charles, your many New Jersey friends salute you.

TRIBUTE TO BILL LEVIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. BERMAN. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to my friend of some 20 years, Bill Levin.

On November 13, 1988, Bill will be honored by the American Jewish Congress in recognition of his many years of enlightened leadership on behalf of human rights.

A lifelong member of the American Jewish Congress, Bill exemplifies the high standards of this fine organization and its commitment to fair and constructive endeavors.

Bill's professional activities earned him the reputation of being one of the finest labor law scholars and arbitrators in southern California. He is a distinguished author and law professor and a leader in the cause of human rights. In addition to his outstanding professional accomplishments, Bill has devoted much of his time to a wide range of community activities, serving on the boards of the Jewish Federation Council, Juvenile Justice Connection, the Board of Public Council, Neighborhood Legal Services, the San Fernando Valley Child Guidance Clinic, and many others. His generous gifts of time, expertise, and resources have been of immense benefit to his community and have made him an inspiration to all those fortunate enough to know him.

It is an honor to call Bill Levin my friend. I invite my colleagues to join me in saluting him as he is honored by the Pacific southwest region of the American Jewish Congress and receives the 1988 Tzedek Award.

October 21, 1988

COMMEMORATING THOMAS N. TODD FOR HIS COMMITMENT TO CIVIL RIGHTS

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. BILBRAY. Mr. Speaker, I rise today to honor one of our country's most distinguished black citizens, Thomas N. Todd. On Friday, November 4, Mr. Todd will be the guest of honor at the Freedom Fund Banquet 88, sponsored by the Las Vegas Chapter of the NAACP. The event is being held to benefit the NAACP Scholarship Program.

Few people have done more to advance the civil rights struggle in our country than Thomas N. Todd. His accomplishments and achievements are so numerous that one would find it easier to list those awards and honors that he has not received rather than those he has. Mr. Speaker, I wish to share with my colleagues some of the accomplishments of this extraordinary citizen.

Mr. Todd was born in Demopolis, AL, on September 24, 1938. He graduated from Central High School in Mobile, AL, in 1955, a year which saw the initial repercussions of the Brown decision and marked the beginning of the Civil Rights Movement. Mr. Todd continued his education at Southern University in Baton Rouge, LA, where he received a B.A. in political science in 1959.

Even with his college degree, Mr. Todd was not able to escape the bounds of racism so prevalent in the South in the early 1960's. He was faced with a 2½-hour literacy test when he registered to vote in Alabama in 1960, a popular method of disfranchising blacks in the South. As a result of this experience, Mr. Todd was compelled to help other blacks register to vote. Under the auspices of the NAACP, he helped his fellow citizens prepare for the literacy test by tutoring them in the basement of a local church.

Mr. Todd continued his education at Southern University and graduated magna cum laude from their school of law in 1963. Since then he has compiled an extraordinary record in the field of law. His first position was with the Office of the Solicitor in the U.S. Department of Labor. He later worked in the Office of the Staff Advocate in the U.S. Army, captain, and then in the U.S. attorney's office in Chicago, Illinois. In 1971, he was elected president of the Chicago Chapter of the Southern Christian Leadership Conference, one of the principal organizations leading the struggle for civil rights in the South in the 1960s. During this period he also found the time to teach several classes at Northwestern University School of Law, where he was the first black full-time law professor in the school's history. More recently, Mr. Todd has served as acting president for Operation PUSH.

Mr. Todd currently has his own law practice in Chicago where he specializes in contract negotiation. Most of his clients are minority-owned firms whom he counsels in contract negotiations.

Mr. Speaker, Thomas Todd's accomplishments symbolize a spirit of hope and pride so

EXTENSIONS OF REMARKS

characteristic of our country's great civil rights leaders. His quest for social justice has made this country a better place in which to live, not only for people of color, but for all Americans. I urge my colleagues to join me today in honoring Mr. Thomas N. Todd, a true champion of social justice.

A NEW AMERICAN CITIZEN SPEAKS OUT

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. WALKER. Mr. Speaker, the following speech was delivered by my constituent, Mr. Jorge Antonio Cano-Portilla of Lancaster, PA, at a recent dinner honoring newly naturalized citizens. Mr. Cano-Portilla has lived in the United States for only 8 years, yet his thoughts on the privileges we enjoy as Americans are quite insightful. I am including Mr. Cano-Portilla's remarks in the RECORD at this point:

I would like to introduce myself as a refugee with no actual possibility of return to my native country, mostly because of a political reason. I was born in Cuba, I'm not a Communist and I am a true believer in free enterprise and true capitalism.

Freedom is a word taken for granted by a lot of Americans. The word freedom refers to the quality or state of being free, the absence of necessity or coercion and the choice of action. The quality of being frank, free or outspoken is also a political right.

For most of us, freedom has a complicated meaning and a very deep emotional significant feeling. If some of you would lose your country, your flag, your home and the right to see your loved ones whenever you wish, then you would appreciate and understand that we have memories that we cannot forget and scars in our hearts we cannot heal.

I believe eight years in exile is enough time to learn a new culture. My respect and love for it makes me extremely grateful to be here. Our freedom of speech, religion, press and communication that we enjoy and share today is unique in this new country.

Sometimes I see an imperfect judicial system, but for the most part I strongly believe that it works, and it is the envy of the rest of the world ever since the adoption of the Constitution on September 17, 1798. We are in the land of opportunity where we can talk freely and think the way we wish without the fear of having to end up behind bars. We have the right to vote for our officials and leaders, and today, that dream came true for me.

Another dream exists for me in this country, "The American Dream." The American Dream is here, everywhere. We just have to have the desire to find it and work for it. We need to feed our intellect through new culture and language. We have the obligation to try our very best and to take chances. That's the only way to win a respectful place in the American society. As the old saying goes, "... opportunity knocks only once."

My very special thanks to the government of the United States, all the people, churches and social agencies who made everything possible for us right at the scary beginning in 1980.

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All may love to the Eres family from Quarryville, PA, who sponsored me and took responsibility for my headstart in a new free life in a free society, and to my wife and children who have to deal with a lot of stress in our constant struggle for a better life and for their support, especially when I feel homesick.

Thanks to the Sertoma Club for this fine reception, for devoting your time in the preparation for this occasion and for letting me express my feelings.

Many thanks to everyone for sharing with me this very special day.

Again, I thank freedom and democracy. God Bless America!

Thank you very much!

DOVER GENERAL SETS THE PACE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. COURTER. Mr. Speaker, I rise today in recognition of Dover General Hospital and Medical Center in Dover, NJ.

Next month Dover General will be celebrating its 80th anniversary—80 years of caring for the community. Since opening its doors in 1908, Dover has expanded to become a first rate, 360-bed health care facility. Four years ago I had the privilege of dedicating the \$38 million expansion and renovation of the medical center. Today it provides medical care with a human touch to the residents of the entire northwest area of Morris County.

Dover has also reached out beyond its walls to our senior citizens. It recently opened an Alzheimer's disease day care center in Succasunna, NJ, to help care for our elderly citizens who are suffering from this tragic disease.

As Dover enters its ninth decade it continues to expand. It will soon be dedicating its new regional cancer treatment center. When opened, it will be the largest unit of its kind between Dover and the Delaware Water Gap. With its sophisticated technology it will be a great step in the advancement of comprehensive cancer treatment in northern New Jersey.

Dover General Hospital and Medical Center is a remarkable facility. For 80 years it has expanded to meet the growing and changing needs of the community. Given the hard work and dedication of its staff and supporters I'm sure that Dover General will continue to grow and meet these needs into the next century.

YET ANOTHER BREAKTHROUGH FOR TRADE-LINKED PROTECTION OF WORKER RIGHTS

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. PEASE. Mr. Speaker, sometimes we are left wondering about the practical effects of new legislation that we enact. I am pleased to share the following article from the Wall Street Journal of October 4 reporting that the worker

rights provision added to the Generalized System of Preferences [GSP] Program in 1984 is working to promote greater international respect for fundamental worker rights. In this case, the filing of a petition on Malaysia has prompted the Government of Malaysia to abandon its longstanding policy of prohibiting Malaysian electronics workers from exercising their basic right to form unions and bargain collectively.

MALAYSIA, ITS EXPORTS TO U.S. THREATENED, APPROVES UNIONS IN ELECTRONICS INDUSTRY
(By Stephen Duthie)

KUALA LUMPUR, MALAYSIA.—Malaysia's electronics industry is between a rock and a hard place.

Apparently reacting to the threatened loss of reduced-duty privileges for electronics exports to the U.S. because workers can't freely organize, Malaysia recently lifted a ban on unions in the electronics industry. But the decision, announced last week, runs counter to the government's campaign to attract foreign electronics investment, partly by shielding companies from unions. And foreign electronics manufacturers here, predominantly from the U.S., Japan and Europe, are up in arms.

"Further investment could be jeopardized by this move," says a Western trade official. "The electronics guys have said that if the unions come in, they'll leave. They don't want another layer of bureaucracy and any potentially disruptive forces."

Adds the chief executive for Malaysian operations of a U.S. manufacturer: "The quality and reputation acquired by the electronics industry has been through teamwork. That can't be maintained with a biased third party driving a wedge between the workers and management."

A SUDDEN SHIFT

The policy shift was especially surprising in light of the government's intense efforts to persuade manufacturers to establish or expand their plants, to increase the sophistication of their products and to create a fully integrated semiconductor sector. Moreover, many executives and economists had expected that union activity would be restrained while the country continues to recover from the 1985-86 recession and as less flexible labor arrangements are gradually replaced by salary and benefit increments pegged to productivity and profitability.

Several industry executives and Western trade officials said the timing of the government's announcement was linked to a pending Washington hearing on whether to remove Malaysia from the Generalized System of Preferences, under which a developing country's exports to an industrialized nation enjoy reduced tariffs or are duty-free.

In 1987, Malaysia was the ninth largest exporter to the U.S. under this GSP program. A significant portion of the \$347 million of Malaysian goods sold in the U.S. last year were electronics.

The Washington hearing was triggered in August when the office of the U.S. Trade Representative agreed to consider a petition from the AFL-CIO to lift Malaysia's GSP status because the nation denied electronics workers the right to unionize freely. Malaysia says it will oppose the petition. The hearing in Washington is scheduled for mid-November, and a decision is expected soon afterward.

Labor Minister Lee Kim Sai denies the government reversed itself on unionization because of the pending GSP hearing. He

says the cabinet decided "long before the GSP issue" to permit unions into electronics plants.

LACK OF CONSULTATION

Electronics industry executives were particularly miffed at not being consulted before the government announced its policy reversal. Jerry Lee, chairman of the Malaysian-American Electronics Industry and managing director of Texas Instruments Malaysia Sdn. Bhd., a unit of the U.S. company, says the U.S. electronics group is seeking a meeting with the labor minister "to clarify" the announcement.

He adds that his industry group, which represents 14 U.S. semiconductor companies with 17 plants in Malaysia, "had no prior knowledge" of the decision. Meanwhile, union officials say they intend to enlist the estimated 85,000 workers in the industry. About 17% of Malaysia's 5.6 million work force is unionized.

Total investment in the electronics industry is about \$1.13 billion, the bulk from foreign manufacturers. The industry exported nearly \$2.64 billion in electronic components—primarily integrated circuits and semiconductor devices—last year, a 34% increase over 1986, according to Bank Negara, the central bank.

U.S. semiconductor investments in Malaysia were projected to grow at an annual rate of \$113 million in the next five years, according to the Malaysian-American Electronics Industry. Other foreign manufacturers also are rapidly expanding.

TRIBUTE TO THE SAN FERNANDO VALLEY LIONS CLUB

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. BERMAN. Mr. Speaker, it was 50 years ago that Judge Julian Beck, Frank R. Hovey, and 28 other gentlemen in San Fernando had the foresight and vision to organize what is now one of the oldest and finest service clubs in the San Fernando Valley. The San Fernando Lions Club was established on July 12, 1938 and according to their historical record, was formed so that the businessmen and professionals of San Fernando would have a place to meet socially, and discuss the problems and develop the ideas to help their community. The club is rich with history and exceptional individuals who are responsible for its success.

The San Fernando Lions have a well deserved, outstanding reputation for the many special services provided since its inception. In 1942, Lion members coordinated the much needed blood donor runs for our soldiers during World War II. Also in the early 1940's they established an Annual Football Banquet for the local high school and the Annual Awards Dinner for outstanding academic achievers. Today, the Awards Dinner is an active and extremely resourceful youth scholarship fundraiser. Lions are the main sponsors of the San Fernando DARE Program, a present youth oriented drug prevention program. In addition, the Lion members continue their dedication toward sight conservation and the special needs of the blind.

The guiding principal of the Lions Club is, "We serve," and Lion members have tirelessly served the San Fernando Valley as true Americans and good citizens. Certainly, in the 50 years since the inception of the club, Lion members, have furthered this principal for the betterment of us all. Their roster of members has included some of the most prominent citizens of this State, including three district Governors, numerous deputies, and several zone chairmen.

The Lions Club is a credit to my community and to our country. I am proud to have the San Fernando Valley Lions Club in the district I represent and I commend those members who have contributed the Lions Club success. I am pleased to have this opportunity to congratulate them on the very special occasion of their 50th anniversary.

REPEAL TWO INITIATIVES ON MEDICARE REIMBURSEMENT

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. DERRICK. Mr. Speaker, I am pleased to introduce today legislation designed to repeal two initiatives which Congress enacted in an effort to reform Medicare physician reimbursement. Unfortunately, the reforms did not work out as originally conceived. MAAC's [maximum allowable actual charges] and unnecessary services denials provide counterincentives to physicians and patients alike, reinforce drastic and unjustifiable regional variations in fees, deny access to essential medical services arbitrarily and with disregard to necessity, quality of care, or medical judgment.

MAAC's do not save money for the Medicare Program, but instead place restrictions on balance billing which are completely unnecessary in light of significant increases in acceptance of assignment by physicians—78 percent in 1988—for Medicare claims.

Unnecessary services is a misnomer of the Medicare Program. HCFA has utilized this authority to slash program costs without any determination of the actual medical basis for providing a patient with that service. Carrier clerks reviewing computer files are given marching orders to deny payments utilizing arbitrary criteria screens. Some carriers report that more than 70 percent of these denials are overturned on appeal by the physician. Obviously, these disasters must be halted.

IN HONOR OF HON. HARRY G. BARNES, U.S. AMBASSADOR TO CHILE

HON. ROBERT. A ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1988

Mr. ROE. Mr. Speaker, I am very pleased to be able to participate in honoring one of this country's finest public servants, Ambassador Harry G. Barnes.

I have no doubt that many Members will recount today the tremendous contributions that Ambassador Barnes has made to the return to democracy in Chile. These contributions stand as a fitting summation of an eminent and productive career, and they can in no way be underestimated. I rise today to remember and honor another highly successful aspect of Ambassador Barnes' career in Chile—namely, his visionary work in building linkages in science, space, and technology between the two countries.

Despite efforts by a number of Members of this Congress and by a number of dedicated science attaches stationed at our embassies all over the world, science, space, and technology remain underutilized instruments of U.S. foreign policy. Ambassador Barnes recognized this fact as perhaps no other current U.S. Ambassador. He knew that Chilean scientists are the most productive in all of Latin America, and that opportunities for United States-Chilean scientific cooperation abounded in a number of fields that affect the daily lives of the Chilean people—control of environmental pollution and endemic disease, increasing agricultural productivity, earthquake preparedness, and development of fisheries resources. Ambassador Barnes also recognized that Chilean scientists, engineers, and educators will have an important role to play in a future democratic system, and that it is in the strong interest of the United States to expand the strong relationships that already exist between United States and Chilean universities, technical societies, and scientific agencies.

In January of this year during a 3-day visit to Chile, the Committee on Science, Space, and Technology had the opportunity to see firsthand some of the fruits of Ambassador Barnes' efforts at fostering United States-Chilean scientific cooperation. At La Serena, the committee participated in the celebration of the 25th anniversary of the Cerro Tololo Inter-American Observatory. Cerro Tololo is one of the world's finest astronomical facilities and a model of United States-Latin American cooperation, and upon our return, the House passed House Resolution 369 honoring its 25th anniversary.

The committee also reviewed the many agreements in United States-Chile scientific cooperation that have been signed under Ambassador Barnes' direction. For example 2 years ago the United States concluded an agreement with Chile that allowed NASA to construct a space shuttle emergency landing site on Easter Island, and to obtain desire Chilean cooperation on ozone research in the Antarctic. In oceanography, basic sciences, and earthquake research, active programs are underway involving ongoing exchanges of United States and Chilean scientists. Because of these agreements, United States and Chilean researchers have been able to work together on projects which have high visibility to the Chilean people. Ambassador Barnes has been extremely creative in using these programs to foster democratization through encouragement of the Chilean scientific community.

We, on the Committee on Science, Space, and Technology, applaud the pioneering efforts of Ambassador Harry Barnes in promot-

ing United States-Chilean scientific cooperation, and wish him all the best in his retirement from public service. The most fitting tribute from all of us would be to build on the fine foundation of friendship and cooperation that he has helped to foster in United States-Chilean relations.

IN ADMIRATION OF THE POLISH HELSINKI COMMITTEE

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. JEFFORDS. Mr. Speaker, for the past 5 years, a small, courageous group of Polish professionals has been secretly monitoring human rights abuses in Poland. The Polish Helsinki Committee, as these individuals are collectively known, has published numerous reports documenting human rights abuses in Poland and has been an invaluable source of human rights information for the Polish underground press and for international human rights organizations.

On July 24, 1988, in a brave step, the 12 members of the Polish Helsinki Committee gathered to adopt a statement to which they signed their names. The United States has long admired independent-minded individuals of strong character and conviction who stand firm in the struggle against injustice; our country was founded by such individuals. In admirations of the Polish Helsinki Committee's courage and determination in the struggle to preserve human rights in Poland, I respectfully enter their statement of July 24, 1988, into the CONGRESSIONAL RECORD.

Thank you Mr. Speaker.

STATEMENT OF THE POLISH HELSINKI COMMITTEE

In the thirteen years that have passed since the signing of the Helsinki accords, the public's attitude to the problem of human rights has changed. The perception that violations of human rights constitute a challenge for the nations of our continent because they deny values that are at the basis of European culture has become more and more widespread. It happened not only thanks to those governments that made the issue of respecting human rights a part of their political relations with other signatories of the Helsinki accords, but also due to the fact that the ideals of human rights have awakened the aspirations and solidarity of people. A human rights movement emerged both in the East and in the West. This movement deals with the issue of respect for human rights not only in political categories but in moral ones as well. The essence of an order based on human rights is respect for human dignity and the moral obligation to defend it.

The Helsinki Committee is a citizens' initiative and is part of this movement. The Committee's role consists mainly of informing public opinion and international bodies about violations of human rights in our country. We have been reporting on violations of personal integrity, about cases and mechanisms of degrading and humiliating treatment during penal procedures, about the limits on freedom to express one's opinions and beliefs and on access to information, about restrictions on the right to orga-

nize and to participate in public life, about the legal and practical conditions under which existing organizations operate.

We believe that currently the conditions are emerging to undertake, in addition to informational activity, more general actions aimed at eliminating the legal mechanisms that allow arbitrariness in government actions and at reducing the repressiveness of the law. We see the necessity of undertaking citizens' legislative initiatives regarding human rights, of assessing the existing law and its proposed changes, of disseminating information about the possibility of using the existing law to protect individual and collective rights of citizens. The Helsinki Committee has been and will continue to cooperate with other citizens' initiatives and organizations concerned with the defense of human rights."

Signed:

Piotr Andrzejewski, lawyer.

Halina Bortnowska-Dabrowska, philosopher.

Jerzy Ciemniewski, lawyer.

Janusz Grzelak, psychology professor.

Jaroslaw Kaczynski, lawyer.

Marek Nowicki, lawyer.

Jan Rozner, lawyer.

Stefan Starczewski, philologist.

Andrzej Stelmachowski, lawyer.

Zofia Wasilkowska, lawyer.

Janina Zakrzewska, lawyer.

Tadeusz Zielinski, lawyer.

OUR LADY OF THE WAYSIDE CHURCH

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. DYSON. Mr. Speaker, I am pleased to rise today to honor the parish community of Our Lady of the Wayside Church. On Sunday, October 23, there will be a celebration of both the 50th anniversary of the establishment of Our Lady of the Wayside as a parish in the archdiocese of Washington, and of the 50th anniversary of the building and consecration of the parish church itself. This twofold celebration is truly worth our notice.

In these days when religion seems to be viewed as a pariah, it is wonderful to see a celebration of religious longevity. Religious faith is the backbone of America. I am pleased to see the dedication and zeal exhibited by the congregation of Our Lady of the Wayside on their 50th anniversary. Rev. Neal Ward and the entire congregation should be commended.

Mr. Speaker, America's faith has made it the most powerful and benevolent Nation in history. Our churches and synagogues continually renew this strength through the spirit of brotherhood, family, and concern for one's fellow man. As the Puritans in Massachusetts said upon coming to this new land, "We are the light of the world." It is our religious faith that enables this light to illuminate the entire Earth. I congratulate the parish of Our Lady of the Wayside on its 50th anniversary, and it is my sincerest wish that this parish will celebrate 50 years more.

WATER AND SEWAGE SERVICE TO RURAL AREAS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. ORTIZ. Mr. Speaker, I rise today to inform the House of Representatives that I have introduced legislation which will promote the delivery of water and sewage service to rural areas. While rural residents require these necessities, the economics of supplying these services are complicated by the reduced population density. In addition, each rural area represents a unique situation in terms of the existing infrastructure and the area's proximity to larger towns where the services are already available to residents.

My legislation would enable municipalities to annex rural areas which develop on the outskirts of many cities. Current Federal law restricts a municipality's ability to annex these areas. Federal loans or grants are often extended to regional water supply corporations which design and provide for implementation of rural water and sewage projects. Courts have recognized that annexation could threaten the payment schedule of a Federal loan. This legislation would preserve the Federal Government's investment in these areas by requiring that the municipality fully compensate any borrower for the fair market value and potential earnings they might lose from annexation. Some background on the relationship between these rural areas and the cities with an interest in annexation will clarify the need for this legislation.

The ability of a city to serve the rural and residential developments outside of the limits often presents a dilemma for both the city and its rural neighbors. Cities often feel an obligation to serve nearby areas, and annexation of these areas offers the city an opportunity to increase its registered population and tax base.

There are naturally, as well, significant responsibilities inherent in annexation of these areas, including the expansion of water and sewage pipes and improvements in road construction and maintenance. In addition, a city must provide police, fire and garbage service to their new citizens. Given the considerable distances which may exist between the homes of rural residents, supplying these services can prove to be an imposing economic and logistical burden. Nevertheless, the additional tax base and possibilities for land use often leads cities to pursue the expansion of their jurisdictional boundaries to include these regions.

From the perspective of residents, many are hesitant to acknowledge that a nearby city is the most efficient or worthy provider of these services. As might be expected, the primary reluctance felt by these rural residents is based upon a distaste and opposition to paying local taxes. While they would approve of increased access to the services which accompanying annexation, they express greater opposition to the taxes assessed to finance these services. Many rural citizens depend upon the water supply corporations which are indigenous to the rural areas and provide

EXTENSIONS OF REMARKS

these necessary provisions and services to the citizens in these areas.

I represent a portion of south Texas where many rural subdivisions have been developed outside of a city's limits. These subdivisions are commonly referred to as colonias, and development with similar characteristics can be found in rural areas nationwide. Colonia development occurs in part because county governments in Texas are restricted by state law from assuming debt to provide water and sewage service. Limitations on debt assumption by county governments in other States may have the same result. In these areas, rural water supply corporations have been formed bring clean water to residents. Where affordable and practical, these water supply corporations are trying to develop wastewater and sewage treatment in these areas.

Rural water supply corporations obtain financing from a variety of State and Federal agencies, but their seed money often originates with a combination of grants and loans from the Farmer's Home Administration [FmHA]. Once water service is provided by the water supply corporation, a monthly fee must be determined which is affordable for the residents. This fee represents the source of capital that water supply corporations utilize to repay their loans from Federal agencies.

This dependence upon monthly fees to service Federal loans complicates any city's effort to annex areas previously served solely by a water supply corporation. Federal agencies, such as the FmHA, have a direct investment in the rural water authorities. They are therefore understandably wary when the debtor loses their primary source for funds to repay a loan. This issue was recently addressed in a U.S. Circuit Court decision of May 15, 1987, in Mississippi. The court ruled that existing Federal law prohibits municipalities from encroaching on or competing with areas that currently are served by a water supply corporation that is indebted to the FmHA.

I certainly understand the court's ruling in this decision, and empathize with the court's fear that municipalities may attempt to annex the most populous and profitable areas, only leaving distant subdivisions on the outskirts of a water supply corporation's service area. This development could seriously impair service to the remaining customers, and threaten the Federal agencies' ability to collect their loan.

With these various interests in mind, I have worked with interested parties to develop a legislative initiative which enables municipalities to annex areas, without threatening existing service or a water supply corporation's ability to repay a Federal loan. This legislation, which I am introducing today, contains provisions that ensure the municipality provides fair compensation to the currently operating water supply corporation. This compensation must take into account the terms of any loan currently extended to that water supply corporation, and their ability to repay that loan. It must also take into account how a partial annexation of the service area would impact the remaining customers, as well as estimated population changes in the general service area.

I feel this bill is consistent with last year's court ruling, and includes the necessary safeguards to protect any Federal investment and

loans to water supply entities. In addition, it provides municipalities with the flexibility to annex rapidly developing areas and encourage economic development. While this legislation necessarily focuses upon the economic impact caused by such an annexation, the purpose is to expedite the extension and delivery of water and sewage services to people in rural areas. Public and private entities at all levels must contribute to this effort, and passage of this bill will encourage the partnerships which are necessary to bring clean water and sewage treatment to all the citizens of our country.

COCHAIRMAN NAMED TO HOUSE EXPORT TASK FORCE

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. BONKER. Mr. Speaker, it is with great pleasure I announce the selection of my colleagues, the Honorable MEL LEVINE and the Honorable DOUG BEREUTER, to be the co-chairmen of the House Export Task Force. I have chaired this caucus for the past 7 years. During that time, it has served the Members of Congress and the business community by providing information on trade-related legislation. As I leave the Congress, I wanted to ensure the caucus would be chaired by individuals who have exhibited a keen commitment to the promotion of American exports. Furthermore, in the spirit of the bipartisan nature of this caucus, I wanted to have both parties represented in the leadership of the caucus. With those goals in mind, I am pleased Congressmen LEVINE and BEREUTER have agreed to be the co-chairmen of the House Export Task Force. During the time Congressman LEVINE has been in the House, he has exhibited interest in promoting American exports by proposing legislation which would make American products more competitive in the world marketplace. Similarly, Congressman BEREUTER has demonstrated leadership in promoting the export of American agricultural products.

I am confident the House Export Task Force, under the leadership of these highly qualified Members, will continue to perform a valuable service for the House of Representatives and the business community.

THE 32D ANNIVERSARY OF THE HUNGARIAN REVOLUTION

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. HORTON. Mr. Speaker, I rise to commemorate the 32d anniversary of the Hungarian Revolution, which takes place on October 23, 1988. The occasion marks a point in history where individuals risked their lives and personal safety in an effort to free themselves from oppression.

As you know, I have been in contact with the Prime Minister of Hungary in order to resolve an issue which still burns in the hearts of many Hungarians both here and in Hungary itself. The bodies of those brave men and women who were executed for their roles in the revolution remain in unmarked graves. The bodies of these freedomfighters must be returned to their families for proper burial.

I have received assurances from Prime Minister Grosz and Hungarian Minister of Justice Kulcsar that the bodies will be returned but, as of yet, no visible action on the matter has been taken. I would like to use the occasion of this 32d anniversary of the revolution to reiterate the demand that this matter be handled forthwith.

The following is the statement of President Ronald Reagan commemorating this important anniversary:

October 17, 1988.

I am honored to commemorate with you the 32d anniversary of the Hungarian Revolution, which will be marked on October 23. We can never forget the shining example of the many brave men and women who faced death fearlessly in 1956 to regain freedom and self-determination for their beloved homeland. Their idealism, patriotism, and courage remain an inspiration to all Hungarians who yearn for freedom and democracy, as well as to other peoples around the world who are engaged in the same struggle for their countries.

The United States remains fully committed to the goals of democracy, national self-determination, and human rights for which the brave freedom fighters of 1956 fought. These goals are timeless, and the struggle to achieve them will continue as long as the desire for freedom rests in the human heart. Today, when we hear much about change and "new thinking" in the Eastern bloc, we hope that leaders in that part of the world will take a new look at the Hungarian Revolution and recognize the lessons it carries to the present day. The situation in Europe can never be considered normal until the cruel and unnatural division of that continent is healed, and until historical injustices such as the brutal suppression of the Hungarian Revolution are forthrightly dealt with in the history books. I remain convinced that that day will come, and I hope and pray that it is not far in the future.

God bless you,

Ronald Reagan.

WHAT THE PLEDGE OF ALLEGIANCE REALLY MEANS

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. DURBIN. Mr. Speaker, the Montgomery Journal in Hillsboro, IL, recently published the following Pledge of Allegiance, written by Joe Kempe, Sr., editor of Joka Press. I am inserting his column in the CONGRESSIONAL RECORD because I believe his observations show a unique perspective of the real importance of this issue.

[From the Montgomery County Journal, Hillsboro, IL]

I PLEDGE ALLEGIANCE

(By Joe Kempe, Sr.)

I pledge allegiance to the flag of the United States of America, and to the republic for which it stands. I do so voluntarily, lovingly and joyfully, for the following reasons, among others:

It is a grand old flag that can be waved in the hand or in the heart with equal sincerity and efficacy.

It represents the separation of church and state. Surely the Lord is not pleased to see sheep herded into His fold at gunpoint, or forced by political pressure to enter through any particular portal.

It is a flag for everyone. Its handle fits the hand of pompous, privileged politician or poverty-prone peon.

It is a flag that protects one's right to approve or disapprove when our government sells weapons to Iran, uses the proceeds in an attempt to overthrow the government of another sovereign nation, then shreds documents recording details of the transactions.

It is a flag that represents the two-party system, within the framework of which one is allowed to be just as reactionary, conservative, liberal or radical as his conscience and convictions dictate.

It is a flag designed by dissidents who had the wisdom and courage to resist tyranny and oppression and the audacity to refuse to go on pledging allegiance to a flag-waving Englishman named George.

A MATTER OF UPHOLDING THE LAW

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. CROCKETT. Mr. Speaker, I wish to submit for the information of my colleagues an article by Prof. Wayne Smith of the School of Advanced International Studies, former head of the U.S. Interests Section in Havana.

Professor Smith points out that if Vice President BUSH really wanted the United States to be "the dominant force for good in the world," as he claims, he could have started by trying to make the Reagan-Bush administration obey the law more over the past 8 years. Yet what we have seen is the denigration of international institutions, the violation of international law, the defiance of the World Court, and the involvement of unprecedented numbers of administration officials in scandals, violations of the law, and unethical conduct.

As Professor Smith says, "those who lead this country ought to have the intelligence, integrity, and statesmanship to handle (situations) within the rules established by international law." Should Mr. BUSH achieve the office that he is seeking, I hope he will understand that our country cannot be a dominant force for good if our Government defies the law.

The article follows:

[From the Christian Science Monitor, Sept. 28, 1988]

A MATTER OF UPHOLDING THE LAW

(By Wayne S. Smith)

Vice President George Bush says he wants the United States to be "the dominant force

for good in the world." Certainly Americans like to think of their country in those terms, and over the years have had ample reason to do, as evidenced by such endeavors as the Good Neighbor Policy, the Marshall Plan, and the reconstruction of Japan.

But our most important contributions to the world have been the genius of our constitutional system and our dedication to the rule of law. Since the days of Franklin Roosevelt, the US has taken a leading role in encouraging the rule of law within the community of nations. Mr. Roosevelt envisioned the United Nations as a means to that end. Harry Truman brought the vision to reality. Up to 1981, all postwar presidents had upheld the Charter of the UN and accepted the jurisdiction of the World Court.

On the campaign trail, Mr. Bush has praised the bipartisan foreign policies of Roosevelt and Truman as a standard for others to follow. The Reagan-Bush administration, however, has departed dramatically from those standards. It is difficult to see how Bush squares his words with that departure. How can one undermine the international organizations inspired by Roosevelt and Truman, yet claim to be following in their footsteps? And how can one's policies be "a dominant force for good" if they defy the law?

It is not just that the Reagan-Bush administration has refused to pay its dues to the UN and the Organization of American States (OAS); it has also defied the World Court and violated the Charter itself.

In 1986, the World Court, after a careful examination of the evidence, ruled that US mining of Nicaraguan harbors was a violation of international law. Accordingly, it ordered the US to cease these and other efforts, such as military assistance to the contras, aimed at overthrowing the Nicaraguan government.

Rather than comply, the Reagan/Bush administration, for the first time in our nation's history, refused to accept the jurisdiction of the court, and in so doing violated Article 84 of the UN charter, which calls on "each member of the United Nations . . . to comply with the decision of the International Court of Justice in any case to which it is a party." Nor was the administration forced to choose between the law and national security. Legal measures were available to ensure the latter.

The administration might, for example, have taken its case to the OAS, charging Nicaragua with aggression against El Salvador and invoking the Rio Mutual Defense Treaty. Of course, that would have meant presenting evidence to back its charge, and the administration has never been long on evidence.

Or it might have negotiated and signed a detailed security agreement with Nicaragua under which the latter ruled out the establishment of any Soviet bases, foreswore assistance to the Salvadorean guerrillas, etc. Had Nicaragua violated the agreement, the US could then have used force with the full weight of international law on its side. And had Nicaragua respected it, US objectives would have been achieved without bloodshed.

The question here has nothing to do with what one thinks of the Sandinistas. The US may indeed have good reason to regard the Sandinistas as adversaries. That in no way changes the fact that those who lead this country ought to have the intelligence, integrity, and statesmanship to handle such a situation within the rules established by international law.

Of course, even at home this administration has shown all too little respect for the law. Ten Reagan appointees have been convicted and sentenced to prison. One hundred fifty others have been indicted, placed under investigation, or both. The greatest corruption scandal in Pentagon history now threatens to add dozens more to that list. The former chief law enforcement officer himself, the attorney general, was investigated and found culpable of unethical if not illegal conduct. And during Iran-Contra, it became clear that in pursuit of an illegal war against Nicaragua, members of the administration had violated the law of our own land.

All this is unworthy of us. If there is ever to be that better and more just world of which we all dream, it will grow out of the UN, with all its imperfections, and out of a growing acceptance of international law. The US will not be true to its high calling if it undermines either. As John Locke so wisely noted some three centuries ago: "Where law ends, tyranny begins." The US must always be on the side of the former.

METAL TECH OF BETHEL PARK WINS AWARD

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. WALGREN. Mr. Speaker, I am pleased to announce that Metal Tech Machine Co., located in my district in the township of Bethel Park, has won the U.S. Small Business Administration's prestigious "Administrator's Award for Excellence."

Metal Tech, a 13-year-old company founded in 1975, was the only company in western Pennsylvania to receive the award. Metal Tech—a firm with only seven employees—was selected in a nationwide competition. The company makes small- to medium-sized machined and fabricated parts and assembles them for commercial and Government use.

Metal Tech has joined as a subcontractor with Gilbert/Commonwealth and together the two provide operations support for research activities at the Pittsburgh Energy Technology Center. The Pittsburgh Energy Technology Center is a national laboratory operated by the Federal Department of Energy and assigned major responsibility for the Nation's energy crisis. The Pittsburgh Center conducts research and provides management for national programs to improve the clean and economic uses of coal, the Nation's most abundant energy resource. Examples of work Metal Tech has performed include the machining of high-pressure manifolds for use in PETC's gas cylinder storage facility and intricate components for PETC's flat flame burner system that is used to study the effects of electrical fields on coal combustion.

Metal Tech was recognized, in part, for its ability to machine and fabricate parts of the highest quality on short notice. This is a critical factor, especially in laboratory research, to avoid delays that would disrupt research and demonstration of new technology.

It is an honor for me to salute Metal Tech and its management and employees as a fine example of American enterprise, as small

business that is making an important contribution to the economy of western Pennsylvania and the National interest.

H. CON. RES. 339

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. FRENZEL. Mr. Speaker, a number of members of the Energy and Commerce Committee have introduced House Congressional Resolution 339. A total of about 200 Members are cosponsors.

The resolution calls for lifting of restrictions on the Regional Bell Operating Companies which prevent them from offering certain information services and from doing their own manufacturing.

I have today, entered my name as a cosponsor, but with some reservations. My real intent in signing on the bill is to indicate the need for hearings and serious committee work on the problem.

I am not expert in the field. Therefore, I am more reliant on good committee work than are the Energy and Commerce members who originally introduced the resolution. They may know what the answers are. My sponsorship only indicates that I want to see the matter investigated carefully. I am told that heavy sponsorship of the bill is the only way to ensure that the Energy and Commerce Committee will take all the time and trouble to work on the issue.

My sponsorship means I believe the matter needs work and careful analysis. For those of us who do not work on these matters regularly, that is the only way we can find out what is the best course of action.

The best course may be exactly what is contained in House Congressional Resolution 339, but I have no way of confirming that now.

WAITING PERIOD ON HANDGUN PURCHASES DESERVES ENACT- MENT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. MAZZOLI. Mr. Speaker, I commend to the attention of my colleagues the following press account and editorial which appeared last week in the Louisville Courier-Journal concerning the killing of Louisville attorney John Mackey in August.

The Mackey killing appears to have been a "crime of passion" which might have been prevented if a waiting period law had been in effect.

I am disappointed that the House voted in September to delete the 7-day waiting period language on handgun purchases from the drug bill. I hope the issue can be revisited with more success in the 101st Congress.

The article and the editorial follow:

[From the Louisville Courier-Journal,
Oct. 11, 1988]

TAKING AIM AT A GOOD LAW

The Young woman accused of killing Louisville attorney John Mackey allegedly bought a semi-automatic pistol from a downtown pawnshop a few hours before Mackey was shot to death.

Maybe the shooting wouldn't have occurred if Louisville had an eight-day waiting period for gun purchases, as it had from 1970 to 1974—or even a 24-hour cooling off period, such as the one that was in effect in the city from 1974 to 1984. Then again, maybe nothing would have deterred the young woman from the crime of which she is accused.

In any event, Louisville Police Chief Richard Dotson, like many other law-enforcement officials, believes a waiting period would be helpful—if it were mandated by federal legislation and enforced all across the nation.

Such legislation was rejected by the U.S. House of Representatives last month. What the country is left with is a patchwork of state and local laws that allow a would-be gun buyer to leave a jurisdiction with tight regulations and purchase a gun where the rules are lax.

For instance, Indiana requires a 7-day wait before someone who applies to buy a gun can actually take possession of the weapon. The law doesn't call for police checks of applicants, but the waiting period could allow someone who is enraged, and has homicide in mind, to cool off. Next door in Kentucky, however, there's no waiting period. In fact, state law bars local governments from imposing such restrictions on handgun purchases.

No one argues that a national waiting period would end handgun homicide in this country, but it would help reduce the carnage. The next Congress should put handgun legislation high on its agenda.

[From the Louisville Courier-Journal,
Oct. 8, 1988]

MAN'S DEATH SHOWS NEED FOR GUN-SALE LAW, POLICE SAY

(By Kay Stewart)

Just a few hours before Louisville lawyer John Mackey was shot dead in his home Aug. 17, the woman accused of killing him went to a downtown pawnshop and bought the pistol that police believe was used in the shooting, court records say.

Some Louisville police commanders said yesterday that this case is the first one they could recall since 1982—when Kenneth Bailey Miles emptied a handgun inside a downtown savings and loan office—in which someone has been accused of buying a gun and promptly using it to kill someone.

The case also provides an "exact reason" why a waiting period is needed on gun purchases, said Louisville Police Chief Richard Dotson.

Advocates of a waiting period—which was outlawed by a Kentucky statute in 1984 and rejected by the U.S. House of Representatives just last month—say that such a delay discourages crimes of passion and allows police time to check the backgrounds of would-be buyers.

However, Dotson said he believes a waiting period needs to be enforced nationally in order to work.

Mackey, 40, died about 6 p.m. Aug. 17 at his home at 1916 Deer Park Ave. of four gunshot wounds in the head and neck ac-

cording to court records. Ruth Ann Kinnamon, 26, who was living at the Wayside Christian Mission shelter at 812 E. Market St. at the time, was arrested on a murder charge on Aug. 18—after she told a mental-health counselor that she shot Mackey, court records say. She was once a part-time secretary in Mackey's office.

Jim Walker, a clerk at Davis & Son Inc., 113 W. Jefferson St., said in an interview yesterday that Kinnamon bought a small, .25-caliber pistol between 2 and 3 p.m. Aug. 17. He said she "acted very normal."

Documents filed in Jefferson Circuit court include a receipt for the gun that police took from Kinnamon's purse.

Waiting periods for gun purchases have been the subject of extensive debate.

The measure defeated in Congress last month would have required a seven-day waiting period on handgun purchases, a measure already required in 22 states.

From 1970 to 1974, Louisville required an eight-day waiting period. But city gun dealers complained they were losing business to dealers outside the city, where guns could be purchased in a single visit.

City law was changed in 1974 to require any person applying for a gun to wait 24 hours. But even police said that law was virtually worthless because 24 hours did not give them enough time to check for felony convictions or a history of mental illness.

Enforcement of that law ceased in 1984, after the Kentucky General Assembly passed a law prohibiting county and city governments from enforcing gun-control legislation.

Former Democratic Rep. Jim Dunn of Pleasure Ridge Park, who co-sponsored the legislation, said he's not opposed to waiting periods, but doesn't think they would stop anyone from getting a gun.

Dotson said people could still get guns for the wrong reasons if a waiting period were in effect—but some tragedies might be prevented, because "during a waiting period a person has time to rethink what they want to do."

Maj. Edward Mercer, chief of detectives for the Louisville police, said the Kenneth Bailey Miles case is the only other one he could recall in which someone was charged with using a brand-new gun to commit murder.

Miles, a convicted felon with a history of mental treatment, bought a pistol at a West End pawn shop and used it to kill two people, while injuring another person and himself.

Miles, who has been found mentally incompetent to stand trial, had to wait 24 hours under the old city ordinance before taking possession of his handgun.

Mercer also said police occasionally see cases of people who buy guns in order to immediately commit suicide.

The receipt for Kinnamon's purchase of the gun—a Raven semiautomatic—shows she paid \$69.95 for it and \$5 for ammunition.

Walker, the store clerk, said Kinnamon asked for instructions on how to load and fire the gun and then paid cash. Walker said there isn't a cheaper gun for sale at the store.

Arthur Davis, an owner of the store, said that Kinnamon filled out the required federal "Firearms Transaction Record."

He declined to show the form to a reporter, but said that Kinnamon, in response to one question, said she had never been committed to a mental hospital or convicted of any crime. He said that she produced a valid driver's license.

The murder charge is the first crime Kinnamon has ever been charged with, according to court records.

Mackey's father, Edward Mackey, said yesterday that Kinnamon had worked part time as a secretary in the law partnership he shared with his son.

He said she had done no work for them in about eight years, but his son had done some legal work for Kinnamon, including the drafting of a will, in recent years.

According to court records, Kinnamon was married in December 1983 and divorced in 1986, and she has one daughter.

Mackey said his son did not represent Kinnamon in her divorce. He said he couldn't think of a reason she would want to harm him.

John Mackey's brother, Robert Mackey, said that he understood Kinnamon went to his brother's apartment at times to have "a shoulder to cry on," but he didn't know what type of relationship they had.

Assistant Commonwealth's Attorney Michael Schafer said yesterday that Kinnamon, who is in jail, is to undergo a court-ordered psychiatric evaluation. Her attorney, public defender Michael C. Davis, would not comment on the case.

According to court records, on Aug. 18 Kinnamon told John Akers-Bell, a counselor, that she had shot Mackey. Akers-Bell works for Living Supports Inc., a subsidiary of Seven Counties Services Inc., a non-profit regional mental-health agency. Living Supports helps people suffering from mental or emotional illnesses, said Mark O'Hearn, chief development officer for Seven Counties.

The court record says that Akers-Bell asked Kinnamon how many times she shot Mackey and that Kinnamon responded in a whisper: "I unloaded the gun."

She told Akers-Bell she threw the gun away, according to the court records.

But the gun is listed in court records as evidence obtained by police. Schafer said police received an anonymous tip that the gun was in a vacant building at Shelby and Jefferson streets.

Court records say the gun police found in the building has the same serial number as shown on the pawn-shop receipt.

FAA WINDSHEAR TRAINING AID

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. MINETA. Mr. Speaker, 3 years ago, on October 30, 1985, the Subcommittee on Aviation held a hearing on the status of Federal programs to improve the detection of hazardous aviation weather. The hearing also focused on the need for improved training of flight crews and procedures to avoid windshear conditions. We now have evidence that new windshear training techniques recently developed by a government/industry team have been instrumental in avoiding hazardous windshear conditions and preventing possible accidents. Several organizations and individuals were involved in this successful program, known as the FAA windshear training aid, and they are identified later in this tribute to the cooperation between government and industry to prevent accidents.

In July of this year, FAA controllers provided timely windshear information derived from terminal Doppler weather radars at Denver Stapleton Airport to five United Airlines flight crews. Each flight crew was able to use this unique information to immediately apply the procedures they had learned from the new FAA windshear training aid to avoid the windshear hazards.

As chairman of Subcommittee on Aviation, I am pleased that the FAA and industry have developed and implemented this national program. The international aviation community is also adopting the new training program for windshear avoidance.

The development of the FAA windshear training aid represents an excellent example of timely and effective government/industry cooperation in tackling a major aviation safety issue. The windshear training aid was developed by a consortium of aviation experts following an extensive industry review process which produced an industrywide consensus on all technical, piloting, and training issues. In addition, all recommendations were substantiated by extensive technical evaluations. The windshear training aid development process is widely regarded as a model for use in tackling other aviation safety issues, including human factors and collision avoidance.

Microburst windshear is the primary, single contributing factor in air carrier accidents that have occurred during the takeoff and landing phases of flight. Congressional concern following a 1982 accident in New Orleans resulted in a National Academy of Sciences-commissioned study by the National Research Council [NRC] which assessed the hazards of low-altitude windshear on flight takeoffs and landings. One of the primary recommendations of the NRC study was to establish an integrated windshear program. The group specifically recommended in its final report, "Low-Altitude Windshear and Its Hazard to Aviation," that the FAA and the industry should prepare and disseminate as widely as possible updated and authoritative information on windshear to better educate pilots and controllers.

In response to the NRC recommendations and the needs of the aviation industry, the Boeing Co., entered into discussions with the FAA resulting in a Boeing proposal for a program to develop a windshear training aid. In November 1985, the FAA contracted with Boeing as primary contractor; and McDonnell Douglas, Lockheed, United Airlines, Aviation Weather Associates, and Heliwell Inc. as sub-contractors, to produce the windshear training aid. The 15-month project was completed in February 1987, on schedule and within budget and provided the FAA with four documents and two videotapes which provide the basic resources for a comprehensive windshear training program.

The windshear training aid is an effective means of training flight crews to minimize the windshear threat through avoidance and the use of cockpit recognition and recovery techniques. It is applicable to all current Boeing commercial jet transport models as well as those manufactured by McDonnell Douglas and Lockheed. Furthermore, it represents an industrywide consensus on all major training, piloting, and technical issues as a result of its

extensive review process that included representatives from the airlines, the pilot community, research organizations, as well as Government regulatory and safety agencies. Extensive technical evaluations were conducted to substantiate all recommendations. Other transport aircraft manufacturers, including Airbus, British Aerospace, and Fokker, have also endorsed the training aid and are currently in the process of incorporating their own unique airplane recommendations.

I am pleased to pay tribute to the windshear training aid development team which was comprised of the following individuals:

FAA: George C. "Cliff" Hay, contract manager; and Herbert Schlickmaier, assistant contract manager.

Boeing: Charles R. Higgins, program manager; Chester L. Ekstrand, chief training pilot; and Edgars A. Kupcis, principal investigator.

Douglas: J. Samuel Clauzel, chief pilot, standards and safety; and David A. Williams, Assistant chief pilot.

Lockheed: Ralph C. Cokeley, pilot, operations; and David Gill, manager, aerodynamics.

United Airlines: David A. Simmon, director of safety; Robert P. Smith, 727 flight manager; and Robert L. Ireland, technical projects manager.

Aviation Weather Associates: Dr. John McCarthy, meteorologist.

Helliwell: James D. Helliwell, video producer.

I applaud their dedication, expertise and hard work.

THE ANTI-APARTHEID ACT AMENDMENTS

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mrs. COLLINS. Mr. Speaker, apartheid is one of the most baneful disasters of the 20th century and the American people's moral indignation and outright condemnation of that system is unequivocal. The South African Government's modus operandi of repression, hatred, fear and violence has earned it the reputation of being a true terrorist state. In order to promote democratic values in South Africa and preserve the integrity of those values at home, it is absolutely essential for the United States Government to do everything within its power to help dismantle that institutionalized form of social injustice.

The steps taken by the Anti-Apartheid Act Amendments of 1988, H.R. 1580, are sure to have a substantial effect toward this goal. H.R. 1580 is a wonderful example of legislation which lives up to the high expectations set by our principles. I applaud everyone who has contributed to this positive campaign.

I only hope at this point that our distinguished colleagues in the other body will hear the cries of righteous despondency from South Africa, recognize the urgency of this issue, and act accordingly. Such action would clearly distinguish the Congress from the Reagan administration which has consistently opposed any meaningful sanctions, even

bending over backward to accommodate the South African regime. It is not only ironic, but utterly appalling, that the administration propounds worldwide democracy while supporting a cadre that allows only a small percentage of its citizens to participate in its so-called democratic process.

As the next Presidential election nears, the opportunity is ripe for the American people to choose a leader who accurately reflects our national values. Reviewing the records and positions of the two candidates, it is clear that only Gov. Michael Dukakis precisely reflects the sentiments and principles which drive our great Nation. I believe that his perception of the South African Government is accurate and that he would take concrete action to awaken the South African Government out of its institutionalized stupor.

Mr. Speaker, the South African Government simply cannot go on arrogantly ignoring the human rights of others forever. The United States Senate, House of Representatives and President must join the rest of the world in expressing disapproval and applying financial pressure to do what common sense and fundamental morality could not lead South Africa to do.

JEFFERSON BANK PROTEST

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. CLAY. Mr. Speaker, as the 100th Congress prepares to adjourn sine die, I would like to take this opportunity to apprise my colleagues of an important historic observance which took place in the city of St. Louis on August 30, 1988—the reenactment of the Jefferson National Bank protest. Twenty-five years ago I was among those arrested and sent to jail for participating in this demonstration. In those days, Jefferson National Bank, like most institutions in our city and throughout our Nation was racially segregated and refused to hire blacks. Those of us who protested helped tear down some of the barriers to the employment of blacks in banks, stores, and other businesses.

Mr. Speaker, so much has changed in our society over the last quarter of a century, but we are still struggling to realize genuine racial equality in this, the greatest democratic nation in the world. I would like to share the following newspaper reports detailing the recent reenactment of this historical event.

[From the St. Louis American, Aug. 25, 1988]

JEFFERSON BANK PROTEST REENACTED AUGUST 30

(By Sharon L. Green)

A re-enactment of the Jefferson Bank Demonstration, featuring former protesters who were jailed, will be held August 30 at Jefferson Bank, 2301 Market, to commemorate the 25th anniversary of what some call the greatest moment in St. Louis' civil rights history.

Marion Oldham, then a teacher in the St. Louis Public Schools, was one of the first arrested during a protest at the bank which refused to hire or serve blacks.

"You have to understand what conditions were like back then—everything was totally segregated. It was considered a way of life but it (the protest) didn't start in 1963 it started back in 1948," said Oldham, a former curator at the University of Missouri.

Oldham was one of the first to be arrested but not until the following day when a sheriff came to her home to arrest her. The others turned themselves in the following day.

CORE members and other local leaders formed a human chain around the bank while the demonstrators were in jail. It was an historic media event locally which later became known as the highlight of the civil rights movement in St. Louis, Oldham said.

There was an immediate impact locally. Following the protest and the media coverage at Jefferson Bank, Oldham said hundreds of black people were hired in banks throughout the city. Although the protest had no legal effect on public accommodation laws, numerous protests continued followed the Aug. 30 protest at Jefferson Bank.

"The community was more up in arms then, than it has ever been since," she said.

Oldham was jailed for 11 days and later convicted for violating the bank's injunction. She said the charges were dropped months later.

[From the St. Louis Sentinel, Aug. 18, 1988]

THE 25TH ANNIVERSARY OF JEFFERSON BANK DEMONSTRATION FOR CIVIL RIGHTS

The 25th Anniversary of the Jefferson Bank Demonstration will occur on Tuesday, August 30, 1988, according to Norman R. Seay, General Chairman, Commemoration Planning Committee.

Three commemorative activities have been planned to observe the 1963 beginning of the civil rights movement in St. Louis. Two have been finalized. One is the Symbolic Jefferson Bank Demonstration. This peaceful, non arrest activity will occur on Tuesday, August 30, from 4-6 p.m., at the Jefferson Bank, 2301 Market Street—across from Holiday Inn. The second activity is a dinner on Sunday, October 30, 6 p.m., at the Grand Masonic Hall. The third activity is to be identified later.

Five distinguished citizens are the Honorary Chairpersons. They are: Dr. Johnetta Haley, Director, SIU-E East St. Louis Center; Rev. Dr. Samuel W. Hylton, Chairman, Clergy Coalition; Msgr. John A. Shockey, Executive Director, Human Rights Office, Archdiocese of St. Louis; Mrs. Ruth G. Washington, civic and social leader, and Robert L. Witherspoon, former attorney to the 1963 Jefferson Bank demonstrators.

In 1963, CORE initiated a survey of banks in the Metropolitan area to assess the number of African American employees and their positions in the banks. Jefferson Bank (was located in the heart of the African-American neighborhood) was selected as the bank to publicly protest the lack of African-American in positions higher than porters/messengers. Therefore, on August 30, 1963, CORE and supporters picketed and interfered with the operation of Jefferson Bank to obtain access and other equal employment opportunities for African-Americans in the banking and other industries in Metropolitan St. Louis. Because of the successful impact of the demonstration, the principal leadership of CORE was jailed and then prosecuted. Among the jailed demonstrators

were U.S. Congressman William L. Clay; former State Senator Raymond Howard; Attorney Charles and Mrs. Marion Oldham; Mr. Lucian Richards, Norman R. Seay and the late Robert Curtis.

While the demonstrators were jailed, support for them constantly developed. Teachers, doctors, tavern bartenders/owners, dentists, nuns, ministers, beauticians, unions and other groups collected funds and/or picketed the Jefferson Bank.

Today, according to Seay, African-Americans are employed in the financial community; however, there are many objectives to be achieved. The impact of Jefferson Bank transcended the financial institution—other industries began employing African-Americans. The 19 demonstrators and their supporters began a movement, using civil disobedience as an effective mechanism to overcome overt racism—discrimination and segregation.

For additional information, persons may write to the 25th Jefferson Bank Demonstration Committee, P.O. Box 6242, St. Louis MO 63106 or call Mr. Norman R. Seay at 553-5692.

Other elected planning committee officers are Mrs. Evelyn Haney-Gammon, Secretary, and Mr. Robert Foster, Treasurer.

[From the St. Louis Argus, August 18, 1988]

JEFFERSON BANK PROTEST REMEMBERED

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COMMENDING AMBASSADOR HARRY BARNES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1988

Mr. GILMAN. Mr. Speaker, I rise to commend Hon. Harry Barnes, United States Ambassador extraordinary and plenipotentiary to Chile. Ambassador Barnes began his tour in November, 1985, at a time when President Reagan was frustrated by the difficulties in affecting a transition toward democracy in that troubled nation.

While serving in Chile, Ambassador Barnes emphasized contacts with business leaders, military leaders, other than Pinochet, and politicians of all ideological leanings. Ambassador Barnes may be credited, as well, with helping to open the way for free elections in that nation.

Mr. Speaker, I join my colleagues in commending this outstanding diplomat for his exceptional work, not merely defending the interests of this great Nation, but for furthering the cause of democracy in the world.

LORA BETH CLYDE 1988 TEXAS ROSE QUEEN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. HALL of Texas. Mr. Speaker, it is Rose Festival time again in Tyler, TX—and it is a personal pleasure for me to introduce Lora Beth Clyde—who was crowned the 1988 Texas Rose Queen.

She is the daughter of William and Lenora Clyde—and described by all as "a lovely and vivacious queen."

Tyler, TX, the "Rose Capital of the World," annually celebrates the beauty of roses with a weeklong festival. Tyler is one of the Nation's largest rose bush growing areas, producing some 20 million bushes annually, more than 50 percent of the national supply.

Her entire family has a longstanding interest in the Rose Festival. Her father, Dr. William Clyde, was a train bearer in 1947 and an escort in the 1956 festival. Her brother David, sisters Ellenor and Kathleen were bearers for Kitty Clyde Ramsey who was queen in 1967 and her cousin, Eloise Clyde Chandler was queen in 1974. Her grandparents, Dr. and Mrs. Wylie Clyde are among those looking forward to the reign of the newest queen.

As a student at Robert E. Lee High School, Lora Beth enjoyed showing horses, hunting,

fishing, water skiing, and music. At Stephen F. Austin State University, where she is majoring in Elementary education and Spanish, she has continued to care for animals and pursues hobbies of bowling, water skiing, tennis, playing the piano and hunting.

The highlight of the weeks activities came with the delivery of a letter from President Reagan recognizing this festive occasion. I congratulate Mayor Montgomery and the city of Tyler, Rose Festival President Upton Beall, the lovely mother of the queen, Lenora Clyde, and all of east Texas for this wonderful festival and a beautiful and gracious queen, Lora Beth Clyde.

Mr. Speaker, as we adjourn today, let us do so in honor of Lora Beth.

INTRODUCTION OF LEGISLATION TO REPEAL THE TAX ON THE EARLY DISTRIBUTION OF RETIREMENT BENEFITS

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. GONZALEZ. Mr. Speaker, I have introduced legislation to repeal section 1123 of the Tax Reform Act of 1986, 26 U.S.C.A. 72(t). This section places a 10-percent tax on the early withdrawal of most retirement benefits.

Prior to the enactment of the Tax Reform Act of 1986, the early withdrawal of an IRA and funds withdrawn by a limited group of people from a qualified pension plan were subject to an additional income tax of 10%. The Tax Reform Act expanded on this penalty by subjecting all early distributions from any qualified retirement plan to the additional tax. Further, this tax is applied regardless of the source of the distribution.

Thus, under present law, an individual who retires before the age of 55 is penalized by the Federal Government, and this penalty applies even if the employee initially only receives his or her own contribution. I feel that this is unfair. The Federal Government has no business entering into the employer/employee relationship in this manner. If an employee and employer decide that the employee can and should retire early what business is it of the Federal Government to discourage this choice. Moreover, this provision is particularly harsh in its application when an employee takes advantage of an early retirement option due to pressure from his or her employer or because of personal hardship.

The only purpose of this legislation is to raise revenue without having to confront the public's opposition to additional taxes, and this is not a legitimate reason to tax our retired citizens unfairly.

I urge my colleagues to join me in sponsoring this important piece of legislation.

HONORING DAN LUNGREN

HON. ERNEST L. KONNYU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. KONNYU. Mr. Speaker, I rise this evening to honor DAN LUNGREN, and to wish him Godspeed as he departs this House to return to California.

As a fellow California Member of Congress, I can understand DAN'S desire to return to the Golden State.

Yet people of Long Beach, the Palos Verdes Peninsula, Torrance, Cypress, Los Alamitos, Huntington Beach and the many other communities which make up the 42nd Congressional District of California are losing a loyal and hardworking champion of real causes.

Originally elected in no small part because of his outspoken support of Proposition 13, Dan has fought in behalf of lower taxes and the spirit of free enterprise.

Again and again, on key issues DAN has been on this House floor to make a difference.

He has stood for a strong defense, and has been unwavering in his support for Freedom Fighters, be they in Afghanistan, Nicaragua or anywhere else in the world.

On social issues he had fought for the family and backed efforts to allow prayer back into the classroom.

It is perhaps in the area of immigration reform that DAN has had his finest hour. Going beyond just speechmaking, DAN has thrown his energies into work on that difficult and complex piece of legislation.

Many of us can vividly remember DAN'S efforts to reach a bipartisan agreement on the Simpson-Mazzoli immigration reform bill, a truly landmark piece of legislation.

DAN, through persistent lobbying and mastering of the facts, marshalled coalitions on this side of the aisle which provided the winning margins on many of its provisions.

Personally, DAN LUNGREN'S help has been vital to things I cared about.

In 1983 when we in the California Legislature were trying to qualify a work fare based welfare reform initiative, DAN helped us by keynoting our Los Angeles County fundraiser.

Here in Washington, when I was assaulted with baseless allegations, he at first, was my toughest cross examiner on the facts but once satisfied that I was telling the truth, he became one of my firmest backers.

Mr. Speaker, I want to say thank you to DAN LUNGREN for the services he has rendered to me, to this body, to the people of California, and to the Nation.

GREENHOUSE EFFECT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. CONTE. Mr. Speaker, starting with last night's news stories and continuing over the

next few days, the American people will be hearing a great deal about the "greenhouse effect". Much of what they will be hearing will not be new news, but will be the result of a draft EPA report to Congress, leaked yesterday, on the "Potential Effects of Global Climate Change on the United States."

The "greenhouse effect", also called global climate change or global warming, results from the buildup of certain trace gases, mainly carbon dioxide, in the atmosphere trapping heat and causing the temperature of the Earth to increase substantially. It is the effects of that temperature rise—projected to be 3 to 9 degrees Fahrenheit over the next 50 years—that could have a devastating impact on this country and other regions of the world.

Mr. Speaker, we need to begin today to approach this problem in an orderly and proper fashion. Sure, we've passed legislation to mandate two studies and reports on the problem, including the draft of one leaked yesterday. And we've provided about \$97 million in appropriations for bits and pieces of the problem.

But this problem deserves and demands more. We need to start thinking about it as a major issue, free from partisanship and self-interest only about the economic effects within an individual congressional district or State. The greenhouse effect will not affect many of the Members of the House, but it will affect our grandchildren and our children.

What are those effects? The EPA report looked at the effects on four regions on the country and projected major increases in rainfall and evaporation across the Nation, flooding in our coastal areas with the loss of most of our wetlands, receding forests, changing water quality, shifting climatic zones with obvious effects on the fish and wildlife and plant life within those zones, and other effects.

Obviously, we need to continue our research and expand it to look at all of the regions of our country, because the EPA reports that changes will vary by region. We need to continue to search for better answers to questions such as how fast the oceans will absorb the increased temperature, or what the time lag is between an increase in emissions and actual climate change, or how we can help to slow down the unbelievably high rate of destruction of our equatorial rain forests which can help keep the carbon dioxide levels down, and hundreds more.

Mr. Speaker, by December, EPA will formally send this report to the Congress, along with a report on possible policy options for Congress to consider. I urge my colleagues to take the time to learn more about the greenhouse effect, as it will be a major concern for the 101st Congress and succeeding Congresses. In the words of the EPA draft report—"The findings collectively suggest a world that is different from the world that exists today. Global climate change will have significant implications for natural ecosystems; for when, where, and how we farm; for the availability of water to drink and water to run our factories; for how we live in our cities; for

the wetlands that spawn our fish; for the beaches we use for recreation; and for all levels of government and industry."

AMBASSADOR HARRY G.
BARNES, JR.

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 19, 1988

Mr. SENSENBRENNER. Mr. Speaker, I have known Harry Barnes for several years and he is my friend. After being impressed by my first meeting with him in India during the early eighties, I sought to remain in contact with him and have visited Chile several times in the past few years.

Much of what we have just witnessed in Chile is a direct result of the pressure our Government has exerted through the persistent diplomatic efforts by Ambassador Harry Barnes. Harry would be the first to say the job of bringing stable democracy back to Chile is not yet completed. However, this first major step is a success.

The drive to register Chilean voters is unprecedented and clearly shows their enthusiasm for democracy. As a percentage of voting age citizens, they have, perhaps, more registered voters in Chile than in the United States. And the fact they could unseat President Augusto Pinochet, military dictator for 15 years, in a vote has gone a long way towards restoring Chilean confidence in democracy.

I think Chileans across the political spectrum from center-right to center-left—excluding the Communists and most radical Socialist faction—recognize and appreciate the conditions Harry Barnes helped create. While maintaining relations with the business community and military leaders other than Pinochet, Barnes facilitated the flow of over \$1 million to opposition groups to assist their voter registration drive. Barnes' almost daily contacts with the opposition drew the ire of many, but he had a mission and showed great courage in pursuing it. As a result, the United States is better able to deal with both sides in a post-Pinochet order today than at any time in recent years. And since support for Pinochet was a surprising 43 percent—of the vote—much broader popular appeal than many polls had indicated—we will have to deal with both sides.

In summary, I think the appointment of as capable a man as Harry Barnes was nothing short of a triumph for the United States. The political pressure we had tried to apply before Harry Barnes fell on deaf ears. Efforts to stop human rights abuses, liberalize and bring the transition to democracy were frustrated. Harry Barnes' assignment to Chile indicated a decisive change of tactics that worked. He was the world-class Ambassador who could handle a difficult situation that everyone wished.

**SHAW COMMUNITY CENTER
FOOD COMMITTEE HONORS
TOMMY GOSS**

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. FAUNTROY. Mr. Speaker, today I would like to call to the attention of my colleagues in the House of Representatives that on Tuesday, November 15, 1988, the Shaw Community Center Food Committee will honor Tommy Goss, a District of Columbia restaurateur for his outstanding community service and unselfish charitable giving.

Mr. Goss is indeed deserving of this appreciation celebration and I am pleased to join with my fellow members of the Shaw Community Center Food Committee in roasting a young man who grew up in the metropolitan Washington area and has returned to serve it with distinction. After graduating from the Bethesda Chevy Chase High School in 1968, Tommy continued his education at the University of Virginia on a football scholarship from 1968-72. In 1975, he earned a masters degree from the Cornell University School of Hotel Administration.

The restaurant business seemed made to order for Tommy Goss and in 1981, he opened the doors to his own restaurant, the Sign Of The Whale in downtown Washington, DC. This business venture has proved quite successful and has also been the site for numerous fundraisers. As an active member of the board of directors of the Bartenders' Ball Foundation, an organization of metropolitan area restaurant owners, Mr. Goss has helped to raise \$500,000 for local charities.

During the Christmas holiday season, Tommy dons his red suit and white beard and plays Santa for the children at the St. John's Child Development Center in northwest Washington. He presents gifts to every child and staff member at the Center, which serves autistic and severely retarded children. In addition, he heads the St. John's Building Committee, which raised the funds needed to purchase the Georgetown Day School.

Earlier this year, Tommy spearheaded the National Kidney Foundation's "Organ Donor Awareness" project which enlightened hundreds of restaurant workers as well as patrons to the need for organ donation commitment.

Other organizations which have received assistance from Mr. Goss include: the Georgetown Hospital, the Multiple Sclerosis Society, the Sunshine Foundation, the Muscular Dystrophy Association and the St. Pepper Society.

The Shaw Community Center Food Committee has greatly benefited from Tommy's support of our efforts to provide Thanksgiving food baskets to needy families in the District of Columbia. He has held fundraising events at his restaurant, encouraged his purveyors to donate foodstuffs to the Food Committee and has personally given of his time, energy and resources to make the Thanksgiving Basket project a success each year.

My fellow colleagues, I invite you to join me in expressing appreciation to Tommy Goss in recognition for his many years of distinguished

service to our local community and for his support of worthy charitable projects.

LU WARREN: AN APPRECIATION

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mrs. BYRON. Mr. Speaker, last week, a reporter from my district died. True to his nature, most of us were not aware that Lu Warren was suffering from cancer. He was in my office, on an almost daily basis for a decade, right up until the last 3 weeks when he passed away at the age of 75.

Lu Warren was a throw-back to an earlier, and some might say gentler, day of reporter-politician relationships. He was not terribly interested in your personal life. He didn't make an awful lot of noise with his comings and goings. He reported the news in a factual and straight-forward manner, devoid of personal analysis.

Lu Warren spent 33 years covering the Washington scene for a number of newspapers, most recently for one of the principal papers of my congressional district, the Frederick News-Post.

Despite Lu's long and distinguished tenure in Washington, he was one of the most unassuming people that I have met. He would appear daily at my door with a big "Hello, what have you got for me today?" He was a landmark for my days and I enjoyed seeing him, even when I wasn't always thrilled with his output. It was years before I discovered that he was a past president of both the National Press Club and the Gridiron Club.

Lu was held in high esteem by his colleagues. His work was a link for the citizens of Frederick County with their government in Washington. I appreciated his efforts and will miss him, as a reporter and as a friend.

SALUTE TO TOM TRIMBOLI

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. MAVROULES. Mr. Speaker, as the 100th Congress draws to a close, I would like to bring to the attention of my colleagues an outstanding individual who is leaving these hallowed halls. Too often we forget to recognize the achievements of the capable individuals on the staffs we have around us, and Tom Trimboli is one of those persons. He is a man of highest integrity and dedication to the principles of equality of opportunity for all citizens.

For 13 years, Tom has been the champion for our Nation's small businesses. He began his career on Capitol Hill as an intern for the late Honorable Joseph P. Addabbo, while still a law student at Georgetown University.

Upon graduation, he served as general counsel for Mr. Addabbo's Small Business Subcommittee on Minority Business Enterprise. There he gained a reputation as one of

Washington's outstanding experts on matters relating to Government procurement.

Under President Carter's administration, Tom served as a district director for the Small Business Administration in Phoenix AZ. In 1982, Tom returned to the House Small Business committee as senior legislative counsel, where he has continued to perform his task with distinction.

Although he has a long list of bills to his credit, Tom is best known for such landmark legislation as Public Law 95-507, which opened the doors to the Federal procurement market for small and small disadvantaged businesses. He is also credited with Public Law 98-577, the Small Business Competition Enhancement Act. In the 99th Congress, he worked with the General Oversight Subcommittee, which I chaired, on the reauthorization of the Small Business Innovation Development Act. More recently, Tom worked closely with my office on a significant reform bill, H.R. 1807, which is the first major reform of the Small Business Administration's Capital Ownership Development, 8(a), program in 10 years.

Small and small disadvantaged businesses across the Nation have greatly benefitted from the expertise and tireless efforts of this public servant. His dedication to the small and small disadvantaged business community has gained for him the admiration and respect of his colleagues and those he has served. It is a privilege to honor him with this brief statement of gratitude on behalf of myself and many others who have worked with him.

The Small Business Committee, the Congress, and the small business community are losing a valuable public servant. But I know that Tom will take with him a wealth of knowledge and experience to his endeavors and will continue to enrich the lives of those around him.

MATTHEW COLANGELO—MAN OF THE YEAR

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. KANJORSKI. Mr. Speaker, on October 9 the Italian-American Association of Luzerne County, PA, paid tribute to Matthew Colangelo, a friend, a good neighbor, and the association's 1988 Man of the Year. Mr. Colangelo is clearly deserving of this honor, for he has served his country and his community well for over 50 years.

After graduating from Hughestown High School in 1938, Matt Colangelo served in the U.S. Army as a staff sergeant and was awarded the Good Conduct Medal as well as the European African Middle Eastern Service Medal with five bronze stars.

After being honorably discharged, he accepted a position as a automotive tradesman instructor at the Dallas Correction Institute in Chase, PA. While there, he became an active member of AFSCME Local 2335, where he negotiated the first contract for trades and labor in the State. Later, he was elected vice president of AFSCME Council 13, and was

awarded the Wendy Hawkins Award for his outstanding contributions to the labor movement.

After 10 years of active and valuable service to AFSCME Council 13, Matthew Colangelo decided to become involved in local politics. Since this time, he has served as the chairman of council in Exeter Borough. He is also the State commander of the Veterans of Foreign Wars and a member of the Second Presbyterian Church in Pittston, where he has served as elder.

Mr. Speaker, please join us in extending our congratulations and thanks to a gentleman truly deserving of this recognition. Our community and our Nation are stronger as a result of his unselfish dedication and leadership.

PLUTONIUM AT SEA AND IN SPACE PUTS EARTH AT RISK

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. HOCHBRUECKNER. Mr. Speaker, as a Long Islander, I understand the risks of nuclear power. We have seen the recklessness of those who have claimed to manage nuclear power for our benefit. As a Congressman I have fought for safety at home in New York. Now I am concerned about the safety of little-known programs to transport nuclear materials across the oceans and into space.

With hardly a whisper, the administration has agreed to let Japan begin sea shipments of one of the world's most deadly materials: plutonium. While everyone recognizes the powerful threat carried by a nuclear weapon, we can only imagine the threat posed by a few terrorists if they gained the means to make a nuclear bomb. While I applaud efforts to control nuclear weapons, I think we must remain vigilant against nuclear terrorism.

On September 20, Congress was put in a bind. As Congress was working to adjourn, the State Department gave us 15 days to review an agreement in which it had granted Japan 30 years advance approval for shipping tons and tons of plutonium—weapons grade material—from Europe to Japan. Along with a bipartisan group of concerned colleagues in the House, I introduced legislation to give Congress 90 days to examine this policy. We fought the good fight, but we never stood a chance.

We in Long Island know the difficulty of trying to ensure safety in the case of a nuclear power accident. We know the frustration and fear of being held hostage to a \$5.3 billion nuclear-fiscal disaster called Shoreham. We also know that Federal administration decisions can be made that are not in the best interest of citizens and safety.

While the decision to allow sea shipments of plutonium was dropped on Congress as a "done deal," we now have the opportunity to monitor another nuclear venture. I prefer to stop bad decisions before they are made. For example, I believe the United States should get tough and negotiate a ban on all nuclear power sources in Earth orbit with the Soviet

Union. Congressman BROWN has introduced an excellent bill, H.R. 5279, to do this.

Both countries have used nuclear power in space. Between 10 and 20 percent of these missions have experienced some kind of failure or accident, according to the Federation of American Scientists. Best known of these accidents is the 1978 reentry of the Soviet *Cosmos 954*, which fell from space and spread radioactive debris over more than 38,600 square miles of northwest Canada. It is a miracle that the accident occurred in a sparsely populated area, rather than a major metropolitan center.

Since 1977 the United States has not launched any new systems that use nuclear materials. The Soviets, on the other hand, continually use nuclear power and nuclear reactors for their satellites. And while the United States terminated its space reactor program in 1973, it has resumed development of new nuclear reactors in the last few years and plans to deploy systems using nuclear materials.

A ban on nuclear materials in Earth orbit would reduce the threat of a mishap, especially involving Soviet satellites, more of which are dependent on nuclear power than United States satellites. Such a ban need not prohibit the use of materials for deep space missions far away from the Earth's atmosphere. Before embarking on its own space nuclear reactor program, the United States should limit the risks of an accident on the launch pad or a reentry of nuclear materials into the atmosphere by agreeing to a mutual ban. Other energy sources are available to NASA for its missions. Many U.S. satellites rely on the abundant solar energy in Earth orbit.

Safety is my primary concern. I believe we can explore the heavens and preserve our security without risking plutonium contamination. While there is time to negotiate with the Soviets on space policy, I fear that it may be too late to prevent the Japanese from beginning risky shipments of plutonium by sea. In July, Japan received consent from the United States to allow it to expand its use of nuclear power and to ship refined plutonium by air from Europe. Congress insisted, however, that tests of crash-proof casks be carried out prior to any air shipments. Faced with these restrictions, Japan requested permission to make sea shipments.

While I believe the State Department negotiated in good faith, Congress deserves more time to consider an accord of this breadth and duration. In March the Department of Defense [DOD] analyzed the security of moving tons of plutonium by sea. It worried about a terrorist attack: "Even if the most careful precautions are observed," the report states, "no one could guarantee the safety of the cargo from a security incident, such as an attack on the vessel by small, fast craft, especially if armed with modern antiship missiles."

Furthermore, ships are slow and highly vulnerable. "Sea shipment is slow, with the total transit time between 35 and 75 days," DOD asserts, and "the vessel is accessible and vulnerable throughout the voyage, particularly when the vessel is passing through channels, straits, and other restricted waterways ('choke points'), or when it is near the coast."

The DOD clearly states that ensuring the security of separated plutonium in transit is "of fundamental importance." I agree. United States taxpayers could end up paying millions to support Japan's plan to acquire as much as 45 tons of plutonium by the year 2000. By contrast, the total U.S. nuclear arsenal contains approximately 100 tons of plutonium. While Japan intends to use this material as reactor fuel, a terrorist could view each shipment as a cache which could help produce dozens of nuclear bombs.

We cannot afford to provide Japan with a 30-year advance approval of sea shipments of plutonium without thorough answers to these security and cost concerns. In addition, neither an environmental impact statement nor an environmental assessment has been prepared, as required by the National Environmental Policy Act.

Preventing the proliferation of nuclear materials is not a partisan issue. Guaranteeing the security and safety of weapons grade plutonium concerns everybody worldwide. While our attempt to increase the congressional review period of this agreement has not been approved, I believe it sets the stage for looking at the sea shipments of plutonium in the next session of Congress.

VALLEY ORTHOPAEDIC CLINIC IN CALEXICO, CA

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. HUNTER. Mr. Speaker, in 1962 Dr. Robert B. Nichols, a Los Angeles orthopedist, and Mr. Wayne J. Van De Graaff, a former INS officer, noticed that their makeshift clinic in the local immigration office was vastly overworked. The two men had obviously discovered a great need in this small border town. Together they founded the Valley Orthopaedic Clinic in Calexico, CA.

To date, the Valley Orthopaedic Clinic has provided free care for over 50,000 children. The doctors use modern techniques and their vast knowledge to battle crippling injuries and diseases, some of which are virtually unknown in the United States. They have worked what would appear to many to be miracles. There are endless stories of the Valley Orthopaedic Clinic giving hope to the hopeless.

One day, a boy arrived at the clinic with his grandmother. He had been stricken with polio and could only crawl around on his belly. People in his village laughed at him and called him "the snake." He never spoke; his grandmother thought he was deaf and dumb. Dr. Nichols operated on the boy who then learned to walk with braces; he began to talk too. Today, he is a businessman and has two healthy children.

The Valley Orthopaedic Clinic survives entirely on volunteerism. Everyone working in the office is a volunteer. Former patients cook meals for the doctors and patients, doctors donate their time and expertise, doctors and patients are flown between Calexico and southern California hospitals by private pilots who donate their planes, fuel, and services.

California hospitals donate bed space for children who need additional care beyond what the clinic can offer. Ambulances, buses, x-ray machines, artificial limbs, braces, and even the clinic building have been donated.

Mr. Speaker, everyone involved with the Valley Orthopaedic Clinic deserves our heartfelt thanks. Their selfless concern for the border children is a shining example of the spirit of enterprise and brotherhood upon which America was founded.

**S. 2148, THE MARK O. HATFIELD
WILD AND SCENIC RIVERS ACT
OF 1988**

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. MILLER of Washington. Mr. Speaker, last week the House passed S. 2148, the Mark O. Hatfield Wild and Scenic Rivers Act of 1988.

As a resident of Washington State and as a river rafting enthusiast, I want to congratulate my colleagues from Oregon for developing this fine bill. S. 2148 will protect 40 critical and outstanding rivers in the State of Oregon. The bill also designates seven other river segments for study. It is a good bill and should be signed into law by the President.

Mr. Speaker, over 20 years ago, I helped write the first wild and scenic rivers bill for Washington State along with other landmark laws like our State's shoreline management initiative and forest planning laws. We have made great progress since then, but still have a long way to go. Washington State has yet to have a major rivers bill. It is my hope that next term, we can develop a similar proposal which will preserve and protect many of our rivers.

For the past several years, the Forest Service has been studying the national forests in the Pacific Northwest. S. 2148 was based, in part, on the forest planning process in Oregon. We in Washington are near completing a similar planning process. To date, the Forest Service has recommended including over 20 rivers in the State of Washington. Additional rivers are likely to be added by the Forest Service. Still other rivers are of special significance such as the Pratt River. This river is within an hour-long drive from Seattle. Its steep hills and lush forests, its habitat for elk and trout make it an excellent option for inclusion in such a bill. This year, I introduced a bill to designate the Pratt River a wild river. Next year, I hope to see that bill become law.

Mr. Speaker, we should recognize that the Wild and Scenic Rivers Act provides a wide range of benefits from scenery to fisheries habitat. In the Pacific Northwest, this means habitat for our marvelous salmon and steelhead runs. The act can also save habitat for wildlife like elk, deer, or bears. The trees serve as a sanctuary for birds like the spotted owl. A wild and scenic river can, at the same time, provide recreation as a quiet place to hike or camp as well as rivers for rafting or swimming. When we designate a river wild or scenic, we don't lock it up, we keep it flowing for public enjoyment.

Mr. Speaker, once habitat or scenery has been lost, it may take decades to replace it. Laws like the Wild and Scenic Rivers Act are important in preserving our natural heritage for future generations to enjoy.

**THE 50TH ANNIVERSARY OF
THE COOPERATIVE OCCUPA-
TIONAL EDUCATION PROGRAM
AT RITENOUR HIGH SCHOOL**

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. BUECHNER. Mr. Speaker, I rise today to bring to the attention of the American people the 50th anniversary of the Cooperative Occupational Education [C.O.E.] Program at Ritenour High School—a school that I am proud to have located in my district, Missouri's second.

In this day and age, education is frequently the easy target for those in search of a scapegoat upon whom we may lay the problems of our Nation and, more particularly, its youth. Our schools are criticized for failing to give our young people the opportunities and experience that will prepare them for the real world. Some of that is rhetoric, some of it is sadly the truth. However, I submit that if our educational system is increasingly a sky devoid of lights, then the C.O.E. Program at Ritenour is a star that continues to shine ever more brightly.

Since 1938, this program has given students an advantage when competing in the job market. With the guidance of concerned administrators and faculty, and the participation of the business community, cooperative education gives the young people of Ritenour the opportunity to integrate their classroom experience with on-the-job-training. In much the same way that our forefathers learned an occupation or trade, these young people go out into the world of work and acquire the skills, experience, and insight to make themselves productive members of their community.

Missouri is one of the leading States participating in this program, and Ritenour is justifiably proud of having one of the oldest programs in the Nation. With nearly 200 students enrolled this year, it is also the largest cooperative education program in Missouri. The C.O.E. Program at Ritenour High School numbers as alumni successful individuals in every occupation and walk of life. This is no accident, but rather a direct result of having been involved in this program. Prospective participants, both students and employers, are held to high standards. Plainly presented yet eloquent in their simplicity, the C.O.E. guidelines state a belief in the dignity of work: education, fair play, satisfaction by good work, and the commitment to high moral and spiritual standards. These are the values that made America great, and which we should be teaching in every school in this country.

To the administration, faculty, and students of Ritenour High School I join the many well wishers of my district and of America in extending congratulations and best wishes for

continued success. You have our admiration and appreciation for helping to prepare for the future of our Nation by giving our young people the opportunities and assistance they need today.

THE WORKING POOR

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. PETRI. Mr. Speaker, to supplement related material submitted yesterday, I would like to insert in the RECORD further national press articles on helping the working poor with earned income tax credit reform, including an outstanding article by Julie Kosterlitz and Jonathan Rauch from the National Journal of June 18 of this year, a May 29 column by David Broder that favorably mentions my initiative in this area, and a brief treatment from the Forbes magazine issue of June 27.

[From the National Journal, June 18, 1988]

WORKING, BUT STILL POOR

(By Julie Kosterlitz and Jonathan Rauch)

Mary Louise Williams well remembers what happened the first time she tried to get off welfare. "When I came off on \$3.35 an hour, I came out worse than when I'd been on welfare," she said. "Once you come off and go into the work force, you lose all the social services and benefits"—help with food, housing and health care. "All those necessities that were taken care of, you have to take care of yourself." She went back on welfare, seeking more job training to be able to better support herself.

Today, as founder and executive director of a self-help center for welfare mothers in her hometown of Zebulon, N.C., Williams is off welfare, but she sees her story repeated with depressing regularity by her clients. The problem is not that they don't want to work, she said. In fact, many still work at the minimum wage—"because it's better than being harassed by the welfare system." When you have children, though, the going on the minimum wage gets pretty rough.

"I could have made it myself, but it's difficult to make it without welfare if you have children," said Williams, a mother of four. "You don't have health insurance, no dental care; I couldn't take my kids to the clinic. It was always another dollar here, another dollar there."

Williams's experience is part of a strong current that has moved the poverty debate beyond welfare to the plight of those who work but are still poor.

In 1986, there were more than a million Americans supporting families on full-time year-round jobs that did not raise them out of poverty.

Fully half of the country's seven million heads of poor households worked at least part-time in 1986.

The ranks of the working poor may not be huge, but they have been higher in the 1980s than they were in the previous decade, and their condition is rising to the surface of public consciousness. Presidential candidate Jesse Jackson says in his hymn to the working poor: "They take the early bus. They work every day. They care for other people's babies, and they can't watch their own. They cook other people's food and

carry leftovers home. They work every day."

"There's broad agreement between liberals and conservatives that... society should be helping" the working poor, said S. Anna Kondratas, a former Heritage Foundation fellow who is director of the Agriculture Department's Food and Nutrition Service, which runs the food stamp program. And Gary Burtless, a senior fellow at the Brookings Institution, said, "It doesn't seem very consistent with American values that we have people working full-time, year-round, and they can't earn enough to get out of poverty."

That agreement flows partly from the recent outburst of interest in welfare reform, and in particular the broadening acceptance of the idea that welfare mothers should be encouraged to work.

"What happens where you move welfare mothers into jobs and they're still poor?" asked Isabel V. Sawhill, a senior fellow at the Urban Institute. "There is a significant number of people who work full-time but who, because they earn low wages, remain poor," she said. "The public is more willing to help them now, because the public is saying, 'Those guys are trying.'"

For just that reason, the working poor are among the easiest poor people to help—at least by comparison with the hard-core unemployed, the urban underclass and many of the homeless. "The working poor are the group for whom solutions tend to be in the form of providing more assistance because we're not concerned about their behavior," said Sheldon H. Danziger, the director of the Institute for Poverty Studies at the University of Wisconsin (Madison).

Indeed, some worry that focusing on the working poor may draw attention away from the task of confronting more-intractable poverty. "The liberals are leaping over the tough problem to get to the easy one," Lawrence M. Mead, a political scientist at New York University, said. "This is the king of group that liberals like to discover."

Maybe. But the existence of a large group of people who work but don't escape poverty tugs in Americans' conscience. Some see their predicament as undermining the very premise of capitalist values. And against a backdrop of renewed prosperity, Danziger said, concern is reemerging about poverty in general and the plight of the working poor in particular. "The economy is doing fine, but we have a situation that doesn't fit well with America's image of itself," he said.

How best to provide assistance to the working poor has proved to be controversial. The issue has come center stage in recent months because of a raging political fight over the minimum wage.

Locked in a \$3.35 an hour since 1981, the minimum wage no longer raises a worker with dependents out of poverty. Even with a 40-hours-a-week, 52-weeks-a-year job, a person making the minimum wage earns only \$6,968, which is \$431 below the poverty line for a family head with one dependent—and about \$4,644 below the line for a family of four.

Ever since the Democrats recaptured the Senate in 1986, organized labor and its allies have vowed to raise the wage floor, citing the condition of the working poor as a major reason. The battle—with business, as usual, fighting tooth and nail against an increase—is in full cry.

This year, however, the minimum-wage fight and the sense that something should be done for poor people who work have combined in a way that may be undermining the

case of the minimum wage itself. "The vast majority of those who would benefit directly [from a minimum-wage increase]... would not be among the working poor or near-poor," Robert D. Reichauer, a senior fellow at the Brookings Institution, wrote in a recent article published by the Center for National Policy, a liberal Washington forum on social issues. An increase in the minimum wage raises the prospect of an unattractive trade-off—some poor people would be helped at the expense of others. An alternative approach is gaining adherents from across the political spectrum: the wage subsidy.

A particular favorite is the notion of expanding the existing earned-income tax credit, which provides that taxpayers with dependent children get a credit for the first few thousand dollars of earned income to help offset their tax bill. (If the credit is larger than the taxes owed, the taxpayer gets a cash refund.) The credit is phased out for those with higher incomes. Expanding the credit and adjusting it for family size would directly target money to those in need, advocates say while avoiding the bureaucracy and stigma associated with welfare, on the one hand, and the economic side effects of a major increase in the minimum wage, on the other.

An experts' consensus doesn't guarantee political success. A proposal by Rep. Thomas E. Petri, R-Wis., a member of the Education and Labor Committee, to expand the earned-income tax credit and slightly increase the minimum wage has attracted supporters in both parties and interest from business, liberal groups and some Reagan Administration officials. But it faces a series of obstacles—not least, the \$1.5 billion first-year price tag. Nevertheless, the increased interest in the working poor and in the tax credit could signal the opening of another front in a post-Reagan war on poverty.

TODAY'S POOR

How many working poor are out there? Who are they? The answer to the first question is not a lot, but enough to be concerned about, and more than in the 1970s. The answer to the second is tougher because it depends on your definition of part-time workers.

"In 1985," Sar A. Levitan and Isaac Shapiro write in *Working but Poor: America's Contradiction* (The Johns Hopkins University Press, 1987), "two million adults—50 percent more than in 1978—worked full-time throughout the year, yet they and their families remained in poverty. Another 7.1 million poor worked either in full-time jobs for part of the year or in part-time jobs. . . . In 1985, almost 1 out of 10 workers employed full-time, year-round did not earn enough to raise a family of three above the poverty threshold."

Most of the poor who work, as these figures indicate, are part-timers. This raises the question of whether the poor who work part-time do so because they want to or because they have to—and the evidence on this is hard to read. Moreover, a lot of part-timers are teenagers rather than family heads. And so some scholars, such as New York University's Mead, is less than alarmed by part-timers in poverty. "The episodic nature of the work is in the worker and not the job," Mead said.

Full-timers present a clearer picture. "In the United States," Levitan, an economist at George Washington University, said in an interview, "a full-time job by and large raises people out of poverty." But not always. According to Census Bureau data,

full-time and year-round, but whose families were nonetheless in poverty, was about 1.2 million in 1986. That was about 1 of every 50 family heads of working age, and almost 1 of every 6 heads of poor families.

The numbers indicate that the proportion of the poor who work has stayed pretty stable over time. But the number of full-time working poor was somewhat higher in 1986 than in the business-cycle peak year of 1973 and was sharply higher than in the peak year of 1979—even though the 1.2 million working-poor family heads in 1986 made up a small fraction of the 110 million people in the work force.

What's going on? First and foremost unemployment in the 1980s has been well above the postwar average, hitting low-wage, low-skill workers, who don't have much economic leverage, particularly hard. "Clearly, it's very cyclical," Sawhill said. "Any time the unemployment rate goes up, you're going to find an increasing number of the poor being working poor." That raises an important qualification: Since early 1986—the last year for which figures on the working poor are available from the Census Bureau—civilian unemployment has fallen from slightly more than 7 percent to 5.6 percent in May, Reischauer said. "If we have '87 numbers, the fraction of people working full-time but earning low hourly wages would have declined substantially."

That is reassuring, as far as it goes, but it begs another question: Why have unemployment and the number of working poor been so high throughout most of what is now the longest peacetime economic recovery on record? Burtless of Brookings said: "This has nothing to do with Nixon, it has nothing to do with Carter, it has nothing to do with Reagan—it has nothing to do with policy made in Washington. A lot of things have been going on."

To begin with, there was the snail's pace growth in productivity since 1973, which has been reflected in near stagnant pay and benefits for workers, after inflation is taken into account. When over-all wages and benefits aren't growing, wages at the bottom end of the economy tend not to grow, either.

Along with disappointing productivity growth came the demographic changes wrought by the baby boom and immigration. Marvin H. Kisters, a labor economist at the American Enterprise Institute for Public Policy Research, said, "We have been through a period recently when we had an enormous increase in new entrants" into the labor force. "We made big investments in their informal, on-the-job training" that "doesn't show up in any account."

Instead, that entry-level training shows up in the form of lower wages for young workers, particularly men. Since 1973, wages for workers 35 years old or younger have declined in real terms, while wages for their older counterparts have increased. The wage decline has been sharpest for young men with the least education; for men 34 or younger with high school degrees or less, the average real income has dropped 26 percent from 1972-85, according to Burtless's calculations. In effect, young, less-educated workers have paid the bill for what it cost to absorb them into the economy. This means lower wages for young people starting families—and more working poor.

On top of all that, low-income workers were hit with a one-two cyclical punch. According to Levitan, wages for the poor never kept up with inflation during the late 1970s; when inflation went down, unemployment soared in the 1981-82 recession and re-

mained unusually high through 1986. Meanwhile, the federal government was slapping the poor with rising taxes. Beginning in the late 1970s and lasting through 1986, Congress let poor people's tax burden steadily rise. In 1978, a poor family of four paid 4 percent of its income in federal income and payroll taxes; by 1986, the same kind of family was paying more than 10 percent. According to the House Ways and Means Committee, higher federal taxes accounted for 14 per cent of the increase in the number of poor people from 1979-86.

The tax problem, at least, has been mostly fixed: The 1986 tax reform bill—thanks in part to a hefty expansion of the earned income tax credit—took about six million poor people off the income tax rolls. That will help the working poor a lot, everybody agrees. Still, it is unlikely to bring all workers out of poverty. The same goes for the recent decline in unemployment. Anyway, suppose unemployment goes back up—as, eventually, it inevitably will: Should more working people be allowed to slip back into poverty?

STUCK ON WELFARE

Besides raising questions of fairness, the presence of the working poor may put a damper on the country's ability to reduce dependency on welfare. The smaller the difference between wages and welfare, the slimmer the incentive to get off welfare and go to work—and today, the minimum wage is too low to support more than one person above the poverty line. In some states, therefore, the poor are still better off on welfare than working.

In Oregon, for example, where welfare eligibility ends for anyone working full-time at the minimum wage, the problem is evident. "It creates what we call the revolving-door syndrome," said Dana C. Roberts, deputy administrator of adult and family services in the state's Human Resources Department. Welfare recipients go "into minimum-wage jobs and then come back" onto the welfare rolls, Roberts said. Of 15,000 people the state places in minimum-wage jobs each year, about half return to welfare within a year. Within two years, nearly 75 per cent are back.

Living on a minimum-wage job is especially rough for those with children. Welfare benefits are adjusted to take family size into account; wages are not. "As family size gets larger, . . . the benefits of work fall further and further," said Robert Greenstein, the director of the Center on Budget and Policy Priorities, a Washington-based group that studies and lobbies on poverty issues.

Legislators supporting the current movement to overhaul welfare are well aware of these problems. Current reform legislation aims to ease the transition from welfare to work. A provision in the House-passed welfare reform bill would largely restore the pre-Reagan earnings allowance rules that let some of the working poor stay on welfare, for example. And the House has approved a temporary extension of welfare recipients' support services, such as Medicaid and child care, to people who manage to work their way off the rolls.

Neither provision, however, would go very far toward solving the problems of the working poor. "What welfare reform can do is take nonworking recipients and turn them into the working poor," Danziger said. "But nobody believes that welfare reform is going to take someone now outside the labor force and transform them so they get jobs paying \$12,000 a year."

Moreover, few are enamored of going back to the days when welfare programs reached a greater share of the working poor. Welfare recipients used to be allowed to stay on the rolls even with a fair amount of earnings; but a rule change pushed by the Reagan Administration in 1981 sharply restricted that allowance, taking more than 400,000 working poor families out of aid to families with dependent children, which is the major cash welfare program. Most experts would much prefer to support the work efforts of the poor without requiring them to be on welfare.

Doing that would require raising poor workers' wages—which is, finally, the bottom line for doing something for the working poor. To raise poor workers' wages, somebody must pay. The debate now centers on who and how.

WHO WORKED, WHO DIDN'T

	Number (millions)			Percentage of total ¹		
	1973	1979	1986	1973	1979	1986
Total heads of poor families.....	4,812	2,568	6,991	100	100	100
Family head worked.....	2,482	1,021	3,500	52	40	50
(Full-time, year-round).....	(879)	(164)	(1,167)	(18)	(6)	(17)
(Part-time or part-year).....	(1,603)	(857)	(2,333)	(33)	(33)	(33)
Family head did not work.....	2,330	1,547	3,491	48	60	50

¹ Some percentages do not add up to totals because of rounding.
Source: Census Bureau.

If the idea is to pay low-wage workers more, there are two obvious candidates to foot the bill. One is employers, who could pay through a higher minimum wage. The other is taxpayers, who could pay through government subsidies. Traditionally, the United States has used the higher-wage approach, which is enthusiastically supported by the public. But among opinion leaders and economists, the tide may be shifting.

Just what happens when the minimum wage is raised is a matter of much dispute among academics as well as politicians. At one extreme, some liberals have maintained that the increase is, basically, free—if anyone pays for a higher entry-level wage, it's fat-cat bosses, who can afford it. Some conservatives say that the cost is overwhelming—that the increase in wages is more than offset by a loss of jobs. The evidence seems to indicate that the truth lies somewhere in between.

When the minimum wage goes up, it gets more expensive to hire a low-wage worker. Those who do get (or keep) low-wage jobs are paid more. But most economists agree that at least some people who would otherwise have gotten low-wage jobs won't get them. Burtless said, "On the whole, if you raise the minimum wage, it will raise the earnings of low-wage workers more than it will decrease their earnings due to job losses." Among youths, the job losses tend to outweigh the wage gains, he said; for adults, it's the other way around.

In short, when the minimum wage goes up, some workers win with higher wages and others lose with unemployment. Most studies show that in dollar terms, more low-wage workers win than lose—but nonetheless, some lose. In that case, the effect is to reduce the number of working poor while increasing the number of nonworking poor. Conservatives denounce this trade-off as unacceptable. Why should any poor people pay with their jobs so that others can earn

more? John F. Cogan, an economist at Stanford University's Hoover Institution on War, Revolution and Peace and a former assistant Labor secretary in the Reagan Administration, said, "if one was interested in an antipoverty policy, the worst one is to raise the minimum wage."

Liberal economists are not so comfortable with this trade-off, either. "Faced with higher cost for labor, some employers will cut back their work force or reduce hours," which would hurt those with the fewest marketable skills, Reischauer wrote. "Increasing the minimum wage is no panacea. In fact, it is a rather blunt instrument for improving the living standards of the working poor." Fewer than one in five workers who were paid at or below the minimum wage lived in a poor family in 1985, Reischauer noted. (Many are secondary earners or teenagers in middle-class families.)

This is where the wage subsidy comes in. The current idea is to expand the earned-income tax credit and to change the credit to peg it to family size. The bill would be paid through the progressive income tax—that is, through taxes paid by higher-income people—with little, if any, offsetting loss of low-wage jobs.

WELFARE OR INCENTIVE?

The subsidy idea has attracted an unusually diverse band of adherents—from liberal analysts such as Greenstein and Reischauer to conservatives such as Kondratas and the Heritage Foundation's Stuart Butler. There are even indications that some Administration officials are attracted to the idea: It was tentatively endorsed by the White House Working Group on the Family in 1986, and Beryl W. Sprinkel, chairman of the President's Council on Economic Advisers, recently called it a better approach than raising the minimum wage.

In theory, a wage subsidy is a form of welfare. But it can be administered (albeit with some difficulty) so that the payments show up in worker's paychecks, not welfare checks—and the payments would come from the Internal Revenue Service (IRS), not the welfare authorities. "It's a much more efficient way of giving [money] to them" Kondratas said. "It does encourage work, and it helps families stay together. . . . It's different from helping them permanently or creating rights to someone else's income."

"Hey, that sounds good," Williams said of the idea of increasing the tax credit. "That would give a person incentive to go out and work." It wouldn't be seen as welfare, "because they earned it," she said. "It's not given to them with people saying, 'Those are my dollars you're living off of.'"

There are administrative and technical headaches—for instance, how to get the credit distributed by employers in weekly paychecks rather than by the IRS in annual tax refunds. But the bigger problem is money: Measures that increase the budget deficit are not particularly popular just now. Thanks to the 1986 Tax Reform Act, which beefed up the earned-income tax credit, the current credit is expected to cost the Treasury \$6.2 billion in 1989. A further expansion could easily add several billions more each year.

Moreover, for many liberals the minimum wage is a sacred symbol of the nation's commitment to a fair day's pay for a fair day's work: They are ambivalent about the idea of what is, at bottom, an indirect kind of welfare program for workers. "I don't think it's an appropriate federal role to set up another welfare program because employers

refuse to pay" workers an adequate wage, said Robert M. McGlotten, the AFL-CIO's chief lobbyist. The plight of the working poor, he said, "can only be addressed with legislation: a minimum wage and health benefits. . . . If employers aren't willing to give [them, they] ought to be mandated."

Nancy Amidei, an antipoverty activist and columnist, said: "I do think there's something about [raising the minimum wage] that says, 'Your work is valued, and you are valued.' I don't know if workers would feel the same way about the earned-income tax credit."

Education and Labor Committee chairman Augustus F. Hawkins, D-Calif., the chief sponsor of the House minimum-wage bill, is similarly ambivalent. "He doesn't see [increasing the credit] as a substitute for increasing the minimum wage," said John Butler, the committee's press secretary. "There's certainly a feeling that the private sector should bear some of the burden."

Petri's bill, which would combine a rather hefty increase in the tax credit with a comparatively small increase in the minimum wage, has attracted support from Austin J. Murphy, D-Pa., chairman of the Education and Labor Subcommittee on Labor Standards, and Rep. Timothy J. Penny, D-Minn. The idea also got a plug from Rep. Buddy MacKay, D-Fla., who is running for an open Senate seat, in a recent Washington Post op-ed piece.

The bill has drawn some tentative interest in the business community, which has launched total war against the effort to raise the minimum wage. Although business groups have yet to formally endorse the Petri bill, some clearly seem to favor it over a large increase in the minimum wage. Business groups have tried to get across the message that the minimum-wage increase would do more to help higher-wage workers (by pushing up over-all wage rates) than the working poor (who by and large are not union members) and would undercut U.S. business's ability to compete internationally. Robert L. Martin, the manager of human resources policy at the U.S. Chamber of Commerce, asked, "Are [unions] really concerned about the working poor, or is this really just a cover for what we think is the real reason—to ratchet up all hourly wages?"

Martin said of raising the earned-income tax credit, "For the first time, we may have a better mechanism for targeting assistance to people everyone wants to help." Indeed, it is hard to find anyone who is against raising the tax credit. The problem is that a lot of conservatives would just as soon do nothing, while a lot of liberals regard the tax credit as a lever to derail the option they prefer, the minimum-wage increase. In fact, the more enthusiastic business gets about the tax credit, the more dubious many unionists are likely to become.

It is reasonable to wonder whether the tax credit idea would be getting any attention this year were it not for the drive to increase the minimum wage. Petri noted that he originally pitched his legislation as an adjunct to welfare reform last fall, but more recently, he has framed many of his arguments for the bill in terms of the minimum wage. "If you're just ordering [employers] to provide a good result and ignoring the economic consequences, that may have been a good way to go in the 1930s, but now it's in disrepute all over the world," he said.

Ever since Democrats began pushing the minimum-wage issue last year, the battle lines have been sharply drawn. The result

has been something of a standoff. A proposed \$5.05 per hour minimum wage, to be phased in over four years, was approved by the Education and Labor Committee in March. But the Democratic leadership has not yet brought the bill to the House floor, for fear of losing. In the Senate, the Labor and Human Resources Committee has not yet acted.

The tax credit and the minimum wage need not work at cross-purposes. "They do different things," Greenstein said, and using the two in combination could minimize the problems encountered with either used alone. Some increase in the minimum wage, for one thing, would reduce the government spending required to help get the working poor out of poverty.

As a practical matter, however, such a compromise is unlikely this year. Although Petri has offered his bill as an amendment to the minimum-wage legislation, it would likely come under the jurisdiction of the Ways and Means Committee, which has not considered the proposal—a complication that supporters of the wage increase don't need. Also, the Petri bill's cost all but rules out its chances in this session, given the strictures of the two-year-budget agreement struck last year between Congress and the White House.

Still, advocates say the tax credit's chance could come in future years, independent of the fate of the minimum wage. The minimum-wage debate has helped draw the spotlight to the working poor and the wage subsidy idea; but those issues are now a central element of a national debate on wealth and poverty, and they may outlast this year's minimum-wage brouhaha.

The working poor, Petri said, represent "a basic problem we've got to address. In fact, a lull [in the minimum-wage debate] is the best time to do it because then you're not playing defensive ball." The wage subsidy may be on its way.

[From the Washington Post, May 29, 1988]

[By David S. Broder]

HOW ABOUT A LITTLE GLASNOST FOR THE HOUSE?

From one generation to the next, one-party control continues. Although the ritual of elections is observed, there is almost never competition, so grass-roots accountability is more myth than reality. Bureaucracy grows, but with each passing year output declines, and efficiency decreases. Meantime, those in power systematically shut down opportunities for alternative or dissenting views to be heard and considered.

That sounds like Mikhail Gorbachev's indictment of the entrenched Soviet system as he pushes his policy of internal reform or perestroika.

But it is also the heart of the case that the Republican leadership of the House of Representatives began to make last week against the paralysis of the House in its fourth decade of unbroken Democratic control.

The Republicans are angry with Speaker Jim Wright of Texas and his sometimes heavy-handed parliamentary tactics. They have demanded an Ethics Committee inquiry into his personal financial dealings. And last week they tried to sandbag his personal diplomacy in Nicaragua by sneaking an aid-to-the-contras amendment onto the floor when they thought the speaker might lack the votes to repulse it.

But beyond the gripes about Wright, Minority Leader Bob Michel of Illinois and his principal deputies, Reps. Trent Lott of Mis-

issippi and Dick Cheney of Wyoming, are raising a fundamental challenge to the way the House is operating—or failing to operate—these days. The comparison to the Soviet Union is mine—not theirs. But examine it for a moment, and see what you think.

One-party control? In the past 34 years, we have had seven different presidents and four shifts of party control of the White House. But the House has remained constantly in the hands of the Democrats.

A false facade of free elections? In November of 1986, when 10 of the 34 Senate seats at stake and 14 of the 33 governorships were switching parties, more than 98 percent of the 393 House members seeking reelection were successful. The average swing between the parties has declined from 45 House seats per election in the first four elections of the postwar period to fewer than 20 seats in the past four.

Increasing bureaucracy and declining productivity? In the postwar period, the number of House staff members has increased almost six times, with equally steep gains on committee staffs and in House members' offices. You would think that larger staffs mean higher production, but that is not the case.

The congressional committees are supposed to be the real work centers of Congress where hearings are held, expert testimony is taken, and bills are shaped. But the unchallenged statistics cited by the Republicans show that in the past five Congresses the number of bills reported by House committees dropped almost 40 percent and the annual number of committee hearings fell by more than that. Increasingly, the House is bypassing its committees. In the last Congress, it passed more than 300 bills that had never received committee action.

What about the quality of the House's work? More and more of it is junk legislation. In the 95th Congress, less than 10 percent of the bills passed were "commemorative" resolutions honoring this cause or that. So far in this 100th Congress, almost half the bills passed have dealt with such trivia. Ironically, one of them proclaimed "National Productivity Improvement Week." George Orwell would have loved that one.

Finally, and most serious, what about openness to fresh ideas? Here the Republicans make their most telling point. The past six Congresses have seen almost a fourfold increase in what are called "restrictive rules," limiting the number and type of amendments that may be offered on the floor. So far in the 100th Congress, 44 percent of the bills that have reached the floor have not been open to unrestricted amendment.

This is much more than a technical issue. An example: Rep. Thomas E. (Tim) Petri (R-Wis.) is a notably independent, creative legislator. The Harvard Law graduate has been in the House for 10 years and somehow has avoided the sour frustration that corrodes so many others in the permanent minority. He has a proposal to expand the earned-income tax credit to help poor families. It would refund up to \$800 of taxes paid by low-income workers who have a child or children to support. Because it efficiently increases the after-tax earnings of low-income families, without adding to the costs for business or requiring new government bureaucracies, it has won widespread praise across the political spectrum.

Petri cannot get a vote on it in the House. Last December, when he tried to offer it as an amendment to the welfare reform bill,

the Rules Committee refused to allow it. Now there is substantial doubt whether Petri will be able to get consideration of this idea when the House takes up the minimum-wage bill. That's not just his problem; it's a loss to the country of a very important idea.

How about a little glasnost for the one-party House of Representatives?

[From the Forbes Magazine, June 27, 1988]

**A BETTER WAY TO HELP THE LOW-PAID
RAISING THE MINIMUM WAGE HAS HIT A
POLITICAL REEF**

The proposal to increase the Federal minimum wage from today's \$3.35 to \$5.05 an hour over the next few years from Senator Ted Kennedy and Representative Augustus Hawkins has hit a political reef.

Surprising as that might seem in an election year, with a Democrat-controlled House and Senate and much arm-twisting by organized labor, there are good reasons it's foundering.

The main reason: Fewer people get the minimum. In 1987, 4.7 million hourly workers were paid the federal minimum, down by over 2 million (more than 30%) since 1982. In that period, 15 million new jobs were created.

**ENHANCING EITC, IN CONTRAST, HAS
FORMIDABLE APPEAL**

The minimum wage issue will be further defused because a better alternative is emerging, one that is both pro-work and pro-family, thus an alternative with formidable sales appeal. That alternative is to enhance the Earned Income Tax Credit.

EITC gives a direct credit to a parent with at least one child at home. At present it is worth \$800 in extra take-home pay to someone earning \$5,714, phasing down to zero for those earning \$17,000 a year.

A bill by Representative Thomas Petri would lift the base income and vary the credit by family size up to a maximum of four children. This will result in a much larger credit, ranging from a maximum of \$1,000 to \$2,500. Says the Brookings Institution's Robert Reischauer, an EITC proponent: "It makes working more attractive than welfare."

EITC isn't perfect. One problem: Petri's bill favors families but it does nothing for low-paid singles and childless couples. But in these budget-squeezed times, encompassing them would cost too much.

**THERE WILL BE SHARP PENCIL WORK ON PETRI'S
BILL**

The Petri bill is gathering support. Its initial effect on government revenues would be modest—some \$1.5 billion a year, since only 15% of minimum-wage earners head households.

Using EITC has another advantage over increasing the minimum wage: It has no direct negative effect on job creation.

Proponents of the EITC alternative would do well to sell its virtues, rather than hit the drawbacks of a minimum wage hike. Clucking over how many jobs would be "lost" by a Kennedy-Hawkins raise, is unconvincing. The annual cost to employers of a rise to \$5.05 would be about \$20 billion by 1992, but richer states—Connecticut, California and Minnesota, for example—won't be hard hit. They already have tight labor markets and minimum wages that exceed the federal minimum, and yet they have experienced no lower job creation rates.

The greater problem from mandating a higher minimum wage would be to add to costs in weaker states (Mississippi, say, or

West Virginia), places that most needed jobs—at any pay rate.

**TRIBUTE TO LT. DOMINIC
FERRAZZI**

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. ATKINS. Mr. Speaker, I rise today to pay tribute to Lt. Dominic Ferrazzi who is retiring after 34 years of dedicated service as a police officer in Framingham, MA.

Lieutenant Ferrazzi was initially appointed as a reserve officer in 1954 and was commissioned to regular duty in 1956. After 7 years of hard work and commitment, he was elevated to sergeant and swiftly promoted to lieutenant in 1969. In 1983, he was appointed as the civil defense director for the town Framingham which consists of 61,241 persons and is 18 miles west of Boston. His dedication to the community are well-known both in the department and in the Town of Framingham.

During the course of his career, Lieutenant Ferrazzi attended numerous courses and programs designed to enhance his performance as a police officer and improve the quality of police service available to the community. In 1975, he graduated from Northeastern University where he earned a B.S. in Law Enforcement; he also attended Command Training School at Babson College and Civil Disobedience School at Fort Gordon in Georgia. Lieutenant Ferrazzi made many sacrifices to best serve the public as a police officer.

It is with a certain amount of regret that I wish a fond farewell to such an able and respected member of the Framingham Police Department. It is relatively simple to do a job in an ordinary manner, but to do it as well as he has during his 34 year career is the mark of a true professional.

I join his wife, Phyllis, his two sons, Louis and Michael and his grandson, Jason, in congratulating him on his well earned retirement. Dominic has had a significant impact on the Framingham community and his presence will be severely missed.

**IN HONOR OF MISS MARGARET
PITTS**

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. RAY. Mr. Speaker, I rise today to honor a constituent of mine, Miss Margaret Adger Pitts, who has worked a lifetime in support of many colleges and churches throughout the South. Her generous support for Andrew College, Young Harris College, Emory University, LaGrange College, and Reinhardt College has been generous and unparalleled.

Under her direction, the W.I.H. and Lula E. Pitts Foundation has granted gifts of almost \$8 million to 11 schools and colleges, 36 churches and church-related institutions, and 18 medical, youth, and general charities. Her hard work has made it possible for many

young people to receive an education in a caring, Christian environment.

Mr. Speaker, looking over Miss Pitts' life, I am reminded of the words of the Apostle Paul to Timothy, "I have fought a good fight, I have finished my course, I have kept the faith." Miss Pitts can take pride in the fact that she has lived up to this challenge and has served as an example for those around her.

**IRENE WILLIAMS CELEBRATES
90TH BIRTHDAY**

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. LEVIN of Michigan. Mr. Speaker, one of my constituents from Wayne County, MI, will shortly be celebrating a very special birthday.

On election day, Irene Williams will turn 90 and the timing could not be more appropriate, because this outstanding woman has devoted her adult life to the service of her fellow Americans.

Mrs. Williams has been involved with Government and the Democratic Party for more than 50 years. Her role in the party began in the 1930's, when district meetings were held in her home.

Her daughter Kay Beard, who is now a Wayne County commissioner, recalls those days when Michigan political leaders were frequent visitors to the Williams home. Both Mrs. Williams and Mrs. Beard remember Frank Murphy, who would go on to become mayor of Detroit, Governor of Michigan, and a Justice of the U.S. Supreme Court.

Mrs. Williams has been involved with the Inkster Democratic Club, and with Democratic organizations in both the 15th and 17th Congressional Districts.

An employee of Annis Furs for 39 years, Mrs. Williams remains active in public life. She still serves on the Inkster Zoning Board of Appeals, a position she has held for the past 10 years.

Born November 8, 1898, in Canada, she was brought by her parents to the United States while still an infant. She was the youngest of four children, and is the only survivor.

Mrs. Williams has eight grandchildren and six great grandchildren. I salute her and wish her the very best on this special birthday.

**TRIBUTE TO CALIFORNIA'S
FIREFIGHTERS**

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. LEHMAN of California. Mr. Speaker, we recently witnessed the second year in a row in which fires raged in the West and destroyed countless number of acres of public and private land. In the mountain county of Calaveras, CA alone, 778 fires left an estimated \$7 million in losses.

Were it not for the dedication and commitment of over 2,000 local and State firefighters, the losses imposed on timber, property, watershed, and recreation would have been far greater. An heroic effort to battle the Calaveras County blazes was mounted by almost 1,300 California Department of Forestry firefighters from throughout the State, 250 local Calaveras Volunteer Firefighters, and 500 additional individuals who contributed to the effort. Their successful firefighting efforts prevented an estimated \$10 million in potential losses to Calaveras County.

In the midst of blazing fires and tangible losses, the valiant efforts and risks taken by those fighting to control the fires and prevent further losses may go unrecognized.

It is, therefore, appropriate, now that the fires have been brought under control, that we pay honor and tribute to those firefighters who contributed to the firefighting efforts during the fire season of 1988. Particularly, I extend a personal tribute and thanks to the firefighters of the California Department of Forestry, the Calaveras Volunteers Firefighters, and the many others who contributed to the firefighting effort in Calaveras County this year. I am proud to represent and to honor these brave men and women.

TRIBUTE TO REV. DR. FRANK B. MITCHELL, JR.

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. GRAY of Pennsylvania. Mr. Speaker, it is with great pride that I rise today to pay tribute to Rev. Dr. Frank B. Mitchell, Jr., a devoted pastor and outstanding citizen who recently celebrated his 38th anniversary at Pinn Memorial Baptist Church in Philadelphia. Over the years, Reverend Mitchell's outstanding contributions to the ministry, the advancement of the rights of the underrepresented, the enhancement of neighborhoods, and the motivation of youth has made him a fine example of character and dedication for all of us.

Reverend Mitchell has displayed the noblest qualities of selfless dedication throughout his years in the ministry. Helping to initiate such projects as the Police Athletic League (PAL), the Emergency Food Center, and the Center for Learning in the City, along with countless other programs for youth and literacy, Reverend Mitchell has distinguished himself through his endless devotion and sense of compassion.

Throughout his years of service, Reverend Mitchell has touched the lives and improved the quality of life for many throughout the community. It is therefore my distinct honor and pleasure to ask my colleagues to join me in saluting Reverend Mitchell on the occasion of his 38th anniversary at Pinn Memorial Baptist Church. The city of Philadelphia has been ennobled by the compassionate work of this outstanding individual.

TRIBUTE TO TOM TRIMBOLI

HON. FLOYD H. FLAKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. FLAKE. Mr. Speaker, I rise today to pay tribute to Tom Trimboli, legislative counsel for the House Committee on Small Business. During his tenure with the Small Business Committee, Tom's commitment and dedication to crafting legislation that would enhance the Capitol Ownership Development Program (8(a)) have been unparalleled. Tom has always been there to assist me as a freshman Member of Congress in better understanding small business issues.

When the 101st Congress convenes in January 1989, Tom will not be joining us. While I understand that this is a career move, I regret that the Members of the House Committee on Small Business will not have the benefit of his service, wisdom and expertise. He will truly be missed by everyone, especially by that segment of the small business community he sought to help. It is because of Tom's untiring efforts that the 8(a) program has been enhanced.

I am certain that Tom Trimboli will be successful in any endeavor he pursues because of his competence, intelligence and sense of commitment. I applaud Tom for the outstanding job he has done as legislative counsel for the House Committee on Small Business and wish him well in all of his future endeavors.

VETERANS FAVOR BUSH

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. SOLOMON. Mr. Speaker, as a ranking member of the House Veterans' Affairs Committee, I take strong exception to an October 17 Washington Post article entitled "On Vets Issues, Group Sends Quayle to Stockade." The story attempted to lend credibility to attacks on DAN QUAYLE's veterans record by quoting a Vietnam Veterans of America spokesman. Michael Dukakis and the Washington Post are truly grasping at straws.

A national veterans organization with 20 times the number of Vietnam vets in their membership than VVA has a different and more objective perspective of the Quayle record. As reported in the October 17, *Time* article entitled "Watch My Lips, Not My Voting Record," the Veterans of Foreign Wars, with over 600,000 Vietnam vets and a total membership of 2.1 million, gave the two Senators precisely the same rating in 1988—74 percent favorable.

In 1986 and 1987, DAN QUAYLE received a higher VFW rating than LLOYD BENTSEN. If Senator QUAYLE has "one of the worst voting records on veterans issues," as the Senator from Texas claimed in their recent debate, where does that leave him?

For the reasons outlined above and because of the stark differences on defense, foreign policy, and veterans issues between Mi-

chael Dukakis and LLOYD BENTSEN, the VFW Political Action Committee has endorsed the Bush-Quayle ticket, and so should every one of America's 27 million veterans, their families and their dependents.

RURAL SMALL BUSINESS PROCUREMENT

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. COLEMAN of Missouri. Mr. Speaker, last year I and more than 50 Members of the House of Representatives introduced 4 bills, collectively called the rural development initiative, to promote the process of rural development in America's rural communities. In presenting these bills, we recognized that traditional agricultural programs alone are not sufficient to address the problems of rural areas, and that we must take new approaches if we are to rebuild our Nation's smaller communities.

During Floor consideration of H.R. 4174, the Small Business Administration Reauthorization and Amendment Act, the House of Representatives accepted an amendment I offered incorporating the text of H.R. 2028 into the bill. I am pleased to inform my colleagues that the House and Senate conferees have embraced this legislation, and have included as part of the conference agreement language that will greatly facilitate the participation by small rural businesses in the Federal procurement and grant-making process.

The language cleared by the negotiators requires the Small Business Administration to identify those Federal agencies having substantial procurement or grant making authority appropriate for participation by rural small businesses. These agencies would then be required to develop plans to encourage small business participation in the procurement process.

Mr. Speaker, the acceptance of this priority by the House and the Senate is a positive step vital to the future well-being of America's rural communities and the millions of rural Americans who call those communities home.

AMBASSADOR HARRY BARNES

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1988

Mr. GARCIA. Mr. Speaker, it looks as if Ambassador Harry Barnes will indeed end his assignment in Chile and his 38-year diplomatic career this November on a happy note. In a New York Times article on Tuesday, October 4, Harry Barnes indicated that he would leave Chile happier if General Pinochet were to be defeated in the plebiscite. On Wednesday, October 5, Chileans voted "No" to 8 more years of President Pinochet. This marked the first time in 15 years that the diverse political opposition groups actually cooperated and compromised to form the successful "Campaign for the No".

Ambassador Barnes has worked in Chile for 3 years, attempting to promote the United States policy of a rapid return to democracy and respect for human rights. The results of the plebiscite are a positive step in the direction of that policy. Both opposition leaders and Pinochet supporters have indicated that the efforts of Mr. Barnes helped create the relatively free campaign environment and a reasonable assurance of honest proceedings.

Harry Barnes often found himself knocking on closed doors when it came to dealing with Pinochet, but he realized dealing with Pinochet was only part of the U.S. policy. He also criticized the opposition in Chile for not producing a viable alternative to Pinochet, but Mr. Barnes still kept communications open with politicians from the center-right to center-left, as well as members of the business and military communities. In addition, Mr. Barnes had to counter opposition here in the United States which became particularly heated when he attended a funeral for two young demonstrators killed by army troops. He explained that his attendance was required if the United States was to demonstrate concern about human rights.

I would like to join my colleagues in commending Ambassador Harry G. Barnes for his extraordinary efforts in helping Chile take a step toward democracy. This is quite an achievement in what has been an exemplary diplomatic career. Clearly, the United States of America owes a great deal of gratitude to Ambassador Barnes for his many years of service. I would like to again commend the Ambassador for his contribution and wish him well in his future endeavors.

ARIZONA BEST SITE FOR THE SUPERCONDUCTING SUPER COLLIDER

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mrs. VUCANOVICH. Mr. Speaker, the Secretary of Energy will soon designate a preferred site for the superconducting super collider [SSC]. This historic project is a national imperative that will ensure America's scientific preeminence well into the next century.

There are seven States still in contention for the SSC. Of the seven, I believe that the site in Arizona offers the best possible home for the collider.

The site meets or exceeds all of the technical criteria established by the Department of Energy. The superb geology and climate will greatly reduce construction time and cost. Moreover, there is no adverse environmental impact and no opposition within the State. Arizona's quality of life will attract the best scientists from all over the world to participate in this cutting-edge project.

In endorsing the Arizona site, I join the Commission on Economic Development in my State of Nevada. The Commission has recognized the tremendous scientific and economic benefits to Nevada if the SSC is located in Ar-

izona. Indeed, the benefits of this exciting endeavor will extend to the entire Western region of this country.

LT. GEN. LEONARD H. PERROOTS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. STOKES. Mr. Speaker, on behalf of my colleagues on the House Permanent Select Committee on Intelligence, I rise to note the impending retirement of the Director of the Defense Intelligence Agency, Lt. Gen. Leonard H. Perroots, a career intelligence officer who will soon depart after 34 distinguished years with the Air Force.

As Director of the Defense Intelligence Agency, General Perroots has continued efforts at the Agency to improve the quality and increase the effectiveness of DIA analytical products. His personal involvement in briefings to Members of the House of Representatives on such critically important issues as Soviet military force capabilities and developments have also contributed to informed debate on national security issues. The defense intelligence support provided more broadly by DIA to the Intelligence Committee and other committees of the House has grown during his tenure and has reflected objectivity, integrity, and growing expertise.

The Defense Intelligence College, another of General Perroots' responsibilities, has improved and expanded under his leadership, as I observed personally when I addressed the graduating class of the college last year. Further, DIA under General Perroots' strong leadership has in the last 3 years redoubled intelligence efforts aimed at resolving any and all questions relating to prisoners of war or missing in action from the war in Vietnam, especially efforts to ensure that no American is being forcibly held in Southeast Asia today. Throughout his work, General Perroots and the DIA have briefed committees of the Congress to ensure that we remained abreast of developments on this issue, which is of such importance to the people of America.

I have more than once commended General Perroots on his cooperation and willingness to testify before the Intelligence Committee, offering the military intelligence perspective on a broad range of issues bearing on U.S. security as well as U.S. and allied interests. He is a recognized military intelligence expert, and the Department of Defense and this country will lose a valuable advisor upon his retirement.

It is, therefore, a privilege and a duty to commend this distinguished officer for his years at DIA, particularly since he understood and sought to assist the Congress in its oversight role. I am certain that whatever path lies ahead for General Perroots, the Nation will benefit from a renewed application of his vigor and experience.

GOOD-BYE AND GOOD LUCK TO OLD FRIENDS

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. SCHULZE. Mr. Speaker, some 40 years ago, Angelo and Lillian Alleva opened a small restaurant in the heart of Berwyn, PA, a town in the Fifth Congressional District. Run by family members and neighbors since that time, Alleva's Coffee Shop has served Berwyn as a classic small town retreat—a place to go for a hot cup of coffee and friendly conversation. As one of many who stopped in from time to time, I will not forget all those enjoyable moments spent sitting at that legendary counter talking with friends over one of those famous sandwiches and the ever-steaming cup of coffee.

Now, after all these years, expenses and operating costs have forced Angelo's son, Lou, and his wife Mary, to put this neighborhood institution up for sale. Still, Lou and Mary are so dedicated to keeping a place open for those who enjoy good company, that they are hoping to sell their shop to someone who will maintain the friendly tradition that has become synonymous with the name Alleva's.

I consider it a privilege to recognize the entire Alleva family's contribution to the Berwyn community. Though they will leave the coffee shop to someone else, they will never leave our fond memories, for they have taken us into their lives, if only for short periods of time. Please join me in honoring the Allevas for preserving the values of family and friendship that are essential to the progress of this country.

LEGISLATION TO ENHANCE THE OPERATIONS OF THE FOOD AND DRUG ADMINISTRATION

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. LIGHTFOOT. Mr. Speaker, the legislation I am introducing today is designed to assist the Food and Drug Administration (FDA) in meeting the growing demands placed on the agency for the prompt, yet thorough, review of drugs, devices, cosmetics, and foods. The legislation among other things seeks to provide the FDA with the tools to recruit distinguished scientists and other health professionals to work for the agency by establishing training grants and a loan repayment program.

This legislation is based in part on some of the June 1988 recommendations of the Presidential Commission on the Human Immunodeficiency Virus Epidemic. For example, to aid in the approval of AIDS-related drugs and diagnostic products, the Commission recommended the development of a plan by which an individual's graduate and medical education loans could be repaid through service with the FDA. In addition, the Commission recom-

mended increasing the pool of qualified individuals to staff FDA's approval process by creating training grants at educational institutions. Furthermore, in an effort to increase pride in the FDA, the Commission recommended the establishment of an annual Presidential award.

The AIDS epidemic has shown the need to ensure that the FDA has a sufficient number of well-qualified, trained individuals to review applications for AIDS-related drugs and diagnostic products, and that efforts to approve AIDS-related drugs expeditiously will not impede the review or approval of drugs for other diseases and health conditions. The legislation I am introducing today addresses this concern by providing FDA with the necessary tools to recruit and retain dedicated and qualified individuals.

First, the bill establishes a Senior Biomedical Scientific Service Corps within the FDA. Members of this Scientific Service Corps could receive compensation at a rate higher than the present government general service schedules. This tool would give FDA the flexibility to reward scientists with higher pay, enticing them to either join FDA's employment ranks or to continue service with the FDA.

The second feature of the bill authorizes training grants for educational institutions so that they can develop programs to be used to train individuals in the field of regulatory review medicine. Under these training grants, individuals interested in regulatory review medicine could receive financial assistance if they agree to work for the FDA for a certain period of time.

Another component of the bill creates the Science Training Loan Repayment Program. The Loan Repayment Program would repay the educational loans of students and graduates who agree to accept employment with the FDA for a period of obligated service. Finally, the bill establishes the Food and Drug Administration Distinguished Services Science Award. This annual award would be given to dedicated scientists employed by the FDA who have creatively and expeditiously approved lifesaving products or who have discovered other ways to protect society from unforeseen health hazards.

This measure should assist FDA in recruiting individuals to work for the agency. With growing public pressure to expedite the approval of life-saving drugs, whether for AIDS, for cancer, or for heart attacks, and with increasingly complex and sophisticated products being developed through biotechnology, the FDA must be equipped with the resources to meet these challenges. One of these critical resources is having well-qualified and dedicated employees, and one way to ensure that is by having the tools to recruit and retain these individuals. My legislation seeks to accomplish that task.

Therefore, I urge my colleagues to review this measure and to join me in enhancing the operations of the FDA. Ultimately, the public will benefit by having safer drugs approved more quickly.

CONSTRUCTION OF US SPRINT'S NETWORK

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. WHEAT. Mr. Speaker, In the summer of 1984 a nationwide telecommunications revolution began as Kansas City-based United Telecommunications, Inc. started construction on what would soon become America's first and only nationwide all-digital, fiber-optic long-distance network.

From that beginning just 4 short years ago completion of the network is at hand.

US Sprint Communications Co., which is headquartered in my district, has informed me that in early November it will make the final splice in its northern transcontinental link. On that day, just outside Helena, MT, US Sprint executives and technicians will fuse the hair-thin glass strands of fiber optics and essentially complete construction of US Sprint's 23,000 mile voice, data and video network.

Construction of US Sprint's network is a story of heroic proportions. Some have compared it to construction of the transcontinental railroad.

During the height of the construction project over 200 crews were digging trenches and burying cable through some of the most hazardous areas of our Nation. The obstacles were immense, yet work continued. Terrain, weather, people, legislation, wildlife—each phase of the network construction project was unique, presenting hurdles every mile.

US Sprint folklore is replete with stories of boring through 75 miles of solid rock in California's Feather River Canyon with a custom-designed machine called "Jaws" while battling a flood and landslides . . . struggling through the swamps of Georgia while stepping over alligators . . . hiring scuba divers to research an endangered species of fresh water mussel while crossing the St. Croix River . . . negotiating right-of-way treaties with Indian tribes ranging from the Senecas in New York to the Morongos in California.

But as the US Sprint construction crews met and overcame these and other challenges, the task at hand was accomplished. Fiber-optic cable was buried and the network began taking shape. In August 1986, 10,000 miles of fiber were in the ground and 5,400 miles were in service and carrying customer traffic. By yearend 1986 the network had grown to 14,200 miles. In April 1987, the network mileage stood at more than 16,000 miles and when US Sprint makes the final splice in its third transcontinental link in November, the network will stretch over more than 20,000 miles or our Nation's landscape.

Mr. Speaker, telecommunications progress is a key to our Nation's past and future success. Education, business, government and defense are all dependent of the swift and accurate dissemination of information. The financial and human commitment of US Sprint, as well as its two parent companies, United Telecommunications, Inc. and GTE Corporation, deserve to be commended for providing us with the launching pad for an information revolution

that will help carry our country into the 21st century.

I ask that my colleagues in the U.S. House of Representatives join with me in congratulating US Sprint on the completion of its network and to applaud its entrepreneurial spirit.

MARCIO DUFFLES IS AN OUTSTANDING BIG BROTHER

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to Marcio Duffles, a nominee for the Big Brother of the Year Award by the Big Brothers of the National Capital Area. Big Brother is an organization that offers hope and opportunity to approximately 70,000 boys in the greater Washington area who are raised without a father.

Marcio Duffles holds a bachelor of arts degree and a masters degree, both in aerospace engineering, from the University of Maryland and is employed by the Naval Air Systems Command but in his spare time, he works in landscaping to earn extra money for his 12-year old little brother, Eric Ferguson, of Rockville, MD.

Marcio not only spends recreational time with Eric, attending sporting events and movies, but also he has instilled in Eric the importance of education. Every time Marcio and Eric get together, they spend at least a half an hour reading. These sessions have inspired Marcio to develop a reading club for Eric's entire neighborhood. "The Reading Corner" has been a huge success, and for every book that a club member reads and critiques, Marcio offers a small cash award.

Marcio would like to be involved with Eric's upbringing and to continue his commitment to the Big Brothers Organization. He deserves the highest praise and recognition for his efforts to make a positive impact on the lives of children by helping them to prepare to make the fullest contribution to their communities.

CHIEF PHOTOGRAPHER AND PILOT LOST IN HELICOPTER CRASH

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mrs. SCHROEDER. Mr. Speaker, yesterday in Denver a local TV station lost two valuable members of its news team. Chief photographer Brian Hostetler and helicopter pilot Leo Galanis were killed when their aircraft crashed in the Colorado high country on a return flight from a news story.

This should remind us how dangerous the job of news reporting can sometimes be. We should all appreciate the job they do.

I wish to add that Leo Galanis was founder of the National Broadcast Pilots Association, which represents almost all TV stations that use news helicopters. Leo was concerned that

news reporting might be hampered by Federal policies prohibiting aircraft from accident or disaster scenes.

But Leo taught that it was the pilots' responsibility to fly safely and to avoid complicating that situation they were covering. I was working with him and Federal officials to reach some middle ground, where the public's right to know and the ability to manage a disaster situation were not hampered.

Leo showed common sense, diplomacy, and a friendly nature in his work. He will be missed by all.

WALTER LASKOWSKI: A MOST DISTINGUISHED INDIVIDUAL

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. TRAXLER. Mr. Speaker, I rise to pay tribute to a most distinguished individual, Walter Laskowski, who I held his family close to his heart, and committed his life to serving the working men and women of the Saginaw Valley through his pioneering efforts in organized labor.

I would like to take this opportunity to share with my colleagues some information about Walter Laskowski and his service to the Community of Bay City.

Despite the desperate times and seemingly hopeless circumstances surrounding his working conditions when he first went to work at the Bay City Chevrolet plant in the early 1930's, Walter Laskowski fought for and won a life of dignity for himself and his fellow workers. In 1936 he was earning 40 cents per hour and the women in the plant were making 28 cents per hour. These men and women had no health insurance, no vacation, no benefits of any kind; indeed, they had very little hope. But in March 1937, led by the vision and courage of Walter Laskowski and others in the fledgling union, the first sit-down strike, a 4 hour demonstration of solidarity, was staged which literally paralyzed the Chevy plant. Realizing their strength for the first time, 1,000 people in that plant joined the UAW that day. It was the beginning of the union's fight to raise the quality of life for its members.

"Bullets", as he was best known, had persistence, courage, and a strong desire to change the inhumane conditions he and his fellow workers endured. Courage and ingenuity were evident when he used his native language, Polish, to organize the workers. It was very effective, since 75 percent of the work force in the plant was Polish, and very irritating to the management who knew what he was doing but could not understand him. His persistence led to the establishment of UAW Local 362 which grew from 200 to a powerful union force of over 3,000 by the 1970's.

Because of his dedication he was elected chairman of the bargaining committee in 1939, a post he held until his early retirement in 1971. His organizing efforts throughout Michigan and New York brought him in contact with high ranking union officials, including Ambassador Leonard Woodcock, who was president of the UAW at that time.

Walter and his wife, Eugenia, raised six children, Terry, Alan, Clara, Tom, Walter Jr. (Jack), and Germain. They remember him with honor and respect. His vibrant presence is greatly missed.

His affiliation with the Democratic Party and his life-long commitment to St. Stanislaus Catholic Church are two more examples of his dedication to the principles by which Walter Laskowski lived.

It is truly fitting that a pavilion was dedicated in his name on Sunday, October 9, 1988. The kind of life he envisioned for his union brothers and sisters will be evident whenever they gather for events in the pavilion.

I proudly join with the members of UAW Local 362 in honoring Walter "Bullets" Laskowski.

COMMENDING AMBASSADOR HARRY BARNES

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1988

Mr. FASCELL. Mr. Speaker, I am pleased to join our colleagues in honoring the United States Ambassador to Chile, Harry Barnes, for his efforts in behalf of democracy in Chile. I commend the steering committee of the Ad Hoc Group in Support of Democracy, Representatives TED WEISS, BRUCE MORRISON, DOUG BEREUTER, and JOHN MILLER, for initiating this tribute and for the excellent work the ad hoc group has done to promote a return to democracy in Chile.

I have had the privilege of knowing Harry Barnes for many years and have long been an admirer. In his 38-year diplomatic career, which has spanned several continents, Ambassador Barnes has personified the dedication and commitment to American values that characterize the best of the Foreign Service. Nowhere has this commitment been more evident than in his 3-year-long tenure as United States Ambassador to Chile.

His appointment in 1985 signaled a beefing up of administration attempts to influence Chilean dictator Augusto Pinochet. Already a respected senior diplomat, having served as Ambassador to Romania and India and director general of the Foreign Service, Harry Barnes in Chile has been one of the most effective advocates for American policy and an articulate champion of democracy. Ambassador Barnes outspoken emphasis on respect for human rights and an early return to Chile's 150-year-old tradition of democracy earned broad bipartisan support on Capitol Hill and praise from the human rights community both here and in Chile. And, despite Pinochet's and other's efforts to portray him as acting on his own, Barnes' statements and actions on behalf of the U.S. Government have been fully authorized—and supported—at the highest levels of the State Department and the White House.

It is so refreshing to see the American Ambassador in an undemocratic country symbolize to the people of that country the American commitment to freedom and democracy. American support for the restoration of de-

mocracy in Chile has been ably and enthusiastically demonstrated by Harry Barnes and his excellent Embassy staff. We can all be proud of the job they have done.

The next 15 months in Chile will be crucial. While the plebiscite last week resulted in a resounding victory for the Chilean people and demonstrated their deep yearning for freedom and democracy, the transition to a civilian, democratically elected government will not be easy. General Pinochet and the armed forces still maintain a firm grip on power in Chile and, under the terms of the 1980 Constitution, can extend that grip into the next decade. Yet, the groundwork for democratic transition has been laid and the opportunity to return Chile to its rightful place in the community of democratic nations is there.

As Ambassador Barnes prepares for his well-deserved retirement later this year, I am pleased to join our colleagues from both sides of the aisle in this special tribute to him and his staff.

TRIBUTE TO WILLIAM SMITH

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to William Smith, a long-time Democratic activist.

Bill Smith has been a Democratic committeeman in the 33rd ward in Northeast Philadelphia for 35 years. It is this kind of loyalty that has made the Democratic Party a force to be reckoned with in the Northeast for decades.

A life-long resident of Philadelphia, Bill Smith and his wife Agnes have a daughter, three grandchildren, and two great-grandchildren. Bill is also a member of Machinists Local 159.

Over the years, Bill Smith has put in countless hours working for his neighborhood, his party, and his country. I am proud to share the same party affiliation with this man.

I join Bill Stinson, 33d ward leader, and everyone in the 33d ward in paying tribute to Bill Smith's 35 years of hard work and dedication as Democratic committeeman.

IN REMEMBRANCE OF J. CRAWFORD BROOKS

HON. DOUGLAS H. BOSCO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. BOSCO. Mr. Speaker, I rise in sorrow to note the passing of J. Crawford Brooks of Santa Rosa, CA, a retired career diplomat, a father, and a close friend of mine. I would like to express my condolences to his wife, Doris, his daughter, Lindsay, and his son, Kearney.

Crawford was one of the most beloved and respected members of my community for many years. Sonoma County was the place where Crawford grew up, and Sonoma County was the place where Crawford returned after

a long and distinguished career in government.

During his decades of public service, Crawford left his mark on nearly every continent. As a Foreign Service officer he served in China, Europe, and Latin America, and in various capacities within the executive branch in Washington. He was the American Consul in both Veracruz, Mexico, and Valencia, Spain, and he served in both active and administrative roles during World War II.

In addition to these assignments, Crawford was present at the creation of the United Nations and other charitable international organizations such as UNICEF, for which he also worked diligently. His work in the State Department after World War II helped lay the foundation for the Marshall Plan, which brought economic and political recovery to Western Europe.

After distinguishing himself in international affairs, Crawford set his sights on more local concerns. He returned to his hometown, Santa Rosa, and to his alma mater, Santa Rosa Junior College, as an instructor in international relations. Crawford was an inspiring and superlative educator, and he impressed students and faculty alike with his command of a subject he had learned so exhaustively in the field and in Washington.

Crawford also devoted himself to community and political activities in Sonoma County, and through his various interests Crawford touched and improved the lives of thousands of Redwood Empire residents.

Mr. Speaker, Crawford was a dear friend of mine, and his son, Kearney, and his daughter, Lindsay, are both bright and compassionate young people very much in their father's image. It is fitting for us in this body to pay tribute today to the life, goals, and accomplishments of J. Crawford Brooks, for he has earned the gratitude and admiration of all of us.

His efforts on behalf of peace and our Nation's ideals in the international arena, and in the service of education and understanding on the local level, should inspire those of us who serve the public today. Crawford's life should serve as a model for the many younger Americans who desire to serve their country and their community tomorrow, and he will be deeply missed by those of us who knew him well.

FAIRNESS AND SOUNDNESS IN OUR SOCIAL SECURITY SYSTEM

HON. WAYNE DOWDY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. DOWDY of Mississippi. Mr. Speaker, as the 100th Congress draws to a close, I urge my colleagues to join me in renewing our commitment to the senior citizens of our country.

While we have been successful in passing key legislation to address many concerns of older Americans, much remains to be done.

As a supporter and cosponsor of H.R. 3788, Congressman FORD's bill to correct the Social Security "notch," I have been working along

with many of you to secure passage of this important measure.

Our Social Security System must be based on fairness as well as soundness. As you know, enactment of this bill will ensure a fair system of benefits for all of those who have paid into the Social Security System. The bill is strongly supported by the National Committee to Preserve Social Security and Medicare. I hope this measure will be a priority in the next Congress.

Chairman CLAUDE PEPPER's bill to help the chronically ill receive medical assistance in the comfort of their own homes deserves our attention and support. This bill would help so many families in my homestate of Mississippi and throughout the country by providing home health services, nursing care, and daily living assistance to those in need.

I am pleased that in the 100th Congress, we successfully fought efforts to cut funding for the Older Americans Act. Our multipurpose senior centers in Mississippi serve as community focal points for thousands of our senior citizens. Our local communities benefit from the talent of older workers in productive jobs under the Older Americans Act.

In talking with retirees from Mississippi, I frequently hear concern expressed about cost-of-living adjustments. A few years ago, our Federal retirees and military retirees lost the small yearly increase that had been promised to them. This loss was a direct result of the Gramm-Rudman budget, which I opposed. Cost-of-living adjustments are important to all older Americans—whether they are living on Social Security checks, military retirement, or Federal retirement benefits. These modest increases are very important to those on a fixed income trying to meet their daily living expenses.

Mr. Speaker, let us take this opportunity to offer our appreciation to the older citizens who helped to build this great Nation of ours, and let us renew our commitment to ensuring a secure future for them.

HOUSE CONCURRENT RESOLUTION 339

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1988

Mr. DARDEN. Mr. Speaker, last July, Congressman DINGELL, chairman of the House Committee on Energy and Commerce, introduced House Concurrent Resolution 339. This resolution calls for the full participation of American industry in the provision of telecommunications equipment and services. Basically speaking, this resolution encourages lifting the bans on the development and manufacture of telecommunications equipment and on the provision of content-based information services by the seven companies formed as a result of the Bell System breakup.

I have recently decided to add my name as a cosponsor to this important resolution. My primary reason for supporting this nonbinding resolution is because I believe it is time for Congress to take a direct role in determining national telecommunications policy. This issue

is too important for one individual or one court to continue to set policy.

Although I have decided to cosponsor House Concurrent Resolution 339, I have concerns regarding the potential problems if manufacturing restrictions on the regional Bell companies are lifted without addressing the impact of foreign competition on existing American manufacturing jobs. It is my hope, that next year when legislation, as advocated in House Concurrent Resolution 339, is introduced, it will include safeguards to ensure that the manufacturing activity will be done in the United States, creating jobs for American workers, and that through joint ventures foreign firms will not be the beneficiaries of lifting restrictions.

A TRIBUTE TO THOMAS P. GENETTE

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. HERTEL. Mr. Speaker, I would like to say a few words in remembrance of a heroic young man named Thomas P. Genette. Tom Genette, of Sterling Heights, MI, died of cancer earlier this year, but in his short life he left his mark in a quiet but distinct way in the military service, in the community, at work, and with his family. Tom was 1 of 10 children born to Emery and Ann Genette of East Detroit and graduated from Notre Dame High School. He entered the military service in 1968 and was soon sent to Vietnam.

While serving in Vietnam, Tom was awarded a Silver Star for leading the rescue of 33 wounded infantry soldiers near Duc Pho in 1969. In the midst of intense mortar and rocket grenade fire, Tom, a crew chief with the 68th Medical Detachment, was one of the first medivac crewmembers off the helicopter ambulance and made several trips to the fire zone to evacuate the wounded soldiers. The Silver Star commendation read: "He began carrying the wounded to the helicopter though exploding rockets rocked the landing zone." By the end of the Vietnam war, Tom had been awarded 21 medals and received a citation from the city of Detroit for his bravery.

Following his military service, Tom returned to Michigan Bell Telephone Co. where he worked as a project coordinator. Tom was always very active in community and religious activities. He served as Grand Knight Leo XIII at the Knights of Columbus in East Detroit in 1986-88 and as secretary of the Knights of Columbus East Area Vocations Committee. Tom also was an active member of the Vietnam Veterans and served as staff sergeant in the Army Reserve.

As you can see, Tom devoted his life to helping others. Whether it was defending his country or assisting with community projects, Tom was there. I know Tom will be deeply missed by his friends and relatives, especially his wife, Virginia, and his children, Matthew, Gregory, David, and Beth Ann. However, fond memories of Tom will help guide us through our lives.

**A MAN WE CANNOT FORGET:
A.M. ROSENTHAL REMEMBERS
RAPHAEL LEMKIN**

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. SOLARZ. Mr. Speaker, the 100th Congress can claim a number of significant achievements. One of the most important of these accomplishments will not make too many headlines, but in the closing days of the session, it deserves to be mentioned.

By passing legislation to implement this country's ratification of the Genocide Convention, the 100th Congress has come down firmly on the side of justice and human dignity. Forty years have passed since this historic treaty was adopted at the United Nations, and 2 years have elapsed since it was finally approved by the Senate. At last, the final legislative hurdle has been cleared providing us with an important symbol in our effort to ensure that a tragedy like the Holocaust never been allowed to happen again.

In a recent column in the New York Times, A.M. Rosenthal has written eloquently about the Genocide Convention and has taught his readers an important lesson—that one man can make a difference. Rosenthal writes of Raphael Lemkin, the Polish scholar who coined the term "Holocaust" and who lost 49 relatives in the Nazi inferno. Lemkin drafted the Genocide Convention, and then lobbied the U.N. delegates in a passionate and tireless crusade that led to its adoption.

I join with A.M. Rosenthal in honoring the memory of Raphael Lemkin. I also join him in paying tribute to another man who has made a difference—Senator WILLIAM PROXMIRE. BILL PROXMIRE stood in the Senate chamber in every session for 19 years and delivered over 3,000 speeches urging his colleagues to ratify the Genocide Convention. Senator PROXMIRE's upcoming retirement brings to a close one of the most compassionate and courageous careers in the history of the Congress.

I commend to my colleagues A.M. Rosenthal's article, "A Man Called Lemkin."

[From the New York Times, Oct. 18, 1988]

A MAN CALLED LEMKIN

(By A.M. Rosenthal)

The story in the paper reported that after 40 years of consideration the United States Senate had voted to make it a Federal offense to commit genocide. That is the crime of acting with intent to destroy a national, ethnic, racial or religious group.

The story did not mention a man called Lemkin.

Raphael Lemkin pokes his head into a newspaper office in the headquarters of the United Nations in the village of Lake Success on Long Island.

"Here is that pest, that Lemkin," he says, "I have a genocide story for you."

"Everybody groans; Oh, Lemkin again? He makes a funny face, folds his hands in begging gestures. The reporters' gather around for a few minutes. He gets his little story about the genocide convention, usually tucked away in the paper on a Sunday."

Raphael Lemkin was a Polish professor of law, a distinguished academician who spoke

nine languages. He was a Jew. During the Holocaust the Germans murdered 49 members of his family; see how few words it takes to tell the whole story.

He escaped to Sweden, reached the United States, found good positions at Duke and Yale. He left them and gave himself over to his life's work.

His work was to convince the nations of the world that they must make it a crime to plan or carry out another Holocaust of any people. He coined "genocide" from the Greek word for race and the Latin for killing. He wrote a convention, a treaty for the nations to sign.

Then he walked the corridors of the U.N. He stopped journalists, took junior delegates by the arm and hung on until they listened, at least a moment. To see an ambassador, he would plan and plot for weeks and sit for days in reception rooms.

He had no money, no office, no assistants. He had no U.N. status or papers, but the guards always let him pass. He carried a black briefcase stuffed with documents and his daily sandwich.

He knew that when he opened the door people would say: What, Lemkin, you here again? Sometimes it was said affectionately, sometimes with distaste. Then he would pretend he did not care. But there were many days when he sat slumped in the cafeteria over a cup of coffee, barely able to lift it for the weariness in him and the rebuff.

But if he had to wheedle and plead he did. If he met an arrogant delegate who had influence, he made himself small and fawned. Then he would turn away and make the small smacking noises of a man trying to get a bad taste out of his mouth.

He would bluff a little sometimes about pulling political levers, but he had none. All he had was himself, his briefcase and the conviction burning in him. We would say to him: Lemkin, what good will it do to write mass murder down as a crime; will a piece of paper stop a new Hitler or Stalin?

Then he put aside cajolery and his face stiffened.

"Only man has law. Law must be built, do you understand me? You must build the law!"

He walked the halls every day from the spring of 1946 until Dec. 9, 1948, when the General Assembly, in Paris, adopted a resolution approving his convention. That day reporters went looking for him to rejoice in his triumph. But we could not find him until, hours later, we thought to look into the darkened Assembly hall. He sat there weeping as if his heart would break. He asked please to be left in solitude.

Then this Lemkin came back to the corridors for years, pleading with delegation after delegation to follow through on the U.N. resolution by getting their countries to sign the treaty. There was a time when he was considered for the Nobel Peace Prize; Winston Churchill backed him.

But he died alone on Aug. 28 1959, without medals or prizes, in a hotel in New York. There were seven people at the graveside when Raphael Lemkin was buried.

In his lifetime, and for long after, the country that gave him succor never signed the treaty, although almost 100 others did. For almost 40 years lawyers fought it on technical grounds, Senate racists fought it out of fear that blacks might use it. Some Senators worried that making mass murder a Federal crime would diminish state rights.

The Senate gave its consent to the treaty in 1986. But it took two more years to push through the legislation needed to make genocide a crime in the Federal code.

Jacob Javits fought for it all his senatorial years. And at every Senate session for 19 years, Senator William Proxmire rose in outrage to plead for the convention—3,000 speeches, each different. Raphael Lemkin and the Senator from Wisconsin never met. But they would have understood each other at once.

**RECOGNITION FOR JAMES A.
BOCHY**

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. MURTHA. Mr. Speaker, I would like to take note of the retirement of an outstanding individual who has served the farmers of Somerset County, PA, for many years in a variety of positions.

Mr. James A. Bochy is retiring this fall from his position as director of the Somerset County Extension Board. Mr. Bochy has served as agent-in-charge of the county extension program since 1955, assisting the farmers through many years of good times and some difficult ones as well. Mr. Bochy has worked extensively in the fields of potato culture and marketing, maple syrup production, and orchard products, all important aspects of the Somerset County agricultural market.

Mr. Bochy, is still planning to stay active in the community, as he serves as president of the Somerset County Historical Society. One of his projects in the next few years might be to document his outstanding work as director of the extension program.

I would like to congratulate Mr. Bochy on many years of outstanding service to the community and wish him well on the occasion of his retirement. Somerset County is a better place because of his work there.

JOSEPH DOHERTY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. FLORIO. Mr. Speaker, I wish to focus the attention of my colleagues on a compelling case involving Joseph Doherty, who has been left in prison for years while awaiting for our Government's decision on whether he should be extradited to Northern Ireland to face a British court for political offenses.

I recently conveyed my interest in his case by writing to President Reagan and requested that a recent decision on Joe Doherty, submitted by then-Attorney General Edward Meese be reviewed, in light of the resignation of Ed Meese under questionable circumstances. On behalf of my many constituents who have followed the case of Joe Doherty with interest, I wish to share a copy of my letter to the President with my colleagues. The letter follows:

AUGUST 2, 1988.

The PRESIDENT,
The White House
Washington, DC.

DEAR MR. PRESIDENT: I would like to express my concern with the recent decision of Attorney General Edwin Meese to deport Mr. Joseph Doherty to Great Britain.

In June 1983, Mr. Doherty was arrested for violating United States immigration laws. Subsequently, the British Government sought his extradition to Great Britain in order to face charges stemming from his involvement with the Irish Republican Army. In December 1984, the U.S. District Court for Southern New York denied the British request for extradition on the grounds that Doherty's offenses fell within the scope of the "political offenses exception" of the then existing U.S.-U.K. Extradition Agreement (*Matter of Doherty*, 599 F.Supp. 270).

In September 1986, an Immigration judge rendered an order of deportation against Mr. Doherty in which Mr. Doherty opted for voluntary departure from the United States to the Republic of Ireland. In the same month, the Immigration and Naturalization Service appealed the decision and argued that Mr. Doherty's return to the Republic of Ireland would be prejudicial to the interests of the United States. In an unanimous decision, the Board of Immigration Appeals ruled that Mr. Doherty should be permitted—in accordance with United States law—to depart for the Republic of Ireland since the government had failed to demonstrate that such action would be prejudicial to the interests of the United States. After a review requested by the Department of Justice, the Board of Immigration Appeals again upheld the decision. The Doherty case was then sent to the Attorney General for review.

On June 24, 1988, Attorney General Meese—in an unprecedented fashion—overturned the rulings of the Immigration Court as well as the Board of Immigration Appeals and ordered Mr. Doherty to be deported to the United Kingdom.

The legal maneuvers taken by the Department of Justice raise questions of impropriety. In light of Attorney General Meese's recent resignation, I would ask that Mr. Meese's successor be directed to review the Doherty matter.

I recognize that Mr. Doherty has been convicted of serious crimes in Northern Ireland. However, the Attorney General's unusual interference in the deportation matter as well as Mr. Doherty's continued imprisonment are questionable.

I respectfully request your attention to this matter.

Sincerely,

JAMES J. FLORIO.

A DISTINGUISHED DIPLOMAT:
U.S. AMBASSADOR HARRY G.
BARNES

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. BEREUTER. Mr. Speaker, the Congress of the United States, as an institution, has a history of being among the most severe critics of the U.S. State Department and the Foreign Service officers that constitute its professional cadre of competence. One of the Foreign Service's best will retire next month after an

extraordinarily exemplary career. I refer to U.S. Ambassador Harry G. Barnes who is topping his distinguished career with a boffo performance as our Ambassador to Chile—a very troubled political venue where hope for democracy has brightened as a result of the recent plebiscite. Harry Barnes is at the same time a tough, no-nonsense effective American diplomat while being a representative of the United States who is sensitive to the culture and political characteristics of the nations where he has served.

The Ambassador is a great credit to our Foreign Service and to our country. Nowhere is this more apparent than in his current assignment in Chile. He has played an instrumental role in implementing United States policy toward Chile by crucial support for the democratic opposition and by continual, low-key but effective pressure on the Chilean Government to act according to the provisions of the Chilean constitution. This pressure was, I believe it is realistic to say, a major factor in the scheduling of a plebiscite in which the Chilean people renounced the oppressive dictatorship of General Augusto Pinochet. Furthermore and more importantly, it began the process whereby Chile will return to government by majority rule through presidential elections to be held in a little over a year. The plebiscite and the Pinochet government's apparent acceptance of the results represent a victory for democracy in a nation with a long democratic tradition that had been subjected to 15 years of under a dictatorial military regime.

Ambassador Barnes will retire from the Foreign Service in November, following 38 years of distinguished diplomatic service around the globe. He has represented the United States at our embassies in Romania, Czechoslovakia, the Soviet Union, India, and Nepal. He also served as Ambassador to India and Romania in later assignments to those countries. His service has also included the position of Director General of the Foreign Service.

Ambassador Barnes has proven himself an able coalition builder. He has gained both the respect and admiration of very diverse group of Members of both parties in Congress. In the course of his close and continuous contact with Capitol Hill he has assisted us in formulating and enunciating a broadly based consensus concerning U.S. foreign policy toward Chile. In that area he has given the best performance by a diplomat that this Member has seen in this 10-year tenure. He has also gained the support of the private sector and won the unwavering support of human rights groups in supporting the U.S. policy towards Chile which has emerged and been clearly enunciated by the administration and Congress in the last few years.

Ambassador Barnes has successfully pursued the U.S. policy goal of restoring democracy to Chile without becoming personally embroiled in the political campaign related to the plebiscite. He has also avoided injecting the issue of United States intervention into the campaign—no easy feat given Chilean hypersensitivity to the prospect of intervention in its internal affairs by foreign powers, particularly by the United States.

In short, I reiterate Ambassador Barnes is a credit to Foreign Service for his demonstrated

success in the often arduous and difficult process of achieving success in our foreign policy. He is also an example to the service of the need for carefully building a bipartisan constituency in Congress in developing and implementing U.S. foreign policy. I wish him every success in his retirement from the Foreign Service and hope that he will be willing to at least occasionally direct his extensive skills and experience to the foreign affairs realm or in some other public service to our Nation.

This member has met many outstanding American career diplomats, but Harry Barnes obviously ranks among the very best of our best. Thank you, Ambassador, and well done.

THE UNITED NATION'S ANTI-ISRAEL RITUAL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. LANTOS. Mr. Speaker, the United Nations General Assembly has again gone through its annual ritual of voting to expel Israel from the United Nations. As usual, the Soviet Union and most of the countries of Eastern Europe voted against Israel. A.M. Rosenthal discussed the anti-Israel vote in his column in today's issue of the New York Times. I insert his article in the RECORD. His thoughtful comments deserve the attention of all of us in this body.

THE SLOW BEAR

In the morning, Soviet delegates talked at the United Nations with warm intensity and thoughtful detail of their vision of the organization—stronger, more active in peace, better prepared to prevent war, a place where all problems from disarmament through the poisoning of the air could find decent solution.

And in the afternoon, the Soviet delegation once again cast its annual ballot to throw Israel out of the United Nations.

The world hardly noticed the ritual of hatred and hypocrisy on First Avenue. After all, everybody knew that the move to throw Israel out would fail. Why make a fuss about the yearly nastiness and the continuing Soviet addiction to it?

There was some disappointment among the Israelis and a few of their friends that the Soviet Union still was not ready to act in the new spirit of international brotherhood for which it campaigns earnestly and eloquently at the United Nations, at least not when it comes to that annoying little country in the Middle East.

Many countries, including some from Eastern Europe, have finally eased away from the oust-Israel campaign, possibly a little embarrassed at the stench of anti-Semitism that surrounds it. Presumably Israelis should be flowing with gratitude; perhaps one or two of them are.

But the Arabs and other Moslem states could still count on Moscow and most of the Communist world, including staunch Cuba and loyal Nicaragua.

How can it be that on the same day the Soviet delegation can talk with new, fresh openness and vision and act with old, stale narrowness and meanness?

The reason is that the Soviet Union is working hard to retrieve and increase its influence in the Middle East. Like other powers, it is never reluctant to use those time-proven tools of diplomacy—double-dealing hypocrisy and deception.

Moscow throws out hints that it may, after 20 years, bestow upon Israel the gift of restoring diplomatic relations. That worries the Arabs and pleases the Israelis. At the same time, by voting to throw Israel out of the U.N., the Kremlin makes sure that even if recognition does come, the Arabs understand whose side the Soviet Union really is on.

Exactly how hints of recognition of Israel can be ethically or philosophically reconciled with throwing her out of the U.N. Moscow leaves to the pure in heart to try to figure out, if they have nothing better to do with their time.

The Soviet vote is also meant as a sharp reminder to Israel that Moscow does not intend to abdicate influence in the Middle East. Moscow wants to take part in any international negotiations about the Israeli-Palestinian conflict.

Foreign Minister Shimon Peres also wants negotiations that include the Soviet Union, on the assumption that the Russians will just show up, bless the gathering and not cause any trouble by pressuring Israel in favor of the Arabs.

Mr. Peres is very intelligent, and maybe he is right. But the Russian vote will not help him in the Israeli elections on Nov. 1. Israelis, in their arrogant way, may find it difficult to invite the Soviet Union to a conference on their future as long as Moscow does not even consider them fit to associate with the rest of the world.

At the U.N., the Soviets privately told the Israelis to be patient, that the "bear takes small steps."

That may not convince anybody who has seen a bear cover ground. But it is better than the "good guy-bad guy" theory—constant struggle among Soviet foreign policy makers, with Mr. Gorbachev and his supporters always fighting their enemies.

The reality is that Mr. Gorbachev, with the support of most of the party leadership, has reached the important conclusion that it is in Soviet interests to build diplomatic and economic bridges with the West. As long as he remains convinced, or until he is overruled, that will be the broad Soviet policy.

But that still gives Moscow lots of room to work for specific Soviet goals and interests. Mr. Gorbachev has decided that it is not now in Soviet interests to persuade Arabs to take the first and essential step toward peace in the Middle East: total acceptance of Israel, legally, politically, emotionally.

Instead, he sees it in Soviet interests to stir the hatred pot by voting to make Israel the outcast of the world even though that prevents a Middle East peace—or maybe because it does.

That does not mean that Moscow's U.N. proposals are frauds to be thrown aside. It does mean that Soviet foreign policy is still taking shape and is based on many Kremlin interests. If we move toward it we should walk as slowly as any bear ever seen on First Avenue.

A TRIBUTE TO TWO GREAT PEOPLE

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. VALENTINE. Mr. Speaker, I rise today to congratulate Gertrude B. Elion and George H. Hitchings, winners of the Nobel Prize in Medicine, who have worked together for 45 years and whose research has led to treatments for leukemia, heart disease, peptic ulcers, gout, malaria, and AIDS.

I am especially proud that these two scientists have worked at the Burroughs Wellcome Co. facility in the Research Triangle Park, located in the Second Congressional District of North Carolina, since 1970.

With their discovery of two chemotherapy drugs, these innovative scientists blazed the trail for the successful treatment of children with leukemia. Their research also led to their discovery of the first immune suppressant drug that enables the body to accept transplanted organs, making kidney transplants possible.

Through their research on how the metabolism of bacteria, viruses, and parasites differ from that of human cells, they also spearheaded new treatments for infectious diseases such as herpes and AIDS.

As a result of insights from their research, Burroughs Wellcome scientists were able to develop and market Retrovir [AZT], the only drug found so far to be effective in the treatment of AIDS.

More than 42,000 Americans have died of AIDS, and as of October 11, there were 75,768 reported cases of AIDS in this country. More than one-third of the those cases were reported this year. This fatal disease is increasing at an alarming pace, and there is no cure.

Gertrude Elion and George Hitchings have obviously made significant scientific and medical discoveries, and have thereby also offered hope to thousands of people.

Although they are both officially retired, Dr. Elion and Dr. Hitchings continue to work tirelessly for the advancement of scientific knowledge. Both contribute their time and talents to Duke University and the University of North Carolina at Chapel Hill. Dr. Elion is a research professor of pharmacology and medicine at Duke and an adjunct professor of pharmacology at UNC-CH. Dr. Hitchings is an adjunct professor of pharmacology at Duke and an adjunct professor of pharmacology at UNC-CH. Both write articles and advise other scientists and researchers.

I applaud the Nobel Assembly of the Karolinska Institute for selecting this pair of outstanding North Carolinians for their tremendous contributions in the fight against human suffering. And I commend Gertrude Elion and George Hitchings for their unselfish dedication to medicine. They are 20th century pioneers whose work and contributions will affect the lives of future generations.

THE CASE OF JOSEPH DOHERTY

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. FOGLIETTA. Mr. Speaker, I rise today to bring to my colleagues' attention the unfortunate and extraordinary case of Joseph Patrick Thomas Doherty. I call this case to your attention because I am a firm believer in the separation of powers affirmed by our Constitution. This principle seems to have been largely ignored, or possibly even violated, in Mr. Doherty's case.

The British Government requested Mr. Doherty's extradition in 1983. That same year, a U.S. District Court judge ruled that Mr. Doherty's case fell under the "political offense exception" to extradition, thereby denying the British request. Mr. Doherty's position has been upheld not once, but five times since then. Nevertheless, the executive branch has made every attempt to deport Mr. Doherty, and has kept him in incarceration for 6 years.

In 1986, the Board of Immigration Appeals issued an order to deport Mr. Doherty to the Irish Republic, as Mr. Doherty had requested. However, on July 14, 1988 then Attorney General Edwin Meese ordered that Mr. Doherty be deported to Great Britain. Mr. Doherty is again attempting to gain political asylum in the United States; if he is unsuccessful, he may be deported to Great Britain.

Mr. Meese's order is in direct opposition to the rulings of three U.S. courts, as well as the decisions of the Board of Immigration Appeals. It seems that in Mr. Doherty's case, Mr. Meese considered the decisions of the judiciary on a legal matter to be less important than political concerns. I assume that it is not an established policy in the Attorney General's Office that judicial rulings are to be ignored whenever they are opposed by the government of a friendly nation.

Mr. Speaker, I join with Archbishop Cardinal John O'Connor, many of my colleagues, and many Philadelphians in protesting Mr. Meese's order, and in expressing concern over the possible violation of separation of powers between the executive and judicial branches of government in the case of Joseph Doherty.

NEW DIRECTIONS IN STOCKPILE MANAGEMENT

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. BENNETT. Mr. Speaker, Dennis Shaw, Special Assistant to the Assistant Secretary of Defense for Production and Logistics, spoke at the American Mining Congress Convention in Denver, CO, last September 27. He reported on Department of Defense activities in new management for the defense related stockpiles of our country and he said in part:

The convention program lists the subject of my presentation today as: "New Directions in Stockpile Management". I intend to address this subject in general, and not in

great detail which I know you might prefer. I must take the general approach not because I choose to but because the new directions forthcoming in stockpile management are still in the formulation stage and because the top level managers of the stockpile also are new.

As some or most of you may know, prior to the President's re-delegation of duties for the National Defense Stockpile program last February, stockpile policy and operations basically resided in two independent government agencies—the Federal Emergency Management Agency and the General Services Administration. How and why this peculiar arrangement came about is lost in history and remains a complete mystery to me. But, I do know that "divide and conquer" type of management is not a formula for success. It is a formula for intra-agency feuding; it is a formula for bureaucratic wheel-spinning and delay. When everybody is in charge, nobody is in charge.

Ultimately, Congress realized this and determined that something had to be done. Starting in 1987, the Congress provided the impetus for resolving the management problem. In the National Defense Authorization bill for Fiscal Year 1987, Congressman Charlie Bennett spearheaded the drive for centralized management in the Department of Defense. He obtained House approval for the concept of a "National Defense Stockpile Manager" and for assigning this new responsibility to the Secretary of Defense. The National Defense Stockpile Manager was to be a single official, at the Cabinet rank level, who would run the program and answer to the Congress. However, while the Senate agreed with centralized management, it did not concur that the Stockpile manager should be designated in law. After careful deliberation, and with some pressure from Congressman Bennett during the development of the Defense Authorization bill the following year, the President designated the Secretary of Defense as the National Defense Stockpile Manager. The President's Executive Order 12628 of February 25, 1988, delegated all the statutory duties of the Stockpile Manager for policy and management to the Secretary.

Since February, we have been working very hard on the transfer of the stockpile program, with its \$10 billion in assets and 92 materials stored at more than 100 locations throughout the United States. It was no simple task. But, we succeeded in pulling all the pieces together by the July 3rd target date. And, I believe we are off to a good start.

Within the Department of Defense, the Assistant Secretary of Defense for Production and Logistics has been delegated the functions of the President and Secretary of Defense for Stockpile management. The Assistant Secretary, Jack Katzen, has established a small policy and planning staff in his office and delegated operational functions—subject to his direction and supervision—to the Defense Logistics Agency. The entire GSA operations staff was transferred into the Defense Logistics Agency. This wholesale effort ensured continuity of stockpile operations and unified policy and operations functions under the authority of the Assistant Secretary. The unification of policy and operations functions is, certainly, one of the most significant developments and new directions in stockpile management.

In creating the policy office, I took a different approach. I searched throughout the government to identify the best people with

the right skill mix for this new staff and transferred them to the Department of Defense. Today, we have a materials and a budget expert from Defense, two materials experts from the Federal Emergency Management Agency, a senior executive from Commerce, and an expert in economics from the General Services Administration who work under the leadership of the previous head of the stockpile policy office before the July 3rd transition. The staff is off and running under the rather cumbersome name of the Strategic and Critical Defense Materials Directorate.

The largest task before us, and I hasten to add that it is well underway, is updating the analysis of stockpile materials requirements. And, we are doing this with new focus. We are looking, of course, at both military and civil requirements. However, for the first time in history, the military Services and the Office of the Joint Chiefs of Staff are directly involved in the process, developing their requirements directly from current war-fighting plans. For the first time, the Army, Navy, Air Force, Marines and the Joint Chiefs of Staff are using the real combat scenario that contains expected attrition, consumption, and surge rates for equipment, spare parts, and supplies to calculate the military requirements for common materials, upgraded forms of materials, and new high technology materials. The Chairman of the Joint Chiefs of Staff will present a complete statement of military materials requirements in December. Since this is a first-time effort, I expect it will not be perfectly correct. The process will need refining. But, I do expect to have a sound military foundation upon which to base a realistic and meaningful National Defense Stockpile plan and aggressive management implementation. More than ever before, we will know in detail what we need to buy for the stockpile, what in the stockpile needs to be upgraded, and what in the stockpile can be disposed of by sale or trade or payment in kind.

On the civilian side, we are well aware that the nation's economy must be supported in order to keep both the military and domestic industry productive during a national emergency. We also know that the primary wealth producing sector of the U.S. economy is services—75%—which is sustained by a much smaller industrial base. We are heavily dependent on imports. Thus, a properly structured National Defense Stockpile that will sustain the nation during any emergency or wartime is more important today than at any other time in our nation's history. In early October we will be working with various civil agencies to develop the means by which we can reduce the dependency of the United States on strategic and critical materials imports.

Within the context of overall program priorities, we are shifting our near-term and mid-term focus to those advanced materials that will be needed to surge military production and then sustain that production. In this way, our first priority will be to have the military requirements for strategic and critical materials—as determined by the Armed Services—on hand in the Stockpile. We also will focus on other aspects of modernizing the Stockpile inventory. We have just completed an audit of the inventory and will be devoting more attention to analyses of the current quality of the materials in the inventory as compared to modern industrial specifications. And, we are looking into ways to modernize the methods for acquiring and upgrading materials in order to

bring them in line with the way you conduct your business today. Some of this, of course, will require enabling legislation, which we intend to propose and submit to the Congress next year.

What is our timetable for these actions? Well, I expect each of our new efforts will require several iterations, particularly in defining the requirements for stockpile materials. But, the clock is ticking away and the first major threshold date is the one established in the Stockpiling Act—February 15, 1989. That is the date by which the Secretary of Defense must submit his recommendations for stockpile requirements (and state the basis for those recommendations) and provide both a long-term plan and an "Annual Materials Plan" for achieving those requirements. Until those reports are developed and submitted, there is little more I can offer you in the way of detailed information on the "new directions" for the National Defense Stockpile. However, I am pleased to report that we have centralized the management and operation of the program, we are bringing in the best information of the military experts in determining requirements, we are directing our attention toward advanced materials and upgraded forms, and toward modernizing the Stockpile.

A SALUTE TO THE CONTINENTAL TITLE INSURANCE CO.

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. SAXTON. Mr. Speaker, I rise today to salute the spirit of entrepreneurship, the willingness of individuals to organize, manage, and assume the risk associated with starting and maintaining a successful business venture. An example of this spirit can be found in the 13th Congressional District of New Jersey, which I am pleased to represent.

Today, I rise to honor the Continental Title Insurance Co., a business venture that began 200 years ago and has since continued to flourish and build a reputation on a name that is well-recognized and synonymous with service throughout the great State of New Jersey.

Continental Title Insurance Co., formerly West Jersey Title & Guaranty Co., was but a thought in the mind of William S. Casselman in 1886. Mr. Casselman, a prominent member of the New Jersey Bar Association had devoted his practice largely to real estate matters, and began to recognize a need to improve the method of real estate title searching.

After considerable negotiation and research, Mr. Casselman was joined by four other gentlemen and together incorporated what has become the Continental Title Insurance Co. in Camden County, NJ, on March 5, 1988. In the 100 years since, what started as one office with a handful of employees has built itself into a network of nine branches and a staff of over 90. Mr. Casselman's special vision helped bring to New Jersey a service that has become an integral part of our daily lives.

Mr. Speaker, on its 100th birthday this year I salute the success of Continental Title Insurance Co.'s founder William Casselman and

those who have shared his entrepreneurial spirit.

CONGRATULATIONS AND BEST WISHES TO MATT BELL, FUTURE FARMER OF AMERICA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. TORRES. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to Mr. Matt Bell of Walnut, CA. Matt is a senior at Damian High School in La Verne. He is a 4.0 student. Not only has Matt excelled academically, he is also active in his school's debate team.

However, it is because of his participation with the La Puente Valley Chapter of Future Farmers of America [FFA] that I stand before you today. Matt serves as the southern California region president of FFA, this region incorporates the area between Los Angeles and San Diego. Matt has won the State of California Extemporaneous Public Speaking Award and will be representing California in the National Contest in Kansas City next month.

Matt plans to attend the University of California at Davis where he will study to become a veterinarian.

I ask that my colleagues join Mr. and Mrs. Bell, Mr. Ray Bryden, the FFA advisor, and his family and friends in wishing Matt good luck at the national contest and in his future endeavors.

TERRORIST BOMB ATTACK ON ISRAELIS IN LEBANON SHOULD BE CONDEMNED

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. TRAFICANT. Mr. Speaker, I rise today to condemn the senseless and brutal bomb attack that took place this past Wednesday in southern Lebanon. The attack left seven Israeli soldiers dead and eight others wounded. Two Lebanese women were also injured in the suicide attack, which involved a van filled with 200 to 400 pounds of explosives. It was a miracle more soldiers were not killed.

I am deeply concerned over the situation in the Middle East. I have spoken out forcefully for moderation and peace, and I have been highly critical of the manner in which the Israeli Army has handled the Palestinian uprising. However, there is an inherent difference between abuses carried out by Israeli soldiers and premeditated, cold-blooded acts of terrorism designed specifically to kill Israelis.

Terrorist acts such as the one perpetrated on Wednesday are senseless, brutal acts that must be condemned by all free nations. Let it be known that such acts do nothing to further the cause of peace or justice.

These heinous acts of terrorism only cause pain, death, and suffering. They only can lead to further pain, death, and suffering. The many problems in the Middle East cannot be solved

through violent acts of terrorism. These acts only lead to more violence and more hatred—and there's been too much of that.

The radical groups that carry out these acts hope to muzzle and drown out the voices of peace and moderation—voices on both sides of the Arab-Israeli conflict who genuinely desire a peaceful settlement to this tragic problem. The Palestinian uprising in the West Bank and Gaza Strip poses a serious threat to the stability and security of the entire region. But the uprising also has given rise to a historic opportunity to reach a peaceful settlement.

Such a settlement can never be reached, however, if senseless acts of terror are employed to further one cause or another. I urge all Palestinian leaders to condemn the bomb attack in southern Lebanon this past Wednesday. As I have stated on numerous occasions, for peace to truly have a chance the leaders of the Palestinian people must renounce terrorism; recognize Israel's right to exist within secure borders; and they must get all Palestinians and their Arab neighbors to unify under this new peace offensive.

On the other hand, Israel must recognize that the status quo in the occupied territories must change. The abuses must end. Israel must be willing to trade land for peace as they did at Camp David 10 years ago. The United States has an important role to play in guaranteeing Israel's security if in fact the Palestinian leadership adopts a rational position and Israel opts to negotiate a land for peace agreement.

First and foremost, the United States should continue to condemn all acts of terrorism and encourage all parties to take the bold, creative steps necessary to forge a lasting peace—a peace I know the majority of Israelis and Palestinians so ardently desire.

RELIEF FOR FAMILY FARMERS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. DORGAN of North Dakota, Mr. Speaker, today I am introducing legislation that would provide relief for those family farmers who are in desperate need of assistance. It would allow those farmers who have been most severely affected by decreasing commodity prices and rising costs to restructure their debt without suffering devastating tax consequences. It also would begin the process of correcting the chapter 12 bankruptcy laws so that the tax consequences parallel those of chapters 7 and 11 and better reflect the intent of the new bankruptcy provisions.

Our Nation's family farmers have suffered through a painful period of sustained economic decline. Our farmers are leaving their farms and rural communities in unprecedented numbers. Mired in debt, many have been forced to deed back their land to their creditors in return for forgiveness of the debt only to learn that they now owe a massive tax bill. The sad irony is that those families who can no longer

afford to farm also cannot afford the tax liabilities attributable to starting over.

Under current law, a farmer in serious economic trouble who conveys his land to a creditor in satisfaction of an outstanding loan may be liable for two separate taxes on the transaction. First, the farmer is liable for a capital gains tax on the difference between his basis in the land and its fair market value. Second, the farmer must pay the ordinary income tax on the differences between the property's fair market value and the amount of the outstanding loan. While section 108 of the tax code currently allows farmers to reduce their taxable income by the taxpayer's outstanding attributes and basis in property, this provision is drawn too narrowly and too few farmers are able to take advantage of it. As a result, the farmer who is forced to give up his farm, and who must, with no choice, begin a new life for his family, finds himself saddled with such an enormous tax debt that he has no realistic hope for recovery.

This legislation that I am introducing addresses both of these inequities. It provides for an exclusion for capital gains income that arises when farm property is conveyed back to a lender in exchange for debt forgiveness. It also broadens the applicability of section 108 of the tax code to allow more family farmers to reduce their debt forgiveness income by the amount of their outstanding tax attributes and basis in property. Both of these provisions, though, include limitations designed to prevent abuses by those taxpayers who are not truly in need of assistance.

Sections 3 and 4 of this legislation address the tax implications of declaring chapter 12 bankruptcy. When Congress enacted the new bankruptcy law, it did not fully consider the tax consequences. As a result, many farmers have been unable to make use of the chapter 12 protections. This bill is designed to extend chapters 7 and 11 tax safeguards to chapter 12 bankruptcies. Section 3 would allow for the creation of a separate taxable entity for the bankruptcy state. By so doing, the estate becomes liable for the tax implications of the bankruptcy transactions and protects the individual. Section 4 of the bill would allow the bankruptcy estate to transfer property to a secured creditor and the differences between the amount of debt and the fair market value of the property would be taxable to the estate rather than to the individual. These are protections provided for in both chapters 7 and 11 and must be extended to make chapter 12 viable law.

Those of us in Congress who represent rural communities have seen the decline in the agricultural economy and the havoc it has played on our communities. It is essential that we do all that we can to ease the strain on the farm families who not only are losing their means of making a living, but also their way of life. It is simply wrong to add a large tax that is virtually uncollectible on these families that have suffered through a serious economic crisis. This legislation would allow them equitable relief and an opportunity to make a new start.

THE AFGHAN FREEDOM FIGHTERS STILL NEED OUR SUPPORT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. CRANE. Mr. Speaker, the Afghan Mujahidin, as you know have fought off the combined Soviet and Communist Afghan forces for nearly 9 years. Faced against great odds and the overwhelming military superiority of their invaders, the Mujahidin have courageously fought and are nearer to their victory, thanks in part to U.S. assistance and in particular to our willingness to provide Stinger antiaircraft missiles to the resistance forces.

However, I am particularly concerned with reports in the American press that the Stingers to the Mujahidin have been cut off and that the Stinger missiles are in dangerously low supply. Ahmad Shah Massoud, one of the best commanders in Afghanistan, reportedly has only three Stingers left; other respected commanders also have very low supplies.

Without these missiles, the Mujahidin suffered a major defeat in Konduz which fell to a combined Soviet aerial and ground assault. Roughly 4,000-6,000 Mujahidin and civilians were killed by the air strikes there. This Soviet attack which began in the Soviet Union was a clear violation of the Geneva accords. Our response would have been to increase the number of Stingers that we send—not just to file a complaint to the U.N. monitors.

Soviet aerial assaults from Soviet bases have also struck deep into Pakistan territory. A series of attacks in September struck Afghan refugee camps in Pakistan, more than 70 miles within her borders. If the Mujahidin had adequate supplies of Stingers, Konduz would not have been lost and the Soviets might not have been able to strike into Pakistan.

With Stingers in low supply, the Mujahidin will have a difficult time capturing and maintaining major towns and cities. If the Communists are able to hold on to these positions, the Mujahidin will be further delayed and possibly prevented from winning their war. Problems will increase for the resistance as the war lengthens—problems with United States support and Pakistan's willingness to continue playing the role of a conduit.

I would like to insert into the RECORD two excellent articles on the cutoff, one by Terry Atlas of the Chicago Tribune who filed from Pakistan, and another by David Ottoway of the Washington Post.

As we prepare to conclude the 100th Congress, we should bear in mind the noble struggle of the Mujahidin and the continued need of U.S. aid—in particular Stingers.

EXTENSIONS OF REMARKS

A TRIBUTE TO JUDGE RAYMOND L. KING

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. SCHUETTE. Mr. Speaker, I rise today to bring to the attention of my colleagues in the House the retirement of Judge Raymond L. King. Judge King will be leaving the office of Ogemaw County probate judge on December 31, 1988, after 20 years of service to the people of Ogemaw County and the State of Michigan. A retirement party will be held in his honor on November 5, 1988.

Raymond L. King has led an extraordinary life. He was born in Braintree, MA, on September 1, 1929. In his youth, he attended school in Massachusetts and New Hampshire. While attending college at the University of Maine, he married Jean Ellen Peters. In 1951, the same year as his marriage, he was drafted into the U.S. Air Force and served his country during the Korean war. After completing a 21-month tour of duty, he was discharged with the rank of staff sergeant and rejoined the Maine Air National Guard where he served as first lieutenant.

In 1957, Judge King went on to receive his law degree from Boston University School of Law where he served as senior class president and vice president of the American Law Students Association. From 1957-60, he was employed by the Ford Motor Co. as supervisor of purchasing administration, Tractor and Implement Division. While on a leave of absence from Ford in 1960, Judge King served on the staff of the Oakland County Republican Committee. Shortly after that, he went into private practice and established the law firm of King, Root & Sieb, P.C. where he practiced law from 1961 to 1981, and was named to the bench in 1988.

In addition to being Ogemaw County probate judge from 1968-88, Judge Raymond King held many other public offices as well. Between 1961-67, he served as the Ogemaw County prosecutor, the west branch city attorney and as a constitutional convention delegate from Pontiac, MI. Simultaneous with his public service, Judge King found time to be the Republican 10th District chairman in Michigan from 1966 to 1968.

Other notable activities of Judge Raymond King include president-elect of the Michigan Probate Judges Association, president of the 34th Judicial Circuit Bar Association, president of the Top-O-Michigan Probate Judges Association, and a member of the State Judicial Council and the State Bar Judicial Conference. In addition, he served on the board of directors of the Eagle Boy's Village and on the board of directors of the Epilepsy Center of Michigan.

Despite all his accomplishments, Judge King is perhaps the most proud of his family. He has three children, Deborah King Westcott, David W. King, and Kathryn King Holmes by his first wife, Jean Ellen Peters, who passed away in 1986. Judge King is now happily remarried to Mary Morris King.

Mr. Speaker, I hope my colleagues will join with me today in honoring this most interest-

ing and most deserving man, Judge Raymond L. King on the occasion of his retirement. His unselfish commitment to the people of Michigan has been an example of which we all can be proud to have had him as a part of our American judicial system. I know everyone will want to join me in wishing Judge Raymond L. King the very best in his retirement.

EL SALVADOR: POLICY OF DECEIT

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mrs. BOXER. Mr. Speaker, I would like to call the attention of my colleagues to the excellent opinion piece written by our colleague, GEORGE MILLER, which appeared in the New York Times on October 21, 1988. The article entitled "El Salvador: Policy of Deceit" follows.

[From the New York Times, Oct. 21, 1988]

EL SALVADOR: POLICY OF DECEIT

(By George Miller)

WASHINGTON.—"By most estimates, the war in El Salvador is stuck. Unhappily, the U.S. finds itself stuck with the war."

The tired words of liberal Congressional critics? Hardly. This observation is drawn from a recently published report by four United States Army Lieutenant-Colonels that confirms what too few of us in Congress have been arguing for years: The truth is almost always the opposite of what the Reagan Administration tells us.

The work of the military analysts further illustrates the failure of the Administration's policy of building democracy in El Salvador while defeating the leftist rebels militarily.

The assessment of the military analysts, who spent the last academic year as national security fellows at the Kennedy School of Government, was based on highly classified documents and interviews with Defense and State Department officials, former United States military advisers and Salvadoran military officers. The report includes a host of additional findings that lambaste the United States' role in El Salvador.

The Administration has a long history of deceiving Congress about its intentions in El Salvador, as I, with Sen. Mark O. Hatfield of Oregon and Rep. Jim Leach of Iowa, both Republicans detailed in a 1985 report. For example, the Administration has evaded a 55-person cap on military personnel in El Salvador by redefining "military personnel." According to the Army analysts' report, the number of American military service people "exceeded 150" in 1987.

Since 1981, Congress has been told that military personnel were stationed away from areas that would expose them to significant hostilities and thus, in theory, trigger the War Powers Act. Yet, the new report describes American military involvement in every facet of the war. And last month, three American advisers returned fire, for the first time, when they were caught in an attack on a base that has long been a target of the leftist Farabundo Marti Liberacion Nacional, or FMLN, rebels. It was the same base that witnessed, less than two years ago, the first (and, so far, only)

killing of an American adviser in an attack in El Salvador.

In a 1987 update to the Congressional report, we concluded that the Salvadoran economy was deteriorating rapidly and that the war showed no sign of ending. Supporting our conclusion, the military analysts said: "Since 1985, the war has settled into a fixed pattern. Despite reduced numbers, the FMLN remains a formidable foe, its attacks exacerbating the deterioration of the Salvadoran economy." They added that "observers generally concede that the FMLN . . . can sustain its current strategy indefinitely" and that "an end to the war is nowhere in sight."

In 1984, we were told that the newly elected Government of José Napoleón Duarte, backed to the hilt by Washington, would represent a credible, effective and moderate force that would implement genuine economic reform and bring peace to El Salvador. Those plans have gone nowhere.

With the far right's triumph in El Salvador's March legislative elections, the renewal of death squad activity and an increasing guerilla presence in San Salvador, our next President will find that El Salvador is the real trouble spot in Central America.

We must attack the root causes of the war, specifically economic underdevelopment and gross social injustice. Again, the four military analysts concur, saying that "American officers recognized . . . that victory required first addressing the grievances of the Salvadoran people."

Unfortunately and, to me, inexplicably, the four military analysts do not call for the Administration to change course. But change is obviously needed. The Government of El Salvador is now being kept afloat by annual infusions of aid—almost \$3.6 billion since 1980, including nearly \$400 million more just three weeks ago. As in the Vietnam era, the Administration pursues, and Congress obediently supports, a policy without critically analyzing its impact.

We must redirect all our resources to a political settlement. This must include, first, encouraging negotiations and, second, dramatically shifting our present, overwhelming emphasis on war-related assistance to aid for true economic reform. The alternative is many more years of instability, death-squad murders and war.

HEARINGS HELD FOR AMERICAN-HUNGARIAN LEADERS AND ORGANIZATIONS

HON. ERNEST L. KONNYU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. KONNYU. Mr. Speaker, I am proud to state that the National Federation of American Hungarians, its scores of directors and member organizations in the United States, with board chairman, Mr. Zoltan Vigh, has sponsored a series of hearings for American-Hungarian leaders and organizations with my participation.

Position papers, recordings, and extensive data was accumulated to serve as a leadership opinion poll from key locations—Boston, Woodbridge, NJ, New York City, San Francisco, Chicago, St. Louis, Cleveland, and Pittsburgh.

The purpose of the hearings was to determine the political concerns of American-Hun-

garians living in this country as expressed by their leaders and transmitted those concerns to America's leaders for resolution. To summarize the multitude of topics covered we can state that the tragedies and concerns of Hungarians were viewed by those testified from vantage points of American interests and benefits.

The main category of foreign policy topics can be described as the historical, geopolitical, and security aspects of Central and Eastern Europe as a consequence of Yalta and other agreements.

The 1920 Treaty of Trianon and other dictates and their consequence are tragic such as a fragmented Central Europe with artificial boundaries and minority nations, millions of ethnic minorities in various countries; the resulting economic imbalance, human rights deprivations and consequent turmoil as we see increasingly today; and possible revolutions.

Some of the possibilities and directions for resolving mounting tensions in beneficial and peaceful ways is reviewed in detail.

The second category of topics are domestic in nature can be described as generally academic level observations; relating to the English language, education, youth programs, economic and social issues, government and media, domestic policies, technology transfer, and the like.

A list of the topics covered and the names of those who testified follows:

Defiance-Hungary: Mr. Denes Szegedi, Rev. Paul Bolvary, Mrs. Ilona Stolmar, Mid-European Zone: Dr. Geza Sz. Eles.

Peace, But . . . : Anthony J. Leibach, M.D. Southern Hungary, Trianon, Romania, and other areas: Mr. Laszlo Gorgeny, Mr. Lajos Lote, Mr. Frank Fazakas, Dr. Kalman Fiedler, Mrs. Katalin Persik Lazar.

Other topics: Mr. Aladar Burgany, Dr. Janos Nadas, Dr. Rozsa Nadas, Mr. Zoltan Bocsay, Mr. Andras Sandor, Mr. Gyula Rozsa, anonymous contributors from the Resistance, and others.

Scouting: Mrs. Maria Friedrich, Mr. Balazs Bedy.

Linguistics: Mr. Julius Nyikos.

Technology Trasf. Dr. I.S. Tuba, ESTs.

Other contributions: Mrs. Gabriella Bene, Mr. Arpad Gallo, Ms. Katalin Homola, Ms. Gyongyver J. Sandor, Mrs. Vera Szegedi, Mrs. M. Adam, Dr. and Mrs. Herbert Mindel, Mrs. Helen Duska, Mr. and Mrs. Tibor Vigh, Mr. Peter Harkay, Mrs. Zsuzsanna Viczian, Mr. Laszlo Hamos, Mr. Lajos Jokay, Mr. Janos Jurasits, Mr. Pal Varga.

Other contributions: Prof. and Mrs. Laszlo Konnyu, Rev. Jozsef Somos, Dr. and Mrs. Daniel Vizsolyi, Ms. Zsuzsa Vizsolyi, Dr. Geza Sz. Eles, Mr. and Mrs. Ferenc Beodray, Mr. and Mrs. Laszlo Pasztor, Rev. Miklos Novak, Mr. Gabor Tatray, and many others.

A summary of the testimony we heard in the various cities I just mentioned follows including, in a few appropriate instances, presentation of selected detail.

"Freedom, peace and prosperity. . . that's what America is all about . . . for ourselves, our friends, and those people across the globe struggling for democracy."—RONALD REAGAN.

Excerpts: National Security Strategy of the United States, 1987. The United States has important political and economic interests in Eastern Europe. We have never recognized the division of Europe as either

lawful or permanent. There was no agreement at Yalta to divide Europe into "spheres of influence." Rather, the Soviet Union pledged itself to grant full independence to Poland and to other states in Eastern Europe and to hold free elections. Soviet failure to honor these commitments is one of the primary causes of East-West tensions today. Our policy toward Eastern Europe seeks to promote a positive role for Eastern European States in preserving European stability and exercising a moderating influence on the Soviet Union.

Testimonies and Statements in Digest Form: Immediate and unconditional Withdrawal of Moscow's occupational troops!

We want to exercise our right of self-determination! (Voice of the opposition).

Defiance-Hungary: Even for the dead there is no mercy in Hungary.

Thousands of Hungarian Freedom Fighters, the members of the independent Hungarian government were murdered in cold-blood after the present communist party administration recaptured lost power with the help of the Soviet Red Army in 1956.

The expression of murder was purposely used because only murderers try to hide the corpses of their victims.

Those who ordered and carried out the massacre in Hungary in 1956 are still in power, and even the remains of their victims are kept in prison.

Please help to open the door!

The religious believers need the protection the freedom of conscience and equality before the law. These rights in principle, enjoy wide range protection. The Hungarian Constitution, the Criminal Law and the Civil Statute-Book propose to hold them in respect. But the formulations are very general in fact they do not protect the believers sufficiently.

A multitude of constant administrative discriminations must be endured by the believers, without detection by the West.

To help Hungary: The only solution would be to stop loans to Hungary, put on hold all economic support, as long as the communist party is in power and the Soviet occupational forces are "temporarily" in the country. Internationally supervised free and true democratic elections would offer hope for foreign loan repayment.

Refugee camps in Austria are overcrowded.

Emigration to the U.S. would be a solution, but the quota is very restricted.

Refugees forced to return home, get 3 or more years in prison, without any publicity of human rights violation.

There is no authority in Hungary to supervise the correct interpretation and implementation of the Constitution and the Laws.

Parliament is a rubber-stamp body, without authority—this would make an interesting U.S. Congress.

Members of Parliament can be suspended by the Presidium, or their decisions annulled. Isn't that a nice idea?

These are indicators of a police state; a communist dictatorship.

The solution is not an exodus, a stream of refugees; but the ability to stay home, live in freedom, without fear!

Today the entire Hungarian nation is defiant, tensions are mounting, but the losses (est. 28,000 killed equals half the U.S. losses in Vietnam), of another "1956" are unthinkable.

Are they alone again? Against all odds! Timely U.S. action is needed—now, to avoid a blood-bath.

Stop all loans and support, and the communist system will collapse. Loans benefit the party, not the people.

Demand compliance with Yalta (the slaves dare), at least once the Soviets should be made to comply with an agreement.

The Hungarian nation should be a U.S. Partner, not an orphan!

Thank you.

THE INTERNATIONAL NEUTRALIZATION OF A MID-EUROPEAN ZONE BETWEEN RUSSIA AND GERMANY

Considering:

That as a consequence of the Yalta Pact about one hundred million people were left in a "sphere of influence" to which they do not belong.

That, the division of Europe is unnatural and can be maintained only by force,

That, a major mistake was made by the great powers when they established an artificial division between their spheres of influence.

That, this decision was unauthorized, irresponsible and shortsighted,

That the Russian hope of peacefully capturing the sentiments of the people under their rule turned out to be completely false,

That, rebellions, uprisings, revolutions, freedom fights from the Baltic states through Poland, Czechoslovakia to Hungary are proofs of this failure,

That, people of Central Europe can boast of their individual culture and national identity which goes back more than a thousand years, will never give up their right-to-human dignity, justice, freedom and self-determination,

That, we can neither expect nor wait till the Soviet leadership admits their blunders,

That, in their overextended position the Soviet Union might find an internationally neutralized zone in its own interest,

That, the great powers agreed in 1955 to the neutralization of Austria which has proven successful, and follows Sweden and Finland,

That, the Red Army is the most unpopular element in Mid-Europe and the occupation of Czechoslovakia alienated even the two most friendly nations, the Slovaks and the Czechs from the Soviet Union,

That, the Soviet Union is troubled by problems on its Chinese border and with internal dissent elsewhere in the communist states,

That, the December 1970 Polish riots and the December 1981 suppression of Solidarity, by a communist military dictatorship demonstrated anew the unpopularity of the Soviet occupation forces in Poland,

That, the brutal invasion of Afghanistan bared again the inhuman face of the Soviet system,

That at present the armies of two nuclear superpowers face each other in Berlin and in Central Europe and this confrontation could trigger a third World War through a small local incident,

That, a substantial and balanced reduction of armed forces in Europe would be very difficult, perhaps impossible under the present circumstances,

That, reliable supervision of reduced military forces is almost impossible without the existence of a zone completely free from interference of nuclear and conventional armed forces of the great powers,

That, national movements, manifestations and recent events in Central Europe have also expressed the will of the population to live in neutral states independent of the feuds of the great powers,

Therefore: the International Neutralization of a Mid-European zone between Russia and Germany under the guarantee of the United Nations Organization and the great powers represented in the Security Council and to appoint a Committee for Neutralization of Mid-Europe are the appropriate measures to be taken.

PEACE, BUT NOT AT ANY PRICE

The Versailles peace treaty already foreshadowed its omen of that great world-tragedy which did not culminate even in World War II, but is still approaching its dramatic finale in the life of humanity. The victors were influenced by the false prophets who preached and influenced the world by the doctrine of self-determination for Europe. It can now be seen that this new order did not stand-up to the test, and that violence is still rampant. Wilson's 14-points, like the Atlantic Charter, served nothing but propagandistic aims. We have to reach deeper to completely understand the present day anisomies, down to their fundamentals. We have to look into the depths from the ever changing everyday events. And, then we can observe that there are two opposite, unmitigated spheres of the world and we are living at the junction of the two. Plainly speaking the present day conflicts after the World Wars are fruits of "peaces". Vain illusions took place, such as Franklin Roosevelt's concept of Stalin as the "good old Joe" whose wishes have to be met and everything will be in good order". Or the creation of the United Nations. It must be stated that following World War II, two super-powers divided the world between themselves, though they were of different world-wide outlooks/Weltanschauung/ from their inception. One power is thriving for democracy, the other is propelled by the idea of world revolution, total dictatorship and conquering new territories, with the help of "Fifth Column", including the United States.

Looking backward, more and more events in our age are the results of the defaults, and ignorance of the higher circles of past statemanship. Considering the present happenings, unfortunately we must realize that the U.S. foreign policy, because of the majority of Democrats in Congress, is inert. And, has become part of the moral debasement of the meaning of "Americanism" at home and abroad, which in turn has increased the insecurity of the United States and of the entire free world. Because of the lack of moral indignation when confronted with moral horror, the turning to atrocities into insensibilities, the incapacity for moral reaction, the indifference to events which need high decisions, there is a drift toward World War III.

As intellectuals we must analyze the human affairs and development and expression of ideas about them. As such, we have to have moral courage to say the truth and act accordingly.

Declarations for Captive Nations is not enough. No compromise or appeasement regarding subjects, such as Germany, Eastern and Central European countries, Middle East, disarmament can not ever lead to peace, while the communists adhere to a belief of world domination for the Soviets. There is no middle road to be found and no compromise which can afford both, life and victory for the antagonists. History teaches that nations grow strong by responding to challenge, they grow weak when they compromise with the challenger. In this life or death struggle only courage and inflexible response to challenge will save the United

States and the free world. As Norman Thomas said, "what makes communism a universal danger is its relentless drive for power over the bodies, minds and souls of man".

The issue of war versus peace cannot be melted down into a naive psychology of peace through better understanding among people, handshaking visits, propaganda conferences. We have to know, that we are confronted with indoctrinated communists who will never denounce the idea, the struggle for the victory of communism and the subjugation of the United States of America. There will be no such thing as ideological disarmament by the communists. Therefore, we should take democracy seriously and accept the democratic heritage as a value to the world of tomorrow. This heritage is now in a perilous condition. These times are not so much the times of big decisions, but the times of big decision that are not carried out. For peace with honor and justice we need a devoted strong leadership.

Great nations are characterized by their ability to achieve great and noble deeds in the present, as they had in the past. We, ostracized Hungarians, will not grow weary in our seemingly hopeless fight. We shall keep our faith and convictions. We do not aspire for anything that is others'; nor shall we let what is ours be taken away. It is our belief that the reorganization of the Carpathian basin can only be done on historical premises. This also shows that the popular self-governing right proved to be an empty and false phrase.

The historical vengeance of the victorious powers at the reorganization caused the territorial dismemberment of Hungary, without ever asking the approval of the people involved. The Trianon peace dictatum robbed Hungary of five million Hungarians, exposing them to the hostility of their enemies. All this was done to a people who as original settlers lived their for one thousand years.

Therefore, we ask the United States to do all that is in her power, to acknowledge this thousand year old geographical and historical unity. And, to force the Russians to withdraw from Hungary. The entire Hungarian population has been struggling for seventy years against the Trianon Treaty and its subsequent Parisian injustices. We shall continue to campaign for an end of these inhumanities and we shall strive until the curse of Trianon is removed from the Carpathian basin.

The Carpathian basin reorganization must follow historical and geographical priorities, otherwise it will become either German or Russian territory, and will continue to be a slave as it is today. Presently, we can only hope for a basic change of the world's events for the better; that is the victory of the West over Soviet forces. And, thusly renew the hope for a just reorganization of the Carpathian basin.

We, who are in exile, cannot sell out our Hungarian heritage on the basis of so called "real politics;" but, rather we shall keep and foster the heritage, preserving the ideal of a modern Hungary and continue to fight for a better future.

In these critical times, we are not bargaining nor are we selling away our historical rights. Since the establishment of our council, our aims have not changed. We believe that the historical and geographical forces will eventually win in Central Europe. We know that the development of nations are tending toward greater unities. Western Europe can serve as partial proof of that.

And, the less fortunate are also considering unity as a means of their survival. It will happen in Southwest Europe which is under the greatest pressure.

Southern Hungary, economically, historically, geographically and culturally is part of a much larger Danube area. This absolute economical and political order will serve in the interest of a new world. South of this is the territory belonging to the Balkan region, both geographically and culturally. It must be noted that the Trianon Peace Treaty by the Antente committed not only an injustice but, made grave political mistakes, also. As Tallyrand said, "this is more than a crime, this is already a fault." A steady multi-national empire had been torn apart by an abstract idea, in the name of self-determination. This was also a victory of words over the sane mind; a propaganda victory over political rationality. And, the priority of ideology over the thousand year old historical Hungarian heritage and human sense.

PROGRAM OF THE COUNCIL FOR SOUTHERN-HUNGARY

I. The council wishes to call the attention of the popular sentiment of the governing bodies of the free world:

a. Concerning the political suppression of the Hungarian people in Yugoslavia, and their indoctrination into their culture, the communist ideology and the total annihilation of their freedom and human rights.

b. The inhuman mass murdering the Yugoslavs perpetrated at the time when they came to power, and the terror which insures their rule to this day.

c. The historical fact is that those nationalities which inhabited that territory, name the Hungarians, Germans, Croats, and the Vendisch were turned over to Yugoslavia by the Treaty of Trianon and denied their independence. President Wilson promulgated the doctrine of the right for self-determination was not heeded by the Yugoslavs, although these people constituted three-fourth of the populace. The Paris Treaty following W.W. II dealt the same way with the Slovenian, Croatian, and Macedonian minorities together with the Albanians and Bulgarians. In this light it is understandable that in 1941 when they had the chance, severed their relationship with Yugoslavia. The Paris Treaty in 1947 forced these people back to Yugoslavia and Communism. This was diametrically against the principles of the Atlantic Charter.

d. The exploitive and repressive policy of Belgrade forces its own people, the Serbians against their own regime.

II. a. Hungarian territories should return to Hungary to which they belonged for a Thousand years before W.W. I. These territories belong partly to Yugoslavia and partly to Rumania and these people should be spared from the present oppressive regimes of Titoist-Ceausescu-brand of nationalistic communism.

b. We heartily oppose every effort which tends to treat the present, or pre-World War II as a democratic nation or country; but we honor the rights of Croats and others for self-determination.

c. We, free Americans request in the name of the people, forces to stay mute, to request their return to Hungary the area annexed by Yugoslavia after W.W. I.

III. a. The Council for Southern-Hungary/DFT/speaks for all nationalities of Yugoslavia:

1. Equality for the Hungarians and others in every aspect of their lives as citizens.

2. Complete cultural freedom for all the constituting citizens, equally oppressed by Yugoslav nationalistic terror, favoring a very dangerous type of conciliatory nationalistic communism, guised as peace-loving socialism.

3. To effectuate and secure the safe exercise of the minorities's autonomous cultural heritage.

IV. Council considers as illegal every effort by Yugoslavia which aims to change the nationalities structure by force and replace them with their communistic system. Therefore, we, American-Hungarians, morally committed to the principle of Democracy, cannot accept the post 1918 arrangement imposed on our people and the ensuing injustices that followed in the form of Yugoslav oppression and enslavement.

V. The /DFT/strives to maintain and continue eight-hundred years of Hungarian-Croatian mutual friendship and, validate it in the best traditions of these two nations in the future. Every pendant question must be settled in the future between these two peoples in the spirit of traditional Hungarian-Croatian friendship and in accordance with man's inalienable right for justice, peace, self-determination and, human rights. This question is by no means a particular, insignificant, nationalistic problem, located in a small, remote area of the world. It reaches far beyond its borders and influences the entire European political and economic structure. Neglect or postponement of the solution of this vital political problem might quietly, but most assuredly open the door for communist ideology which shall answer this question to its concept and liking.

MEMORANDUM ON THE MISERABLE INHUMAN CONDITION OF THE HUNGARIAN ETHNIC POPULATION IN RUMANIA, AND THE TOTAL FAILURE OF THE RUMANIANS TO GOVERN

Thousands of crystal-clear arguments and a deluge of documented facts have already been presented, by voice and in print, against the ill-conceived tragic dismemberment of Hungary at the Paris "Peace Conference", and sanctioned by the unilateral, dictatorially imposed "peace treaty" at Trianon, in 1920. Whole volumes have been spoken in the since defunct League of Nations in Geneva, Switzerland, between the two world wars, and even much more after the conclusion of the second world war on the principles codified in the Tehran, Yalta and Potsdam agreements which have relegated the present Captive Nations of East-Central Europe into indefinite Soviet slavery, ruthless political dominance, consummate economic exploitation and ultimate despair, without time limit, without a glimmer of hope for peaceful development or escape from their plight.

This immense amount of documentary data against the dismemberment of Hungary and for a corrective reconstruction of the Carpathian Basin into a viable nation and effective buffer zone in the consuming East-West rivalry, on principles of justice, in the promise of lasting peace and power balance, may be sorted out in three major categories.

CATEGORY ONE

Is the vast collection of verified statistical data and unquestionable facts which irrefutably proves the nature of monstrosity that has been perpetrated at the Paris Peace Conference, by 1920, against European security, continental stability, balance of power, economic progress, and in general against national viability, the question of survival of nations, in freedom and prosperity, in Central Europe.

All the facts are a matter of historic record, compiled and arranged by historians, authors, political scientists, statesmen and diplomats. Names, dates, places and quotations are superfluous in the present resumative format.

CATEGORY TWO

Is the quintessential history of the three Successor States with respect to their Hungarian minorities, from 1920 until their collapse at various stages of WWII. This chapter is the documentation, in resumative format, of the systematic destruction of the Hungarian ethnic population in the phoney democracies prevailing in the "narodniky" republic of Czech tyranny, and the dictatorial monarchies of Rumanians and Serbs. All three boasted of a "democratic" Constitution which they used as a window dressing while the government actually ruled by partially secret executive orders designed to accomplish the destruction of the Hungarian ethnic group in a "final solution".

Though the three states differ in minor details, their methods, their time schedule and the degree of cynicism with which they masked their ultimate goal, they were identical in ruthlessness and consequential in their persecution of everything Hungarian.

The present Memorandum deals in detail with the Rumanian maneuvers toward annihilating the Hungarian minority.

All three states had a fool-proof blueprint ready, but Rumania was most eager to start.

CATEGORY THREE

which began in Aug. 1940, at the time when Northern Transylvania was returned to millenary Hungary, by the Vienna Arbitration, and continues indefinitely in our time, is a period of "open season" of warfare, bloody atrocities, legal exploitation of the Hungarian population, an era of increasing police terror, of systematic acts of large-scale genocide (!), economic exploitation, political oppression, religious intolerance, persecution, a progressively more cruel and effective destruction of the Hungarian ethnic group through intimidation, treachery, brainwashing, blood-curdling acts of injustice, cynical disregard for civil rights and human dignity of Hungarian people throughout Transylvania.

These acts, however repugnant they are, are not coincidental events wantonly practiced by petty local cesars of Rumanian officialdom; they are instituted and implemented as underlying national policy, carefully designed and assiduously pursued as traditional and permanent features of the Rumanian national character! This is the true face of the Rumanian.

The word "Transylvania" is a cumulative name for the other three Hungarian provinces: Máramaros, Körösvidék, Bánság detached from Hungary in 1920, inhabited by Hungarians in compact population.

This Memorandum points at two salient issues in Central Europe:

1. First, in the words of prince F. Rakoczi (17. century):

"Recrudescunt nobilissimae nationis Hungaricae vulnera", the wounds of the noble Hungarian nation have been reopened again. Millions of incidents of "minor" impact suffered by rural Hungarians in isolation, forced labor, serfdom, poverty, deprivation, oppression, humiliation, intimidation, fear for their life defy any attempt at collecting and listing. No one is able to give a fair account of the blood and tears of Hungarians doomed to slow extinction in the brutal prison state which is Rumania.

2. Second, to document with episodes of history on record that Rumania, with an independent nationhood of barely one century (1862), immature and irresponsible, unaccountable and inexperienced, has always been, and still is today, a maverick in the community of nations, an obstacle to peaceful coexistence, a worthless military ally, a nest of international intrigues, a fountain of hatred, a despotic regime, unfit to be a real support to a rational and just settlement of Central European problems. It consistently reneged on the implementation of its international treaty obligations. It prospers on deceit, it survives by sheer terror, and thrives on lies. They have developed a technique in rewriting their national history, improving on it every time, creating new heroes, inventing events, fabricating old documents, manipulating statistics, rendering fantastic interpretation to archaeological finds, industriously constructing new hypotheses without proof in truth. (Daco-Roman continuity in Transylvania) against the unison condemnation and refutation by Western historians and scientists (British, French, German, Russian).

More than 1,500,000 Hungarian Americans fervently hope, the U.S. Congress will remember that Rumania, as an ally or trading partner, is an unquestionable liability to this nation, an international embarrassment, not an asset, and should be dealt with as such when the final restructuring of Central Europe will be on the conference table!

TECHNOLOGY TRANSFER AND IDEOLOGICAL DEFENSE INITIATIVE

ABSTRACT

Technology, a most valuable resource, will contribute to the generation of new wealth at a much higher rate than the human race has ever experienced. Maximizing the rate of new wealth generation also maximizes the rate of a more equitable distribution of wealth. The more we distribute the means of generating wealth, the more we disseminate newly-generated wealth itself. Technology can be utilized for society's and our own self-interests concurrently. Technology also has a significant role in the world's ideological warfare.

Importance of terms like "ideology" and "ideological advantage" are difficult to understand by those who have never been exposed to the powerful arguments of the other side. Believing in democracy, freedom, apple pie and the virtues of motherhood, and promoting the same, is not enough in the harsh world of today, particularly when one has to deal with fanatic demagogues who have been brainwashed for decades with an allegedly "infallible ideology." Having superior military strength is not enough either. It is useless both against terrorism and against overwhelming "world opinion."

The latter involves a sizable portion of the nearly five billion people of the world, most of whom are exceedingly envious of American achievements and thus easily manipulated. The real struggle for the control of the world, therefore, takes place not so much in the area of atomic weaponry (which neither of the two super powers can afford to employ), but rather in trying to gain control over the minds of its 4.9 billion inhabitants. It is in this area where the war for the mastery of the world will be fought—won or lost.

Victory, however, can only be achieved by recognizing both the strong points and the soft spots of our ideological adversaries and by countering them on their own level with

similar ideological weapons that are based on truth, are presented rationally and are comprehensible to most of the people of the world. Let us teach the world to think and to act rationally, and let the world abide by the same rational rules that are measurable both quantitatively and qualitatively.

SUMMARY OF POSITION

Current estimates are that our planet Earth is inhabited by 4.9 billion human beings and that number is increasing at a rapid rate. Not only is the number of people increasing, but their level of expectations is increasing as well. This, in turn, places increasingly higher demands on every sector of society. In all areas of human endeavor—food supply, health care, education, communication, transportation, leisure time, and so on—these demands must be met. It is obvious that these increasing demands can be met only by the discovery and application of newer and newer technologies and the wider and wider dissemination and application of existing technologies.

For the sake of human progress and world stability, the role and social responsibility of Engineers, Scientists and Technologists (ESTs) must be enhanced. They must gain visibility, receive recognition and play a decision-making role in line with their contributions to the generation of the world's wealth. However, they must also take on increasing responsibility for the manner in which the products of their ingenuity and labor are utilized. There is a tremendous need for cross fertilization, not only among ESTs themselves, but also with politicians, government officials, economists, educators and others.

Old political dogmas on which competing social and economic systems were based, threatening each other with mutual and total destruction, must be re-evaluated by both sides. There is no need to destroy the world; the better way is to utilize the new resource, technology, to solve the world's problems.

Evolution is occurring rapidly. At one time the major occupation was farming; with the utilization of energy, world industrialization occurred. Availability of natural resources (materials, fuels, etc.) and labor (the importance of the proletariat) in creating wealth became dominant issues. The role of capital became a disputed issue, splitting the world in two. The current standard of living, as well as degree of individual freedom, afforded by each system to its citizens is the only clear and decisive means of judgment. There is, and always will be, a need for farms, natural resources, labor and capital. Their order of importance at any given time in the development process of human progress is changing continually.

Followers of old dogmas should be made aware that the world order is changing. There is a new resource available to the human race, technology. The Western industrialized world has created the most powerful resource, technology; and it is willing to share it with the rest of the world for the betterment of the entire human race. But they should not expect to receive it free. Some of their natural resources or labor may be required in return. The price must be fair both ways.

ESTs must make the world aware that they, as the generators, possessors and implementors of technology expect to play a major role in the newly developing world order.

RELEVANT IDEAS AND THEIR DISCUSSION

We now believe that there are three basic kinds of resources: natural, human, and human-generated.

Examples of natural resources are: land, streams, oceans, fish, game, plants, animals, trees, iron ore, gas, sun, etc. The well-being of the human race, or any segment thereof, depends on its ability to utilize the available resources for the generation of wealth. Furthermore, it depends on its ability to utilize its natural, human, and human-generated resources for the purpose of "creating new wealth, continually."

Human resources are constituted by the people themselves who are able to carry out useful activities in their own and in society's behalf.

Human-generated resources are the new capabilities, knowledge, materials and techniques developed by human beings to make their lives easier, which are utilized in various fields of human endeavor (e.g., fishing, ranching, mining, banking, lathe operating, etc.). These resources include skills learned and passed on to others, the most crucial and important of which is called Technology.

As demonstrated by the known facts of history, progress has always been connected with humanity's willingness and ability to utilize all available resources to the fullest extent. This is still true today, except that in our lifetime we have witnessed the birth of a new human-generated resource, Technology. It is our contention that this new resource will have a more dramatic effect on the history of the human race than either one of the two other resources. The resulting economy may be termed, Technoconomy.

Technology is a most valuable resource which will be responsible for the generation of new wealth at a much higher rate than the human race ever experienced. It can be generated, owned, bought and sold, just like any other resource—natural or human. It can be depreciated and replaced only by more advanced versions of itself.

It is obvious that Capitalism, i.e., free market economy, has provided far more to its citizens than did the Marxist-Leninist system to the Russians. But if this is true, why are the Russians still successful in selling their ideology to the world, even though the United States has to bail them out continuously in feeding their own population? The answer is simple: They are able to sell to the world the idea that the U.S. is successful simply because it exploits everyone's natural resources and cheap labor, i.e., human resource, and utilizes these for its own benefit. At the same time, however, the Russians remain silent on what the nations of the world are getting in return for their natural resources and inexpensive labor. They gain access to capital as a strategic resource, as well as to all of the new wealth-generating resource, Technology—and do so virtually free-of-charge.

What it really comes down to is that not even Mr. Rockefeller can eat more steaks and use many more pairs of pants than most of us. As such, he must utilize his possessions in other ways namely by investing them so as to generate more new wealth. In the same way, it does not matter what the state owns, but it surely matters how it uses its possessions. It has been demonstrated that state ownership or excessive government control retards the generation of new wealth. Instead of creating it, the state simply redistributes already existing wealth,

and often it even consumes the wealth to be generated by future generations.

The U.S. should articulate its own successful ideology and sell it to the world. It is an ideology based on maximizing the generation of wealth through the proper application of all natural, human, and human-generated resource, particularly Technology.

The U.S. with a newly formulated theory on generating wealth based on ideas presented here, should pull the rug out from under the phony ideology which claims that the proletariat are the only real generators of wealth. (Actually nothing is new, except these self-evident truths have not been utilized by the U.S. in the form of an ideology.)

Naturally, labor will always maintain its roles as one of the important components in the generation of wealth.

The collective wisdom represented by risk taking, human innovativeness and human organizations in a free market society is infinitely greater than that of any centrally-controlled economic or political system.

Most wealth is consumed or decays with time. The distribution of old wealth, except for the fair availability of natural resources to everyone, has no chance in solving the current social and economic problems of the world.

The world needs rational thinkers as leaders. Engineers, Scientists and Technologists were trained to think and act rationally. They should take more interest in world affairs and aspire to leadership positions in various government organizations, together with other representatives of society.

Engineers, Scientists and Technologists (ESTs) are a special breed. They are the generators, possessors, and implementors of most of the means of creating new wealth for this world. They are intelligent enough not to seek world domination (Technocracy), like the proletariat, but they do want recognition in line with their contributions. ESTs should have their fair representation in government bodies and significant stature in society.

IMPLEMENTATION OF THE IDEALS

International Technology Institute was formed in 1976 to act as an international organization to promote the idea that technology should be considered as a human-generated resource, which is the most significant factor in the creation of wealth for this world; to act as a conduit for technology transfer for the betterment of the human race; and to create and promote the "Hall of Fame for Engineering, Science, and Technology," and thus encourage ESTs toward higher-and-higher performance on behalf of the whole human race.

IDEOLOGICAL DEFENSE INITIATIVE

Obviously we are playing with words. The U.S.A. government-stated Strategic Defense Initiative is mainly aimed at the USSR vs. USA confrontation. But let's face it, these two nations add up to only 10% of the world population.

For the long term, decades or centuries ahead, how the rest of the 90% of the world population thinks will form the history of the human race, as well.

Table II summarizes our understanding of the current situation and our suggestion of position to be considered by the U.S.A., promoting it to the whole world, very aggressively.

The U.S. government and the free world should be aware of these ideas as powerful ideological tools on the international scene. They may be stated in a number of different ways, geared to the current level of commu-

nist indoctrination at a given region of the world. The American people have been largely immune to this indoctrination. They are hardly aware of its existence and even less aware of the need to gain the minds of the 4.9 billion people of the world. That, however, is the most crucial issue. Most Americans are not even aware of the real ideological differences between Communism and Capitalism. They should be freely exposed to these competing ideologies, but also to the fallacies of those ideologies.

Soviet propaganda is successful among some have-nots and idealist intellectuals because it promises the Utopia of a classless society, "a society where everyone works according to his own ability and is rewarded according to his achievements." But as an ultimate goal it also promises Communism, i.e., "a society where everyone works according to his ability and is rewarded according to his needs." Does the first definition fit the American or the Soviet system better? And does the second one fit any system at all? Why not let the world know about this? Which of these countries or systems is ahead in satisfying the needs of its citizens? Who possesses the best resources and environment for the generation of new wealth?

CONCLUSION

Technology and technology transfer have enormous effects not only on the economic well being of the world population, but also on the political systems under which our future generations may have to live.

TABLE.—IDEOLOGICAL DEFENSE INITIATIVE

Marx-Engels-Lenin Ideology—U.S.S.R. position	Suggested U.S.A. position
1. There are two resources: (a) Natural. (b) Human.	1. There are three resources: (a) Natural. (b) Human. (c) Human generated (know-how, i.e., technology and capital as strategic resources).
2. All new wealth is generated by the workers, i.e., the proletariat. They must take power into their own hand by revolution.	2. Application of know-how (technology) greatly impacts the rate of new wealth generation.
3. Money (part of capital) does not generate new wealth. It is a tool of capitalists to exploit the workers, and for the USA to exploit the world, for themselves.	3. Money does not generate new wealth, but acts as a catalyst, a strategic resource to bring together the natural, human and human-generated resources for action, for generating new wealth.
4. Message to the third world: The USA is rich because you are poor. You are poor because the USA has exploited you; they took your natural resources and your cheap labor. The wealth must be redistributed.	4. Message we should give the world: The USA is rich because it has utilized all three of its resources better than anyone else has. We can help you to do the same. (Free market, entrepreneurship risk taking, R&D, technology, etc.).
Your only solution: Destroy your government and the USA—and the capitalist system. We have the infallible ideology.	Technology as a resource should be traded for natural resources and less expensive labor. Make fair deals!
5. Proletarians of the world unite under USSR leadership. Destroy the capitalist system first—then start rebuilding. You must suffer economically and otherwise until you achieve this.	5. Everyone should think rationally. The more distributed new wealth generation is, the fairer is the distribution of the new wealth too. ESTs are the new breed of new wealth. Recognize them through HOFEST.

A FEW ISSUES AND OBSERVATIONS BY AMERICAN HUNGARIANS

A large segment of American Hungarians came to this country as a consequence of the Soviet occupation and the events of 1956 in Hungary.

It is, therefore, no wonder that these refugees are strongly anticommunist and conservative in their behavior and thinking.

We believe in God and Country and in old fashioned values like family, loyalty, justice, decency, and yes, even authority.

Although both the democratic and the republican party has let us down in time of crisis, Roosevelt in 1918, and Eisenhower in 1956, we are inclined to vote republican rather than democratic, especially during the present administration.

We do not believe that the Watergate episode was serious enough to have forced the resignation of president Nixon, and we do not understand, why the Iran-Contra affair prompted Congress to conduct a costly investigation and why people like McFarlane, Poindexter, North and even president Reagan had to be ostracized by the nations networks and press.

We do not understand why the president should have no right to conduct covert operations, to spy in enemy territory, to preserve this country's interest, to send aid to the freedom fighters and to try to keep communism out of our hemisphere.

We do not understand why criminals obtain preferential treatments and why victims of their crime are seldom, if ever, compensated.

We are upset about the media. All the major networks and the press are against our president and against the administration. They all provide half truths and slanted news. They influence onesidely the majority of our citizens. They have unchecked power. We would like to hear the other side of the story. The opinion of the so-called silent majority and the view of our government. We have difficulty finding this information. We wonder why?

We are concerned about the future of our great country. Our production of goods is down. We are unable to compete with the rest of the world. We are losing ground everywhere.

Germany with a population of one-sixteenth of the U.S. surpasses the U.S. in goods produced, and Japan with one-half of our population is close third.

Our children are uneducated. Their I.Q. is below of those of most other countries of the western world, not mentioning Japan.

The Russians are ahead in space and armament, if not in quality but certainly in quantity.

Our foreign policy is centered around the Middle East and protects the interest of Israel over ours. Europe, especially Eastern Europe is almost completely neglected.

Human Rights and the rights of the minorities, especially the large Hungarian minorities in the neighboring countries of Hungary, Rumania, Czechoslovakia, Yugoslavia, Russia and Austria, are constantly violated. The native Hungarians annexed to these countries, except those in Austria, are being persecuted, oppressed and subjugated. The situation is especially critical in Rumania and you will, without any doubt, hear about this in much more details from others.

The number of American-Hungarians living in the United States is estimated to be in excess of 1,700,000. In Ohio in excess of 240,000 and in the greater Cleveland area in excess of 150,000.

We believe that these estimates are rather low. The reason for this is that our census bureau connects nationality to geographic location of birth.

Since Hungary lost three-fourth of its territory and one-half of its population to the neighboring countries those who emigrated to the U.S. are registered Rumanians,

Czechoslovaks, Yugoslavs, etc. and not as Hungarians.

In our view nationality is not a matter of where one was born but rather it is the deep rooted feeling of an individual, based on language, customs, and style, a heritage obtained from his or her ancestors.

I realize that most of the above is generalization and that you need more specifics to be of help to us. I will try my best.

Please find below in random order things which you could consider bringing to the attention of Congress and the interested legislative committees:

1. To increase our political influence we need a just and correct tabulation of our numbers in the next population count. "Nationality" should be recorded independently from the "Place of Birth".

2. To maintain national identity of our children we need government subsidies to establish and maintain college courses on their homeland.

3. Congress should be made aware of the ongoing genocide of the Hungarian minorities in the neighboring countries of Hungary. Especially Rumania should be kept responsible.

4. Social Security, a vital source of income for most of our elderly American-Hungarians, should be separated from the budget. It should be self supporting and the surplus/if any/ should be cumulative and off limit to other issues.

5. The injustice of the so called "Notch Babies" born 1917-1921 inclusively, should be corrected. This is discrimination of the worst kind.

6. Medicare should be strengthened and expanded to cover catastrophic illnesses.

7. Health care costs must be controlled.

8. Law enforcement should be put back on the agenda as high priority. It is disgraceful not to be able to walk freely on our streets of our cities without constant fear of being robbed, beaten, or even murdered.

9. Criminals should be put in jails and repeated offenders should be kept in jail. They should work to earn their subsistence and to compensate their victims.

10. Inflation, the worst enemy of people in retirement, should be kept as low as possible.

11. The budget, and trade deficit should be dealt with and should be gradually eliminated.

12. Manufacturing of goods should be brought back to this country to keep our working men and women employed.

13. Defense, including Star-War program must be strengthened to keep communism out and to secure freedom for all.

14. Education of our children must be improved to make us competitive with the rest of the world.

15. Schools should be cleaned from drugs. A mandatory drug test for children would do this.

16. Mandatory bussing for political purposes should be stopped.

17. The neighborhood school system should be reinstated.

18. Human Rights issues everywhere should be kept alive.

19. Freedom Fighters, including the Contras should be supported and not neglected like in 1956 in Hungary.

20. A major conservative network by the civilian sector should be created without, or with government help.

21. America is a great country. We American-Hungarians are very grateful to be able to live here.

There are things we do not agree with, and there are things we do. This is the way it should be.

In case you agree with some of the suggestions above and could do something about it we American-Hungarians would be greatly appreciative.

AMERICAN HUNGARIAN FRIENDS OF SCOUTING

The ethnic American-Hungarian scout troops were established to acquaint boys and girls of Hungarian descent with the language and culture of Hungary, in addition to the standard scouting program. While there is no question about the value of the international scouting program, as established by Lord Baden-Powell, it is equally important for young people to know and take pride in their heritage. Numerous ethnic cultures, as well as the Black population of America, have found this to be true. Being proud of their heritage makes the young people better persons and better citizens.

This dual function is fulfilled by the Hungarian Scout Association, which has 6,000 members and 90 scout troops in the free world. In Cleveland, there are four ethnic American Hungarian scout troops, two boy scout and two girl scout troops, which have been active continuously for the last 35 years, and which are members of the Hungarian Scout Association. The troops are also members of the local American Boy and Girl Scout Associations: however, because of their special emphasis on the Hungarian language and culture, they follow the program designed by the Hungarian Scout Association.

Since the troops get neither governmental nor private funding, they rely on their sponsoring organization, the American-Hungarian Friends of Scouting (AHFS), to provide the necessary financial basis. AHFS does this by holding three major fund-raisers per year, a Scout Ball, a Recognition Dinner, and a Scout Day Picnic. These provide funds for day-to-day operations (rent, transportation, etc.), but not for major acquisitions or improvements.

It has also become increasingly difficult, because of the high-tech entertainment available everywhere, to provide programs that are stimulating and hold the scouts interest. To compete successfully, we would like to get a computer, for example, to teach the Hungarian language in an interesting way, with equipment that is familiar to the children from school. The above is just one example: obviously, there are many ways our programs would benefit from the use of modern equipment.

We would like to explore with you the possibilities of obtaining federal grants to help us in our task of teaching our children the language, culture and heritage of Hungary. A successful program would not be limited to the Hungarians in Cleveland, but could also be utilized by Hungarians in other cities. The Hungarian Scout Association has troops in cities with large Hungarian communities in New York, New Jersey, Illinois, California, etc., which are all faced with similar problems and would welcome any type of assistance that could be provided. The program could be adapted for use by other ethnic groups, as well.

English first: is supported in general by American Hungarian organizations.

Several studies have indicated that the knowledge of the second language also (in this case Hungarian), is a good solution.

It is desirable that fluency in two or more languages would be compensated in private

and in public service, as it is in other countries. Knowledge of languages does enhance contacts and trade to U.S. advantage.

In the U.S. children study Hungarian at churches, scout troops and weekend classes, usually.

High school level teaching is not offered currently and badly needed, especially since several U.S. universities offer popular (credit) courses in Hungarian language, literature, etc.

Dramatically increasing tourism, trade and student exchange programs, expanding to the secondary school level, increase demand.

Canada for example, grants generous government support to ethnic elementary and high schools; resulting in continues, successful, Hungarian language programs.

The U.S. badly needs a similar program.

A LINGUISTIC PERSPECTIVE OF FUNCTIONAL ILLITERACY

A REQUEST BY WAY OF INTRODUCTION

In order to enhance your appreciation of this paper, I would like to ask you to consider—without checking any sources—(1) How many English graphemes the upper high back vowel /u/ has; and (2) what the average number of graphemes is for each English phoneme.

Please take a moment to write down both estimates for future reference. Thank you. I would now like to ask you to read a short, highly selective curriculum vitae which may serve to illustrate the differences in ease of reading acquisition, depending on the systems of orthography to which the learner has been subjected.

I was born and raised in Hungary. Like most of my compatriots during the 1920's, I did not have any familiarity with the letters of the alphabet prior to entering first grade. I, as well as every other Hungarian child without serious learning disabilities, learned to read any and all Hungarian tests fluently by the end of the first year of elementary school. In another three years, my fourth grade classmates and I acquired mastery of Hungarian orthography.

I learned to read Latin correctly at the age of ten within one week and German at eleven in less than a week. So did all the other Hungarian students studying in the gymnasium (pre-academic high school) that I attended. At the age of fourteen, I started learning to read and write English, and in the next four years I made some modest measure of progress. At the university, I dropped English and majored in German and Finno-Ugric Hungarian linguistics, philology and literature. As part of my training, I learned to read and write Finnish in a few hours as did all my fellow students.

In 1949, I immigrated to the United States. Due to poor English proficiency, my first jobs were outside the academic world. Mingling with the common folk, I learned English well enough in two years to return to my field of foreign language teaching. As soon as I had arrived in the United States, I resumed learning to read and write English and I have been making moderate but steady progress throughout the almost four decades that have elapsed since then. At this rate of progress, I hope to become comfortable with English orthography in another decade or so.

A BRIEF SUMMARY OF THE ROOT CAUSE OF FUNCTIONAL ILLITERACY

Who wouldn't know the story which begins like this, "For want of a nail, the shoe was lost, for want of a shoe the horse

was lost?"—With a new twist, it could end, "For want of a systematic English orthography, countless students have been and continue to be lost to functional illiteracy." To linguists it is obvious that the term, "English spelling system" is a generous euphemism. In fact, our non-system seems to be the most ruinous influence on the forward movement of American education and on the daily routine of schoolrooms throughout the English-speaking world.

Of course, it is human to create excuses for what we are used to. No wonder that there are quite a few who, in lieu of a solution, try to refute this truism. There are even some who rudely brand critics as iconoclasts and pooh-pooh any questions raised about our long-exhumed gruesome orthographical mummies. Such detractors confuse language with spelling. In a pseudo-scientific manner, they disregard the irrefutable truth that language is the magnificent result of millennia of subconscious cognitive evolution, while orthography is produced—you might say artificially created or concocted—by the conscious mind and may be great or not so great. While language cannot and need not be improved at all, orthography can and should. Our language is a precious jewel full of beauty but its spelling is needlessly confused.

It is no secret that learning our spelling non-system consists of a great deal of rote memorization. Trying to master the greatly arbitrary grapheme sequences of what seems to be myriads of words and a multitude of rules, exceptions from the rules, and exceptions from the exceptions, appears to too many students to be an endless and valueless nuisance. The much-too-frequently fruitless struggle of learners with relatively high IQ's bruises their sensitive egos and dulls their youthful enthusiasm and buoyancy. Few are fortuitous enough to be spared frustration or humiliation. No wonder their teachers do not find them exuberantly oohing and aahing whenever yet another grapheme of a phoneme is introduced. No wonder groups of our youth do not queue up at libraries, but are too often glued to the tube. It does not take a super-sleuth to conclude why Hugh, Lew, and Louis, Sue, Prue and Eunice much prefer to watch beautiful movies and Dallas or Matt Houston on what they call the boob tube¹ over mastering spelling intricacies.

My nephew, Lou Hughes, for one, cannot see why four different letters should be wasted on the same single vowel sound in "through," "Sioux" and "coups." (To make matters worse, the intellectual responsibility of defending it.)

William Dwight Whitney offered the following conclusion about the English language in his article, "How Shall We Spell?" which first appeared in 1867:1

... we have hardly the right to hand it down to posterity with such a millstone about its neck as its present orthography.

The "present orthography" referred to 120 years ago is still our present orthography... This regrettable fact seems to be more the answer to the question of why Johnny still can't read than any other single cause.

TRIBUTE TO DR. ABEL WOLMAN

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mrs. BENTLEY. Mr. Speaker, last month the first Maryland Academy of Science Medal was bestowed upon one of Maryland's greatest scientific minds. This man has been our Nation's preeminent expert on water resources throughout this century. He is a man whom the New York Times dubbed "friend of the thirsty." As a sanitary engineer, consultant, and educator he has used his great knowledge and skills to serve his fellow man with great zeal and tireless effort.

The man I speak of is Dr. Abel Wolman, and at 96 years of age he is able to look back on a life replete with accomplishments too numerous to mention. His mind is keen and his spirit strong, and it was a pleasure for me to attend the banquet honoring his latest achievement.

When I say latest achievement I am by no means exaggerating. His résumé looks like the index to an encyclopedia more than anything else. He has held literally hundreds of positions and won every award there is in the area of water resources. He has been a consultant to cities, States, foreign countries, and the U.S. Government. Titles such as chairman, delegate, editor, and president are quite familiar to him. In addition he has published over 300 articles and 4 books.

Mr. Speaker, what can you say about such an incredible man? How do you sum up a career of achievement which has spanned three-quarters of a century? To do so would require writing a book, and that's not what I'm trying to do here.

Instead I'm just going to say that Dr. Abel Wolman is a person who made a difference in a variety of ways. He made a difference when he chose to lend his scientific skills to public service over personal gain. He made a difference when he spearheaded efforts to insure a water supply free of waste and disease. He made a difference when he introduced chlorinated water—an idea for which he does indeed deserve most of the credit.

More than anything else, however, he made a difference in that he has—to the best of his abilities—made this a better world. His colleagues at Johns Hopkins University referred to him as very able Wolman. Perhaps this recognition by his compatriots is the best award Dr. Wolman ever received.

Mr. Speaker, I urge you as well as the rest of my colleagues in saluting this great man. We—as well as the rest of the citizens of the world—owe him a lot.

Thank you, Dr. Wolman, and congratulations for a job well done.

ACID DEPOSITION CONTROL ACT OF 1988

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. BONKER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

EXPLANATION OF KEY PROVISIONS

SECTION 1. SHORT TITLE

The short title of the legislation is the "Acid Deposition Control Act of 1988."

SECTION 2. ACID DEPOSITION CONTROL PROGRAM

Allocating SO₂ emission reductions. Section 2 provides for a nationwide reduction in the emissions of sulfur dioxide (SO₂) from 1980 levels of 3.5 million tons by 1994, 5.7 million tons by 1995, and 10.8 million tons by 2002. Approximately 80 percent of the eventual reductions in SO₂ emissions are allocated to the 10 states with the highest emissions.

Specifically, SO₂ emission reductions are allocated to the 31 states east of and adjacent to the Mississippi River on the basis of their 1980 emissions from utility powerplants which emit more than 1.2 pounds of SO₂ per million British thermal units (Btu) of heat input. In addition, all 48 contiguous states are prohibited from increasing their statewide emissions from sources other than powerplants subject to new source performance standards (NSPS).

The 1994 emission reductions are, for the most part, allocated directly to the sources of pollution. First, 14 units are required to reduce their SO₂ emissions to the level required under the NSPS applicable to units constructed after 1977, based on an annual average rate of emission. This will result in a reduction in emissions of 2.6 million tons. These plants are both high-polluting as well as being likely candidates for cost-effective scrubbing. The utilities which operate these plants may obtain the required reductions from other plants in their system, but the reductions must in any event be achieved by 1994. Second, all oil-fired powerplants must achieve a SO₂ emission rate of no greater than 0.8 pounds per million Btu of heat input, which will result in a reduction in emissions of up to 0.6 million tons. Third, all 48 contiguous states must take immediate steps to limit their statewide emissions from non-NSPS sources, resulting in additional reductions of about 0.3 million tons.

Section 2 allocates subsequent SO₂ emission reductions to each of the states, which then make the decisions as to the reductions required of each source or utility. Allocating reductions to the states is consistent with the traditional approach under the Clean Air Act, whereby the Congress establishes air quality objectives and relies upon the states to develop and administer implementation plans. It also facilitates the consideration of policy factors that may be of specific local importance, other than simply the cost to the source, of various allocations.

The SO₂ emission reduction requirements are stated in terms of limitations on the amount of emissions. Reducing the total amount of emissions is, of course, the primary goal of any acid deposition control program. Requiring reductions on this basis, rather than on the basis of an emission rate, relates to the program goal directly and makes quantification of that goal more cer-

¹ With apologies to Marshall McLuhan.

tain. While it is possible to achieve reductions by limiting the rate of emissions to a level which is significantly below that experienced at most sources, such an approach does not adequately control emissions growth. Moreover, by limiting the total amount of emissions, rather than the rate of emissions, section 2 maximizes the value of energy conservation as a compliance strategy.

Finally, all 48 contiguous states are required to limit their statewide emissions from non-NSPS sources to a level which does not exceed the total level of SO₂ emissions permitted from such sources in the state by 2002.

In order to fulfill its obligations under section 2, a State which is required to reduce emissions must submit a revision of its State implementation plan (SIP) to the Administrator within 2 years of EPA's issuance of SIP guidance (which is required 9 months after enactment). The State may allocate emission reductions to such sources as the State sees fit, including either utility or non-utility sources, or both. However, it may not allocate such reductions to small utility powerplants, unless the small utility requests such an allocation—which might occur, for example, in fulfillment of an emission trade.

The Administrator must approve or disapprove of the revised SIP within 12 months of its submittal. If it is disapproved, the State may resubmit an amended SIP revision within 6 months (unless it submitted the original SIP revision late), and the Administrator will again have no more than 12 months to approve or disapprove the amended SIP revision.

Certain default provisions apply to all fossil-fired electric utility plants in the State in the event that (1) a State fails to submit a SIP revision on time, (2) the SIP revision is disapproved and no amended SIP revision is submitted on time, or (3) the State has no approved SIP within 4½ years after issuance of EPA's SIP guidance. These provisions require that by the year 2000, all such plants may emit, based on an annual average, no more than 1.2 pounds of SO₂ per million Btu of heat input. These default provisions will be lifted if the State submits, and the Administrator approves, a plan which is adequate to ensure that the State will achieve the emission reductions required under this Act by the deadlines provided for.

Allocating NO_x emission reductions.—Section 2 also requires a reduction in emissions of oxides of nitrogen (NO_x) from 1980 levels of approximately 3 million tons by 1998. These reductions are achieved by requiring the installation of low NO_x burners on all fossil-fuel fired electric utility units which have tangential or wall-fired boilers. Furthermore, the Administrator is directed to examine cost-effective means of reducing NO_x emissions from other boilers. If the Administrator determines that NO_x reductions from such boilers are reasonably achievable at a level of cost-effectiveness comparable to the use of low-NO_x burners, such reductions must be achieved.

Finally, all 48 contiguous states are required to limit their statewide emissions from non-NSPS sources to a level which does not exceed the total level of NO_x emissions permitted from such sources in the state by 2002.

Default provisions are included, and are triggered by the same circumstances described above for SO₂ emissions. They require that (except for cyclone boilers) all

fossil-fired electric utility plants in the defaulting state may emit, based on an annual average, no more than 0.5 pounds of NO_x per million Btu of heat input. These default provisions will be lifted if the State submits, and the Administrator approves, a plan which is adequate to ensure that the State will achieve the emission reductions required under this Act by the deadlines provided for.

Trading sulfur dioxide emission reduction allocations.—Section 2 permits those utilities which are required by 1994 to reduce emissions at the 14 specified units may meet their requirements by obtaining the required reductions at other plants on their system. Section 2 also allows emissions trading, within a utility system, in order to meet subsequent requirements to reduce SO₂. It also allows trading outside of a single utility, including trading with non-utility sources, as long as such trading stays within a single State.

Emissions trading improves the flexibility of an acid deposition control program, and makes the program more cost-effective. This is because the sources of emissions generally have better information about real-world pollution control costs than do regulators, and will be best equipped to find the least costly control options.

Emissions trading, unfortunately, adds a degree of uncertainty to a program of emission reductions. In order to avoid the possibility that required emission reductions will take place only on paper, section 2 requires that the Administrator issue guidance on emission trading programs. Such guidance should specifically include information on monitoring and enforcing emission trading programs. The States are required to be consistent with such guidance, and to include in their revised SIPs certain safeguards, including provisions to assure that the total emission reductions will be no less than would be required absent an emission trading program. In addition, the revised SIP must require that each source which trades emissions shall install and operate continuous emission monitoring for SO₂, and shall maintain and make publicly available certain records.

Section 2 prohibits holding companies from reallocating the costs of emission reduction among their operating utilities, while still permitting them to reduce the overall cost of compliance by allowing operating utilities to purchase reductions from each other. In order for the holding company to trade emissions, the costs of the required reductions must be borne by the customers of the subsidiary to whom the emission reductions are allocated.

Allocating the costs of the program.—Allocating emission reductions to States based on emissions in excess of 1.2 pounds per million Btu of heat input is a relatively cost-effective strategy overall, but it tends to impose costs somewhat disproportionately on certain states. Section 2 spreads the costs of the required emission reductions broadly by helping to finance a portion of the control program with revenue generated from a small fee on the generation and importation of electric power.

The fee is one-half of a mill (i.e., ½ of a cent) per kilowatt-hour (kWh) of electric power, measured in 1988 dollars, generated or imported into the United States from 1990 through 2002. The impact of the fee will vary from utility to utility, but is small in all cases. For example, the average U.S. residential ratepayer consumed 749 kWh of electric energy per month in 1985 and paid a

rate of 7.39 cents per kWh, resulting in an average monthly residential electric bill of \$55.35. The fee required under section 2 would add approximately 37 cents to this average monthly bill—in other words, an increase of ⅓ of 1 percent in the average monthly electric bill.

Funds generated by the fee would pay between 70 to 85 percent of the capital costs of SO₂ emission reduction, depending upon the technology used, for reductions required by 1994. Capital subsidies tend to encourage capital-intensive compliance strategies, which is desirable in the first part of the control program in order to ensure the survivability of communities dependent on high-sulfur coal mining. Later in the control program, however, clean coal technologies can be expected to be proving themselves in the marketplace, and such communities will no longer require support. At that point, the funds generated by the fee will pay up to \$100 annually (over a period of 20 years) for every ton of SO₂ removed.

Conservation measures are an important, and all too frequently ignored, part of a strategy for controlling emissions of SO₂. In order for its utilities to be eligible for cost-sharing, each State utility regulatory authority must formally evaluate its ratemaking structure, including an evaluation of least-cost emission reduction strategies, and must structure its rates so that utilities are rewarded for investments in cost-effective efficiency improvements that will both reduce emissions and decrease the total societal costs of electricity. In addition, each State must address in its revised SIP (1) a least-cost emission reduction strategy, and (2) mitigation of the effects of complying with section 2 on employment. Finally, the utility must submit a certification that the funds received will be used exclusively to offset the utility's revenue requirement, thereby ensuring that ratepayers will be the beneficiaries of the cost-sharing program.

SECTION 3. NEW SOURCE PERFORMANCE STANDARDS

EPA is required to review, and update as necessary, new source performance standards at least once every 5 years. However, it has not reviewed the SO₂ or NO_x utility NSPS for about a decade. Moreover, there is no indication that EPA has any immediate plans to comply with this requirement of the Clean Air Act. Section 3 directs the Administrator, within 9 months, to report to the Congress on EPA's history on the SO₂ and NO_x NSPS for utilities, and to specify how EPA intends to comply with its obligations in the future. Section 3 does not authorize or condone any delay in EPA fulfilling its obligations, and indeed is drafted specifically to avoid any suggestion that the Congress approves of or accepts the delays that appear to have occurred thus far.

SECTION 4. CLEAN COAL, ACID DEPOSITION AND CLIMATE CHANGE CONTROL TECHNOLOGY INSTALLATION PROGRAM

Section 4 provides legislative authority for a clean coal, acid deposition and climate change control technology installation program to be administered by the Secretary of Energy, and authorizes the appropriation of \$2 billion over the next 5 years for such program.

The program authorized under section 4 is intended to facilitate the installation of advanced technologies, including clean coal, conservation, and renewable resources, that will reduce emissions of SO₂, NO_x, and carbon dioxide. It does this by providing grants for the installation of such technol-

ogies. All grants must be matched by the grant recipient.

Section 4 also authorizes the Administrator to encourage the installation of such advanced technologies by extending the deadlines applicable under Part E (relating to acid deposition control) for plants that, in good faith, have utilized advanced technologies in order to comply with Part E but have not been able to comply by the applicable deadline. Such extensions must include enforceable schedules of compliance, which shall provide for compliance no later than 2 years after the otherwise applicable deadline. Additional extensions of up to 3 years are available under limited circumstances.

ADEQUACY OF CURRENT STRUCTURES

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. KASTENMEIER. Mr. Speaker, as a nation, we need to be more concerned than we currently are with our international responsibility for helping to protect the global environment. Unfortunately, we're finding out that pollution respects no geographic or political boundaries, and as we witnessed this past summer, the consequences of years of neglect in so many areas may be finally coming home to roost.

I am pleased to note that one of the leaders in the Congress in the effort to change this position is my friend and colleague from Wisconsin, DAVE OBEY. Since assuming the chair of the Appropriations Subcommittee on Foreign Operations, Export Financing and Related Programs 4 years ago, Representative OBEY has led the fight to ensure that our foreign assistance dollars are used for more environmentally sound projects than had been the case in the past.

Recently the New York Academy of Sciences published the proceedings of a major international scientific conference entitled "Living In a Chemical World: Occupational and Environmental Significance of Industrial Carcinogens". The keynote address to that conference was delivered by another Wisconsinite and former constituent of mine—Neal Neuberger. Before joining DAVE OBEY's staff as legislative assistant for health and the environment 5 years ago, Neal served as a county board supervisor in Dane County, WI. Recently he joined the staff of the American Hospital Association.

Mr. Speaker, I would ask that Mr. Neuberger's remarks be printed in the RECORD because they so aptly summarize Representative OBEY's work and they also lay out the task yet ahead of us as the international community searches for ways to control the sale and manufacture of hazardous substances.

I hope that the 101st Congress will build on the work that dedicated members like DAVE OBEY and his colleagues on the Appropriations Subcommittee have begun.

ADEQUACY OF CURRENT STRUCTURES

The subject of the adequacy of current structures is a complicated one in light of the sheer number of international agencies

and government involved in questions of chemical safety. There are many problems and there is plenty of blame to go around. The U.S. is, like all nations, responsible for its share of the situation. The best thing to do is discuss the issue in terms of everyone doing their part to shore up the institutions which can lead to a safer chemical society.

Since I am more familiar with U.S. agencies and how we fit into the scheme of international institutions, it is that perspective that I want to discuss. It is important, however, to stress that all nations have a stake in these questions.

Mr. OBEY has recently become the chairman of the subcommittee in the House of Representatives responsible for funding the U.S. foreign aid contribution. That includes the U.S. contribution to the multilateral lending institutions including the World Bank, bilateral economic assistance to individual countries through programs like the Agency for International Development and much of the U.S. portion of United Nations programs like UNICEF, the U.N. Environment Program, and the U.N. Development Program.

I want to discuss some of the provisions Mr. OBEY has put in the foreign aid funding bill this year relating to international chemical concerns and other environmental priorities, but first I should briefly mention his background and interest in occupational safety and health policy. For many years he has sat on another subcommittee of appropriations which funds the National Institutes of Health including the National Institute for Environmental Health Sciences, the National Institute for Occupational Safety and Health at the Centers for Disease Control, and the Occupational Safety and Health Administration within our Department of Labor. In addition, the congressional district in Wisconsin that he represents includes many millworkers routinely exposed to high levels of such various pesticides as carbon tetrachloride, ethylene dibromide, and phosgene gas. Workers in the paper, wood manufacturing, and shipbuilding industries are, as you know, constantly subjected to the effects of substances like formaldehyde and asbestos.

As a member of Congress, Mr. OBEY has been very involved in attempts to ensure that the United States maintain a strong domestic and international commitment to a safe and healthful workplace. In fact many people at this colloquium have worked hard in recent years to help establish an effective national program of environmental and occupational health in the United States. In 1977, as a member of the Foreign Aid Committee he now chairs, Mr. OBEY became involved in a major effort to change pesticide practices in Pakistan. Thousands of workers were, without taking any safety precautions, exposing themselves to extremely high levels of the pesticide Malathion. Before the situation was corrected, nearly 3000 people became ill and five died.

In testimony before committees of Congress, researchers have cited numerous other instances of widespread poisoning due to the poorly regulated use of pesticides in many Third World countries. In one of the Philippine's principal rice-producing provinces, mortality rates have increased tremendously since small farmers began using insecticides intensely in the early 1970s. Public health workers in other parts of the Third World have expressed similar concern about pesticide poisoning in rural populations. In Sri Lanka more than 10,000 people are admitted to the hospital each year for

pesticide poisoning, of whom some 1,000 die, more than the number dying due to malaria and several other diseases combined.

It is the feeling of many that direct economic assistance agencies and multilateral development banks, which have successfully promoted pesticide use over the years, are some of the structures that are going to have to help come to grips with the problems of improper insecticide production and use. The U.S. Agency for International Development has financed the export of more than a half billion dollars' worth of pesticides over the past 20 years. It is estimated that 10% of World Bank agricultural loans of \$346.4 million per year is spent on pesticides around the globe.

U.S. AID has recognized that it has been a part of the hazardous pesticide export problem. The economic support agency has developed what is thought by many to be a very workable policy for pesticide control in its programs. In fact this April, U.S. AID helped the World Bank establish its own set of 22 pesticide operational requirements which must be observed by World Bank staff in designing and implementing development projects financed by the Bank.

One need only look at a situation in the Sudan to conclude that it is important for the World Bank to also implement an effective pesticide policy. From 1973 until 1983 Sudan has had to increase its pesticide application on cotton six-fold to overcome resistance. Until 1981, when the King banned it, chemicals used included DDT, which was used widely. In the 1979-80 growing season, \$42 million was spent purchasing pesticides from Europe. However, that year only \$26 million in sales were generated from cotton, the Sudan's chief export crop. In 1984, the World Bank has contributed \$43.5 million to the Sudan for increased pesticide purchases.

In India, the World Bank financed millions of dollars of loans for DDT production facilities years after the chemical had been banned in most other countries. The World Bank has, over the past decade, lent India \$955 million to create its pesticide and fertilizer industry. Indian farmers and health officials use 77% of all the DDT manufactured in the world, 94% of the BHC, and 64% of the world's malathion.

While recognizing the potential benefit of the cooperative AID/World Bank pesticide effort, Mr. OBEY's Committee has suggested several other necessary changes in World Bank and AID environment policy. A strong supporter of the World Bank, Mr. OBEY has thought for many years that some of the projects financed by international lending agencies need to be better planned from an environmental perspective from the onset. Accordingly, he has proposed legislative language which would instruct our representatives on the Bank to attempt to ensure that there is, among other things, increased environmental staffing at the banks and better policy direction during the planning phases of all projects. At the same time, his Committee has recommended that the Agency for International Development establish policies for the use of all other industrial chemicals it makes available through its commodity import program.

There are indications that public pressure in host countries is also beginning to have an effect on World Bank policies. For example, the Bank is currently holding discussions with the Indonesian government about relocating a caustic soda plant from a crowded area near Djakarta to a more remote site.

Many nations are becoming increasingly concerned about the role of multilateral development banks and chemical safety. According to a just-completed study for the Pan American Health Organization, chemical waste management has now become a primary concern to Latin American nations.

The Pan American Health Organization, which is part of the United Nations World Health Organization, has recently reached agreement with the World Bank to involve its health personnel in the planning decisions of the Bank in Latin America.

In some cases the Bank has been available to help out in situations that have not been of their making. In one of Latin America's largest petrochemical centers, at Cubatao, Brazil, 23 privately financed multinational corporations operate 111 plants in what is sometimes referred to locally as Brazil's "Valley of Death." The World Bank has recently lent the state of São Paulo \$22 of \$100 million needed to bring air, water and soil pollution levels closer to acceptable levels in what is thought to be one of the most polluted places on earth.

Aside from the role of international financial institutions, there are several other organizational structures which have become active in the international debate on control of hazardous substances.

The European Economic Community's response to the Seveso accident may provide some valuable lessons to countries worldwide seeking to further define policies in order to avoid future Bophals. After Seveso, European Community member states agreed to develop a joint approach to major hazards resulting from industrial accidents. Now European Community members pool their expertise on hazardous substances and processes. They routinely circulate information made available within their own borders, have established strict export notification procedures, and have generally agreed to control installations handling certain substances.

Mounting evidence suggests that the six-year-old Seveso doctrine works well by establishing linkages between administrative authorities at all levels of the European Community's member states. The Seveso directive, while not directly transferable to other nations in every regard, certainly represents a useful model for international cooperation.

The Council of the Organization for Export Cooperation and Development (OECD) recently adopted a set of "Guiding Principles on Information Exchange Related to Export of Banned or Severely Restricted Chemicals." The OECD determined that while importing nations have the primary responsibility for protecting their people and the environment from hazards associated with chemicals, governments of exporting countries have a clear responsibility to provide information at or before the time of export that could lead to a proper judgment on the part of the receiving country.

The United States has been an active participant in the development of OECD recommendations. In fact, legislation is being considered in our Congress that would require the issuance of notification and the provision of technical information to host country governments concerning potential environmental, health and safety hazards associated with the transference of technologies.

In addition to agreeing to the OECD Principles, the Federal Republic of Germany has suggested to the OECD that nations

voluntarily accept a self-imposed code of conduct for the international trade in pesticides.

Another control mechanism that can bring pressure to bear is the eighty-eight nation general agreement on tariff and trade or the GATT organization. At the 1982 GATT ministerial meeting, a proposal adopted whereby contracting parties shall, to the maximum extent feasible, notify GATT of any goods produced and exported by them, but banned by their national authorities for sale in their domestic markets on grounds of human health and safety. GATT's notification system has as an advantage a legal framework to implement its decisions. The GATT notification system is thought to be important to consumers because it applies to finished goods and not just substances. It also encompasses a wide variety of chemical and nonchemical products in its notification requirements.

United States laws currently require notification and certain restrictions on the export of some hazardous drugs and other substances, but not industrial processes. The distinction is important if one considers that stronger pollution control laws and occupational health standards in the United States may have led some companies to simply relocate entire manufacturing processes in economically strapped developing countries.

The transference of chemical manufacturing from France, the Federal Republic of Germany and the United States to the region of Brazil mentioned earlier is an example of companies' moving operations to less regulated countries of the world without regard for the social or health implications.

The history of the manufacture of benzidine is another clear example of technology transfer to avoid regulation. As Italian scientists know, the manufacture of benzidine can be a dangerous business. Recently Congressman Obey coauthored legislation with the support of the Collegium Ramazzini which would ban the importation of benzidine and products made with benzidine-based dyes into the United States. Investigations showed that although benzidine is no longer manufactured or used in the United States, Italy, Sweden, Japan or Switzerland, several industrial and developing countries including Korea, Mauritania and India have picked up the trade. Nearly 500,000 pounds of benzidine and benzidine-based dyes were brought into the United States in 1983 alone, a substantial amount considering that it is no longer manufactured there.

The United Nations has also been very involved in efforts to help developing countries improve their ability to handle and use potentially hazardous products. Various agencies of the United Nations system, most notably the World Health Organization, Food and Agricultural Organization, the International Labor Organization, and the United Nations Environmental Program have for years studied the issue and drafted guidelines, principles, and notification schemes for pesticides, pharmaceuticals, and other chemicals and processes. In an attempt to coordinate the activities of these programs in 1981, the General Assembly approved a resolution requesting the Secretary General to prepare a consolidated list of hazardous products whose manufacture or sale has been restricted in various countries.

Some of you may have had questions about the United States vote in opposition to expenditures for publication of the list. At

the same time, the Congress has maintained support for the United Nations environment program which compiles a valuable database known as the International Register of Potentially Toxic Chemicals.

The United Nations Environmental Program (UNEP) has been given high marks in congressional testimony for its toxic registry and the other programs it operates on such matters as global environmental monitoring and desertification. Although effective, UNEP is a small agency with less than 100 professional staff and a \$30 million budget. In his committee recommendations for 1986, Congressman Obey has suggested that United Nations organizations including UNEP, the World Health Organization, the Center for Transnational Corporations, and the Food and Agricultural Organization work toward the establishment of uniform international standards governing the trade and proper use of products containing hazardous substances.

Clearly a move towards international consistency in the regulation of hazardous substances must be tempered by local needs and conditions in each country.

In conclusion I would note that recently, several international organizations have begun to establish export policies, trade agreements and information exchange networks with respect to the use of potentially hazardous substances. In addition, pressure is being brought to bear on the international financial institutions that fund many of the projects involving either the manufacture or use of potentially hazardous substances.

Some of these efforts have been supported by the United States and others have not.

It is encouraging to note that more than 100 countries have environmental protection ministries today, whereas only 11 did in 1972.

Short of every nation adopting its own strict export and import controls, countries could benefit from active participation in international efforts to provide up-to-date information on hazardous substances.

It is unfortunate that in many countries large-scale industrial accidents have had to serve as the impetus for change. A growing awareness of the need for clean, simple technologies, better suited to local needs and circumstances, offers hope that nations would want to adopt aspects of internationally developed models that discriminate against hazardous, polluting industries.

THE ANTI-TERRORISM AND NATIONAL SECURITY AMENDMENTS OF 1988

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. BROOMFIELD. Mr. Speaker, I urge my colleagues to support this important measure. This bill includes several significant pieces of legislation that have not yet been passed in identical form by the House and the Senate.

Three items deserve special attention:

The first is the Berman-Hyde antiterrorism and arms export control amendments, which are title I of the bill. This legislation has been passed twice by the House but has not yet been acted upon by the Senate.

The Berman-Hyde bill contains important clarifications and additions to the laws on international terrorism, especially in the Arms Export Control Act and Foreign Assistance Act. It creates a clearer and more consistent set of requirements to prevent U.S. assistance to states which support international terrorism.

The Berman-Hyde bill is also a measured response to certain legal inconsistencies that were uncovered as a result of the Iran/Contra affair. I commend the chief sponsors for their seriousness and bipartisanship.

Title II contains the Iraq sanctions bill that was passed by the House and subsequently received back from the Senate in different form. The differences have now been worked out and this measure is ready for final action by the two Houses. I consider this legislation an extremely important action against the spread of chemical weapons use.

I wish to draw special attention to the provisions in title V which relate to New Zealand. This section has been passed twice before by this House, first as freestanding legislation and subsequently on another bill. Despite bipartisan support in the House and administration support, this measure has not yet been acted upon by the Senate.

The New Zealand provisions would suspend certain U.S. military and security assistance preferences for New Zealand until the President certifies that New Zealand is fully complying with its responsibilities as a member of the Australia-New Zealand-United States security treaty, or ANZUS. These preferences are not now being extended to New Zealand as a result of the administration's decision that the ANZUS pact has been rendered inoperative by the actions of the New Zealand Government.

As the section notes, the United States does not take these steps lightly. This is because New Zealand has been a staunch traditional ally of the United States, and our peoples continue to have a warm and friendly relationship.

This step is necessitated by the decision of the New Zealand Government to bar U.S. Naval vessels from visiting New Zealand ports because they might be nuclear-powered or nuclear-armed. Not only did the government of Prime Minister Lange take such a step, but the Parliament was subsequently asked, and did, enact this policy into permanent law.

The New Zealand provision in title V simply amends U.S. law to reflect this basic change in our formal, alliance relationship with New Zealand. It is a strictly reciprocal step that reflects the current reality of the official United States-New Zealand relationship.

In summary, Mr. Speaker, let me say that all the major elements of this package have already received favorable consideration in the House of Representatives. Certain modifications have been made to accommodate the Senate.

Furthermore, the administration has been carefully consulted with respect to all these measures. I feel that the key problems have been worked out and that the President will sign these significant new provisions into law.

NO ONE THOUGHT ABOUT THE PETS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. JACOBS. Mr. Speaker, an open letter to the Ciba-Geigy Co.

NO ONE THOUGHT ABOUT THE PETS—DECISION TO STOP MAKING A DRUG HAS UNFORESEEN IMPACT

(By Paul Berg)

Sunny Howell hasn't lost hope, but she sometimes wonders how she will explain to her daughter the death of Tyge.

An enormous 5-year-old mastiff, Tyge will die in April because a drug company has stopped making the medicine he needs to stay alive.

"I guess you have to be a dog lover to understand," says Howell. "If it's a question of humans versus dogs, okay, I guess I'd go with humans every time. But that's not the issue here."

The issue here is an informal arrangement under which drugs approved and intended for human use are routinely prescribed for pets. The field of veterinary internal medicine has rapidly outpaced the ability of veterinary drug manufacturers to keep up, and half the drugs used in pets are human drugs. Yet drug companies are under no legal obligation to consider the pet market in making decisions about whether to discontinue a drug.

In the case of Tyge—and a small but unknown number of other dogs and cats around the country—the disease requiring human drug treatment is Addison's, a failure of the adrenal gland to produce necessary hormones. It is rare in humans, too, but well-known because President John Kennedy had it.

For many years, one effective treatment has been monthly injections of Percorten Pivalate, made by the Swiss firm Ciba-Geigy Corp. and costing \$125 for each shot. But another steroid drug, Florinef, taken as a pill, has proven superior for human patients, and the demand for the injections has all but disappeared.

Last November, Ciba-Geigy made what it called a "business decision" and stopped production of injectable Percorten Pivalate. While many dogs are able to use the new pill, some, such as Tyge, cannot metabolize it properly and are left without any alternative treatment.

"We are not a veterinary house," said Ciba-Geigy spokeswoman Gloria Martini. "We never produce anything for pets." She pointed out that the drug is no longer under patent and that any firm could start producing it.

Similar problems have occurred in the past. Several years ago, Eli Lilly and Co. was planning to change the dosages of insulin it produced, eliminating the weakest concentrations as part of a standardization effort. This would have complicated the work of veterinarians, who use low concentrations to treat small animals with diabetes, according to Anne Chiapella, who specializes in veterinary internal medicine in Glendale, Md. But Lilly, after outcries from pediatricians and reportedly veterinarians as well, ultimately

decided to continue production of one low-concentration insulin dose.

Also, when the animal tranquilizer PCP was withdrawn from the market because it was being abused by people, zoo keepers were left scrambling for other ways to sedate apes, bears, lions and other large animals.

Veterinarians say that drug companies are well aware that many of their products are sold unofficially for animal use. "The veterinary division is a lot of money but hardly ever shows up on the annual report," said veterinarian Michael S. Garvey, chairman of the medication department at New York's Animal Medical Center, which treats 67,000 animals a year.

Once, Garvey said, a large drug company sent a representative to show his staff how to use a drug properly but would never mention pets in his talk and referred only to "laboratory animals."

The New York facility uses human drugs for treatment of heart disease, cancer and infections in pets. "The FDA doesn't much care for this," he said, but banning such use "would destroy veterinary practice."

A spokeswoman for the Food and Drug Administration said veterinarians are permitted to prescribe human drugs for pets "on their own responsibility." Restrictions on drug use for livestock are much tighter, she said.

The FDA has a program to promote development and production of so-called "orphan drugs" for humans, but there are no such provisions to induce firms to manufacture unprofitable products for small animals.

Veterinarian Garvey thinks most dogs with Addison's can do well with the Florinef pill, manufactured by Squibb Corp. of Princeton, N.J. He said careful monitoring of the dose can improve a dog's response.

But Tyge's veterinarian, Jackie Keenan of Arlington, who has stockpiled enough medicine for the mastiff until April, said Tyge's Addison's disease was not controlled by the pills when he tried them in 1986. He became "terribly depressed," his kidneys began to fail, and "he was unable to deal with stressful situations," Keenan said.

As Addison's progresses untreated, "eventually the heart just stops," she said, and generally dogs must be destroyed before that time. Keenan said she and Chiapella have both written to Ciba-Geigy to plead for more of the drug but got no response. Another veterinarian, Mark Peterson of New York, who cares for one of the world's estimated 10 Addisonian cats and owns a dog with the condition, also has written to the firm.

Keenan is checking foreign manufacturers and veterinarians around the country for more supplies, but so far without results.

Howell, who said her 2-year-old daughter Kristina's first word was "Tyge," finds the prospect of putting her pet to sleep in the spring "hard to even contemplate."

"What gives them the right to make a decision like this in a back room somewhere?" Howell asked. Drug companies, she believes, should use their profits to produce unprofitable drugs both for people "and, yes, maybe even keep some dogs alive." ●

NEW HOPE FOR THE UNITED NATIONS

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. SOLARZ. Mr. Speaker, a few weeks ago the Los Angeles Times published an article of unusual perspicacity and insight. Its author, Columbia University professor Richard N. Gardner, suggested that recent Soviet overtures have raised the possibility of vastly strengthening the ability of the United Nations to act as an effective peacekeeping and peacemaking force in international affairs.

Mr. Speaker, we don't yet know how serious these proposals are, or whether they might serve as the basis for constructive dialog. But we have a compelling obligation to pursue these matters with the Soviet Union and to do everything in our power to make the United Nations a more potent force for peace and justice in today's world.

The Members of this House would profit by reading Professor Gardner's article. Accordingly, I am submitting the full text for inclusion in the RECORD.

[From the Los Angeles Times, Sept. 29, 1988]

ALL THAT SOVIET ACTIVITY AT THE U.N. IS SOMETHING U.S. MAY NEED TO MATCH (By Richard N. Gardner)

The next President is likely to begin his term with unprecedented Soviet proposals on the negotiating table to strengthen the effectiveness of the United Nations in peacemaking, peacekeeping, dispute settlement and environmental protection.

After four decades of Soviet intransigence in the United Nations and Soviet aggression outside it, one would have to be a "useful idiot" to take all of Mikhail S. Gorbachev's new rhetoric on international relations at face value. But it would be equally foolish not to recognize that, under Gorbachev, the Soviets have begun to pay their back U.N. dues and cooperate in the resolution of conflicts in Afghanistan, the Persian Gulf area and Africa. Moreover, it is significant that the Soviets' new rhetoric is not just for foreign consumption, they are saying the same things to their own people through the mass media and scholarly journals, much to the discomfiture of reactionaries like Yegor K. Ligachev, who delivers thunderbolts of old rhetoric whenever he gets a chance.

But what is really new in Moscow are the indications from authoritative spokesmen that, at long last, Gorbachev's call for "a comprehensive system of international security"—whose grandiosity and vagueness have understandably aroused Western suspicions—will now be followed up with some practical proposals that Western countries can take seriously. These proposals are not very original—indeed, some of them are influenced by discussions with Western governments and non-governmental organizations—but they have the merit of practicality.

To begin with, the Soviets want more active fact-gathering and mediation by the U.N. secretary general to head off emerging crises through "preventive diplomacy." They propose to create a "hot line" for instant communications between the secretary general and the Security Council's five permanent members. They want the secre-

tary general and the council to be able to initiate quiet consultations with parties to incipient conflicts, even if no government puts an item on the U.N. agenda.

Second, the Soviets want the United Nations to review its experience with past peacekeeping operations and to adopt measures to ensure that it can meet the future peacekeeping challenges that it may face as part of settlements in Western Sahara, Namibia, Cambodia and elsewhere. The measures would include better preparation of national contingents serving under the U.N. flag, clearer guidelines for the control of peacekeeping operations by the Security Council and the Secretariat, and the use of the now-dormant Military Staff Committee to provide needed technical advice to the secretary-general.

The Soviets also want the five permanent members of the Security Council to adopt identical commitments to take certain kinds of disputes to the International Court of Justice. But, recognizing the difficulty of engaging the French and Chinese in such a common initiative, they now seem prepared to explore a bilateral agreement with the United States alone, under which each of our countries would agree to go to the court at the initiative of the other to resolve disputes over the interpretation of specified treaties to which both are parties, and perhaps also for the compulsory resolution of disputes in well-defined areas like sovereign immunity.

Finally, the Soviets want the United Nations to call a conference for as early as 1990 or '91 to launch a strengthened global program for environmental protection focusing on ozone depletion, "greenhouse" warming, desertification and deforestation. They also want to explore a charter amendment that would transform the Trusteeship Council, which has run out of dependent territories to oversee, into a body exercising trusteeship responsibilities for our common biosphere.

Foreign Minister Eduard A. Shevardnadze touched on some of those ideas in his address on Tuesday to the General Assembly. But Soviet officials admit that they have not completed their homework on these new items; moreover, they may prefer to await the arrival of a new President in Washington before beginning serious negotiations on them. What is clear, however, is that Gorbachev's new thinking concerning the United Nations is moving from the general to the specific, requiring an American response.

In developing that response we will certainly want to read the fine print in Gorbachev's initiatives to uncover any booby traps that may be lurking there. For example, we should not agree to any Soviet proposal that would give the Soviet undersecretary a measure of control over the United Nations' peacemaking or peacekeeping operations. At the same time, we should be willing to take a practical approach, recognizing that even proposals with a Soviet label may be shaped into outcomes in the interest of both superpowers and all U.N. members.

TRIBUTE TO GEN. HENRY K. FLUCK

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. MURTHA. Mr. Speaker, I would like to join the Pennsylvania National Guard and the

Somerset Rotary Club in their tribute to a distinguished military officer, Gen. Henry K. Fluck.

General Fluck enjoyed a long and remarkable career in the U.S. Army. He enlisted in 1928, and rose through the ranks to become a three-star general by the time of his retirement in 1972. Along the way, his service included combat duty in both World War II and Korea, as well as periods as regimental and division commander in Germany. His service in the United States included a tour as regimental commander of the Pennsylvania National Guard.

General Fluck has the distinction of being the most highly decorated, and highest ranking, military officer in the history of Somerset County, PA. To list his decorations would take up a page of this RECORD, but suffice it to say that General Fluck proved his bravery and leadership ability countless times in battle and in his commands.

It is an honor for me to pay tribute to an individual as courageous and as patriotic as Gen. Henry K. Fluck. I salute you, General, for your years of service to the United States, and I, along with all the citizens of this country, thank you for your dedication to the preservation of the freedoms on which the United States was founded that we all cherish so much.

NEED FOR CHILD CARE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. FLORIO. Mr. Speaker, as we close out the 100th Congress, I think that there will be many Members, like myself, that regret the lost opportunity for enacting important child care legislation this year. As a cosponsor of H.R. 3660, the Act for Better Child Care, I am firmly convinced that the growing need for increased child care facilities is an issue that goes to the heart of our Nation's competitiveness. Our willingness to take several steps forward and promote an increase in these facilities, while ensuring that adequate safety and health standards are enforced, will be an indication of our commitment to ensuring a better standard of living for our people and for our Nation.

Unfortunately, the ABC bill will not become law this year. However, as a firm supporter of ABC, I wish to take the opportunity to express my support of this effort and my hope that this will be a priority issue that will be taken up by the 101st Congress. Recently, I also introduced the House companion to Senator KENNEDY's smart start legislation. Smart start is an effort to provide valuable early childhood education for younger children in the hope that an early start will help our children get a firm beginning in the path to knowledge. Studies have shown that early childhood education results in a higher proportion of high school and college graduates, and a lower proportion of young adults involved in crime, teenage pregnancies, and drug abuse. Smart start works and I hope that next Congress, we will be able to focus on the need for this type of a

program as a complement to increased child care facilities, as provided by the ABC bill.

I recently came across two articles which focus on the needs for the ABC and smart start legislation. I wanted to share these two articles with my colleagues. One article, from the New York Times, discusses the fact that more than half of today's new mothers are continuing to work. Clearly, there is a need to begin to cope with the needs of these working mothers and the needs of the children that remain behind. A second article, from the News Tribune, highlights several private businesses that have already decided to meet the challenges and set up child care facilities on their premises for their workers. Having personally visited several of these facilities, I wish to commend these companies for their efforts. However, not all companies are seeing fit to meet this need on their own. It is important that we aggressively meet the day care challenge as a nation. I hope to work in the next session to ensure that these worthwhile proposals are enacted.

The articles follow:

[From the New York Times, June 16, 1988]
WORKING MOTHER IS NOW NORM, STUDY SHOWS

WASHINGTON, June 15.—For the first time, more than half of new mothers are remaining in the job market, the Census Bureau reported today.

"Every time a statistic approaches the 50 percent mark of the labor force, it's not an oddity anymore, it's a way of life," said Martin O'Connell, chief of the bureau's Fertility Statistics Branch.

In 1987, 50.8 percent of new mothers remained in the job market, marking the first time a majority of women reported they were working or actively seeking employment within a year of giving birth.

The figure was 49.8 percent in 1986. In 1976, the first year the Census Bureau calculated the statistic, it was 31 percent.

The percentage has grown steadily in the last decade, Mr. O'Connell said, as a result of women's increasing inclination to delay marriage and childbearing in favor of jobs and education.

Women who accumulate more years of schooling and work experience before having children have "greater financial resources to enable them, once they have a child, to obtain child care services and get back to the labor force much quicker," he said in a telephone interview.

In addition, Mr. O'Connell said such women have "increased career commitment and increased cost of staying out of the labor force, compared to an 18- or 19-year-old who had a child earlier" in life.

Mr. O'Connell cited findings that 68 percent of women who had the first child after turning 30 remained in the job market, as against 54 percent of those 18 to 24 years old.

EDUCATION A FACTOR

Sixty-three percent of new mothers with college degrees remained in the job force, as against 38 percent for those whose education ended in high school.

The study, "Fertility of American Women: June 1987," also said that 53 percent for black new mothers returned to the work force within a year of giving birth, 51 percent of white mothers did and 36 percent of Hispanic mothers.

It also said that widowed, divorced and separated mothers were most likely to be

working, at 66 percent. Married women were second at 49.8 percent, followed by single mothers at 49.5 percent.

The report also disclosed a substantial increase in the number of two-income families with children. It concentrated on women 18 to 44 years old, the normal childbearing age.

The increasing number of mothers returning to jobs led to a total of 13.4 million two-worker families with children last year, the report said, up from 8.3 million in 1976.

Two-income couples with children make up more than 40 percent of all married couples in the childbearing ages, Mr. O'Connell said, adding that as a result American businesses would have to pay close attention to the needs of these workers and families.

In a privately published analysis, "Juggling Jobs and Babies: America's Child-Care Challenge," Mr. O'Connell said last year that businesses must begin to cope with the needs of working mothers, including such possibilities as flexible work schedules, employer sponsored child care, flexible benefit plans and other new approaches.

[From the News Tribune, June 16, 1988]

SENDING CHILD CARE TO WORK

(By Christopher Loder)

Morton Goldfein knows a good deal when he sees it.

As senior vice president of law and public affairs at Hartz Mountain Industries Inc. in Secaucus, Goldfein recognizes the need for business to invest in quality and affordable child care.

"Air conditioners and elevators were once luxuries for business; now they are necessities," Goldfein said. "Child care is becoming one of the expected amenities in a company."

For several years, corporations and small businesses looked upon child care as another form of baby-sitting.

But with more women entering the labor market (women are expected to make up 65 percent of the nation's labor-force growth by the year 2000), an increasing demand is being placed on the private sector to provide child care for its employees.

"I think it's incumbent on any corporation in this state to conduct a business analysis on (child care)," said Ciro Scalera, chairman of the New Jersey Child Care Advisory Council in Newark.

Businesses are also learning that adequate child care means less absenteeism, more productivity, and better business.

"These companies (with child-care programs) are not doing this from their hearts; they're doing it because their productivity is at stake," Goldfein said. "Companies should latch on to a developer and convince him that child care makes sense. When an idea becomes business worthy, it happens."

New Jersey is taking a leading role in employer-sponsored child care. There are reported to be 72 employer-sponsored child-care facilities in the Garden State—including nine in Middlesex County and five each in Monmouth and Union counties.

Of those facilities, 21 are owned and operated by hospitals, 20 by private businesses, and 19 by state and county colleges. The rest are operated by public and private schools, private colleges, and government agencies.

In Middlesex and Union counties, several of the state's largest companies are invest-

ing in child-care facilities, including Merck & Co. in Rahway. In 1979, the pharmaceutical giant helped start the Employees' Center for Young Children at the First Presbyterian Church in Rahway.

Art Strohmer, executive director of human resources, staffing, and development at Merck, said talk of a child-care center started when a manager came to the personnel department with a dilemma.

The manager said a top-notch employee was considering leaving Merck because the company did not have a quality child-care program.

As a result of that encounter, Merck invested \$100,000 in a child-care facility which now serves 65 children—from toddlers through kindergartners—and is open weekdays from 7:30 a.m. to 6 p.m.

"More and more parents are looking for more than a baby sitter; they are looking for a facility that will develop their children," Strohmer said.

Other New Jersey companies have on-site child-care facilities where employees drop off their children during the day. The Prudential Insurance Co. of America, located in Metropark in the Iselin section of Woodbridge, has a child-care facility on the first floor.

The facility, known as Supertots of Prudential, serves 62 children through age 6. The center is open weekdays from 7 a.m. to 6 p.m. and is operated by Supertots of Ogden Allied.

Eileen Hooker, senior vice president of Supertots in Washington, D.C., said the Prudential center is one of 300 on-site child-care facilities in the country.

"I think in the last couple of years, the growth of child-care facilities on-site is enormous," Hooker said. "There are more than 300 on-site child-care facilities around the country."

The Johnson & Johnson Co. of New Brunswick also has plans to build an on-site child-care center in New Brunswick. Although plans are still in the preliminary stage, J&J spokesman Jeff Leebaw said the facility would be used by J&J employees.

Businesses are finding a greater need to provide adequate child care to their employees, but they are unwilling to take the plunge for two reasons: cost and liability.

"The biggest problem corporations have with child care is the liability situation," said Edward Glazer, president and owner of Early Advantage Discovery and Learning Centers Inc. in Monmouth Junction. "When you're dealing with a large corporation, it takes a long time. We're talking about the possibility of taking them in and giving them a discount."

An Early Advantage child-care facility is on Route 1 in Monmouth Junction. The facility is open weekdays from 7 a.m. to 6:30 p.m. and serves children of employees from Dow Jones, American Cyanamid, 3-D Information Systems, Rutgers Community Health Plan, S.T. Peterson Inc., Johnson & Johnson Personnel, and FMC Corp.

Child care is not cheap. At Early Advantage, prices range from a low of \$140 a month to a high of \$625 a month, depending on the age of a child, Glazer said.

H.R. 1842: OUTSTANDING SUPPORT THIS CONGRESS, HOPE FOR THE 101ST

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. BEREUTER. Mr. Speaker, I am pleased to note that the report on H.R. 1842, my bill to bring fairness to the renewal of franchise agreements between service station dealers and major oil producers, was filed yesterday.

This legislation has been given broad bipartisan support in the Energy and Commerce Committee and in the full House. However, time has run out to pass this bill this Congress.

H.R. 1842, is an attempt to restore the original intent of the Petroleum Marketing Practices Act of 1978 [PMPA] which set the ground rules for termination or nonrenewal of franchise agreements in the petroleum industry. This law originally was designed to protect the small business of running a gas dealership from undue manipulation by the major oil producers from whom they have their franchise.

In practice, however, the PMPA failed to create a fair balance between large oil companies and independent neighborhood service stations. Through a series of court decisions the ability of a service station dealer to hold a bargaining position with a major oil producer has been eroded to the point that there is now almost no protection.

The local gas station dealers are the backbone of the motor fuels distribution in this country. Customers are best served when retailers are free to compete based on their own abilities and are not put out of business by franchise terms that are imposed by unfair bargaining power. Currently, the most efficient dealer is subject to not only living by the terms set by the oil producer but he may also have to compete against the producer in his company-owned operations.

I would like to thank Chairman DINGELL and Chairman SHARP for their leadership and assistance in moving this bill through the committee. I also want to commend the Service Station Dealers of America and their many members who have worked tirelessly in pursuit of this bill. In particular, I would like to note the efforts of David Haddad and Jim Daskal who had much to do with the progress this Congress.

Although this bill did not get enacted this year, I intend to reintroduce it next Congress. Hopefully, it will receive the swift attention it deserves. I will work with the many supporters of this bill to that end.

THE PLEBISCITE AND HUMAN RIGHTS—CHILE'S UNCERTAIN PATH BACK TO DEMOCRACY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. LANTOS. Mr. Speaker, this is an important time in Chilean history, a time when Chile

is beginning its long journey to restore its 150-year tradition of democracy. In the October 5 plebiscite on whether Gen. Augusto Pinochet's Presidential term should be extended to 1997 the courageous people of Chile sent a clear message—they want democracy to begin now. Of the total 7.2 million votes cast, 54.7 percent voted no.

In a nation where registering to vote is voluntary, not obligatory, it is a tribute to the Chilean people that over 90 percent of them registered to vote, and 97 percent of those who registered voted. The Government of Chile also should be commended for compliance with the provisions of the voting laws and its acceptance of the opposition victory.

Mr. Speaker, I welcome the results of the plebiscite in Chile. We in the Congress continue to have a strong interest in the restoration of democracy. It is important that the military leaders know that our interest in Chile continues.

The plebiscite is not an end but a beginning. We appeal to the Chilean Government to facilitate a smooth transition to democracy. It is crucial that the outrageous human rights violations which have occurred in the past 15 years now cease, and that normal democratic freedoms be allowed without interference. For example, greater freedom of speech and of the press will be essential for fair and free Presidential elections, which are now scheduled for December 1989. We are encouraged by the news that former Foreign Minister Claudio Almeyda now has been freed after 16 months of political imprisonment for exercising the right of free speech. Free exercise of this fundamental right must continue.

We also hope that the almost 500 political prisoners still languishing in Chilean prisons will now be released. At the end of August the government announced a relaxation in permitting exiles to return to Chile. In keeping with that spirit of liberalization, in September I urged President Pinochet to consider lifting the sentences of administrative exile that were imposed against seven Chilean exiles who still remain in Chilean jails for illegal entry: Victor Maturana Bruggos, Sergio Godoy Fritis, Juan Bustos Saavedra, Jorge Martinez Munoz, Arinda Ojeda Aravena, Juan Sandoval Torres, and Rigoberto Villagra Arenas. I again urge President Pinochet to release these men.

Our greatest concern remains for those political prisoners who are currently facing death sentences. We have received reports that many of these prisoners were forced by security personnel to sign confessions under torture while being held incommunicado. Furthermore, their cases are not being heard by civilian courts but by military courts which have consistently shown a lack of independence from the military government.

The longest-held political prisoner in Chile threatened with the death penalty is Rolando Cartagena Cordova, who has been imprisoned for 7 years without a proper trial. He has been tortured and deprived of his human rights. Amnesty International and the U.S. International Human Rights Law Group have opposed the death penalty, particularly for cases such as that of Cartagena's where there have not been full guarantees of a fair trial before an impartial tribunal. Cartagena, like most of the other political prisoners facing possible

death sentences, has been offered asylum by a large number of countries, including Spain, Italy, Norway, Finland, and Austria.

Mr. Speaker, it is our hope that the Government of Chile will respond to the appeals in behalf of Cartagena and all other political prisoners still suffering in Chilean prisons. As Chile moves toward democracy, it must not forget these prisoners. The United States and the rest of the world have not and will not forget them.

CONSERVATIVE TRADITIONS OVERTURNED BY HARD RIGHT

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. VALENTINE. Mr. Speaker, I rise to share with my colleagues an article that illuminates the irony of ideologues whose rhetoric espouses morality and allegiance to the Constitution but who do not hesitate to break the rules to achieve their ends.

This article, written by columnist Bill Moyers, appeared in my State paper, the Raleigh News and Observer. I believe that it shows clearly the dangers that confront us when our highest public officials and lawmakers ignore the Constitution. I ask that this article be inserted in the CONGRESSIONAL RECORD.

[From the Raleigh News and Observer]

CONSERVATIVE TRADITIONS OVERTURNED BY HARD RIGHT

(By Bill Moyers)

NEW YORK.—During an interview on the floor of the Republican National Convention in New Orleans, Sen. Paul Trible of Virginia was asked if he thought the Iran-contra scandal would become an issue in the fall campaign. "No," he said, "that's behind us."

A few hours later, George Bush chose Sen. Dan Quayle as his vice president running mate, and may have made a premature prophet out of Mr. Trible. For Mr. Quayle has been of the cheerleaders of the contra cause. His office has been familiar to plotters, schemers and crusaders in the holy war in Central America. For example, while he was Mr. Quayle's assistant, Robert Owen—a self-described "foot soldier" in that war—met with such questionable characters as John Hull to set up meetings for me with Washington power brokers including Lt. Col. Oliver North.

Soon Mr. Owen was working as Col. North's chief liaison to the contras. Alas, he discovered that they were not, after all, exactly the moral equivalent of the Founding Fathers. It became his unhappy lot to inform Col. North that some of the contra leaders "are not first-rate people." He described them as "liars, greed- and power-motivated" and said "this war has become a business to them." Including, it must be added, the drug business.

Such information did not temper Col. North's ardor. Nor, apparently, were contra boosters like Mr. Quayle deterred by news that certain of their cherished "freedom fighters" where mixed up with drug traffickers, smugglers and other assorted characters, or that operatives in the logistics networks to the contras possessed criminal

records. True believers were not going to allow the facts to intrude on ideology.

Small wonder that Mr. Quayle became a darling of the hard right, those self-styled defenders of "traditional moral values" who could be seen holding up signs at the convention that proclaimed, so help me, "Republican and Righteous." Watching them cheer his selection as the vice-presidential candidate with regard only for ideology and none for qualifications, I was struck again by the irony that having lectured us for years on the plague of moral relativism, these right-wingers are now the chief carriers of it.

Right from the start, hypocrisy has been at the heart of the conservative ideology toward the Iran-contra scandal. We might expect this crowd to understand that a lawless government is a contradiction in terms. Didn't they prize "law-and-order" when they were out of power? After all, leaders can hardly expect citizens to respect law and order if they themselves act unlawfully.

Yet this conservative president did not take care that the laws were faithfully executed. His right-wingers did not want Congress to exercise the power of the purse, as required by the Constitution, nor was it to be notified of executive actions, as required by law. Moreover, the president misled the American people while his subordinates deceived the people's representatives. Democratic accountability was quashed, and the White House had free rein to manipulate and distort the facts. This is hardly respect for process, law or institutions.

In their contempt for constitutional principles, the president and his men stood conservatism on its head. As one disaffected insider put it, "There is a world of difference between conservatism and the kind of gung-ho radicalism that allows no obstacle to be put in the path of achieving one's ends. Zealots have no place in democratic governments for they threaten the very institutions they claim they want to protect."

But the zealots were taken into the heart of government and, in their pursuit of ends by any means, were cheered on by right-wing intellectuals and polemicists and by partisans in the Congress like Mr. Quayle. Trumpeting adherence to the original intent of the Constitution, for instance, they twisted like circus contortionists over the Founders' unequivocal intention that no president was to make war at his pleasure.

The Founders were not ambiguous about this. They abhorred arbitrary power. The playing field of government was to be level, and the three players—the executive, legislative and judiciary—would be guided by ethical and constitutional constraints. Thus, while the president was to be commander-in-chief of the armed forces, the Founders explicitly gave Congress the power "to declare war and to grant letters of marque and reprisal" (government commissions authorizing privateers to seize enemy vessels).

Presidents were not to authorize private war, whether declared or undeclared, whether fought with regular public forces or by buccaneers and soldiers of fortune. The declaration of war was to be a public and collegial act of the people's elected representatives, not a secret and unilateral one.

There were reasons for this. The Founders knew about war. It is ultimate in its demands. One's money can be refunded if the government errs in withholding taxes; a soldier's limb and life, once lost, are irretrievable, and such sacrifice was not to be asked on a whim. Nor can the issue be solely one of the warrior's sacrifice. Citizens have a

moral responsibility for the decision made by their government that lead to the death of other people.

The maintenance of a constitutional order is difficult. We are expected as citizens to be more truthful, reasonable, just and honorable than the letter of the law. But the government, too, must live up to this exacting standard. The belief that government may not be arbitrary—that true liberty occurs as law constrains the willfulness and caprice of power—is the core of conservative tradition. When government is loosed from this caution, bad things happen. People get killed. Principles lose their force. Politics and policies fail. The worst excesses of the American experience have come in defiance of this moral spirit—from slavery by lynching, from the Trail of Tears to Wounded Knee, from the Palmer raids to Joseph McCarthy's witch-hunts, from the rebellion of the Southern states to the war in Vietnam.

Opposition to the Vietnam war, we must remember, swelled eventually to an overwhelming crescendo. Some people were against it because they thought the war immoral. Others thought it unwinnable at an acceptable cost. Most, I believe, came to oppose it because they felt that the war lacked democratic legitimacy. It was not lawfully begotten; it had been started, enlarged and continued arbitrarily, without regard to the spirit of democratic consent.

Consent is the core of our political consent. It does not come from the fine print of polls or even from an election, any more than fidelity in marriage results from the ceremony itself. Consent is a moral act of commitment to a relationship based on the reciprocity of trust. In an election a government wins office only; it must win consent by continuing adherence to democratic rule and practice. Vietnam defied this democratic bonding between government and citizen. So did Watergate. So did the Iran-contra scandal.

Can it happen again? The apparatus of secret power remains intact. The voices that airily minimize Watergate now ridicule the "lessons" of Contragate and continue as spirited defense of lawbreaking, arguing that the United States cannot play by the rules in a world where others are lawless.

The right-wingers danced in New Orleans with their placards calling for more war in Central America. For the first time, a former director of the Central Intelligence Agency is running for president of the United States. His religious right calls for the pardon of Oliver North. The White House, Defense Department and State Department are desperately trying to block a congressional investigation of illegal activities by Gen. Noriega of Panama. Yes, it can happen again. In the words of historian Walter LaFeber: "If you can corrupt a system like this once, you can do it again and more carefully the next time."

Over my 17 years in broadcast journalism, I have returned often to this subject because the principle of accountable power is so repeatedly violated in the name of national security. I come to it, of course, with scar tissue from my own experience in government, and the urgency I feel is that a member of Alcoholics Anonymous who sees the telltale signs of addiction in a loved one. I see the presidency being destroyed and with it the public morality of which the president should be the most conspicuous incarnation.

The more presidents and their staffs choose to operate in the dark contrary to

publicly stated values, the more they fail. The more they fail, the more impotent becomes the presidency and the more inclined its occupant to hide his impotence behind cant, placebos and pieties. Meanwhile the public—that vast part of the public that no longer expect much from the political process anyway grows more indifferent and cynical, while the highly vocal partisans, deluded by ideology and frustrated by democracy, scream for more of what has already led to unqualified disaster.

The only solution to this downward spiral of official morality and public virtue is to return to the principles at the heart of the Constitution. This I know, is a truism. But truisms are true, and Valerie Harrell—bless her heart—drilled this one into us back in 10th-grade civics because she believes that democracy is no game and citizens are not mere spectators. She knew that how we think about the Constitution is a measure of who we think we are.

Do we disdain it, ignore it, shed it, obey it only when it seems convenient—as the hard right champions? Or do we want to be a generous people, a fair people, an honorable people—most of all, a united and mutually respectful We-the-People?

The Constitution is our covenant about these ideals. About our basic notions of law and order. There is no way to maintain the republic if we discard the notion that none of us, the president included, can pick or choose which laws to obey. A president who is nonchalant about this contract deserves to be impeached. A people who forget it will have invited the darkness. As a friend reminded me recently, "What you cannot see can blind you."

SOME THOUGHTS ON DEFENSE SPENDING

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. BENNETT. Mr. Speaker, Dennis Shaw, Special Assistant to the Assistant Secretary of Defense for Production and Logistics in his speech before the American Mining Congress in Denver last month made some pertinent observations about the budget and defense as a part of the budget, saying:

I want to talk about the federal budget, because I believe the media and many of our politicians have been, and continue to be, dishonest about the budget. Let me give you just one example.

Earlier this year, the Washington Times published an Associated Press article that said "... the Senate budget proposes for the Pentagon to spend \$294.0 billion next year. Domestic Agencies would spend \$169.2 billion, while foreign aid would total \$16.1 billion." This kind of media reporting perpetuates the deception of the American public about the balance between defense and domestic spending. If you accept the Associated Press article on its face, it certainly looks like the Pentagon is an insatiable PacMan monster gobbling up the federal budget.

Tragically, this kind of incomplete and misleading reporting is not an isolated event. All over the country the media harp on the theme of a bloated defense budget. Every day, Americans are blasted in the eyes and ears with reports about the stag-

gering costs of defense. No wonder Americans want to cut defense spending! There is rarely, if ever, an effort to inform the public that, in addition to the \$294 billion spent on defense, domestic spending consumes \$790 billion, including \$531 billion for a cornucopia of vote-getting payments to individuals.

Most Americans do not know that payments to individuals cost almost one-half of the budget. They are unaware that some of the \$531 billion payments to individuals are automatically increased every year. Nor do they know that most of the payments for individuals cannot be touched because Congress legislatively has removed them from the annual budget review—this money never sees the light of public debate. So, the biggest hunk of the budget just sits there getting larger and larger and silently inflating the deficit. The President cannot touch it. The Congress will not touch it. And, the media does not talk about it.

Something is terribly wrong with the way the budget is reported to the American people. Network and newspaper coverage is lopsided and incomplete, which distorts the public's perception of which programs are getting the lion's share of the federal budget and where big cuts must be made to significantly reduce the deficit. This is dangerous for the country. It is dangerous because public perceptions and opinions influence budget decisions made in Washington and elect the officials who go to Washington to make those decisions.

If American taxpayers are not told (and reminded) that the cost of federal payments for individuals is \$531 billion and mushrooming, they will not say or do anything about it. The people getting the payments will be silent too, and Congress will continue to ignore a very significant part of the nation's budget problem.

On the other hand, if the American people are persuaded the defense budget is too big and does terrible things like eat up most of their tax dollars and single-handedly inflate the deficit, their representatives in Congress will find great comfort in cutting the amount of money spent on national security. Worse yet, because it is more safe politically, Congressmen and Senators will continue cutting money from national security to finance popular increases in public welfare, even at the risk of diminished U.S. security. This is happening now.

Congress is slashing the nation's defense wrists, cutting more than \$33 billion from defense in 1989, despite Secretary Frank Carlucci's warning that: "The U.S. military is going to end up smaller and less capable in the coming years with a budget which does not cover all of our contingencies, commitments, and threats. We will, therefore, be living with greater risk to our national security." It is worse than ironic that at the same time Congress is hacking \$33 billion out of the defense budget, \$93.5 billion silently will be added to the budget to cover cost of living increases for payments to individuals.

Even the Gramm-Rudman legislative contraption, which was designed to force deficit-reducing cuts on a spineless Congress, requires that 50 percent of the automatic meat ax cuts will be chopped from national security. Never mind the fact that only 27 percent of the federal budget is spent on defense and 73 percent on everything else.

The deception of the public must stop. The media should consistently report the whopping \$531 billion for payments to individuals every time it takes aim at the \$294 billion defense budget. If they did, the

American people, who keep sending Washington all those hundreds of billions of hard earned dollars, could see that national defense is not the bogeyman of the budget. If the media were careful and fair, and budget reporting was complete and balanced, the American people could fully and accurately assess what their tax dollars buy them. For example:

Twenty-seven percent of the \$1.1 trillion federal budget protects America and its vital national interests. In fact, the U.S. defense program is so effective that Americans do not think about national security very much. They feel safe because they are safe. Americans do not have to build bomb shelters; U.S. military forces deter attacks on the U.S. homeland. Our sons are not conscripted and sent off to fight battles between people we do not know or understand very well; we have the luxury of choosing our own fights and using an all-volunteer military force. Americans do not have foreign soldiers' bullets whizzing across their front porches and mortar shells exploding in their back yards. And, nobody but care-free vacationers and tourists storm U.S. beaches. Sure, it costs America \$294 billion to purchase this security, but Americans still have \$806 billion left over to spend on other things each year.

Forty-eight percent of the \$1.1 trillion federal budget is supposed to provide for the young and the old, the helpless and the poor, the sick and the infirm, and the disadvantaged. More than \$235 billion is spent for Social Security, \$137 billion for medical care, \$59 billion for federal retirees (civilian and military), \$31 billion for public assistance, \$20 billion for food and nutrition, \$12 billion for assistance to students, and \$3.3 billion for miscellaneous "other" programs. Spending these huge sums of money every year, one would think America is helping its citizens improve themselves. But, success in these areas is, at best, dubious.

In 1965, for example, 1 in 3 Americans depended on some form of federal assistance. Today, 23 years later, 1 in 3 Americans still depend on some form of federal assistance. The ratio has not improved and the total number of people receiving federal assistance has increased. When the Food Stamp program began, 400,000 Americans used stamps and the program cost \$33 million. Today, more than 20 million Americans shop with stamps and the program costs \$12.5 billion. The number of people who cannot make it through the month without Aid to Dependent Children has more than doubled in the last 20 years. And, despite \$500 million spent each year on the Model Cities Program, the inner cities of our major urban areas remain blighted islands of violent crime awash in a sea of drugs.

It is time to stop bashing defense. All of the self-righteous huffing and puffing about cutting \$33 billion from defense while turning a blind eye and deaf ear to the invisible and silent addition of \$93.5 billion for payments to individuals is unrealistic and dangerous. It is unrealistic because it will not solve the deficit problem; it only makes us think it solves the problem. It is dangerous because it eventually will demolish America's capacity to deter aggression, protect its interests, and defend itself. We have travelled that road before, in the 1970s; and it cost us hundreds of billions just to re-build essential military forces that had been neglected and run-down.

Two hundred and ninety-four billion dollars is not a cheap price for anything, not even for the most secure, comfortable, and

free place to live on planet earth. But, domestic spending is much larger than defense spending; and in many instances, I am sorry to say, it is much less effective. So, if the media and Congress feel it is so important to billboard the horrible economic effects of the defense budget, they also must pull their heads out of the sand or stop hiding the facts (whichever shoe fits) and accurately and fully inform the American public about the spiraling and uncontrolled cost of domestic programs.

THE 50TH ANNIVERSARY OF THE ADMIRAL FARRAGUT ACADEMY ALUMNI ASSOCIATION

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. SAXTON. Mr. Speaker, I invite my colleagues in the U.S. House of Representatives to join me in congratulating the Admiral Farragut Academy Alumni Association of Pine Beach, NJ.

During homecoming, the weekend of October 28, the Alumni Association of Admiral Farragut Academy will be celebrating its 50th year since organization. The Admiral Farragut Academy Alumni Association was founded in 1938 in order to foster a continuing alliance among graduates of this first Naval Preparatory Academy.

The Academy, itself, was founded in 1933 by a small group of experienced educators, under the leadership of Adm. S.S. Robison, U.S.N. (Ret.), who had served as Superintendent of the U.S. Naval Academy at Annapolis, and Brig. Gen. Cyrus S. Radford, U.S.M.C. (Ret.). The campus occupies 35 acres of the 13th District of New Jersey, overlooking a wide stretch of the Toms River, a location chosen for its waterfront facilities. The school opened in 1933 with 56 cadets in a building that had been originally constructed as the Pine Beach Inn. New buildings were added as the Academy expanded. Today, the academic facilities include a 12,000 volume library, an array of laboratories, a computer room, and a naval museum. Admiral Farragut Academy was the first U.S. secondary school to develop a program of naval science approved by Congress and the Department of the Navy.

The main homecoming event will be on Saturday, October 29, in which there will be a dinner/dance to salute the past presidents of the Admiral Farragut Academy Alumni Association. I personally would like to stand and salute each and every one of the former presidents of the Alumni Association. The valor and honor that they have brought to this country deserves this recognition. They have dedicated themselves to promoting naval education. To strive to continue an academic program designed to prepare young men for our service academies is admirable. These men believe in their alma mater and I would like to salute them for their countless hours of work to foster the goals and ideals of Admiral Farragut Academy.

Mr. Speaker, I would like to share with Congress the list of the former presidents of Ad-

miral Farragut Academy Alumni Association whom are most deserving of recognition.

William Toroni, 1938-39.
Homer Sanville, 1939-40.
William Howie, 1940-46.
Thornley B. Wood, 1946-47.
Charles Beyer, 1947-48.
Clayton Matthews, 1948-49.
Anthony Fernicola, 1949-50.
William Taylor, 1950-51.
Jay Boone, 1951-52.
George Theobald, 1952-54.
Douglas MacDonald, 1954-56.
Frank P. Wendt, 1956-58.
William Beirne, 1958-60.
Philip Hurt, 1960-62.
William Bruno, 1962-64.
Walter Hutchinson, 1964-66.
Allen Howard, 1966-68.
Louis C. Goetting, 1968-70.
George W. Bleezarde, 1970-73.
John A. Gardella, 1973-76.
H. Kneeland Whiting, 1976-79.
William Garwood, 1979-82.
Donald Schreiber, 1982-85.
Bruce G. Kreeger, 1985-88.

HONORING THE INTERNATIONAL BUDDHIST PROGRESS SOCIETY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. TORRES. Mr. Speaker, I rise today in honor of the International Buddhist Progress Society on the opening of the Hsi Lai Temple in Hacienda Heights, CA.

Planning for the temple was begun in 1978 and construction will be completed in November. The temple is on a 15-acre site, high on top of a hill, overlooking the majestic San Gabriel Valley and mountains beyond. It is the largest Buddhist temple outside of Taiwan.

The temple was established to promote cultural exchanges between East and West; so important today in building bridges of understanding. This Hsi and Lai Temple is a multi-function international Buddhist center. The temple consists of a main shrine, meditation hall, lecture hall, Dharma hall, Tripitaka hall, library, lodging for traveling monks and nuns, international conference hall classrooms, a cultural exhibition hall and a school of Chinese arts and culture.

As a prelude to the grand opening of the temple the members of the International Buddhist Progress Society will host the 10th Conference of the World Fellowship of Buddhists on the week of November 19. On the final day of the conference, November 26, there will be a public inauguration ceremony to announce the grand opening of the Hsi Lai Temple. The ceremony will be hosted by Venerable Shing Yun, founding master, Fo Kuang Shan, Venerable Hsin Ping, Chairman, Committee of Religious Affairs, Fo Kuang Shan and Venerable Hsin Kuang, Abbess, Fo Kuang Shan, Hsi, Lai Temple.

Mr. Speaker, I ask that my colleagues join with me in congratulating the members of the International Buddhist Progress Society and the community of Hacienda Heights on this milestone.

ED DERWINSKI HONORED

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. CRANE. Mr. Speaker, it is a pleasure, indeed, to inform you and our colleagues of the presentation by Secretary of State George P. Shultz of the Distinguished Service Award to our friend and former colleague, Edward J. Derwinski, who now serves as Under Secretary of State for Security Assistance Science and Technology.

Ed Derwinski represented the State of Illinois here in the U.S. House of Representatives from 1959 until 1983.

The citation on the Distinguished Service Award certificate reads:

For successfully fulfilling a range of continuing responsibilities as Counselor and then as Under Secretary for Security Assistance; for distinguished accomplishment in resolving longstanding irritants between the U.S. and traditional allies as varied as Canada and Iceland and the new nations of Micronesia and Oceania; and for consistently attending to the Department's interest in such areas as international sports and refugees.

Secretary Shultz established his Distinguished Service Award in 1985 to honor State Department personnel for distinguished contributions to the development, management, or implementation of American foreign policy.

During his almost quarter of a century here in the House of Representatives, Ed Derwinski built a reputation as being one of our most knowledgeable Members on foreign affairs. He was second ranking Republican member on the House Foreign Affairs Committee when he stepped down from office.

The State Department recognized his ability in the international field and he was requested to take over as Department counselor. He has served the Secretary of State as a special adviser, consultant and troubleshooter on major foreign policy issues, and has conducted special international negotiations. He advised on strategy with us here in Congress for administration policies, negotiated a treaty with Iceland resolving a long-standing shipping dispute, directed negotiations with Canada to achieve a long-stalled treaty on salmon fishing and a dispute over Arctic waters, negotiated agreement with 16 Pacific island states on a complex regional fisheries treaty, chaired the interagency group directing the transition of the Micronesia Islands to the status of free association with the United States, and served as senior State Department official for refugee policy and programs.

Under Secretary of State from 1987, Ed is responsible for the integration of all elements of the Security Assistance Program as an effective instrument of U.S. foreign policy. He chairs the Arms Transfer Management Group, and is responsible for international scientific and technological issues, issues involving sensitive technology transfers, and communications and information policy. He has also continued his duties as special coordinator for Pacific Basin economic cooperation and coordinator of State Department activities in connection with international sporting events.

Mr. Speaker, we wish to extend to Ed, his lovely wife, Bonnie, and his children our sincerest best wishes and congratulations on receiving this well deserved award.

CONGRATULATIONS TO ALMA COLLEGE PRESIDENT ALAN STONE

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. SCHUETTE. Mr. Speaker, I rise today to bring to the attention of my colleagues in the House the inauguration of Alan J. Stone as president of Alma College in Alma, MI, on October 28, 1988. The ceremony honors Mr. Stone as the college's 11th president as well as a distinguished administrator and educator.

Over the past two decades Alan Stone has established an impressive and inspiring academic record. Armed with degrees in history, theology, and education, he began his career as an admissions counselor at his alma mater, Morningside College in Sioux City, IA. From there he went to George Williams College in Downer's Grove, IL, and became director of admissions and associate professor of history. At Hood College in Frederick, MD, he directed college relations and admissions, and at West Virginia Wesleyan College he served as vice president for financial affairs, development, and public relations. Finally, he was director of development and university relations at the University of Maine before becoming one of the Nation's youngest college presidents at Illinois' Aurora College in 1978.

During his 10 years there, Aurora College underwent more change and growth than any private school in Illinois, adding 15 master's degree programs and increasing enrollment dramatically after a 9-year decline. Because of Alan Stone's strong guidance, the university retired its budget deficit and experienced 9 years of surpluses. What was once a small college threatened with closure is now a thriving regional university serving thousands of students, due in large part to the leadership capabilities of Alan Stone.

It is these attributes Mr. Stone brings to Alma College, a college known for its academic excellence as a liberal arts institution. Among midwestern colleges, Alma has been ranked highly for its science program, boasting a 185-acre outdoor laboratory for work in biology, geology, and ecology. With Alan Stone's experience and expertise, Alma College will be certain to maintain and enhance its high standing as one of the region's finest educational institutions.

Mr. Speaker, I hope my colleagues will join me today in congratulating this outstanding man, Alan Stone. It is ambition, expertise, and pursuit of excellence such as his that make our Nation's educational system one of the finest in the world. We are fortunate as Michiganders and Americans to have this outstanding man serving to educate our young people, and I wish to extend my sincere congratulations to him in his new position. We all wish him success.

SALUTE TO BASS/ TICKETMASTER

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mrs. BOXER. Mr. Speaker, I am proud to tell you that the World Series not only was a great one but that the private sector came through to make it better for those less fortunate.

In the San Francisco Bay Area, Bass/Ticketmaster announced that the total ticket price including service charge from the sale of Bass/Ticketmaster World Series tickets will be donated to the California Homeless Coalition. I salute their generosity and compassion for a group of people who need a helping hand.

I hope that this philanthropy will inspire other business corporate support for the homeless and for other social programs. We are all part of the same world and have a responsibility to look out for each other. Good for Bass/Ticketmaster!

THOMAS MICHAEL O'DWYER HONORED

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mrs. BENTLEY. Mr. Speaker, the Congressional Award was created back in 1979 to recognize voluntary public service, personal development, and physical fitness achievements by young people ranging in age from 14 to 23. It is indeed a very prestigious prize; only the very best of our young people—the "cream of the crop"—can receive it. In fact it is an award which must be earned through personal effort.

Recently 30 young Americans received the Gold Congressional Award in a ceremony hosted by the Joint Leadership Commission and the Board of Trustees of the Congressional Award. I am proud to say that one of the recipients—Thomas Michael O'Dwyer—resides in my district. I am very pleased to honor him here.

Thomas O'Dwyer is 23 and presently works at the firm of Smith, Burke, & Azzam in Baltimore. Yet he found the time to work closely with various Scouting organizations, assisting with troop meetings and the planning of community projects. His work over several years spanned some 710 hours.

In terms of personal development Thomas chose the field of advertising as his goal. In college he worked over 300 hours and produced a number of award-winning features with the American Advertising Federation and the Ad Club associated with his school. In addition, Thomas completed the third criteria necessary to receive the award—physical fitness—by spending over 400 hours in wilderness and backpacking endeavors in the New Mexico mountains with the Scouting program at the Philmont Reservation.

Mr. Speaker, I am quite proud to have one of the over 60 winners of the Gold Congress-

EXTENSIONS OF REMARKS

sional Award in my district. He is a very special young man, one who appears to have before him a bright and colorful future.

Kudos to you, Michael, for a job well done.

WOMEN AS LEADERS IN POPULATION AND ENVIRONMENT

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. PORTER. Mr. Speaker, today the Centre for Development and Population Activities [CEDPA] held their annual lecture and awards luncheon.

The award was given for excellence in promoting the role of women in population and environment was awarded to Perdita Houston.

The lecture was by Dona Margarita Penon de Arias, the First Lady of Costa Rica. However, due to the imminent arrival of Hurricane Joan in Costa Rica, Mrs. Arias was unable to leave the island, so the following lecture by Mrs. Arias was ably delivered by Muni Figueres de Jimenez.

The material follows:

WOMEN AS LEADERS IN POPULATION AND ENVIRONMENT

(Speech by Dona Margarita Penon de Arias, First Lady of Costa Rica)

Throughout this century, we have dramatically altered the relation between human societies and the rest of the biosphere. As we approach the Twenty First Century, our collective capacity for destruction through nuclear and conventional weapons, has reached unparalleled proportions, and now threatens all life on Earth.

We all know that every species on the planet maintains a dynamic equilibrium with its environment. We all know that, when the environment changes, the species gradually adapt to it through a process of organic evolution. We know that many of them, faced with a dramatic change, will be unlikely to survive. We also know that it is we human beings who are responsible for substantial alterations in the environment. The fact that large numbers of species are disappearing may not seem, however, to have the slightest importance from a selfish or arrogant anthropocentric point of view. But we now realize that if we continue to extinguish other species, not far from this day one of those species may be our own.

Population growth has become one of the most serious problems we face. It is particularly important in the developing world, where the highest rates of growth are occurring. The population of Central America, for example, has grown faster than that of any other region in the world. It is now increasing at an annual rate of close to three per cent—greater than South America's rate and almost equal to that of Africa. In 1920, the population of Central America was a little over five million. Today, it stands at twenty-seven million, and is located in fragile ecosystems that are affected by destructive and unplanned development. The region's basic resources—water, land, forests, coastlines, and seas—are used unwisely. Thus, the options for development available to future generations are increasingly restricted. Poverty and malnutrition have soared in several of these countries, and the quality of life for a majority of their people has deteriorated considerably.

October 21, 1988

Costa Rica, of course, is also affected by this problem. At 142 inhabitants per square mile, this small Central American republic is the third most densely populated country in continental America. Despite this, the 1960's saw a sharp decline in the birth rate, which lasted into the mid-1970's. The birth rate dropped from 48.3 per thousand in 1960 to 30 per thousand in 1975, and after that date to the present figure of 26 per thousand. This is still higher than the world average.

Two of the most important factors that have promoted this transition have been women's education and their incorporation into the paid workforce. These changes have caused women to marry later and to make better decisions about the size of their families. Our experience has shown that women's aspirations unfold when education and training are provided, and that the traditional child-bearing role is quickly enriched by new options and opportunities. These advances, in turn, they have a positive impact on the society.

Our behavior, human behavior, threatens the existence of other species. As population growth has spread across the face of the Earth, the increased demands of human needs have driven us to destroy our environment. Our impact on the Earth has grown significantly over the past decades as a result of population and economic growth and technological development. With a steel axe and a day's hard work a man could fell a tree; with a chain saw and a minimum amount of effort, the job can be done in a matter of minutes.

Since the Industrial Revolution, we have also been using nonrenewable resources at an increasing rate, with considerable effects on the environment. An increasingly large portion of humanity has been burning coal gas and oil on a grand scale over the last two centuries. We have polluted the atmosphere with the by-products of combustion, poisoned the waters with chemical waste and now, since the introduction of nuclear fission, we still have not found a way to dispose of nuclear waste safely.

Although the problems are many, and we have little time left, it is clear that our task is to promote sustainable resource management systems, in the face of growing populations and the demands created by modern societies. Our challenge is to incorporate women as equal partners in this process.

We women feel that our small share of power in the past has left us impotent in the face of decisions which have endangered the fate of this generation and could jeopardize the future generations' right to live. We women know that we produce half the agricultural products consumed in the world, without the benefits of high technology to ease our labor. We women know that we are contributing with two-thirds of the labor hours worked by the human race. Women are responsible for producing food, gathering fuelwood and fetching water, yet they are usually left out of the decisions and factors that affect the resources on which their survival depends.

Despite our efforts, we have not yet succeeded in modifying cultural patterns which continue to promote educational discrimination against women. At this moment, people of our sex constitute 80 percent of the world's illiterates. We women know that wealth is not shared according to sex, and that power is not generally shared at all.

We women are aware of all these truths that are difficult and painful to discuss. But we also see some new trends which offer

hope. We are losing our fear of speaking out; and we are beginning to feel united, aware that we have common aims. One of the principal causes which unite us is our active participation in all of humankind's liberation movements. We are not just speaking of freeing human beings from muddled ideas, from slavery or from brutal traditions. We are also speaking with great urgency of saving the Earth from relentless destruction. Our voice, or rather, our voices (for there are already many of us), have begun to be heard over the course of this Century. In response to the First World War, in 1915, a group of women decided to organize themselves with the aim of promoting disarmament, abolishing violence and rejecting military options to resolve international conflicts. As a result of their effort, the "International League of Women for Peace and Freedom" was founded. Today it still functions as an advisory body of the United Nations Economic and Social Council, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Labour Organization (ILO) and the United Nations Food and Agricultural Organization (FAO).

Since the nuclear accident at Chernobyl, European women have mobilized on a massive scale to gather sufficient information about the quantities of chemicals in foodstuffs and safe levels of radioactivity in order to avoid contamination. In 1984 representatives of one hundred and fifty nations met in Mexico, on the occasion of the first World Conference on Population. At that meeting, the National Organization of Women demanded, outside the gates of the Conference, that the women's point-of-view be taken into consideration in any plan of action.

Most recently, in Costa Rica, a project for a Law on True Equality for Women has been formulated and it is currently being debated by our Legislative Assembly. This project embodies the desires and thoughts of thousands of Costa Rican women. Through it we seek to be guaranteed, in practice, the equality that we are guaranteed in theory by the Constitution. We demand, among other rights, a proportional representation in the nominations made by the political parties for popularly elected offices. This Law deals with the social and economic rights of women. It seeks to guarantee equal access to credit and property. With the creation of childcare centers, it intends to facilitate the labor of women who have children. This project also gives better legal guarantees to women against sexual abuses. It protects women's privacy in criminal proceedings and prohibits executive pardon for sexual offenses. The Law on True Equality for Women also refers to the elimination of discriminatory stereotypes of women in our educational materials. Finally, an Ombudsman for the protection of women is to be created within this Law who will be assigned to the Ministry of Justice.

When we speak of real quality, of true equality, we are claiming the share of power which belongs to us, and not exactly with the idea of transforming ourselves—as a famous feminist remarked—into four-star generals. We do not have these in Costa Rica, nor do we want them. In Costa Rica, the only army we know and accept is the one made up by more than twenty-thousand teachers, mainly women. Every day they arm our children, but they arm them with ideas, with books, with weapons of knowledge.

Today, we women cannot allow ourselves to remain silent. The lives of future genera-

tions on this planet require that our voices be heard. Therefore, increasingly more united in thought and deed, neither race, nor language, nor frontier will keep us apart.

We will wait no longer in the streets and outside the gates of those who make the final decisions. We will wait no longer at the railings of ministries or in the visitors galleries of legislative assemblies. We are going to be next to the decision-makers on the benches. We will ask about the eroded land, the destroyed forests and the polluted water and air. We will cry out for the millions of children who die of hunger year after year.

While it is true that we have not been able to stop the enormous destruction of our own environment, we must not just wait for the moment to arrive when there will be no trees in the world, where cities will be only asphalt and asphyxiation, that lay as lifeless lands in our countrysides. We must not allow the moment to arrive when war and hatred reign rampant over the Earth's surface.

Despite the destructive capacity that we have known in our past, we must be capable of opposing further destruction with all our creativity, all our imagination and all our will for change. The dreams we wish to give to the young, to the future generations, will come true only if through our actions we are capable of fighting against misery, of planting new forests rather than destroying the ones that have been left, of disarming the soldier, of banishing the tyrant, of cleaning the air, and of not being afraid of liberty.

Long ago I read a phrase that I have carried with me ever since. That phrase, I feel, best describes the situation of women around the world today: "If our struggle is a seed, then it must be allowed to germinate." I ask you today to join with me and with the women of Costa Rica, as well as all the women in the Hemisphere who are struggling to protect this Earth for our children and our children's children. We must confront the problems of population growth and the environment together.

Thank you.

NEW IRAN-CONTRA REVELATIONS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. BURTON of Indiana. Mr. Speaker, Ollie North and others involved in the so-called Iran-Contra affair have been constantly criticized by many and may be penalized by a jail sentence. The article I'm inserting into the RECORD shows that just maybe the critics may have been wrong.

NEW IRAN-CONTRA REVELATIONS

(By Jack Anderson)

WASHINGTON.—We have examined suppressed documents that cast new light on the Iran-Contra scandal. These revealing papers—memos, transcripts and tapes withheld from the public under court seal—prove that President Reagan's secret overtures to Iran were on the right track.

He understood that a power struggle was seething inside Iran between the radicals and pragmatists. So Reagan sought to strengthen the pragmatists, who are led by Speaker of the Parliament Hashemi Rafsan-

jani. The hope was the Rafsanjani would gain control of the government, wind down the Persian Gulf war, end Iran's diplomatic isolation and restore relations with the United States.

In September 1986, Rafsanjani sent his favorite nephew, Ali Hashemi, to Washington to negotiate with the White House. Here are excerpts from the secret discussions.

Lt. Col. Oliver North summarized the U.S. position tersely: "We are prepared to proceed with an improvement in relations between our two countries or to continue differences between our two countries," he said. "Basically, it is up to your government."

A translator gave the nephew's response: "Well, as I mentioned before, we are ready to improve relations . . . You've got to understand that people who have taken this momentous step . . . this is not the agreement of everyone back there. There are a lot of differences and a lot of problems . . . You know for four years after the revolution . . . you were conceived to be as the enemy . . . Now it's only in these last two years that our responsibilities have begun to see the chance for improvement in relations with America . . ."

Later, he added, "I want to emphasize that what is really important is the political relationship . . . is that we do it in such a manner that no danger occurs to the people in power in Tehran, because we don't want the reactionary wing to take advantage of us."

North replied, "We understand that during this period of very secret contact, we cannot have the president go out and announce opening an embassy in Tehran. You have a domestic political problem. So do we."

The suppressed papers show that the White House's primary objective was to regain a foothold in Iran and repair the damage caused by the loss of Iran to the America-hating Ayatollah Khomeini. Iran dominates the Persian Gulf, which is the jugular vein of the Western world. Half of the West's oil travels through this strategic waterway.

The arms-for-hostages negotiation came up as a secondary issue. North spoke of the hostages as an "obstacle" to improving Iranian-American relations. But at the time he stressed that the White House didn't want the hostages to be bartered.

"We're committed to a long-term program to help moderate the government of Iran," North said during an earlier discussion. "OK, we're committed to that, and I don't want to start establishing . . . They can say, 'Fine, we're going to go kidnap 12 more Americans,' or something. I don't want to get into that."

During later negotiations over Iran's need for Hawk and TOW missiles, North told Rafsanjani's nephew to his face, "I do not like dealing with a man who is willing to put a price of so many TOWs on human life."

In future columns, we will describe how the Israelis helped the White House establish its first contact with Tehran through an Iranian arms merchant, Manucher Ghorbanifar, who lied to both sides in his effort to promote an arms sale that would bring himself profit. The records show that he then double-crossed the White House and sabotaged the negotiations.

Meanwhile, Rafsanjani has consolidated his control of the Iranian government. He is now bringing more rational rule to Iran and ending the war with Iraq. As the reporters who first broke the arms-for-hostages story

and scathed Reagan for doing business with Khomeini, we are obligated to report now that he made overtures to the right people at the right time for the right reasons.

**S. 2889, OMNIBUS HEALTH
AMENDMENTS—PROVISIONS
ON AIDS EDUCATION**

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. HOYER. Mr. Speaker, I was very pleased to vote for S. 2889, the Omnibus Health Amendments Act of 1988, which includes authorization for a number of important Federal health programs, including several AIDS programs for which authorizing legislation was passed this year by the House or the Senate. I am very pleased to see that S. 2889 authorizes a series of important Federal initiatives in education and counseling for the prevention of AIDS. These are long overdue. The bill as enacted also contains provisions concerning the content of federally funded AIDS education and counseling programs—a subject that has been of concern for me as a member of the Appropriations Committee for the past 2 years.

Last year and again this year, I have sought to ensure that restrictions included in the appropriation for the Departments of Labor, Health and Human Services, and Education—on which subcommittee I serve—would not prevent life-saving information on AIDS prevention from reaching those who need it the most. Despite these efforts, the restriction included in the 1988 appropriation had some very unfortunate consequences for our AIDS prevention efforts; many grant applicants were unsure what it meant and varying interpretations were offered by Federal and State agencies. As a result, there was a chilling effect on some of the most effective prevention efforts designed by health professionals and AIDS experts.

This year we enacted an appropriation bill containing language that I believe satisfies the concerns of all Members that Federal funds will not be used for programs that are designed for the purpose of promoting sexual activity. At the same time, our bill meets the concern—that I likewise share with the vast majority of my colleagues—that accurate and usable information is delivered to and understood by those in our society who are at the highest risk of HIV infection.

To make this clear, we deleted language passed by the other body in the appropriation bill that we were concerned might be construed to interfere with that goal. For the same reason, S. 2889 omits some of the language approved by this or the other body in the predecessor bills, S. 1220 and H.R. 5142. Instead it contains guidance on the content of those programs that is essentially identical to the resolution we arrived at in the Labor-HHS appropriation this year. With respect to counseling, this provision is contained in section 2432(e), and with respect to education it is in section 2500. In addition, section 2506(6) addresses the design and content of education

specifically targeted to individuals at increased risk of HIV infection.

These sections provide that Federal funds should not be used to develop programs and activities that are designed to promote or encourage sexual activity, whether it be homosexual or heterosexual. At the same time, these sections require that AIDS prevention programs be designed to encourage behavior change, both in the general population and among those at the highest risk for infection, in order to reduce the risk of HIV transmission. Thus, the limitation that the materials should not be designed to promote or encourage sexuality should not be construed in a manner that would inhibit the development of appropriate and effective materials that are designed for the purpose of encouraging necessary behavior change.

I have taken a personal interest in this matter in response to the concerns expressed by various State, local, and private groups that are involved in AIDS prevention education and counseling activities, and I am pleased to see that the provisions of the 1989 appropriation and of S. 2889 will not interfere in their critically important work. Indeed, these two acts with these provisions, will make more Federal funds available for this work.

Thus, Federal funds will be available to organizations that are based in the gay community, or that serve the gay community. To date, 70 percent of reported AIDS cases have occurred among gay men, and it is critical to AIDS prevention that this community in particular be educated about AIDS. Often educational messages must be specifically designed to reach this community, and those messages must be conveyed in ways that will be trusted in that community. This point is emphasized in section 2506(6) of S. 2889.

Fortunately, private groups have been formed in every State and most cities that have the experience and the contacts to develop and disseminate the information that gay men need to protect themselves from AIDS. In my own district in suburban Washington, DC, there have been innovative and very useful efforts by the Health Education and Resource Organization [HERO] of Baltimore, and by the Whitman-Walker Clinic of Washington. Largely as a result of efforts like these, sexual transmission of infectious diseases—including AIDS—in the gay community has fallen dramatically in the last several years. We want to encourage and assist that kind of private response that has proven highly effective, and both the 1989 appropriations and S. 2889 will assist in that effort.

These bills will provide funding for programs that discuss sexual practices frankly with appropriate audiences. AIDS is sexually transmitted; more importantly, specific sexual practices have been shown to transmit the virus that causes AIDS, and people must be warned that those practices are dangerous. This cannot be done without discussing those practices explicitly. Sections 2432(e) and 2500 provide that "obscene" materials are not to be used. I think this point has always been obvious, and in fact it is redundant in these sections. Both sections provide that all programs are to be designed for the purpose of AIDS prevention.

Numerous experts in the field have written and called to tell us that it does not work to discuss this subject with euphemisms. Care must be taken, of course, that the message is appropriate to the audience that will be reached. But with due regard for people's sensibilities we must remember that getting accurate information across to people at their own level of understanding is a matter of life and death. The legislation we have passed this year ensures that Federal funds will be available for that critical work.

I know that State, local, and private groups around the country are waiting to hear what kind of Federal assistance will be available for their life-saving AIDS prevention work. I will be telling groups in my district what we have done in Congress this year, but it is also very important that the Federal Centers for Disease Control act promptly to communicate these changes to potential grant applicants around the country. I urge the CDC to advise those groups formally of the new legislative language and the intent behind it so that they will be encouraged to apply for assistance in their very important efforts.

**THE WAR IN EL SALVADOR
CONTINUES**

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. GARCIA. Mr. Speaker, I would like to submit to the record this article about El Salvador by our colleague GEORGE MILLER from California. El Salvador's war has lasted 9 years and has the potential to continue indefinitely, due in part to a failed administration policy. The war in El Salvador has produced some grisly statistics. Almost 70 percent of the 5 million people in El Salvador live in poverty. Inflation is at 25 percent. Unemployment in 1987 was at 32.8 percent. Over 70 percent of El Salvadoran children are suffering from malnutrition. The Salvadoran Government receives about \$2 million per day in aid from the United States Government, and three out of every four of those aid dollars go to the war. What is perhaps most horrifying is that 70,000 Salvadorans have died and nearly 1 million Salvadorans have become Central American refugees.

There are no winners in such a war. There are only losers. Our agenda should be to seek a political settlement, one that benefits all the people of El Salvador. GEORGE MILLER eloquently states the case for this kind of a solution. I urge my colleagues to read his fine article.

[From the New York Times, Oct. 21, 1988]

EL SALVADOR: POLICY OF DECEIT

(By George Miller)

WASHINGTON.—"By most estimates, the war in El Salvador is stuck. Unhappily, the U.S. finds itself stuck with the war."

The tired words of liberal Congressional critics? Hardly. This observation is drawn from a recently published report by four United States Army Lieutenant-Colonels that confirms what too few of us in Congress have been arguing for years: The

truth is almost always the opposite of what the Reagan Administration tells us.

The work of the military analysts further illustrates the failure of the Administration's policy of building democracy in El Salvador while defeating the leftist rebels militarily.

The assessment of the military analysts, who spent the last academic year as national security fellows at the Kennedy School of Government, was based on highly classified documents and interviews with Defense and State Department officials, former United States military advisers and Salvadoran military officers. The report includes a host of additional findings that lambaste the United States' role in El Salvador.

The Administration has a long history of deceiving Congress about its intentions in El Salvador, as I, with Sen. Mark O. Hatfield of Oregon and Rep. Jim Leach of Iowa, both Republicans, detailed in a 1985 report. For example, the Administration has evaded a 55-person cap on military personnel in El Salvador by redefining "military personnel." According to the Army analysts' report, the number of American military service people "exceeded 150" in 1987.

Since 1981, Congress has been told that military personnel were stationed away from areas that would expose them to significant hostilities and thus, in theory, trigger the War Powers Act. Yet, the new report describes American military involvement in every facet of the war. And last month, three American advisers returned fire, for the first time, when they were caught in an attack on a base that has long been a target of the leftist Farabundo Marti Liberacion Nacional, or FMLN, rebels. It was the same base that witnessed, less than two years ago, the first (and, so far, only) killing of an American advisor in an attack in El Salvador.

In a 1987 update to Congressional report, we concluded that the Salvadoran economy was deteriorating rapidly and that the war showed no sign of ending. Supporting our conclusion, the military analysts said: "Since 1985, the war has settled into a fixed pattern. Despite reduced numbers, the FMLN remains a formidable foe, its attacks exacerbating the deterioration of the Salvadoran economy." They added that "observers generally concede that the FMLN . . . can sustain its current strategy indefinitely" and that "an end to the war is nowhere in sight."

In 1984, we were told that the newly elected Government of José Napoleón Duarte, backed to the hilt by Washington, would represent a credible, effective and moderate force that would implement genuine economic reform and bring peace to El Salvador. Those plans have gone nowhere.

With the far right's triumph in El Salvador's March legislative elections, the renewal of death squad activity and an increasing guerrilla presence in San Salvador, our next President will find that El Salvador is the real trouble spot in Central America.

We must attack the root causes of the war, specifically economic underdevelopment and gross social injustice. Again, the four military analysts concur, saying that "American officers recognized . . . that victory required first addressing the grievances of the Salvadoran people."

Unfortunately and, to me, inexplicably, the four military analysts do not call for the Administration to change course. But change is obviously needed. The Government of El Salvador is now being kept afloat by annual infusions of aid—almost \$3.6 bil-

lion since 1980, including nearly \$400 million more just three weeks ago. As in the Vietnam era, the Administration pursues, and Congress obediently supports, a policy without critically analyzing its impact.

We must redirect all our resources to a political settlement. This must include, first, encouraging negotiations and, second, dramatically shifting our present, overwhelming emphasis on war-related assistance to aid for true economic reform. The alternative is many more years of instability, death-squad murders and war.

OREGON SUPPORTS THE SSC IN THE WEST

HON. LES AU COIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. AU COIN. Mr. Speaker, earlier this month I joined all of the members of the House Committee on Appropriations representing Western States in writing Department of Energy Secretary Herrington to express our collective support for siting of the superconducting super collider [SSC] in the West.

In writing the Secretary, my colleagues and I expressed our belief that extensive support and a hearty cooperative spirit has developed in the West for the SSC. Our centers of higher education and advanced research are prepared to work together in making available the finest talent and other resources to the SSC. Such unity of purpose coupled with the vast resources the region offers are the surest way to guarantee the construction and viable operation of the SSC.

Significant coalitions are being forged among business, civic, academic, and political leaders in the West and the following letter from the President of Oregon State University, John V. Byrne represents but one of an increasing number of respected and persuasive voices in the West advocating one of the two regional sites under consideration.

OREGON STATE UNIVERSITY
Corvallis, OR, October 19, 1988.

Hon. JOHN HERRINGTON,
Secretary of Energy, U.S. Department of Energy, Forrestal Building, Independence Avenue, SW, Washington, DC.

DEAR JOHN: It has been some time since our paths crossed when I was the administrator of NOAA and you were in the White House personnel office. I have watched with some interest the developments in the Department of Energy and their impact on the nation at large. As the president of a university and as an Oregonian, we have had special interests in the development of the superconducting super collider project. Although Oregon was not chosen as one of the finalists, our interests in the development of this important research tool still remain high.

It is my understanding that one of the finalists for the location of the site is in Arizona. I have a very strong feeling that if possible a western site should be selected and, for a number of reasons, feel the Arizona site has some strong advantages. I believe the selection of a western site, and particularly one in the Southwest, will bring with it not only the full support of the state in which it is located but the full support of other states in the region.

I personally have relatively strong connections with both the University of Arizona and Arizona State University and believe the commitment and level of expertise at those two institutions will benefit significantly the location, establishment, and operation of the SSC in an Arizona locale. I am sure my colleagues at other institutions in the West, and particularly those here on the Pacific Coast, would endorse a western site and may also favor the Arizona location. I am sure others have argued in a cogent fashion the advantages of the Arizona site. I believe these arguments are sound and should be given careful consideration. For me, perhaps the most telling argument, assuming the environmental situation, the infrastructure, transportation, and so on are all appropriate, is the connection with the major institutions of higher learning in the West. The association of the two leading Arizona universities with other institutions in Washington, Oregon, and California will result in a special relationship with the leading scientists and engineers from those institutions. This human resource is one I hope is not overlooked in the selection of the site. I believe the cooperation among the major universities in the Far West is an exceptional resource and should be regarded as contributing to the advantage of the Arizona site.

I wish you all success in this important endeavor. If there is any way in which I can be helpful to you, I hope you will call on me. Every best wish.

Sincerely,

JOHN V. BYRNE, President.

VOLUNTEER FIREFIGHTERS TAX CREDIT ACT OF 1988

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. DOWNEY of New York. Mr. Speaker, I am introducing the Volunteer Firefighters Tax Credit Act of 1988 today which will provide a tax credit of \$100 to volunteer firefighters or volunteer rescue squad members.

Since the inception of this Nation in the 18th century, volunteer firefighters have played a critical role in the daily fabric of American life. For over 200 years, Americans have been able to rest assured that should tragedy strike, their neighbors serving in the local volunteer fire department would be there to put the fire out, deliver the stricken family member to the local hospital, or rescue the cat at the top of the elm tree. Today, volunteers provide fire protection to three-fourths of the geographical area of the United States.

Yet the safety net provided by our neighbors in volunteer fire departments is fraying unbeknownst to many of us. For a variety of socio-economic reasons, the ranks of volunteer fire departments are dwindling. While a recent study prepared on volunteer firefighters concludes that the overall number of volunteers appears stable, a spokesman for the National Volunteer Fire Council points out that departments border-to-border can be in radically different positions with regard to the number of volunteers. With a rise in the age of volunteers, there are fewer firefighters able to battle blazes on the frontline. Moreover, be-

cause there is a smaller percentage of farmers and shift workers in the United States, the number of people who were formerly available to volunteer during the day has fallen. Volunteers must also travel further distances from the workplace to either the firehouse or directly to a fire. The bottom line is that something must be done to encourage new volunteers to join, if Americans want to continue to receive fire protection from volunteer departments.

As a means of assisting departments in recruiting new members, the Volunteer Firefighters Tax Credit Act of 1988 will provide volunteer firefighters and rescue squad personnel with a \$100 Federal tax credit. This credit will also help to defray the often unreimbursed costs that volunteers incur as a result of their service. For instance, the volunteer may often respond to a call directly from work, without being able to stop at the firehouse to change into gear. As a result, street clothes may often have to be cleaned or replaced.

Volunteer fire service enjoys a long history in this Nation. It counts George Washington, Thomas Jefferson, and Ben Franklin among its founding members. It is a form of public service that embodies the American values of democracy and patriotism. My legislation seeks to continue this tradition and ensure continued protection of our property and safety.

H.R. —

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25 the following new section:

"SEC. 25A. CREDIT FOR ACTIVE VOLUNTEER FIRE-FIGHTERS.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual who is a volunteer firefighter, there shall be allowed a credit of \$100 against the tax imposed by this chapter.

"(b) DEFINITION.—For purposes of this section, the term 'volunteer firefighter' means any individual who—

"(1) for the taxable year is an active member of a qualified volunteer fire department (within the meaning of section 150(e)(2)), and

"(2) receives no compensation for services performed as a member of such volunteer fire department."

(b) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25 the following new item:

"Sec. 25A. Credit for active volunteer firefighters."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1988.

VIENNA-FALLS CHORUS OF SWEET ADELINES SING HOME THE GOLD

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. WOLF. Mr. Speaker, I want to bring to the attention of my colleagues a significant

accomplishment by the Vienna-Falls Chorus of the Sweet Adelines, Inc., which is located in my northern Virginia district.

Beating out two dozen of the best of women's barbershop-singing organizations, the 140-voice Vienna-Falls Chorus captured the gold medal in international competition this week in Houston, TX.

The chorus presented an energetic and highly sophisticated blend of sound and choreography which led them to the summit of a group of nearly 700 Sweet Adelines chorus around the world.

On behalf of the citizens of the 10th District of Virginia, I salute the Vienna-Falls Chorus for "bringing home the gold" and wish them continued success as they carry on their 20-year history of musical excellence.

At this point in the RECORD I include an article from the Washington Post of October 20, 1988, which reports on the Vienna-Falls Chorus gold-medal winning feat.

SWEET ADELINES SING HOME THE GOLD

(By Leigh Jackson)

The Vienna-Falls Chorus of the Sweet Adelines Inc., a metropolitan area barbershop-style singing group, took home 130 gold medals Saturday after winning a Houston competition sponsored by Sweet Adelines Inc., an international organization of female choruses.

"This is a major to-do," said baritone Jessie Hackes. She said the weekend was the culmination of several months of regional competitions among the organization's 660 choruses that represent nine countries, including Australia and Japan.

Musical director Betty Tracy said the championship will mean more performances for the group, which gives about 12 concerts annually. Organization rules preclude the group from competing internationally again until 1990.

The chorus beat five competitors in the last night of the annual competition, reaping a gold medal for each of the 129 chorus members who sang and one for the director, a silver trophy that the group will keep and a gold trophy, "a 65-pound number," according to Hackes.

The competition began Friday evening with 25 groups who were winnowed to five by Saturday evening. Each chorus was judged on music, sound, expression and showmanship. The Vienna-Falls group beat its nearest competitor, a Dayton, Ohio, group, by two points, earning 2,675 out of a possible total of 3,280. "That's simply phenomenal," said a spokesman for Sweet Adelines.

"It was very important to winning that we all expected our time had come. We thought we were good. We had confidence in our music, confidence in ourselves and confidence in our director," said Betsy Godley, a lawyer who has sung with the group for three years.

The 140-member group practiced for the competition every week for about 18 months. Members come from all over the metropolitan area, including Prince Georges County, Baltimore, Frederick, the District and "halfway down to Charlottesville," Hackes said.

Chorus members attribute their success in part to Tracy, who has steered the group to several regional wins since 1983.

JAMES P. "PETE" MARSH, PRESIDENT OF UNITED CEREBRAL PALSY OF SARASOTA-MANATEE FINALIST, NATIONAL GOLDEN RULE AWARD

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. MACK. Mr. Speaker, I rise today to bring to my colleagues' attention the achievements of Mr. James P. "Pete" Marsh of Sarasota, FL. Mr. Marsh was recently selected as one of the finalists for the National Golden Rule Award, an award sponsored by J.C. Penney, honoring exemplary volunteer service by individuals and organizations and recognizing contributions to improving the quality of life in our communities.

Mr. Marsh was nominated for this award for his work on behalf of United Cerebral Palsy of Sarasota-Manatee, Inc. [UCP], a nonprofit charitable organization which provides direct care and support services to individuals with Cerebral Palsy and other developmental disabilities. It develops and implements programs to meet the special needs of exceptional children and adults to ensure that people who have special needs can live more comfortably and independently.

In his 7 years with UCP, Mr. Marsh has held many positions. For the past 5 years, he has served as president of the board of directors, and prior to that as vice president. As a UCP community representative, he works with other social agencies to plan future services for the community and advises staff on a variety of projects.

He spearheads most major projects and is the impetus behind the organization's growth. Among his many accomplishments, he negotiated with local builders to construct a home for handicapped young adults at no cost to the UCP and then lobbied the State legislature to secure the necessary funds to operate the home.

Mr. Marsh was appointed by Governor Bob Martinez to serve on the State of Florida Developmental Disabilities Council and was recently elected vice-chairman of the Florida Developmental Disabilities Planning Council. He has also served as chairman of its Governmental Affairs Committee and as chairman of the Program Services Committee.

In addition to all his responsibilities, Mr. Marsh must constantly deal with the frustrations of securing sufficient resources to provide quality services for people with handicaps. To accomplish this difficult task, he first educated the community to existing problems and then shared ideas on how everyone could work together to find solutions. Over the past 5 years as a part of fundraising activities, he cochaired and coproduced the annual telethon "Weekend with the Stars", including developing the production schedule for this live 21-hour broadcast.

The commitment and dedication displayed by Mr. Marsh are truly in keeping with the admonition of the Golden Rule—to help one's neighbors. His life has centered on helping those with a handicap to meet their special

challenges. Foremost, he always treats the clients like people. Handicaps are always secondary. This approach increases feelings of self-worth and helps motivate individuals to access the services that will help ensure a quality life.

Mr. Speaker, it is evident that Pete Marsh is an exceptional individual and most deserving of the honor of being recognized by the National Golden Rule Award. Mr. Marsh plays a vital role both in improving the quality of life for others and in offering an inspiring example for others. I join J.C. Penney in saluting him and wish him continued success in all his endeavors.

AMBASSADOR RONALD S. LAUDER ON THE 50TH ANNIVERSARY OF KRISTALLNACHT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. LANTOS. Mr. Speaker, Ronald S. Lauder, the former United States Ambassador to Austria, is continuing his remarkable effort to keep alive the memory of humanity's darkest hour. As Chairman of the Kristallnacht Remembrance Week Committee he has played the major role in the commemoration of the 50th anniversary of Kristallnacht—the night of broken glass, when the Nazi atrocities against the Jews began in deadly earnest.

Ambassador Lauder has written an excellent article on this anniversary which first appeared in the New York Post and has been printed in today's New York Times and Washington Post.

Mr. Speaker, I ask unanimous consent to place Ambassador Lauder's article in the RECORD. The thoughts he expresses are worthy of all our attention.

A TRAGIC ANNIVERSARY SLIDES BY, AND THE MEMORY OF MILLIONS IS BETRAYED
(By Ronald S. Lauder)

This past summer saw the 50th anniversary of the Evian Conference, at which the U.S. and 31 other democratic nations considered the fate of 650,000 Jews trying to flee Nazi terror in Germany.

Our democracies looked the frightened Jews right in the eye—and sold them out.

Our failure to meet our moral responsibilities at Evian was an important piece of the mosaic which, not long after, led to the murder of millions of Jews and other people and to the extinction of their vibrant cultures.

Yet a half century later, on the commemorative date of that ignoble event, hardly one voice was raised, hardly one line written, in remembrance.

It was in a climate of increasing terror, with tens of thousands of innocent and helpless people clamoring for asylum, that President Roosevelt organized the conference. It met in the French resort town of Evian; Stalin's Soviet Union and Mussolini's Italy refused to heed FDR's call.

The 32 nations met July 6-14 under the humanistic democratic precept that we are indeed our brother's keepers. But in the end, the free world would not provide even the fig leaf of comforting words for the threatened Jewish communities of Europe.

Britain's man proclaimed: "The United Kingdom is not a country of immigration."

Australia's candid emissary said "... it will no doubt be appreciated that we (Australia) have no racial problem (and) we are not desirous of importing one ..."

And even the American delegate declared: "The U.S. will not modify its already liberal immigration policy."

Democracy betrayed itself.

Nazi Germany, which had not yet defined its policy of "final solution," permitted representatives of Jewish organizations within the Third Reich to go to Evian and plead for help. The World Jewish Congress was there, along with a number of other Jewish organizations. They were not accorded the courtesy of an opportunity to state their case, let alone any sympathy.

The end was clear. On July 8, 1938, the Herald Tribune reported: "Through their representatives at the Evian conference on refugees, the principal countries capable of receiving immigrants banged and bolted their doors today against the 650,000 Jews of Germany whose eyes are turned on this international gathering as a last hope of escape from Nazi persecution."

Both Nazi and Jew looked at Evian and got the same message: No one cared.

Now the Nazis had the free world's signature on a license to do what they wished with an abandoned people.

Not to act is just as profound as acting. Forgetting is as decisive as remembering. How can we learn—and how can we teach—if we turn our backs not only on the countless victims, but on their memory as well?

The silence on this 50th anniversary is mute testimony to the fact that we have violated an important injunction—that which implores those that bear witness not to forget.

In November of this year both Christian and Jew will have the opportunity once again to participate in an act of remembrance.

What the democracies encouraged at Evian found its expression on the night of Nov. 9, 1938: Kristallnacht, when Nazi Germany began the extinction of Jewish life and culture in Europe by burning synagogues and Jewish shops throughout the Reich, by beating and arresting thousands of Jews.

Again, no one spoke out.

All Americans can join in next month to remember, and to dedicate themselves, 50 years after Kristallnacht, to behave today toward all peoples as we wish the world had behaved toward the Jews of Europe 50 years ago.

A TRIBUTE TO SAINT FRANCIS ELEMENTARY SCHOOL

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. SCHUETTE. Mr. Speaker, I rise today and ask my colleagues to join me in commending the Saint Francis Elementary School in Traverse City, MI for being chosen a national exemplary school.

This prestigious award sets Saint Francis Elementary School apart as a leader in providing the highest quality education to our young children. Criteria for the schools' selection were comprehensive and exacting. Saint Fran-

cis submitted evidence that it has a clear statement of philosophy and goals, a comprehensive curriculum, and a record of attention to the individual needs of its students. The school's promotion of values and good discipline, a systematic program of pupil and school evaluation, its stress on parental and community involvement, and a detailed procedure of school improvement also were key factors in earning the award.

The competition to be chosen a national exemplary school was open to over 10,000 schools nationwide as well as certain American public schools overseas. To be eligible to compete for the award, a school must have 75 percent of its students at or above the national academic level in all grades. Saint Francis far exceeded this requirement with 90 percent of its students at or above the national average. Of the 800 schools that directly competed, Saint Francis was 1 of only 23 elementary schools to receive the award.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to Saint Francis Elementary School for its commitment and dedication to education which has earned it the distinction of a national exemplary school. We all agree that the education of our children is of the utmost importance to the future of this great country, and it is comforting to know that we have schools like Saint Francis that are preparing our young children to be our able leaders of tomorrow.

KONNYU LAUDES REAGAN REVOLUTION

HON. ERNEST L. KONNYU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. KONNYU. Mr. Speaker, as the 100th Congress winds to a close, I want to thank the people of the 12th Congressional District of California for allowing me to be a part of this Congress and a part of the Reagan revolution. I only regret that I won't be here to continue to carry on the torch and to ensure the progress we have already made is not undone.

I also want to take this opportunity to praise the work of our President—Ronald Wilson Reagan—who like me, will be riding off into the sunset, and won't be back to govern.

We owe a tribute to President Reagan for his leadership in world affairs, as well for the domestic prosperity this Nation has enjoyed in the longest economic peacetime expansion of this century.

Thanks to President Reagan's leadership, we have lower tax rates today with the top personal tax rate dropping from 70 percent in 1981 to between 28 and 33 percent this year.

The double-digit inflation of the Carter years has been slashed under this administration and that is something that has benefited every American.

We have the highest employment level every enjoyed. This administration has helped create 17.8 million new jobs.

And the greatest legacy of President Reagan will be the contribution he has made to lasting peace. He did this by negotiating a

meaningful peace treaty, the Intermediate Nuclear Force Treaty, from a position of strength.

During the Reagan administration, American inspired free democratic presidential elections were held for the first time in years in El Salvador, Honduras, the Philippines, the Republic of Korea, Brazil, Argentina, Uruguay, Bolivia, Guatemala and Grenada. In Latin America, 90 percent of the population now lives under freely elected governments, compared with 30 percent a decade ago.

I know that many of my fellow conservative and moderate colleagues share my gratitude and praise for the accomplishments of our Commander-in-Chief. It has been a true delight for me to be a part of the historic Reagan revolution and to support the President with my votes.

HOUSE PASSED RELIGIOUS FREEDOM WEEK

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mrs. BENTLEY. Mr. Speaker, last month the House passed a bill establishing a "Religious Freedom Week." I am proud to have been the original sponsor of this bill. Indeed freedom of religion is something which many Americans wrongly take for granted. Imagine what our society would be like if people did not have the right to choose—or not to choose—what church they wished to attend.

Unfortunately there are places in the world where people do not have to imagine what religious repression is like—instead it is an everyday fact of life. In the Soviet Union, for example, priests have been imprisoned, churches closed, and prelates exiled on the whim of the government bureaucracy.

Yet even in the face of these terrible odds religious faith has endured. In fact this year marks the 1,000th anniversary of Christianity in the Ukraine. Many Ukrainians reside in my district, and I have been blessed with their support in the past. While I am by heritage a Serb and thus a member of the Serbian Orthodox faith, I feel a certain kinship with them. Both our races have faced persecution for our faith and beliefs over the centuries. Both our peoples, however, have endured despite the odds.

On October 8 a rally was held in honor of the National Ukrainian Millennium Celebration. Mr. Speaker, I urge you as well as all my colleagues to join in saluting the Ukrainian people at this special milestone in their history. Indeed they have fought for the right to worship with a passion that should inspire all Americans. Perhaps the people of this Nation would think more about what it means to have a Constitution protecting freedom of religion if they reflect on the example set by the Ukrainians.

EFFORTS TO HALT GLOBAL WARMING BY PROTECTING TROPICAL FORESTS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. PORTER. Mr. Speaker, the severe drought that struck the Midwest this summer, for which Congress recently approved \$3.9 billion in relief, has been partly attributed to the building of carbon and other gases in our atmosphere, a phenomenon known as the greenhouse effect.

While the media has focused on the burning of fossil fuels as the major cause of the global warming trend, the rapid destruction of the world's tropical forests is also responsible for the greenhouse effect. As forests are cleared, often by burning, immense amounts of carbon are released into the atmosphere. Also, a felled tree can no longer perform its natural function of removing atmospheric carbon and fixing it in its cellular structure or in the soil.

Mr. Speaker, to mitigate these negative effects, I introduced the Tropical Forests Protection Act of 1987 (H.R. 3010). I would like to insert into the CONGRESSIONAL RECORD this article on H.R. 3010 written by Eileen Schreiber that appeared in the Washington, Report on the Hemisphere, a biweekly publication of the Washington-based Council on Hemispheric Affairs [COHA]:

DEBT RELIEF STRATEGIES TO PRESERVE THE ENVIRONMENT

(By Eileen Schreiber)

U.S. environmental organizations, long aware that the Latin American debt and ecological devastation are intertwined, have persuaded several congressmen to introduce legislation which would encourage private banks, and the multilateral lending agencies to formulate programs that would ameliorate the region's debt burden while advancing environmental protections. Congress is currently delaying approval of the U.S. portion of the \$75 billion World Bank General Capital Increase (GCI). The Reagan administration supports the GCI as an acceptable, short-term solution to the debt crisis. Opponents of the GCI, however, stress the immediate need for debt-relief programs which promote long-term economic growth and counter environmental degradation.

Among the various congressional debt relief proposals introduced within the past year, the Tropical Forest Protection Act, introduced by Representatives John Porter (R-IL) and David Obey (D-WI) on July 23, 1987, attempts to exchange debt relief for rainforest conservation commitments by debtor nations.

The bill directs the U.S. Executive Director to the World Bank to assess the feasibility of two 3-year pilot programs in cooperation with debtor governments. First, it envisions a debt-for-nature swap program in which the bank suspends some or all debt repayment in exchange for "conservation easements," i.e., plans by debtor governments to protect the tropical forest and/or wetlands. Second, the bill calls for the use of Structural Adjustment Loans (SALs) to ease the pressure on debtor governments that exploit their tropical rainforests to meet short-term interest obligation. Finally, the bill instructs the Secretary of the Treas-

ury to analyze the feasibility of introducing such programs into the International Monetary Fund (IMF).

Debt-for-nature swaps similar to those suggested by the Porter bill have been carried out in Bolivia, Costa Rica, and Ecuador. These were innovative variations of conventional debt-for-equity swaps in which corporations buy discounted obligations and exchange them for private commercial or industrial equity share in debtor nations. A crucial difference between the two, however, is that the former entails no actual transfer of ownership rights of Latin American assets to U.S. institutions. The protected lands fall into the care of local conservation agencies and may later be exploited in a developmentally and ecologically sustainable manner. Furthermore, the U.S. non-governmental organizations (NGOs) which cancel the debt make no profit on the transactions.

Bolivia was the first nation to demonstrate the feasibility of debt-for-nature trades. In July, 1987, Conservation International (CI), a U.S. based organization, used a \$100,000 grant from the Weedan Foundation to buy \$650,000 of Bolivian debt at a discount. The Bolivian government then expanded its Beni Biosphere Reserve by 3.7 million acres in exchange for cancellation of the debt. The Costa Rican government followed in August, 1987, by creating a conservation fund which converted \$5.4 million of outstanding debt into interest bearing local currency bonds. Purchases by a number of U.S. environmental organizations, as well as a donation by one commercial bank, were used to create a new 32,500 acre national park as well as to fund the management of existing national parks.

The Central Bank of Ecuador approved a \$10 million debt-for-nature swap in October 1987. The World Wildlife Fund bought \$1 million of debt for \$345,000. This was converted into nine-year bonds, the interest of which will fund conservation and education programs. In all three cases, NGOs and debtor governments worked independently of financial institutions to convert debt liquidation into environmentally and economically feasible strategies. The Porter bill seeks to influence multilateral lending agencies and commercial banks into doing the same.

Debt-relief strategies have gained in the face of the current deadlock over outgoing Treasury Secretary James Baker's proposed World Bank \$75 billion General Capital Increase (GCI). Opponents of the GCI advocate conditioning the capital increase upon the implementation of debt-relief measures which force lender banks to assume a greater share of the repayment burden. In addition, given the restraints of the Gramm-Rudman amendment, policymakers are searching for strategies which entail no new federal expenditures.

Proponents of debt-for-conservation swaps assert that the programs satisfy these requirements. The National Wildlife Federation contends that such transactions enable debtor governments to simultaneously cancel a portion of their debt while helping to preserve ecological resources vital to endangered global ecosystems.

Until November, 1987, banks had no incentive to choose the debt-for-conservation strategy over selling at a discount on secondary markets. In response to pressure by NGOs, the Treasury Department then allowed banks to take tax deductions on the full face value of debt donated to a non-profit organization as a charitable contribu-

tion. Also, according to one congressional aide, the IRS "gave debt-for-conservation its blessings" by deeming the practice revenue neutral: taxpayers will not have to bear the cost of bank writeoffs.

If the Porter bill were to become law, World Bank officials fear that allowing Latin debtors to suspend payments on outstanding loans will damage its AAA credit rating on bonds sold to raise capital, forcing up interest rates. They argue that poor nations will eventually have to bear this cost through higher interest rates on World Bank loans, diluting any positive gains that would derive from the strategy.

The small sums involved in most swaps are not expected to significantly reduce the \$410 billion Latin debt. Neither do the schemes themselves prevent further environmental destruction. Yet conservationists argue that these swaps could create an alternative to current "quick-fix" practices of torching rainforests to make way for unsustainable agricultural activity which earns hard currency in the short-run, but often converts the land into infertile deserts over the long-run. The relationship between deforestation and the "greenhouse effect" gives debt-for-nature advocates an additional potent argument.

Mr. Speaker, I would also like to insert into the CONGRESSIONAL RECORD the following article by Margo Cuniffe which appeared in the same publication.

DEFORESTATION PLAYS MAJOR ROLE IN GREENHOUSE EFFECT
(By Margo Cuniffe)

The drought which parched land from Texas to North Dakota, and shrunk the Mississippi to its lowest levels on record has been attributed to a global warming trend, known as the "greenhouse effect," which has been linked to excess burning of fossil fuels and the destruction of tropical rainforests. In a June 23 hearing before the Senate Committee on Energy and Resources, NASA's Dr. James Hansen stated that he and other scientists are 99% certain that the warming trend is not part of a natural cycle, but due to an excessive buildup of carbon dioxide and other artificial gases in the atmosphere.

The greenhouse effect, now a generally accepted theory, occurs when a gaseous barrier accumulates and retains heat like glass in a greenhouse. If the current rate of build-up continues, the earth's temperature would increase by 3 to 9 degrees Fahrenheit by 2050. Consequently, the sea level would rise one to four feet due to thermal expansion and melting polar ice caps. Inland waters would recede from evaporation, and, due to ozone depletion, ultraviolet radiation would penetrate more easily, increasing the incidence of skin cancer.

Although the mainstream media has largely attributed the warming trend to the burning of fossil fuels, it can be argued that the destruction of tropical rainforests has had an equally disastrous effect on the atmosphere. Since 1960, deforestation has contributed 90-180 billion tons of carbon to the atmosphere from the burning of trees cut to clear land, compared with 150-190 billion tons from the burning of coal, oil, and natural gas.

Latin American and Caribbean rainforests, with 57 percent of the world's total acreage, are being destroyed at the rate of nearly 30 million acres a year. As a result, every day, an area of forest equal to the size of Philadelphia is cleared and, every year, an area the size of Pennsylvania is made

bare. Both Dr. Irving M. Mintzer, a scientist for the World Resources Institute, and Dr. Michael Oppenheimer, atmospheric physicist for the Environmental Defense Fund, have stated that a halt to the rapid deforestation of the tropics is necessary to try to slow the greenhouse effect.

Various land use practices contribute to deforestation in Latin America. Limited slash and burn cultivation has been a traditional method through the millennia for using the land for farming for two to three years and then allowing the forest to grow back for 15 to 30 years. This forest maintenance practice, often used by indigenous peoples without permanently damaging the tropical growth cycle, is necessary because trees and plants store nutrients in their leaves and their destruction temporarily leaves the soil thin and poor. Population growth, irrational expansion of agricultural and animal husbandry, and unequal land distribution all have disrupted the traditional system. In Latin America, 90 percent of the land is owned by 7 percent of the landowners, and poor landless farmers have migrated or have been induced to relocate to tropical forests where, because land quickly becomes infertile, it is overworked and left barren.

Cattle ranching has added to the problem as 5 million acres of the world's rainforests, an area the size of New Jersey, are cut annually to establish grazing lands. Funded to a large degree by the World Bank, cattle ranching causes soil erosion due to compaction from machinery and fires used to control weeds. Although justified by both the United States and Latin American countries as steps necessary for economic development, Robert Repetto, Director of the Economics and Institutions Program at the World Resources Institute, asserts that government economic policies have resulted in more losses than gains.

Repetto cites the example of Brazil, where deforestation of the Amazon, totaling more than 37 million acres by 1987, can be attributed to government-encouraged, and often state-financed programs for clearing land. Such policies result in a loss of a productive resource as the land eventually become barren and useless after a few years in service. New costly subsidized government programs are then necessary to dig out lakes and harbors which have become filled with silt from soil erosion. In this way, deforestation contributes to the growth of the debt crisis by causing costly infrastructural problems which require increased government expenditures. Unfortunately, due to economic pressures from the debt crisis and powerful domestic interests, most nations lack the political will to enforce rational goals of reduced and controlled harvest.

Another major cause of deforestation is logging, in which reckless harvesting has caused long-term environmental damage. Hardwoods from the tropics are valued because they are resistant to rot and pests. However, they are cut down at such a high rate that several tropical countries now are forced to rely on lumber imports.

In response to the June hearings, Sen. Timothy Wirth (D-CO) introduced S. 2667 on July 28. The bill's language finds that because forests play a major role in filtering carbon dioxide through photosynthesis, "policies are urgently needed for reducing deforestation and increasing reforestation." The legislation would require the Secretary of State, working with the Agency for International Development (AID) and other federal agencies, to study tropical forests and

set conservation goals for each country. Through the World Bank, Inter-American Development Bank and other international development banks, the U.S. would then promote reforestation and forestry programs. In addition, AID, the Export-Import Bank and the Overseas Private Investment Corporation would encourage private investment in energy-efficient technologies for developing countries. A hearing for the bill was set for September, but passage of draft legislation is unlikely in this session.

A 10-day conference of the International Tropic Timber Organization (ITTO), held in Brazil in late June, brought together representatives from both producers, such as Brazil, Malaysia, and the Philippines, and consumers of tropical trees to discuss the survival of the rainforests. Although the organization is generally management-oriented, non-governmental organizations (NGOs) were received favorably, and, according to a NGO representative who attended the conference, there is hope that the ITTO will begin to deal seriously with environmental issues. Several of the NGO delegates spoke with the head of ITTO, Dr. Freezailah, and he seemed committed to new policies dedicated to survival of the rainforests.

In a hopeful sign, a forest ecologist is being included on the staff of the ITTO for the next three years. In addition, the use of the forests as a "sustainable resource" was a principle accepted at the conference. This approach would imply more careful cutting of forests to allow time for them to grow back, a system practiced for decades by the local rubber-tappers and by most indigenous Indian civilizations, but considered by some development-oriented economists as being too expensive and time consuming.

Many countries, including the United States, are behind in their payments to the ITTO. A Commerce Department official stated that the United States is concerned about deforestation but, because of the budget constraints, can only make partial payments. Washington paid half of its dues for FY88 and intends to pay at the same rate next year. However, according to the official, the U.S. has joined several of the committees formed at the conference and intends to participate in the organization.

The next year's meeting of the ITTO is to be hosted by Japan, a country also behind in its payments and with one of the worst records on environmental issues of any country in the world. Nevertheless, as a major consumer of timber, Japan is now playing a leading role in ITTO, positioning itself to secure an influential position in Latin raw lumber markets. Environmental groups are heavily pressuring multilateral banks which fund projects that contribute to deforestation to reform their policies and are building awareness in consuming nations as well, urging boycotts of threatened exotic woods products, such as mahogany, ebony and Pacific pine.

THE LIBRARY OF CONGRESS,
Washington, DC, October 20, 1988.
Re LL Hisp 89-107.

Hon. JOHN E. PORTER,
U.S. House of Representatives, Longworth
House Office Building, Washington, DC.
(Attention: Ms. Katy Moran).

DEAR MR. PORTER: In response to your request of October 18, 1988 concerning portions of the newly enacted Brazilian Constitution 1988, we have made the attached translation from Portuguese of the segments of this Constitution as supplied by your office. We preserved the order of the

segments as in the original submitted to us, on the assumption that this arrangement was made to focus on specific subjects.

If we may be of further assistance, please do not hesitate to call.

Sincerely,

RUBENS MEDINA,
Chief.

Enclosures.

BRAZILIAN CONSTITUTION OF 1988

(Provisions Concerning the Indians)

Art. 231. The social organization, customs, beliefs and traditions, as well as the original rights over the lands they hold are hereby recognized to the Indians. It is the responsibility of the Union to establish and mark their boundaries, to protect them and to see to it that all their properties are respected.

Section 1. Lands traditionally held by the Indians are those where they are settled with a permanent character, those involved in their productive activities, those that are necessary for the preservation of the environmental resources, the welfare of the Indians as well as those that are necessary for their physical and cultural integrity according to their usages, their customs and traditions.

Section 2. Lands that are traditionally held by the Indians are hereby destined to their permanent possession, they are therefore entitled to the exclusive usufruct of the soil, rivers and lakes therein.

Section 3. The use of water resources, including their energetic potential, and the exploration and exploitation of mineral resources in Indian lands, may only be done with authorization of the National Congress, after hearing the Indian communities for whom participation according to law on their use is assured.

Section 4. The lands referred to in this provision may not be transferred or otherwise disposed of. The rights thereon are not subject to adverse possession.

Section 5. The relocation of Indian groups from their lands is hereby forbidden except "ad referendum" by the National Congress in cases of catastrophe or epidemic that threaten their population, or by reasons of national security as determined by the National Congress, provided that their return to their lands is guaranteed under any circumstances immediately after the threat has ceased.

Section 6. All acts aimed at holding, owning or possessing lands referred to in this article are void and terminated. So are explorations of natural resources of the soil, rivers and lakes existing therein, except in cases where the public interest of the Union is determined to be relevant according to law as for the benefit of bona fide occupants.

Section 7. The provisions of article No. 174, Sections 3 and 4 are not applicable to Indian lands.

Art. 232. The Indians, their communities and organizations are legitimate parties to appear in court in defense of all their rights and interests, together with the intervention of the Public Attorney in all procedural actions.

TITLE I OF THE ORGANIZATION OF THE STATE

Art. 19. It is forbidden to the Union, the States, the Federal District and the Municipalities:

III. To create differences among Brazilians or any kind of preferences among them.

Art. 20. The following are property of the Union:

XI. The lands traditionally occupied by the Indians.

Section 2. A strip of land of a length of up to one hundred and fifty kilometers along the (national) land borders, designated as the border zone, and fundamentally considered as a zone of defense of the national territory. The occupation and utilization of this land will be regulated by law.

Art. 49. It is of the exclusive competence of the National Congress:

XVI. To authorize in Indian lands the exploration and use of hydraulic resources and the investigation and exploitation of the mineral resources.

TITLE XVII OF ECONOMIC AND FINANCIAL MATTERS

Art. 174. The State, as regulatory agent for economic activities, will exercise by means of law the functions relating to supervision, incentives and planning, this being definitive for the public sector and indicative for the private sector.

Section 2. The law shall support and stimulate cooperativism and other forms of associations.

Section 3. The State will favor the organization of activities in search of diamonds in cooperative form, taking into account the protection of the environment and the social economic welfare of the persons engaged in these activities.

Section 4. The cooperatives referred to in the previous paragraph shall be given in their authorizations or concessions priorities, to search and exploit the resources and natural deposits of diamonds in the areas where they are working and in those determined in accordance with art. 21-XXV, according to law.

Art. 176. Mineral deposits, under exploitation or not, and other mineral resources and possible exploitations of hydraulic energy, will constitute a separate property from the soil for the purposes of their exploration and exploitation, and they belong to the Union which shall guarantee to the concessionaires the product of their work.

Section 1. The search and exploitation of mineral resources and the use of the possible exploitation referred to at the head of this article, may be undertaken only by means of an authorization issued by the Union in the national interests, by Brazilians or Brazilian corporations with national capital, as provided by the law. This authorization will establish specific conditions when these activities take place in border zones or in Indian lands.

TITLE VIII OF THE SOCIAL ORDER

Art. 210. Minimum specific objectives shall be determined in the elementary education, for the purpose of insuring a common basic formation of respect for cultural, artistic, national and regional values.

Section 32. Elementary education shall be taught in Portuguese, insuring also to the Indian communities the use of their mother tongues and proper processes of education.

Art. 215. The State will guarantee to all the full exercise of their cultural rights and the access to the sources of national culture, and it shall support and stimulate the appreciation and propagation of cultural manifestations.

Section 1. The State will protect the manifestations of popular, Indian and Afro-Brazilian cultures as well as those of other groups participating in the national civilization process.

CHAPTER VI OF THE ENVIRONMENT

Art. 225. All persons have the right to an ecologically balanced environment, a good

of common use by the people, and essential for a healthy quality of life. The Public Powers and the collectives have the duty to defend and to protect it for the present and future generations.

Section 1. In order to assure the effectiveness of this right, it is the duty of the government:

I. To preserve and restore the essential ecological processes and to provide for the economical management of species and ecosystems;

II. To preserve the diversity and the integrity of the genetic heritage (*patrimonio*) of the country and to supervise those dedicated to investigate and manipulate genetic material;

III. To define, in all the states of the Union, the territorial spaces and components thereof to be protected. Any alterations or restrictions must be allowed only according to law. Any use that may threaten the integrity of the elements necessary for their protection is hereby forbidden.

IV. To require that any establishment or installation affecting the environment be subject to a prior study of its environmental impact according to law and with publication thereof;

V. To control the production, commercialization and use of technical process methods, and substances that place life, the quality of life, and the environment at risk;

VI. To promote environmental education at all levels of learning, as well as public awareness so that the environment be preserved.

VII. To protect the fauna and the flora and to restrict, according to law, practices that place environmental processes at risk, which may trigger the extinction of species, or which may subject animals to cruelty.

Section 2. Those exploring mineral resources are obligated to restore the degraded environment according to the technical prescriptions issued by the competent public agency, according to law.

Section 3. The behavior and activities that are harmful to the environment shall subject the violators to criminal and administrative penalties, notwithstanding the obligation to repair the damage caused.

Section 4. The Brazilian Amazonian Forest, the Atlantic Forest, the Serra do Mar, the Swamps of Matto Grosso, and the Coastal Zone, are the national patrimony. They may only be utilized according to law and under conditions that the preservation of the environment and the natural resources therein be assured.

Section 5. Idle public lands as well as those acquired by the government by "discriminatory" actions that are indispensable for the protection of the natural ecosystems may not be disposed of.

Section 6. Nuclear power plants may only be located as assigned by federal law. This is a requirement without which they may not be built.

TITLE IX GENERAL CONSTITUTIONAL PROVISIONS

Art. 267. The union shall complete the demarcation of Indian lands within the term of five years from the date of promulgation of this Constitution.

Prepared by Rubens Medina, Chief and Armando E. Gonzalez, Assistant Chief, Hispanic Law Division, Law Library, Library of Congress, October 1988.

TRIBUTE TO WILLIAM SMITH

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to William Smith, a long-time Democratic activist.

Bill Smith has been a Democratic committeeman in the 33rd Ward in Northeast Philadelphia for 35 years. It is this kind of loyalty that has made the Democratic Party a force to be reckoned with in the Northeast for decades.

A life-long resident of Philadelphia, Bill Smith and his wife Agnes have a daughter, three grandchildren and two great-grandchildren. Bill is also a member of Machinists Local 159.

Over the years, Bill Smith has put in countless hours working for his neighborhood, his party and his country. I am proud to share the same party affiliation with this man.

I join Bill Stinson, 33d Ward leader, and everyone in the 33d Ward in paying tribute to Bill Smith's 35 years of hard work and dedication as Democratic committeeman.

HERE COMES DR. JORDAN

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. ATKINS. Mr. Speaker, today is a momentous one in the history of education and, in particular, the history of education for the physically challenged.

Today, Gallaudet University, the Nation's only 4-year liberal arts college for the deaf, is installing a new president, only the eighth president in its history. He is Dr. I. King Jordan, a distinguished educator and dean who became president of Gallaudet last March in an event that shook the community of the disabled, the deaf culture and the world beyond.

Along with some other members of this body, I was active as a college student in seeking reform on campus, civil rights for black Americans and an end to the war in Vietnam when I was in school in the 1960's.

Nothing we did compared to the majesty, and the success, of the students and faculty at Gallaudet last March when they forcefully but peaceably rejected an outsider with no knowledge of sign language to become their president. The age of paternalism was over. Unlike my generation of student reformers, the students at Gallaudet had their faculty, most of the administrators, and their parents on their side. And unlike previous campus movements, this one was successful. It was successful because it was a moment in history when the man, Dr. Jordan, and the movement, deaf pride, became one.

Some on campus referred to the events of that week in March that resulted in the elevation of Dr. Jordan as the deaf Selma. It was a sign of just how much we all can identify with the aspirations of those left behind by callous

and arrogant decisionmakers when the deaf students paraded silently through one of Washington's roughest neighborhoods on their way to the Capitol. People stood out on their porches and not only gestured their support for the protesters but used sign language to encourage the latest, overdue civil rights demonstration.

Mr. Speaker, we should all congratulate Dr. I. King Jordan on his inauguration today as president of Gallaudet University and take pride in the institution that receives some of the best dollars this Congress appropriates. I would also like to call attention to the tremendous work our colleagues DAVE BONIOR and STEVE GUNDERSON and Senator DAN INOUE have done as trustees of Gallaudet University.

Dr. Jordan's Inauguration, today shows that physical handicaps are no longer limitations, that the limitations are only in the eyes of the beholder. As Dr. Jordan has said so many times and with such eloquence, "The only thing deaf people can't do is hear."

I would like, at this point, to include in the RECORD the inaugural address of Dr. I. King Jordan.

HERE COMES DR. JORDAN

Today, Gallaudet is not simply installing its eighth president, but its first deaf president. An event made possible only because so many of you watching today were willing to commit yourselves to a cause that you believed to be just and right—the right of every person to have unlimited goals and expectations.

I am more used to sitting—there—with the faculty, than standing here. At each commencement, I recall being filled with the hope that only a teacher can know—hope for the young people ready to make their way in the world outside the familiar halls of Gallaudet—hope that the world they were going to would be inviting and responsive to them.

In my twenty years on this campus, I have witnessed extraordinary accomplishments by a dedicated community of faculty, staff, and students. My vision has become clearer—as I have moved from student to faculty member to dean to president—my vision of what a person who is deaf can do. In March, many people all over the world grew to share that vision—the belief that the capacity for excellence is not reserved for those who can hear. With this Presidency, we will begin together to demonstrate—in a new way—what our particular brand of excellence can be.

Excellence has always been at the heart of our mission. At one time, Gallaudet was small and exclusive. Under the able leadership of each president, our perspective has continually expanded. Only twenty-five years ago the first deaf students were admitted to our graduate programs. National demonstration schools, Kendall and MSSD, emerged as did regional centers and our international programs, all responding to the changing needs of the hearing impaired population throughout the world. The confirmation of our University status two years ago was fitting recognition of this broadened mission. With this presidency, we will begin together new initiatives and new programs in areas where the needs of deaf people are most pressing.

What Gallaudet means by excellence is the ability to extend important ideas, materials, and resources to new areas, to new groups of people. We reach out to people of any age, with any degree of hearing loss.

People who sign, people who speak, and people who both sign and speak. People who were born deaf and people who became deaf later in life. People who are not deaf but who will contribute to the lives of deaf individuals.

Establishing important connections to the world outside of the campus is an important part of our mission. The distance to the Congress on Capitol Hill has become, truly, walking distance since last March, and we have found that we have fine friends throughout our government. Members of the House of Representatives and Senators have made the way easier for us. Let us begin together to work closely with the Department of Education and the Congress to be sure that our programs continue to thrive and have maximum impact.

We respond to needs beyond Gallaudet's campuses. Although we are a relatively small university, our windows look out on the entire world. We respond to people who are deaf in San Francisco, in New York, in New Orleans, or in Africa. The deaf child in a mainstream program in New Mexico is just as much a part of our community of concern as is the hard of hearing person in Philadelphia. The person who is experiencing a hearing loss for the first time will find programs at Gallaudet to provide support and information. Many of the technologies being used here today to enhance our communication were developed on this campus.

Our community becomes even stronger when we are joined by all people who are disabled, for we share a common cause—the right of every person to have unlimited goals and expectations. Let us begin together to build alliances with other disabled people to strengthen further that common cause.

Gallaudet researchers are constantly investigating in all areas that are of critical importance to the lives of deaf people. Our scholars have studied not only the traditional disciplines but the rich and varied history, the unique culture, and the cherished language of people who are deaf. Their work has made Kendall Green a repository for the culture and traditions that have so enriched the deaf community.

But, at the center of our mission are the students who entrust themselves to us. We are committed to training them to make their way in the world, to perform well—whether they perform with a microscope or perform on stage. We work with deaf people from infancy through adulthood. At all levels, our faculties constantly strive to devise new teaching methods, new programs, and new courses to assure that our students have the best opportunities. And, we share what we learn with other universities. Schools and programs across the country have benefitted from the projects and strategies created or developed in our pre-college programs.

Gallaudet has always responded to the developmental needs of students. Special academic programs help us find ways to reach the struggling student who did not get a good start or to enhance the educational experience of the more gifted and talented student. Human development programs and innovative activities address the students' lives outside the classroom.

Excellence at Gallaudet has particularly meant an undergraduate program that embodies the best of the liberal arts tradition and provides a foundation on which students can build their professional lives. The men and women who study in our graduate programs will spread their knowledge throughout American society and will con-

tribute significantly to scholarship in the twenty-first century. These new leaders will be forceful and educated advocates for us all. And now, let us begin together to find more effective ways to challenge all our students to become even better students and citizens.

Excellence in many of the areas I have mentioned is traditional at all fine universities. But, Gallaudet is, and always has been, unique among institutions of higher education. Our mission has not only been to educate, but to advocate—not only to conduct research, but to make sure the results are available—not only to serve the campus community, but to serve the larger community of deaf and hearing impaired people everywhere.

In its 124-year history, Gallaudet became an institution respected the world over. Eight months ago we were a distinguished university with many achievements. And then, on March 1, our world changed. On that day, a rally on campus brought together many members of the campus community in an unprecedented show of united purpose.

Excellence took on a new meaning in the week that followed. The world saw a diverse community come together with a synaptic spark. They saw a student body conducting itself with dignity and deliberation during a week filled with the potential for disruption. They saw articulate students, along with faculty and staff, argue eloquently that their cause was just. And now, let us begin together to make real the promise of that week.

At Gallaudet, persons who are deaf must have unlimited educational and professional opportunity.

Excellence at Gallaudet must mean that we are advocates for the rights of deaf and disabled people everywhere. We must become a working model. No barriers. No impediments. No restrictions. Gallaudet must demonstrate the true meaning of "open access."

Excellence at Gallaudet must mean that our university is a community in which people of all kinds and ages, deaf people, hard of hearing people, and hearing people, live and work together.

Excellence at Gallaudet must mean an unyielding commitment to find more, to never be satisfied with that we know, to be always alert to new possibilities, and to be always curious. Let us begin together to truly embrace the diversity of opinion and outlook that nurtures the intellectual life of any great institution of learning.

Each of us, then, who is part of the Gallaudet community must affirm this broader definition of excellence. We must be excellent students, excellent educators, excellent researchers, excellent advocates.

Samuel Johnson wrote that "curiosity is one of the permanent characteristics of a vigorous intellect." Let us begin together to increase our curiosity about the world, about learning, about ourselves as persons—deaf or hearing—and that shall make our intellects vigorous and lively.

There is a sign phrase known to every teacher in this room. A sign that appears in late April when energies are flagging and excuses begin to appear. When the patience has worn out and course work seems to be repetitive, the phrase appears: "motivation lost." It is a sad sign, an excuse. For a long time, deaf people were suffering from a feeling of "motivation lost." But last March in our unity, in our belief and in our amazement at our own strength, we enjoyed a true

renaissance, a "motivation found." We must go forward with that new energy, that renewed belief in ourselves and in one another. We must provide the leadership. We must be the role models. We must share the feeling that we have known so recently—a feeling of strength.

I challenge each person in this room and in Elstad, Hughes, and MSSD, across the satellite miles, across the country, and around the world. I challenge you to take up this motivation, take up this enthusiasm, take up this new courage to try and do anything under the sun. I challenge you to succeed.

I challenge each of you: deaf, hard of hearing, or hearing; parent, child, or grandparent; student or teacher; friend—anyone within the sight of my hands. I challenge you to take up the vigor. . . .

to research with new curiosity;
to be relentless in your search for new methods and better means;

to be untiring in your willingness to reach out to one another;
to do only the best work of which you are capable;

to argue . . . deliberate . . . learn;
to take the events of last March to your heart and your hands; to do the work of making this world responsive and welcoming to deaf persons.

I challenge you to set the finest example and to bask in this "motivation found."

Then we will be known not only as the world's only liberal arts university for the deaf, but truly as a community of excellence.

Last March, we put our hands on the ground and we felt the vibrations of generations of aspirations and expectations. We felt the impulse of excellence. We came out of our huddle, and we made a beginning.

And now, let us begin together.

PERSONAL EXPLANATION OF JAMES M. INHOFE ON MISSED VOTES OF OCTOBER 19-20, 1988

HON. JAMES M. INHOFE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. INHOFE. Mr. Speaker, due to official business in the First District of Oklahoma, I was unable to vote on October 19 and 20, 1988. Had I been present I would have cast the following votes:

H.R. 515, Fair Credit and Charge Card Disclosure Act, "yes."

S. 2752, to declare certain lands be held in trust for the Quinault Indian Nation, "no" on the previous question and "no" on the bill.

S. 2840, the Arizona-Idaho Lands Conservation Act, "yes."

S. 2751 on the previous question, "no."

The Yates amendment (Roll No. 453), "yes."

THE KENNEDY/JOHNSON LEGACY

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. PICKLE. Mr. Speaker, few men in America are better qualified to evaluate the administration and executive ability of a President than Walt W. Rostow.

Mr. Rostow has written an insightful article which addresses the issues which confronted the Kennedy-Johnson administration over 25 years ago. He makes an interesting analysis of how these two leaders operated.

Walt Rostow is in a unique position to reflect on these issues. He served on a national advisory committee for President Lyndon Johnson, having previously served in the administration of President John F. Kennedy.

Both of these great men were propelled by great emotion and ambition, although they may have had their weaknesses as do we all.

Mr. Speaker, I think this article is very informative and good for all Members to read. I ask unanimous consent to insert the text of the article at this point.

Los Angeles Times, Sept 25, 1988

REMEMBERING L.B.J.—ANOTHER VOICE FROM THE '60's

(By Walt Whitman Rostow)

AUSTIN, TX.—There is in our country a little noted tribal rite. On the birthday of each former President no longer alive, a wreath is delivered in the name of the incumbent and placed on the grave.

Such a quiet ceremony was held Aug. 27, in the family burial ground at the LBJ Ranch. Lyndon Baines Johnson would have been 80 years old.

Driving back to Austin, I thought of the reported recent remark by Richard N. Goodwin that he did not expect "Johnson loyalists" to like his book ["Remembering America: A Voice From the Sixties" (Little, Brown)]. I asked myself: What does being a Johnson loyalist mean?—for I certainly belong in that category.

In my case, it certainly does not mean that I agreed with L.B.J. on every occasion or found him without flaw. Like all of us, his personality had many elements not always harmonious. To paraphrase the novelist James Gould Cozzens, these were of irreducible complexity and each, by itself, inscrutable. It was "the struck balance" of his habitual predispositions that were observed, magnified by the issues he confronted and the consequences of the decisions he made.

What Johnson confronted as President were simultaneous, inescapable crises at home and abroad: in race relations and Southeast Asia. At home he also perceived a brief interval in which it might prove possible to move America toward the multiracial society of equal opportunity its values demanded and, along the way, to expand the foundations of the nation's educational and health systems. Johnson did not permit the intrusion of urgent, short-run problems to deflect him from the pursuit of these long-run goals.

It was much the same in foreign policy. He found the energy and vision to reach beyond the immediate crises and try to move the world toward orderly peace: the Nuclear Non-Proliferation Treaty and the initiation of work on the Strategic Arms Limitation Talks; the creation of a consensus in the North Atlantic Treaty Organization to ameliorate relations with Eastern Europe; to build with Asian leaders the Assn. of Southeast Asian Nations and other foundations for the Pacific community whose dynamism and long-run meaning he had understood and acted on in the 1950s—long before it became the conventional wisdom. Thus, statehood for Hawaii and Alaska and the East-West Center. He was quite explicit in expressing steadily his hope that China, returning to its pragmatic and humane tradition, would join that community.

The views of Johnson loyalists are evidently not identical. But Johnson commanded—and his memory still commands—the loyalty of most who served with him because of his total commitment to the resolution of the dual crises he confronted and to his large aspirations for America and the human community.

There was, however, more to it than that. No business was conducted by Johnson without a strand of humor—usually the lovingly told and relevant anecdote; for he understood that humor breeds a sense of proportion. And then there was—only occasionally expressed—a capacity for deeply felt understanding and affection. On Dec. 12, 1972, just before his death, Johnson was closing speaker at a civil-rights symposium in Austin. He came to this last hurrah against the advice of his doctors and chewed nitroglycerin pills from time to time during the program. Looking down at the array of civil-rights leaders with whom he had fought side by side, he set aside his text and said: "When I listened to Burke Marshall and Henry Gonzalez, Clarence Mitchell and Julian Bond, whom I don't know so well but admire a great deal, I said to myself that 'I love these men more than a man ought to love another man.'"

I knew John F. Kennedy well before I knew Johnson. I first met Kennedy at lunch at the Metropolitan Club in Washington on Feb. 26, 1958. Through an aide, he had asked if I would work in support of the Senate resolution he and John Sherman Cooper were designing to generate international support for the Indian Second Five-Year Development Plan. We discussed that enterprise and, being much of an age, a great deal more. I concluded he would make a great President.

Like many others, I found Kennedy an extraordinary mixture of maturity and humor; high spirits and sense of the possibility of tragedy and the closeness of death; compassion and toughness; short-term political skill and farseeing statesmanship. His friendship, once granted, was steady and reliable and generated an answering intense loyalty.

Here, I would only make a simple point: With respect to Southeast Asia and civil rights, education and medicine, Latin America, India, NATO and arms control there was virtually complete continuity between the policies of Kennedy and Johnson. Some argue, of course, that Kennedy would have taken a different course in Southeast Asia if reelected in 1964. We shall never know. What we do know is that Johnson built his policy on the foundation Eisenhower and the Senate laid in the Southeast Asia

Treaty of 1955, which Kennedy had supported and seen through until his death.

It is possible—by no means certain—that the time bought at great cost by that policy will one day be reckoned to have been an essential condition for the emergence of the dynamic, confident modern Asia we now know. Whether that proves the case or not, those who believe they know what the verdict of history will be are a bit premature.

There were, of course, dissimilarities between Kennedy and Johnson: Kennedy's wry one-liners versus Johnson's anecdotes, for example. Johnson's magic was exercised best in small groups or private conversation; Kennedy had that rarest of gifts—somehow to communicate effortlessly across boundaries and cultures. Long after his death, his pictures could be found in peasant homes from the Peruvian highlands to the Nile Valley.

Kennedy once expressed what he fundamentally shared with Johnson. We had breakfast early on the morning of Aug. 8, 1958. I was in Washington to help write Eisenhower's Lebanon-Jordan speech. Driving me to the State Department, Kennedy reviewed with sympathy, shrewdness and humor his competitors for the Democratic nomination in 1960. He concluded that the Democratic Party owed Johnson the nomination; that Johnson wanted the same things for the country that he (Kennedy) did; but that it was "too close to Appomattox" for Johnson to be nominated and elected. He, therefore, felt free to run.

A common vision for the country did not, of course, prevent tensions when Kennedy was President. Johnson had a long, healing talk with Robert F. Kennedy on April 3, 1968. My notes include the following comments by Johnson: "The vice presidency is a job no one likes. It is inherently demeaning; although no one ever treated a vice president better than President Kennedy had treated him. . . . They disagreed seldom, but they did disagree a few times."

Looking back now, I would guess that there is no way the story of America in the 1960s can be told except in terms of the Kennedy/Johnson years of responsibility. Their lives and policies became inextricably intertwined. They may well have seen us all through the Gettysburg of the Cold War in Berlin, the Cuba missile crisis and Southeast Asia.

Close to them in those crises, shadowed by the specter of nuclear weapons, one felt the burden they bore was more than mortal man should have to carry. The reality of that burden helps explain why they began with such tenacity the long, slow process of building alternative relations with the Soviet Union and China in the Test-Ban and Non-Proliferation treaties and clearing the way for a serious dialogue with the Chinese. Between them, they moved the nation radically toward equality of citizenship and opportunity, long as the road ahead remains.

Their place in history is still to be decided; but it was a privileged experience to serve from the first Kennedy to the last Johnson day in their administrations. And, whether standing in that country burial ground in Stonewall or looking up at the slope of Arlington Cemetery on the way into Washington from National Airport, I'm glad I knew them.

FRANKLIN SQUARE HOSPITAL CENTER

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mrs. BENTLEY. Mr. Speaker, today I rise in salute to the Franklin Square Hospital Center on the occasion of its 90th year of existence. Franklin Square is certainly one of Maryland's most venerable and worthy medical institutions. It has set a standard of excellence for medical care and community service to which many other hospitals aspire. It gives me great joy to honor Franklin Square here.

It was founded in 1898 as the National Temperance Hospital of Baltimore. At first it only had 20 beds. Three years later the hospital moved to a bigger building, one near the area called Franklin Square. It was then that the name was officially changed.

Over the years Franklin Square grew in order to meet the continuing demands of the community. New floors and buildings were added. Eventually the hospital took over the entire block. However, in the 1960's the changing health care environment in Baltimore drove the hospital to a point where it either had to move, merge, or close. It was then decided to move the hospital to Baltimore County.

Today the "new" Franklin Square Hospital is one of the fastest growing in Maryland. Presently it has a 405-bed capacity. It also offers three accredited residency programs and is a member of the Council of Teaching Hospitals. In addition, the hospital offers free or discounted services to senior citizens as well as a childbirth program called OB/T.L.C.

It is also interesting to note that the hospital's auxiliary is celebrating its 40th year of official existence as well. The auxiliary is somewhat unusual in that it includes men as well. However, its function as a fundraising organization has been exemplary; to date it has raised almost \$3 million for the hospital. Were it not for the consistent efforts of the auxiliary, perhaps Franklin Square would not be celebrating its 90th anniversary.

Mr. Speaker, I urge you and my colleagues to join with me in saluting this fine organization of healers. Franklin Square has cured the sick and breathed life into its community at the same time. To the hospital's chairman, Robert Lindsay, as well as the entire medical and administrative staff I send my best wishes and heartiest kudos for a job well done.

THE 100TH CONGRESS SHEDS LIGHT ON SIKH GENOCIDE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. BURTON of Indiana. Mr. Speaker, as we close this session of the 100th Congress, I hope we have helped to shed additional light on the genocide which is currently occurring to the Sikhs in the Punjab. The Indian Govern-

ment has done all it can to suppress information concerning the treatment of the Sikh people living in the Punjab. The United States State Department chooses to ignore the problem for fear it may hurt relations between the United States and India.

On August 2, 1988, I introduced legislation which calls upon the Indian Government to respect the human rights of the Sikhs in the Punjab and calls upon Indian troops to leave the Golden Temple; 51 Members of Congress cosponsored that legislation. Out of these 51 Members roughly half are Democrats and half are Republicans. House Concurrent Resolution 343 has now been introduced in the Senate and has received bipartisan support. The story of Indian repression is now being told.

I would like to submit for the RECORD a number of articles which continue to document Indian repression. In Bider, India, a virtual slaughter of Sikhs occurred and the Indian Government did everything in its power to cover it up. Death squads, hired by the Indian Government, continue to roam through the Punjab looking to murder innocent Sikhs. The Sikh people deserve the freedoms that we enjoy in this great country. I think it is about time Rajiv Gandhi wake up and grant the Sikhs such freedom.

[From the India Today, Sept. 15, 1988]

THE UNDERGROUND ARMY

VIGILANTE GROUPS HIRED BY THE STATE TO COUNTER TERRORISM COME UNDER FIRE

For some time now, civil rights groups have been accusing the state Government of hiring vigilante-type groups to help in the counter-terrorism battle. These groups—and their questionable methods—came into sharp focus last fortnight after the killing of two policemen by one of their operatives.

A REPORT

The slaying of two fine Punjab Police officers—senior superintendent of police (SSP) Sital Das and his deputy (detective) Baldev Singh Brar—last fortnight has brought into sharp focus the danger of using fire to fight the fire of terrorism.

The slain officers were the unwitting victims of what is now admitted to be an official policy of counter-terrorism in which police-backed vigilantes were encouraged to use unorthodox methods to identify and eliminate terrorists. The incident has also given credence to repeated charges made by civil rights activists in Punjab that the state Government had, in fact, created "death squads" in an attempt to neutralise terrorism.

Unlike their predecessors, SSP Avinder Singh Brar and SP, K.R.S. Gill who were gunned down in January this year, Das and Brar were not shot by terrorists. The killer this time was their own undercover operative—assistant sub-inspector (ASI) Dalbir Singh—who shot himself after slaying the two. The killing occurred not in an exposed public place but within the confines of the station house officer's (SHO) room in the high-walled Civil Lines police station in the heart of Patiala city where Dalbir had been called for an interrogation following allegations that he was indulging in criminal activities. Two jeeps full of heavily-armed security guards of the two officers were present on the premises at the time of the killing.

Adviser to the governor and former police chief Julio Ribeiro observed candidly that there was nothing "unusual" about the use

of undercover agents. He told India Today: "Police all over the world take the help of undercover people. There is no doubt about the fact that we had also been using people like Dalbir."

The practice of depending upon undercover operatives—serving policemen as well as known criminals—was started during Ribeiro's tenure as director-general of police (DGP). Ribeiro even feels that Dalbir's death has created a vacuum which will be difficult to fill. "But for the unfortunate killing of two of our officers, this would not have come out in the press at all," laments Ribeiro. Asked about the legality of such measures, he replied: "Don't governments use spy networks for collecting information? Is that legal? In fighting this undeclared war in Punjab what matters is success in tracking down killers."

DGP K.P.S. Gill also confirmed that there was a policy of creating undercover squads. Says Gill: "The security forces in Punjab can do nothing without special spotters' parties and there is no question of doing away with them."

ASI Dalbir Singh was, in fact, Ribeiro's blue-eyed boy. Astonishingly, Dalbir had been dismissed as a constable in 1983 on charges that he was involved with criminals and smugglers. It was his penchant for crime, ironically, that got him re-employment in the force. Toward the end of 1986, against every traditional norm, he was quietly recruited again as a constable. The reason: the then SSP of Amritsar, Mohammad Izzar Alam was recruiting policemen with criminal tendencies for special task force to be constituted along the lines of the Dirty Dozen.

Alam had sold Ribeiro the idea that the authorities needed to occasionally bypass the legal system if they were to get instant results in their fight against terrorism. Dalbir's job, like that of sources of others similarly recruited, was to infiltrate the ranks of terrorist outfits and get information. Other members of what are now known as the "Alam Special Forces" were detailed to track down terrorist gangs and shoot them whenever possible. But this tactic seemed destined to boomerang. For one thing, the planted vigilantes had to take part in terrorist acts including dacoities and murders. Alam had vehemently denied the existence of such a force when reports of it first appeared in the press in 1986 after some police-supported vigilantes were identified as being involved in a dacoity and murder in the Chowk Mehta area of Amritsar.

A few months later, however, Ribeiro admitted that such a force was raised without his knowledge and had been disbanded in late 1985. It now turns out that the force was never disbanded. Only, some of its more notorious members had been shifted from one district to another. Two of the most successful cops-turned-criminals Dalbir Singh and Santokh Singh Kala were shifted from Amritsar to Patiala and Jalandhar. According to senior police officers who are against such counter-terrorist tactics, Kala continues to operate in Jalandhar where he still reports to some police officers.

Supporters of the vigilante squad tactics, also known as "Alam Sena" within militant circles, aver that they have shown phenomenal results. Dalbir Singh gunned down an "A" grade terrorist Paramjit Singh in Tarn Taran soon after his re-employment. He helped in the arrest of another terrorist Charan Jit Singh from the hostel of Punjab University. He shot into prominence and became a favourite of Ribeiro after he

played a vital role in the arrest of "B" grade terrorist Balwinder Singh Binda and Har-minder Singh Banti in Chandigarh soon after Jinda's arrest in Delhi last year.

A few months later, he helped arrest Gurbachan Singh—wanted for several murders and dacoities—from a house in Mohali. The police managed to recover two Sten guns and three .38 revolvers from his possession along with Rs 38,000 in cash believed to be looted from a bank.

That Dalbir Singh was nothing short of a daredevil was proved beyond doubt when he gunned down "A" grade terrorist Surinder Singh alias K.C. Sharma in Chandigarh early this year. Dalbir had been tailing Sharma's accomplices for several weeks. He was in plain clothes when he challenged Sharma at a bus stop in Chandigarh's Sector 16, close to the official residence of the former police chief, Ribeiro. The passers by, as also a flying squad of the Union territory (UT) police mistook Dalbir for a terrorist when he emptied his gun into Sharma. With the UT police hot on his tail, Dalbir escaped by flashing his identity card and slipping into Ribeiro's house.

A beaming Ribeiro later declared in the secretariat that a "spotters' party of the special task force of the Punjab Police" had eliminated the dreaded killer. Dalbir had been given more than his just reward—two out-of-turn promotions, a jeep and two guards armed with Sten guns. Unofficially, a Maruti and a flat were also given to him. Posted in Patiala district with no official daily routine, his secret jurisdiction extended to all of Punjab and even nearby states.

But Dalbir, it was soon discovered, had been exploiting his position to maximum financial benefit. Some of the terrorists he had killed, police officers confide, were rival gangs of bank robbers who had refused to share their booty with Dalbir. He began to extort money from ordinary citizens and even became a gun for hire sought out by rival gangs of smugglers in Punjab and Jammu to kidnap and terrorize opponents.

Driven to excess, Dalbir, for a payment of Rs 50,000, raided the house of a tailor, Saghir Ahmed from Chandigarh a month later and reported the recovery of three country-made revolvers from him. The UT police, however, found out later that the recovery was a fake one. A case was registered against Dalbir in Sector 17 police station for abduction, illegal confinement and fake recovery.

The six-foot-tall and well-built favorite of his senior officers stood exposed last month as the Punjab Police was placed in the embarrassing position of taking official cognizance of Dalbir's criminal acts. Ribeiro quietly ordered SP (detective) Baldev Singh Brar to conduct a thorough inquiry against Dalbir. A few days before he was killed, SSP Sital Das was asked to disarm and suspend Dalbir from the force. A further embarrassment to Ribeiro was that Dalbir's vigilante activities in Jammu & Kashmir had resulted in Chief Minister Farooq Abdullah's imposing a blanket ban on Punjab Police's entry into his state.

Interrogations of his associates revealed that Dalbir owned houses in Patiala, Chandigarh and Mohali. He was in the process of selling his property in order to get away from Punjab and ultimately flee the country. "I would kill myself rather than letting the police find out everything about me," he had reportedly told an associate.

Dalbir contacted Sital Das on the telephone on August 18 when he was told to

report at the Civil Lines police station the next day. Sital Das, according to a police officer who was close to him, had given an assurance to Dalbir that he would protect him provided he revealed all his shady deals personally to him.

According to the new SSP, J.P.S. Virdi, the senior officers talked to Dalbir in a cordial atmosphere for more than an hour in the presence of the SHO, Gurdeep Singh and an intelligence officer, inspector Surjit Singh. Surjit left the SHO's room 10 minutes before the killings. Virdi quoted the only eyewitness, SHO Gurdeep Singh, as saying that Dalbir suddenly got up during the course of the conversation in reaction to something said by Brar, and whipped out his gun. Sensing trouble, the SHO grabbed him from behind but could not stop him from firing five rounds, of which two hit Brar and one Sital Das who was about to fire from his own revolver. Within seconds, the two officers collapsed on the floor and the SHO ran out screaming for help. According to the reconstructed scenario Dalbir took possession of the SSP's special revolver and fired two more rounds—one at Das which pierced his heart and the second into his own head.

The killing of the officers of impeccable records has raised many questions about the functioning of the police in Punjab. How an officer who was to be interrogated for serious offences was allowed to retain his service revolver is one of them. Equally important, senior police officers say on condition of anonymity that the police have no right to get dirty work done by its officers. "Can we expect our personnel to stay clean and honest when we ourselves initiate them into criminal pursuits?" asked one of them.

And disturbing questions are being raised in high government circles about the activities of other vigilant squads operating in Punjab.

In one of the cases a Congress (I) leader of Amritsar whose car has been snatched at gun point recognized the robber at the police chief's residence where he had gone to complain about the robbery. It turned out later that the car snatcher was an undercover man. On the police chief's instructions he returned the vehicle to the owner within a week. In another case, a spotter who had helped the police to recover huge quantities of arms and ammunition from a hide-out took away a truck abandoned by alleged terrorists and sold it in another town.

Senior police officers admit that the scheme of hiring criminals as spotters came under heavy attack within police circles last year. A former deputy inspector general of the Border Security Force, who was then posted at a border town had complained to Ribeiro that the police tactic was earning widespread discredit because the spotters were running amuck. Several senior officers openly voiced their disagreement with Ribeiro on this subject.

As a result, the undercover men came under stricter screening and many of them were weeded out. It was also decided to increase the remuneration given to them on the basis of their performance in order to dissuade them from looting and plundering innocent people.

Bounty hunters like Dalbir Singh earned huge amounts when those identified as killer or terrorists were either killed or captured with his help. For instance, his earning for killing K.C. Sharma: Rs 1 lakh.

And now, inquiries are pending against at least a dozen police-backed vigilantes, bounty hunters, undercover operatives and

spotters over serious charges of corruption. In the absence of political solutions, the exclusive use of an unbridled police option in Punjab has succeeded, finally, it seems in creating Frankenstein monsters for which a terrible price may have to be paid.

[From the India Abroad, Oct. 14, 1988]

BRUTAL BIDAR RIOTS FOUND PRESS AND POLICE OUT TO LUNCH

By Kulkip Nayar

The anti-Sikh riots at Bidar, in Karnataka, have many lessons for the country. The national press, which reported the protest against the defamation bill even in far-flung areas, failed to take notice of the rioting for 10 days. Not a word came out until some Sikh students reached New Delhi to tell their tales of woe.

The local correspondents of newspapers and news agencies in Bidar, who are part-timers, it appears, were late in sending their dispatches, and still worse, press telegrams were not cleared for transmission for a few days. This is not the first time that a government telegraph office has acted as censor or that a local official has given unofficial instruction not to transmit messages. I experienced this in Guwahati some time back when I filed my copy in the agitation against "foreigners" in Assam.

A GAP IN JUDGMENT

When the reports did arrive at newspaper offices, the news desks also failed to appreciate the gravity of the situation—apparently because of the delay, they tended to take the reports as "stale" news.

The national press, it is true cannot have staff in every town in the country. But even when the story appeared in some regional newspapers, correspondents of the major newspapers did not follow it up. I cannot say this was because of any communal 'prejudice'—most of the subsequent stories were categorical in blaming the Shiv Sena for fomenting the trouble. But the national press cannot absolve itself of the initial lapse. How to insure that it does not happen again is a matter the media should study.

The other lesson is the police attitude. Practically every report says that the police were either silent spectators or supported the rioters. This has come to be a pattern in every riot; the minorities, religious or linguistic, are more afraid of the police, who are supposed to be their protectors than of the hoodlums of the majority group or community.

PREDICTABLE BEHAVIOR

And it has been often noticed that when a minority has protected itself well in the first round, the police have come to the assistance of the majority subsequently. And if it is the minority that is the first to err, the police have been oppressive or even brutal in retaliation. This has been the case in Ahmedabad, Moradabad and Meerut, to cite just a few.

Whether it is because of lack of training or poor morale, the police have increasingly fallen prey to religious prejudices. At one time, constructing a temple, or mosque or a gurdwara was prohibited in the police line (or housing campuses). The central police organizations were so strict on this point that any such effort was not only thwarted but those responsible were taken to task. Now a police line—the Border Security Force (BSF) and the Central Reserve Police Force (CRPF) are no exceptions—takes pride in showing places of worship to a visiting VIP. The Bihar Military Police (BMP), the Provincial Armed Constabulary (PAC)

of Uttar Pradesh and the Gujarat police boast of temples that they set up even in the camps they pitch for temporary duties.

I thought that Communist-run West Bengal would be different, but what I saw at the police office in the Writers Building, the state government headquarters, makes me believe that the riot has set in there as well. Adorning a wall of that office, where I waited for clearance to go in to meet Chief Minister Jyoti Basu, was a huge saffron-colored paper cutout of 'Om', the religious symbol, in devanagari alphabet.

Several inquiry commissions that have gone into the genesis of specific communal riots have recommended the demolition of places of worship at the police line and setting up in their stead congregation halls for all communities where moral discourses could be held. The state governments have taken no action on this and the Center has not enforced the standing order not to build a place of worship in any police line.

The Intelligence Bureau, which should have placed such matters before the annual conference of directors general and inspectors general of police, is more concerned about the "portents of discontent" over salaries than the danger from the forces becoming parochial and communal.

GOOD WORDS FOR POLICE

The latest IB report, in fact, commends the police. It says: "Despite a sharp rise in the number of policemen killed, extensive range of threats and challenges during the past years, it must be stated to the credit of the police forces as a whole that a high sense of discipline and morale has been generally maintained."

This kind of commendation may help sustain police morale in view of their overwork and expanded duties. But unless the higher-ups are willing to call a spade a spade and come down heavily on those in the police who take upon themselves the responsibility of "safeguarding the interest" of the majority, the hot wind that is blowing through the country will not stop. In his letter to Karnataka Chief Minister Bommali, the former President, Zail Singh, has said more or less the same thing by suggesting quick action against the guilty instead of waiting for the report of the High Court judge inquiring into the riots, which may take many months.

Perhaps the most grievous lesson of the Bidar riots is that resentment against the Sikhs had spread even to remotest places in the country. In northern India, the killings in Punjab had prejudiced the minds of Hindus, although for the past one year, more Sikhs than Hindus have been killed by the terrorists. Now even the south, which has long been free of prejudice and fundamentalism, is getting contaminated.

In a country where radio and television feature many Hindu festivals and congregations and project the composite Indian culture as Hindu culture, the majority community's sense of superiority is bound to grow. And it is bound to lead to chauvinism, which will be the negation of the basic concept of Hindus. And very few people are prepared to point this out lest they offend the prevailing Hindu feeling. Political parties and leaders are too busy assessing how particular communities and castes will vote in the next election.

The climate in the country is becoming fouler and the communal cancer is spreading. Now "leaders" like Diwakar Raote, a Shiv Sena city corporation member of Bombay, are rising. To point out how dan-

gerous the new breed of leaders is, I quote what one of them told some Hindu businessmen in the city when he found them unwilling to give him money: "In one riot we slaughtered 300 Muslims and you businessmen had witnessed that with your own eyes. What have you seen till now? You are happy here in Dadar and when the same Muslims attack you and when they take away your women, then you will remember us. I am warning you that whatever we do we are paying with our own lives. Instead of giving us arms, you behave as if you were throwing 10 paise coins to the eunuch. Go. Take care of your children."

The central government cannot, however, escape the responsibility for what is happening to the Sikhs in India; this is a fallout of the Punjab problem. By his acts of omission and commission, Prime Minister Rajiv Gandhi has only aggravated the situation. Had he implemented his accord with the late Harchand Singh Longowal, the state would have been out of the mess by this time.

Even now, it is not too late to win back the confidence of most of the Sikh community, which realizes the damage the terrorists have done to it. The Akalis, divided as they are, will not be able to negotiate any settlement, and, even if they do, it will not be acceptable to the "boys," who are at the back of the violence.

The government has to take some steps unilaterally. All the Sikh leaders detained without trial at the Jodhpur should be released, as agreed to by the government at one time when Gandhi's close friend, Satish Sharma, was negotiating through Sushil Muni Jain a settlement with Darshan Singh Ragil who was then the acting chief of the Akal Takht.

In fact, all political prisoners, including Parkash Singh Badal, G.S. Tohra and Sukhinder Singh, should be released unconditionally. And the government should prosecute those guilty of the 1984 riots in which 3,000 Sikhs were killed. Once these steps are taken, the proper climate for a political solution may be created.

If not, Bidar-like happenings will continue to take place. And more and more the ineptitude of the press, the police and the prejudice of the people will be exposed to the detriment of the ideals of democracy and secularism.

[From the New York Times, June 12, 1988]

**PUNJABIS DISBAND SECRET MILITANTS
AIDE SAYS EXTREMISTS BACKED BY STATE
FAILED TO ATTACK OTHER BANDS OF SIKHS
(By Sanjoy Hazarika)**

Amritsar, India, June 9.—The Punjab Government has disbanded and disarmed a group of Sikh extremists that it has financed and armed for several months to attack and confront other militants, a top security official said today.

"It was an operation mounted with the best of intentions, in good faith, but the people running it did not know how to handle such matters," the official said. "The fellows went out of hand."

His remarks were the first official admission that the state's Government has used one band of extremists against others. The official said the group of extremists was small, not more than 14 people, led by a man named Santokh Singh Kala. Security and police officials said the group's members had not been very effective in the anti-terrorist operations.

The officials emphasized that the operation had been limited to the Amritsar

region and was viewed at first as a limited part of the Government's strategy against extremism. But strong differences among policy officials surfaced earlier this summer about the group's usefulness and led to its quiet withdrawal.

HUNDREDS OF EXTREMISTS

There are hundreds of anti-Government extremists in the Punjab, although more than 200 of them surrendered to security forces last month at the Golden Temple here, the major shrine of the Sikh faith, after a 10-day siege.

Home Affairs Minister Buta Singh and other senior officials here recently denied knowledge of the pro-Government group. But officials familiar with the secret operation said the faction had a few successes, like the one year when they ousted a group of militants based at a Sikh shrine near the Golden Temple. They said the group had killed a few suspected extremists.

The group was set up, accounting to these officials, sometime last year in Amritsar, one of the three districts in Punjab that have been worst hit by Sikh extremism. "These people were won over and willing to operate against the other groups," an official said. But they proved ineffective and they resorted over the months to robbery and extortion, the officials said.

UNDER OFFICIAL CUSTODY

"Now they are more or less under unofficial custody," said one of these officials, who added that the group's members were disarmed several weeks ago and were being detained by the central reserve police force, a para-military organization. He did not say how much the Government had paid the group.

Julio F. Rebeiro, the adviser on law and order to the state's Governor, was in Amritsar this week to supervise a Government plan to clear a corridor around the Golden Temple by demolishing scores of houses and stores in a 100-foot belt around the borders of the complex. The corridor is to be completed by the end of the year and is aimed at helping security forces monitor the movements of people around the temple.

This project was stalled Tuesday when thousands of residents and storeowners rallied in the narrow streets and bazaars around the complex, waving black flags against the Government and blocking bulldozers and trucks that had been brought there to begin the demolition. They then brought out only Sikh and Hindu books and began reciting prayers.

The Government, surprised by the outburst, hastily backed down from its plan and announced that it would first find alternative sites for stores and homes for those who would be affected by the operation.

COUNCIL OF KHALISTAN

(Key Address by Dr. Gurmit Singh Aulakh at the United Nations Building, New York, June 9, 1988.)

DEAR BROTHER AND SISTERS: Today, we are gathered here outside the United Nations Building in New York, while Mr. Rajiv Gandhi visits the United Nations to speak there.

It is a tribute to the great country we live in, the United States of America, that we can gather here, that we can demonstrate against Mr. Gandhi and his Government in peace, that no one will come to disperse us, that no one will shoot at us, that no one will mow us down with machine gun fire.

What a contrast to Amritsar in our homeland of Punjab, across on the other side of

the globe, what a contrast to India from where Mr. Gandhi has just come!

Just a few days ago, we Sikhs in America and worldwide, marked the fourth anniversary of the blackest day in our history.

It was on June 4, 1984 that the Indian Army launched its attack on our holiest shrine, the Golden Temple at Amritsar. So just a few days ago, we gathered in Washington, in San Francisco and other places to commemorate all the Sikh men, women and children who fell, and were martyred for their nation, during "Operation Bluestar."

Over here, we can live in peace. We can worship in peace, we can demonstrate in peace. Over there, even inside our most hallowed walls, on our most hallowed ground, we are not safe from fire and slaughter.

Tens of thousands of our brothers and sisters gathered 4 years ago at the Golden Temple to commemorate the martyrdom day of the fifth guru, Arjan Dev. And tens of thousands of our brothers and sisters, within a few days, became martyrs themselves.

We commemorate them, we mourn them, we remember them.

June 4, 1984, is the darkest stain on the honor of the Indian government.

For Punjab, that day was a tragedy. But for India that day was not a triumph.

As you know, the Golden Temple was attacked again not long ago, on May 9. Already, the number of our dead brothers and sisters in Punjab is over a thousand for this year alone. India has amended its constitution to allow for a state of emergency in Punjab, something which it had not been able to do in peacetime previously, except in cases of external aggression or armed insurrection. But a state of emergency will not change a thing. Emergency powers under Rajiv Gandhi's "iron fist" policy have been exercised for several years now. The only difference now is that murder has now become legal and has received the official stamp of approval.

India has also recently imposed martial law in three of Punjab's districts. It has increased the size of its occupying police and para-military forces. It is constructing a barbed-wire barrier along the border between Punjab and Pakistan. It sends out "killer squads" of self-confessed criminals and murderers to roam the streets of our towns and villages, by day and night, who proudly boast about the number of our Sikh men and women they have killed.

And some time ago, the speaker of the Indian Parliament, Balram Jakhar, declared: "We will not hesitate to kill 10 million Sikhs to keep India united."

All this bodes ill for the Sikh nation. Could it be that the Indian Government is preparing a "final solution" for the Sikh National and the Punjab problem? By "final solution" I mean what Hitler did to the Jews.

That particular "final solution" did not succeed, neither will a similar one in our homeland.

Let us remind the Indian Government of the lessons of history. Let us also remind the ordinary people of India that we have no quarrel with them, but only with those who lead them in an effort to suppress us. Let us remind everyone that a Sikh is both a soldier and a saint, for whom death has no fear, but is an honor and a salvation.

"Jis marne jag darre mere man anand, marne te hee paye pooran parma nand."

Punjab belongs to the Sikhs and has always belonged to the Sikhs. Today, as we face the supreme challenge for our nation,

our brothers and sisters are bleeding for us in our homeland, and for our future generations, so that they can live in freedom.

As they bleed for us, so must we learn to bleed for them.

The time has come for all Sikhs to unite in our common fight for the preservation and survival of our nation. No one should stand aside and watch as others fight for us.

A founding father of this great land once said that "all that is required for evil to triumph, is for good men to do nothing." Nothing worthwhile is ever achieved without a sacrifice, either in time, work, money or blood. Let every Sikh then, wherever he or she may be, join together in our united struggle as if on him or her alone shall depend victory or defeat.

Victory depends on unity. Defeat depends on discord.

The only way we will not achieve our aim of a free homeland is if we are disunited. Then we will have betrayed the blood and sacrifice of our martyrs.

We are already united under one organization, the Council of Khalistan, chosen by the Panthic committee which represents our entire nation. That unity must be cherished and preserved. We must honor the trust which our people have placed in us.

Our fight for our homeland is on two fronts; at home in Punjab, and abroad wherever we happen to live.

Few great struggles for independence have ever succeeded without some help from abroad. Long ago, France helped America in its war for independence. Recently, America helped the freedom fighters of Afghanistan.

Our mission abroad, particularly here in the United States, is to convince freedom-loving nations, that we have joined the freedom fighters of this world, that Sikhs are also freedom fighters.

This can only be done by a united and strenuous effort to inform the free world about the true situation in our homeland, about the genocide against our nation and the Government of India tries to hide it. We must shoulder together the task of countering the mighty propaganda and disinformation machine of India, which hides its own crimes and tries to blame them on us.

Before we win the battle at home, we must win the battle for public opinion abroad. And here, in the United States, each and everyone of us can play their part.

There is nothing worse than for a freedom fighter to feel abandoned by those, who may be a thousand miles away, and whose freedom he has been trying to defend.

We must remind Americans of the inscription in the Capitol in Washington which proclaims that wherever liberty is in chains, and people are fighting for it, they are fighting for America. We must remind Mr. Gandhi, and Americans, that in Afghanistan, Mr. Gandhi helped put the chains on liberty. He has never denounced the Soviet invasion of Afghanistan, and recently, he received a visit from that country's Communist dictator, Najibullah.

We must remind Mr. Gandhi and Americans that for the last 8 years, the United States has had only two allies in that region of the world, the Afghan freedom fighters and Pakistan.

We must remind Mr. Gandhi and Americans that Mr. Gandhi's representative in that building over there, at the United Nations, votes against the United States over 94 percent of the time, more often than the Soviet Union, and that his representative in that building never opposes Soviet policy, but always opposes American policy.

We must remind Mr. Gandhi and Americans that Mr. Gandhi does not admire Jefferson or Washington and their ideals of liberty, but praises Vladimir Lenin and his policies of tyranny and erects statues to him in New Delhi.

We must remind Americans that Mr. Gandhi is not a friend of this Nation, but a friend of this Nation's enemies.

Finally, we must remind Americans that Mr. Gandhi does not preside over the world's largest democracy, but over the world's largest hypocrisy.

At home in our Khalistan, we must remember that freedom is never given, it is always taken.

At home, our Declaration of Independence is irrevocable, our Khalistan is irrevocable, and our freedom is non-negotiable. Let this be clear to all: we have reached the point of no return.

Yet, although India might seek a "final solution" to the problem in land, we still seek a peaceful solution. We will negotiate. But that negotiation must be about the immediate withdrawal of Indian police and para-military forces from Punjab, and the delineation of our common borders. Once these have been established, we will live in peace with all our neighbors, including India, and with the ordinary people of India we will continue to be friends.

All this we can achieve. All this we will achieve. India must recognize the historical fact that Khalistan is inevitable. It must realize that although a crime cannot always be expiated, an error can always be corrected.

Dear brothers and sisters, by joining hands together in our common struggle, by doing our simple duty as Sikhs, we shall achieve what is legitimately ours—our land, the land of our gurus, the land which was taken away, the land which is drenched with Sikh blood, the land which is historically ours.

Long live a free, sovereign, and united Khalistan!

[From the Washington Times, Oct. 3, 1988]

GANDHI'S PUNJAB VISIT WAS STAGE-MANAGED

The Times' Sept. 22 article, "Gandhi rallies Hindus, Sikhs," is sure to give readers an erroneous impression of what really happened during Indian Prime Minister Rajiv Gandhi's recent visit to the Sikh homeland of Punjab. Webster's dictionary defines the verb "rally" as "to collect and reduce to order, as to rally troops," and secondarily, as "to gather together for mutual action."

There is no evidence in the article that Mr. Gandhi fulfilled the first sense of the term at all, or that he accomplished the second in any meaningful way. Both Sikh and Hindu sources quoted in the article suggest otherwise.

Another newspaper account made it clearer what actually occurred on the prime minister's visit. On Sept. 22 The New York Times explained that "the prime minister never came close to the people he had come to reassure," being himself "the focus of a security operation involving thousands of troops, police officers and explosives experts." It said that Mr. Gandhi spoke to a "largely passive and unenthusiastic audience that had been carefully selected and screened." It noted that "the crowd clapped on cue from a pair of hands over the prime minister's head." Then it quoted an editorial in the leading Punjabi newspaper as saying that "the credibility of the government in Delhi is on a steady downward trend."

Mr. Gandhi's stage-managed visit was clearly a charade. Why, after all, should Sikhs rally to a man who has denied them the freedoms they were promised by Rajiv Gandhi's own grandfather, Jawaharlal Nehru, and by Mahatma Gandhi, the other founder of the Hindu state?

Even as the prime minister was "rallying" the Sikhs of Punjab, 30 bodies of slain Sikh students were found on a college campus in western India, and 150 more students were reported missing.

This politically inspired mass murder of Sikh students was not reported by the Indian press and media, indicating the complete control of government over the press. The Delhi government has lost its credibility with the Sikhs.

How much longer will the Indian government continue to thwart the desire of the Sikh to be free? Independence of Sikhs from India is inevitable.

GURMIT SINGH AULAKH,
President, Council of Khalistan.

[From the Observer, Aug. 28, 1988]

ZIA CRASH: INDIA-KGB LINK BLAMED (SHYAM BHATIA AND AHMED RASHID, ISLAMABAD)

Pakistani authorities are now convinced that India's intelligence service was responsible for the crash which killed President Zia Ul-Haq, along with the United States Ambassador to Pakistan and seven generals.

A team of US experts, which has been examining the debris of the Hercules C130 which crashed shortly after take-off from the Bahawalpur air base on 17 August, has so far failed to pinpoint the cause of the crash.

After Zia was killed, the Indian Prime Minister, Mr. Rajiv Gandhi, claimed that his government was not responsible and declared three days of state mourning. But high-level Pakistani sources have noted with concern that Zia's death was preceded by the arrival in Kabul of a 300-strong team of Indian agents from the Research and Analysis Wing (RAW), India's overseas intelligence service.

Pakistan believes there is an unholy alliance between RAW, WAD, the Afghan intelligence service, and the KGB. A major-general of the KGB is said to be in charge of the operations.

Most of India's foreign intelligence effort is directed at Pakistan, and Islamabad acknowledges Indian penetration of its armed forces at lower levels. The KGB and WAD would benefit from Indian expertise in a joint operation against Pakistan.

The morning after Zia's plane crashed, 14 rockets were fired at Kemari, the huge petroleum complex at Karachi port. These rockets, for which the Pakistanis also hold the Indians responsible, did not hit their target. If they had, half of Karachi would have gone up in flames.

Pakistani press reports confirm that two Afghan army helicopters that landed by accident in the Khurram agency last week, in Pakistan's North-West Frontier province, were carrying Soviet officers and one Indian. The presence of the Indian is seen as further confirmation of collaboration between Delhi, Kabul and Moscow.

In Pakistan's disturbed southern province of Sind, Indian RAW agents have been accused of financing local separatist groups. This is said to be in retaliation for Pakistan's alleged support of Sikh extremists in the Indian state of Punjab.

Although Delhi is a predictable whipping boy for Islamabad, there is no doubt that

India and the Soviet-backed Kabul regime have been working together against the Afghan Mujahideen.

The Indians and the Afghans have a joint interest in preventing Zia-backed Islamic fundamentalists from taking over Afghanistan once the Russians have withdrawn.

Zia's publicly expressed wish was to celebrate the Mujahideens' final victory by offering prayers of thanks at the central mosque in Kabul. India was concerned that a fundamentalist victory would tilt the regional balance of power against them.

[From the Delhi Telegraph, Sept. 8, 1988]

'RESTRAIN PAKISTAN' DEMAND BY GANDHI
(By Balram Tandon)

Mr. Gandhi, Indian Prime Minister, yesterday warned "the friends and those who support Pakistan" to restrain it from supporting terrorists in Punjab before it is too late.

Mr. Gandhi, giving the traditional address by the Indian Prime Minister from the ramparts of the 16th century Moghul Red Fort in New Delhi, insisted that India could resort to very strong measures.

He warned the "friends and supporters" that they might regret it if they did not restrain Pakistan now. India was capable of meeting any challenge, he said, and was prepared to meet any eventuality.

Mr. Gandhi's theme was not wholly unexpected since he has virtually made Pakistan's support to terrorists in Punjab a major foreign policy issue.

He hammered away at the theme during his recent visits abroad, and most of his political speeches on the public platform in India are devoted to sharp attacks on Pakistan.

Mr. Gandhi's speech yesterday was an extraordinary exercise because it almost amounted to a veiled threat that the Indian government, if pushed too far, might resort to strikes against the training bases and sanctuaries in Pakistan. But he did not spell it out in so many words.

The tenor of Mr. Gandhi's speech was very similar to the tone his mother adopted on the same occasion in August, 1971.

Pakistan has always been a handy whipping boy for Indian heads of government, particularly when they run into political trouble, as Mr. Gandhi has done recently.

Yesterday, the Press Information Department had an authenticated version of the speech ready for correspondents.

SUPPORT DEMOCRACY IN HONG KONG

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. PORTER. Mr. Speaker, while democracy in Hong Kong is at risk, Prime Minister Margaret Thatcher appears content to do nothing about it. Due to the uncertainty of Hong Kong's future, 50,000 citizens are expected to flee the colony this year alone.

Yesterday, I introduced House Concurrent Resolution 393, to express the sense of Congress concerning the disturbing events in Hong Kong, and the apparent unwillingness of the London government to protect the democratic rights of Hong Kong citizens and the Western style economy that those people have so successfully established.

In 1984, Britain agreed to transfer its sovereignty over Hong Kong to China in 1997. The accord specifically provides for a government by local residents with an elected legislature and an accountable executive. In addition, the British Government promised political reform and direct elections before the colony reverted to Chinese sovereignty.

Shockingly, earlier this year the British Government bowed to pressure from the People's Republic of China [PRC] and announced that it will not permit direct elections in Hong Kong until 1991, and then only 10 of the 57 members of the Legislative Council will be directly elected.

There should be no mistake regarding the stakes in Hong Kong. Not only are the democratic rights of the over 5 million Hong Kong citizens at risk, but British policy there also has important economic ramifications for the United States. In 1987, United States total investment in Hong Kong was \$6 billion, while Hong Kong exported \$11.1 billion, or 31 percent of its exports, to the United States. Hong Kong also represents the 15th largest market in the world for U.S. exports and is in the top three markets for many U.S. building materials and agricultural products.

The resolution I have introduced, along with Representatives ACKERMAN, DORNAN, FRANK, INHOFE, LAGOMARSINO, and WAXMAN, states that it is in the U.S. national interest that there be strong, freely elected democratic institutions in Hong Kong long before 1997. The resolution urges the British Government to ensure that the 1991 election to the Legislative Council involve all members of the Legislative Council or a much higher proportion than the 10 currently planned. Finally, the resolution calls upon the President to communicate United States concerns to the PRC regarding the high degree of importance we attach to the promises of Hong Kong's democratic rights and the stability and retention of its Western economic system.

While passage of this concurrent resolution will not be possible in the closing days of the 100th Congress, its introduction now will open the debate and set the stage for a full hearing and consideration during the 101st Congress. While Hong Kong and its citizens will not officially revert to Chinese sovereignty until July 1, 1997, our response to the threat to their democratic rights and economic freedoms must begin now.

CHANGING THE RULES

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. LOTT. Mr. Speaker, I am pleased to join with the gentleman from Oklahoma [Mr. EDWARDS], the chairman of the House Republican Research Committee and its Task Force on Congressional Reform, and with the rest of our House Republican leadership, in cosponsoring House Resolution 599, the Bicentennial House Restoration Amendments of 1988, which was introduced yesterday.

This is our package of proposed amendments to House Rules that we would like to

see adopted in time for the Bicentennial Congress next year. It is aimed at restoring the legislative process by making the House and its committees more responsible, representative, and accountable to the American people. It recognizes that in recent years the House has become less deliberative and more oblique of Members' rights and orderly procedure.

The resolution I have cosponsored with the gentleman from Oklahoma contains a variety of proposals for reforming the House and restoring the legislative process. Many of these proposals are contained in measures which I and other Members have previously introduced, and some are new.

But, they all point in the same direction of a restored House, built on the strong foundation created by the framers some 200 years ago. And that foundation is the people. These reforms recognize that we best serve the people if we are more conscientious in the way we make the laws that affect them, the way in which we oversee those laws, and the way in which we spend their hard-earned tax dollars.

The reforms especially recognize the need to restore the committee process which has broken down and become so unrepresentative due to the proliferation of subcommittees and staff, the overlap of legislative jurisdictions resulting in the referral of bills to several committees, skewed party ratios, proxy voting, and one-third quorum rules.

Mr. Speaker, while I will not be in this body next year, I want to take this occasion to offer my valedictory thoughts on the need to restore orderly process in the House.

THE IMPORTANCE OF RULES

Mr. Speaker, Thomas Jefferson, in the first section of his "Manual of Parliamentary Practice", which is today officially incorporated as part of the rules of the House [Rule XLII], offered the following observation:

It is much more material that there should be a rule to go by than what that rule is; that there may be a uniformity of proceeding in doing business not subject to the caprice of the Speaker or capriciousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body.

As a Member of the Rules Committee since 1975 I have viewed with concern the increasing departures from our standing rules and the way they have contributed to a breakdown in orderly procedure and Members' rights, just as Jefferson warned.

Jefferson's maxim goes to the very heart of modern day parliamentary practice: An established, understandable and acceptable body of rules is essential to the proper functioning and survival of a legislative body. It helps to ensure a uniformity in proceeding and the protection of Members against the arbitrary exercise and abuse of power.

THE ROLE OF THE RULES COMMITTEE TODAY

And yet, ironically, the Rules Committee, which was originally established in 1789 to draft the standing rules of the House, and performed that function exclusively for nearly a century, is today practically prohibited by the Democratic caucus from recommending any permanent improvements in the way the House and its committees operate.

That function is instead performed today by a secretive task force of the Democratic caucus whose recommendations are ratified by the caucus in closed session, and then rammed through the House on the opening day of a new Congress with only 1 hour of debate, no amendments, and no opportunity for input by the minority party.

The Rules Committee today is occupied almost entirely with writing exceptions of the rules. These exceptions are commonly referred to as "order of business resolutions," or "special rules" which provide for the consideration of legislation.

Mr. Speaker, I think most Members agree on the need for one such exception to the rules, which was the original purpose of these order of business resolutions when they were first used in the latter part of the last century. That is the need to make certain business privileged so that it can be brought up for consideration according to the schedule set by the leadership. That departure does ensure a uniformity and regularity in House business, and therefore conforms to Jefferson's idea of why rules are necessary.

But, many of these same order of business resolutions, or rules, go on to set aside other standing rules in ways that trample upon the rights of Members and the concept of orderly process. As such, they contribute to a breakdown in the order, decency, and dignity of the House, and thereby violate Jefferson's notion of the legitimate function of rules.

I would like to focus the remainder of my remarks on four such departures from our standing rules and orderly process and the way in which our reform package would address those departures. I am referring specifically to the practice of limiting amendments, denying the minority party's right to get a final vote on its alternative legislation, so-called self-executing rules, and waivers of the Budget Act.

RESTRICTIVE RULES

Mr. Speaker, there is nothing new about special rules which limit the amendment process, though when I first came to this House in 1973, they were used almost exclusively for tax bills. The justification was that you couldn't open up the entire Internal Revenue Code for amendment on the House floor.

But, over the ensuing years, the number of such restrictive rules began to grow. This was perhaps due in part to the initiation of the multiple referral of bills to more than one committee beginning in 1975 and the need to better structure an amendment process in which several committees were involved. But, that can't be the main reason for the growth of restrictive rules since, even in the 95th Congress, 1977-78, restrictive rules comprised only 12 percent of total rules reported. The trend toward restrictive rules steadily increased over the following years until today, as table 1 shows, they comprise 43 percent of the total.

TABLE 1.—OPEN VERSUS RESTRICTIVE RULES, 95TH-100TH CONGRESS

Congress (years)	Total rules granted ¹	Open rules ²		Restrictive rules ³	
		Number	Percent	Number	Percent
95th (1977-78).....	241	213	88	28	12
96th (1979-80).....	198	161	81	37	19
97th (1981-82).....	112	90	80	22	20
98th (1983-84).....	145	105	72	40	28
99th (1985-86).....	101	65	64	36	36
100th (1987-88).....	138	79	57	59	43

¹ Total rules counted are all those reported from the Rules Committee which provide for the initial consideration of legislation, including rules on appropriations bills. Not included are special rules on conference reports, Senate amendments, etc.

² Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with House Rules.

³ Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules.

[Prepared by Minority Counsel, Subcommittee on the Legislative Process, Committee on Rules.]

Sources: Survey of Activities, Committee on Rules, 95th-99th Congresses; "Notices of Action Taken," Committee on Rules, 100th Congress (as of Oct. 21, 1988).

The majority would have us believe that such rules have become necessary for management and efficiency purposes, and there is some justification for such a claim. But, it should be added that they are often used for political management purposes, to structure the amendment process to the advantage of the majority party and to prohibit certain amendments from being offered because they might be politically embarrassing or they might even pass. Procedure is used to shape the substantive outcome on legislation.

But, whatever the rationale for such restrictive rules, the fact remains that the American people are the losers because they are being disenfranchised in the process. Their Representative is being denied the right afforded a few to offer amendments; and they are being denied a vote on amendments which have been prevented from being offered.

As I have indicated on previous occasions, not all restrictive rules are bad. We have supported several on this side because we have recognized the necessity to structure the amendment process on some of these omnibus bills, and because on such occasions the majority has worked with the minority in fashioning a fair rule that accommodates most of the legitimate amendments Members wish to offer.

House Resolution 599, therefore, does not propose to completely prohibit restrictive rules. Instead, it would simply incorporate into House Rules something which is now required by the Democratic Caucus rules but often ignored by the Rules Committee. That is a requirement that no such rule could be considered unless the Rules Committee chairman notifies the House at least 4 legislative days prior to a meeting that less than an open rule might be granted on a bill. This should allow Members sufficient time to prepare their amendments and the bipartisan leadership to cooperate in fashioning a rule that is fair to all.

If such notice is not given and the Rules Committee attempts to report a restrictive rule anyway, a point of order would lie against the consideration of the rule. Our proposal is not intended to imply that we are now resigned to even more restrictive rules. To the contrary, we should move in the opposite direction and reduce considerably the reliance on these

rules. But, in the rare instances where such rules are necessary and justified, we should establish an adequate notice requirement.

SELF-EXECUTING RULES

Another device that has been increasingly used to deny votes on substantive amendments is the so-called "self-executing rule" whereby the adoption of the order of business resolution constitutes the vote on adopting a particular legislative provision as well. Prior to this Congress, such rules were only used for incorporating purely technical amendments in a bill or, in the waning days of a session, for saving a vote on the final passage of conference reports.

But, this Congress has witnessed a quantum leap in the use of such rules to adopt substantive amendments and thereby prohibit a separate vote on the provision. Again, as with restrictive rules, this is being done increasingly for political protection.

My colleagues will note from table 2 that such self-executing rules were practically nonexistent in the 95th through 98th Congresses. But, in the last Congress there were 20 such rules comprising 12 percent of the total, and in this Congress there were 26 such rules comprising 16 percent of the total.

TABLE 2.—SELF-EXECUTING RULES, 95TH-100TH CONGRESSES

Congress	Total rules granted ¹	Number of self-executing rules ²	As percent of total rules
95th.....	256	1	0
96th.....	259	0	0
97th.....	152	2	1
98th.....	190	5	3
99th.....	164	20	12
100th.....	165	26	16

¹ This includes all rules granted by the committee.

² Self-executing rules are defined here as those order of business resolutions which provide for the automatic adoption of an amendment (or other matter) upon the adoption of the rule, thus eliminating the need for a separate vote on the substance of the matter, e.g., "Upon the adoption of this resolution the amendment printed in section 2 of the report to accompany this resolution shall be considered to have been adopted in the House and in the Committee of the Whole." Rules containing more than one self-executing provision are still only counted once for purposes of this table.

[Prepared by Minority Counsel, Subcommittee on the Legislative Process, Rules Committee.]

Sources: Survey of Activities, Committee on Rules, 95th-99th Congresses; Legislative Calendars, Committee on Rules, 95th-99th Congress; "Notices of Action Taken," Committee on Rules, 100th Congress (as of Oct. 21, 1988).

House Resolution 599 would place severe restrictions on such self-executing rules by requiring a two-thirds vote of the House to consider any order of business resolution which provides for the automatic adoption of any amendment, measure, or conference report. This is comparable to the existing House rule which requires a two-thirds vote to consider any rule on the same day it is reported.

And, incidentally, House Resolution 599 would also amend that so-called same-day rule to which I just referred by making it clear that a rule can not be considered on the same calendar or legislative day it is reported except by a two-thirds vote. My colleagues will recall that last October a second legislative day was created on the same calendar day to permit the consideration of a second reconciliation rule by simple majority vote. This rule change would prohibit such shenanigans in the future.

INSTRUCTIONS ON MOTIONS TO RECOMMIT

Mr. Speaker, another device used with increasing frequency in the past two Congresses is the denial to the minority of a motion to recommit legislation with instructions in the form of a final amendment. As table 3 shows, such denials were virtually unheard of until 1985. In that 99th Congress instructions were denied on 12 occasions; and in this Congress on 18 occasions.

TABLE 3.—RULES PROHIBITING INSTRUCTIONS IN MOTIONS TO RECOMMIT 95TH–100TH CONGRESSES

Congress	Total rules granted ¹	Rules denying recommit instructions ²	As percent of total rules
95th.....	241	0	0
96th.....	198	1	1
97th.....	112	0	0
98th.....	145	0	0
99th.....	101	12	12
100th.....	138	18	13

¹ Only rules providing for the initial consideration of legislation are included and not rules providing for consideration of conference reports or Senate amendments to a House-passed bill.

² Rules denying instructions are confined here to those which prohibit motions to recommit with instructions to report back "forthwith" with a further amendment to the measure.

[Prepared by Minority Counsel, Subcommittee on the Legislative Process, Committee on Rules.]

Sources: Legislative Calendars, Committee on Rules, 95th–99th Congresses; "Notices of Action Taken," Committee on Rules, 100th Congress, as of Oct. 21, 1988.

Mr. Speaker, House rule XI, clause 4(b), prohibits the Rules Committee from denying a motion to recommit as provided by clause 4 of House Rule XVI. While clause 4 of rule XVI gives priority recognition for offering a motion to recommit to a Member opposed to the bill and provides for 10-minutes of debate on a motion to recommit with instructions, a strange interpretation has crept into usage that the Rules Committee may somehow prohibit a motion to recommit with instructions.

Moreover, the legislative history behind the current motion to recommit makes clear that the intent was to permit the minority one final opportunity to get a vote on its position on a bill. According to Speaker Joe Cannon, in 1904, the original purpose for motions to recommit was to give the House a last chance to "cure a mistake, if perchance any had been made in the engrossment of a bill, or a mishap to it." But, in 1909 the rule was changed to give the motion to one opposed to a bill rather than one friendly to it.

According to the history of the rule as found in "Cannon's Precedents," volume 8, section 2757, "This amendment is intended to insure recognition of a Member actually opposed to the measure and afford the House a last opportunity to express its preference on the final form of the bill."

The author of the rule, Representative John Fitzgerald, during debate on its adoption, made quite clear what was intended when he said of the existing situation:

Under our present practice, if any Member desires to recommit with instructions, the Speaker instead of recognizing the Member desiring to submit a specific proposition by instructions, recognizes the gentleman in charge of the bill.

And Speaker Crisp is quoted in 8 Cannon's, section 2727, as saying:

The object of a motion to recommit is clearly to give the minority of the House * * * a chance affirmatively to go on record as to what they think this legislation to be, and if a motion does not permit that, then the motion is futile.

And yet, despite this clear legislative history and intent that the minority be permitted a right to offer a substantive change in the bill in the form of recommit instructions, the Rules Committee has dictated on 18 occasions in this Congress alone that the motion be rendered futile by prohibiting instructions.

For this reason, House Resolution 599 would restore that original intent by making it clear in the rule that the Rules Committee could not report any order of business resolution which prohibits a motion to recommit, including one with instructions in the form of an amendment.

BUDGET WAIVERS

Finally, Mr. Speaker, we continue to be disturbed by the number of times the Rules Committee waives provisions of the Budget Act, either directly or by waiving all points of order. It has become so routine that the Budget Act has been rendered almost meaningless. As my colleagues will note from table 4, in the last Congress such waivers comprised 65 percent of all rules, and in this Congress they constitute better than half.

TABLE 4.—BUDGET ACT WAIVERS REPORTED IN HOUSE, 96TH–100TH CONGRESSES

Budget Act section waived	96th Congress	97th Congress	98th Congress	99th Congress	100th Congress
302(a) ¹					1
302(c) ²				2	5
302(f) ³				19	11
303(a) ⁴	9	12	48	25	2
305(a) ⁵		1	1	1	1
311 ⁶	5	15	12	21	4
401(a) ⁷	23	21	6	5	1
401(b) ⁸	13	7	10	6	1
402(a) ⁹	77	42	54	27	
Budget waivers.....	127	98	133	106	37
Blanket waivers ¹⁰	0	4	4	28	47
Total waivers.....	127	102	137	134	84
Total rules reported.....	259	152	190	164	165
Waivers as percent of rules.....	49	67	72	82	51
Waivers minus section 402(a) ¹¹	50	60	83	107	84
Non-section 402(a) waivers as percent of rules.....	19	40	44	65	51

¹ Sec. 302(a) requires that the joint explanatory statement on a budget resolution conference report include an allocation by committee of outlays, and a new budget, entitlement, and credit authority.

² Sec. 302(c) prohibits the consideration of any legislation reported from a committee which has not filed its section 302(b) suballocations.

³ Sec. 302(f) prohibits the consideration of legislation which exceeds a committee's sec. 302(b) suballocation for discretionary new budget authority, new entitlement authority, or new credit authority.

⁴ Sec. 303(a) prohibits the consideration of legislation providing new budget authority, new entitlement authority, new credit authority, or a change in revenues or public debt before the budget resolution for that year is adopted. [Note.—This provision was modified with the enactment of Gramm-Rudman-Hollings I, to exempt from the point of order any appropriation bill considered in the House after May 15th, even though a final budget resolution is not in place. (Public Law 99-177, effective Dec. 15, 1985).]

⁵ Sec. 305(a) prohibits consideration of a budget resolution prior to the sixth day after it is reported.

⁶ Sec. 311 prohibits consideration of any legislation which would exceed the outlay ceiling or revenue floor contained in the most recent budget resolution.

⁷ Sec. 401(a) prohibits consideration of legislation providing new contract or borrowing authority not provided for in appropriations acts.

⁸ Sec. 401(b) prohibits the consideration of legislation providing new entitlement authority which becomes effective during the fiscal year which ends in the calendar year in which the bill is reported.

⁹ Sec. 402(a) prohibits the consideration of any bill authorizing new budget authority for a fiscal year if not reported on or before May 15th preceding the beginning of such fiscal year. [Note.—This provision was repealed with the enactment of Gramm-Rudman-Hollings I on Dec. 15, 1985].

¹⁰ Blanket waivers counted here are those provisions in a rule which waive all points of order against a bill or committee amendment in the nature of a substitute made in order as original text for amendment purposes. Not only do blanket waivers set aside all standing House rules, but all provisions of the Budget Act as well.

¹¹ To provide a constant for comparison purposes, sec. 402(a) waivers have been subtracted from total waivers here because the section was repealed on Dec. 15, 1985 (see ff. 9 above).

Sources: Legislative Calendar, Committee on Rules, 96th–99th Congresses; Survey of Activities, Committee on Rules, 96th–99th Congresses; "Notices of Action Taken," Committee on Rules, 100th Congress, as of Oct. 21, 1988.

It doesn't make sense to have such points of order to supposedly put teeth in the budget process, if we are going to remove them at every other opportunity, like a set of painful dentures, and leave them soaking in glass up in the Rules Committee.

Under House Resolution 599, House Rules would be amended to require that any report from the Rules Committee on a rule that waives any provision of the Budget Act would be required to include an explanation and justification of the waiver, together with a summary or text of any comments received from the Budget Committee regarding the waiver. In addition, a separate vote could be demanded on the waiver provision on the rule, and the waiver would have to be adopted by the requisite number of votes required by the Budget Act for such a waiver.

Hopefully, these two changes will make committees more cognizant of potential Budget Act violations prior to reporting bills, and, if they don't remedy these violations prior to reporting, will make the House more aware of just how the Budget Act is being transgressed. In these ways we should be able to restore the enforcement mechanisms of the budget process so that they are once again meaningful and effective.

CONCLUSION

Mr. Speaker, I will miss this House, despite all its faults. This still is the world's greatest legislative body. But, what we are saying in the "Bicentennial House Restoration" package is that it can be made even better by shoring up the committee system and restoring the legislative process so that it once again serves the people in a more deliberative, responsible, and representative fashion.

I urge my friends on the majority side to seriously consider the adoption of this reform package as the best possible way to commemorate the 200th anniversary of the people's House.

FESTIVAL OF TREES

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. SHAW. Mr. Speaker, I would like to take this opportunity to pay tribute to the Fort Lauderdale Museum of Art for its sponsorship of the second annual "Festival of Trees."

This fun-filled 4-day extravaganza, which takes place from December 1, 1988, through December 4, 1988, showcases a winter wonderland of decorated trees, wreaths, Menorahs and holiday vignettes. A variety of entertainment as well as many of Florida's most prominent designers will be present to add to the holiday spirit and visitors' enjoyment.

Last year's inaugural event was a tremendous success with the proceeds benefiting the Fort Lauderdale Museum of Art and this year's event is sure to be even better.

I would like to congratulate and commend all who have helped to put together such a great community event.

THE HOSTILE FIRE PAY AMENDMENT OF 1988

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. PANETTA. Mr. Speaker, I rise today to introduce a bill to amend section 310 of title 37 of the United States Code that I believe will, at least, insure the constructive use of the War Powers Resolution. It is imperative in these days of worldwide hostilities and worldwide American commitments to keep Congress informed and to insure that it is a participant in the decisionmaking process to any introduction of U.S. military forces. It's the purpose of this bill to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of U.S. Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations.

The War Powers Resolution states that the President in every possible instance shall consult with Congress before introducing U.S. Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated.

This bill will require a Presidential report under section 4(a)(1) of the War Power Resolution whenever the Secretary of Defense designates any area of the world as a "hostile fire zone" where U.S. military personnel are introduced and receiving "hostile fire pay."

Hostile fire pay, as stated in section 310 of title 37 of the United States Code, certifies special pay for members of the uniformed service who are on duty in an area in which they were in imminent danger of being exposed to hostile fire or explosion of hostile mines or are on duty in a foreign area in which they are subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or war-time conditions.

In 1973, Congress saw that its power to declare war beginning to succumb to the President's power to make war. Vietnam brought a vivid picture of confusion and loss of control by this legislative body. Information on the extent of the hostilities and the U.S. role was scarce or nonexistent at the beginning of our involvement.

The Gulf of Tonkin resolution was certainly a good example of the danger of not informing Congress of the true nature of the conflict. The Gulf of Tonkin resolution, designed to support our military forces in Indochina by delegating vast authorities to the President, passed just 8 day after the reported conflict between the U.S.S. *Maddox* and North Korean Naval Forces.

Congress had passed similar resolutions before such as the defense of Formosa in

1955, and "fight if we must" resolutions on Cuba and Berlin. After the passage of the Gulf of Tonkin resolution on August 10, 1964, America's involvement became rapid. As Senator Javits later would write:

It began to appear that the Tonkin Gulf resolution actually was being used to justify the involvement of 500,000 American troops, bombing raids conducted on a larger scale than the attacks mounted in 4 years of the Second World War and the expenditures of 50,000 lives. Luck had run out and Congress had paid too little attention to the possibilities inherent in blanket authorizations.

But we only have to go back as far as 1987 to see what kind of inherent danger exist when the executive branch has a free reign over the introduction of our military forces into hostile areas. The decision to escort Kuwaiti oil tankers was solely in the hands of the President. Congress has supported this action based on the right to the use of international waters. However, Congress does not support the introduction of 40 U.S. warships and 40,000 American troops at a cost to the American taxpayer of \$1.8 million per day without consultation.

I joined 108 of my colleagues in a lawsuit against the administration, contending that the entry of United States warships into the Persian Gulf on July 22, 1987, constituted the introduction of United States Armed Forces into imminent hostilities and thus triggered the War Powers Resolution. The courts ruled, however, that this was a political issue that must be worked out between the two other branches of Government. It is my hope that this piece of legislation will create the necessary vehicle whereby a resolution can be found on the war powers issue by using requirements of already existing statutes of the Department of Defense. The Defense Department, being the most knowledgeable body in the U.S. Government of our military operations, has also realized the danger our military forces are facing everyday. As a result, all United States military personnel stationed in or around the Persian Gulf are currently receiving hostile fire pay, and deservedly so.

The Persian Gulf is only one of many examples where the executive branch has failed to consult Congress when U.S. forces are introduced into imminent hostilities.

The plan to introduce troops into Lebanon as part of a multinational peacekeeping force is another clear example of the administration's disregard for the role of Congress in the decisionmaking process when we tragically sent our troops to the shores of Lebanon. President Reagan consulted congressional leaders on July 6, 1982, after the plan had been publically announced, and after leaks in the Israeli press indicated that he had approved the plan to send troops on July 2.

In 1983, President Reagan met with several congressional leaders at 8 p.m. on October 24 to inform them of the invasion of Grenada. This was after the Presidential directive was sent ordering the landing of a large scale U.S. invasion force.

There are present day examples that show the necessity to have Congress have a hand in shaping our foreign policy. Rebels inside El Salvador have stepped up attacks on government positions throughout the country in their ongoing civil war. They have caused extensive

damage and have stated as one of their intentions to fight until all United States military advisers are out of El Salvador. Reports of illegal participation in these clashes between rebel and government forces by U.S. military advisers in El Salvador have become more frequent. So what are our advisers doing down there? Congress has the right and the need to know the answer to that question. How are we going to make responsible foreign policy decisions when we may not know the precise role of our forces, not just in El Salvador, but all over the world? Currently, those military advisers stationed throughout El Salvador are receiving hostile fire pay.

We can all see the inherent danger when the full authority to introduce U.S. military personnel is solely in the hands of one person. The framers of the Constitution realized this danger when they provided for the U.S. Congress to have an equal say in the decision to send our young men and women into a hostile area.

The conditions in the Persian Gulf and El Salvador certainly satisfy the requirements in section 310 of title 37 for our men to receive hostile fire pay. Those conditions also satisfy the same requirements for the President to consult and report to Congress under the War Powers Resolution.

Clearly, hostilities are indicated in those areas of the world where our troops are receiving hostile fire pay. This is recognized by the Defense Department's own admission by its recognition that these men and women who are faced with real or imminent danger while serving the interests of the country are receiving hostile fire pay. Congress must maintain its constitutional right to participate in foreign policy decisions that will affect the entire country. As Representatives, we have the responsibility to ensure that those policy decisions are made with the combined input of both the executive and legislative branches of the U.S. Government.

The text of this resolution follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REQUIREMENT TO SUBMIT REPORT UNDER WAR POWERS RESOLUTION.

(a) AMENDMENT TO TITLE 37, UNITED STATES CODE.—Section 310 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(e) If payments are made to members of the armed forces under this section by reason of subsection (a)(2) or (a)(4) and the area in which the members are serving is declared a hostile fire zone by the Secretary of Defense, the President shall promptly within 48 hours submit a report to Congress under section 4(a)(1) of the War Powers Resolution (50 U.S.C. 1543(a)(1))."

(b) EFFECTIVE DATE.—Subsection (e) of section 310 of title 37, United States Code, as added by subsection (a), does not apply with respect to any hostilities, or situations where imminent involvement in hostilities is clearly indicated by the circumstances, that exist on the date of the enactment of this Act.

THE WILDERNESS ON WHEELS FOUNDATION

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. HEFLEY. Mr. Speaker, I rise today to share with my colleagues an inspiring example of good will in action.

Energetic volunteers around my home State of Colorado are offering the gift of outdoor recreation to a group of people for whom wilderness areas are normally inaccessible—those confined to wheelchairs.

With only private donations and volunteer labor, the Wilderness on Wheels Foundation has built 8 miles of wheelchair accessible boardwalks and trails that stretches along the beautiful country of Colorado. The site features a number of campsites with raised decks for tents, fire rings, and picnic tables. There is also a fishing pond stocked by the State Division of Wildlife.

This wonderful facility is not just a place for the disabled, it's a place where the disabled can enjoy being outdoors with their families. There are over 30 million disabled people in this country. Many of whom thought that when they became disabled, they would never have the opportunity to enjoy the outdoors in this way again.

The Wilderness on Wheels Foundation's mission is to foster wilderness-access projects whenever and wherever they can. Mr. Speaker, I hope that my colleagues will take the initiative to find out more about how they can bring such a great facility to their own States.

DECLARATION BY PRESIDENT ORTEGA

HON. JACK DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. DAVIS of Illinois. Mr. Speaker, I would like to take this opportunity to draw your attention to an ominous declaration by Nicaraguan President Daniel Ortega. Today, October 21, Ortega declared a nationwide "state of emergency." This state of emergency, which invokes a suspension of the press and other common liberties, is the culmination of weeks of tightened control by the leftist government of Mr. Danny Ortega. And what, you may ask, is the *raison d'etat* for this state of emergency? The reason is clear. It is the logical response to the threat of a hurricane over 200 miles off the Nicaraguan coast. The anomalies of the environment have inspired a tightening of all freedoms in Nicaragua. Is it possible that Danny Ortega thinks that if he controls the parties that oppose him, the voices that speak against him, that in effect he can control the winds of natural disaster?

The cease-fire of this summer was a hopeful indication that the Contras and the Sandinista government could reach some diplomatic conclusion to the difficulties that have ravaged the small country of Nicaragua. Yet, the Sapoa Agreement, the Arias Plan, and the

cease-fire have neither brought civil liberties nor have they guaranteed human rights in Nicaragua. In fact, within weeks of the cease-fire the Sandinistas shut down the largest opposition rally to have taken place since 1984, as they barraged the demonstrators with tear gas and bully clubs. The Sandinistas closed Radio Catolica, suspended *La Prensa*, and ousted the U.S. Ambassador and eight of his aides under false accusations that they had "incited" the opposition.

Whether or not you believe in giving aid to the Contras is irrelevant. We are not discussing "humanitarian" aid; we are not discussing military aid. What we are talking about are basic human freedoms. I think it is anachronistic to decry the South African Government with stark claims of human rights abuses and not to speak up about the Sandinista government in Nicaragua.

We must speak up now. Every person who feels a moral tug about South Africa should feel at least this same concern about Nicaragua. Unlike South Africa, Nicaragua is not a politically palatable topic of discussion. However, the people of Nicaragua—all of them, leftists and rightists alike—deserve the attention of a concerned Congress that sees real issues in international affairs and not only real politics.

I have seen the Borge prisons of Nicaragua, and I know what life without human rights and political liberty looks like. We should be aware of these violations in Nicaragua. We should hope that the only oppressive winds that will someday blow on those southern shores are the winds of storm, and not of political turbulence.

On July 13, 1988, the Chicago Tribune hit the nail on the head when the editors wrote of the Sandinista regime, and I quote: "A regime that silences its critics is one whose greatest fear is the truth."

CONGRATULATIONS ATLANTA UNIVERSITY

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. LEWIS of Georgia. Mr. Speaker, it is with great pride and pleasure that I rise today to congratulate Atlanta University on its 123d Charter Day. Founded in 1865, Atlanta University has a long, distinguished, and unrivaled history in higher education. It is the oldest graduate school in our Nation serving a predominantly black and Third World student population.

Atlanta University attracts internationally known scholars and students from around the world. It has produced such giants as W.E.B. DuBois, James Weldon Johnson, Clarence Bacote, Hylan Lewis, and Samuel Nabrit. The influence of the university has been extended through such professional journals and civil rights organizations as *Phylon* and the National Association for the Advancement of Col-

ored People, both of which were founded at this site.

Atlanta University's students and faculty have been at the forefront of the struggle for civil rights in our Nation and nation's abroad. Its graduates have excelled in all fields—varied arts, medicine, law, politics, sociology, and political science—to mention a few.

Mr. Speaker, my colleagues, Atlanta University is to be commended for the important contributions, leadership, and foresight which it has provided—and will continue to provide—not only to higher education, but to the quality of life for so many people.

I know you join me in congratulating Atlanta University on its 123d Founders Day.

GALLAUDET UNIVERSITY—A COMMUNITY OF EXCELLENCE

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. GUNDERSON. Mr. Speaker, It reminds me of a Norman Rockwell painting, an image nearly universal on every college or university campus in America. Pep rallies, presentations, sporting events, class reunions, parades, alumni dinners, queen coronation, and of course on a crisp Saturday afternoon the "big game"—Homecoming.

Homecoming—a sequence of days in the fall semester dedicated to reminiscing about bygone days at our alma mater, surrounded by youthful coeds absorbing and experiencing their collegiate years to the fullest. Homecoming, a lighthearted connection between an institution's history, tradition, and future.

All this and more will be captured this week on the campus of Gallaudet University for "University Week—A Community of Excellence." Yes, the kickoff rally has been held, presentations have been made by guest speakers, the homecoming queen and court is about to be named, and of course the Gallaudet Bisons only have victory on their mind as they set to face New York Maritime on the gridiron this coming Saturday afternoon.

This "University Week" on the Gallaudet campus, however, takes on much greater significance. This week is extremely special and unique because it signifies the celebration of a new beginning—a new and proud chapter in the annals of Gallaudet. The true milestone of Gallaudet's 1988 "University Week" will commence on the morning of Friday, October 21, 1988, with the inauguration of a Gallaudet graduate, Dr. I. King Jordan, Jr., as the eighth president of Gallaudet University, and the first deaf president in Gallaudet's 124-year history. This inauguration is a shining moment that the deaf and hearing impaired community shares with us all.

Dr. Jordan has an outstanding record of commitment and dedication to the Gallaudet

community. Since 1973, he has been an educator in the psychology department, and most recently dean of the College of Arts and Sciences. With his excellent record, there is no doubt in my mind that Dr. Jordan will work diligently with central administration, the faculty, staff, and students to shape a bright future for Gallaudet, and continue down a road of excellence for years to come. This "University Week" truly is a "celebration of excellence" at Gallaudet.

Mr. Speaker, it is a distinct privilege for me to serve as a congressional trustee of Gallaudet, and I extend my most heartfelt congratulations to Dr. Jordan, and wish him well in his service as the eighth president of Gallaudet University.

Thank you, Mr. Speaker.

TELEOMETRICS INTERNATIONAL—FAITH IN THE AMERICAN WORKER

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. ARCHER. Mr. Speaker, in the early 1980's, Ford Motor Co. suffered losses of over \$3 billion. Many automotive industry analysts considered Ford's problems to be a natural result of low morale within the company and poor management.

By 1987, Ford reemerged as a leader among America's automakers, rising to profits of over \$3 billion. Today, it is the most profitable company in its industry domestically, and is widely recognized for high-employee morale, sleek, well-designed products, and effective management. This year, Ford's sales and profits figures are expected to be even more impressive.

Ford's turnaround was no accident. It resulted from a lot of hard work and I'm pleased that a small behavioral sciences and management training firm in the Woodlands, TX—called Teleometrics International—played a major role in it.

Teleometrics International is a unique management consulting firm, because Teleometrics starts its work from one core principle—the people at Teleometrics believe that people are inherently competent and eager to do a good job. Releasing this untapped human potential is the real solution to the problems of low productivity and morale.

This philosophy is a return to the basic American spirit of business and achievement that has brought this country to greatness. Belief in and reliance on the individual, and not on elaborate government or corporate bureaucracy, is a far more efficient and effective way to achieve the goals that brings individuals together. Teleometrics utilization of this philosophy has helped to bring a major American corporation from the bottom of its industry to the top, saved thousands of jobs and generated billions of dollars in taxable income. I would therefore like to call to the attention of my colleagues the outstanding work of the people of Teleometrics International, and I

invite my colleagues to join with me and Teleometrics in recognizing the value of this idea of reliance on the individual, not only in business, but in Government policy as well.

WINNING THE WAR AGAINST DRUGS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. GARCIA. Mr. Speaker, I would like to take this opportunity to introduce into the RECORD a recent article out of the New York Observer. The article features the enormous development and expansion of the Nation's first residential drug treatment facility and its president, Dr. Mitchell Rosenthal.

The Phoenix House Foundation 21 years ago was a program with six addicts who had pooled their welfare checks to live together with the help of physicians and city social workers to overcome their drug abuse habits. Through the leadership of Dr. Mitch Rosenthal, Phoenix House now has eight locations in New York and California and has treated over 38,000 addicts since its inception.

I urge my colleagues to read the following article. It is an inspiring message of success and determination that addresses the national epidemic of drug addiction. I commend Phoenix House and Mr. Rosenthal for the hardwork and dedication devoted toward eliminating drugs from our streets and classrooms and helping win our "War on Drugs".

PHOENIX HOUSE: SIX ADDICTS TO \$7.5 MILLION REALTY DEALS

PRESIDENT OF THE DRUG REHABILITATION FOUNDATION GETS SOME OF HIS BEST WORK DONE AT 21 CLUB

(By Lou Chapman)

Dr. Mitchell Rosenthal, clean-shaven, deeply tanned, his wavy black hair neatly trimmed, sat in a chair on the rooftop patio of the Upper West Side building that houses the headquarters of Phoenix House, the drug rehabilitation program he created more than 20 years ago and has run ever since.

"I love things that work well," said Dr. Rosenthal, 53, his voice quite, his delivery measured, his brown eyes watching his listener. "A camera, a bicycle . . . I've had so much fun with gadgets over the years. I like things that work."

By Dr. Rosenthal's standards, Phoenix House Foundation Inc. works, and works well. For the foundation's 21st annual meeting on Oct. 5, the auditors' report was prepared by Deloitte, Haskins & Sells, one of the nation's top accounting firms. Five days earlier, Dr. Rosenthal testified against the legalization of drugs before the House Select Committee on Narcotics, Abuse and Control. And Phoenix House's plans for the future include a treatment center in California named for First Lady Nancy Reagan.

Dr. Rosenthal earns a salary well into six figures to run what has grown to be the nation's largest network of therapeutic communities, where people live together in a very structured, hierarchical organization. With a budget last year of \$15 million, Phoenix House is a changing, growing network of residential and part-time centers whose methods are still being debated

within the medical community and whose results some say are unproved.

ORDER AND ORGANIZATION

Outside the medical community, new Phoenix House facilities continue to be fought tooth and nail by people afraid of having a drug rehabilitation center plopped down in their backyards.

The leader of this sprawling institution has been described as dedicated, creative and arrogant, a man of order and organization.

He has nurtured a vast network of social alliances and "balanced" political contacts helping to raise more than \$1 million in private contributions last year, about 7 percent of the budget. Most of the organization's expenditures are for what are called "functional expenses," including salaries and benefits. It holds an annual "corporate dinner," and is has sponsored art auctions and auto races. "We in that regard are no different from a Columbia University, or N.Y.U. or Mount Sinai," Dr. Rosenthal said.

If he is endorsed by high society, Dr. Rosenthal also appears to be appreciated by the cops on the beat where he has opened his homes for men and women seeking to break their addiction to drugs.

"I can't recall the community getting bent out of shape because of who they are and what they represent," said Det. Vincent Lupicino, who has worked in the West Side's 20th Precinct 29 years and is its public affairs officer. Phoenix House began in the 20th Precinct. "Is it conceivable that a guy went off the wall after dropping out of the treatment, or needed a few bucks when he left and did something he shouldn't have?" the detective said. "Sure, that's possible, I'm not going to say it isn't. But did it happen? Was it because of Phoenix House? I don't think I could say we know that."

Twenty-one years ago, what was called Phoenix House was six addicts who had pooled their welfare checks to live together and, with the help of the city social workers and doctors, tried to kick the dope in a group environment. Dr. Rosenthal, then the city's deputy commissioner for rehabilitation in the nascent Addiction Services Agency, helped those addicts. The work was the genesis of today's Phoenix House Foundation Inc.

BOOMING BUSINESS

Now boasting eight residential treatment facilities in New York and California, Phoenix House has more than 1,200 beds. Along with those, it has one full-day and two after-school and evening centers. It has treated more than 38,000 men, women and children through its various services, said Chris Policano, a spokesman for Phoenix House.

With its assets approaching \$20 million, business is booming. And Dr. Rosenthal intends to stay in charge for some time.

"People I admire have certainly performed their work for more than 20 years—teachers, professors, heads of hospitals," he said. "I'll stay here."

As president of the Phoenix House, Dr. Rosenthal, a psychiatrist trained at Kings County Hospital in Brooklyn, said he earns a salary of \$185,000. He would not disclose other benefits or income from the foundation. In addition, Dr. Rosenthal holds teaching, lecturing and staff positions at several colleges and hospitals. He has appeared on television shows such as "The Today Show," "Nightline" and "20/20," and is widely quoted as an expert on drug-free residential treatment for drug rehabilitation. He is ada-

mantly opposed to legalizing drugs and doesn't advocate methadone treatment for drug addicts.

It is far cry from the obscurity of a deputy commissioner of a now-defunct city agency working with a handful of addicts in a tenement on the West Side.

THE TRANSFORMATION

"The first fiscal system of Phoenix House was in the special checking account of an ex-addict who couldn't reconcile his check-book," Dr. Rosenthal said. "Now we're talking about real estate purchases of \$7.5 million . . . we have Deloitte Haskins & Sells doing our financial reports."

Nancy Hoving, the first chairman of the board for Phoenix House and a board member since, also talked about the transformation. "In the old days it was sort of down and dirty, and meeting over a beatup card table," said Ms. Hoving, an editor for *Connoisseur* magazine. "I guess we were younger and more revolutionary and thought that we were going to change the world. I think Mitch had a degree of that in him, despite his scientific training and thinking, and his doctor's manner and way of speaking . . . I think he got caught up in it, too."

Dr. Rosenthal said he still is caught up in it, but times and styles have changed as the organization has grown.

Today, the foundation's board includes Frank J. Tasco, chairman and chief executive of Marsh & McLennan Companies, a major insurance brokerage house; Lawrence A. Weinbach, chief operating officer of Arthur Andersen & Company, the accountants; Sidney Kaplan, chairman of Putnam Mills Corporation, and John Weitz, the fashion designer.

"I was introduced to Mitch by my friend Louis Perlmutter," said Mr. Tasco, current chairman for Phoenix House. Mr. Perlmutter is a senior partner at the investment banking house of Lazard Freres & Company and a board member of Phoenix House. "Mitch was sitting at a table at 21 [The 21 Club, the posh midtown restaurant], and my first impression was that I was very impressed with the guy," Mr. Tasco said. "He had tremendous vitality and enthusiasm, and I said to myself, this is a very interesting guy who obviously is a highly trained physician, who has dedicated himself to this field that is basically pro bono in many instances. He could be making a fortune in private practice. I found that to be very interesting."

Dr. Rosenthal knows the benefit and the need of having people like Mr. Tasco and Mr. Perlmutter on the board and of maintaining a high social profile.

"I think it's the job description of the head of a not-for-profit institution," Dr. Rosenthal said. "Vartan Gregorian [president of New York Public Library] is an impresario at that sort of thing. You have to have a network of a board and their friends and supporters. Without that, he or she as the head of a not-for-profit can't do the work. Without that, you can't carry on."

He said that he seeks a balance between Democrats and Republicans on his board and in his fund raising, and that his partnership with Nancy Reagan has very little to do with politics or with the attitudes of her husband toward drug abuse or drug policy. "Only in the last two years has Mrs. Reagan's work gotten visible enough to get the attention of the President," said Dr. Rosenthal, adding that Mrs. Reagan decided in the early 1980's that "drug abuse would

be her topic" while she was in the White House.

She first visited Phoenix House in the fall of 1981. "I have been one of the people who have assisted her," Dr. Rosenthal said. "I think Phoenix House has played a major role in her decisions." At Phoenix House's proposed California facility, Mrs. Reagan will "have an office," Dr. Rosenthal said.

For all his success at dealing with contributors and board members, it can bring out a side of Dr. Rosenthal that is bullying and condescending.

"He can be terribly arrogant, let's face it," said Ms. Hoving. "But when you look at what it takes to make this sort of thing go and work, I guess you've got to have someone forceful like that. But there are times when it's been arrogant, yes. [The time] when he couldn't be more offensive is trying to get money, trying to get [his] way, trying to get policy. It's one of those things where you know your subject very well, you have your answers and you absolutely want it go that way."

"He is a rather forceful leader" said Mr. Wietz, the fashion designer and board member. "The ladies on his board may be prone to disagree with him at times. But there is no one on this board, who is not a close, warm friend of his. Still, every once in a blue moon there are run-ins."

Dr. Rosenthal, divorced in 1979 after 12 years of marriage and three children, rents a one-bedroom apartment in an uninspired luxury high-rise in the East 70's. He rides a bicycle around town during the day but owns a 1987 BMW sedan.

"I do something active every day, one type of aerobic exercise," Dr. Rosenthal said. Besides riding his bike, he plays tennis on weekends, in Queens ("It's too expensive in Manhattan, and you get a court," he said) and plays squash a couple times of week.

He doesn't smile, much, despite being described as "charming." In most publicity photos, Dr. Rosenthal, a jowly man who stands 5 feet 9 inches, is scowling.

His children, ages 19, 22 and 25 attend colleges in Colorado, Arizona and Washington, D.C., but unlike Dr. Rosenthal's father and his Russian emigrant father before him, none of the newest generation is studying medicine. They apparently are undecided about their college majors or are opting for the liberal arts. Dr. Rosenthal has trouble remembering, with a smile, the name of the school in Washington where his second child, Claudia, is studying architecture.

"No, it's not Georgetown," Dr. Rosenthal said, obviously embarrassed at the lapse.

"Catholic?" he asked, and fingered the reading glasses that hung from his neck. "Is there a Catholic University in Washington?"

There is.

Dr. Rosenthal was born and raised in Flushing, Queens, and his mother still lives in the house he grew up in. His father, who had one office at home and another in a medical building, died last November.

By Dr. Rosenthal's own admission and the comments of acquaintances, his father's work as a general practitioner shaped his beliefs that kicking drugs, like treating a mental illness, must take place in a broader context than simply treating a symptom. "I was around someone involved in total patient care, family care, all my life," he said. "And there's another dimension to people that practice that type of care. They were not just treating a hot appendix. They were taking care of a frightened mother, they were taking care of a dad who might not be

able to pay. I was deeply affected by that. Yes, I think it had an enormous impact on the way I view drug treatment."

When his father quit his private practice in 1979, Dr. Rosenthal hired him as one of a handful of physicians on the staff of Phoenix House. He would not say how much his father was paid.

Apparently, the young Mitchell Rosenthal was on the track toward preaching total behavior modification and treating drug abuse as a psychological problem long before he created Phoenix House, long before he organized a group therapy program for disturbed Navy personnel at the Oakland Naval Hospital in 1965 or studied child psychiatry on a fellowship at the Staten Island Mental Health Society even earlier.

"He was an enterprising and bright man who was interested in using his psychiatric abilities to tackle problems in the society at large," said Dr. Herbert Pardes, a fellow student with Dr. Rosenthal at Kings County Hospital in 1961-62 and now chairman of the Department of Psychiatry at Columbia-Presbyterian Hospital and president-elect of the American Psychiatric Association.

The program at Phoenix House is based on a "stratified community" comprising small peer groups of four to six patients. The peer groups in turn "hold membership" in 20-person "clans," which make up the larger community, according to a report by the National Institute on Drug Abuse.

Members of the clinical staff are graduates of Phoenix House or similar programs.

"The premise in that type of organization is that recovered group members, as staff, at least tacitly take the view that we know what it's like, we're going to find you out, we're going to beat you down, and we're going to pick you up again," said Dr. Wayne Skinner, a researcher with the Addiction Research Foundation, in Toronto. "It is very intrusive. You submit to the censure of the group, being gradually allowed to be a member of the group. One can imagine that as a really powerful transformational setup. That's not to say Phoenix House doesn't work or isn't right. It's that it's more of a challenging type of program."

Doug Rosenberry, an official of the state's Division of Substance Abuse Services, said Phoenix House "is one of the most outstanding programs we fund." Indeed, the director of the state agency, Julio Martinez, is an early graduate of Phoenix House. Still, as with any similar organization, state inspectors identified problems. In its last annual review of Phoenix House, dated April 1987, the agency found that in group therapy sessions for both residential and day programs, the organization failed to record the duration and "a summary of what actually transpired." Phoenix House also failed to obtain completed consent forms for the release of information in almost 20 percent of the cases reviewed, and in almost half of the closed residential cases that were reviewed, Phoenix House had no discharge forms on file.

In judging the success of Phoenix House, Dr. Rosenthal claims that based on surveys conducted with patients as much as seven years after they have left the program, those who stayed in residence for at least a year have a success rate of 70 percent. He defines success as staying off drugs, keeping a full-time job or staying in school, not "abusing alcohol," and not getting into trouble with the law.

"Phoenix House has done some outcome studies and has some numbers, and that really is one of the ways you can chart suc-

cess," said Dr. Frederick Glaser, an expert on therapeutic communities and now director of studies for the Institute of Medicine of the National Academy of Sciences, in Washington. "Phoenix House has persisted, it has growth. Those are some of the criteria of success. It has changed a bit, grown professionally. You learn from your experiences. Mitch has done that. I think in those terms it has been quite successful.

"From a scientific standpoint, we do not know a great deal about the efficacy of therapeutic communities overall. What you need to do is start with 100 admissions, follow them through the program no matter what happens or how long they stay in, and follow all of them, and follow them regardless. That to my knowledge has not been done."

But therapeutic communities like Phoenix House probably "are not highly efficacious" when comparing the number of people who enter them and the number who stay clean years later, because "what you see is enormous attrition early on," Dr. Glaser said.

Whatever the efficacy of the approach taken by Phoenix House and Dr. Rosenthal, some people don't want those principles applied in their neighborhood . . . not even if the facility bears the name of the First Lady.

"Placing a residential treatment center in the heart of a residential area is an inappropriate decision," Los Angeles County Supervisor Mike Antonovich said in a statement about plans by Phoenix House to buy a former medical center in the northeast corner of the San Fernando Valley. The center would be redesigned as a therapeutic community for 150 adolescents and up to 70 adults. It would be called the Nancy Reagan Center.

Dr. Rosenthal, who has met with some of those who object, said that their opposition represents a growing problem for drug treatment centers—which is another reason his board has become heavy with real estate developers, accountants and financiers.

"Everything a Mortimer Zuckerman or Lew Rudin has to do to get a building up, we have to go through more for a new facility, including the environmental impact statements, the studies on the community, all of it," Dr. Rosenthal said. "And no, having the First Lady's name didn't help. They just said, why doesn't she put it in her neighborhood in Santa Barbara if it's such a great idea? But we're on the right track."

TRIBUTE TO DELEGATE EILEEN REHRMANN

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. DYSON. Mr. Speaker, I rise today to honor one of Maryland's most dedicated public servants, Delegate Eileen Rehrmann, on the occasion of her 10th anniversary of elected public service. Harford County and all of Maryland have gained through her service.

I have known Eileen for most of her 10 years of public service, and I have always been impressed by her determination in her work and her dedication of her constituents. Her first elected office was as Bel Air Town Commissioner. After serving her city for 4 years in this capacity, Eileen became a

member of the house of delegates, where she has served for the last 6 years.

Eileen is a member of the powerful appropriations committee, and as such, she has a great impact on the economy of Maryland. She is also the chairman of the Harford County Delegation and treasurer of the Women's Caucus.

Mr. Speaker, Eileen Rehrmann is to be commended for her 10 years of outstanding public service. Eileen has served with honor and with the strength of her convictions. She is to be commended. Today, I join with her family and friends in honoring her 10 years of service. I hope that she will serve for 10 years more.

THE POLITICS OF CHILD-CARE POLLS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. LaFALCE. Mr. Speaker, I would like to include in the RECORD a most insightful article, "The Politics of Child Care Polls" by Karlyn Keene.

Ms. Keene cites a number of surveys by respected polling agencies that call into question recent assertions about the demand for Federal assistance to child care. I ask unanimous consent that the article be included in the RECORD in its entirety.

[From the American Enterprise Institute for Public Policy Research]

THE POLITICS OF CHILD-CARE POLLS

(By Karlyn Keene)

Judging from the rhetoric in Congress this year, and from the speeches of Democratic and Republican candidates, there has been a groundswell of support for new federal involvement in child care.

Polls are being bandied about to prove that child care is an "urgent need in the country," that there is "growing demand" for federal government help, and that Americans prefer one legislative approach over others. This particular language comes from a survey report done by Marttila & Kiley Inc. for the American Federation of State, County, and Municipal Employees and the Children's Defense Fund, but others echo its tone and conclusions.

Marttila & Kiley have done excellent work this year, including their thoughtful contributions to the Americans Talk Security project on American attitudes toward defense. Those surveys do what a good survey should do. They provide perspective; they build on data already available; and they measure how intensely Americans feel about an issue—particularly important in an election year. But many child-care polls fail on these basic requirements. Fortunately, a substantial body of data exists to provide a clearer picture.

A new Gallup/Times Mirror poll provides perspective by looking at how Americans assess their child-care and other needs. The poll includes questions on how satisfied people are with a number of areas of their personal lives. About eight in ten men and women under forty (presumably the group most affected) report that they are satisfied with their ability to balance job and family life. Gallup goes further and asks about ten

personal concerns people have, including "having to care for an elderly parent," "having enough money to put a child through college."

Solid majorities say they are concerned about the first two, and a near-majority report concern about financing a child's education. By contrast "having adequate child care when you go to work" ranked last, with only 28 percent expressing concern about it. Forty-seven percent said this did not apply to them. When Gallup looked more closely at the people who said "having adequate child care" applied to them, the issue still ranked eighth of ten personal concerns.

Child care is clearly a serious problem for many Americans, but to suggest that Americans feel the need is "urgent" overstates the case. Viewing the problem in isolation as Marttila & Kiley did may satisfy partisan yearnings, but it does not inform.

Another questionable question about children's needs—this one from a survey for KidsPac—purports to show a growing number of Americans more inclined to vote for a candidate who put children's needs at the top of his or her agenda.

The preface to the question tells us about "John Kennedy's pledge to explore space" and "Ronald Reagan's commitment to rebuilding our defenses." After that heroic introduction, it is surprising that nearly four in ten say a pledge to help children would not add much to a candidate's appeal. Again, the question was asked in isolation, with no comparison to other possible voting concerns.

In a new survey for the American Association of Retired Persons, the Gallup Organization asks Americans whether support for nine different programs would make them more or less likely to vote for a candidate. 57 percent, for example, said a candidate's support for "expanded job training" would make them much more likely to vote for him. Only 32 percent (and only 43 percent of strong Dukakis supporters) said that "more support for child-care services" would make them much more likely to vote for that candidate. Precious little evidence exists that child care is a voting issue right now.

Of course, Americans can be concerned about the problems that don't affect them personally, and they can want to spend substantial sums of money on them.

Child care may be one of those areas, and polls provide evidence that Americans want some help. Mark Clements's surveys for Glamour magazine document that nine in ten working women want employers to provide more child-care assistance. Sixty percent of Americans, in a Fingerhut/Granados survey, said employers should bear "at least some" of the cost. In the KidsPac survey, more than three-fourths of Americans said that the next president should give children's needs more attention.

The authors of the Marttila & Kiley survey suggest that Americans support the Dodd-Kildee ABC bill. Yet they did not ask Americans if they had ever heard of the bill (presumably another measure of "urgency"), nor did they ask if they could describe it. Instead, the surveyors described the bill and omitted any substantive reference to at least one controversial provision—treatment of church-centered care. They also suggest that Americans support the bill even considering the deficit. Yet the poll on human needs that Fingerhut/Granados did for the Employees International Union got a different result: "If necessary, I would be willing

to support child-care programs for working parents through my taxes." The public split right down the middle: 47 percent in favor, 44 percent opposed.

A number of surveys about child care confuse majoritarian impulses with support for specific legislation. They report that Americans want high-quality and affordable care, good health and safety standards, and help for a group in need. These are hardly objectionable, and it would be surprising if Americans suggested that they wanted poor-quality, expensive care, or poor standards.

But finally, and most important, is what this Marttila & Kiley survey ignores. Perhaps the most powerful finding in survey research in this area is the substantial ambivalence that many Americans, and particularly those most directly affected, have about child care. Seen in this context, any guidance that Americans might provide their legislators is quite different from what Marttila & Kiley suggest. On one hand people (particularly those most directly affected) believe that employers should try to help more, that daycare centers do provide a nurturing environment for children, and that good, affordable child care gets single mothers off welfare. But the weight of the polling evidence about day care is on our enormous reservations about it.

Peter Hart Research Associates asked eighteen- to forty-four-year-olds (for *Rolling Stone*) whether a number of changes from their parents' time are changes for the better or the worse. Many things, including more openness in society, were seen by men and women in this age group as a change for the better. But 54 percent of eighteen- to forty-four-year-old men and 58 percent of women felt that more children in day care was a change for the worse. The general population in the Gallup/Times Mirror poll holds this view more strongly.

Polls also show that women strongly prefer to stay at home if they can afford to (88 percent in the Mark Clements poll for *Glamour* magazine), and they believe this is particularly important for young children. A third of women in the same survey said they would be afraid to leave their children in a day-care center.

Marttila & Kiley might argue that the ambivalence exists because the government isn't doing enough—spending or regulating enough right now. But an equally compelling argument focuses on worries about government doing too much, weakening already fragile families and removing parents' ability and desire to solve problems closer to home.

Most women tell surveyors they work to help provide for their families, and, clearly, making the best arrangements for children is a central part of their concerns. The public expresses general support for some assistance. Confusing and exaggerating this sentiment with support for a particular bill may heat up the debate, but it sheds little light on the subject.

A-B-E AIRPORT IS KEY TO LEHIGH VALLEY'S ECONOMIC REVIVAL

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. RITTER. Mr. Speaker, the Lehigh Valley is an area that has charged ahead during

America's economic revitalization. President Reagan spoke of the economic miracle in his remarks at the annual meeting of the Atlantic Council on June 13. He said, "There's a lesson in all this—in the story of Allentown and one of the so-called Rust Belt, as well as in the globalization of trade and finance—and the lesson is that the future belongs to the flexible."

One key to that flexibility now in evidence in the Lehigh Valley is the Allentown-Bethlehem-Easton [A-B-E] Airport according to an article in the October issue of *Airport Services* by Wendy Quinones. I will include the article at the end of my remarks.

On October 12, 1988, Secretary of the Department of Transportation wrote:

THE SECRETARY OF TRANSPORTATION,
Washington, DC, October 12, 1988.

HON. DON RITTER,
House of Representatives,
Washington, DC.

DEAR DON: Thank you for your letter supporting the request for an Airport Improvement Program grant for safety and security improvements at Allentown-Bethlehem-Easton (A-B-E) Airport. The Department was pleased to announce that the airport will be receiving a grant for both the communication equipment and the card key access system, as well as for land purchase and paving projects. FAA is working with the Lehigh-Northampton Airport Authority to complete all requirements in order to proceed with the grant award. These projects should contribute significantly to the safety and security of the airport.

I enjoyed meeting with you recently and touring the airport. You and Mr. Yohe, the A-B-E Airport Director, are to be commended for your commitment to advancing the safety and security of the A-B-E airport.

Sincerely,

JIM BURNLEY.

Mr. Speaker, I am pleased that my request for "priority status" for A-B-E in the Department of Transportation appropriations bill was approved. My colleagues not just on the committee but in the Congress as a whole can also point with pride to this creative development. Without their overall support the legislation would not have been adopted, providing sufficient funding for this airport which I hope will become a model for the Nation.

Already the development of A-B-E has helped create new jobs in a region that was devastated by recessions and industrial downturns. In addition, Airport Director Jack Yohe has turned an \$86,000 annual deficit into a half-million dollar yearly surplus. In summing up his managerial philosophy, Jack said, "The only way to succeed in a deregulated environment is to treat everybody as neighbors, as airport partners."

At this point, I include the article.

AIRPORT IS KEY TO LEHIGH VALLEY'S
ECONOMICAL REVIVAL

One of the best ways to improve your airport may be to direct a good part of your efforts beyond the airport itself. That's the approach Airport Director Jack Yohe has used to generate significant growth at Allentown-Bethlehem-Easton International in spite of severe economic problems in eastern Pennsylvania's Lehigh Valley.

ABE International Airport was hit with a one-two punch in the late 1970s and early '80s. Dependent on heavy industry—especially steel—the Lehigh Valley suffered

during that period from recessions and industrial downturns. Long-time area businesses closed, cut back or relocated, leaving many people out of work.

Compounding these problems, airline deregulation struck hard at ABE, the region's airport. Some major carriers deserted it entirely. Others cut back services and refused to compete on fares with Philadelphia, Newark and New York, all less than 100 miles away. Not even a new physical plant, completed in 1978, could keep them serving the valley.

Without jobs, not too many people were traveling; facing poor schedules and high rates, those who did were flying from other airports. The future for the region and its airport wasn't bright.

NEW BLOOD

Facing declining passenger loads and annual budget deficits, the airport made the first move. Reaching out to key area industry leaders, the airport authority formed an industry advisory board and began to look for a replacement for its retiring airport director. In 1984 it found Yohe, who just might have been an ailing little airport's dream.

Yohe's aviation career began in 1963 when he joined the Civil Aeronautics Board. He started as its director of information; three years later he became its consumer affairs director—the first in a federal regulatory agency. Later, the CAB again broke regulatory ground by naming Yohe as its first consumer advocate. Retiring in 1984, Yohe began consulting to airports around the country, including ABE. Coincidentally a native of Allentown, Yohe had become ABE's director before the year was out.

He immediately began putting to work his years of close contacts within the airline industry. "I dealt with airline managers while I was at the CAB, and if they weren't already CEOs, they were en route," Yohe relates. With feasibility studies and proposed route schedules in hand, he says, "I approached my friends in the airline industry and asked them to look at ABE as a city to be served." The result? Seven new carriers for a total of 11 now serving the airport, markedly improved schedules and dramatically reduced fares.

Next, he had to get people to return to ABE from more far-flung airfields. Aggressive advertising was obviously one answer, but with a budget deficit, the airport couldn't afford it. Yohe took advantage of local resources, beginning with the Pocono Mountains resort area less than 30 minutes away.

"I went to the Pocono Mountain Vacation Bureau and asked them to become a marketing partner with us," Yohe recalls. "They have a huge public relations and advertising budget. I asked if they would support us in advertising in national magazines. They would pay all the costs, and in return, I would persuade our board of governors to set aside an area in the airport as a VIP lounge for their visitors. They agreed."

The area's 10 colleges and universities also were persuaded to help market ABE, as were travel agents in a 13-county area. Traffic subsequently increased from a low of 425,000 passengers and 99,000 operations in 1983 to a high last year of 712,000 passengers and nearly 124,000 operations.

Still staying close to home, Yohe also addressed a long-standing airport issue: trying to bring U.S. Customs into ABE so it could be a port of entry. With the support of local industry, which said it would use a port of

entry if it were available, ABE secured a 60-day test period, later extended to 90 days. During that time, Congress passed legislation for the establishment of five new ports of entry to be funded entirely by user fees. ABE acted so fast on that matter that it was the first such new port of entry to open—even before one mandated in the law for New Hampshire, whose senator had sponsored the legislation.

With a full-time inspector on duty since 1985, says Yohe, "We have yet to spend our first penny for that operation." He notes that: "We have 42 companies from all over the U.S. bringing in merchandise in bond, and they're cleared through here in about five minutes. We had 21,000 or 22,000 entries last year, with about 250 aircraft cleared."

In addition, Yohe pushed an active land acquisition program, with the airport acquiring about 200 adjacent acres. Airport amenities plus this newly available space helped lure such new tenants as Federal Express, ITT (which built a \$6 million hangar apron), Exxon and Northeast Jet, a jet charter operation.

A JOB CREATION TOOL

But there was a broader issue affecting ABE's use: People without jobs don't tend to take trips. The state of the region's airport simply couldn't be divorced from the state of its economy.

Independently of the airport, the region's business leaders were assessing what could be done to stimulate the local economy and bring in new jobs. In 1985, 30 leading business, government and political leaders formed the non-profit Lehigh Valley Partnership to promote the area cooperatively rather than leaving its three major cities, two counties and numerous smaller communities isolated and competing for economic growth that would benefit them all.

For example, says Bert Daday, manager of economic development and community service at Pennsylvania Power and Light, one of the Partnership's first actions was to pinpoint the need for a central place for economic development activities. Such activities would include meeting and interviewing business and industry prospects, he explains.

"People concluded that the airport was the best spot," Daday says, "It's got a good location in the heart of the Lehigh Valley, and many of our prospects come by air. So we approach Jack, and immediately, without any qualification, he said certainly we could use the facilities."

The result is the Lehigh Valley Room, described by Yohe as "a beautiful executive suite" in the airport terminal, supplied without charge by the airport and furnished by the members of the Partnership. And, Yohe says, "It's in use every day of the week."

But its symbolic value has been critical. "You have to have a unifying force to bring these wonderful assets in the valley together," Daday says. Making the airport central to development activities has made it central to the development itself, he adds: "The airport has become the unifying force in the Lehigh Valley as far as economic development is concerned."

That, he concludes, is largely due to Yohe and his expansive view of what to do to promote his airport. "He's done everything possible . . . to make it easier for us to do business anywhere around the country, and for people in other parts of the country to do business here," says Daday. "There are things Jack has done that are not for the

enhancement of the airport as such but for the enhancement of the area as a whole.

And so, while Steel Belt economies may still be rusting away in some places, and their airports along with them, you won't find many making that complaint in the Lehigh Valley. In fact, over the last few years, says Lehigh County Executive David Bausch, "Economic development here has been phenomenal."

Unemployment is down, from a high of 13% in 1980 and '81, it's now a mere 4.1%, according to Eugene Hartzell, county executive in Northampton County. With industrial parks in place and the Partnership hard at work, more than 7,000 new jobs have been created in the last four years—4,000 new jobs come in the area last year alone, Daday says.

In many cases the airport seems to have been a critical factor in bringing these jobs to the Lehigh Valley. For example, says Hartzell, when Union Pacific was seeking to move its New York headquarters, it corporate aircraft division's enthusiasm for ABE, where it already was located, was the major reason for the company's move into facilities vacated by Bethlehem Steel.

"That's happened with other companies, too," Hartzell adds. "They tell me they come out here expecting to find a second-rate little airport. When they find one that's active and well-managed, it affects their whole attitude toward the area."

It's no coincidence, says Bausch, that the area's economic upsurge has gone "hand in hand" with development at ABE. And to many area observers, it's also no coincidence that ABE's growth has gone hand in hand with the tenure of Jack Yohe.

"A lot of what's happened at the airport in the last few years is very much due to Jack Yohe," declares Phil O'Reilly of Air Products and Chemicals, an Allentown manufacturer of industrial gases and chemicals that has housed its aircraft at ABE since 1946.

To Yohe, it's the only way to do things. "The only way to succeed in a deregulated environment is to treat everybody as neighbors, as airport partners," he says. "If you're at loggerheads with your community, with your airlines, you're doomed to failure."

Yohe's importance to the airport is obvious in the improved traffic figures and in the fact that an \$86,000 deficit the year he came has been translated into an annual surplus of nearly a half million dollars out of a \$3.2 million budget. But the Lehigh Valley recently expressed its own appreciation when the partnership awarded him its 1987 annual award for leadership in economic development, a \$1,500 gift.

And what did Yohe do with his prize? He turned it back to the Partnership, to be put to more good use improving the economy of Lehigh Valley—and ABE Airport.

FAMILY LEGISLATION IS THE KEY TO OUR ECONOMIC FUTURE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. HOYER. Mr. Speaker, the face of today's work force and the needs of today's families are dramatically changing. In the next 10 years, two of every three new workers will

be women. More and more families are dependent on two incomes in order to survive. It is essential that we develop public policies which enable and encourage families to prosper in today's world. During the 100th Congress, several bills were introduced and developed which will help America's families. However, due to Republican intransigence and opposition, some other, very important bills which would be of great benefit to families will not be completed in this Congress.

WORKING PARENTS AND DAY CARE

Access to safe, affordable child care enables parents who need to work to do so and can make the difference in a family's economic success. Today, 10.5 million preschoolers have mothers in the work force. By 1995, that number is expected to increase to 15 million. These are mothers who are often working out of economic necessity. The average working, married woman with children contributes over 40 percent of the total family earnings.

However, in a Census Bureau study, 36 percent of nonworking mothers with family incomes under \$15,000 indicated the lack of affordable child care was a major barrier to their seeking employment. Furthermore, the Census Bureau has also estimated that between two to seven children nationwide, many under the age of five, care for themselves during all or part of each school day.

Yet despite a glaring need, there is an appalling lack of safe and affordable quality child care. Only 10 percent of our Nation's employers provide day care benefits and services. In 1987, licensed child care centers and family day care homes could accommodate less than 30 percent of the estimated need for child care.

The United States does not have a comprehensive child care policy. It is time the United States joined most other industrialized nations and developed a child care policy which responds to the needs of America's workers and families. In that regard, I cosponsored and strongly supported H.R. 3660, the Act for Better Childcare (ABC), introduced in the House of Representatives by Congressman DALE KILDEE. Cosponsored by 172 Members of the House, ABC is a comprehensive approach to provide accessible, safe, and affordable child care. The Act for Better Childcare will help low- and moderate-income families pay for child care and will improve the quality of care for all children and families. ABC increases and enhances parental choice of care, by giving working parents access to a wide variety of safe and decent child care options, including family day care homes, and child care centers operated by parents, schools, employers, for profit and nonprofit organizations, and churches.

H.R. 3660 was approved by the full House Committee on Education and Labor. Similar legislation was also approved by the Senate Committee on Labor and Human Resources. However, due to delaying parliamentary tactics and opposition by Senate Republicans, the legislation was not considered by Congress this session.

FAMILY AND MEDICAL LEAVE AND JOB SECURITY

Another piece of legislation which would benefit America's families is H.R. 925, the Family and Medical Leave Act. Today's fami-

lies must balance several needs, including the need to work, the needs of their children and often, the needs of an aging, ailing parent. In fact, 44 percent of the daughters caring for an aging parent are employed outside the home. Yet most employers do not have policies which reflect the needs of their employees and their dependents.

I cosponsored and supported the Family and Medical Leave Act which guarantees job security for a worker who needs to take leave from work to care for a newborn, newly adopted or seriously ill child or parent. Under the bill, an employee can take up to 10 weeks of unpaid leave over a 24 month period. H.R. 925 also guarantees job security for any worker who takes leave to recover from a serious medical condition.

The Family and Medical Leave Act would provide America's families the job security and the flexibility they need to respond to the challenges of their everyday lives. Currently, working women who are not covered by a parental leave policy guaranteeing reemployment lose \$607 million dollars per year. However, once again, because of opposition by Senate Republicans, America's families will have to wait a while longer before they can enjoy a basic protection afforded to workers in almost every other industrialized western nation.

PAY EQUITY FOR WORKING WOMEN

Prince Georges County, the community I have the privilege to represent in Congress, has one of the highest proportions of working women and one of the highest proportions of Federal employees in the Nation. The Federal Government has not reviewed the Federal wage and classification system since 1923. As a result, we do not know today if the Federal wage and classification system discriminates on the basis of race, gender, or ethnic origin.

Three quarters of the women in the Federal sector are concentrated in the lower paying office service, clerical and administrative positions. However, a vast majority, 85 percent, of men in the Federal sector are found in primarily supervisory positions in grades 10 through 15, even though women are 48 percent of the Federal workforce. I believe it is time for a comprehensive study of the Federal wage and classification system.

Therefore, I cosponsored H.R. 387, the Pay Equity Act. H.R. 387 would establish a commission to conduct an 18-month study to determine whether the existing Federal job-classification and pay systems are designed and administered in accordance with Federal labor and civil rights laws. Such a study would serve to verify that the system as administered are not the result of institutional bias against women and minorities. H.R. 387 was passed by the House on September 29, 1988 by a vote of 302 to 98. The Senate will not act on the measure before Congress adjourns.

Mr. Speaker, during the 100th Congress, several bills were enacted which improve the economic well being of American families. The Omnibus Trade Act, the Plant Closings Notification Act and the Family Support Act of 1988 will all greatly improve the economic security of America's families. Yet, the Act for Better Child Care, the Family and Medical Leave Act and the Pay Equity Act are three key pieces of legislation which are vital to ensuring the economic security and prosperity of our

Nation. As the 100th Congress draws to a close, I urge my colleagues to join me in pledging to continue our efforts to secure passage of these bills. The future strength of our Nation depends on it.

ST. ATHANASIUS ROMAN CATHOLIC CHURCH: AN INSPIRATION FOR AMERICA

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. SOLARZ. Mr. Speaker, I would like to share some good news with my colleagues about a strong and vibrant church in Brooklyn that serves as inspiration and foundation for thousands.

The St. Athanasius Roman Catholic Church, located in Bensonhurst, celebrates its 75th anniversary on November 4. Monsignor David Dougherty will preside at the elegant dinner dance and review the struggles and many successes of the parish.

Brooklyn, the fourth largest city in the country, has thousands of churches. The St. Athanasius, however, holds a unique reputation for its excellent educational programs, social activities, recreation sports, and spiritual leaders. Four generations of Catholics have studied and worshiped at St. Athanasius since Father Donnelly held the first services on December 7, 1913.

St. Athanasius parish, like the rest of the world, has changed quite a bit since that momentous day. This once rural community now boasts a strong urban economy. Automobiles and subways have replaced horses and trolleys. Thousands of parishioners now regularly celebrate mass where the small foundering congregation once prayed.

While some Catholic parishes have dwindled in membership size, St. Athanasius has continued to expand and grow through two World Wars and several social upheavals. St. Athanasius provides a place of sanctuary, stability, and support in an ever-changing and often confusing world.

Pastor Emeritus Elwood Purick embodies the beliefs and virtues of St. Athanasius for thousands of parishioners. For 31 years, Pastor Emeritus Purick has provided comfort and spiritual guidance to congregation members. He has performed a myriad of priestly duties with distinction, grace, and compassion.

It was during Purick's tenure that St. Athanasius built an addition to the school that eventually became Bishop Kearney High School. Evidence of the parish's devotion to Catholic education can be seen everywhere. St. Athanasius grade school holds an outstanding reputation for academic excellence. St. Athanasius parish runs the largest Confraternity of Christian Doctrine Program in New York City for public school students. The parish also sponsors an innovative and comprehensive recreational sports program for children.

Perhaps the best proof of St. Athanasius excellence is quality of the congregation members. Father Robert McCullough, the New York City Police Chaplain, is a parish member. Tommy Holmes, the Brooklyn Dodgers star

baseball player and Mets public relations executive, is another proud member of St. Athanasius. I could go on and on, but there are too many more humane, caring, and dedicated men and women in St. Athanasius. They bring honor to their families, their communities, and Brooklyn.

St. Athanasius parish, in fact, stands as an inspiration for America.

THE FAA NEEDS A SHORT-TERM PLAN FOR O'HARE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. LIPINSKI. Mr. Speaker, I rise in support of the resolution just introduced by Congressman Russo on behalf of myself and the rest of the Illinois delegation.

Congressman Russo, myself and the entire Illinois delegation would like to use this resolution to call attention to the precarious situation at O'Hare Airport in Chicago. As the world's busiest airport and the Midwest hub for many national flights, the problem at O'Hare should be a matter of urgent concern for everyone. With peak travel season approaching due to the coming holidays, this is a particularly appropriate time for our resolution. Basically what the resolution does is urge the Federal Aviation Administration to come up with short-term as well as long-term proposals for dealing with air traffic at O'Hare.

Recent news reports and the FAA's own study has highlighted the dangerous and dismal working conditions at O'Hare's control tower. The conditions are unfit for a much less stressful job. They must be endured, however, by an undermanned, overworked crew of air traffic controllers using outdated equipment. And these controllers must guide thousands of arrivals and departures each day at a dozen satellite airports in the Chicago area amid some of the most complex traffic patterns in the country. This fragile arrangement has been allowed to continue for too long.

O'Hare airport is setting records this year in a number of areas. There have been record numbers of flights handled in a single day; but there have also been record numbers of controller errors in handling flights. In 1988, the FAA has recorded 30 controller errors—where planes have come too close to one another—as compared to 12 for all of last year. In a recent 4-day period while the FAA was studying the situation at O'Hare, there were four controller errors recorded. The potential for a disastrous accident is too high to be tolerated.

I am relieved that the FAA has begun looking at long-term proposals to insure safer air travel at O'Hare and in the Chicago area. I am concerned, however, about the lack of clear guidelines on dealing with the large volume of holiday travelers. The Illinois delegation has joined in a bipartisan manner to state their concerns and their desire for an active role from the FAA to deal with the O'Hare situation. We welcome our colleagues to join us in this endeavor and hope that the FAA can respond promptly.

HENRY SANCHEZ AWARDED AIR FORCE MERITORIOUS CIVILIAN SERVICE AWARD

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. GUARINI. Mr. Speaker, I am proud to announce that Mr. Henry Sanchez, of Bayonne, NJ, has earned the U.S. Air Force's highest civilian honor; the Meritorious Civilian Service Award. He was honored for his " * * * professional skills and outstanding dedication to duty * * * significant contributions to each successful Arctic resupply mission * * * and effort in managing Air Force vehicles awaiting movement to Europe. * * * "

As Deputy Commander of the U.S. Air Force Water Port Logistics Office, Mr. Sanchez is responsible for moving all Air Force material through all common water ports and sub ports along the east coast, Great Lakes, and St. Lawrence Seaway. He is responsible for coordinating the large-scale multimillion-dollar Arctic resupply projects and special projects in support of all Department of Defense and numerous governmental agencies. Mr. Sanchez also is the top technical adviser to Headquarters Air Force and Headquarters Air Force Logistics Command on all matters pertaining to the operational efficiency and material handling capabilities of all water port-related activities.

A resident of Bayonne for 38 years, Mr. Sanchez was born January 31, 1927, in San Juan, PR. With his first wife Dorothy—who passed away in 1978—he had four children, Henry, Jimmy, Michele, and Jamie, seven grandchildren, and is expecting a great-grandchild in November 1988. In 1981, Mr. Sanchez married his current wife, Haydee Ortiz.

Mr. Sanchez began his civil service career in 1948 at the Brooklyn Army Terminal as a clerk-typist for the USA Corp of Engineers. His innate professional ability enabled him to advance through several key positions. After 32 years of civil service experience, he accepted the position of Arctic Specialist with the U.S. Air Force and soon progressed to his current position of Deputy Commander.

Mr. Sanchez's community leadership is as impressive as his professional accomplishment. He is chairman of Motby Family and Military Enterprise [FAME], vice president of the American Legion Holding Corp. at Mackenzie Post 165 in Bayonne, NJ, chairman of the Bayonne Memorial Day Committee (1989), chairman of Bayonne Bingo for United Way of Hudson County, member of Neil A. DeSena Association, member of the Air Force Association, and life member of Veterans of Foreign Wars [VFW], Disabled American Veterans [DAV], and the American Legion.

He has also been chairman of the American Legion Mackenzie Post 165 Blood Program and adviser to the Nurses Scholarship Program and Commander, 1956-57, chairman of the Bayonne Red Cross, chairman of the Military Base Committee of the 1954 March of Dimes Campaign, leader of the Bayonne Community Chest for Campaign Funds for the United Way, 1964, president of the American Legion Press Club of New Jersey, 1976, presi-

dent of the Jersey City Softball Empires Association, 1975, member of the International Association of Firefighters with Fire Department Civil Service from 1957 to 1963, and life saving and swimming instructor for the Red Cross to the Cub Scouts and Boy Scouts of Bayonne.

I am certain that my colleagues here in the House of Representatives will join me in honoring Mr. Henry Sanchez's achievements and encouraging our Nation's young people to follow his example of leadership, determination, and community involvement.

BUST THE NUCLEAR PORK BARREL

HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. BUSTAMANTE. Mr. Speaker, I commend to my colleagues' attention an op-ed which appeared in the New York Times on Wednesday, October 19, 1988, titled "Bust the Nuclear Pork Barrel." At a time when the Department of Energy's mismanagement of our nuclear weapons production complex is receiving national attention, the authors caution that before throwing money at this latest problem, we should know what are our actual needs for nuclear materials and look at all possible alternatives to ensure the most efficient management of our resources to meet those needs.

Mr. Speaker, I insert the op-ed in the RECORD following my statement.

[From the New York Times, Oct. 19, 1988]

BUST THE NUCLEAR PORK BARREL

(By David Albright and David Feltman)

WASHINGTON.—Washington is moving to ward a consensus on a dubious proposal to spend tens of billions of dollars building new facilities or repairing old ones to produce materials for nuclear weapons.

For sure, the Department of Energy's program has been scandalously mismanaged and production facilities have fallen into disrepair. But before we commit billions, we should be sure we need the materials in the first place. The Government's claims and its record in projecting needs for nuclear materials are spotty, at best.

The nuclear materials in question are plutonium, which is essentially permanent, and tritium, which decays rapidly and must be replenished in warheads every several years. After warning for years of an impending shortage of plutonium, the Secretary of Energy, John Herrington, acknowledged this year that the United States is "awash in plutonium." This surplus occurred even though the Administration resisted methods to manage plutonium more effectively—such things as accelerating the retirement of older weapons to provide plutonium for new warheads and recovering usable plutonium in scrap from earlier warhead production.

Furthermore, the Start talks between the United States and the Soviet Union could result in 50 percent cuts in strategic nuclear arsenals, radically reducing—perhaps eliminating—future needs for plutonium.

Similar questions exist for tritium. Because of tritium's short lifespan, the Government has called for two new nuclear reactors for its production. But alternatives to

a new tritium production reactor have yet to be fully explored. These include using less tritium in warheads, low-power operation of the tritium plant at Savannah River, S.C., after extensive safety modifications, converting the Fast Flux Test Facility at the Hanford Reservation in Washington to tritium production or—in the longer term—reducing nuclear arsenals.

Why two tritium reactors? Because nuclear materials production has become hostage to the same pork barrel politics that any public works contract encounters. Even though the Energy Department was considering constructing only one reactor, it was forced ultimately to recommend two, in South Carolina and Idaho.

It's clear that the Government has to make drastic changes in the management of its nuclear materials production. At the very least, we should freeze construction plans until the Administration and Congress prove that the program is under control and that we really need new nuclear facilities.

SECRETARY RICHARD E. LYGNG: A MAN COMMITTED TO CIVIL RIGHTS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. TOWNS. Mr. Speaker, too often partisan politics prevents us from acknowledging the accomplishments of those in the opposite party. As we bring the 100th Congress to a close, I want to break this pattern by paying tribute to the efforts of Agriculture Secretary Richard E. Lyng for his promotion of equal opportunity and civil rights in the Department of Agriculture.

While the Nation's farmers continue to face serious problems, Secretary Lyng's support, for civil rights enforcement and increased funding for community-based organizations and historically black colleges and universities, has made a significant difference in the lives of many black and other minority farmers. For example, funding to HBCU's has risen by \$9 million within the last year. A new initiative has also been developed with the Department of the Interior to interest minority students in natural resources and forestry careers. Historically black college campuses have received research funds to compliment the marketing, technical assistance and business needs of limited resource farmers. There are also plans to establish mentor relationships between USDA agencies and the 1890 land grant institutions. This liaison program between Tuskegee University and the Animal and Plant Health Inspection Service [APHIS] has been extremely beneficial to that institution. Students who have participated in the summer internship program have been offered permanent jobs with USDA thus increasing the numbers of young blacks who may choose a career in agriculture. In addition, Tuskegee has received equipment donations from APHIS to augment their instruction and teaching materials.

On the question of civil rights enforcement, the Secretary has played a major leadership role in ensuring that civil rights is taken seri-

ously at the Department of Agriculture. Early on, he established civil rights as a critical performance element for all senior executives. Secretary Lyng issued the first departmental affirmative employment plan with numerical objectives based on race, sex, national origin and major job category in a serious effort to diversify USDA's work force. These actions have resulted in substantially improved promotion rates for women and minorities with minorities being one out of every five new managers and fiscal year 1988 and women constituting approximately two out of every five.

In the Department's effort to ensure that the needs of small farmers are not ignored, Secretary Lyng sponsored the first major conference designed to reach small, disadvantaged, limited resource and minority farmers at Southern University in Baton Rouge. This conference was particularly important in ensuring that small and disadvantaged farmers are not left out of the rural revitalization plan. As a part of this effort, soil scientists and other conservation experts have been assigned to HBCU campuses to help small farmers and rural communities comply with the new conservation requirements for farmers.

Through these initiatives, Secretary Richard Lyng has demonstrated his willingness to support programs for historically black land-grant colleges and universities. In an era, when some have questioned the commitment of the executive branch to civil rights enforcement, Secretary Lyng has taken corrective action, implemented policy and promoted equal opportunity and civil rights when others would have failed to act, at all. As we leave the 100th Congress and anticipate a new administration, let us hope that the text Agriculture Secretary has Dick Lyng's interest, dedication and commitment to helping the disadvantaged.

SONS OF THE AMERICAN REVOLUTION ELECT A WEST VIRGINIAN PRESIDENT GENERAL

HON. HARLEY O. STAGGERS, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. STAGGERS. Mr. Speaker, I am please and proud to inform my colleagues that Charles Francis Printz, Sr., of Shepherdstown, WV, has been elected the 84th president general of the National Society of the Sons of the American Revolution in the organization's 99th year. He is the first West Virginian to hold this office.

As president general of the National Society of the Sons of the American Revolution, Printz will guide the many programs of the society commemorating the men and events of the Revolution including Flag Day and Constitution Day celebrations. The new president will be aided in his efforts by more than 25,000 members located in all 50 States, the District of Columbia, England, France, Germany, and Switzerland.

The National Society of the Sons of the American Revolution is an organization chartered by the U.S. Congress.

Charles Printz is well known in the eastern panhandle of West Virginia. His record of

service to his community as a distinguished business, educational, and community service leader is exemplary.

President General Printz is a former professor and chairman of the division of business at Shepherd College. He is a practicing certified public accountant, president of several small businesses, a retired commander in the U.S. Navy, past commander of a local American Legion post. He was previously named an outstanding West Virginian. Currently, he is secretary of the West Virginia Board of Regents, treasurer and lay reader for the Trinity Episcopal Church in Shepherdstown.

I would like my colleagues, more than 20 of whom are members of the National Society of the Sons of the American Revolution to join with me in congratulating the society's new president general and sending him our best wishes for a very successful year.

PROSPECTS FOR INCREASED TRADE WITH THE SOVIET UNION BY AMERICAN SMALL BUSINESS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. LaFALCE. Mr. Speaker, the Committee on Small Business has recently held two hearings on the economic relationship between the United States and the Soviet Union with a particular emphasis on the prospects for increased trade by American small business. During these hearings, we heard from a variety of witnesses that "perestroika," if successful, would provide new economic and political opportunities for the United States. This is especially true with regard to opportunities for increased trade between our two countries that would benefit not only American big business, but also small business.

However, in order to take advantage of these new opportunities, the United States must be in a position to reexamine its current foreign economic policy toward the Soviet Union and develop a more coherent long-term economic and trade policy that is based on the changes that are taking place in that country. This reevaluation should also take into consideration the constraints that hinder the ability of small companies, in particular, to increase trade with the Soviets, and develop appropriate responses to facilitate such trade.

NEW OPPORTUNITIES FOR AMERICAN SMALL BUSINESS

Various witnesses have testified that emerging Soviet reforms could provide future long-term opportunities for American small business. Four major developments are of particular interest:

First, the Soviets are restructuring their State apparatus for administering the foreign trade sector. The role of ministries, and especially the central planning organization [GOSPLAN], has been consolidated and restricted through the establishment of two new organizations: the State Foreign Economic Commission, which has formal authority over all foreign economic relations, and the Ministry for Foreign Economic Relations. While the results of this reorganization are still uncertain, it is

intended to greatly simplify the licensing and bureaucratic process for American small firms to conduct business there.

Second, the Soviets have increased the power of lower level officials to make decisions to allow enterprises to engage in foreign trade. According to the Department of Commerce, over 100 Soviet industries and enterprises are now authorized to deal directly with foreign countries, including the right to sign contracts and retain a portion of hard currency earned through exporting. Therefore, small firms may now directly engage in trade with Soviet enterprises for the first time.

Third, the Soviets have now authorized new forms of cooperation between Soviet and foreign enterprises, particularly joint ventures. Foreign companies may now own up to 49 percent of the equity in the Soviet joint venture companies; and there are currently ongoing discussions to allow foreigners to own an even larger percentage of the equity. Repatriation of profits, reinvestment tax credits, third-country operations, and expropriation protection are all part of these joint venture agreements.

To date, there are 70 registered joint ventures in the Soviet Union, with 80 percent of these with capitalist countries. According to the Department of Commerce, there are 7 registered American-Soviet joint ventures, and 30 additional American proposals under consideration.

Some of the most interesting business opportunities for small companies would undoubtedly result from joint ventures. One such possibility would be under the "umbrella" of joint ventures that are initially established by multinational corporations, such as the American Trade Consortium. Small firms could subcontract for pieces of the larger venture, or could directly provide necessary services to the venture operation.

Fourth, the Soviet Union appears to have finally learned that it is the small firms that provide the highest degree of entrepreneurship and innovation within a society. Last May, the Supreme Soviet passed the Law on Cooperatives, that allows and encourages the formation of private cooperatives, their small business equivalent.

The Soviet response to this new law has been overwhelming. As of July 1988, over 32,000 private cooperatives have been formed. The Soviet Government is also currently considering the establishment of a quasi-governmental agency to assist in the establishment of cooperatives. This development presents unique opportunities for American small business because these cooperatives can directly engage in joint ventures with foreign firms and in particular with small foreign firms.

The impact of all these reforms would make it easier for American small business to expand trade activities with their Soviet counterparts. However, in order to develop business opportunities there, small companies must meet the criteria of providing a major new market to be tapped and the ability to earn hard currency. Therefore, according to Soviet experts who testified before the committee, it appears that the best opportunities for small business would initially exist in the

areas of light industry (such as consumer goods), food and food distribution, services, machinery, and technology.

WHAT MUST BE DONE TO FACILITATE TRADE

While long-term opportunities for small business will exist in the Soviet Union, there are still constraints to increased trade on both sides that are significant, although not insurmountable. At last December's summit, President Reagan and General Secretary Gorbachev urged the development of concrete proposals for the expansion of United States-Soviet trade. To achieve this goal, each country must formulate and implement different strategies to facilitate increased trade.

For the United States, the overall question is whether we should encourage and facilitate normalized trade with the Soviet Union. In my opinion, we should do so because the Soviet policy of "perestroika" is in our interests. "Perestroika"—economic restructuring—represents a fundamental recognition by the Soviets that they must begin to develop a more market-oriented economy in order to revitalize their economic system and become internationally competitive. This reform, together with the policy of "glasnost" and other democratization reforms, would revolutionize Soviet society.

Some individuals have argued that there is nothing the United States can do to help or hinder the Soviet economic and political reforms. I do not agree. I believe that we have the ability to support these reforms through a more constructive trade policy as well as the potential to hinder the reforms through a tightening or further expansion of restrictive trade legislation.

I believe, however, that we should adopt a more active policy based only on certain conditions that the Soviets must first meet in order to enhance our bilateral relationship. Such conditions should include: (a) greater movement toward a more market-oriented economy; (b) a guarantee for the protection of foreign investments; (c) development of market priorities that could be served by American business, particularly small business; and (d) great access to the Soviet domestic market by American business.

In general, an active foreign economy policy should be based on a three-pronged approach:

First, we must develop an overall foreign economic policy that encourages the Soviet reforms on all levels—political, economic, social, and cultural. Economic and trade relations should no longer be relegated to only an "honorable mention" during American-Soviet summits, but instead should become a major ticket item during negotiations.

Second, we should reexamine the effectiveness and desirability of existing American governmental constraints to increased trade with the Soviet Union.

Third, we should consider specific policies to facilitate trade, particularly for small business. This could encompass, for example, the creation of a small business working group under the bilateral Joint Commercial Commission; the inclusion of a small business component in all trade negotiations and trade missions held by the United States in the Soviet Union; and increased education and business exchanges between our countries to foster

greater understanding and expertise in each other's laws and ways of conducting business.

For the Soviets, the success of their reforms is critically important. While step-by-step improvements in our trading relationship are already taking place, increased trade opportunities on a large-scale depend on the full implementation of "perestroika." This means that price reform must be in place, with convertibility of the ruble established. In addition, the Soviets must also address their managers' lack of experience and expertise within a market-oriented economy, which the committee has been told is one of the major constraints to increased trade.

CONCLUSION

All of these important issues will be revisited again and again as the Soviet Union carries out its reforms and as our political and economic relationship continues to stabilize and improve. During the 101st Congress, the Committee on Small Business intends to continue to examine the progress of "perestroika," especially with regard to the creation of a Soviet small business sector, as well as the prospects for increased trade by American small business.

This does not mean that we are encouraging small business to rush into the Soviet Union without a realistic assessment of the risks that must be overcome in order to achieve any benefits. But, as the Committee on Small Business has heard, it is "not business as usual" in the Soviet Union. Something extraordinary—indeed unprecedented—may be happening there, and we should be prepared to respond accordingly. Next to our mutual interest in avoiding war, economic relations may hold the greatest opportunities for increased American-Soviet cooperation.

HELEN SUZMAN: A TRUE CHAMPION OF JUSTICE

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. SOLARZ. Mr. Speaker, Helen Suzman is one of those rare individuals whose personal integrity, courage, and commitment to justice has led her to dedicate her life to the struggle for racial justice in South Africa. She is one of those men and women whose lives have truly made a difference to their fellow countrymen and women.

For 35 years she has championed the civil and human rights of all South Africans, irrespective of the color of their skin or their political views.

For 14 years she served as the only elected member of South Africa's Progressive Federal Party in the Parliament. For those long and lonely years she was the sole opposition voice in Parliament, regularly and bravely condemning the policies and practices of the Nationalist Party government, particularly its efforts to expand the odious system of legalized racism, known as apartheid.

For 35 years, Helen Suzman fearlessly exposed the cruelties and injustices of apartheid, and championed the rights of all South Africans to live in a just society without fear of

punishment or oppression because of the color of their skin or their political opinions.

Helen Suzman is a woman of enormous personal courage and compassion. She has refused to be intimidated by threats or personal attacks. She has relentlessly exposed the brutal mistreatment of those who sought to challenge apartheid. She has effectively rebutted the counsel of those who claimed change could best be achieved by ignoring injustices and concentrating instead on building up South Africa's economy.

Helen Suzman long understood that even South Africa's economic development was threatened by the continuation of apartheid. She has tirelessly continued her campaign to draw public attention to the government's brutal mistreatment of its opponents, whether they were members of the Black Sash, United Democratic Front members or black schoolchildren.

I am pleased that over the years I have had the opportunity to come to know this courageous woman, and to appreciate the vital role that she has played in the struggle for justice in South Africa. For while we disagree on the importance of coordinated international economic sanctions in hastening the end of apartheid, we fully agree that until apartheid is ended, South Africa cannot hope to achieve peace and stability.

Mr. Speaker, because of the important role that this courageous parliamentarian has played in the fight to bring justice to South Africa, I ask that a tribute by Harry Oppenheimer on the occasion of Ms. Suzman's thirty-fifth year in the South African Parliament be included in today's CONGRESSIONAL RECORD.

[From the New York Times, May 11, 1988]

ON HELEN SUZMAN, ENEMY OF APARTHEID

[By Harry F. Oppenheimer]

JOHANNESBURG.—Whenever I am downhearted and depressed at the course of events in South Africa—and which of us can honestly say that our courage never flags or falls?—I have only to think of Helen Suzman, and of all she has done and endured and achieved over the last 35 years, to feel a resurgence of confidence, determination and faith.

I was a member of Parliament from 1948 to 1958 and remember very well the beginning of Helen Suzman's long career. It was impossible not to be impressed by her intellect, her grasp of economic issues and the lucidity of her exposition.

She made it abundantly clear that the realization of South Africa's economic potential simply could not be reconciled with the policy of apartheid—and that, I'm afraid, is a truth that after 35 years has still not been grasped by those at home and abroad who believe that apartheid can best be fought through the application of economic sanctions.

But Helen brought far more to our public life than a fine brain and a trained mind. For 14 lonely years as the sole Progressive in Parliament, she kept alive a proper respect for human dignity, a deep sympathy for human suffering and a hatred of all cruelty and injustice. She showed, too, that high courage and determination without which other qualities of heart and mind are of no avail, and without which nothing worthwhile is achieved.

She cried out against injustice. She denounced cruelty wherever she found it. She defended the right to freedom of expression of all South Africans, including those with whose views she profoundly disagreed. She vehemently opposed intolerance, whether of the right or left.

How sad it is that at a time when the Nationalists are patently losing faith in themselves, when their policy of apartheid is in disorderly retreat, so many white liberals should on their side lose faith in the value of the struggle they have carried on so long and so bravely, and in the validity of white politics as a whole.

Over the generation and more that this Government has been in power, it has obstinately followed a disastrous policy, involving great and calculated cruelty to black and brown South Africans. And who in the long battle against all this injustice, cruelty and folly has played a part to compare with Helen Suzman?

But at this time it may also be right to remind ourselves of the incalculable damage that this long period of Nationalist rule had done to white South Africans also.

The effects of injustice, cruelty and folly cannot be confined to blacks only. This Government has made white South Africans acquainted for the first time with fear—the fear that springs from the knowledge that whether we like it or not we have become involved in an unjust system—a system that makes us the object of bitterness, resentment and hate.

We know that under Nationalist rule South Africa has been “trampling out the vintage where the grapes of wrath are stored.” And that is why so many of our best young people are leaving the country and why more, many more, are contemplating doing so.

And just as important, perhaps even more important, we white South Africans know that we have lost our reputation in the world—that we have been deprived of our good name.

Can our young people even remember a time when South Africa's reputation stood high in the world?

A time when our soldiers were regarded as honored and trusted allies in the defense of freedom?

A time when a South African passport took you without question anywhere in the civilized world?

A time when South African athletes were universally welcome to compete openly under their own flag?

A time when South African scientists and men of letters were received with honor everywhere in the academic world?

A time when businessmen found it an advantage and not a disadvantage, to call themselves South Africans when competing in world markets?

There is no South African today, irrespective of race and color, who has not been damaged by this Nationalist Government. Today, every South African who travels abroad, even if he is not prepared to condemn his country, is at least forced to apologize for her.

This is no little matter for us who want to be able to feel proud of our country. But here again, as in so much else, we can look to Helen Suzman and draw comfort. Here is one South African known around the world, a great international figure, for whom none of us has to apologize. Here is the living proof that the struggle for a just society in South Africa is not a lost cause.

Helen is certainly an idealist but a very practical sort of idealist. She is not one of

those tedious, irritating people who think it enough to fight and lose in a good cause. Helen is not content to fight and lose. She fights to win.

I have certainly not lost faith in the future of South Africa. And I'm sure that that goes for all of us. But our hope and our faith owe more than any of us can say to the career, the personality and the example of Helen Suzman. It has been said “In defeat defiance; in victory magnanimity.” For the Progressive Federal Party, the time for magnanimity will come. The time for defiance is now.

SPANISH LANGUAGE BROADCASTER PROOF OF HISPANIC BUSINESS SUCCESS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. GARCIA. Mr. Speaker, I rise today to share with my colleagues an article in Crain's New York Business concerning an up and coming Spanish language radio station. A father and son team in New York City, Raul Alarcon, Sr. and Raul Alarcon, Jr., owners and operators of Spanish Broadcasting System Inc., have launched a new FM radio station, WSKQ-FM, to join their existing successful AM radio station, WSKQ-AM. This story is proof that by working hard and providing a much needed service to the community one can be successful.

It is with great pride that I bring this to the attention of the membership in the House of Representatives because, unfortunately, it is often the misconception that one cannot point to the success of Hispanic Americans in the business world. I think it is vitally important that all members of this great body realize the great potential within the Hispanic community throughout this country.

Those of us who have fought hard to open doors for minority groups in America know all too well that our communities lack opportunities and access, and our youth lack role models and encouragement, but there is no lack of talent and capability. The Alarcons have proven themselves in a very competitive marketplace and no doubt they will meet with continued success in their new venture. I recommend this article to my colleagues.

[From Crain's New York Business, Sept. 26, 1988]

SPANISH RADIO MOGUL STIRRING SALSA IN NEW YORK

(By Linda Moss)

Raul Alarcon Sr. stands at a sound-mixing board, playing the many jingles that will be used to promote his new radio station. The variety of musical styles—salsa, merengue, jazz, reggae, ballad and Puerto Rican country—are meant to reach all of New York's varied Hispanic community.

“We want 10 different versions,” Mr. Alarcon says. “We're going to hit everybody with this.”

The music may vary, but the message is the same. *Haciendo historia*, “Making history,” is the slogan for what is to be New York's first Spanish-language FM radio station, WSKQ-FM.

After years of searching, Mr. Alarcon's Spanish Broadcasting System Inc. has finally found an FM sister station for its Spanish WSKQ-AM in New York. But in acquiring the FM outlet at a big premium, in a complicated deal valued at \$55 million to \$100 million, the company is embarking on its riskiest venture.

Not only is Spanish Broadcasting taking on substantial debt, but WSKQ-FM is launching into a market where advertisers traditionally pay cut rates on Spanish stations.

“If he's right, it's a no-brainer,” says Gary Stevens, a radio broker. “But if he's wrong, he paid \$15 million over the stick (the station's base asset value).”

Spanish Broadcasting made its aggressive buy in order to create New York's first Spanish AM-FM combination, permitting it to package both stations to advertisers. And an FM Spanish outlet is expected to attract younger, more affluent Hispanic listeners than the existing four Spanish AM stations. “All the cities with major Hispanic populations, such as Los Angeles and Miami, have FM Spanish-language stations,” says Raul Alarcon Jr., who helped his father create a Hispanic radio fiefdom that includes AM-FMs in those cities.

But for several reasons New York, despite its Hispanic population of 3 million, has lagged in getting an FM station.

“In New York when you're talking price of an FM, you've eliminated 99.9% of all Hispanic buyers,” says Mr. Alarcon Jr., Spanish Broadcasting's 32-year-old president. “And here, Anglo broadcasters are scared of the format. They don't understand it, and they don't want to risk that kind of an asset (an FM station) on programming they can't control.”

NOT ALONE IN ITS SEARCH

Spanish Broadcasting wasn't the only one looking for a Spanish FM outlet. WADO-AM attempted to forge a Spanish AM-FM combination this year by bidding, unsuccessfully, for WYNY-FM.

The elder Mr. Alarcon, the company's 61-year-old chairman, owned two radio stations in Cuba and fled the country in 1960. “He left everything and started as a disk jockey in New York,” his son says.

In 1983, the Alarcons finally secured the \$3.25 million needed to buy their first U.S. radio station, WSKQ-AM, New York's only Hispanic-owned Spanish station. This year, profitable WSKQ-AM is expected to tally \$6.9 million in gross ad billings, and company gross sales should hit \$22.6 million.

“Spanish Broadcasting is indeed aggressive,” says Jimmy Jimenez, general manager of Spanish WKDM-AM. “They built an empire in five years.”

The company secured its elusive FM station earlier this year when Mr. Alarcon Jr. agreed to buy 50,000-watt WFAN-AM's 1050 frequency for \$23 million. Secretly, he was maneuvering to swap WFAN's frequency for the Jewish station, WEVD-FM, owned by Forward Association Inc.

Spanish Broadcasting not only gave Forward the WFAN frequency and strong signal in exchange for WEVD's FM spot, but made additional payment. Depending on what prepayment options Mr. Alarcon Jr. exercises, the agreement is worth \$55.5 million to \$100 million.

The pricey deal must get federal approval, and may be challenged by Salem Communications Corp., which claims it has right of first refusal on WEVD-FM. But if all goes well, Mr. Alarcon Jr.'s optimistic about his

odds for success. "The station will generate more than enough to pay the debt service and make money," he says.

But skeptics abound. Mr. Stevens, the broker, says the station will need a whopping \$5 million to \$6 million in annual cash flow to meet its debt service. "If Mr. Alarcon is right, he'll have an AM-FM combo in Spanish and have 3 million Hispanics to himself," Mr. Stevens says. "But his deal assumes the moon will be in the right place, and he'll have the right horoscope."

To make the deal work, Mr. Alarcon Jr. will change the programming on his AM station and try to draw a younger following to the FM band, to differentiate his two audiences.

WSKQ-AM now plays international contemporary Spanish music, such as romantic ballads popular with women. In the spring, it has a 1.9 rating, just behind the city's top-rated Spanish station WADO-AM, with its news-talk format, which scored a 2.0, according to Arbitron Ratings Co. New York's remaining Spanish stations, WJIT-AM and WKDM-AM, both had a 1.0 rating.

The revamped WSKQ-AM outlet will feature upgraded and increased news coverage. The FM outlet will be "strictly music," with brief news updates, and "will also include elements we now consider a little too young for our AM, like Spanish rock groups, but not urban sounds," Mr. Alarcon Jr. says.

GETTING AN UPSCALE SOUND

Says Esther Farber, media director at Robles Communications Inc., a Hispanic ad agency, "We expect WSKQ-FM to have a more sophisticated, upscale sound."

Younger Hispanics previously had no choice but to tune to FM-band stations such as WQHT-FM. That English-language, Top 40-dance station plays club music that's attracted Hispanics.

The city's Spanish stations are battling for a relatively small, but growing, pool of dollars for Hispanic advertising. Now, New York's four stations share less than \$20 million in gross ad billings, says Herbert Levin, WADO-AM senior vice president.

An average 60-second ad costs \$175 at WSKQ-AM, and Mr. Alarcon Jr. says he'll try to establish a \$500 rate for the new AM-FM combination. "I want to be gutsy in the beginning," he says.

But Eduardo Caballero, head of a firm that sells national ads on Hispanic radio, doubts whether advertisers will want to pay extra, no matter what the combination rate, for an FM with no ratings track record. He's been unimpressed by the success of FM Spanish radio in general. "It will be difficult to charge higher rates in a market used to paying lower rates," says Mr. Caballero, whose clients include WADO-AM and WJIT-AM.

Even though Mr. Alarcon Jr. claims his AM's ad rate is the highest for New York's Spanish radio, it's far less than rates for Anglo stations. "If all four of the Spanish stations walked into a Madison Avenue agency, we'd get half or three-quarters what an Anglo station, with our combined share, would get," says Frank Flores, WJIT-AM's general manager.

Spanish stations get such low rates because they're competing for the tiny portion of ad dollars budgeted for Hispanics. Another reason is the "low impression most general advertisers have about Hispanic consumers," Mr. Caballero says.

As the market grows with new players and aggressive sales efforts, Mr. Levin predicts the city's underdeveloped Hispanic market

will grow. "An FM will attract additional audience, and more advertisers," he says.

LU WARREN: AN APPRECIATION

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mrs. BYRON. Mr. Speaker, last week, a reporter from my district died. True to his nature, most of us were not aware that Lu Warren was suffering from cancer. He was in my office, on an almost daily basis for a decade, right up until the last 3 weeks when he passed away at the age of 75.

Lu Warren was a throwback to an earlier, and some might say gentler, day of reporter-politician relationships. He was not terribly interested in your personal life. He didn't make an awful lot of noise with his comings and goings. He reported the news in a factual and straightforward manner, devoid of personal analysis.

Lu Warren spent 33 years covering the Washington scene for a number of newspapers, most recently for one of the principal papers of my congressional district, the Frederick News-Post.

Despite Lu's long and distinguished tenure in Washington, he was one of the most unassuming people that I have met. He would appear daily at my door with a big "Hello, what have you got for me today?" He was a landmark for my days and I enjoyed seeing him, even when I wasn't always thrilled with his output. It was years before I discovered that he was a past president of both the National Press Club and the Gridiron Club.

Lu was held in high esteem by his colleagues. His work was a link for the citizens of Frederick County with their Government in Washington. I appreciated his efforts and will miss him, as a reporter and as a friend.

A TRIBUTE TO DR. TOM JOHNSON

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. LEWIS of California. Mr. Speaker, it is with great pleasure and respect that I rise today, the last day of the 100th Congress, to pay tribute to a truly outstanding individual, Dr. Tom Johnson of Rancho Cucamonga, CA. Dr. Johnson recently retired from a very distinguished career in dentistry and odontology after 41 years of service to his community.

Dr. Johnson's career began in the early 1940's following a stint in the U.S. Navy. After traveling to New Orleans to work as a dental assistant, he decided to pursue dental school at the University of Southern California. There he received a number of prestigious awards in recognition of his dental skills; he graduated at the head of his class as class president, with honors, in 1947. Upon graduation, Dr. Johnson practiced dentistry in Redlands until 1951, when Second Lieutenant Johnson was called into service by the Navy to serve in the

Korean war. He moved his dental practice to Upland in 1963 where he worked until his last day on September 30 of this year.

Dr. Johnson's impressive accomplishments are many and varied. He has served as president of the Tri-County Dental Society, deputy coroner odontologist for San Bernardino County, a diplomat of the American Board of Forensic Odontology, and as a Fellow of the American Academy of Forensic Sciences. In addition, Dr. Johnson has been very active as a consultant on forensic dentistry to the San Bernardino County sheriff's Homicide Department.

Dr. Johnson plans to remain active in his retirement through teaching forensic dentistry at Loma Linda University and in his new workshop where he plans to build furniture for his wife, Linda, and daughter, Mynette.

Please join me, Mr. Speaker, in congratulating Dr. Tom Johnson on his 41 years of service and wishing him the very best as he begins an enjoyable and well-deserved retirement.

NATIONAL FOREST PRODUCTS WEEK

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. ROTH. Mr. Speaker, Congress has recognized October 16 to 22 as National Forest Products Week and I commend the hardworking individuals who are employed in this expanding and innovative industry.

Over 60,000 people are employed in the forest products industry in Wisconsin. The industry is the second largest manufacturing employer in the State and encompasses many components—from the family owned logging camps and sawmills to the large pulp and paper mills in the Fox River Valley.

Wisconsin is the No. 1 papermaking State with over 3.7 million tons of paper production annually representing 11.6 percent of the U.S. total. Wisconsin is also the leading State in paper recycling. Since 1980, recycled paper has increased 32.2 percent in the State. On average, the Wisconsin facilities recycle over 1.5 million tons of waste paper each year into new and useful products.

Wisconsin has a rich forest resource base which supports the \$9.8 billion forest products industry. Wisconsin forests produce a variety of high-quality softwoods and hardwoods, the majority of which are owned by private citizens. Wisconsin has gained over 200,000 forest acres since 1968 and presently, the annual harvest barely exceeds half of the annual forest growth.

The forest products industry in Wisconsin is supported by an innovative public/private support structure. Wisconsin is home to the USDA Forest Service Forest Products Laboratory in Madison and the University of Wisconsin has an impressive forest research department focusing on forestry-related problems and tree improvement. An industry-sponsored Trees for Tomorrow campus in Wisconsin offers year-round forest ecology training for youths and adults.

Mr. Speaker, the forest products industry is a dynamic sector of Wisconsin's economy. It is manned by intelligent, hardworking individuals who are committed to excellence. In recognition of National Forest Products Week, I extend my congratulations to those individuals involved with this vibrant industry.

NEW ENGLAND NEEDS MORE NATURAL GAS

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. KENNEDY. Mr. Speaker, over the Fourth of July weekend, John Sharp, commissioner of the Texas Railroad Commission, and I hosted a gas supply summit in Boston. The purpose of the summit was to bring consumers and producers of natural gas together.

As our summit pointed out, all of New England needs additional sources of clean, efficient and cost-effective energy to meet the needs of growth. The Southwest has the fuel that fits the bill: natural gas. Natural gas is abundant, cheap and has environmental advantages over oil, coal and nuclear power. New England has the markets that the Southwest needs to spur demand and to give a much needed boost to the economy of that region.

New England will need at least 2,000 megawatts and perhaps as much as 4,000 megawatts of new electrical capacity in the next 20 years. That translates into as much as a 17-percent increase over current demand. We'll have to find the new capacity, and the cheapest, cleanest and most responsible way to do so is through natural gas-fired plants. We have plenty of natural gas. Estimates vary widely with current market prices, but our total resources amount to a 32-year supply right now.

There is only one catch before the consumers and suppliers can be united: additional pipeline capacity is needed to bring that gas to New England. The current pipeline capacity is insufficient, and the regulatory review process is so slow and cumbersome that it could leave Massachusetts stuck without new gas for years. Already several major utilities from Long Island to Brookline have announced that they will impose a moratorium on new gas hookups within a year if no new pipeline capacity is added.

The purpose of the summit was to bring together the producers, consumers, financiers, State officials and pipeline builders so as to create a strategy to match the needs of the Northeast with the resources of the Southwest and to facilitate the expansion of pipeline capacity. There is a role for all these parties to play in this process.

There also is a role for the U.S. Congress. A hearing held on October 5, by Chairman PHILIP SHARP'S Subcommittee on Energy and Power on "New Northeastern Natural Gas Pipeline Capacity" underscored the growing demand for natural gas in the Northeast, the advantages of natural gas and the problem of inadequate pipeline capacity in the Northeast.

Chairman SHARP and I will continue our efforts to identify the roadblocks and find expe-

ditional ways to overcome them as we pursue the goal of moving more Southwestern gas into New England. It just makes sense.

FIRST-TIME HOMEBUYERS ASSISTANCE ACT

HON. CLAUDE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Miss SCHNEIDER. Mr. Speaker, the last decade has been witness to an assault on the most basic ingredient of the American dream—homeownership. It has become increasingly difficult to buy a home. This assault has been most severe on young couples and individuals trying to buy their first home. In the last decade the numbers of young people able to afford to buy a home has decreased alarmingly. In 1973 38.9 percent of young married families were homeowners. In 1987, that percent had dropped to 29.1 percent. The most significant difficulty confronting prospective homebuyers is the accumulation of sufficient money to make a downpayment. In 1975, the average downpayment totaled 33 percent of a first-time homebuyers' yearly gross income. In 1987, that figure had leaped to 50 percent.

This is not a problem that will disappear soon. The National Association of Home Builders reports that 66 percent of home builders are building for "move up" buyers, and by 1989-1990 only 29 percent intend to build for first-time homebuyers. The added emphasis on move up homes will only increase the pressure on first-time homebuyers.

I have introduced legislation designed to deal directly with this worrisome problem. The First-Time Homebuyers Assistance Act is targeted at moderate income families and individuals who have not previously owned a home. Applicants for this program will need to meet stringent eligibility requirements, including a consistent employment and rental history and an excellent credit record.

Qualified families that are currently unable to generate sufficient cash to place a downpayment on a home will be eligible for Government guaranteed insurance of zero percent downpayment mortgages. The First-Time Homebuyers Mortgage Insurance Fund will be established specifically for this program. The qualified applicants will pay an initial insurance premium of 1.5 percent of the mortgage amount, and monthly payments of 5 percent of the monthly mortgage payment to this fund.

My bill also contains provisions to ensure that all money appropriated by the U.S. Government will be returned to the Treasury with any earned interest, upon the decision of the Secretary of the Department of Housing and Urban Development that the fund is liquid. This will ensure that this program will be self-sufficient and cause the Government to lose no money.

The aim of this program is to incorporate more families into the American dream of homeownership. The principle beneficiaries of this program will be the people on the fringes of being able to afford a home, yet lacking the large sum of money needed to place a downpayment.

CHILD ABUSE PREVENTION, ADOPTION, AND FAMILY SER- VICES ACT OF 1988 TECHNICAL AMENDMENTS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. OWENS of New York. Mr. Speaker, the passage of technical amendments that the House is passing today will help to clarify congressional intent concerning the recently reauthorized Child Abuse Prevention and Family Services Act of 1988.

Specifically, the conferees agreed that priority should be given to projects which focus on the early identification and prevention of child abuse in discretionary and demonstration grants authorized under the Child Abuse Prevention and Treatment Act.

Additionally, included within this set of amendments is a provision which raises the funding cap on the demonstration grants authorized under the "Family Violence Prevention and Services Act". These grants are intended to be seed money for public or private groups that provide shelter and related assistance to family members, or which engage in prevention activities. It has come to our attention that the cap of \$150,000 that any one single entity may receive in Federal funds, may shortly be exceeded, and so create a situation that none of the conferees intended; entire areas left without any provision of services. By raising the limit to \$200,000 those entities receiving Federal money clearly have time to plan to become independent of Federal funds within a reasonable period of time.

CONDEMNING BRITISH "CEN- SORSHIP" ORDER IN NORTH- ERN IRELAND

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. MANTON. Mr. Speaker, as a member of the Ad Hoc Congressional Committee for Irish Affairs, I wish to express my strong opposition to the British Government's announcement that they will ban television and radio broadcasts by certain organizations and related individuals. As described in today's Washington Post, the ban announced by British Home Secretary Douglas Hurd would apply to statements by "members of illegal terrorist organizations in Northern Ireland or their legal allies and sympathizers."

In a position I fully agree with, again according to the Post, opposition politicians charged that new ban "amounted to censorship." In my view, this is but another example of the repressive nature of the British direct rule policies in Northern Ireland which are entering their second decade. It is a policy that is morally and legally bankrupt and which relies on the tools of repression to survive.

I am especially opposed to this policy because of its selective application. It is directed

not only at paramilitary organizations but also representatives of legally sanctioned political parties, who compete in elections, but who subscribe to different political positions than the ruling British Government. To shut down their positions is to impose a visible form of censorship because it denies a full and fair exchange of views which the people in Northern Ireland are entitled to.

I recognize that the problem in Northern Ireland continues to be a serious one. I have long been critical of all forms of violence in Northern Ireland whether civilian or official in nature. Yet, banning broadcasts by representatives of only one part of the problem does not eliminate the problem.

The British Government finds itself with a policy modeled after one adopted previously in South Africa. Perhaps it is more than coincidental that these two nations share this policy in common since in many respects the British direct rule over Northern Ireland has other parallels to the repressive apartheid based policies in South Africa.

A democracy should be especially vigilant about protecting all its freedoms and ensuring they are extended to all its people. Here the British Government is advancing the position that it can restrict those freedoms for some of its citizens. This is a decision which should be reversed and soon.

RESOLUTION CONCERNING HABITABILITY OF RONGELAP ATOLL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. MILLER of California. Mr. Speaker, today I am introducing, along with Congressman DE LUGO and Congressman UDALL, a resolution urging a comprehensive and independent study to determine the habitability of Rongelap Atoll.

Mr. Speaker, Rongelap is a case study in government indifference and deception.

For 30 years, the Rongelap people have asked one simple question: "Is our home safe?" As of yet, they have not received an honest answer from the U.S. Government.

On March 1, 1954, the United States detonated a nuclear device on Bikini Atoll, a little over 100 miles from Rongelap.

The wind wasn't supposed to blow from Bikini toward Rongelap that day, but it did. Within a few hours, Rongelap was covered with radioactive fallout. The people were not informed of the test, or that the white powdery "snow" was pure poison.

The Rongelap people were exposed to a near lethal dose of radiation. The entire population, seriously ill, was evacuated within 2 days. They returned to Rongelap 3 years later after the Government assured them the atoll was safe.

According to later Government documents, the people were sent back too soon; Rongelap was not safe.

In 1982, the Department of Energy [DOE] published a report on the levels of radiation at Rongelap and 13 other atolls in the northern

Marshall Islands. DOE declared Rongelap safe. DOE said it to the Rongelap people, and subsequently to Congress.

In 1985, the Congress established a process to determine if the DOE report was accurate. An initial assessment has determined that the report contains numerous, serious flaws. The data in the DOE report was inadequate and any conclusion as to habitability cannot be substantiated.

In addition, the review raised other disturbing issues. The Rongelap people were never told that they had been exposed to plutonium. More startling, the review was unable to conclude that Rongelap is safe for children.

The resolution I have introduced today urges that a comprehensive, independent study be undertaken to determine if the Rongelap Atoll is safe.

The Rongelap people have asked whether their atoll is safe. That is a question we should be able to answer honestly and fairly. But we can't.

Mr. Speaker, the people of Rongelap deserve to know the truth. The resolution I've introduced today will help us get the answers.

CLEAN AIR LEGISLATION

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. FORD of Tennessee. Mr. Speaker, I rise today to express my great disappointment that clean air legislation will not be passed in the 100th Congress. We all know of the great risks posed by smog and acid rain. Twenty years is enough time to realize that the Clean Air Act is not doing its job. It must be strengthened and the longer we wait, the more it will cost.

Mr. Speaker, my district, Memphis, is one of the many cities plagued with dirty air. I am frequently asked by constituents why Congress has failed to act upon this serious problem. I share their frustration and agree that there is no reasonable justification for delaying action. The fact that Congress will not have an opportunity to vote on this crucial environmental legislation before adjournment is truly a loss to us all.

However, the issue is not dead. Congress must come back in January even more committed to cleaning our Nation's air, so that people in my district and throughout the Nation can breathe easier. I would just like to thank those who have led the fight here in Congress. Through their courage and dedication clean air will not be compromised. And there has been a great deal of pressure to do just that. But, we must stand firm in our commitment to strong legislation that will do the job in a timely fashion. The American people will not settle for less and neither should we.

Mr. Speaker, I urge my colleagues to join with me in a pledge to continue the fight for strong and effective clean air legislation and work toward its passage in the 101st Congress.

SAVANNAH RIVER—TIME TO MOVE FORWARD

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. CLINGER. Mr. Speaker, as was recently pointed out by a veteran U.S. arms negotiator, the past 8 years have seen America wisely reject the concept of unilateral concessions in the area of arms control. As a result, President Reagan was able to negotiate a landmark agreement with the Soviet Union to eliminate an entire class of ground-launched medium-range nuclear missiles.

It is important that America be able to continue negotiating from strength so that America's adversaries will find it in their interest to come to the table to negotiate meaningful and reciprocal cuts in nuclear weapons.

However, unless we solve the current problems at U.S. defense production facilities like Savannah River, we will provide the ultimate unilateral concession—the unilateral disarming of our nuclear deterrent.

The problems that have come to light are not problems unique to current management at the Department of Energy or the present administration. These are not Republican problems or Democrat problems.

For example, a review of previous incidents at Savannah River demonstrates that we are not talking about problems that suddenly appeared 8 years ago.

In January 1960, during the Eisenhower administration, control rods were withdrawn too quickly which resulted in a power surge nearly causing coolant to boil.

In May 1964, during President Johnson's tenure, a reactor shutdown button did not work for 40 days, making an emergency shutdown virtually impossible.

During the Nixon administration, there was an instance when a processing room was contaminated with radioactive material. Workers at the plant ignored the alarm that warned of the problem.

During President Carter's term of office, "hot" fuel was partly exposed when a crane moving reactor fuel stalled.

Clearly, no single administration and no one political party can be blamed for the problems that have come to light. The sad reality is that there is plenty of blame to go around. In fact, a large part of the blame must be shouldered by Congress, including the authorizing and appropriating committees. We can never forget that it is Congress which funds and annually reviews these programs.

The challenge is to now move forward. Instead of trading charges and allegations in the press, it's time to offer constructive suggestions to get defense production back on track. That is why I joined with a number of my colleagues last Wednesday, in sending to President Reagan specific recommendations regarding Savannah River.

The recommendations we sent to the President are not radical and are not necessarily inconsistent with recommendations coming from the Department itself. We simply asked that DOE report to Congress the specific

steps it intends to take in addressing management shortcomings. We asked that DOE not restart the Savannah River reactors until the Advisory Committee on Nuclear Facility Safety completes a review of DOE's safety upgrade program. Finally, we urged that DOE promptly complete a transition plan for the Savannah facility, to help ensure that the new contractor is able to implement needed safety improvements.

I am encouraged by the recent comments of Secretary Herrington and others within DOE. I am convinced that there is a commitment at the highest level to turn this thing around so that these facilities will operate safely and reliably. I strongly and emphatically disagree with those who contend that these problems are not receiving serious attention by the administration or DOE. Based on discussions I have had with officials from the White House and the Department of Energy, it is clear that improving the level of safety at DOE production facilities has become a top priority.

I hope that our efforts will help mark a new chapter in the American defense production. It's time to learn from the past, but at the same time, to put it behind us. I am confident that the President will give our recommendations serious consideration and will take the necessary steps to achieve safe and secure nuclear defense production.

DEFORESTATION AND THE GREENHOUSE EFFECT: A HOT TOPIC FOR THE 101ST CONGRESS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. STARK. Mr. Speaker, forests play an important role in mitigating the carbon dioxide problem, popularly known as the greenhouse effect.

About half the weight of an average, fairly fast-growing tropical hardwood species is carbon that has been assimilated from the atmosphere through photosynthesis.

Forests also allow the soil they grow in to absorb and store a greater amount of carbon than they could otherwise.

According to Sandra Postel of the World Watch Institute, assuming conservatively that soil carbon storage would increase about a half-ton per hectare annually on reforested land, the total carbon-fixing—absorbing—benefit of tree planting would be 6.5 tons per hectare per year.

Ms. Postel has calculated that at that rate, the equivalent of 120 million hectares of trees would sequester roughly an additional 780 million tons of carbon annually until the trees reach maturity, reducing net carbon releases from tropical terrestrial systems by 47 percent.

In temperate areas Ms. Postel claims that a hectare of woodland stores on the order of 40 to 45 more tons of carbon than a hectare of cultivated cropland.

There is no denying the facts, massive Third World deforestation is definitely compounding the atmospheric carbon dioxide

problem by reducing the carbon absorbing capacity of the Earth. These levels must be controlled if the world wishes to avoid the ominous greenhouse effect, which threatens to shift rainfall patterns north and south of the United States (and with them, grain growing regions), wash away coastal cities, and steadily increase world temperatures.

One way to control carbon dioxide levels and stifle the greenhouse effect is to reforest recently logged forestland in Third World nations. This is why I recently introduced H.R. 5390, which would remove GSP tariff waivers on wood and wood products being imported into the United States unless the exporting nation provides for the reforestation of land cleared for those exports.

I hope the Congress will pass H.R. 5390 in the new year. The greenhouse effects must be curbed, for the good of us all.

CREDIT REFORM

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. GRADISON. Mr. Speaker, over the past 10 years, considerable progress has been registered in the area of credit reform. Once virtually ignored in both the congressional and Executive budget processes, credit programs now receive significant and explicit consideration in the formulation of fiscal policy.

The basic, but elusive, goal of credit reform is to reflect the true costs of Federal credit programs in the budget. This is easier said than done. In pursuing this goal, Congress, on a bipartisan basis, and both Republican and Democratic administrations, have recognized the importance of correcting the distortions of the budget accounting practices for credit programs. These practices overstate the costs of direct loans and understate the costs of loan guarantee. Credit programs also tend to escape the scrutiny commonly applied to non-credit programs. As a result, we not only have difficulty comparing credit to noncredit programs, but we also have distortions in resource allocation because the inappropriate accounting practices send false cost signals.

The underlying principle of credit reform is to create a level playing field, not only between credit programs—direct loans and loan guarantees—but also between credit and non-credit programs. Credit reform has long been neutral with respect to total spending and the deficit.

Over the years, the question of how to measure the costs, or subsidies, of credit programs has occupied considerable attention. So, too, has the question of how to incorporate theory into practice, that is, actually determining or estimating the subsidies of credit programs and reporting them in the budget. While no complete consensus has emerged, a convergence of views has. This thinking is incorporated in H.R. 1745 and S. 745, which were introduced earlier in the 100th Congress, and which consisted of a major administrative initiative developed with extensive Hill consultation.

Today, as the 100th Congress draws to a close, and for the purpose of establishing leg-

islative history, I am pleased to introduce a revised version of H.R. 1745 and S. 745. Once again this was crafted by the administration with extensive consultation with the Hill. The principal change is the elimination of the requirement to sell loan assets in order to determine the underlying cost to the Government, or subsidy. Under the new proposal, these costs would be estimated.

Importantly, Federal agencies would continue to administer credit programs. They would to originate loans and guarantees and to collect repayments, interest, and fees as they now do. Agency accounts would reflect the subsidy costs and these costs would be appropriated as are most noncredit spending programs. No committee would be either advantaged or disadvantaged in terms of their budgetary resources allocations. Finally, total outlays and the deficit will be unchanged as a result implementing this proposal.

Mr. Speaker, I am not alone in this endeavor. For as long as I've been involved in credit reform, so too have Representatives TONY BEILSON, LEON PANETTA, and RALPH REGULA. I am pleased that they are again joining as original cosponsors of this latest comprehensive credit reform proposal. Credit reform has also been a priority for Representatives AMO HOUGHTON, NANCY JOHNSON, DICK ARMEY, and BILL GREEN. They cosponsored H.R. 1745, and have agreed to be original cosponsors of this new version.

JULIAN R. KNUTSON, M.D.
RETIRES

HON. DAN LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. LUNGREN. Mr. Speaker, I rise today to recognize a truly special man, Dr. Julian R. Knutson. Julian has been a valuable member of the medical community of Long Beach for 38 years and will retire on October 31, 1988.

Dr. Knutson graduated from St. John's University in Collegeville, MN, where he received his bachelor of science degree. He continued his education at the University of Minnesota Medical School. As a new Medical Doctor, he went to the Mayo Foundation in Rochester, MN, as a teaching fellow in neuropsychiatry. His tenure there was interrupted by his service in the U.S. Army Medical Corps. His brief army career was spent in Hawaii as Chief of Medicine at Tripler General Hospital in Honolulu. He returned to the Mayo Foundation to complete his training as a first assistant in physiology and cardiology.

In January of 1951, to escape the cold Minnesota winters, Julian moved with his family to Long Beach. There he joined a practice in internal medicine and cardiology. He served as member of the board of directors of Long Beach Memorial Hospital and was chief of staff there from 1966 to 1968. Dr. Knutson was also an associate professor of medicine at UCLA's Harbor General Hospital.

Julian and his wife of 45 years, Mary, especially enjoy traveling. Their special interest is in archeology and they have pursued that avocation with trips to India, China, Indonesia,

Turkey, Greece, Southeast Asia, and Mexico. He has also explored his Norwegian roots in his travels to Scandinavia. While at home, Dr. Knutson enjoys serving the community through the Long Beach Rotary Club. Julian and Mary will undoubtedly spend much of their retirement further exploring the globe.

Dedicated, talented, insightful and successful are all qualities that describe Julian Knutson. His career has been long, productive and of great significance to many people. Mr. Speaker, I ask that you join me and his wife Mary, his daughters Ann and Marcia, his son Rolf, his grandchildren Julie and Brian as well as friends and colleagues in saluting Julian Knutson. He serves as an outstanding example to us all for his dedication to the medical profession. It is with great respect that I pay tribute to him today.

THE OMNIBUS DRUG INITIATIVE ACT

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. BUNNING. Mr. Speaker, I rise to express my support of the Omnibus Drug Initiative Act and to commend this body for a job well done. This bill does not contain every provision that I would have liked to have seen. However, it does do so much to strengthen our national effort and our national commitment to the fight against illicit drugs that it has to be seen as a major step forward.

This bill attacks the scourge of drugs and drug abuse on many fronts at the same time. It provides money for rehabilitation. It provides money for education. It toughens up the penalties on drug merchants and it toughens up the penalty for drug users. It provides new funds for interdiction both here at home and for international cooperative efforts to stop drugs at their source.

Drug use and drug abuse are complex issues and I don't believe that any of us pretend that this bill will provide any miracle cure. But it certainly proves that Congress is serious about tackling the problem and it does certainly provide a very necessary expansion of the front lines in the war against this devastating social disease.

This bill, as it stands, marks a real turning point for Congress. This bill completely destroys the myth that drug use is a victimless crime. The penalties provided in this bill for the users of drugs—not just the merchants of drugs—tells everyone in this country that we do not intend to tolerate drug use anymore. The penalties for users which include the potential loss of student loans or public housing or other Federal benefits provide a very clear statement that this Congress has decided, at long last, that we can no longer concentrate only on the supply side of the drug problem.

From my point of view, it is unfortunate that the provisions dealing with the exclusionary rule were dropped from this conference report. Taking the misguided blinders off our law enforcement officials would have been an extraordinary victory for law and order.

But despite this major shortcoming in this conference report, I think this is a landmark

bill and that this body can be proud of its work on it.

TOM COPE, DEDICATED PUBLIC SERVANT

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. ALEXANDER. Mr. Speaker, I rise today to pay tribute to Thomas Cope, the outgoing treasurer of St. Francis County, AR.

By his very life, Tom Cope has defined competent, dedicated public service.

He will retire from office on December 31, 1988, at the end of his current term, having served 42 years as county treasurer. He has held the office longer than any county treasurer in the 152-year history of the State of Arkansas. Today, I salute his exemplary service to St. Francis County, to Arkansas, and to the Nation.

Tom Cope's father was an agent for the Missouri Pacific Railroad, and the Cope family moved to Hughes, AR, in March 1923. Tom spent his first 8 years of school in Hughes. In April 1931, Tom's family moved to Forrest City, the seat of St. Francis County, and Tom graduated from high school there in May 1936.

As the storm clouds of war gathered across the oceans in 1941, Tom, along with millions of other young men, entered the U.S. Army. He served through all of the Second World War, and lost his right leg below the knee in the European Theater of Operations in February 1945.

Decorated with the Purple Heart, the young veteran left the Army in April 1946. He married his lovely wife Betty in May 1946, and won the Democratic primary for county treasurer—equivalent to election as there were practically no Republicans in St. Francis County in those days—by a slim margin in late July 1946.

That was the last time the words "slim margin" were ever associated with Tom Cope. From that 1946 primary until this year, when he announced he would not seek reelection, Tom Cope drew opposition only twice—in 1978 and 1980. He won both of those elections going away.

For 42 years, Tom Cope has efficiently and effectively managed St. Francis County's money so that the county can make the best use of a limited tax base.

However, Tom has done far more with the office than manage money.

For four decades, he has gone far beyond the call of duty in helping the people of St. Francis County.

When anyone needed help filling out any kind of Government form, he was there.

When a poor family's child died in infancy and the family could not afford to pay for burial of the child, he was there.

When a veteran needed help in obtaining veterans' benefits, he was there.

In fact, the major veterans' organizations have designated Tom Cope as the official veterans' representative for the east central Arkansas region for more than 40 years. He is

an active member of the American Legion, the Veterans of Foreign Wars, and the Disabled American Veterans.

Perhaps the most distinctive characteristic about Tom Cope is that he has never been known to wear a wristwatch. For four decades, this has symbolized to the people of St. Francis County that no matter what the hour, no matter what your circumstances, no matter how difficult your problem, Tom Cope has time for you.

Tom Cope's service is a model for those of us who would serve the public. Mr. Speaker, I say Godspeed to Tom and Betty Cope, and I wish them a happy retirement and long lives.

TRIBUTE TO MRS. PAMELA GRABE

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. KOLTER. Mr. Speaker, it is with great pride that I rise today to pay tribute to Mrs. Pamela Grabe for her untiring efforts on behalf of children throughout the United States.

Mrs. Grabe, a graduate of Davis and Elkins College, put her talents and education to good use as a mother, a teacher, and an advocate of children with special needs. As director of the Butler County Mental Health Association since 1981, Pam has initiated such programs as COMPEER—which provides one-to-one friendships for people who are recovering from a mental illness; and BAM!, a support group for families of the seriously mentally ill, as well as a group for the survivors of the victims of suicide. But it is on behalf of special needs children and the families who adopt them that Pam has become most vocal.

In 1973, Pam and her husband Charles became involved in the adoption process when they adopted their son, Charlie, now age 15, and the oldest of their four adopted children. During the adoption of Charlie, Pam discovered just how many children were languishing in foster homes hoping to be adopted. Pam's concern for these children without permanent homes led her to assist in the creation of PACO, a group that encourages and assists families who want to adopt children with special needs, namely those with physical, emotional, or mental handicaps or those over 10 years old.

In the next few years Pam promoted her ideas to anyone who would listen. Soon people and agencies did listen and Pam became one of the founders of the Three Rivers Adoption Council, a group of western Pennsylvania agencies and parent groups, such as PACO, who want to increase the number of successful special needs adoptions. Pam's sphere of influence soon spread to the State level where she assisted in the founding of the Specialized Pennsylvania Adoption Network which allows agencies and parent groups across the State to exchange information on available children and to improve the adoption process.

Because the concept of placing special children for adoption was so new, agencies had

nowhere to turn for information. Pam again filled the void by doing research on the most troubling issues facing agencies and families and published the booklets and pamphlets that were so desperately needed. The media became interested and invited Pam to appear often on local and area radio and television stations.

As the number of special needs adoptions increased, so did the number of serious problems. Pam realized that very specialized therapy was needed to address the issues that were plaguing almost all special needs children and jeopardizing the success of their adoptions. With the help of a Federal grant, Pam and Rev. Paul Reitnauer, an adoption caseworker and the father of 12 adopted children, organized workshops for mental health professionals across the United States. To further assist therapists, Pam invited experts from across the United States to contribute to a manual which she edited and had published. The manual, entitled "Adoption Resources for Mental Health Professionals" became a best seller in the field of social work not only in the United States but in foreign countries as well. The profits from the book continue to sponsor mental health programs.

I am very proud of Pam because she has given a voice to a group of children who, until now, had no one to champion their cause. Her unrelenting concern for homeless children has brought the dream of a permanent family closer to reality for the 500,000 children in foster care in the United States. Those who have worked with Pam know that she is truly a selfless person. I am amazed at her contributions and honored that I have been asked to speak on her behalf. She is a priceless asset to her community and to her country.

**HYDROFLUORIC ACID—100
TIMES MORE TOXIC THAN
FIRST THOUGHT**

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. LEVINE of California. Mr. Speaker, I rise today to voice my concern over a critical environmental issue in my district and around the Nation—the use of hydrofluoric acid [HF] in the refining process.

Hydrofluoric acid, also known as HF, is used as a chemical catalyst to increase the octane level of unleaded gasoline. In the last 2 years, this Nation has learned the horrors of this chemical. A Department of Energy experiment done in conjunction with private companies simulated releases of different volumes of HF under different weather conditions. The results were astounding. According to the test, everyone living within 7.5 miles of a release is in a zone considered to be immediately dangerous to life and health. According to the Environmental Policy Institute, 2.2 million of my constituents live within such a zone and 6 to 12 million Americans live within such a distance of 60 refineries around the country utilizing HF. Most importantly, it was determined that water spray technologies were only about 50 percent effective in containing such a re-

lease and that HF was 100 times more toxic than originally thought. It has been determined that some facilities may have been constructed under the assumption that water spray could mitigate a release of HF.

Unfortunately, citizens living in Texas City, TX; Tulsa, OK; and Torrance, CA have witnessed a real life release of HF from nearby refineries. In Texas City, the release caused the evacuation of thousands from their homes, many of whom required treatment at nearby hospitals. If wind conditions and weather patterns had been different, there could have been fatalities. One of the facilities located in my district is so problematic, three separate investigations are being undertaken right now to determine the risk of continuing to use HF in the refining process. The local regulatory authority, the fire department, and even the local OSHA is investigating the facility. Several fires and explosions have occurred in a refinery in Torrance. Several of these episodes have been attributed to HF.

Mr. Speaker, the continued use of HF is not prudent given that there is an available commercial alternative to HF, capable of increasing the octane level of fuel without risking the lives of citizens. While sulfuric acid is undoubtedly a dangerous chemical compound, it is a liquid and controllable in an accident. According to the estimates of the Environmental Policy Institute, the refineries in the country are nearly evenly split between using these two chemicals in the refining process.

Mr. Speaker, there are two vehicles available to the Congress to protect our citizens from this deadly chemical. First, title III of the Superfund legislation is known as the Right to Know Act. This title was added to Superfund for precisely the reasons described in this statement. Right to know was passed so that citizens can be educated as to the dangers that they face as a result of hazardous chemicals stored in nearby industrial facilities. We must insure that the Local Emergency Planning Commissions established by the act develop sufficient emergency plans to evacuate citizens in the event of a chemical release.

Finally, the Clean Air Act was supposed to be reauthorized this year. Yet, Congress still has not passed legislation that regulates toxic threats such as this. Will the Congress wait until there is a tragedy to act or will we restrict the use of a dangerous chemical when an viable commercial alternative exists? I urge action now.

**IN HONOR OF THE 50TH ANNI-
VERSARY OF OUR LADY OF
THE ANGELUS**

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. ACKERMAN. Mr. Speaker, I rise to honor Our Lady of the Angelus in Rego Park, Queens County, as it celebrates the 50th anniversary of its outstanding parish.

For the past 50 years the priests, sisters, and laity have been striving to build a parish community committed to the worship of God, quality education, and community involvement.

As an institution with thousands of faithful members, the church has contributed immeasurably to the development of Rego Park community over the years and has given stability, permanence, and a sense of tradition to this vicinity.

To celebrate the anniversary of this fine parish many activities, including concerts and special masses, have taken place. The parish is holding a gala dinner/dance on Friday, October 21. Among the 400 people expected to participate in this event include his excellency, Francis J. Mugavero, Bishop of Brooklyn; the Reverend Lawrence Jenco, the former Beirut hostage; and Borough President Claire Shulman who will be presenting a proclamation declaring October 21 Our Lady of the Angelus Day in Queens County.

This outstanding parish has contributed to improving the Rego Park community through many educational and social programs such as leisure club for the elderly, English as a second language classes, Catholic Youth Organization, spiritual meeting group and both an English and Spanish choir.

Many people deserve credit for the magnificent work that takes place at the parish of Our Lady of the Angelus. I commend some of those who play vital roles in keeping the parish in such fine condition. These include the Reverend William T. Hickey, and the previous pastor, the Reverend Robert Rausch. The excellent choir is led by a fine organist Ann Palmer.

I am sure my colleagues join me in congratulating the members of Our Lady of the Angelus in this historic occasion, thanking them for their essential contributions to the community, and wishing them all the best in the future.

CHINA-BURMA-INDIA VETERANS

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. HAMMERSCHMIDT. Mr. Speaker, I would like to call the attention of my colleagues to a group of people that I had the distinct pleasure of serving with—the China-Burma-India Veterans of WW II. This past July, I, along with Representatives MONTGOMERY and INHOFE, introduced House Joint Resolution 608, which, as amended, would designate November 12, 1988, as "National China-Burma-India Veterans Day." Over 300,000 individuals served in this theatre from December 7, 1941 to March 2, 1946.

As many of us know first hand, there are few bonds stronger than those formed on the battlefield. Over the years these bonds have remained strong—in fact, some would say they have even grown. Our ability to maintain these ties has been greatly facilitated through the formation of the National China-Burma-India Veterans Association [CBIVA]. Today the association has a membership of over 9,000 veterans across the Nation. Through the association, CBI veterans have the opportunity to renew old friendships, forge new ones, as well as work together to preserve the history of this ERA.

I greatly value the many friends and memories that I have from that time. It was certainly a privilege to serve with such a fine group of men and women. I would, therefore, ask my colleagues to join with me in paying tribute to the China-Burma-India Veterans of WW II.

EL SALVADOR: POLICY OF DECEIT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. EDWARDS of California. Mr. Speaker, I would like to call to the attention of my colleagues an outstanding article by our colleague, GEORGE MILLER, which appeared in today's New York Times.

The article discusses the failure of the Reagan administration to adopt policies that would help promote peace in El Salvador. In fact, as the gentleman from California points out, a recent report from four U.S. Army lieutenant-colonels concludes that our Government's policy has prolonged the hostilities there and enabled the far right to consolidate its hold on that troubled nation.

This military analysis mirrors the findings of our colleagues, GEORGE MILLER, JIM LEACH, and Senator MARK HATFIELD in their 1985 report to the arms control and foreign policy Caucus and their more recent 1987 report entitled "Bankrolling Failure."

As the gentleman from California points out, what is urgently needed is a change of course in United States policy toward El Salvador, one that encourages peaceful settlement and that shifts United States assistance from counter-productive war-related assistance to aid for economic development and reform.

I encourage my colleagues to read this insightful article.

[From the New York Times, October 21, 1988]

EL SALVADOR: POLICY OF DECEIT (By George Miller)

"By most estimates, the war in El Salvador is stuck. Unhappily, the U.S. finds itself stuck with the war."

The tired words of liberal Congressional critics? Hardly. This observation is drawn from a recently published report by four United States Army Lieutenant-Colonels that confirms what too few of us in Congress have been arguing for years: The truth is almost always the opposite of what the Reagan Administration tells us.

The work of the military analysts further illustrates the failure of the Administration's policy of building democracy in El Salvador while defeating the leftist rebels militarily.

The assessment of the military analysts, who spent the last academic year as national security fellows at the Kennedy School of Government, was based on highly classified documents and interviews with Defense and State Department officials, former United States military advisers and Salvadoran military officers. The report includes a host of additional findings that lambaste the United States' role in El Salvador.

The Administration has a long history of deceiving Congress about its intentions in El Salvador, as I, with Sen. Mark O. Hatfield

of Oregon and Rep. Jim Leach of Iowa, both Republicans, detailed in a 1985 report. For example, the Administration has evaded a 55-person cap on military personnel in El Salvador by redefining "military personnel." According to the Army analysts' report, the number of American military service people "exceeded 150" in 1987.

Since 1981, Congress has been told that military personnel were stationed away from areas that would expose them to significant hostilities and thus, in theory, trigger the War Powers Act. Yet, the new report describes American military involvement in every facet of the war. And last month, three American advisers returned fire, for the first time, when they were caught in an attack on a base that has long been a target of the leftist Farabundo Marti Liberacion Nacional, or FMLN, rebels. It was the same base that witnessed, less than two years ago, the first (and, so far, only) killing of an American adviser in an attack in El Salvador.

In a 1987 update to the Congressional report, we concluded that the Salvadoran economy was deteriorating rapidly and that the war showed no sign of ending. Supporting our conclusion, the military analysts said: "Since 1985, the war has settled into a fixed pattern. Despite reduced numbers, the FMLN remains a formidable foe, its attacks exacerbating the deterioration of the Salvadoran economy." They added that "observers generally concede that the FMLN . . . can sustain its current strategy indefinitely" and that "an end to the war is nowhere in sight."

In 1984, we were told that the newly elected Government of José Napoleón Duarte, backed to the hilt by Washington, would represent a credible, effective and moderate force that would implement genuine economic reform and bring peace to El Salvador. Those plans have gone nowhere.

With the far right's triumph in El Salvador's March legislative elections, the renewal of death squad activity and an increasing guerilla presence in San Salvador, our next President will find that El Salvador is the real trouble spot in Central America.

We must attack the root causes of the war, specifically economic underdevelopment and gross social injustice. Again, the four military analysts concur, saying that "American officers recognized . . . that victory required first addressing the grievances of the Salvadoran people."

Unfortunately and, to me, inexplicably, the four military analysts do not call for the Administration to change course. But change is obviously needed. The Government of El Salvador is now being kept afloat by annual infusions of aid—almost \$3.6 billion since 1980, including nearly \$400 million more just three weeks ago. As in the Vietnam era, the Administration pursues, and Congress obediently supports a policy without critically analyzing its impact.

We must redirect all our resources to a political settlement. This must include, first, encouraging negotiations and, second, dramatically shifting our present, overwhelming emphasis on war-related assistance to aid for true economic reform. The alternative is many more years of instability, death-squad murders and war.

FRIENDSHIP DAY AT GRACE LUTHERAN CHURCH, FOREST HILLS, NY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. ACKERMAN. Mr. Speaker, I rise today to congratulate Grace Lutheran Church, located in Forest Hills, as it celebrates the 30th anniversary of its beautiful sanctuary. It is my pleasure to take part in the anniversary festivities, including the friendship fair which will highlight the church's community activities.

The Grace Lutheran Church came into existence over 60 years ago in the Forest Hills area of Queens County. Since its modest beginnings, the Grace Lutheran Church has continued to be at the forefront of community leadership. On November 6, the congregation will honor its role in helping Forest Hills maintain its status as one of New York's outstanding communities.

Along with honoring its community activities, the church is also celebrating the 30th anniversary of the building of its magnificent sanctuary. Today, over 200 members worship there and many local residents utilize the grounds for various activities.

From the day it first opened its doors, the center became the focal point of numerous community programs. It is currently involved in the work of the Girl Scouts, alcohol anonymous, narcotics anonymous. It also serves as a shelter for the homeless and as a theater for the Parkside Players.

Mr. Speaker, as you know, a church is not merely an edifice, but it is also made up of countless committed and dedicated individuals. I want to thank the many people whose hard work and selflessness make the Grace Lutheran Church a great success. The church thrives today because of the steady leadership of the Reverend Douglas A. Haak. However, there are many other people who also devote much time and energy to the church by participating in the various church committees.

Through the outstanding work of the dedicated people, the Grace Lutheran Church has become a model community organization. Therefore, I call on my colleagues in the House of Representatives to join me in offering the Grace Lutheran Church the very best of birthday wishes, and our hopes for its continued success.

BILL NATCHER—A MEMBER'S MEMBER

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. MAZZOLI. Mr. Speaker, I am proud to be part of the Kentucky delegation and prouder, still, that it has in its ranks one of the greatest Members of Congress in the history of the House of Representatives.

The front page article in the Wall Street Journal of October 20, 1988, says it all.

I wish here to share it with my colleagues.

REPRESENTATIVE NATCHER RUNS AUSTERE CAMPAIGN, AND VOTERS LOVE IT

KENTUCKIAN SHUNS DONATIONS, POLLSTERS AND THE PRESS; VISITING THE BARBER SHOP
(By Brooks Jackson)

BOWLING GREEN, KY.—Congressman William Natcher recalls how Speaker Sam Rayburn used to kid him about the political dangers of his anachronistic style of seeking re-election: "He'd say, 'You're still not taking campaign contributions? Just keep doing that—they'll get you one of these days.'"

That was 30 years ago, and no one has gotten Mr. Natcher yet. Now, in another election season, the Democratic lawmaker is heading back to his sprawling district in western Kentucky, running the same kind of campaign he always has: no polls, no television advertising, no campaign staff, no press entourage, no special-interest money, no donations from anybody. And he appears to be winning again.

Mr. Natcher is the last of a vanishing breed—a lawmaker who runs solely on his official record and his personal reputation. One handshake at a time, the 79-year-old, silver-haired Kentucky gentleman continues to campaign as he has for all his 35 years in the House, paying all expenses from his own pocket.

A PINCH-PENNY CAMPAIGN

He is the only person left in Congress doing it this way. Sen. William Proxmire of Wisconsin also refused all campaign gifts, but he is retiring this year. Mr. Natcher glides on serenely. "This weekend, I'll buy gasoline and I'll start traveling," he says. He will drive alone, without hoopla, visiting a town each day. "I'll put my car on a side street, at a meter, and I'll spend all day. I go everywhere."

The average House winner in 1986 spent more than \$350,000, and lawmakers lean ever more heavily on special-interest donors to finance the dizzying expense of a campaign. House Democrats got about half their 1986 funds from political-action committees, and much of the rest from Washington lobbyists and businessmen seeking favors from Congress.

Not Mr. Natcher. In 1986, he spent \$5,714, mostly for gasoline and advertisements in the many small newspapers in his district. The money comes out of his \$89,500 House salary and from land rentals back home, which brought in \$4,200 last year.

Lobbyists and political-action committees would gladly finance his campaigns if only he would permit them. He is chairman of the subcommittee that handles billions in appropriations for the Departments of Labor, Health and Human Services and Education. Only the Defense Appropriations lawmakers oversee more money.

"In the position I'm in, I could raise a whole lot of money in 10 days—more than I would need," he says. "But I won't do it. I would be defeated before I would accept campaign contributions."

Actually, he did accept one \$100 campaign gift early in his career while running for county attorney. A close friend gave him the contribution, he says; the friend would have been wounded if it had been rejected. So, before the election, Mr. Natcher bought his friend a \$100 gift certificate at a local men's store. "Plus tax," he recalls. "It cost me \$2.50 to return the hundred."

The current Republican nominee, Martin Tori, is reduced to saying that Mr. Natcher is too nice. "He's a gentleman in the highest caliber and a credit to Kentucky," Mr. Tori told one newspaper interviewer. But he says the incumbent isn't forceful enough in bringing federal dollars into his district, and argues, "You need a mean, nasty guy in Congress—me."

Mr. Natcher is the seventh most senior member of the House, but he attracts far less attention than lawmakers who are less consequential but flashier and more publicity-hungry. He wants it that way. He has no press secretary, and boasts that his five-woman Washington staff is the smallest of any member of Congress.

He issues but one press release a year, announcing the number of votes he has cast in an unbroken string since his first day in Congress. The number, now up to 15,883, long ago set a record for any legislative body. You can look it up: It's in the Guinness Book of World Records.

His standing in Congress is legendary with Democrats and Republicans alike. Former Speaker Thomas O'Neill once called him the best parliamentarian in the House. Georgia Rep. Newt Gingrich, the GOP firebrand who has made a career of baiting powerful House Democrats, says, "I don't know anyone in the House who has more affection and less resentment. He reminds you of the world that once was, in which politics happens in your district and governing happens in Washington."

NO PRESS, PLEASE

In 1982, some Republicans floated the idea of supporting Rep. Natcher for speaker, to divide Democrats and unseat Mr. O'Neill. Mr. Natcher rejected the notion, however. "I'd rather be speaker than president of the United States, but if I'm going to be speaker I would have to win it the right way," he says.

Mr. Natcher does have detractors. Years ago, some blacks and liberals accused him of racism when, as head of the subcommittee handling funds for the mostly black District of Columbia, he complained about welfare, illegitimacy and crime. But he supported the 1965 Voting Rights Act and Lyndon Johnson's antipoverty programs. Now that he shepherds through annual appropriations for most of the federal government's nonmilitary outlays, some conservatives gripe that he is a big-spending liberal.

He won't allow reporters to accompany him on his campaign trips, saying he doesn't wish to embarrass his constituents. Once in 1983, reporter Al Cross of the Louisville Courier-Journal stole into Bowling Green before dawn and parked in front of the congressman's house at 5:30 a.m., hoping to trail him to wherever he was going. No use. "He apparently was already up and gone," Mr. Cross recalls.

J.T. Whitlock, a Lebanon, Ky., broadcast station owner, says Rep. Natcher's visits to his town always follow this pattern: "His secretary will call and say he's coming. That means call the county judge and the mayor and four or five other people. After lunch, which he pays for, he will explain the bills that are before Congress. [He will say] 'Gentlemen, I want you to let me know how to vote.'"

PICKING UP THE TAB

The congressman routinely tours the town squares, dropping by barber shops, stores and sometimes the local newspaper office. In Glasgow, Ky., drugstore manager Tom Holmes says the congressman always has

coffee with the regulars at the lunch counter; on the last visit he lost a coin toss and had to pay everyone's tab. "It's just like he grew up here. He just fits in the group," Mr. Holmes says.

Like Mr. Rayburn 30 years ago, some friends worry that Mr. Natcher's old-fashioned campaign style will someday be his ruin. "A lot of his district is what you would call Bible-belt redneck," says Jack Eversole, director of a regional development council in Kentucky. "Someone who votes a lot of money for welfare and illegitimate mothers is vulnerable . . . particularly since he does not accept the PAC funds and mount an advertising campaign about all the things he's accomplished."

But most believe that Rep. Natcher can remain in office indefinitely. Walter Baker, a Republican attorney who ran against him in 1976, says "the Lord himself" couldn't beat him in an election here. Mr. Baker describes his erstwhile opponent as "an honorable and an honest man."

In the unlikely event that he loses, Rep. Natcher says he won't stick around Washington to lobby, the way many of his defeated colleagues do. Rather, he says, he would be content to resume the legal practice here that he left 35 years ago. The lettering on his storefront office still reads: "William H. Natcher, Attorney at Law."

"It's a point of pride," he says.

TRIBUTE TO MR. JAY CAVANAUGH

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. BERMAN. Mr. Speaker, it is a pleasure to ask my colleagues to join me in paying tribute to an outstanding member of the San Fernando Valley community, Mr. Jay Cavanaugh. Mr. Cavanaugh is being honored by Because I Love You, a non-profit parent support group organization, for his many contributions toward the safekeeping and preserving of harmony in family life.

For well over 15 years, Jay has devoted his life to the concerns of the young people of our Nation. The growing problems of teenage suicides, runaways, irregular school attendance, substance abuse, physical or verbal abuse, and negative attitudes are of extreme importance to Mr. Cavanaugh. His hard work and dedicated efforts on behalf of these youth has positively affected many lives. He has instilled strength, hope, dignity, and a strong desire to improve the quality of life into many hearts and minds.

At present, Jay is director of I-ADARP, [Inter Agency Drug Abuse Recovery Programs], a non-profit drug rehabilitation program for outpatient drug and alcohol counseling. His service also includes counseling for the Los Angeles County Health Department, training, teaching, and lecturing on different aspects of drug abuse. He is a distinguished author whose expertise is in great demand.

Jay is a member of the California Board of Pharmacy and the California Senate Bill 550 Committee on Pharmacy Practice in Correctional Facilities. He also served on the California Medical Association Task Force on Pre-

scription Drug Abuse and is a member of numerous community outreach affiliations. His energy and commitment are a testimony to his achievements in the substance abuse field where he is recognized as an outstanding leader.

Jay Cavanaugh has continually worked toward the betterment of our Nation. His sensitivity to the special needs of the unfortunate victims of all aspects of the drug abuse cycle is unmatched. Few have given of their time and energy as selflessly as Jay. It is my distinct honor to ask my colleague to join me in saluting Mr. Jay Cavanaugh, a truly dedicated citizen.

POST OFFICE DEDICATION IN HONOR OF LESLIE N. SHAW, SR.

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. HAWKINS. Mr. Speaker, a dedication ceremony will be held today to name a U.S. Post Office in Los Angeles after Leslie N. Shaw, Sr., the first black postmaster of a major U.S. city. He was appointed to the post by President John F. Kennedy.

The Los Angeles General Mail Facility will be the Nation's largest single-level mail-processing center and will handle about 6.5 million pieces of mail a day. The 74-acre complex, located in South Central Los Angeles, will have 1.1 million square feet of space and house 4,100 employees. The main building, with its 635,000 square-foot floor, is about the size of 10 football fields.

It is fitting that this major public facility be named in honor of Leslie Shaw because of his deep and committed involvement with members of the Los Angeles community. He was widely recognized for his civic leadership and was involved in a number of important public issues, particularly in finding workable solutions to difficult housing problems. He was an early pioneer in exploring better ways to involve his and other financial institutions in community needs.

Les Shaw also served on the Great Western Financial Corp. for 16 years as vice president and director of Community Development. The Great Western Financial Corp. last year established the Leslie N. Shaw, Sr., Memorial Award. The award, accompanied by a substantial monetary grant, will be given annually to nonprofit organizations throughout the country that are working to develop low-cost housing opportunities.

I also want to commend Charles W. King, the Postmaster of Los Angeles, for all his efforts in making this dedication possible and for the excellent manner in which he has performed his duties through the years.

Although I regret I cannot attend the dedication ceremony today of this major postal facility in behalf of Leslie Shaw, I am pleased to honor this event today with congressional recognition in the House of Representatives.

MEDICAL DEVICE IMPROVEMENTS ACT OF 1988

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. FLORIO. Mr. Speaker, in this session, Energy and Commerce Committee Chairman DINGELL and Health and Environment Subcommittee Chairman WAXMAN successfully shepherded through the House the Medical Device Improvements Act of 1988. Among the important issues addressed in that package was the question of the proper classification of transitional devices, including contact lenses.

The question of the proper classification of soft and rigid permeable lenses is not a new issue, but it is a tremendously controversial one. The FDS has twice rejected attempts to reclassify soft and rigid gas-permeable contact lenses in class III. In two separate proceedings, the FDA has determined that no "valid scientific evidence" exists to support relaxation of the premarket approval requirement.

The House, in its medical devices bill, crafted an industrywide compromise which would have required the FDA to review the status of contact lenses within a reasonable time-frame—3 years—without the coercive threat of automatic reclassification.

In contrast, legislation considered in the other body would have the automatic reclassification of these lenses, thus overriding the scientific judgment of the FDA on an important safety matter.

I share the concern expressed by Public Citizen that "any automatic reclassification * * * is a bad idea, since it represents a hasty congressional capitulation to an individual segment of an industry, rather than a considered scientific judgment, and sets an unfortunate precedent to which other segments of industry can point when seeking special legislative treatment in the future."

This is why I support the House position on this issue and oppose the Senate's automatic reclassification approach.

I want to share with my colleagues Public Citizen's correspondence to the Senate on this matter as we anticipate work on medical devices in the 101st Congress.

PUBLIC CITIZEN,

Washington, DC, July 25, 1988.

Senator EDWARD M. KENNEDY,
Russell Senate Office Building, Washington,
DC.

DEAR SENATOR KENNEDY: Public Citizen Health Research Group urges to seek postponement of Senate action on S. 1808, a bill to loosen regulatory controls on certain contact lenses and other medical devices once regulated as drugs, until the Senate can explore the ramifications of the bill in hearings. The bill in its present form is seriously flawed, for several reasons.

First, the bill corrupts the basic structure of the medical device law by tinkering with the fundamental standard for classifying potentially risky medical devices into the "Class III" category requiring premarket approval—i.e., scientific proof of safety and effectiveness before marketing. The fundamental structure of the law requires that a

medical device be placed into Class III if it either is for a use in supporting or sustaining human life or preventing impairment of human health, or presents a potential unreasonable risk of illness or injury.¹

S. 1808 would change that fundamental test with regard to nonhydrophilic (mainly rigid gas-permeable) contact lenses, so that the lenses could be in Class III only if they met both tests, instead of either one. This corruption of the basic standard of the law singles out one kind of device for special treatment, creating a terrible precedent for future pleas by particular segments of the industry lobbying Congress for favored status.

Second, the bill would provide for automatic reclassification to Class II of all rigid gas-permeable lenses of any chemical composition, even for lengthy extended-wear use, unless FDA makes a special determination within one year that the lenses should remain subject to premarket approval requirements. This process would be carried out, apparently, without opportunity for public comment before FDA's decision is made final. This is troublesome from both the procedural and substantive standpoints.

The lack of opportunity for public comment undermines the principle of public accountability at the heart of the current medical device law. (Other decisions to classify or reclassify medical devices are subject to a public advisory committee's review, notice-and-comment proceedings or both.)²

The automatic reclassification to Class II is also bad substantive policy. Class II medical devices require performance standards to provide reasonable assurance of safety and effectiveness,³ but no standard has been promulgated by FDA for any kind of contact lenses, much less for lenses intended for potentially riskier extended-wear use. If rigid gas-permeable lenses for lengthy extended-wear use are placed in Class II, so that they could go on the market without premarket safety testing, the nation would have little assurance that they were formulated and manufactured to specifications that would protect the eyesight of the likely millions of users.

Finally, any automatic reclassification (whether under the standard now provided in the law or under the corrupted standard of S. 1808) is a bad idea, since it represents a hasty Congressional capitulation to an individual segment of an industry, rather than a considered scientific judgment, and sets an unfortunate precedent to which other segments of industry can point when seeking special legislative treatment in the future. The device classification process should be performed by the agency Congress has entrusted to carry out scientific review, unpressured by a harried legislative body during an election year.

For these reasons, we ask that you seek to postpone Senate consideration of this unfortunate bill until hearings can be held to fully explore the issues raised, in the context of overall reform of the medical device law. Thank you for your consideration of these points.

Sincerely,

SIDNEY M. WOLFE, M.D.,
Director.

¹ Food, Drug and Cosmetic Act (FDCA) Section 513(a)(1)(C)(ii). Also, insufficient information must exist to establish a performance standard for the device.

² E.g., FDCA Sections 513(d), 513(e), 513(f)(2), 520(1)(2).

³ FDCA Sections 513(a)(1)(B) & 514.

ROBERT B LEFLAR, J.D.,
M.P.H.,
Of Counsel.

OAKLAND HOUSING AUTHORITY DAY

HON. RONALD V. DELLUMS

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. DELLUMS. Mr. Speaker, I am very pleased to call the attention of my colleagues to the resolution passed by the Oakland, California City Council proclaiming the 28th of October to be "Oakland Housing Authority Day." Our city is privileged to be served by an excellent housing authority, and to have the able leadership of Mr. Harold Davis, certainly one of the most outstanding housing administrators in this Nation. Because I share so wholeheartedly in the sentiments expressed in the resolution of September 20, 1988, by Mayor Lionel Wilson and the council, I am extremely pleased to republish this statement in its entirety.

RESOLUTION OBSERVING THE 50TH ANNIVERSARY OF THE HOUSING AUTHORITY OF THE CITY OF OAKLAND AND PROCLAIMING OCTOBER 28, 1988 AS "OAKLAND HOUSING AUTHORITY DAY"

Whereas, The Oakland City Council established the Housing Authority in 1938 to provide decent, affordable housing to low-income residents of the City of Oakland; and

Whereas, The Housing Authority, in carrying out its mission, has provided housing to the residents of the City of Oakland in need of low-income rental housing for 50 years; and

Whereas, Through Conventional and Leased Housing Programs, the Housing Authority currently provides approximately 35,000 Oakland residents with approximately 10,000 housing units, thereby providing a valuable resource; and

Whereas, The Housing Authority, governed by a seven-member Board of Commissioners chaired by Donald Duffy, is dedicated to the development, management, and maintenance of affordable housing in Oakland; and

Whereas, Dynamic and effective executive leadership has been provided by Harold Davis, Executive Director for sixteen years, assisted by a capable and dedicated staff of 220 that includes the Departments of Administration, Housing Management, Leased Housing, Maintenance, Modernization and Architectural Services, Community Services, Management Information Services, Security Services, Finance, and Human Resources; and

Now, therefore, be it resolved: That the Mayor and the City Council do hereby congratulate and salute the Housing Authority of the City of Oakland on the occasion of its 50th Anniversary for providing City of Oakland on the occasion of its 50th Anniversary for providing housing services to residents of the City of Oakland for five decades;

And be it further resolved: That the Mayor and the City Council do hereby, in recognition of these accomplishments, proclaim that October 28, 1988 will be observed as "Oakland Housing Authority Day" in the City of Oakland.

EXTENSIONS OF REMARKS

A TRIBUTE TO HOWARD N.
LARSEN

HON. SILVIO O. CONTE

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. CONTE. Mr. Speaker, it's a pleasure for me to pay a special tribute to dedicated public servant and a lover of the environment, Mr. Howard Larsen. The Northeast was fortunate to have Howard as a Regional Director for the U.S. Fish and Wildlife Service. During his tenure at helm, Howard made significant contributions to the conservation of our natural resources, and for that service, the Nation is grateful.

Howard N. Larsen, 55, was born and raised in Waukegan, IL. He graduated from Northwestern University with a B.A. degree in biology and he also attended graduate school at Auburn University and George Washington University.

Larsen entered Federal service in 1958 at Lake Mills National Fish Hatchery, WI. He had tours of duty at Manchester, IA; New London, MN; Leetown, WV; Marion, AL; and LaCrosse, WI, before being assigned to Washington, DC, in 1966 as Chief of Production in the Branch of Fish Hatcheries. In 1968, he was appointed Assistant Chief of Fish Hatcheries and became the Chief in 1972. In 1974, he was promoted to Deputy Associate Director for Fish and Wildlife, and became Regional Director of region 5, 1975.

In 1959, Larsen attended the in-service fish disease training school; in 1960 he attended with warm water fish cultural school, and in 1965, the Departmental Management Training Program. His early career was spent as a specialist in fish diseases and solving fish habitat problems.

As Regional Director in the Northeast, Howard Larson has taken the lead on many important conservation programs, including the restoration of Atlantic salmon, restoration of bald eagles, resolution of conflict in public use of refuges, and development of sound Federal-State working relationships.

Mr. Larsen's achievements have had a substantial impact on the direction and substance of the Service's programs and have derived significant benefits to the Service, the Department, and the Nation. He was a prime mover in redirecting the Service's policy on controlling fish diseases at national fish hatcheries and the entry of diseased fish and fish eggs into the United States. He strongly influenced the management of the National Fish Hatchery System so that management goals are now directed toward quality fish production and away from the once prevalent quantity production. Another noteworthy contribution for which he received high commendation was his participation as a member of the Alaska Planning Group where he contributed immeasurably to implementing section 17(d)(2) of the Alaska Native Claims Settlement Act. The fruition of his dedication and labors culminated in his selection as the Regional Director of the Service's Northeast Region, comprised of 13 States containing approximately 25 percent of the Nation's population. In this position, he demonstrated leadership, sound judgment and

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managerial expertise in balancing competing demands between human needs and resource needs. One of the major accomplishments is the success achieved in restoring Atlantic salmon to New England rivers in cooperation with the States. As top manager in the region, he took the lead in the development of a comprehensive memorandum of understanding between the Service and the Environmental Protection Agency implementing coordinated plans for the restoration and cleanup of the Chesapeake Bay. As a tribute to his integrity and outstanding capabilities as an administrator, Mr. Howard N. Larsen was granted the Distinguished Service Award of the Department of Interior.

Mr. Larsen has made especially noteworthy contributions in the field of policy formulation and direction. He was personally responsible for the redirection of the Service's policy of controlling fish diseases at National fish hatcheries and the importation of diseased fish into the United States. In conjunction with the latter, he received a Certificate of Award from the Director in recognition of his successful efforts in amending title 50 CFR to prevent the importation of two serious fish diseases into the United States. His diplomacy and expertise in accomplishing this task reflected favorably on this Service and the Department. He was a prime mover in establishing a system to classify National Fish Hatcheries in terms of fish disease incidence at each hatchery. This system was a major step toward controlling the spread of fish diseases between hatcheries and more important, the spread of disease in wild fish stocks. Fish are no longer stocked in the wild or transferred between hatcheries until a determination is made on the impact, if any, the involved fish will have on the disease status of the receiving waters.

In 1973, he was appointed a member of the Alaska Planning Group which had the responsibility for the overall planning and coordination of studies of the national interest lands in Alaska. His work as a member of this group contributed to the implementation of section 17(d)(2) of the Alaska Native Claims Settlement Act. In recognition for his enthusiasm, dedication, and professional competency in this effort, he was awarded a letter of commendation from the Secretary of Interior.

Mr. Larsen was the Regional Director of the Fish and Wildlife Service's Northeast Region, comprised of the 13 Northeastern States containing approximately 25 percent of the Nation's population. There is a great demand in his region for recreation and a high potential for conflict between human needs and the needs of fish and wildlife. He addresses those resource needs.

One of his major accomplishments is the success achieved in restoring Atlantic salmon to New England rivers. Under his guidance, all six New England States and utility companies on the major rivers are cooperating in this highly visible and popular restoration program.

Mr. Larsen took the lead in the development of a comprehensive memorandum of understanding between the Fish and Wildlife Service and the Environment Protection Agency implementing coordinated plans for the restoration/cleanup of the Chesapeake

Bay. Cooperative agreements between the Fish and Wildlife Service and the State of Maryland and Virginia in 1985 initiated an ongoing striped bass restoration effort in the bay.

Mr. Larsen received the Meritorious Service Award of the Department of the Interior 1977. Howard Larsen's achievements have had a substantial impact on the direction and substance of the Service's programs and have derived significant benefits to the Service, the Department and the Nation and on July 3, 1988, he was appointed Special Assistant to the Director, National Fisheries Research Center, Gainesville, FL.

Howard Larsen's devotion to duty, integrity, high moral convictions and outstanding achievements qualify him as an individual who has placed the natural resources of this Nation in esteem. A debt of gratitude is owed to this man who has devoted his career to the betterment of our Nation's natural resources.

TRIBUTE TO DR. EVANS DANIELS

HON. BARBARA B. KENNELLY OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mrs. KENNELLY. Mr. Speaker, I rise today to honor a very special and personal friend, Dr. Evans Daniels. Dr. Daniels' 35-year career as a family physician has enhanced the quality of health care for countless Hartford residents. Because of his dedication and his exemplary service, family and friends will gather on October 27, 1988, to pay tribute to this outstanding physician.

Dr. Daniels recognized his calling in medicine early on. Having watched his family doctor treat his grandmother, Evans decided that he wanted to be just like him. After his first year as a Howard University undergraduate, Mr. Daniels served in the U.S. Army in World War II. During that tenure his commanding officer, Arthur Wilson, a Hartford physician, encouraged him to go on to medical school after college. Dr. Wilson also suggested Hartford as a town in need of black physicians, as well as a good place to begin a practice. Dr. Daniels took his advice on both counts. He earned his medical degree from Howard University in 1952 and then came to Connecticut.

Since settling in Hartford in 1953, Dr. Daniels has been outstanding, diligent, and tireless in serving the north end community. In 1968, when area associations and businesses came together to address the need for health care services in the area, they went to Dr. Daniels. The Community Health Services, Inc. resulted from their efforts, with Dr. Daniels named executive and medical director.

To say that Dr. Daniels has touched the lives of many would be an understatement. As a friend I can attest to his warmth and generosity. He is a true champion and a source of pride for so many in the Greater Hartford Area. His commitment and integrity serves as a model for all of us.

Dr. Daniels, I join your family and many friends in honoring you for your many years of public service.

GENEROSO P. POPE, JR.

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. DORNAN of California. Mr. Speaker, America is mourning the passing of National Enquirer founder and owner Generoso P. Pope, Jr., who passed away October 2 at age 61. He purchased a 17,000-circulation newspaper at age 25 and built it into a nationally distributed publication with a weekly readership of 19 million, pioneering distribution in America's supermarkets. He was also a tireless humanitarian who devoted much of his time, energy, and money to helping those less fortunate.

He leaves behind his loving wife Lois and six children.

Here is the eulogy delivered at the funeral by Iain Calder, president and editor of the Enquirer, who knew Mr. Pope for 24 years.

Lois, Family, Friends . . .

Gene Pope was the greatest man I've ever known.

He was an inspiration to me and to everyone he met. Gene was a man of towering intellect who graduated from MIT at the age of 19. He was a visionary with the capacity to dream the impossible dream—and the courage and drive to make it come true. He was a real leader with the ability to command respect and loyalty. He was the genius with a very special gift of insight into the minds of millions of Americans.

But, perhaps most of all, Gene Pope was a uniquely compassionate human being whose heart was touched by human suffering. Whenever he saw or heard of people in genuine need, he reached out to them. As we all know, he gave literally millions of dollars to charity and he gave of himself totally and selflessly. The beneficiaries of his generosity are everywhere. JFK Medical Center where ultimately, he was Board Chairman; Palm Beach Rehabilitation Center, Palm Beach Blood Bank, Florida Easter Seals Society, The Town of Lantana, police forces throughout the County.

I just can't begin to name them all.

Many of you, of course, have your own favorite personal examples of Gene Pope's caring. Perhaps how he gave some poor underprivileged toddlers a Christmas day they would never forget. Perhaps how he heard that a former Enquirer writer had contracted terminal cancer, then hired him back on payroll just so The Enquirer could pay his last medical bills.

But one story I heard just yesterday seems to crystallize and illuminate the essence of Gene. A few years ago, the director of a local orphanage was taking a group of his boys to visit The Enquirer's Christmas tree. One of the boys somehow believed his father was nearby and became hysterical. Crying and yelling for his daddy, nobody could quiet the distraught youngster who was just inconsolable.

Then Gene arrived at the scene. The owner of America's biggest newspaper—the publishing tycoon Generoso Pope Junior, went over, bent down and took the tearful little boy by the hand. Somehow, he quieted him down, dried his tears and asked him gently if he would like to visit The Enquirer offices. The little boy nodded and Gene took him into his own office.

There, where Gene has entertained VIP's ranging from presidential cabinet members and famous movie stars to Billy Graham, he sat the little orphan boy down and personally got him a coke. With a few kind words and some jokes, he made the boy smile again and a few moments later, a happy child was back with his friends.

But that's not the end of the story.

Some days later, there arrived at the orphanage crates of ice cream, a pool table, a ping pong table. Not long after came a check for \$30,000. And since then, gifts have never stopped arriving.

The director of the home said he was absolutely astonished at Gene's generosity. I'm not. That's the Gene Pope I knew and came to love after working for him for almost 25 years.

I'll miss you Gene, terribly. I always will. Your family and your friends will. Nothing we can say here will ease the loss.

But we're not here to mourn. Gene would have hated that. We're here to rejoice and wonder at what he achieved in his 61 years.

He leaves behind his beloved wife Lois and the wonderful family he adored. He leaves the heritage of a publishing empire known throughout the civilized world. And he leaves us all with our own special individual memories of a man who just will never be forgotten.

About a year ago, a TV interviewer asked Gene, "How would like people to remember you?"

Gene thought for a moment and answered very carefully, "I would like for them to say I made an awful lot of people happy and gave them relief and escape. Millions and millions of them."

Well, Gene succeeded in that. He sure did.

Every week 21 million Americans throughout the United States and Canada read The Enquirer. They read it for escape, for enjoyment and—in Gene's words—to make them happy.

And if they like the paper, they liked Gene. It was his baby. The result of an idea, a conception and finally, a success beyond all expectations. But not beyond Gene's expectations.

He knew he would succeed.

In the early days, when the paper had only 17,000 circulation, others predicted failure. He ignored them. He went on to inspire people around him, he generated excitement, he challenged his staff to reach for and attain heights they themselves thought impossible.

From such special people, legends are born. It may be a cliché, but I really believe everyone here would agree with me—Gene Pope truly was a legend in his own time.

Gene taught me a lot. And frankly he'd be mad at me if I didn't remember his number one adage: "Don't bore your audience. Be brief."

So from all of us here, and from the millions whose lives you have touched:

Thank you, Gene.

You were the best.

NEW YORK CITY AND THE DISTRIBUTION OF NEEDLES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. RANGEL. Mr. Speaker, as a concerned citizen and chairman of the House Select Committee on Narcotics Abuse and Control, I have repeatedly criticized the city of New York's plan to distribute free needles to drug addicts. Proponents of this plan, while well intentioned, are wrong in their assumptions that this plan will be an effective tool in reducing the spread of AIDS among drug users.

I remain opposed to this plan because I believe that it will send to drug users a signal that their habits are acceptable to our society. Drug users, and perhaps more importantly, those who have considered, but never used drugs, will begin to believe that our society has demonstrated its support of the use of illegal drugs by supposedly making "shooting up" safer. Nothing could be farther from the truth.

Mr. Speaker, the city of New York's plan is of particular concern to me because I represent an area of New York where illegal drugs are rampant. Now, we have made some progress in reducing the use of illegal drugs in my district of Harlem, as well as the flow of such substances into my congressional district. I do not want any Federal, State, or city plan implemented that in my opinion, will do nothing more than further limit the progress that I and other Harlem community leaders are making on this front. Under the Reagan administration, we have had a difficult enough time making the progress that we have made, without having to fight the city of New York as well.

At this time, I would like to enter into the RECORD an editorial written by Earl Caldwell, a columnist for the New York Daily News. Titled, "Once Again, It's Blacks Against the City," I recommend that all concerned and committed Members review this timely piece.

[From the New York Daily News]

ONCE AGAIN, IT'S BLACKS AGAINST THE CITY
(By Earl Caldwell)

Another fight that puts the city on one side and the bulk of the black community of New York on the other has begun to take shape. Already it raises the specter of a fight likely to reach the proportions of the battle to save Sydenham Hospital. And later, the struggle to force the appointment of Thomas Minter to the position of schools chancellor.

At issue is the scary experiment the city Health Department is to begin next month. Maybe nowhere else in the country has the AIDS epidemic reached the dimensions that it has in New York. And one of the places the disease has multiplied in alarming numbers is among intravenous drug users. So under the guise of fighting AIDS, the sanctioned experiment of the Health Department of New York City is to provide clean needles to known addicts, to shoot illegal drugs.

The fight to keep the city from closing Sydenham Hospital in Harlem brought together many elements in the black community. The struggle was long and fierce, but the

hospital was closed. An even wider cross-section lined up behind Minter, who was trained at Harvard to run a big-city schools system and was first in line when the job opened. Minter, though, did not get the job.

Now, another line is being drawn. Even in the face of almost a year of protest, Dr. Stephen Joseph, health commissioner, is determined to go ahead with his experiment. He says that only a small number (200) of addicts are involved. He says the desperate situation dictates drastic action. And his critics, he says, "need to step back and think this (criticism) through." So his position is set: Damn the criticism, full speed ahead.

Sydenham sat in a community where the need for medical care was at the crisis level. The appointment of Minter was seen as being more than a symbol. The public schools had fallen to such a level that the number of dropouts had begun to match the number of graduates. Sydenham was important. Minter was important. But among blacks, no problem is greater than the one of drugs.

Even though AIDS has risen to become a giant killer among blacks, it has not cut nearly the path of damage that drugs have over the last 20 years. So any signal that seems to say "yes" to drugs arouses the black community. The evidence is in the kind of opposition that has developed to the clean-needles experiment.

"It sends the worst kind of signal," James Dumpson said. Dumpson, who was twice welfare commissioner (first under Robert Wagner and then under Abraham Beame), is a co-chairman of the recently organized Black Leadership Commission on AIDS. The group has 52 members. Seldom has the community mustered a more impressive or wider array of leadership to attack a problem. But fighting AIDS is just a part of the group's mission. The real work the group has now is fighting Joseph's experiment.

"To whom will this (clean-needle experiment) be beamed?" Dumpson asks. "Minorities," he answers. "We're the predominant group among the intravenous drug users. Well, we have enough bad images going to our young people. I know Dr. Joseph is well-intentioned, but why is he doing this? Is it out of frustration?" The Black Leadership Commission on AIDS has begun to look, as Dumpson says, "line by line" at the city's proposal. The group has lawyers and a wide array of medical experts, and Dumpson says they intend to stop the city. And they are not alone. Other groups are mobilizing too. Lines are being drawn.

This October, all of it looms as the fight the City of New York cannot afford. And more than that, it is the fight the city has no business making. In a sense, Joseph has done some good. His plan, as outrageous as it is, did serve a purpose. It has aroused a community, where the problem is great, to the danger of AIDS. But unless the city is ready to revisit old battles, the time has come to back away from a bad idea.

TRIBUTE TO DELEGATE EILEEN REHRMANN

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. DYSON. Mr. Speaker, I rise today to honor one of Maryland's most dedicated public servants, Delegate Eileen Rehrmann,

on the occasion of her 10th anniversary of elected public service. Harford County and all of Maryland have gained through her service.

I have known Eileen for most of her 10 years of public service, and I have always been impressed by her determination in her work and her dedication to her constituents. Her first elected office was as Bel Air Town Commissioner. After serving her city for 4 years in this capacity, Eileen became a member of the House of Delegates, where she has served for the last 6 years.

Eileen is a member of the powerful Appropriations Committee, and as such, she has a great impact on the economy of Maryland. She is also the chairman of the Harford County Delegation and treasurer of the Women's Caucus.

Mr. Speaker, Eileen Rehrmann is to be commended for her 10 years of outstanding public service. Eileen has served with honor and with the strength of her convictions. She is to be commended. Today I join with her family and friends in honoring her 10 years of service. I hope that she will serve for 10 years more.

FURTHER WORK REQUIRED TO AMERICANIZE THE U.S. FISHING INDUSTRY

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. JONES of North Carolina. Earlier this year, Congress sent to President Reagan H.R. 2598, the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987, for his signature. On January 11, 1988, the President signed this bill into law, Public Law 100-239.

Representing a milestone for the U.S. fishing industry, the bill includes many new provisions to assist our domestic fishing industry. First, Congress closed the loophole which had previously allowed foreign-built fish processing vessels to be documented as U.S.-built vessels for allocating fishing privileges under the Magnuson Act. We also included provisions on American-controlled ownership and manning to bring the fishing industry into closer alignment with the other domestic trades, thus helping to achieve Congress' goal of truly Americanizing the U.S. fishing industry.

My colleagues and I included another key provision in the new law which prohibits U.S.-built vessels, destined for use in the U.S. fishing industry, from being rebuilt in foreign shipyards. Unfortunately, unlike the other provisions, this one is not working. It has been brought to our attention that these vessels are still being rebuilt overseas, despite a cutoff date of July 28, 1987. The problem stems from uncertainties associated with the term "re-built." Achievement of a final bill, acceptable to all parties involved, was a hard-fought battle; however, it does not appear to be over. Congress needs to firmly close this loophole once and for all, and we will be working in the next Congress to tighten the definition of "re-build" so that all—the shipbuilding industry, vessel operators, and the U.S. Coast Guard—have a strong and definitive set of guidelines

to follow, and we can ensure that this work will be performed in American shipyards.

A TRIBUTE TO RICHARD J. SCHWARTZ

HON. JOSEPH J. DiOGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. DiOGUARDI. Mr. Speaker, I rise today to recognize a close friend and a great American, Richard J. Schwartz, who will celebrate his 50th birthday later this year.

Dick Schwartz was born on December 29, 1938 in New York and earned a B.A. degree from Cornell University in 1960. He is a devoted family man; he and his wife Sheila have two children.

Among Dick's humanitarian endeavors are his trusteeships of Lincoln Center for the Performing Arts, Mount Sinai Medical Center, the Buffalo Bill Historical Center in Cody, WY, the Chapin School in New York, the Herbert F. Johnson Museum of Art at Cornell University, the National Museum Services Board and the Archives of American Art in New York, of which he is also president.

Dick proudly serves as president of the David Schwartz Foundation which his father established. I recently had the privilege to witness firsthand the important archeological work underway in Jerusalem which was made possible through the generous support of the David Schwartz Foundation.

Because of his devotion to and support for worthwhile cultural and humanitarian causes, Dick has developed strong leadership roles in the business and social communities in Westchester and New York City. He is a man particularly deserving of our recognition.

I ask my distinguished colleagues in Congress to join me to wish Richard J. Schwartz a happy 50th birthday. Dick, we thank you for your many contributions, and we wish you another 50 years of health, happiness and success.

TRIBUTE TO THE EFFORTS OF DR. HUERTA C. NEALS OF JERSEY CITY, NJ

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. TORRICELLI. Mr. Speaker, I welcome the opportunity to pay tribute to a man who has distinguished himself in service to his community. Dr. Huerta C. Neals, a Jersey City cardiologist, responds with energy and creativity to the need of providing health care to elderly patients in housing projects.

Dr. Neals has had a long and distinguished career both inside and outside of the medical profession. Earning his Bachelors of Science degree from Morehouse College in 1936, he went on to receive his M.D. here in Washington from Howard University in 1942 and completed a graduate fellowship in cardio-vascular diseases from Harvard University in 1958. Currently the senior attending physician in medi-

cine at the Jersey City Medical Center, Dr. Neals has served as past president of the New Jersey Society of Internal Medicine, and has received numerous awards and citations from groups such as the NAACP and the American Society of Internal Medicine.

In 1967, Dr. Neals conceived of a novel idea to reach elderly patients who could not ordinarily reach him—a mobile health office. Every other Tuesday afternoon, after morning rounds at the Jersey City Medical Center, Dr. Neals and his wife board their modified RV for afternoon rounds in housing projects. Dispensing quality medical care and invincible cheerfulness, Dr. Neals is appreciated both by those he serves in the projects and by us, the residents of that great State of New Jersey, who look to his example.

Mr. Speaker, it is with much admiration that I commend Dr. Huerta C. Neals to my colleagues, and take this opportunity to wish him and his wife Antoinette much continued success in the years ahead.

STATE EFFORTS TO REMOVE BARRIERS TO PARTICIPATION IN THE SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN [WIC]

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. LELAND. Mr. Speaker, next year Congress will consider legislation to reauthorize the Special Supplemental Food Program for Women, Infants, and Children—popularly referred to as WIC. Over the past 14 years, WIC has expanded from a demonstration project to a national program operating in all States and serving approximately 3.6 million low-income pregnant and postpartum women, infants and children under the age of 5 years each month.

The House Select Committee on Hunger, which I have the privilege of chairing, has conducted a series of hearings to examine the effectiveness and accessibility of Federal food assistance programs. We have received testimony from WIC administrators, service providers and participants identifying various barriers to participation in the program. Efforts to learn more about these obstacles led the select committee to develop a questionnaire which was distributed to the directors of all State, territorial and tribal WIC programs during February 1988. Based on the responses to this questionnaire and an extensive review of information currently available on the operation of WIC, the select committee has prepared a report which addresses barriers to participation; innovations implemented by States to expand caseloads; and, recommendations for improving program management and expanding program service.

Since its inception, the WIC Program has received broad bipartisan support in the Congress—from both sides of the aisle. The program has also received positive recognition in the medical and nutrition communities, largely because of the numerous studies indicating that it is a cost-effective means for supplying

poor women, infants, and children with critical food assistance and access to health care.

I believe the select committee's report will enhance our knowledge about WIC and will provide us new insights on the steps we must take to assure maintenance of its effectiveness as we contemplate reauthorization in 1989.

A TRUE CHAMPION ON NEW JERSEY SMALL BUSINESS

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. GALLO. Mr. Speaker, I rise to pay tribute to one of New Jersey's most active, prominent and dedicated advocates of small businesses.

Betty Lyons, the director of the Division of Development for Small Business and Women and Minority Businesses of the New Jersey Department of Commerce, will be retiring from public service on November 1, 1988. Betty will be missed by her colleagues and all those entrepreneurs that have benefited from her expertise and encouragement.

I have had the pleasure of working with Betty Lyons on several projects in the 11th District of New Jersey. Through her leadership and direction, I have put on several conferences on State and Federal procurement programs and export opportunities for my constituents.

Betty also served as an integral part of my New Jersey Small Business Export Opportunity Task Force that made several key recommendations to the Federal Government, particularly the Small Business Administration and U.S. Department of Commerce, toward increasing the participation of small, minority and women-owned businesses in international trade. Several of these recommendations were approved this year by the Small Business Committee and included in the omnibus trade bill signed into law by the President.

These are but a few of Ms. Lyon's many accomplishments that remain a vital part of her legacy to the small business community of New Jersey.

Mr. Speaker, let me conclude by wishing Betty a happy and healthy retirement. Betty Lyons will be missed by all who have had the pleasure of working with her.

S. 2100—WATER RESOURCES ACT

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. LIGHTFOOT. Mr. Speaker, I would like to raise an issue with respect to S. 2100, the Water Resources Act. Included in the House-passed version of this bill was a study and demonstration project for Carter Lake, IA. This lake has been a problem for the community for some time, and I had included language in the House-passed Water Resources Act to address this problem.

Unfortunately, during conference consideration of the bill, conferees dropped the language addressing the Carter Lake problem because of assurance they had received from the Army Corps of Engineers that the Carter Lake situation was being addressed. Conferees indicated they were informed by the Corps of Engineers that a section 205 study on the Carter Lake drainage problem was nearly complete and the corps expected the study to lead to corps assistance in remedying the problem.

I therefore am awaiting results of the corps study and expect to see work on a project begin as soon as practical so further legislative action will not be necessary.

HONORING THE 25TH ANNIVERSARY OF THE SACRED HEART SCHOOL IN PITTSFIELD, MA

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. CONTE. Mr. Speaker, this year marks the 25th anniversary of the Sacred Heart Elementary School in Pittsfield, MA, and I would like to take this opportunity to extend my congratulations to the faculty and student body for carrying on the tradition of academic excellence that has been a trademark of Sacred Heart since its dedication a quarter of a century ago.

Sacred Heart Elementary School takes pride in being the only parochial school in Pittsfield, MA. The dedication and talent of the faculty who teach those enrolled in kindergarten through fifth grade should be commended for their efforts in helping the youth of central Berkshire County to grow and succeed throughout their scholastic careers. Judging by the large number of students currently enrolled at the school, it is apparent that parents appreciate the academic excellence Sacred Heart has to offer.

Under the wise and watchful eye of its principal, Sister Kathleen Wallace, Sacred Heart has prepared thousands of students to continue on as future leaders of their community. Sister Kathleen remembers well those first few years at the new parish school when it first began to grow and gain recognition within the community. First as a teacher and now as the principal, Sister Kathleen should also receive special recognition for her guidance and inspiration to the faculty, staff, students, and parents.

Since its inception 25 years ago, Mr. Speaker, Sacred Heart Elementary School has established a fine tradition of education. All those affiliated with the school certainly have reason to celebrate on November 19. There is no doubt that the success of this fine institution will carry on and serve Berkshire County for another 25 years.

Western Massachusetts is fortunate and proud to be the home of Sacred Heart Elementary School, and on behalf of the First Congressional District I wish all those affiliated with Sacred Heart a happy silver anniversary.

THIRD ANNUAL NATIONAL VETERANS GOLDEN AGE GAMES

HON. JIM JONTZ

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. JONTZ. Mr. Speaker, the third annual National Veterans Golden Age Games was held from September 8 to September 11 at the Marion, IN, VAMC. Sponsored by the VA and the DAV, these games are the culmination of months of competition by older veterans receiving care from VA medical centers.

I had the opportunity to participate in the awards ceremony. In a sense, it was more of a privilege than an opportunity as these men and women are very special. The courage and dedication of our veterans show us the depth of our potential as human beings.

The games allow veterans to expand the activities in their lives and participate in the larger community of disabled veterans. Most importantly the games demonstrate that whatever handicaps a person may have they cannot prevent him from developing his other abilities to the fullest. The games recognize that a person's life is defined not by what they can do but rather by what they set out to achieve.

In this light I want to congratulate all the veterans, their friends, and VA employees who participated at all levels in this competition.

CONGRATULATIONS TO MORTON-THIOL

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. BUECHNER. Mr. Speaker, I recently had the privilege to witness America's return to space. With the *Challenger* disaster still on the minds of many, I watched the crowd at Cape Canaveral—composed of politicians, NASA engineers, journalists, and other Americans from every walk of life and various parts of the country—anxiously await liftoff. Once the countdown had worked its way to zero and we saw the magnificent glow from the solid rocket motors and heard the thunderous rumbling of the shuttle lifting off the pad, I gently prodded her—"go baby-go baby" I could hear myself saying—as it was echoed by those around me and in the schools and offices, the shops and stores "go baby-go baby." Then she disappeared into the clouds. Collectively we held our breath until *Discovery* emerged—then a ripple, then a cascade of applause, cheers and yes, emotional tears that sent the crew on their way toward the heavens to begin their journey and to find the stars we all know belong to each of the fallen *Challenger* crew.

The launch of the space shuttle *Discovery* was a joyous occasion for our Nation and especially for the thousands of men and women who worked so tirelessly to resuscitate our manned space program. In particular, I want to congratulate the men and women of

Morton-Thiokol who redesigned the solid rocket motor. In the aftermath of the *Challenger* disaster, these men and women shouldered an enormous responsibility that can test the endurance of human strength. When I visited the Morton-Thiokol facility in Utah last year, I realized the magnitude of their grief and an identification with the victims and their sheer determination to make sure this never occurs again.

The engineers, technicians, and every worker at Morton-Thiokol dedicated their heart and soul toward the redesign of the solid rocket motor. Their work was not an effort to liberate the memories of that tragic loss last January, but rather it was a tribute to the seven heroic souls who lost their lives and the urgent need for America to recapture its leadership in the area of space technology.

At 2 minutes and 4 seconds into the flight of *Discovery* all their hard work came to fruition as the solid rocket motors successfully separated from the shuttle and descended to the ocean below.

As future generations look back to this period, I know they will look to our vision, much as we look to that of Columbus and the explorers of his age. They will look back with a sense of admiration, knowing that in the face of adversity—we did not back away from our commitment to a strong space program. Indeed, future generations will understand that the rebirth of our space program epitomizes the thirst for discovery and adventure, and the commitment to freedom that makes us Americans. And for that, we owe a debt of thanks to Morton-Thiokol and the NASA team for once again allowing our dreams to become reality.

TRIBUTE TO ALDO R. BENEDETTO

HON. GUY V. MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. MOLINARI. Mr. Speaker, I rise today to pay tribute to Aldo R. Benedetto, a personal friend of mine who passed away earlier this year. Aldo, a life-long resident of Staten Island, left behind an impressive record of service to the Staten Island community.

After attending college, Aldo entered the U.S. Army and fought in North Africa and Italy in World War II. He returned to Staten Island in 1945 when he was wounded in action and received the Purple Heart. He would spend the rest of his life serving our veterans.

Aldo joined the American Legion after the war, becoming commander of Staats Post in 1950 and county commander of Richmond County, NY in 1953. In 1960, he was unanimously elected State commander of the American Legion of New York State. He was elected committeeman for New York State on the National Executive Committee of the national American Legion in 1972. In 1976 Gov. Hugh Carey appointed him eastern regional director of the New York State Division of Veterans Affairs. Needless to say, Aldo helped countless veterans, war widows, and orphans with their problems.

Aldo's contributions to the community were felt in many other areas as well. He served as assistant borough president from 1977 to January 1988, when he became very ill. He was chairman of the board of directors of the Staten Island chapter of the American Red Cross for many years, president of the Rotary Club of Staten Island, director of the Staten Island Multiple Sclerosis Society, director of the Staten Island Retarded Children's Association and president of the Cedar Grove Beach Club. He was also a member of the Knights of Columbus, the Staten Island Elks, the Veterans of Foreign Wars and the Disabled American Veterans.

This brief recitation of some of Aldo's activities show that he truly was a strong presence in our community. It would be hard to remember all the activities and events we participated in together. I surely miss him as a friend and I know his community misses his activism and diligence. Yet, as a community we look back on all his achievements and contributions to us and we know Staten Island was fortunate indeed to have him serve us so well for so many years.

CONGRESS RECEIVES APPRECIATION FROM DIMCO-GRAY CO.

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. McEWEN. Mr. Speaker, I stand today with the honor of presenting to my colleagues a scroll signed by 130 workers at the employee-owned Dimco-Gray Co. in Centerville, OH.

These 130 workers at Dimco-Gray are now the owners of their own company because of the 1984 Deficit Reduction Act which enacted incentives for borrowing institutions and for employees to purchase companies. A provision of the law approved by the Congress made it possible for workers to purchase the company they work for and to have a role in managing their futures and the future of their company.

The scroll reads in, in part:

We the undersigned employees of Dimco-Gray Company, Centerville Ohio, wish to express our appreciation to the Congress of the United States of America for the legislation establishing significant tax credits for employee-owned corporations.

This legislation providing a tax reduction for our corporation and lending institutions made it possible for us to purchase Dimco-Gray, protecting our job and our futures. It has allowed us to create additional jobs and opportunities for fifteen more employees of the corporation. Dimco-Gray employees have contributed \$17 million to the local and national economy since June 1986 when we became an employee owned corporation. We are confident that with the continued support of Congress and legislation favorable to employee ownership our contribution will increase at a more rapid pace than privately held or publicly held stock held corporations.

It's a privilege for me to present this document for your attention.

THE 100TH ANNIVERSARY OF THE CHURCH OF ST. ROSE, BELMAR, NJ

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. HUGHES. Mr. Speaker, this Saturday, the parishioners of the church of St. Rose, Belmar, NJ, will be celebrating their 100th anniversary.

Our late colleague and friend, Congressman Jim Howard, attended the grammar and high schools which are a part of the church. I know how close he felt to the students and the parishioners of St. Rose and to the borough of Belmar where he grew up and maintained his principal district office. If he were alive today, he would be standing here recounting with pride the many fine contributions St. Rose has made to surrounding communities.

The theme of the anniversary celebration is "One Hundred Years, Growing in the Lord." With the tremendous growth which has taken place at the Jersey shore, St. Rose has served an ever-expanding population since its creation in 1888. At that time, it was a mission church and Belmar was known as Ocean Beach. Now it serves over 1,400 families.

The pastor of St. Rose is Msgr. Alfred D. Smith. Father Leonard F. Troiano is associate pastor and Father John B. Garrone, C.P.M. is in residence. St. Rose Grammar School and St. Rose High School are staffed by the Sisters of St. Joseph, Chestnut Hill, PA.

I want to personally extend my congratulations to the parishioners of St. Rose Parish and wish them many more years of growth and service to the community. I am sure the entire New Jersey congressional delegation joins me in this salute.

H.R. 5529—LEGISLATION TO MODIFY MEDICARE PAYMENTS TO HOSPITALS

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. SLATTERY. Mr. Speaker, on October 13, 1988, I introduced legislation (H.R. 5529) to modify Medicare payments to hospitals.

During a recent visit to the Clay County Hospital in my district, it was suggested to me that when a Medicare beneficiary is admitted under one diagnosis related group [DRG] and subsequently experiences a secondary, more severe diagnosis, the Medicare Program's hospital payment should reflect the higher DRG—including any outlier payment—for which the hospital provides treatment.

The purpose of the legislation is to allow hospitals to recapture costs for services provided multidisabled Medicare beneficiaries. I am concerned that hospitals oftentimes are unfairly penalized for the severity of illness of the beneficiaries they serve.

I introduced H.R. 5529 to begin a discussion which I believe we all know needs to take place: How can we make the prospective

payment system more flexible and responsive to the needs of our hospitals, Medicare beneficiaries, and our communities?

One-third of this Nation's hospitals are currently operating with a deficit. Obviously, something is wrong. The integrity of this great Nation's health care delivery system is in jeopardy—and we need to face up to the fact that the Medicare payment system is partly to blame.

I will be working in the 101st Congress to inject some balance and equity in the Medicare Program. I solicit your support and recommendations.

TRIBUTE TO MAYOR JOE DAVIS

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. FLIPPO. Mr. Speaker, I would like to recognize the extraordinary record of public service that Mayor Joe Davis of Huntsville has compiled as the chief executive of that city for the past 20 years.

A native of New Market, AL, Davis graduated from East Tennessee State College and received a masters degree from George Peabody College in Nashville. During World War II, he served in the U.S. Navy where he participated in the invasion of Okinawa and the Philippine Islands.

He taught biology and social studies in the Huntsville School system for 9 years and later served as principal of Huntsville Junior High School and Fifth Avenue Elementary School.

Joe Davis was first elected to the office of mayor in 1968 after serving as administrative assistant to Mayor Glenn Hearn. He took over the reins of government during the height of the Apollo Program when Huntsville came to be known as the "Rocket City" because of its role in building the saturn rocket that powered the first men to the Moon.

Following the Moon landing, cutbacks in the space program severely impacted the local economy and the boom that had occurred during the Apollo era seemed like a distant memory. Fortunately, Joe Davis and the city's community leaders banded together in an effort to aggressively seek a new, more diversified economic base so that Huntsville would not again be caught in the same economic circumstances.

That effort led to a remarkable industrial recruiting effort and the establishment of several first-class industrial parks which quickly filled with a broad range of industries. This effort set in place a development oriented way of thinking for the community that led to one of the most impressive rates of growth found anywhere in the nation.

I have been pleased to work with Mayor Davis over the years on many important initiatives that have led to a better way of life for everyone in Huntsville. Joe has had an interesting and challenging career as a teacher, farmer, in private industry, and as a committed public servant. I want to wish him the very best in the future and to say a special thanks for all he has accomplished.

COLUMBIA ACADEMY CELEBRATES CENTENNIAL

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. GORDON. Mr. Speaker, in this Congress we have spent a lot of time and effort passing legislation aimed at helping future generations of Americans prepare to take their place as responsible and productive citizens.

In keeping with the attention the country is, quite appropriately, giving to our system of education, I would like today to talk about an institution that over the years has done a fine job of preparing its students to contribute to and sometimes lead their communities.

Columbia Academy in Columbia, TN, is celebrating the 100th anniversary of the creation of its campus.

In 1888, President Grover Cleveland signed a law creating Columbia Arsenal and authorizing the construction of the three sturdy stone buildings that still house parts of the academy.

A few years later, the arsenal was used as a training headquarters for Spanish-American War troops.

In 1904, legislation passed creating Columbia Military Academy, and the academy opened the following August. For most of the 20th century, CMA, as its friends called it, educated young men in a rigorous and disciplined educational environment. CMA graduates emerged well prepared for college and career, not only because they had mastered algebra and literature, but also because they were mentally tough and ethically sound.

Under the long stewardship of headmaster Col. C.A. Ragsdale and the assistant headmaster William D. Bates, CMA built leadership.

One graduate of the class of 1939 served four terms in this House. William R. Anderson represented middle Tennessee in the 89th through 92d Congresses, serving on the Rules Committee, where I am now proud to serve.

But William R. Anderson is probably better known for his U.S. Navy service; he commanded the *Nautilus*, our first nuclear powered submarine, which he steered on the first voyage under the ice of the North Pole.

There were many others from CMA who served their country and their community with distinction. For CMA tended to produce that kind of person.

But times changed, and hard times came to military schools in the post-Vietnam era. In 1978, the military program was dropped, and in 1979, the academy became a Christian school affiliated with the Church of Christ. That affiliation led to the modern Columbia Academy.

Today, the academy is a growing institution that strives to maintain the high academic tradition of its heritage. Columbia Academy is accredited by the Southern Association of Colleges and Schools. Eighty-six percent of its graduates go on to college.

I believe a good education requires a rigorous academic program. But there is more to it than that. A good education also should include character building—the teaching of spir-

EXTENSIONS OF REMARKS

itual and moral values that are central to our heritage as Americans.

In today's complex, stressful world, young people need more than ever a firm value system that builds strength of character.

Columbia Academy produces the kind of well-rounded, complete graduates that will be the model citizens of the future.

Although it is proud of its affiliation with the Church of Christ, Columbia Academy accepts students of all faiths, without regard to sex, race, or national origin.

Its low teacher-student ratio, its beautiful 67-acre campus, its many extracurricular activities, its emphasis on teaching moral and spiritual values, and its highly educated faculty make Columbia Academy a true national asset.

I congratulate Columbia Academy on its renewed success and wish it the best in its important mission of educating young Americans.

TRIBUTE TO SERGEANT BENJAMIN V. RICCIARDI

HON. MATTHEW J. RINADLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. RINALDO. Mr. Speaker, as Veterans Day approaches and we prepare to pay tribute to the courageous men and women who have served in our Armed Forces, I wish to bring to the attention of my colleagues a veteran in my district who exemplifies the bravery and gallantry of so many of our veterans throughout the country.

Benjamin V. Ricciardi of Union, NJ served three combat tours in Vietnam. He received a total of 14 military awards, 5 for valor and the Distinguished Service Cross which he earned for extraordinary heroism in connection with military operations against a hostile force in the Republic of Vietnam. The account of Sergeant Ricciardi's display of bravery and selfless devotion to duty at great personal risk is not unlike that of thousands of highly decorated veterans who have served in our country in time of conflict.

Sergeant Ricciardi continues in the service as a member of the Army Reserve. He is a veteran we can all be proud of and like all those we honor on Veterans Day deserving of our gratitude.

IN APPRECIATION OF DR. JOHN V. DUGAN, JR.

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. ROE. Mr. Speaker, today, I am pleased to bring to the attention of my colleagues the accomplishments of Dr. John V. Dugan, Jr., better known to his colleagues as Jack. After 13½ years as a staff member on the Committee on Science, Space, and Technology, Jack is going to continue his distinguished career in the private sector.

October 21, 1988

Jack began his professional career at the NASA Lewis Research Center in Cleveland, OH, in 1961, while also working toward his Ph.D. in physical chemistry from the University of Notre Dame. After receiving his Ph.D. in 1965, Jack continued an active role at the laboratory with various management and administration positions.

Jack's commitment to the Committee on Science, Space, and Technology began in 1975 when he came from NASA Lewis at the request of a former ranking Republican member, Hon. Charles Mosher of Ohio. Mr. Mosher knew of Jack's technical expertise and offered him a position on the then Committee on Science and Technology as a technical consultant on the Subcommittee on Space, Science and Applications.

Jack has distinguished himself by serving on several subcommittees during his tenure and as a key staffer has worked with our major authorizations for the National Aeronautics and Space Administration [NASA], the Department of Energy [DOE], and the National Science Foundation [NSF]. For the past 8 years, Jack has been the very able staff director of the Subcommittee on Energy Research and Development.

Jack's impeccable scientific and technical credentials, including his laboratory research work and 50 papers published in scientific and engineering journals, as well as his management leadership have served our committee well.

Jack will be missed by our committee. I do want to take this opportunity to wish him my heartfelt best wishes in his new career and give him my thanks for his superlative efforts during his tenure on the Committee on Science, Space, and Technology.

IN APPRECIATION OF DR. JOHN V. DUGAN, JR.

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mrs. LLOYD. Mr. Speaker, today, I am pleased to join the distinguished chairman of the Committee on Science, Space and Technology in acknowledging the accomplishments of Dr. John "Jack" V. Dugan, Jr. Jack has been the staff director of the Subcommittee of Energy Research and Development, then known as Energy Research and Production, since I became chairman in 1981. Jack has decided to leave our committee after 13½ years to join the private sector.

The position of the Energy Subcommittee staff director during these difficult budget times and trying to ensure that our U.S. energy supply needs will be met in the future has been no easy task. Many times I have relied upon Jack to assist me in formulating subcommittee plans to best secure our energy future with limited financial resources. Jack has responded appropriately and has not disappointed me with his efforts.

Jack's technical expertise in energy research and development is well known. Throughout his 13½ years on the committee he has built a reputation for integrity in leader-

ship and fairness in negotiations whether he was dealing with committee members or other staff. I believe he will be missed by all of us on the committee.

Jack has had a distinguished career on Capitol Hill, has achieved the respect of the members and staff of our committee, and I know that everyone joins me in wishing him well.

MODEL FOR FUTURE POWER PRODUCTION

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. COELHO. Mr. Speaker, earlier this month the Department of Energy honored the winners of its National Awards Program for Energy Innovation. It is a source of great pride to me that of the five projects honored, one is an extraordinary facility in my district that burns whole waste tires and converts them to fuel.

The facility, located near Modesto, was developed by Oxford Energy Co. It burns between 4 and 5 million tires each year and produces more than 14 megawatts sold under a long-term agreement to Pacific Gas & Electric Co. Remarkably, the plant has been designed so that all of the residues and byproducts of the combustion process are recyclable.

Mr. Speaker, I wish to commend the president of Oxford, Robert Colman, and his colleagues for their pioneering work in this area. Their bold innovative thinking has transformed a potentially serious fire and health hazard into an extraordinary model for future power production.

We in California are proud to be home to such clean and innovative technology. This country simply must seek more imaginative ways to husband and recycle our scarce energy resources, and I believe firmly that Oxford's Modesto facility stands as a model for that course.

DAN LUNGREN

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. LIVINGSTON. Mr. Speaker, when the 100th Congress adjourns, the House of Representatives will be losing one of its most effective and articulate members, DAN LUNGREN.

DAN is such an effective Member, who can work both sides of the aisle, that many of us have overlooked his significant contributions to this Chamber and this country.

We will always be indebted to DAN for his leadership and his dedication, up to the very end of his House career, in passing some of the strongest anticrime and antidrug legislation in this body's history.

In addition to his efforts this year, in 1986 DAN successfully amended that year's drug bill to provide an exception to the exclusionary rule. DAN LUNGREN was the person who ac-

complished one of the greatest legislative feats in many years when he used the continuing resolution appropriations bill as the vehicle for passing the 1984 omnibus crime bill, the most significant piece of crime legislation passed in decades by Congress and a bill that the House leadership was allowing to die from inaction.

Mr. Speaker, we all owe this most exceptional, effective, and articulate Member a great deal of thanks for his tremendous contributions to this Chamber and our country.

We wish him Godspeed with all of his endeavors and have every confidence that the Nation will be blessed with far more of his great ability and service in the future.

SUPPORTING H.R. 2790, BUILDING CODE COMPLIANCE AMENDMENTS OF 1988

HON. ROBERT F. (BOB) SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. ROBERT F. SMITH. Mr. Speaker, I rise today to urge my fellow colleagues' support for H.R. 2790, the Building Code Compliance Amendments of 1988.

This bill is perhaps the most successful bill never passed by the 99th Congress. For the lack of an oratorical pause, the bill died at the leader's desk in the other body at sine die.

It's purpose is simple. H.R. 2790 would bring Federal construction projects under the same umbrella of nationally recognized building and safety codes which are followed by virtually every other construction project in the country.

The legislation would clarify the position of the Federal Government in complying with nationally recognized building codes, and other local requirements, such as zoning laws and building permit regulations when constructing or remodeling Federal buildings.

The bill would also require the Federal Government to submit plans for such projects to local building officials for review and grant to local officials the opportunity to inspect the building during construction or alteration.

All this sounds simple enough, emphasizing communication and cooperation between the Federal Government and the States and localities with which it works in Federal construction projects. One can hardly imagine that such common sense is not in force already, or that significant problems could arise.

But significant problems have arisen with such projects in my own district which emphasize the need for this legislation.

In Medford, where my district office is located, a loading ramp was built and then demolished when changes were made in the ramp's specifications. The cost to the taxpayers: \$25,000. Had the contractor and the Post Office established a dialog through the city building department, the taxpayers would have been spared both the expense and their wasted efforts.

In a remodeling project at the Rogue River National Forest auto shop, the Forest Service refused to remodel an existing firewall to meet city codes or to pay the \$350 fee for a local

permit. This created a potential safety hazard and the city responded by issuing a stop order which was subsequently ignored by the contractor. The issue was eventually resolved, but not before the Federal Government filed suit against Medford, all to avoid paying a \$350 permit fee.

Mr. Speaker, our citizens deserve the benefits of proper communication between all levels of government in the construction or remodeling of Federal buildings. The alternative is confusion, delay, and reduced safety in these Federal facilities.

Moreover, by requiring that federally constructed buildings comply with nationally recognized building codes and local zoning laws, we ensure that the host community's own standard of design, safety, and esthetic values are protected.

"Good enough for government work" is not good enough for our local communities, Mr. Speaker, and we must not allow the Federal Government to substitute brute force for common sense in questions of local building code compliance.

Mr. Speaker, I urge all my colleagues to support H.R. 2790, the Building Code Compliance Amendments of 1988. Thank you.

IRA C. NORRIS HONORED BY ANTI-DEFAMATION LEAGUE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. LEWIS of California. Mr. Speaker, I rise today to recognize a truly special man, Ira C. Norris, who is being honored by the Anti-Defamation League as its 1988 Inland Empire Distinguished Citizen. As president and founder of Inco Homes, Ira Norris is well known in southern California not just as a leader in the building industry, but in the community as well.

Ira C. Norris graduated from the University of Southern California and went on to receive his M.B.A. from Pepperdine University. For over a quarter of a century, he has developed housing in New Jersey, Illinois, and California; as a corporate vice president and operating manager of Kaufman & Broad and now through his own company.

In addition to his philanthropic and civic activities, Ira is a director and past president of the Building Industry Association of Southern California and a director of the California Building Industry Association and National Association of Home Builders. He serves as a national representative for California and 1988 chairman on the National Association of Home Builders Federal Government Affairs Committee. He has been a recipient of the Achievement Award and the Construction Man of the Month Award from the Building Industry Association of Southern California and was the Professional Builder Magazine Award Winner. He also finds time to lecture at Pepperdine University and the University of California at Riverside.

His efforts on behalf of the Arthritis Foundation have earned him the Foundation's Humanitarian and Distinguished Service Award. Ira believes that all companies should be re-

sponsible to the communities wherein they build. His own company, Inco Homes, has consistently reflected this view through its sponsorship of adult and youth groups and participation in civic events such as neighborhood beautification.

Committed to the building industry, admired by friends and colleagues for his contributions to the community, I ask you, Mr. Speaker to join me, Ira's wife Nancy, and their four children: Mike, Greg, Susan and Terry, and the Anti-Defamation League of the Inland Empire in saluting this exemplary American.

RICHARD TRUMKA'S EFFORTS ON ACID RAIN

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. WISE. Mr. Speaker, I rise today to bring to the attention of my colleagues in both bodies the efforts of President Richard L. Trumka of the United Mineworkers of America. As many Members know, Rich was very active in the recent negotiations over the Clean Air Act, and contributed a great deal towards compromise on the acid rain portion of the issue. Although these negotiations came close to producing a compromise, they did not succeed.

Some Members of the other body, who were not directly involved in the negotiations, have made public statements concerning the intent of the United Mineworkers and its President Trumka. Unfortunately these criticisms are not based upon fact and analysis, and show why these negotiations were not ultimately fruitful. In particular, President Trumka was referred to as "arrogant" concerning the mining of low sulfur coal, and was described as "egotistical."

Those of us who closely followed the direct negotiations with Senator MITCHELL and President Trumka were very much impressed with the reasoned approach the United Mineworkers' leader took in grappling with the issue. Those of us from West Virginia obviously come from a major coal producing area and we have both low and high sulfur coal. People like Rich Trumka, who represent thousands of miners, have a great deal to lose, and it takes a great deal of courage to move toward a compromise.

For the record, the compromise which was reached was indeed coal neutral. It would not have resulted in loss of jobs or a shifting of coal markets. The impacts have been scientifically analyzed by the Environmental Protection Agency and others, and the results are clear. This analysis indicated that the legislation would have moderate impact on utility costs. If anything, the compromise may be too generous to the Western United States. Let's look at the facts.

Under the EPA analysis, in the year 2005 the West would produce 550 million tons of coal per year if nothing was done legislatively. If the compromise had been enacted, the West would produce 600 million tons per year in that year—yes, that's growth. In the East, if nothing was done, production would increase

from the current 260 million tons per year to 400 million tons per year in 2005. If the compromise bill was enacted, the growth would be to 350 million tons—and if a 1 pound sulfur content was available, to 425 million tons per year.

Additionally, regarding the assertion that the percentage reduction enacted in the late 1970's resulted in coal growth in the East at the expense of the West, let me point out the following. Wyoming, for instance, mined 24 million tons of coal per year in 1975. After enactment of the percentage reduction, Wyoming mined 95 million tons in 1980. In 1987, 147 million tons of coal were mined there. This is hardly being hurt.

In summary, the compromise bill achieved significant sulfur dioxide reduction, protected coal miners' jobs while not resulting in one coal producing area gaining much more market share at the expense of other coal producing regions and safe guarded industrial and residential power customers from large rate increases.

President Trumka recognized that next year will be much more difficult for achieving balanced acid rain legislation that does not hurt coal mining and manufacturing regions. I predict that next year many of those now criticizing President Trumka's efforts will look back on his actions and wish he had been successful.

INTELLECTUAL PROPERTY RIGHT PROTECTION IN KOREA

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. ROSTENKOWSKI. Mr. Speaker, I am enclosing, for my colleagues consideration the contents of a recent speech by Robert, H. Malott, the chairman of FMC Corp. Mr. Malott is a recognized leader in the effort to obtain better protection for U.S. intellectual property rights in foreign markets. His observations on recent developments in Korea should be of interest to all those who believe we must have better worldwide rules to safeguard patent and trademark rights.

KOREAN INTELLECTUAL PROPERTY RIGHTS AT THE CROSSROAD

(Robert H. Malott, Chairman and Chief Executive Officer, FMC Corp.)

Good afternoon. I am Bob Malott, chairman and chief executive officer of FMC Corp., a worldwide producer of chemicals and machinery for industry, agriculture and government.

I deeply appreciate this opportunity to participate in the first plenary session of the United States-Korea Business Council. The establishment of this council reflects the growing importance of trade relations between our two countries—and, indeed, Korea's growing stature in the world economy.

I also appreciate the opportunity to speak frankly about an issue that has produced great friction between Korea and the United States: the enforcement of intellectual property rights.

INTELLECTUAL PROPERTY RIGHTS PROTECTION IN KOREA; SOURCES OF DISPUTE

As background, let me cite one prominent example of an intellectual property rights dispute between our two countries. At issue in this dispute—and a major issue in the 1966 United States-Korean trade negotiations following the U.S. section 301 action against Korea—was Korea's failure to protect composition of matter patents in the chemical and pharmaceutical industries.

Until July of last year, Korean law did not protect chemical composition of matter, or product, patents; it only protected process patents. What this means is that a company such as FMC could apply for a Korean patent on the process used to manufacture, say, an agricultural chemical product. But the product itself—the actual chemical compound—was not protected by a patent in Korea.

In other words, any company could develop a slightly different process for making the compound, and sell this product in direct competition with the original inventor of the product.

Understand that in order to discover, develop and market a successful agricultural chemical compound, for example, a company such as FMC must spend approximately \$60 million dollars—and the entire process takes as much as eight years. Development of a new process for making an already developed compound, of the other hand, is much easier, cheaper, and faster. With much lower costs to recover, an imitator enters the market with a significant competitive advantage.

While Korea's failure to provide composition of matter protection has been a major source of friction, it is by no means the only problem area. For example:

There was virtually no protection of foreign copyrights in Korea until Korea joined the universal copyright convention last year. Even now, it seems, a large number of counterfeit books are still being sold in Korea.

Another problem area has been the counterfeiting of computer products. Texas Instruments, for example, has recently—and successfully—pursued a U.S. trade action against Korean companies that copied some of their D-ram computer products.

Producers of defense equipment have also seen their technical data rights abused in Korea. Colt industries, for example, licensed a Korean company to produce its M-16 rifle, only to see the licensee enter the export market for the product—using Colt's proprietary information—in violation of the spirit of the agreement between Colt and its Korean licensee.

NEW KOREAN INTELLECTUAL PROPERTY RIGHTS LAWS: ENFORCEMENT ISSUES

In 1985 the U.S. Government took action on this problem: The U.S. trade representative initiated a formal investigation of Korea's intellectual property practices under section 301 of the U.S. trade statute. An agreement was reached in the 301 case in 1986, and in 1987 Korea introduced its new intellectual property laws.

The 1987 patent law reflects a very substantial improvement in the Korean Government's recognition of intellectual property rights. The law provides coverage for composition of matter as well as process patents. It extends coverage from 12 to 15 years, and increases penalties for infringement.

In addition, the transition agreement reached between the United States and

Korea permits protection of some U.S. patented chemical products that have not yet been marketed—so-called "pipeline" products. The agreement also permits the conversion of some existing process patent applications into product or composition of matter patent applications.

But while the new law and the transition agreement represent significant improvement in theory, so far the way in which they have been enforced raises serious questions about the commitment of the Korean Government and Korean industry to genuine policy reform.

For example: U.S. companies are experiencing a serious delay in gaining protection for their "pipeline" products—that is, patented products not yet marketed. A mechanism for protecting these products has still not been resolved, and U.S. companies are concerned that these products will not receive protection, despite the agreement between our two governments.

The Korean patent office also allowed a rash of patent applications from Korean companies to be hastily granted before the September 1987 cutoff for conversion to product protection—appearing to give preferential treatment to local companies.

U.S. companies are having great difficulty converting their process patent applications to product patent applications. FMC has nine such patents pending, for example—and despite frequent inquiries, both directly and through the U.S. Government, these applications remain in limbo. Why is this? If the Korean Government is committed to reform, why can't such requests be expedited?

These actions cast serious doubts on Korea's willingness to enforce not only the letter, but even more the spirit, of the U.S.-Korean agreement. If every effort to apply the new patent law requires a major battle with the bureaucracy—culminating in intervention by the U.S. Government—trade relations between the United States and Korea will not be enhanced. And I can't believe anyone in this room wants our trade relations to be conducted primarily through section 301 actions under the U.S. trade statute.

While I have emphasized immediate enforcement issues, there are some longer-term issues that should also be addressed by Korean industry and the Korean Government.

In particular, U.S. companies continue to be dissatisfied with the way their intellectual property rights complaints are handled in Korean courts.

For example, Korean courts have generally been unwilling to accept the testimony of non-Korean expert witnesses. This puts U.S. companies in a very difficult position. Intellectual property cases, especially patent cases, tend to be highly technical. Expert testimony is crucial. Yet virtually all of the expert testimony on patent cases heard in Korean courts comes from two sources: The Korean Advanced Institute of Science and Technology, and the Korean Chemical Research Institute. These organizations are widely understood to exist primarily for the purpose of studying—and replicating—technologically sophisticated products. Perhaps this past pattern should not be a concern for U.S. companies; but we need to be convinced.

Other outstanding issues include Korea's failure to develop strong domestic laws for the protection of copyright; to protect semiconductor chips; to extend patent protection to biotechnology products; and to strengthen the protection of trademarks.

I have tried to give you a sense of why American companies remain concerned about the direction of Korean intellectual property rights protection. At the same time, please know that we appreciate the steps the Korean Government has taken to date. We recognize that change comes neither easily, nor quickly. But we need assurance—or rather, we need evidence—that Korean industry and government leaders recognize that Korea's acceptance as a world-class economic power will depend on strict, impartial, and consistent enforcement of intellectual property rights.

INTELLECTUAL PROPERTY RIGHTS ENFORCEMENT: THE BENEFITS FOR KOREAN INDUSTRY

Let me emphasize: both our countries stand to gain from progress on this front. I would go even further. I believe that in the long run, strict enforcement of intellectual property rights is even more in the interest of Korean industry than it is in the interest of U.S. industry.

Let me outline several reasons why I believe this is true.

The excuse most commonly offered for inadequate protection of intellectual property rights is that strict enforcement of patents and technical data discourages "technology development."

In fact, just the opposite is true.

Historically, countries that have not protected intellectual property rights have not innovated, either. Between 1919 and 1949, for example, when Great Britain suspended chemical product patent protection to shield the British chemical industry against German competitors, British companies introduced no new drugs into the market. Before 1919, and after 1949—in other words, when product patents were permitted—innovation flourished, to the benefit of local industry. Italy, Switzerland, and Canada have had similar experiences.

If Korea were willing to settle for being an imitator, not an innovator, this wouldn't matter. But I cannot—and do not—believe that this is Korea's objective.

In recent years this country's external trade has been weighted increasingly toward high technology, high value-added exports. Over the past 5 years, for example, Korean chemical exports rose 200 percent, telecommunications equipment exports rose 300 percent, and office machinery exports rose more than 900 percent. On the other hand, Korean textile exports—requiring relatively low technology—rose only 60 percent.

In other words, Korea's future competitive advantage lies in precisely those industries where technological innovation is most critical—and therefore where intellectual property rights enforcement is most critical.

Inadequate protection of intellectual property rights not only impedes the development of technology; it also discourages the transfer of technology—a second reason why Korean industry and the government should support strict enforcement of intellectual property rights.

Korea's 1987-1991 economic plans call for a substantial expansion of foreign investment, especially in high technology industries. But foreigners with the technology Korea is most eager to acquire will generally be least willing to share that technology without adequate protection of their rights. If anyone doubts this point, I suggest you review the problems that Brazil and India—countries with notoriously inadequate protection of intellectual property rights—have had attracting high technology investments.

A third reason why Korean industry and government should support strict enforce-

ment of intellectual property rights is the need to strengthen Korea's defense industrial base.

Korea has very good geopolitical, as well as economic, reasons for wanting to develop a strong, technologically advanced defense industry. But the same concerns I have raised about technology transfer apply to the defense industry—only more so.

Korea does not have a very good record in this area: I've already cited, as an example, Colt industries' problems with the M-16 rifle. Earlier this year the House Armed Services Committee of the U.S. House of Representatives held hearings on Korea's abuse of U.S. companies' technical data rights; and the committee plans to hold more hearings next year. I predict that Congress will study in depth whether licensing agreements for the Korean advanced fighter program, for example, include adequate protection for U.S. technical data and other trade secrets.

This brings me to the fourth and final reason why Korean industry and government should support strict enforcement of intellectual property rights: The future of U.S. trade policy toward Korea will—in my opinion—depend in no small part on the progress Korea makes in this area.

I am sure that everyone here is aware of the rising protectionist sentiment in the U.S. Congress. This audience is also aware that the new trade law gives the U.S. Government much greater authority to retaliate against unfair trading practices.

My own company has very actively in Washington to support liberal U.S. trade practices. We opposed the Gephardt amendment. We fought hard against the textile quota bill. We have helped organize and rally other major companies in support of pro-trade policies.

But in this environment, the fact that Korea's real GNP has grown at an enviable average rate of almost nine percent a year for a quarter of a century, and that this country's trade surplus with the United States is dropping more slowly than Japan and Taiwan's surpluses with the United States, make it likely that Korean trade practices will come under considerable scrutiny.

Recognize that the U.S. Government's responsibility to ensure intellectual property rights protection is featured prominently in at least four sections of the new U.S. trade law. Recognize also that there are many supporters of protectionism in the U.S. Congress. In my judgment, failure to protect U.S. intellectual property rights in this country could provide the ammunition that protectionism's supporters are seeking if given the opportunity.

Let me conclude by making a more general point about the choices Korean leaders face in determining future trade policy.

By the end of this century Korea will be one of the world's top ten trading nations. Korean industry will be widely recognized as a technological leader, not a follower. And Korea will have clearly taken its place among the nations that set the pace, and set the standard, for the rest of the world.

With this leadership comes responsibility: Responsibility to show the way, by—among other things—enforcing intellectual property rights at home; and responsibility to lead the way, by—among other things—working through the current round of GATT negotiations to expand the protection of intellectual property rights throughout the world.

Let me close by offering a challenge to my counterparts in Korean industry. I believe

that your government will follow your lead on the protection of intellectual property rights. I also believe that the Korean government's support for stronger intellectual property rights will, in turn, have a major impact on the direction and success of the forthcoming GATT intellectual property rights negotiations.

I also feel that the issue of intellectual property rights is of sufficient importance that it is most appropriate for our newly-created United States-Korea business council to establish a committee chaired by a representative of Korean industry to examine all aspects of this issue. I further propose that we request this committee to report to us at the next plenary session of our council, which I understand is scheduled for April of next year.

Let's work together and get these issues resolved!

SUPPORT LAWN DART BAN

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 20, 1988

Mr. MILLER of California. Mr. Speaker, I rise in support of the legislation before us to ban lawn darts.

Lawn darts are part of a game meant for children that has turned into a children's nightmare. Evidence indisputably reveals that these metal-tipped toys that are tossed into circular hoops have injured about 6,700 children over the past 10 years. Attempts to protect children through labeling and restricting their sale have proven fruitless.

The Consumer Product Safety Commission's own study has proven that the attempt to regulate the sale of lawn darts has failed. In a study in 1987, of the 21 cases the Commission surveyed, none of the manufacturers had complied with the regulations. Other reports strongly support the same conclusion.

I understand that the Commission is expected to vote on the institution of a lawn dart ban next week. Legal action could be taken against an agency ban, however, and possibly leave these deadly products on store shelves. This legislation is therefore imperative, and I am pleased that it is moving forward.

But it is extremely important to note that while this bill is critical, it represents just one of numerous problems with the CPSC. The Commission was created 15 years ago to protect consumers, but in recent years it has proven in many cases to be the consumer's worst enemy.

Hearings held by the Consumer Protection Subcommittee, at one of which I had the privilege to testify, detailed the failure by the Commission to address the hazards of pool covers, cigarette lighters, bunk beds, all-terrain vehicles, and many other dangerous products. The case of ATV's, which alone have led to 1,000 deaths and hundreds of thousands of injuries, is still not fully addressed.

Among the hazards that remain unaddressed are infant cribs with extended cornerposts. Danny Lineweaver, a constituent of mine, was one of the many children who have been disabled in accidents in this type crib. This product can still be found on the market.

Much is still to be done to reform the operation of the CPSC and to do something about these product hazards. Unfortunately, the House has not been able to consider comprehensive CPSC reauthorization legislation this Congress. I hope we can do so quickly next year.

Meanwhile, I urge my colleagues to support this lawn-dart-ban legislation.

THE WORLD COURT

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. WEISS. Mr. Speaker, I would like to draw the attention of my colleagues to an important issue which has been virtually ignored for the past 2 years—the case of Nicaragua versus the United States in the International Court of Justice. Contrary to what most people believe, the case did not die in July 1986 when the court ruled against the United States. Earlier this year, the case was reactivated when Nicaraguan lawyers filed a petition for reparations from the United States for the damages caused by lethal aid to the Contras.

As in the past, the State Department refuses to involve itself in the case. I hope that they reconsider their position given the possibility of a multibillion dollar reparation award to Nicaragua. Not to do so would only further embarrass the United States in the eyes of the world.

I would like to submit several articles written by a constituent of mine, Mr. Howard Meyer, for the RECORD. I believe that the articles convincingly outline the perils of the current administration position on the World Court, and deserve close attention and scrutiny.

Mr. Speaker, the Reagan administration's decision to withdraw from the World Court's compulsory jurisdiction violated a solid policy of support for the court over the last four decades. This country was founded on a respect for domestic and international law. By continuing to reject the jurisdiction of the World Court, the administration has betrayed our American traditions and acted contrary to our own long-term interests.

Let us hope that the next, and hopefully, a wiser, administration will reverse this irrational policy at the first opportunity.

[From the Los Angeles Times, Sept. 25, 1988]

UNITED STATES SNUB OF WORLD COURT WON'T AVERT DAY OF RECKONING

(By Howard N. Meyer)

Nicaraguan-American relations took another erratic turn last week with the refusal of U.S. visas for the customary complement of delegates wishing to attend the new U.N. General Assembly in New York. Yet, despite its rock up-and-down course, the cease-fire agreement between Nicaragua and the U.S.-supported Contras may still be headed for resolution of the conflict there. Most of us pray that it will. But that would not close the matter for the United States.

I do not speak primarily of remorse, or of debate over the "loss" of Nicaragua, or of the trials of Americans charged with violating federal laws in the conduct of U.S.

policy. There is an international tribunal that our nation still must face.

Few legislators and commentators, let alone the general public, are aware of the nature of the June, 1986, judgment of the international Court of Justice, popularly known as the World Court. The possibility of a multibillion-dollar damage award in consequence of our violations of international law has been given no attention at all.

In the minds of many, the Nicaraguan case at the World Court is associated with nothing more than the Central Intelligence Agency's mining of Managua's harbor in early 1984. That is as erroneous as the belief that the case was concluded by the ruling against us in 1986.

The World Court case is very much alive. The Nicaraguan claim for an immediate award of damages ("reparations" in international law) was rejected in 1986 as premature. The parties were told to come back to the court for further hearings if they could not settle the case by diplomatic negotiations.

The litigation was not settled; repeated requests by Nicaragua to negotiate have been rejected.

Two of the court's rulings against U.S. contentions are of potential consequence now: The May, 1985, trade embargo against Nicaragua, imposed by executive order, was condemned as a treaty violation; and the United States' "training, arming, financing and supplying" of the Contra force was held to be wrongful intervention into the affairs of a nation with which we were at peace.

Obviously there is a great deal more at stake here than merely the damage done by mining the harbor for a few weeks. The embargo is still in effect, with consequences so severe that they might now be considered a matter of humanitarian concern. Even if the arming of Contra forces has by now ceased, calculation of the amount of reparations for the effects of lethal aid is unfinished judicial business at the Hague, where the World Court sits.

In a note to the secretary-general of the United Nations last October, the late Nora Astorga, then Nicaragua's ambassador to the international organization, referred to "more than 43,176 victims and material damage which surpasses \$2.8 billion" as the components of the reparations claim.

The case was reactivated by a petition filed by Nicaragua's attorneys. The court ordered a hearing; the State Department declined to appear. The court set a timetable for the filing of written statements. Nicaragua's "bill of particulars" (which exceeded Astorga's dollar estimate) was filed when due, on March 28. The United States, given until July 29 to respond, ignored the court as it has in the past.

During the summer of 1986, we were insulated (by the exercise of our veto power at the U.N. Security Council) from sanctions or other steps to enforce the "cease and desist" features of the court's interim order. But that does not guarantee that the next round at the court will be equally futile. The one-shot veto of Security Council enforcement action did not terminate our treaty obligation under the U.N. Charter to "comply with the judgment of the International Court of Justice."

A money judgment does not require further U.N. action. Although we became a "debtor nation" a couple of years ago, we have vulnerable assets all over the world.

In considering the stubborn refusal of Washington to negotiate with Managua, we had better remember that so-called "sover-

sign immunity" is not necessarily going to be a shield for our assets, even among the friendliest of our allies. Addressing this very issue in 1982 in a lecture at the Hague Academy, Columbia Law School's distinguished international law professor, Oscar Schachter, declared that "the immunity cannot prevail over the obligations of the State under the United Nations Charter to carry out the Court's decision."

Wise litigators always prefer settlements to chancy victories. Why we should not attempt direct talks with Nicaragua has never been satisfactorily explained by Washington. To try for a courthouse settlement would cost nothing, and might gain the prize of peace.

THE WORLD COURT AND NICARAGUA: OUR RIGHT TO KNOW AND TO UNDERSTAND LAW'S RELEVANCE TO PEACE AND DISARMAMENT

(By Howard N. Meyer)

Disarmament has always been the most popular single object of peace advocacy. Combating the arms race, curtailing arms production, reduction of nuclear stockpiles are equally the goals of the radical and the liberal, the well-meaning conservative and the terrified apolitical.

Some of the enormous output of energy and enthusiasm that they pour out for these ends should be reserved for a somewhat neglected cause. It is one that, on reflection, will be seen to be indispensable for their indisputably meritorious purpose.

Those who celebrate "Ploshares" as a code word or symbol for the dismantling of the war machine, or inspiration for brave acts of witness against weaponry, should go back to the all-but forgotten source. Precondition for the beating of "swords into plowshares" is the coming of a tribunal to substitute for combat in the settlement of matters previously adjudged by weaponry. There had to be one to "judge among the nations" according to Isaiah, before they could be expected not to "learn war any more."

One need not subscribe to the theological postulates of the scriptures to agree with the common sense embodied in that ordering of priorities. Nor need one have any sympathy for the old-right political stance of President William Howard Taft—later the Chief Justice who objected to Brandeis as one who would bring socialist Bolshevism to the Supreme Court of the United States—to understand and accept his epitomization.

I am strongly convinced that the best method of ultimately securing disarmament is the establishment of an international court and the development of a code of international equity that nations will recognize as affording a better method of setting international controversies than war.

The "court" idea was not his. The United States peace movement of the nineteenth century had agitated for it. Like their sister movements of abolitionism and radical feminism, they had much to say that would be of use to their counter parts of present day, that had to be relearned. So successful had our grandfather peaceniks been that by the time present century dawned, their idea of a peace court convinced such establishment and political personalities as President Taft himself.

I am not arguing that "law" or judicial recourse by itself will necessarily insure peace—or that the institutions successively created in our century carrying the name "World Court" were or are perfectly structured or always able to help guide the nations in arriving at concord. But one can

insist that the importance of a fair and impartial decision-making entity to settle disputes between nations has been grievously underestimated by many of the individuals and organizations that preach and profess support for disarmament and peace.

If the "World Court" were fully functioning as first conceived, it could aid the disarmament process in at least two essential aspects; first, by offering a problem-solving agency that, if used, could replace piling up of arms for tests of strength in the medieval trial-by-combat mode much of the globe still lives by. Secondly, since disarmament can only come by treaty, by making available the time-honored facility—acourt—for interpreting words of an agreement of weighing the facts claimed to violate the promise of the words.

The body now known as "The World Court" whose official title is International Court of Justice, has been in existence for almost half a century; precisely as long as the United Nations organization, of which it was declared to be the "principle judicial organ." It is functional successor of the Permanent Court International Justice, the "World Court" of the League of Nations, a product of the Treaty of Versailles that had imposed an imperialist victors' peace on Europe and the globe. The new Court was said at the time to be a "striking creation of the modern peace movement, which has advocated it incessantly for decades."

The dream of those early peace agitators was not realized in the Court that came into being. It did aid a good deal in the development of international law as the system of customs and rules regulating peace-time relations between nation-states. But a first principle of the international law that had long existed, the "sovereign" right of each state to ignore a tribunal to which it had not consented in advance was exercised by the Great Powers at the Court's first 1921 founding and second (1945). That broadside "veto" deprived all the nations of that which most of them wanted, a rule of compulsory submission of disputes to the Court's jurisdiction.

The United States, which abstained completely from the 1921-39 Court, took a progressive step toward the second, by accepting the commitment that was invited under its "optional" clause. The Court's statute allowed a firm advance offer to be made to submit for decision such future disputes as might erupt with nations that had made similar specific advance agreements. The Senate inserted a reservation and limitation hedging about that commitment, and there remained many years of controversy over their effect and whether they should be revoked. But the underlying commitment proved enough, when the Nicaragua case came along, to give the Court and the world an opportunity of unprecedented magnitude. The text of its judgment, read in the backdrop of the events that led to it, offers a vision of how relations between nations could be regulated (if the opportunity were understood) so as to enable the disarmament that could only come with elimination of fear of conflict.

Opportunity is not realization. The very creation of the Court—and of course the United Nations—offered an opportunity that was allowed to pass by default, as the Cold War came to dominate all international institutional arrangements. The Court's decision in the Nicaragua case should be regarded as the new opportunity of the 1980s, offering the possibility of the revival of the idea of peaceful, third-party resolution of

conflict that parties cannot settle by themselves.

A very human failing is the persistence of habits of thought, of ways of thinking, that are so deep-rooted as to block recognition of change so cataclysmic as to make old formulae and slogans obsolete. The Nicaragua decision may be "wasted" in both meanings of the word, judging by the extent to which it has been treated—save in circles of international law scholarship—as a non-event. It is not just that the Washington war-managers repudiated the decision even before it was rendered on June 27, 1986 or that an overwhelming percentage of members of Congress have voted for contra aid since its rendition without any acknowledgment of transgression. The media, jealous of their freedom and repute for skeptical coverage of events, have ignored the persistent pattern of violation.

Above all, the individuals and the organizations to whom we should have looked for guidance—and who have lately been vociferously leading the agitation for disarmament—have failed to break with their own old habits of thought and/or been too sluggish-minded to explore the breadth and implications of the Nicaragua World Court achievement. In brief, what the Court did was to illuminate a valuable segment of pre-existing International Law as "Peace Law," and the fifteen Judges sitting at the Hague Peace Palace as a "Peace Court."

Specifically in relation to Nicaragua, having weighed the evidence as well as the contentions made despite U.S. departure from the Courthouse after losing its contest on jurisdiction, the judgement, among a variety of rulings decided:

that U.S. "training, arming, equipping, financing and supplying the contra forces" violated our international law obligation "not to intervene in the affairs of another state;"

that the embargo imposed on Nicaragua in May 1985 (after the Court case had begun, and recently renewed after the April cease-fire with the contras) violated U.S. treaty obligations;

that the alleged excuse for U.S. conduct, the so-called right of collective self-defense in support of El Salvador did not meet the defined legal requirements for such actions;

that the U.S. was under the duty (June 27, 1986) to cease the conduct found to violate international law at once;

that the U.S. is under obligation to make reparations, that is, to pay damages, to be calculated, for its unlawful conduct.

Generally in relation to laying a foundation for establishment of principles that would be conducive to construction of world order under law, the Court in its opinion on the foregoing and other matters (including, mining of harbors, overflights, raiding oil installations, and the distribution of a CIA-prepared manual that commissioned atrocities against Nicaraguan civilians):

gave a needed and authoritative statement of the law regulating the use of force, between nations, including requirements that must be met for the lawful exercise of the right of self-defense;

laid down, in the setting of a case of intervention and civil strife, standards inhibiting the use of force in international relations and the contours of a claimed right of collective self-defense with specific limitations on definition of an "armed attack;"

by the swing votes of five judges from "first world" or allied nations, adjudicated mainly in favor of a small beleaguered

nation facing intervention planned and financed by a giant superpower.

Under-utilized, to date, is the text of the judgment of the Court that was early said by Professor Richard Falk in the pages of the *American Journal of International Law* to offer a "valuable basis for public education on the international law of law and peace in the nuclear age." The directions in the judgment are uncomplained with, and so far, unenforced. Hangmen enforced international law after the Nuremberg trials that followed the defeat of the Nazis. There are those—they may be very numerous—who regard International Law as somehow "second class" law because of the seeming lack of enforcement.

Without debating the point whether inability to call a cop makes law somehow less worthy of attention, particularly a body of law that bears so directly on issues of life, death and survival, on which the success of disarmament treaties may depend, there are surely aspects of the Nicaragua litigation that are worth citing in response. In regard to each of these it is necessary to fault the media, across the spectrum, for failure to report ongoing developments of pertinence and of consequence. (The Court's decision on the merits was reported adequately; it is worth saying that they were a default in debate on the issues described; one pundit has written me that it is because the "Administration managed to damage the credibility of the World Court as well as that [Nicaragua] decision." Another is willing to eschew an "investigative" role, and accept the one State Department epithet, "politicized," as dispositive.)

Normal enforcement is entrusted to the UN Security Council, the Court being officially the judicial arm of the United Nations. Even prior to an appeal to the Council is our obligation under the Charter. It is plain: "to comply with the decision of the International Court of Justice in any case to which it is a party." Though that be our Treaty obligation, its breach has been totally ignored and unreprieved by the Senators, who as ratifiers, are deemed by some of them to have a special role in policing compliance.

But the Charter does not leave compliance solely to trust in the good faith willingness of nations to live up to their promises. For the failure there is a remedy provided, as broad as the authority of the Security Council which has power ranging from the moral force of condemnation to the coercive force of multinational peacekeeper military means. In the case of the United States' failure and refusal to comply, the first step was taken: a resolution to compel compliance. There was only one vote against—but it was enough, as it was the veto of the United States. (Subsequently, serious argument has been made that on a matter arising from a judicial proceeding, a Great Power—one of the Council's five permanent members is disqualified to act, by virtue of the time-honored Anglo-American principle "no one shall be judge in his own case." For lack of interest or attention, the subject has never had official consideration.)

That was not the last one heard from the United Nations, but it was the last time that it was possible to read about it. On November 12, 1987 the General Assembly of the UN, following the practice instituted under U.S. leadership back in the 1950s when it was the Soviet use of the veto that paralyzed the UN, took up a Resolution calling upon the U.S. to comply with the judgment of the International Court. Adopted by a

lopsided vote of 94-2 (only Israel and the U.S. dissented) the resolution had an Orwellian fate: treated as non-existent, unreported by any medium, that non-report itself not commented on by any of the wise men whose comments we look to that we may know what to think, liberal, moderate or conservative. It is worth mentioning that the debate on the Resolution, A.42 of the 42nd General Assembly, reported in full at ref. A/42PV.67 is eloquent instructive, worthy of the attention of any teacher or student of political science, foreign affairs or U.S. history for example, from Peru, "the Judgment of the Court has a universal and permanent value. The super-Powers, and perhaps other powers, may place their trust in force to guarantee their security, but the medium-sized and small countries can place their trust in international law alone. That is why for us, the developing countries, it is so important and vital to preserve the legal order and strengthen non-intervention and non-use of force in international relations. The Judgment of the Court does this in all its terms with unusual firmness and clarity."

By coincidence, within a week after the General Assembly's 1987 debate on Resolution A.42, there was presented to an Appellate Court of the United States an appeal from dismissal of a federal court action, initially brought by the late Ben Linder and a variety of co-plaintiffs, each selected with a view to overcoming the mysteries of the obstacle of "standing" that is, possession of a legally recognizable interest that was damaged by failure of the United States to comply with the World Court's decision. At the time, November 1987, the argument of the case, its very pendency, went unreported; as of this writing, it remains undecided—testimony at least to the proposition that the case is not utterly without merit.

Should the District of Columbia federal appeals court re-instate that case, there is no assurance that it will go anywhere, given the grim signal that the new Rehnquist majority emanated on a key civil rights case. But there is still another possible source of enforcement, very much alive, and with a potential to teach a few lessons.

If you know that the case at the Hague (where the World Court sits) between U.S. and Nicaragua was still very much alive, it will not be because you read it in or heard it from any of the media. As the Court's merits judgment of 1986 will show, the question of damages payable to Nicaragua ("reparations" in international law) was deferred and a plea for an emergency interim allowance rejected, with a recommendation that the parties attempt to settle directly. Since the U.S. persistently has refused to negotiate, that unanimous (including the vote of the otherwise dissenting judge of the U.S. nationality) request of the Court has also dangled unsatisfied.

In September, 1987, after the *Esquipulas* Accord was signed, while it still seemed hardly possible that U.S. resistance to that local peace effort would be overcome, Nicaragua's representative went back to the Court and petitioned for a hearing on damages. Neither that, nor the U.S. refusal to appear, nor the Court's order for filing itemization of damages, nor Nicaragua's filing of a claim for over 2.5 billion dollars (March 28, 1988), were reported. The U.S. answer is due July 28, 1988.

The result may surprise those whose estimate of the worth of international law is dependent on result, the "call-a-cop" school. For unlike a cease-and-desist order such as

was delivered in 1986, a World Court money judgment for damages can, in the opinion of experts, be "docketed" and entered (without further UN or other action) in any court in the World. And the protection ordinarily afforded U.S. assets under "sovereign immunity" can be stripped. Perhaps such an outcome will raise consciousness about the relevance of the principles of international law and the International Court of Justice.

NEW YORKERS DEMONSTRATE SUPPORT FOR JAMAICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. RANGEL. Mr. Speaker, all of us, no doubt, are familiar with the destruction to the island of Jamaica by Hurricane Gilbert: 49 dead in Jamaica; between 40,000 and 60,000 left without homes; and severe damage to buildings, crops, roads, and electrical lines. With the help of the entire world community, including the Government of the United States, Jamaica is now on the road toward economic recovery.

At this time, I would like to pay a special tribute to the public and private sectors of my home State of New York, both of which performed in an exemplary manner during this crisis in the Caribbean. Both were not only supportive in my successful efforts of passing legislation providing over \$100 million in assistance to the Government of Jamaica, but also initiated their own relief efforts. Although it would be impossible to name all of the many New Yorkers who had a role in Jamaica relief, I would like to specifically cite the roles of: Gov. Mario Cuomo, Senator DANIEL P. MOYNIHAN, Representative EDOLPHUS TOWNS, Representative MAJOR OWENS, and Representative FLOYD FLAKE.

In the aftermath of Hurricane Gilbert, Governor Cuomo was especially useful in authorizing the New York National Guard to transport several shipments of humanitarian supplies to Jamaica. When we ran into a roadblock with regard to securing authorization from the U.S. Agency for International Development [AID] for the transport, by military aircraft, of 150,000 pounds of relief supplies to Jamaica, I, working with the previously named Members of the New York Congressional Delegation, was successful in securing AID approval. In addition to thanking and commending these public servants for their efforts, I would also like to say a word of thanks to the staffs of the New York State Emergency Management Office and the Caribbean Action Lobby.

In New York State, the private sector was also quick to respond to Jamaica's plea for assistance from the world community. One such organization that deserves special mention is the Philip Morris Co., Inc. Within days of the disaster, Philip Morris Co., Inc., had dispatched more than 90,000 pounds of food, clothing, and medical supplies on a privately chartered plane. Included in the shipment were 30,000 pounds of food the company had donated through its General Foods subsidiary. Total, this company's contribution to the Jamaica relief effort represented one of the larg-

est private donations from the New York private sector.

Mr. Speaker, witnessing the New York political and business communities come together in the fashion that it did in the aftermath of this devastating hurricane makes me proud to be a New Yorker. We, in a very real way, have demonstrated our support to the Caribbean community in general, and the island of Jamaica in particular. In responding to such natural disasters, the State of New York has become a role model and example for other States to follow.

HON. KENNETH GRAY

HON. DOUGLAS APPLGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. APPLGATE. Mr. Speaker, I wish to join with my colleagues in offering special recognition and thanks to one of the real movers and shakers in the Chamber, A Member who probably deserves a major share of the credit for the productive 100th Congress, Representative KENNETH GRAY of Illinois.

I've had the pleasure of serving with KEN for the past 4 years on the House Veterans' Affairs Committee where he played a big part in the passage of some of the most important legislation for America's veterans that we've seen in decades. As someone who served our Nation in World War II, someone who was on the leading edge of combat in the skies and on the ground in North Africa, Corsica, and southern France, KEN GRAY knows only too well the experiences of America's 27 million veterans, and he has always acted to do what was needed to provide for the continuation of benefits and programs for the needy and deserving men and women who have served in our Armed Forces.

KEN GRAY entered the House of Representatives for the first time in 1954, serving 10 continuous terms and leaving his mark on the Public Works and Transportation Committee upon which he served. KEN played a major role in the development of the Interstate Highway System that was initiated in the 1950's, and he has always demonstrated a keen interest in the restoration of Union Station here in Washington and in public works and buildings throughout the Nation. The newly reopened Union Station was brought back to life due in part to the efforts and endeavors of KEN GRAY.

So many of us have commented recently as to the successes of the 100th Congress and the achievements that far surpass the gains made by past Congresses. I think the reason why we've been able to do what we have around here is because KEN GRAY has probably put in more time as Speaker pro tempore than any other person in this Chamber. You could always count on a speedy day in the House with KEN in control, and I can think of only a few others around here who know the rules and the procedures of the House of Representatives as well as KEN GRAY. He has always been a master at maintaining control around here.

Mr. Speaker, I've enjoyed working with KEN over the past 4 years and I wish for him and

his wife, Gwendolyn, my very best wishes for many more years of happiness and joy after leaving Capitol Hill. KEN put in two decades in the House prior to his service in the 99th and 100th Congresses; I'm glad he returned to do his part in making the U.S. House of Representatives the great and eminent institution that it is today.

FREE-TRADE ARRANGEMENT WITH TAIWAN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. CRANE. Mr. Speaker, today I am introducing a bill for the purpose of authorizing the negotiation of a free-trade arrangement with Taiwan. An FTA, which will remove all trade barriers between the two nations over a period of time, will ensure increased access to the markets in the Republic of China on Taiwan, while guaranteeing the Taiwanese the dependability of the United States market.

The Republic of China has demonstrated its commitment to maintaining and improving its trade relationship with the United States. In recent years, Taiwan has taken substantive steps in opening its markets to American products. For example, they have sponsored several "Buy American" procurement missions, signed long-term purchasing agreements, adopted favorable trade measures to support U.S. businesses, lowered customs tariffs, and removed nontariff barriers.

The Taiwanese "Buy American" procurement mission is perhaps the finest example of Taiwan's commitment to the expansion of free trade with the United States. The ROC has just completed its 14th such mission, purchasing over 160 million dollars' worth of United States agricultural and industrial products. Since 1978, these missions have been responsible for buying nearly \$11 billion of U.S. goods. Taiwan's efforts confirm the country's commitment to liberalize their trade regime.

Although Taiwan occupies a small piece of land not much larger than the State of Vermont, it has a population of over 19 million people. The average income per household, which is fairly evenly distributed, is approximately \$12,000. Additionally, the Taiwanese have the largest savings rate in the world, averaging over \$10,000 per family. Inevitably, this means that the potential for an increase in consumer demand can easily become greater as markets open to high quality American products.

The United States is Taiwan's largest trading partner largely due to their dependence on our agricultural trade. Because less than one-quarter of Taiwan is arable and they lack many natural resources they have become one of our largest purchasers of apples, corn, lumber, ice cream, cotton, grapes, onions, and cattle hides. And as a result of significant tariff cuts in food items as well as other products, the list continues to grow. An FTA will provide the United States even further access to the Taiwan market.

The creation of an FTA with Taiwan will carry with it an unlimited number of advan-

tages. The larger trade environment will encourage more competition between industries. Consequently, consumers, both American and Taiwanese will have access to quality imports at lower prices and use their saved capital to purchase other goods. Ultimately, the economies of both the United States and the ROC will strengthen.

Perhaps the greatest advantage of all would be the effect an arrangement with Taiwan would have on our other trading partners. As the economic advantages of a United States-Taiwan FTA are realized, it is practically inevitable that other nations will approach us with an offer to negotiate a similar agreement. As free trade throughout the world is clearly our main objective, a bilateral approach, at least initially, may be exactly what we need to get the ball rolling.

McKINNEY HOMELESS ASSISTANCE ACT

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 19, 1988

Mrs. COLLINS. Mr. Speaker, every day we see the visible homeless on the streets, in doorways, in subways, and parks. As a result, we have a false perception of the homeless. We tend to believe that they are mostly derelicts, male, unemployed and unemployable, mentally ill, and often substance abusers.

But, although some of the homeless fit into that category, in reality, 25 percent of the 3 million homeless are working, yet don't earn enough to afford both housing and food. Approximately 90 percent of the 3 million have worked at various times in their lives; 40 percent are families with small children; another 25 percent suffer from a debilitating medical condition that prevents them from working. Approximately 40 percent are veterans, primarily from the Vietnam era. Another group are elderly and not able to work.

The causes of homelessness are as diverse as the homeless. Family breakup—many times the result of physical abuse—eviction, loss of employment, and urban renewal all contribute to the largest number of homeless U.S. citizens at any time since the Great Depression. This statistic is especially shocking in these times so prosperous for some, and so hopeless for others.

The McKinney Act intends that unutilized and underutilized, excess and surplus Federal real property be offered to various governmental groups and nonprofit organizations to be used as facilities for the homeless. This term should be interpreted by the Federal agencies charged with the responsibility of placing real property in the hands of those working with the homeless as broadly as possible. It includes far more than emergency shelters. It also involves transitional housing where persons are assisted in finding permanent housing and are prepared for the move back into the societal mainstream, soup kitchens, legal and social services clinics which assist the homeless in obtaining their legal entitlements, medical care and housing, health clinics, educational and child care services,

community mental health clinics, and employment and training services.

When the Department of Housing and Urban Development issued its criteria for evaluating property as suitable for homeless facilities, it appeared to take an unduly narrow view of facilities for the homeless as being mainly emergency shelters. As a result, HUD's criteria placed a heavy emphasis on factors that would be necessary for residential purposes. It also ignored the fact that in some areas, vacant land could be used efficiently for temporary modular construction. Congress expects a more creative approach to the use of unutilized or underutilized Federal property for those without homes and fully anticipates that the executive agencies now understand that it is their role to use Federal property to assist the homeless and not to go through an unnecessarily burdensome process that can have no other result than to deny usable property to our most needy fellow citizens.

REPUBLIC OF CHINA'S 77TH ANNIVERSARY

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. HYDE. Mr. Speaker, I know I speak for all my colleagues here in Congress as I offer best wishes and congratulations to the Republic of China on the occasion of her National Day, Monday, October 10, the 77th anniversary of its founding by Dr. Sun Yat-sen in 1911. We applaud Taiwan's achievements in democratic reform and her efforts to reduce the trade gap with the United States as well as reduce trade and tariff barriers.

President Lee Teng-hui and Ambassador Ding Mou-shih both have our assurances of continued support and cooperation in matters national and international, and we promise a new vigor in upholding, and in implementing, the Taiwan Relations Act of 1979. May Taiwan enjoy a further eight decades of development and prosperity.

VOTER UP! KIDS GET POLL SMART

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. UDALL. Mr. Speaker, many of us in Congress have expressed our concern over the low voter turnout in the United States. By some estimates, less than half of the eligible voters in this country showed up at the polls in the last election. That number is much lower for younger voters. Only 20 percent of the eligible voters under the age of 30 cast ballots in the 1986 election.

There is another generation of Americans, Mr. Speaker, who have not yet had the opportunity to vote in a congressional or Presidential election. This generation is now being educated in our Nation's elementary schools. Many of their teachers are committed to promoting a strong sense of civic responsibility in

their students. The core of that lesson is an emphasis on voter participation.

In Arizona, a program geared toward teaching schoolchildren about the democratic process has encouraged these educators. "Kids Voting" is an attempt to teach American children about their voting rights. The methodology is simple: While the parents cast their ballots on November 9, their children will vote alongside them in a mock voting booth. Later, both parents and children can watch on a local television station as their votes are tabulated.

Another program aimed at increasing voter participation through early instruction is the National Student/Parent Mock Election. On November 3, students and parents from all 50 States will cast votes for National and State offices in the third "National Mock Election". Participants will phone in their choices to a central office and will be able to view the results on C-SPAN.

Mr. Speaker, these two programs show the promise of creating a generation of lifetime voters. Today, the Christian Science Monitor wrote about the kids voting project and described how a similar 40-year-old program in Costa Rica is credited with that country's 90-percent voter turnout.

Mr. Speaker, I ask that the article from the Christian Science Monitor be inserted in the CONGRESSIONAL RECORD:

VOTER UP! KIDS GET POLL SMART: FIRST WHOLE-FAMILY APPROACH DEDICATED TO CONQUERING VOTER APATHY

(By Janice Arenofsky)

MESA, ARIZ.—Eleven-year-old Matthew Maynard lives in one of the fastest-growing areas in the nation: Phoenix's East Valley.

On weekdays Matthew trudges off to Jordan Elementary School, where he's just another youngster learning fractions and flute-a-phone.

But come Nov. 8—election day in the United States—Matthew will head off to a different place—a neighborhood church. There while his parents vote, Matthew will, too.

He'll go into a separately designated area, mark a simulated ballot printed in either English or Spanish, and carry away a souvenir pencil with the words "First Vote." Later, Matthew will listen for his specially tabulated results on local TV.

No matter who becomes president, though, the Maynards will have made history as voters in the election of '88 and as supporters of Kids Voting—the first whole-family approach in the US devoted to conquering voter apathy.

For several East Valley community leaders on a fishing holiday, Kids Voting turned out to be their biggest catch.

While vacationing in Costa Rica, they learned that for nearly 40 years, children in this Central American democracy have accompanied their parents to the polls and voted in mock elections. But the most illuminating and inspiring news was Costa Rica's impressive voter turnout: a phenomenal 90 percent!

To the Southwesterners, it seemed a case of "monkey-see, monkey-do," with generation after generation of youngsters developing into model citizens. Could Costa Rica's triumph, they wondered, transfer to Arizona, a state ranking especially low—46th nationwide—in voter turnout?

Back home, the combined enthusiasm of businessmen, educators, and journalists stimulated a \$20,000 donation.

Yet before the project could proceed, it needed to hurdle one formidable obstacle: a state law stipulating that minors remain 50 feet from the polls. After some debate, the legislature passed a bill removing all restrictions.

As it now stands, Kids Voting targets some 28,000 students in four cities: Mesa, Tempe, Chandler, and Gilbert. The plan is to turn youngsters into lifetime voters by offering them school lessons on the democratic process and the opportunity of actually voting at the polls.

Program administrators also hope to increase adult voter turnout in the 65 participating precincts. Once kids get excited and informed, say Kids Voting supporters, parents will, too.

As an added hook, however, children in Grades 3 to 8 can vote only if accompanied by a parent. High school students, though permitted to vote alone, are encouraged to go with Mom or Dad.

Jean Hamlin, a resource specialist in Mesa Public Schools, helped create the classroom teaching guides, which focus on candidates, offices, platforms, and the rights and responsibilities of voters.

"We've been very careful to be nonpartisan," Ms. Hamlin says. "Some parents expressed concern that teachers would promote their own candidates, so we've tried for balance."

David Eagleburger, associate superintendent of Mesa Public Schools, believes that the hands-on approach of Kids Voting "helps to desensitize the voting process, making it less intimidating for kids."

Recently U.S. Sens. Alan Cranston (D) of California and Dennis DeConcini (D) and John McCain (R) of Arizona introduced and helped pass a concurrent resolution on Kids Voting. In it they asked the Federal Election Commission to "advise the Congress on the success of the [Kids Voting] program in increasing voter turnout."

Senator Cranston, who is also sponsoring a national bill that would allow adults to register on election day, says, "I hope the success in Arizona this fall will lead to the plan spreading elsewhere."

Coming out on top, though, will probably mean coming up with the right numbers. No one knows this better than Bruce Merrill, a pollster and Arizona State University associate professor who has organized state campaigns throughout the country. Mr. Merrill intends to scientifically evaluate Kids Voting.

Over the next decade, he plans to track at least 1,000 children taking part in the pilot project, studying their voting habits in school and public elections.

"That would be a true test showing the value of this experiment," he says.

But for now, Merrill will compare the Kids Voting precincts with Arizona precincts having similar demographics but lacking the program.

"If those precincts don't see an upturn in voters, and ours do, then the inference is that the project positively affected turnout."

Dee Sirkis of the Arizona League of Women Voters is cautiously optimistic. Before expanding the geographic scope of the program, she says, "We must first see what the reactions of parents are, assess them, and see what changes must be made."

Working out the logistics of Kids Voting takes commitment. Project administrators,

for instance, still need to recruit and train 585 workers to man the polls.

Also, with the cooperation of Michael Harty, director of the Maricopa County Elections Department, Kids Voting personnel are busy rounding up additional space at the polling sites.

"I think it's an excellent program that helps young people get a better feeling for the electoral process," says Mr. Harty, whose enthusiasm for Kids Voting doesn't blind him to possible problems—one being extremely crowded polls.

Yet, even if adult turnout increases by 20 percent, as supporters of Kids Voting predict, Beverly Maynard won't mind the lines. She says it makes good sense for youngsters like her son Matthew to get a head start on decisionmaking.

"I'm impressed with Kids Voting," she says. "I'd like to see it work."

JUANITA VALDEZ: A SPECIAL GOLDEN RULE HONOREE

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. GONZALEZ. Mr. Speaker, I would like to pay tribute to and bring to the attention of you and our colleagues, a very special San Antonio constituent of mine—Juanita Valdez.

Ms. Valdez is the 1988 recipient of the National Golden Rule Award, a national competition sponsored by J.C. Penney to honor exemplary volunteer service by individuals and organizations. The award is a means of recognizing the contributions made by these individuals and organizations to improving the quality of life in their communities.

Ms. Valdez, a volunteer with Inner City Development, Inc., located on the westside of San Antonio, was selected by a blue ribbon panel of volunteer and civic leaders from a field of over 3,600 nominees from all over the United States. Her organization is devoted to assisting needy individuals and families to become self sufficient, as well as providing the basic needs of individuals—food, shelter, and counseling.

Juanita Valdez wears many hats at Inner City. She is responsible for all aspects of the organization's soup kitchen, from maintenance, to chef, to program administrator, to staff supervisor. She is at the kitchen 6 days a week feeding 85 to 140 persons a day. In addition to her involvement with the soup kitchen, Ms. Valdez also conducts casework for the organization's emergency food service. This program serves 1,200 families a year and ensures that families in crisis receive proper assistance and do not fall between the cracks.

By any standard, Juanita's dedication and unselfish giving of her time is an inspiration and personifies the admonition of the Golden Rule—to help one's neighbors as you would want to be helped. The fact that Juanita Valdez is a permanently disabled single parent with seven children, and who has had to undergo 16 operations in the past 8 years makes her contributions to others remarkable.

Four other finalists of the Golden Rule Award were recently honored with Ms. Valdez here in Washington. They, too, have made very significant volunteer contributions to the well-being of their fellowmen and women. These finalists are: Sylvia Benenson of Dallas, TX; Marion Bozarth of Bethany, OK; Bob Kinlery of Mill Valley, CA, and Pete Marsh of Saratoga, FL.

I applaud J.C. Penney in recognizing and honoring Juanita Valdez and all volunteers who give so generously of that most precious of commodities—time and devotion. These wonderful volunteers, these wonderful Americans, these wonderful human beings illustrate that an individual can make a difference.

TRIBUTE TO BUD FARALLY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. WELDON. Mr. Speaker, I rise today on the last legislative day of the 100th Congress to congratulate a leader from my district. Mr. Bud Farally served his country in the U.S. Air Force, and continues to serve the working men and women of southeastern Pennsylvania.

Bud Farally is currently vice president of the Building Trades' Union of the Delaware County AFL-CIO's Central Labor Council. In this capacity Bud has fostered cooperation between labor and management and served as a catalyst for many new construction projects. For as long as I have known Bud, he has shown enviable management and leadership qualities. Bud is respected by his peers and looked to for counsel by Government officials, developers, project manager, and brother labor leaders.

Having worked with Bud while chairman of the Delaware County Council and now as the Congressman from the Seventh District of Pennsylvania, I know why he is being honored as "Outstanding Tradesman" by the AFL-CIO's Central Labor Council. Bud has accepted many challenges throughout his career. While rising up through the ranks of local 19 sheet metal workers and serving as a strong labor leader, Bud also took on civic responsibilities including service on the Delaware County Drug and Alcohol Commission.

It takes a great deal of skill and character to be a leader today. Today's leaders must be prepared to accept extraordinary amounts of responsibility with less and less reward. Leaders of today must be prepared to bear personal sacrifice for the benefit of the people they represent. Mr. Speaker, I am proud today to honor one such leader, Bud Farally.

I urge my colleagues to join me in thanking Bud for the many good works he has done for the people of my district.

FEDERAL RESERVE SHOULD MOVE TO EXPAND BANK SECURITIES POWERS UNDER EXISTING LAW

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. LaFALCE. Mr. Speaker, unfortunately, the Congress is about to adjourn without passing badly needed legislation. Absent congressional action, I believe it is imperative that the Federal Reserve move expeditiously to act upon bank holding company applications for additional securities powers under existing law. Current law, as interpreted by the courts, clearly allows the granting of additional powers to bank holding companies.

Such action on the part of the Federal Reserve would be consistent with congressional intent, as expressed under the Competitive Equality Banking Act passed in August of 1987, that any subsequent congressional failure to act should in no way impede regulatory action under existing law. It would also be consistent with the direction in which the Senate and House Banking committees are clearly moving—that is, the granting of a full array of securities powers to bank holding companies.

I have written to Chairman Greenspan of the Federal Reserve expressing my views in this regard. The text of the letter follows:

CONGRESS OF THE UNITED STATES,

HOUSE OF REPRESENTATIVES,

Washington, DC, October 21, 1988.

HON. ALAN GREENSPAN,

Chairman, Federal Reserve Board, Washington, DC.

DEAR MR. CHAIRMAN: As you are aware, the Senate and House Banking Committees have made a concerted effort to enact comprehensive banking legislation. Unfortunately, we have not been successful in passing this badly-needed legislation in this session of Congress.

Certainly, as the Speaker of the House has recently noted, any change in the provisions of the law concerning the regulation of banking institutions is rightfully a legislative concern. However, absent Congressional action, the Federal Reserve has a right, indeed an obligation, to proceed in a timely and conscientious fashion under existing law.

Current law as interpreted by the courts clearly allows the granting of additional powers to bank holding companies under Section 20. In fact, the Federal Reserve has already moved cautiously and appropriately under the provisions of existing law to approve expansion into certain areas, and the Board's actions have been approved by the courts.

The failure of the Congress to act should thus prove to be an impediment to the proper implementation of existing law by the Federal Reserve. In fact, the intent of the Congress is made very clear in section 203 of the Competitive Equality Banking Act of 1987: "It is the intent of the Congress not to renew or extend the moratorium established under section 201 whether or not subsequent banking legislation is passed by the Congress." In essence, in August 1987, with that statement, the Congress directed the Federal Reserve to act, in the Board's discretion,

on future applications, should the Congress fail to act.

All actions within the Congress since August 1987 have reinforced that direction and basically indicated the parameters of future reform.

The full Senate passed a bill, on March 30, 1988, by a 94 to 2 vote, that granted a wide range of securities underwriting powers to bank holding companies, including commercial paper; municipal revenue bonds; asset-backed securities; mutual funds; and corporate debt, including debt convertible into equity.

The House Banking Committee, on July 27, 1988, by a vote of 31 to 20, also decided to grant bank holding companies the same broad array of powers: commercial paper; municipal revenue bonds; asset-backed securities; mutual funds; and corporate debt, including debt convertible into equity.

Hence, there is a basic harmony between the full Senate action and the action of the House Banking Committee, and also between these actions and the 1987 expression of Congressional intent. All of these actions are consistent with the Federal Reserve's interpretation of existing law and all move clearly in the direction of granting a full array of securities powers to bank holding companies.

I would suggest that the Federal Reserve proceed to take action that is consistent with existing law and with the direction that the full Senate and the House Banking Committee have set. Such regulatory decisions, in my judgment, would not be reversed, either prospectively or retroactively.

I would hope and expect that the Federal Reserve will proceed in a timely fashion, therefore, to review and act upon, as appropriate, any pending and future applications for expanded powers under Section 20.

Sincerely,

JOHN J. LaFALCE,
Member of Congress.

**EMIEL J. CHRISTENSEN: A
LARGE AND GROWING
LEGACY LEFT FOR NEBRASKA**

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. BEREUTER. Mr. Speaker, the year 1988 saw the passing of one of Nebraska's most distinguished and influential citizens—Emiel J. Christensen of Columbus, NE. He left this life at the age of 93, preceded in death by the wives of his two happy marriages, survived by his son and daughter-in-law, Mr. and Mrs. William Christensen, and children of Fremont, NE, and acclaimed affectionately by the thousands of Nebraskans who were his friends, students, professional associates, or beneficiaries of his expertise in architecture and community planning. Nebraska, and other parts of this Nation too, is and will continue to be a far better place to live because Emiel Christensen gave to his fellow man so generously of his talent, intellect, and concern for humanity and its home planet.

Mr. Christensen was a native of the small country town of Lyons, NE, in Burt County, where as he put it he "grew up studying, playing, and working among the children of the Scandinavian immigrants and American Indians." Soon after his graduation from Lyons

High School when it became clear that Americans would enter "the war to end all wars," he volunteered for the Army and served in both British and American units. After participating with distinction in many battles in France, he was wounded and gassed. During his recuperation in St. Louis, MO, he proceeded to build on an earlier brief vocation in carpentry by pursuing the study of architecture at Washington University in that city. After graduation he began a professional career in architectural and community planning that consumed his interest until the day he died. After short periods of apprenticeship in Florida, the Southwest, and a year in Omaha with the office of Thomas R. Kimball, he moved to Columbus, NE, where he established his own architectural firm, his roots, his practice, and the focus of action from which he built a statewide reputation. Among many local civic responsibilities in Columbus he served two terms as American Legion Post president of the Rotary Club, and as a leader and resource person in the earliest stages of Columbus' development as a center of the manufacturing and public power industries.

In light of Mr. Christensen's professional achievements, it is not surprising that the Nebraska Society of Architects gave him their Distinguished Architect Award. The Nebraska Chapter of the American Planning Association made him their first life member. When the Architectural Forum prepared its postwar planning series in the early 1940's, he was a member of its editorial advisory committee. The Governor's Council to Keep Nebraska Beautiful today designated their annual highest environmental award for him. Additionally Mr. Christensen served his State and profession by chairing the Nebraska State Board of Examiners for Professional Engineers and Architects.

When this Member returned to my home State in 1966 to be employed as a community planner with the Nebraska Resources Division, I first met Emiel Christensen, for he was the part-time director of the planning section of that State agency while continuing to serve as professor of architecture and coordinator of community services at the University of Nebraska in Lincoln. He was a great inspiration to me as a person, as an involved and active citizen of Nebraska and this Nation, and as a person whose vocation was directed to helping our State's communities with their planning and development activities. Emiel became a great and lasting friend, a teacher, and an adviser to this Member from that day forward.

Among this Member's primary responsibilities was to assist in the nearly unique and highly successful annual State of Nebraska Award and Assistance Program for Nebraska's communities, the Nebraska Community Betterment Program. That effort, later led by this Member, continues today in a highly successful adopted form which continues to bring great benefits to Nebraska's communities and their citizens. Those benefits, improvements, and the education and leadership opportunities given to several generations of Nebraskans will continue far into the future. That is a part of the reason why the legacy of Emiel Christensen is so large and growing and why it will continue.

In 1961 Emiel Christensen published some of his lecture notes under the title of "Created Pawns or Creative Partners." In it is a small sample of the wisdom, character, and integrity this creative pioneer of the prairie demonstrated for Cornhuskers of the past, present, and future. For what he was, for what he did, and for what he left behind for his fellow countrymen, Emiel J. Christensen was a very special human and a great American.

Men like him need to be recognized by this Congress and by this Nation; therefore, I take this step at the conclusion of the 100th Congress to honor and pay tribute to the memory of Emiel J. Christensen of Nebraska. Emiel, Nebraskans will especially miss you and your contributions in the Cornhusker State. Thank you.

**THE CONGRESS WILL MISS DON
BONKER**

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. SWIFT. Mr. Speaker, today I join the rest of my colleagues in saying that the House will miss one of its energetic leaders, DON BONKER, who will be leaving us at the end of the year. Those of us from Washington State will especially miss the close friendship and counsel he has given to us over the last many years.

To the State has has been a leader on many environmental and resource issues so important to the Northwest. Environmentalists in Washington State will be long appreciative of DON BONKER's efforts in working out careful compromises which provided for the preservation of Bowerman Basin, a delicate wildlife estuary in the southwestern part of Washington State. Citizens from all of the 50 States will be able to enjoy the magnificent panoramas of the Columbia Gorge due in large part to efforts that DON BONKER made at the end of the last Congress.

On resource issues DON BONKER sought and succeeded in coming to the assistance of many of the resource-related industries in our State, including our important fishery and timber industries upon which so many of our citizens rely for their livelihood. His service on the Merchant Marine and Fisheries Committee has been of great value to our fishermen, and there is a vacuum which will be hard to fill.

I remember well DON BONKER's leadership on energy issues. In the 96th Congress many of us in the Washington State delegation worked to pass the Pacific Northwest power bill which provided a framework for managing the vast hydroelectric resources of our region. In December 1980 we succeeded in passing one of the most forward looking pieces of energy legislation ever to be signed into law. DON BONKER's contribution was in providing leadership in the structuring of the Pacific Northwest Power Planning Council which for the first time provided for popular input into regional energy decisionmaking. Other regions of the country look with envy at this mechanism. DON BONKER should be given large credit for his efforts here.

The Congress will miss a valued leader in the area of international trade. We all remember his work in this year's trade legislation. He has recently authored a book which offers a clear and insightful exposition of our current trade problems. I will continue to seek his advice on these issues.

I could go on. But the career of seven terms in Congress by such an able Member cannot be summed up in a statement such as this, and it shouldn't be. There are just too many accomplishments. Suffice it to say it is public policy that is the loser here. For those of us that are his friends and colleagues, will continue to work with DON BONKER. It is the public policy process that is losing DON BONKER. We hope it's only a temporary loss.

SSC—THE TIME HAS COME

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. AKAKA. Mr. Speaker, my colleagues, as adjournment for the 100th Congress approaches, I would like to take time to focus attention on the decision expected in the coming month on the site selection for the superconducting super collider—the SSC as it is known.

As the siting decision draws near, I want to add my voice to the rising chorus in favor of siting the SSC in the West. A western site has many advantages, some of which I will catalog. But the one overwhelming advantage that the West can offer the SSC is a broad groundswell of support among the research community and elected officials throughout the region.

Based upon the recommendations of the National Academies of Science and Engineering, the Department of Energy selected 7 sites last January from among 30 that submitted proposals. The West boasts of two sites from among the final seven—Arizona and Colorado.

By selecting a western site, the Department of Energy can build upon its already strong research base in the region. The advanced scientific research on high energy physics and superconductivity at the Los Alamos, Sandia, Lawrence Livermore, and the National Center for Atmospheric Research offer a solid research foundation which will support the SSC.

Add to this a strong and united coalition of universities and research institutions throughout the West that have voiced their commitment to the SSC. These organizations have joined to establish the Western States SSC coalition which is dedicated to establishing cooperative scientific ventures throughout the region to support the SSC through their institutions.

These are a few of the many reasons why Hawaii has played an active role in supporting a western site for the SSC. And this is why Hawaii's chief executive, Gov. John Waihee, and I have voiced strong support for locating the SSC in the West.

As a further demonstration of Hawaii's support, I would like to place in the RECORD a copy of a letter which Dr. Albert Simone,

president of the University of Hawaii, recently sent to Secretary Herrington regarding the university's support for the superconducting super collider [SSC].

When the Secretary's announcement is made I certainly hope that we'll be singing "Westward Ho."

UNIVERSITY OF HAWAII,

Honolulu, HI, September 27, 1988.

Mr. JOHN S. HERRINGTON,

Secretary of Energy, U.S. Department of Energy, Washington, DC.

DEAR MR. HERRINGTON: The University of Hawaii has an active program of basic research in High Energy Physics involving experiments at several accelerator sites as well as non-accelerator experiments located in Hawaii. We are also supporting the broad national program in this field through our membership in the Universities Research Association [URA]. My personal participation in URA proceedings has left me with a deep appreciation of how scientists and university administrators in this field, working together to seek consensus, have been able to define realizable goals for their profession. This program, supported primarily by the Department of Energy, has made available to many universities the magnificent facilities which no one university could possibly maintain.

I have written to you before in support of the goal of building the superconducting Super Collider (SSC), a goal agreed upon by the vast majority of high energy physicists. Thanks to your leadership in mobilizing widespread support, President Reagan has endorsed the SSC. Hawaii contributed to this support by persuading both our Senators to cosign a letter in favor of the SSC. We are now hopeful that Congress will follow through with adequate funding for construction as well as R&D.

A logical and well-planned process of encouraging proposals for the SSC site has narrowed down the candidates to seven sites. We have been on the sidelines up to now in this competition, since our physicists, due to Hawaii's remote location, have a long way to travel to any of the proposed locations. Furthermore, your process of objectively examining the pros and cons of each site is just now providing detailed information on each location. Once that is done, it seems fair for each region of the country to make clear the primary reasons for it being the choice for the siting the SSC.

There is strong support among our Hawaii group for the Arizona locations to be chosen as the site for the SSC. The DOE reports appear to support Arizona's assertions of lower construction costs, minimum environmental impact, and a beneficial living environment, among other advantages. Rapid transfer to DOE jurisdiction of all lands required for construction and operation of the SSC is another important factor. My understanding of the geological conditions at the Arizona site is that no unusual problems in tunneling are expected. There are other technical reasons for choosing Arizona, which their application details.

Another reason for Hawaii favoring the Arizona site is Hawaii's favorable experience in shared use of astronomical facilities with Arizona; Tucson and Mauna Kea are two of the world's best locations for ground-based astronomy. Our High Energy Physics program in gamma ray astronomy started at Mt. Hopkins near Tucson, through the cooperation of the optical observatory there. Judging from our own experiences as well as

the pledges of the University of Arizona SSC proponents, we anticipate a very cooperative and beneficial atmosphere for research if the SSC is located as proposed in Arizona.

I realize that you have a very difficult decision to make in designating the "preferred site" for the SSC. Let me assure you, however, there will be strong support from Hawaii if the Arizona site is chosen.

Sincerely yours,

ALBERT J. SIMONS,
President.

BATH IRON WORKS OF BATH, ME, CONTINUES AS A TOP-QUALITY EMPLOYER—BUILDING AND REPAIRING SUPERIOR SHIPS

HON. JOSEPH E. BRENNAN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. BRENNAN. Mr. Speaker, as Maine's First District Congressman, I have the honor of representing Bath, ME, home of the world's premier shipbuilder. Earlier this year, the U.S.S. *Samuel B. Roberts* struck a submerged mine while on patrol in the Persian Gulf. While the *Roberts* was severely damaged with a 22-foot gash torn into the hull, there was no loss of life and the ship stayed afloat. Bath Iron Works built the *Roberts* and the ship was commissioned in 1986.

Despite the serious damage to the frigate, the quick reaction and heroic response of her officers and crew prevented any loss of life and the ship. Several weeks prior to that incident, Capt. Paul X. Rinn, commanding officer of the *Roberts*, wrote Bill Haggett, chairman and CEO of Bath Iron Works, the praise the superb seaworthiness and rugged construction of his ship. Captain Rinn's letter follows:

COMMANDING OFFICER,

USS SAMUEL B. ROBERTS (FFG 58),

New York, NY, March 14, 1988.

DEAR BILL: Greetings from the Persian Gulf. *Samuel B. Roberts* is operating at high tempo in this tense corner of the world and doing the job quite well. Bill, this Bath Iron Works product you gave us to operate has just been superb. Both the Combat Systems suite and the Engineering package have been a dream. Don't let the critics kid you, this ship is a match for the threat whether it be a Mirage F1 at 380 knots 50 feet off the deck or an Iranian SAAM Frigate maneuvering in close to gain tactical missile/gun advantage. I know, because that's what we have had to deal with and in every case we have taken the other guy down town.

The operations tempo in the Middle East Force is tough and requires ships to be able to stay at sea for extended periods of time without replenishment or technical support in an environment of wind, heat and sand second to none. As of 20 March SBR will have 75 days deployed with only 3 days in port. During the period 19 FEB to 20 MAR we will have operated alone in patrol areas bringing 19 FEB to 20 MAR we will have operated alone in patrol areas bringing us in active contact daily with Iranian and Iraqi jets as well as Iranian surface craft and ships. We have successfully done this with only one RAS during the time frame. I'd say the ship has excellent legs when employed

properly. Overall the situation in the Persian Gulf remains tense and sleep is at a premium, but there is no doubt that our presence has calmed the waters quite a bit. On the homefront SBR has dominated the East Coast Frigate world and anticipates winning the Battle "E" in all major categories. Our eye will then shift to the Battenburg Cup as the "Top Combat Ready Surlant Ship". (My relief will have to get that one).

I hope BIW is coping with the latest ship building allocations and that you are not on the verge of another difficult labor contract dispute. I have always been proud of the fact that *Samuel B. Roberts* was built at Bath Iron Works and felt your yard worked hard to give us the best possible product. I also appreciate the difficult position you are presently in trying to keep one of our best shipbuilding companies in business and competitive. As a result I thought you might be interested in some good news about how well one of your sleek platforms has been doing.

Warm Regards

PAUL X. RINN.

The *Roberts* is one of 24 Bath-built FFG-7 class frigates. Following delivery of the lead ship, the *Perry*, in 1977, all consecutive ships at Bath were delivered ahead of schedule and under budget. In fact, Bath's frigates were delivered a cumulative 400 weeks ahead of schedule. Bath continues to serve the Nation as a premier builder of complex surface combatants.

In 1982, Bath was awarded the follow-yard contract on the Aegis Cruiser Program. In 1985, Bath won a difficult three-way competition to be the lead design and building yard for the Aegis destroyer, the *Arleigh Burke* class. Both cruiser and destroyer programs are now well underway at the shipyard, with the Navy estimating that Bath's entry into the Cruiser Program has resulted in a \$3 billion savings from initial program cost projections. The state-of-the-art Aegis ships will provide needed anti-air warfare [AAW] capability well into the next century.

Bath has laid the groundwork, made the necessary investments in the latest advancements in facilities, and most importantly, brought together America's best shipyard workers to form a winning team. Earlier this month, the employment level at BIW reach over 10,000—a record peacetime number. I remain certain that the quality of Bath Iron Works' ships can be directly attributed to the quality of workers who build the ships. BIW's reputation for quality is known throughout the world, which is a point of particular pride for all Maine residents. The efforts of all Bath Iron Works employees certainly positions the company to serve America's needs well into the future.

ELDERLY OUT-OF-POCKET HEALTH CARE COSTS RISE TO \$2,394 PER PERSON—18.1 PERCENT OF ELDERLY INCOME IN 1988

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. ROYBAL. Mr. Speaker, today I am releasing a summary of a committee staff analysis of elderly out-of-pocket health care costs.

Based upon the attached report, I am deeply concerned with the elderly's rapidly rising out-of-pocket health care costs. The results of that study clearly show that, in terms of out-of-pocket health care costs, the elderly in 1988 are significantly worse off than they were 8 years ago in 1980. While the elderly's health care costs ranged from 12 to 13 percent of their income in the 1977-1980 period, they will be spending just over 18 percent of their limited income in 1988—an average of \$2,394 per person.

Cutting Medicare and Medicaid and failing to contain health care costs generally has taken a devastating toll on the elderly's financial resources. Assuming that the elderly should not be required to use a greater percentage of their income than they did in 1980, program cuts, increased premiums and copayments, and the failure to control health care costs have increased the elderly's health care payments in 1988 by \$21.9 billion. This amounts to an added burden of \$718 per elderly person. Every year that there is a failure to control the elderly's share of health care costs, America's elderly will fall deeper and deeper into trouble.

Unfortunately, I fear that the worst is yet to come. Although the elderly's health care payments are already too high at 18 percent of income, these payments are likely to continue to rise rapidly at a rate one and one-half to two times faster than their limited incomes. These likely increases result from past Medicare and Medicaid cuts and the failure to control health cost inflation. These increases will occur even without further cuts in Medicare and Medicaid.

Today I am calling upon the 101st Congress and the next administration to join with me to prevent any further increases in out-of-pocket health care costs and any further cutbacks in critically needed protection for America's elderly and poor.

Mr. Speaker. I ask that the summary of the committee study be included in the RECORD.

COMMITTEE ANALYSIS

ELDERLY OUT-OF-POCKET HEALTH CARE COSTS, 1977-1988

Elderly spending \$21.9 billion more of their income for health care in 1988 than if spending the same percentage of their income as in 1980. This figure amounts to an average of \$718 per elderly person.

Elderly per capita out-of-pocket costs rise to \$2,394 in 1988—two and one-half times higher than the \$966 spent in 1980.

Elderly out-of-pocket health care costs at 18.1 percent of income in 1988—nearly one and one-half times higher than the 12-13 percent in 1977 and 1980.

Since 1986, a greater and greater share of elderly income has been spent on health care than the proportion spent when Medicare and Medicaid began in 1966.

Between 1980 and 1988, the elderly's health care payments (up 12.0 percent per year) rose one and one-half times faster than their income (up 7.1 percent per year). During the 1977-80 period, the growth in elderly health care payments (10.7 percent annually) was in better balance with growth in elderly income (9.0 percent annually)—a difference of only 1.7 percent annually.

Under the direction of Chairman Edward R. Roybal, the House Select Committee on Aging staff have completed an analysis of health care costs for America's elderly.¹ The study is based upon studies and information supplied by the Health Care Financing Administration in 1984 and 1988. The results of the committee study clearly show that, in terms of out-of-pocket health care costs, the elderly in 1987 and 1988 are significantly worse off than they were in 1977 and 1980. All indications are that out-of-pocket health care costs will continue to consume increasingly larger portions of elderly income for the foreseeable future.²

According to the committee study, the elderly are spending just over 18.1 percent of their income in 1988—an average of \$2,394 per person. For the 1977-80 period, the elderly's health care costs consumed only about 12-13 percent of their income—down from the estimated 15 percent spent in 1966 when Medicare and Medicaid began.

ELDERLY OUT-OF-POCKET HEALTH CARE COSTS

Year	Elderly out-of-pocket health care costs	Percentage of elderly income
1988	\$2,394	18.1
1987	2,165	17.4
1980	966	12.7
1977	712	12.3
1966	300	15

Sources: House Select Committee on Aging, October 1988; Census Bureau, 1988; Health Care Financing Administration, July 1984 and October 1988.

Elderly out-of-pocket health care costs in 1988 are estimated to average \$2,394 per person—nearly two and one-half times the costs just eight years earlier in 1980. The 1988 out-of-pocket cost of \$2,394 compares to the cost figures of \$712 in 1977 and \$966 in 1980.

In the period 1980 to 1988, the elderly's health care payments rose at a rate that was one and one-half times faster than the rate of increase in their income. Specifically, the elderly's share of health care costs climbed at a rate of 12.0 percent, while elderly income increased at an annual rate of only 7.1 percent.

¹ The Committee analysis relies heavily on budget information provided by the Health Care Financing Administration (HCFA) and three HCFA studies: "Health Expenditures by Age Groups, 1977-1987" (Unpublished, 1988), "Demographic Characteristics and Health Care Use and Expenditures by the Aged in the United States: 1977-1984" (Fall, 1984) and "National Health Expenditures, 1986-2000" (Summer 1987).

² For purposes of this study, total "out-of-pocket" health costs include any costs paid by the elderly, including direct payments for services (e.g., nursing homes, prescription drugs), coinsurance and deductibles, private insurance premiums (most of which are paid by the elderly themselves), and Medicare Part B and A premiums (except for those paid by Medicaid).

Cutting Medicare and Medicaid and failing to contain health care costs generally has taken a devastating toll on the elderly's financial resources. Assuming that the elderly should not be required to use a greater percentage of their income than they did in 1980, program cuts, increased premiums and copayments, and the failure to control health care costs have increased the elderly's health care payments in 1988 by \$21.9 billion. This amounts to an added burden of \$718 per elderly person. Every year that there is a failure to control the elderly's share of health care costs, America's elderly will fall deeper and deeper into trouble.

For the elderly, the situation continues to worsen. Though the elderly's health care payments are already high at 18.1 percent of income, out-of-pocket health care payments will likely consume ever increasing portions of their income. Barring some intervention, health care costs are likely to continue to rise at one and one-half to two times faster than elderly income. This increase results from relatively uncontrolled health care cost inflation and past Medicare and Medicaid cuts. This large increase will occur even without any further cuts in Medicare and Medicaid. Unless action is taken to control health care costs generally, health care will continue to eat up ever larger portions of the elderly's income for the foreseeable future.

Unfortunately, many people still believe that health care costs paid by the elderly are not excessive. Over the past eight years, proposals continued to surface which would severely cut Medicare and Medicaid benefits. While many of these proposals were rejected by the Congress, the 101st Congress and the next Administration must exercise great care. Simple solutions to containing costs and proposals that shift costs to beneficiaries must be rejected. Instead, we must take steps which constrain rapidly rising health care costs for all payers—the States, the employer, the poor, the elderly—not just for the federal portion of Medicare and Medicaid.

No one discounts the problem which the Federal government faces with increasing Medicare and Medicaid program costs. However, everyone must also realize that the elderly are shouldering an increasing share of the health care cost burden and that the poor are facing major problems with health care access. Congress must cautiously and reasonably constrain health care costs for everyone. At the same time, we must carefully shield the elderly and poor from those Medicare and Medicaid cuts which increased elderly out-of-pocket costs or reduce access to quality health care.

PERSONAL HEALTH CARE EXPENDITURES FOR PEOPLE AGED 65 AND OLDER IN 1977, 1980, 1987, AND 1988

(In dollars)

Source of funds	Per capital health expenditures			
	1977	1980	1987	1988
Total	\$1,785	\$2,515	\$5,288	\$5,749
Private	719	976	2,190	2,421
Consumer	712	966	2,165	2,394
Out of pocket	522	721	1,549	1,691
Insurance	115	148	434	463
Medicare				
premiums	75	96	183	240
Other private	7	10	25	27
Government	1,066	1,540	3,098	3,328
Medicare	713	1,061	2,153	2,303
Medicaid	249	333	620	677
Other government	104	146	325	348

PERSONAL HEALTH CARE EXPENDITURES AS A PERCENTAGE OF INCOME FOR PEOPLE AGED 65 AND OLDER IN 1977, 1980, 1987, AND 1988

Elderly consumer costs as percentage of income	1977	1980	1987	1988
Percentage of mean income	12.30	12.68	17.44	18.12

Consumer Cost/Mean Income: 1977 712/5,853 12.30 percent; 1980 966/7,614 12.68 percent; 1987 2,165/12,417 17.44 percent; 1988 2,394/13,217 18.12 percent.

Sources: House Select Committee on Aging, October 1988; Census Bureau, 1988; Health Care Financing Administration, July 1984 and October 1988.

PERSONAL EXPLANATION

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. NELSON of Florida. Mr. Speaker, due to my attendance at the funeral of my close personal friend, Martin Stein, Sr., of Jacksonville, FL, I missed the following votes. Had I been present I would have voted "yea" on rollcalls 456, 457, 458, 459, 460, 461, and 462.

PERSONAL EXPLANATION

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. DURBIN. Mr. Speaker, I wish to have noted for the RECORD that, had I been present on October 19, 1988, I would have voted "yea" on rollcall vote No. 449 and "yea" on rollcall vote No. 450.

Mr. Speaker, I wish to have noted further for the RECORD that, had I been present on October 20, 1988, I would have voted "yea" on rollcall vote No. 451, "nay" on rollcall vote No. 452, "yea" on rollcall vote No. 453, "nay" on rollcall vote No. 454, and "yea" on rollcall vote No. 455.

TRIBUTE TO MR. ANDREW P. DENTON

HON. ROBERT LINDSAY THOMAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. THOMAS of Georgia. Mr. Speaker, as the 100th Congress prepares to adjourn this evening, I know that our thoughts have been on the many legislative issues that have come before us during the past 2 years.

However, at this point, I want to call to the attention of my colleagues an event that occurred in Savannah, GA, this week that had nothing to do with legislation or Presidential campaigns. Yet, in many ways, it was one of the most important events that took place in the Nation because it had to do with the personal courage and the achievements of one American citizen. The collective courage and

achievements of Americans is the bedrock of this Nation, and it is our people who give life to our democracy.

The achievement I speak of is the award of the Bronze Star Medal to Mr. Andrew P. Denton. I was to have presented this award to Mr. Denton on October 20. However, due to the congressional session, I arranged for its presentation by my administrative assistant, Mr. Robert H. Hurt. Joining in this ceremony was Col. Ian Larson, Acting Division Commander, 24th Infantry Division (Mechanized), and Fort Stewart-Hunter.

In order to bring this matter to the attention of the House, I would like to ask that the newspaper account of this ceremony as it appeared in the Savannah Morning News on October 20, 1988, be included in the RECORD at this point. Following that, I ask that my own statement prepared for delivery of October 19 be placed in the RECORD. At this point. Following that, I ask that my own statement prepared for delivery on October 19 be placed in the RECORD. This statement was presented in summary form at the ceremony.

DISABLED VETERAN GETS BRONZE STAR 2 DECADES LATER

(By Patrick Armstrong)

A Savannah man who lost his right arm 20 years ago while serving in Vietnam was awarded the Bronze Star in a ceremony Wednesday at the Savannah Vet Center.

Andrew Denton received the award after fighting U.S. Army regulations and a lack of proper paperwork for almost a year.

Denton, who was a specialist four in the Army, served from October to December 1968. He was severely injured when, operating under orders, he set off explosives at a bridge that his unit had secured.

Denton said he remembers that while he was recovering someone told him he had been recommended for the Bronze Star. However, the paperwork was never processed and the award never given.

The Bronze Star is given "for heroic or meritorious achievement of service not involving serial flight in connection with operations against an opposing armed force," reads Army literature.

Denton did not decide to press the issue until last December when he contacted 1st District U.S. Rep. Lindsay Thomas Savannah office to tell his story. In April, Thomas' request that the award be given was denied by the Army because of the lack of original paperwork.

However, former officers in Denton's unit were tracked down and interviewed with the help of Army officials. Records of Denton's service also were searched.

The Army Decoration Board then reviewed the records and recommended the award, said Bob Hurt, Thomas' staff director. The board is empowered to recommend an individual for a decoration which was not formally submitted either because the person making the recommendation for the award or the person recommended is medically incapacitated.

STATEMENT OF U.S. REP. LINDSAY THOMAS, PREPARED FOR DELIVERY, SAVANNAH, GEORGIA, OCTOBER 19, 1988

We are assembled here today to recognize the achievements of a very remarkable young man—Mr. Andrew P. Denton.

We are here to honor him for two achievements. First, as a combat soldier in the serv-

ice of the United States of America in the Republic of South Vietnam.

Second, as a peace-time veteran who had the courage of his convictions, and the strength to fight for something he knew that he deserved.

It was just over ten months ago that Mr. Denton came to my Savannah office to speak with my office manager, Ms. Trish DePriest, to tell a story that began more than 20 years ago. That was when he lost an arm and suffered many other terrible injuries while operating under orders setting off explosives at a bridge his Army unit had secured in hostile action.

Like many young men who served in Vietnam, his road back to life in America has not been an easy one. He is 100-percent disabled, and he bears the scars of war on his body and in his memory.

But he has been working hard with friends, with family, and with the resources of the Veterans' Administration and the Savannah Veterans' Centers. They have helped, and they are continuing to help. As Andy has worked his way through the pain of his injuries and the scars he will bear for life, he came to grips with the fact that all of the chapters of his service in Vietnam had not been closed.

One of those unanswered chapters was his recollection that as he lay wounded, he was told that he had been recommended for the Bronze Star decoration. But as is often the case, the paperwork for the decoration was never correctly processed. He had elected not to pursue the issue years ago, and because so much time has passed, no record exists today to confirm his decoration as required by Army regulations.

Andy will be the first to tell you that he is not one to seek the formalities of ribbons and decorations. But the lack of that special decoration seemed to mock his sacrifice. Just at the time he was coming to grips with the anger and depression that have followed him for years, it seemed that the bureaucracy of his country was turning him away.

My first Congressional inquiry to the Army came back with a sympathetic, but firm, denial. Unless the paperwork for the decoration had been submitted at the time, no award could be made.

Many men would have walked away at that. But Andy is tougher than a great many men. He wanted to push it.

And so I wanted to push it, too. He had the help of his physician, Dr. John Savino. And we called on two very special Georgians to help us, both of them Vietnam veterans themselves. One is Lt. Col. Frank Norton, originally from Waycross, and now a member of the Army Congressional Liaison team in Washington. The other is Maj. Gen. Chuck Dominy, formerly our District Engineer here in Savannah, and now the Chief of Legislative Liaison for the Army in Washington.

They put the big wheels in motion. Former officers in Andy's unit were tracked down in civilian life. Interviews were conducted. Records were searched.

Rules are rules, and the required supporting documentation could not be found for the original decoration.

But Specialist Four Andrew Denton was a special soldier, and that became clear as the Army Decoration Board reviewed his records.

This Board is empowered to recommend an individual for a decoration under carefully defined circumstances. Those circumstances are when it can be conclusively proven that formal submission of the original recommendation was not made within the recommended time limits because the person recommending the decoration, or the person being recommended, was in a medically incapacitated status.

Andy, I have talked to a great many people in Washington, and I can tell you that this is a rare distinction you are about to receive. Both because of the decoration, and because it was reviewed with the most stringent attention to insure that it was fully justified. In other words, what is about to happen here is something very rare and very special.

I should add at this point that the ceremony today was planned based on Andy's own directions. He said he wasn't much on formality. He wanted to keep it simple.

General Taylor and the good people at Ft. Stewart and Hunter had made plans to have an Army band and a complete honor guard here. Andy said thanks, but he'd rather just have his friends here and the great people at the Savannah Vets Center who have meant so much to him.

So that's why we're here, and that's why you don't see a 21-gun salute with all the trimmings. It was Andy's choice.

In accordance with Andy's instructions, it is now my honor to present his medal. But first, I want to say one final thing.

I know that this medal and this certificate are not compensation for the physical pain you have borne or the wounds that you will carry with you always.

There is no medal or ribbon that we can give to you to match what you have given to us.

But this medal is not meant to be compensation. It is meant to be a symbol of the heart-felt gratitude of the men and women of the United States Army and of the United States America.

There is a famous message that a British soldier carved on an old sentry box so long ago that his name has been forgotten. However, his words endure. He said:

"God and soldier, all men adore,
In time of trouble, and then no more.
For when war is over, and wrongs are righted,
God is neglected, and the soldier slighted."

There was a time in our country when many would slight our Vietnam veterans. For too many veterans, there was no homecoming. For too many, there was only the bond they shared with their fellow veterans, and a few close friends or family.

But that has changed. This country is filled with men and women who salute you for who you are and what you have done.

If times get hard somewhere down the road, I hope that you will pull this medal out and take a look.

It is not so much a medal, as it is a mirror that reflects the gratitude, the respect, and the admiration of the United States of America.

On behalf of everyone here, as well as all of the people of the United States of America, thank you.

MORATORIUM ON EXPANSION OF MOTOR CARRIER COMMERCIAL ZONES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. ANDERSON. Mr. Speaker, I am introducing legislation along with Mr. HAMMER-SCHMIDT and Mr. SHUSTER today which would provide for a 12-month moratorium on the rulemaking proposed by the Interstate Commerce Commission to expand the size of the commercial zones around our Nation's cities and towns.

The Interstate Commerce Commission has instituted a rulemaking proceeding which proposes to expand the size of individual commercial zones by as much as 100 miles in diameter. The ICC has indicated that this is an attempt by the Commission to deregulate the trucking industry. As chairman of the Public Works and Transportation Committee, I question whether these increases, to the extent proposed by the Commission, are within the discretionary powers of the Commission. Such a rulemaking could unwisely result in the Commission, and not the Congress, making important policy decisions on the scope of economic deregulation for the trucking industry.

I am also concerned with the economic well-being of motor carriers operating within these expanded zones. Many comments filed in the ICC's proceeding are strongly and persuasively opposed to the proposed commercial zone expansion.

I expect the Committee on Public Works and Transportation to review this issue in more detail in the next Congress. Therefore, I would hope that the ICC takes no further action to expand the size of commercial zones as proposed in Ex parte No. MC-37 (Sub-No. 40) until Congress has had an opportunity to analyze and review this matter more closely.

HOUSE JOINT RESOLUTION 597—THE PALAU COMPACT OF FREE ASSOCIATION IMPLEMENTATION ACT

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. DE LUGO. Mr. Speaker, 64 other Members joined me in sponsoring House Joint Resolution 597 to authorize a compact of free association with the Trust Territory Islands of Palau to be put into effect if certain conditions are met.

One condition is that the compact would have to be approved in a referendum in Palau.

Other conditions require commitments to address very serious problems identified through an investigation by the Insular and International Affairs Subcommittee, which I am privileged to chair.

These problems include corruption, drug trafficking, a crippling debt, and a lack of basic health and other facilities. They have contributed to Palau's failure to approve the compact in six referenda so far.

The United States has an obligation to address these problems under an agreement with the United Nations Security Council for the trusteeship administration of the islands. A failure to address them would be an unconscionable failure to live up to a sacred trust.

The House approved an amended version of the resolution October 6 with 406 Members voting in favor. The amendment reflected a compromise between interested members of both parties of the Interior and Insular Affairs and Foreign Affairs Committees.

The compromise preserved the fundamental principles of House Joint Resolution 597. It was also fully supported by the administration, even though its provisions were different from those initially requested by the President.

House Joint Resolution 597 united Palau's President and Congress in support of the compact for the first time. They said that it offered the best chance yet for getting the compact approved in Palau. Later, they agreed to the compromise that passed the House, saying that it, too, offered a realistic chance for getting the compact approved in Palau.

The day after the House acted, the other body amended the resolution, apparently misunderstanding what it contained.

The Senate amendment—although I am sure well-intentioned—would not result in the compact being implemented because the Palauans would not accept that amendment without the other provisions of the House-passed resolution being adequately dealt with.

Not meeting United States responsibilities in Palau could prolong the debate on Palau's future political status.

Sponsors of House Joint Resolution 597 agree with Palau's leaders that it would be better to enact no legislation at all on the compact than to enact legislation that did not meet United States responsibilities in Palau.

At this point I want to include in the RECORD letters from Palau's President, senate president, and house speaker which make it clear that Palau would not approve the compact under the conditions proposed by the other body.

SECOND OLBILL ERA KELULAU,
PALAU NATIONAL CONGRESS,
Republic of Palau, October 21, 1988.

SP: 1443

HON. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs,
and

HON. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives,
Washington, DC.

DEAR CHAIRMEN: The leadership of Palau has heard that there is an effort to pressure the House of Representatives to accept the Senate amendments to the Palau Compact legislation with only a compromise on the IPSECO debt added. Palau's leadership opposes this proposal and believes that it would not enable the Compact to be approved by Palau.

We urge the House of Representatives not to compromise away the basic principles of H.J. Res. 597 as passed by the House. These assurances offer the only real chance of getting a Compact approved in Palau, and the

Palau leadership would strongly oppose approval of a Compact without these basic principles.

Sincerely yours,

JOSHUA KOSHIBA,
Senate President.

SECOND OLBILL ERA KELULAU,
PALAU NATIONAL CONGRESS,
Republic of Palau, October 11, 1988.

LCvt: 1437

HON. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Bldg., Washington, DC.

DEAR CHAIRMAN JOHNSTON: We are writing you to express our strong support of House Joint Resolution No. 597, the legislation which would authorize the entry into force of the Compact of Free Association between the United States and the Republic of Palau. It is our understanding that H.J.R. No. 597 does not enjoy the same degree of support among the membership of the Senate that it does in the House of Representatives, where it passed overwhelmingly, and that favorable action by the Senate is an uncertain prospect.

It is extremely unlikely that the Compact, in the same form that has been rejected in six previous plebiscites, will once again be submitted to the voters of Palau. Only an enhanced package of Compact benefits, such as that represented by H.J.R. No. 597, would stand a good probability of approval by the Palauan electorate.

The widespread support in Palau for H.J.R. No. 597 is much more than an election-year phenomenon. On this basis, we respectfully encourage you to exercise your substantial influence in an effort to secure the enactment of this legislation as soon as possible.

Thank you for your consideration.
Sincerely,

JOSHUA KOSHIBA,
Senate President.
SANTOS OLIKONG,
Speaker, HOD.

SECOND OLBILL ERA KELULAU,
PALAU NATIONAL CONGRESS,
Republic of Palau, October 14, 1988.
HON. J. BENNETT JOHNSTON,
Chairman, Senate Committee on Energy and Natural Resources, U.S. Senate,
Washington, DC.

DEAR MR. JOHNSTON: We have just received the Congressional Record regarding the Senate action on H.J. Res. 597 and wish you to understand that we cannot support the version of H.J. Res. 597 that passed the Senate. The House version reflected our absolute bottom line position, which was not easily arrived at. Because H.J. Res. 597, as amended by the Senate, will not receive the support of our leadership, regrettably, Palau will not be able to approve the Compact of Free Association with the United States. We think it best for H.J. Res. 597 to die now rather than to become law in the form passed by the Senate, a form that our leadership will never accept.

Sincerely,

SANTOS OLIKONG,
Speaker.

OFFICE OF THE PRESIDENT,
Republic of Palau, October 11, 1988.
Serial: P110 88
HON. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington DC.

DEAR CHAIRMAN JOHNSTON: As the United States Congress considers the Palau Compact implementation legislation, I would like to mention that the people of Palau want to see the Compact put into effect as soon as possible. Furthermore, while I appreciate the Senate action on the Compact, I am in full support of the main provisions of the House passed legislation. Those provisions would provide badly needed financial and technical assistance to enable us to deal with a number of problems that are not adequately addressed by the Compact, especially law enforcement, Public Auditor and Special Prosecutor, and IPSECO debts arrangement.

I am in agreement with the leadership of Palau, including the Olbiil Era Kelulau (OEK), that Palau will have a better chance in approving the Compact if the United States approves the House passed legislation. Without the main provisions of the said legislation, it will be extremely difficult to expect a favorable vote result if it is put into another plebiscite. That would sum up the voting on the same Compact package which have failed six times and frankly, I doubt the present leadership in Palau will be inclined to submit the same package for the seventh referendum. Of course, we have an option to make another attempt to amend our constitution so that the Compact can be approved by a simple majority instead of 75% but the general support for such process has deteriorated to the point where it will not only be unwise to carry out such an exercise, it will definitely fuel more dissension and political turmoils in Palau which we cannot afford to relive.

I look forward to our new relationship under the Compact and hope to see United States Congress approve a Compact legislation we all can support.

Thank you.
Sincerely

THOMAS O. REMENGESAU,
President, Republic of Palau.

The views of Palau's leaders are important here because the compact cannot come into effect without Palau's approval and free association is supposed to be a mutually agreed-to relationship.

If this legislation is enacted, it will be the third law on the Palau Compact. The first, Public Law 99-239, was an "approval in principle" of the compact. The second, Public Law 99-658, was a "conditional approval" of the compact—the condition being that another law would have to be enacted.

These two laws were enacted to provide an incentive to the people of Palau to approve the compact. But in three referenda since they were enacted—as well as in the three referenda held before—Palauans have failed to approve the compact.

It could be counterproductive to enact a third law to authorize the compact to be implemented which did not address reasons why the two previous laws did not lead to approval of the compact.

I have studied the Senate amendment carefully in an effort to find a compromise that would preserve enough of the fundamental

principles of House Joint Resolution 597 for us to support it and enough that the compact might be able to be approved in Palau.

Chairman UDALL of the Interior and Insular Affairs Committee and Chairman FASCELL of the Foreign Affairs Committee proposed such a package to Chairman JOHNSTON of the Energy and Natural Resources Committee.

The substitute Chairman UDALL proposed included all of the provisions of the Senate amendment which I believed that we—and, hopefully, the people of Palau—could accept.

Seventeen of the sections were essentially Senate provisions. Two were major compromises between the House and Senate-passed legislation. Only six sections are basically House provisions.

Two of the major compromises concerned the primary issues of difference between the legislation passed by the House and that passed by the Senate.

One involved whether the legislation should provide the same commitment to assistance for Palau's anticorruption and antidrug abuse efforts and replacement of medical and prison facilities that the compact would provide for almost all of the assistance the compact would provide Palau.

The House-passed resolution would provide a full faith and credit of the U.S. commitment for the assistance. The Senate amendment would authorize assistance at levels to be determined later which may or may not be provided.

Because nearly \$3 billion has already been authorized for compacts with the Republic of the Marshall Islands, Federated States of Micronesia and Palau and are backed by the full faith and credit of the United States, we believe that same approach is the proper one in this instance.

However, labeling this money "full faith and credit" is far less important to the Interior Committee members or to the Palauans than having an iron-clad assurance that the money will be there on the schedule provided.

Therefore, in an effort to deal with the concerns of members of the Senate Energy and Natural Resources Committee on this matter, we agreed earlier today to drop any reference to full faith and credit, in return for commitments from Chairman YATES and Senator JOHNSTON and others on the Appropriations Committee of the House and Senate and the administration that this money will, indeed, be appropriated or otherwise made available and provided to Palau as called for by the resolution.

Assuming these commitments would be met, this solution would have met our concern that this vitally necessary funding not be illusory and should have eliminated concerns which have been expressed by some in the Senate about the use of the full faith and credit language. Through this provision, the first year funds for these sections could be provided to Palau later this year or early next year in time for Palau to know they are available if it considers the compact in a 7th referendum.

Unfortunately, this compromise was not able to receive clearance in the other body.

The substitute would have required the United States to provide the assistance proposed by the House but it would not apply a

full faith and credit commitment to it. Instead, the assistance would have been authorized as proposed by the other body.

The other issue involved what compact assistance Palau may use to pay a scandalous \$46 million debt for power facilities perhaps worth half that much and acquired under very questionable circumstances.

The House resolution would let Palau use \$32 million of compact funds to settle the debt within a year for that amount.

It would provide Palau next year with funds it was to have received over the next 13 years under the compact to enable Palau to afford the settlement.

The Senate amendment would let Palau use up to \$83 million of compact funds to settle the debt. Under it, a settlement for up to an estimated \$66 million over a dozen years was planned.

The substitute would have let Palau use \$32 million of compact funds to settle the debt. It would have provided Palau this fiscal year with the funds Palau was to receive over the next 14 years of the compact to enable Palau to afford the settlement. But it would also have required Palau to pay the net costs to the United States of this "acceleration" of compact funds back to the Federal Government, an amount estimated to be \$9 million. This compromise was devised on the other side of the Capitol.

I had hoped that my colleagues and Members of the other body would regard this as a fair—and responsible—compromise. It went as far as I think we could towards the positions adopted on the other side of the Capitol.

Unfortunately, spokesmen for the other body indicated that some Members of that Chamber would not be able to support this compromise. They insisted that the House accept the Senate amendment with the compromise that they proposed regarding the power facilities debt.

We could not agree to this proposal and Palau's leaders urged us not to.

The spokesmen for Members of the other body reportedly rejected several different proposals from us which we had made in an effort to compromise on the problem areas. It was in essence a "take it or leave it" situation.

At about 11 o'clock tonight, a representative of the administration, James D. Berg, the Director of the Office of Freely Associated State Affairs requested a meeting with House and Senate staff in an effort to resolve an apparent stalemate.

Shortly before the end of the legislative business of this Congress, Mr. Berg, a career employee of the U.S. State Department, offered to provide written commitments from himself on behalf of the administration for all of the fundamental principles of the House resolution. Some of these letters were hurriedly drafted by Mr. Berg by hand and provided to us after the last vote of this Congress.

After rushed discussion with my colleagues, I agreed to accept the assurance to be contained in these Executive Branch letters—and others to be submitted—and the assurances of members of the Foreign Affairs Committee and the provisions of the Senate proposal.

Unfortunately, the Republican objectors objected to consideration of the legislation.

The distinguished majority leader, TOM FOLEY, understandably was concerned about taking up such important legislation at that hour.

I understand that the speaker, JIM WRIGHT, did not intend to recognize Members for the purpose of offering legislation after Members had been told the last vote had already occurred. So, the legislation was not able to be considered.

A reasonable compromise is, further, justified in light of what is at stake.

For the United States, the compact would secure important military, international, and domestic objectives.

The military objectives include base rights for 50 years which figure into any alternative to our important Philippine bases and the right to deny access to an area of the Western Pacific to any other country.

The international objectives include ending the embarrassment of being the administrator of the last of the 11 trusteeships set up by the U.N., ending a controversy about whether the trusteeship still applies to the other three parts of the Trust Territory, and ending the divisive and destructive debate in Palau over the islands' future political status.

The domestic objectives include alleviating the executive branch of responsibilities it has not fulfilled for several years and the problems which have developed as a result.

For Palau, the compact would mean self-governing authority for the first time in many, many years—at least in all matters not affecting United States military rights.

The compact would also guarantee close to half a billion dollars in assistance over 15 years, including some Federal programs. And it would mean access to the United States to live and work for Palau's 15,000 people.

The 101st Congress will now have to address this matter.

In the interim, though, there is much that this administration and its successor can do to simplify the action needed by the next Congress.

What the House-passed resolution would have required—steps the administration is willing to take—should be taken by executive action, such as agreements with Palau, and by proposals of appropriations or other legislation.

These requirements can also be written into the compact itself.

Reaching these compromises required the dedication and cooperation of a number of Members. In particular, I would like to recognize the contributions to it of the Chairmen of the Interior and Insular Affairs and Foreign Affairs Committees, our colleagues MO UDALL and DANTE FASCELL; and the contributions of the distinguished gentleman from California, GEORGE MILLER, the distinguished gentleman from Alaska, DON YOUNG; the distinguished gentleman from Minnesota, BRUCE VENTO; and the distinguished gentleman from Connecticut, SAM GEJDENSON.

I would also like to note the work done on this legislation by our able colleagues, STEVE SOLARZ, BOB LAGOMARSINO, JIM LEACH, DOUG BEREUTER, BEN BLAZ, and BILL BROOMFIELD.

The interest in this matter of two Members of the other body, BENNETT JOHNSTON and JAMES MCCLURE, also deserve special mention.

In the next several days, I will include in the RECORD details of the proposed compromise and the reasons for it.

I thank Members for their understanding of this important matter.

SANDRA DAY O'CONNOR FIGHTING BREAST CANCER

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Ms. OAKAR. Mr. Speaker, the news media is carrying a sad story describing a tragedy that will be repeated at least 130,000 times this year. Supreme Court Justice Sandra Day O'Connor underwent surgery for breast cancer today. She, along with first Lady Nancy Reagan, are two of the most visible victims of this insidious disease.

Mr. Speaker, I am very relieved that Justice O'Connor is going to be well again. In fact, the Supreme Court Public Information Office has stated that she fully intends to return to work on October 31—the first day the Supreme Court returns to hear oral arguments. I wish to send my best wishes to her for a speedy and complete recovery.

Breast cancer is a disease that affects 1 out of every 10 American women. Last year, over 41,000 women died of breast cancer. In addition, about 400,000 American women annually need surgical biopsies to be sure of the diagnosis. Breast cancer is a disease that does not respect economic, racial, ethnic, or even sexual boundaries. Indeed, almost every person in our Nation has a loved one, or knows someone who has battled this terrible disease.

Mr. Speaker, Justice O'Connor has chosen not to release detailed information regarding her battle with breast cancer. However, she did state that her cancer was detected "in the very early stages." The fact that she found the cancer in its early stage suggests that she was informed about the threat of breast cancer and probably had access to excellent health care. It may even suggest she had access to a mammogram—the life-saving procedure used by Nancy Reagan to detect her cancer.

All women in America should have access to mammograms regardless of their level of income. Mammograms cost approximately \$100—an unaffordable amount to millions of women in our Nation. When surveyed, women most often cite the high cost of mammograms for their reason for not receiving one. To alleviate this problem, we need to amend Medicare to provide coverage for medically prescribed annual mammograms. The recently passed Catastrophic Health Care Prevention Act institutes Medicare coverage for biannual mammograms. While this is an important first step that I strongly support, it is not medically correct and will not guarantee the needed insurance to prevent thousands of unnecessary deaths in our country.

Mr. Speaker, we need to pass legislation similar to my bill, H.R. 2935, which would provide Medicare coverage for annual four-view mammograms for all women over the age of 65. It also includes language guaranteeing safe procedures and mammographic equipment. This is the kind of legislation that will guarantee the safety of the lives of thousands of older American women. In addition, private insurance plans should cover cancer screening such as mammograms.

Mr. Speaker, I am convinced H.R. 2935 will also save the Medicare trust fund a lot of money. The average cost of breast cancer treatment for late-stage cases is about \$65,000. In contrast, the cost of treatment for early-stage breast cancer treatment is approximately \$20,000. As a result, I am convinced the savings to the Medicare trust fund will be dramatic. Preventative health care saves money, and most importantly, saves lives.

Mr. Speaker, it is my hope that breast cancer can be conquered before the end of this century. We need to provide the funds needed to find a vaccine, to immunize our people from cancer. In the meantime, let's devote more effort to preventive health care. It saves money, and it saves lives.

PERSONAL EXPLANATION

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. LELAND. Mr. Speaker, I was unavoidably called to my district this afternoon and, therefore, I was absent from the Chamber when a recorded vote was taken on H.R. 5210, the Omnibus Drug Initiative Act. Had I been present, I would have voted "aye" in support of this legislation.

In addition, Mr. Speaker, due to previously scheduled business in my district, I was not present for several recorded votes on H.R. 5210 and other unrelated measures on September 8, 9, and 14. Had I been present, I would have cast my votes as follows: rollcall vote No. 299, the Rangel substitute to the McCollum "user accountability" amendment, "aye"; rollcall vote No. 300, the McCollum "user accountability" amendment, "nay"; rollcall vote No. 301, the Lungren amendment limiting the exclusionary rule, "nay"; rollcall vote No. 302, "yea"; rollcall vote No. 303, "aye"; rollcall vote No. 304, "yea"; rollcall vote No. 305, "nay"; rollcall vote No. 306, "yea"; rollcall vote No. 307, "nay"; rollcall vote No. 308, "yea"; rollcall vote No. 309, "yea"; rollcall vote No. 312, "yea"; rollcall vote No. 313, "yea"; and rollcall vote No. 314, "yea."

A REVIEW OF THE CRISIS IN EL SALVADOR

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. MILLER of California. Mr. Speaker, as we move to adjourn today, the critical state of war is continuing in El Salvador, shattering more lives, destroying the Salvadoran economy and further adding to the destabilization of the region.

I hope that in the next Congress and with a new administration, we will closely examine the course of our policy in El Salvador over the past 8 years. For this reason, I bring a comprehensive series on El Salvador, as reported in the Christian Science Monitor by Brook Larmer, to your attention.

The report provides an excellent review of the problems Salvadorans are facing in their strife-ridden nation and also discusses the failure of U.S. policy. To date, only the following three parts of the series have been printed. I will insert the final two parts at the next opportunity. I hope my colleagues will have a chance to read the report.

The articles follow:

[From the Christian Science Monitor,
Oct. 19, 1988]

PART I.—BACKSLIDING TO THE BAD OLD DAYS (By Brook Larmer)

SAN SALVADOR.—Over the past eight years, the United States has poured nearly \$43,000 an hour into El Salvador to bolster the country's fragile political center and defeat its Marxist guerrillas.

For a country barely the size of Massachusetts, the transfusion of \$3 billion has been staggering. El Salvador is now the fifth-largest recipient of U.S. aid in the world. It has received 14 times as much aid as the controversial contras of Nicaragua.

This is the U.S.'s largest counterinsurgency campaign since Vietnam. There have been gains: The effort has helped prevent a guerrilla victory, reduce Army human rights abuses, and establish civilian rule after 50 years of repressive military regimes.

But all this is now threatened. El Salvador seems to be sliding back to the violent, chaotic days of the early 1980s.

Central America's hottest war, which has already cost 65,000 lives, is intensifying. Notorious death squads are swinging into action again. A modes economic upturn disguises a deep dependency on U.S. aid and deteriorating economic conditions for the majority of Salvadorans. And with President José Napoleón Duarte gravely ill, the political center has crumbled from its own inexperience, corruption, and internal divisions.

Nearly everybody here, from conservative Army colonels to leftist political leaders, openly criticizes the U.S. "project," questioning whether it can produce genuine change or end the war.

"The U.S. has flattened El Salvador," says San Salvador's mayor, Armando Calderón Sol, a leader of the right-wing Nationalist Republican Alliance (ARENA). "It is not reactivating the economy or winning the war, but maintaining a status quo of misery and hunger."

Leftist politician Jorge Villacorta tangles with his conservative opponent on nearly

every topic—but not this one: "Everyone agrees that the North American project has failed."

Today, as both the U.S. and El Salvador head toward uncertain presidential elections, politicians, diplomats, and Central American experts in both countries are raising serious questions: Is the massive U.S. aid justified? And why hasn't it brought peace, political stability, or economic recovery?

SYMBOL OF U.S. POLICY

While Nicaragua consumes most congressional debate on Central America, U.S. policy in El Salvador continues to enjoy a largely unquestioned consensus. The primary reason: It has embodied the hopes of the administration and Congress that U.S. policy can prevent leftist revolution by fostering a viable alternative to military rule.

For a new Reagan administration, El Salvador represented the first line of defense against communism—a project that would shore up the U.S.'s weak image in the world. And after its pivotal presidential election of 1984, El Salvador became a potent demonstration of how the U.S. could help engineer a peaceful transition from U.S.-backed military regimes to civilian-run democracies.

The U.S. government was stung by its failure to control the direction of Nicaragua's Sandinista revolution. And, as President Reagan took office in January 1981, another longtime Central American ally was under siege by several thousand Marxist guerrillas.

El Salvador's leftist Farabundo Martí National Liberation Front (FMLN) had launched a "final offensive" days before Mr. Reagan's inauguration. Though the insurrection failed, U.S. intelligence sources came out with controversial evidence that Nicaragua was funneling arms to the rebels by land, air, and sea.

Panic spread. In the eyes of Reagan conservatives, El Salvador was likely to be the next domino toppled by a Soviet-inspired communist revolution. Said Reagan: "We believe that the government of El Salvador is on the front line of a battle that is really aimed at the very heart of the Western Hemisphere, and eventually us."

Within days, El Salvador, a land of only 5 million people, had become a centerpiece of American foreign policy. It was the place to show U.S. resolve, to "draw the line" on communist revolution in the third world.

For Reagan, there would be no more Nicaraguas. But for the American people, there would be no more Vietnams.

So the Reagan team promised that no American soldiers would go into combat. It limited the number of U.S. military advisers to 55. And it won congressional approval for an escalation of U.S. support. In Reagan's first term, U.S. military aid zoomed from less than \$6 million in 1980 to nearly \$200 million in 1984.

But El Salvador's troublesome problems—flagrant Army atrocities, right-wing death squads, and resurgent rebel forces—still worried Congress. It was only when Mr. Duarte was elected President in 1984 that skeptical congressional Democrats began to rest easy. The moderate, U.S.-trained engineer, they thought, would consolidate democracy, combat communism, and save his torn country from violent extremists on the left and right.

HOPES DEFLATED

The high hopes are now little more than memories.

During his first year as President (following a term as leader of a civilian-military

junta), Duarte fought to break the monopoly held for generations by coffee-growing families backed by the Army. He tried to expand the land-reform program and nationalization of banks and export trade introduced by the junta. Using U.S. money as leverage, he wooed the armed forces away from their longtime allies in the economic elite. But he met with resistance from the right and failed to get strong U.S. backing for carrying out the reforms.

"Nobody in the history of Central America has received support like Duarte to resolve his country's problems," says a former U.S. ambassador in the region. "But the [U.S.] administration never let him go. It was never willing to confront the Army and oligarchy in the midst of what it saw as a life-or-death struggle with communism."

As the relentless cycle of war and economic crisis persisted, Duarte's power and popularity eroded.

In the end, diplomats and Salvadoran officials say, Duarte never had the power to stand up to the Army, the oligarchy, or the U.S. Embassy. He never had the courage to call a halt to corruption. And despite his good intentions, he never redressed the grave social inequities that fuel the conflict.

Consequently, Duarte alienated the very people that elected him. Meanwhile, his government drew fire from the Army and the private sector for being too socialist and corrupt to fight the war and manage the economy. The result: The ultraconservative ARENA party overwhelmed Duarte's Christian Democrats in legislative elections last March.

After the loss, Duarte fell ill and his government became paralyzed by internal splits and corruption charges. Meanwhile, leftist politicians announced that they will participate in elections for the first time since 1972, but refused to break their alliance with the FMLN guerrillas.

ARENA is now favored to win the presidency in the elections next March. If it does, it would likely push for a more aggressive war and roll back Duarte's economic reforms.

ARENA may pose a dilemma for the next U.S. administration because of its notoriously anti-democratic past. The party has worked hard to construct a moderate facade. But many U.S. and Salvadoran analysts say ARENA is still ruled by Roberto d'Aubuisson, a former military intelligence officer suspected of running death squads in the early 1980s.

While it is not clear whether ARENA members are currently involved in death squads, human rights groups say such murders have doubled this year. Recent newspaper reports suggest that, taking their cue from the ARENA victory, death squads are reemerging after a period of relative inactivity. The killing of civilians by the Army and the rebels has also risen sharply.

El Salvador seems to be entering one of the most vulnerable, polarized periods since U.S. dollars began flowing.

The eight-year war has displaced nearly half a million rural peasants, pushing many into squalid shantytowns dotting the capital. Another half million have fled the country. The neediest have been neglected as the war indirectly consumed over half of the country's national budget and of all U.S. aid.

And yet the war remains deadlocked.

Despite three sets of face-to-face discussions, neither side has budged from its negotiating position: The Marxist rebels want nothing less than a share of power and a

radical restructuring of society; the acutely anticommunist Army wants nothing more than the disappearance of the Guerrillas.

Both sides still push for a clear victory. But for either army, such a victory remains a faraway dream.

CHRONOLOGY OF CONFLICT

1932: Peasant organizer Farabundo Martí leads slave-wage coffee pickers in violent uprising against wealthy landowners. The military government reacts swiftly, slaughtering 10,000 to 30,000 peasants.

1933-72: A de facto alliance between the Army and wealthy families blocks reforms and maintains a cheap rural work force. El Salvador becomes the World's third-largest coffee exporter.

1972: The military steals a presidential election victory from José Napoleon Duarte and installs its own candidate. Disillusioned activists take up arms against the dictatorship.

1973-78: As repression and economic inequities mount, left leaning church, student, and union groups coalesce. Five small rebel groups begin sporadic fighting in the mountains.

October 1979: Reformist Army officers stage a U.S.-backed coup and establish a moderate civilian-military junta, hoping to avert the type of revolution that swept Nicaragua three months earlier.

January 1980: The junta collapses when most civilian members resign because of the Army's continued repression and unwillingness to submit to civilian control. In March, another junta, now including Duarte, pushes land reform and the nationalization of banks and export trade.

November 1980: The Farabundo Martí National Liberation Front (FMLN) forms around five rebel factions. Armed forces respond by arresting and often murdering suspected leftists.

January 1981: The FMLN launches a "final offensive" with apparent help from Nicaragua and Cuba. It fails, but U.S. aid escalates sharply.

March 1982: The right-wing ARENA party gains control over the National Assembly and suspends land reform. The U.S. prevents ARENA from naming alleged death-squad leader Roberto D'Aubuisson as president.

1983: Right-wing death squads and Army massacres continue, raising toll of civilian murders to nearly 40,000 in four years.

March 1984: With strong United States backing, Duarte beats d'Aubuisson in presidential elections. The U.S. Congress approves massive amounts of military and economic aid.

1985-1987: Duarte's Christian Democrats gain control of the National Assembly. The expanded armed forces improve their performance in war and on human rights. The FMLN is forced to turn to a strategy of mines and economic sabotage. But Duarte loses popular support as his government fails to halt the war or resolve economic problems.

1988: ARENA wrests control of the National Assembly in March. Duarte falls ill. Death-squad killings and Army abuses resurge. The FMLN launches a fall offensive.

[From the Christian Science Monitor, Oct. 20, 1988]

PART 2.—THE SHIFTING BATTLEFRONT

(By Brook Larmer)

SAN ANTONIO MOSCO, EL SALVADOR.—Ene Emilio Ponce, the most powerful field com-

mander in the Salvadoran military, leaps off the deck of the Army helicopter just as it touches ground near this isolated farming village.

The tough-minded colonel and his troops stride past the clusters of barefoot women and children, past peasant farmers with calloused hands and white sombreros.

Oddly, after eight years in the cross fire of the country's bitter civil war, many villagers are laughing and smiling. For, unlike past Army operations, Colonel Ponce is not here to flush out leftist guerrillas and their sympathizers. He is spearheading a recent Army effort to win the people over with food, medicine, and promises of future development projects.

Though fighting between the Army and the tenacious rebels of the Farabundo Martí National Liberation Front (FMLN) is intensifying, this is the core of Central America's hottest war: the battle for hearts and minds.

"These people have changed their conduct and attitude with respect to the armed forces," boasts Ponce, who may soon become the most influential man in El Salvador with his likely promotion to Army chief of staff. "It hurts the guerrillas much more if we're taking away their base of support than if we're killing their combatants."

But despite Ponce's optimism, he and other top commanders admit that the Army has made only modest advances. In the struggle for civilian sympathies, as in the rest of the bloody war that has claimed 65,000 lives, neither side has the upper hand.

Boosted by more than \$800 million in direct United States military assistance since 1980, the Salvadoran Army has prevented the estimated 6,000 to 8,000 Marxist rebels from winning the war. And it has transformed itself from an inefficient, brutal bunch of 12,000 men into a professional counterrevolutionary force of 57,000 soldiers.

But despite the massive US support, the armed forces have not been able to defeat the rebels or win the hearts of the people.

Why not? A wide range of US and Salvadoran government officials, military officers, and political analysts offer several explanations:

The leftist rebels remain the most potent and elusive military insurgency in Latin America, even though their prospects for outright victory are slimmer than four years ago. While the FMLN receives political and strategic help from Nicaragua and Cuba, it is considered largely a home-grown creation, born of the repression and economic inequities of decades.

The war has not been a high priority for the US. Despite its financial commitment, it has sent mediocre military advisers who often give training inappropriate for a guerrilla war.

The Army's current hearts-and-minds campaign is designed more to manipulate people's behavior than to fundamentally change the miserable social conditions that perpetuate the war. With its emphasis on pep talks and charity, the civic-action strategy has so far failed to root out either poverty or mistrust.

The Army's fight for civilian sympathies is also hindered by its longtime reputation for brutality. For 50 years, the Army ruled with an iron fist in the interests of the country's elite. In the early '80s, it was linked to thousands of death-squad killings and other abuses.

The military's own structure makes it difficult to eliminate the abuses, as well as cor-

ruption and inefficiency. After completing the military academy members of each *tanda*, or graduating class, rise through the ranks more on the basis of class affiliation than merit. Because of their alliances, officers feel they won't be held accountable for their actions, no matter how egregious they may be.

"The *tanda* system is one reason the Salvadoran Army can't win," says a Salvadoran military analyst. With the bounty of US aid, he says good looters are rewarded more than good fighters. "It condones corruption. You go into the Army not to be a hero, but to get rich."

The tightly knit system creates a shield of immunity. Col. Mauricio Staben, for example, has been implicated by US and Salvadoran sources in an attempted coup, a kidnapping ring, and other cases of human rights violations. But neither the colonel nor any other officer has been convicted of human rights abuses. Colonel Staben is now Ponce's second in command at the 3rd Brigade in San Miguel.

Despite efforts to promote a merit-based system, the US has so far had little success in transforming the *tanda* system—or forcing the prosecution of any Army officer for past abuses.

But, prodded by the US, the Army had attempted to scrub its image, and it has come a long way from being public enemy No. 1. A Salvadoran academic says: "Through the past eight years, the Army has gained a level of legitimacy it never had before."

The large-scale massacres and civilian bombings of the early 1980s have largely subsided. Death-squad killings, while in a resurgence the past year, have dropped dramatically. And many powerful Army commanders like Ponce have become enthusiastic advocates for "civic action" campaigns.

But some peasants are not convinced the Army has changed. At a recent civic-action day in Conton El Brazo, in Usulután Province, an Army officer danced with a peasant woman as other rural farmers were handed free medicine. One group of bystanders said they didn't think the army's goodwill was more than a one-time affair.

Other Army tactics—including so-called "dirty tricks" to ferret out guerrilla sympathizers—have tended to create more fear than sympathy. And according to human rights monitors, Army abuses have slowly risen this year.

The most striking example was the September massacre of 10 unarmed peasants in the hamlet of San Francisco. An Army battalion marched into town, rounded up 40 residents, and read off a list of names.

Rosa Emilia Rivas was one of those called—and the only one not killed. "They blindfolded me, tied my hands behind my back, and said I had collaborated with subversives," she said the next day. The soldiers decided they had made a mistake and let her go. But the 10 other suspected rebel sympathizers—seven men, three women—were forced to walk down a steep ravine. Villagers said they heard two loud grenade blasts and several rounds of rifle fire.

The Army, which has appointed a special commission to investigate, officially states that the peasants died in a frantic guerrilla ambush. But a separate investigation showed that seven were shot in the back of the head at extremely close range.

Such an incident recalls the dark days of the early 1980's, casting a shadow over the Army's civic-action campaign.

Citing evidence that the Army high command is rattled by this case, some foreign

diplomats and Salvadoran analysts suggest that the killings may reveal a fundamental split in the military. The fault line, they say, runs between senior officers who have fully embraced the US counterinsurgency strategy and younger officers tired of bowing to American demands and who favor a more aggressive military strategy.

In a secret document before the San Francisco killings, a group of senior officers indirectly accused the right-wing Nationalist Republican Alliance (ARENA) of meddling with the younger officers "with the sole purpose of creating an internal crisis in our armed forces."

The disgruntled senior officers also criticized the all-too-rapid rise of one particular military graduating class—that of 1966. Known as the *tandona*, or the "big class," this conservative group of colonels was promoted en masse to top command positions in July.

Several of the class—including its cunning leader, Colonel Ponce—were in security units accused of harboring death squads in the early 1980s. Today, those same officers speak fervently of their commitment to the concepts of democracy and human rights.

But even as they mouth the words of U.S. strategy, members of Ponce's powerful wing of the *tandona* express dissatisfaction with two things: the civilian government's inability to meet people's needs; and the "slow-motion Vietnam" produced by the U.S. strategy of low-intensity conflict.

"We have to seek our own conception of the war," Col. Juan Orlando Zepeda says. "The war may be low-intensity for the United States. . . . But for us, this is total conflict."

Some U.S. officials worry that the aggressive *tandona* colonels will be less willing to listen to U.S. direction. It could reach a point, they say, where the U.S. is paying for the war, but not controlling it.

HIDING OUT WITH MARX AND M-16s

LAS VUELTAS, EL SALVADOR.—Deep in the heart of the war zone in northern El Salvador, an 18-year-old guerrilla helps guard the only safe road into this remote mountain village. In his left hand, he holds a weather-beaten copy of Mikhail Gorbachev's address to the 1986 Soviet party congress. With his right hand, he fiddles with the barrel of his U.S.-made M-16 rifle.

The jarring juxtaposition of American equipment and Soviet ideology cuts to the heart of a rebel movement influenced by outside powers but rooted in internal conflict.

In late 1980, five Marxist rebel factions united under the banner of the Farabundo Martí National Liberation Front (FMLN). They took their name and their fight for economic justice from a Salvadoran peasant leader who was executed when the Army crushed a rural uprising in 1932.

The FMLN, besides demanding a share of power in the government, calls for a radical restructuring of society that would stress state-run social programs and virtually eliminate the private sector. The five groups range from moderate communists who emphasize political organizing to hard-line Marxists focused on armed struggle.

The Reagan administration sees the rebels as evidence of Soviet aggression. According to U.S. intelligence sources, Cuba and Nicaragua funneled arms to the FMLN before its failed offensive in January 1981. But U.S. Senate committees and Salvadoran military analysts say that since then, there

has only been slim evidence of small, irregular shipments from Nicaragua.

The communist bloc still gives the rebels cash to buy arms, leftist political leaders say. Nicaragua and Cuba offer strategic advice, communications posts, and safe havens.

But even the Salvadoran military says the FMLN is largely self-sufficient, with an arsenal of homemade weapons and a sophisticated network of rural support.

By 1983, the FMLN controlled nearly one-third of the country with more than 10,000 troops. But the United States-backed Army's rapid increase in air power that year caused heavy rebel casualties, forcing the FMLN to divide into smaller units and rely more heavily on land mines and sabotage. Partly because of these unpopular tactics, the rebels have not attracted much new political support, diplomats and rebel political leaders say.

Led by hard-line commander Joaquin Villalobos, the guerrillas are now trying to exploit the unstable political and economic situation with an energetic new campaign called "Death to Reagan Policy."

For Army troops fighting along El Salvador's mountainous spine, the FMLN remains an elusive, persistent force. "They're much more dedicated than we are," says a young Army lieutenant, looking out into the misty rain in guerrilla territory. "They don't think about visiting their families, going to the beach, or going to church."

[From the Christian Science Monitor, Oct. 21, 1988]

PART 13.—PAPERING OVER THE ECONOMIC DIVIDE

(By Brook Lerner)

SANTA TERESA, EL SALVADOR.—JUST 10 yards from a muddy stream where peasants fill their water jugs here, there stands a stark monument to the unkept promises of the Salvadoran government: a concrete well with shiny faucets.

Today, the slab of concrete looks less like a water project than a tomb. Nearly six months after the shell was built with funds from the United States Agency for International Development (AID), the project still doesn't work. One look in back explains why: The tubing has not been delivered.

Like this half-finished project, the government of Jose Napoleon Duarte began with great expectations but has failed to deliver.

When Mr. Duarte was elected President in 1984, U.S. policymakers and most Salvadoran citizens looked to him to rein in the brutal military, bring an end to the war, establish a genuine democracy, and—with the help of a massive influx of US money—resolve the country's enormous social and economic problems.

None of those goals were fully achieved. And for most Salvadorans, none were more crucial than tackling the economic difficulties, which in many ways are a fundamental cause of the war. Between 1979 and 1983, everyone from wealthy coffee growers to struggling construction workers experienced one of the worst depressions in Salvadoran history, with growth dropping by 23 percent.

But the expectations were unrealistic. The most densely populated country in the hemisphere, El Salvador also has one of the widest gaps between rich and poor.

It would have required a gargantuan effort, even in a political vacuum, to meet the vast needs of the poor while keeping the privileged private sector happy and productive. But with strong resistance from the

economic elite on one side and demands from the poorer classes for dramatic change on the other, Duarte faced a nearly impossible task.

Even with \$2 billion in American economic aid since 1980, the populist President has been unable to do more than plug the holes created by the destructive war.

ECONOMY LEAKING, NOT SUNK

U.S. aid has kept the economic ship of state from sinking. Some sectors, in fact, have benefited enormously from the distortions created by the aid, but according to a range of Salvadoran economists and U.S. officials, the economy as a whole is leaking badly, mainly because of inexperience, corruption, and lack of a single vision of what economic revitalization means.

Such a vision has been particularly elusive in El Salvador, where the age-old chasm between a tiny but powerful wealthy class and the masses of peasants and workers still persists. Duarte has been caught in the middle, trying to push for reforms that promote economic justice without destroying the confidence of the country's largest investors.

In 1984, in order to build a consensus in the U.S. Congress and undercut guerrilla support, even President Reagan went along with Duarte's reform program. Duarte tried to extend the land reform program and state control of banks and export trade, with the goals of broadening access to bank credit and creating profits for the state rather than the wealthy oligarchy.

"Land reform knocked the feet out from under the guerrillas," says one U.S. official, commenting on the reform first carried out by a moderate civilian-military junta in 1980. "If the government hadn't taken those actions, there would be 50,000 rebels instead of 5,000."

The land redistribution, initially projected to benefit between one-half and two-thirds of the rural poor, ended up affecting only 20 percent. By the end of Duarte's first year, it had completely stalled in the face of powerful coffee growers—and the American Embassy.

The Reagan administration, viewing the Marxist guerrillas more as an externally generated threat than the result of economic injustices, began switching its aid from land reform to support for the private sector—mainly light industry and nontraditional agriculture.

Just as the administration tried to create a political center around Duarte, it sought to create a new business sector apart from the oligarchy that would revitalize the economy and be a base of support for U.S. policies.

But in early 1986, the United States pushed the Salvadoran President to adopt austerity measures that have drawn salvos from all sides.

Hoping to wean El Salvador from its growing dependency on U.S. aid, the Reagan administration dissuaded Duarte from pursuing public-sector programs that would have created jobs and bolstered his political base among the lower classes. At the same time, the government's clampdown on bank credit—as well as the private sector's distrust of Duarte's reformist attitudes—discouraged businessmen from investing.

The right lambastes Duarte for neglecting the country's real economic engine—traditional growers of coffee and sugar—and for basing his decisions more on short-term political crises than long-term economic independence. The left accuses him of abandoning his social base and pandering to the pri-

vate sector, particularly companies producing nontraditional exports.

Meanwhile, most Salvadorans have not seen a cent of U.S. money. All they know is that real wages have gone down by a third since the war began. Underemployment has soared to more than 50 percent. And the countryside, the original focus of the U.S. pacification effort, remains as backward as it was decades ago, before the first peasant uprisings.

SURREAL SIGNS OF WELL-BEING

But out on the bustling streets of San Salvador, there are some surreal signs of economic health. A shiny Mitsubishi jeep with tinted windows wheels into the long line at the McDonald's drive-thru, where the golden arches are flanked by two guards with M-16 rifles.

Not far away, construction workers put the finishing touches on a gleaming new Pizza Hut. Up the road at the exclusive Club Campestre, where the parking lot is dotted with BMWs and Mercedeses, a group of businessmen arrives to have lunch overlooking a plush golf course.

At night, when the thud of bomb blasts occasionally wafts down from the fighting on a nearby volcano, the fashionable sons and daughters of the oligarchy—known as "garks"—check their guns at the door before crowding onto the dance floor at a glimmering nightclub named Mario's.

It seems that for some, things are going very well indeed.

But in many ways, El Salvador is floating on U.S. aid. Or, as some say, it has become addicted to massive amounts of dollars. It's not just the government, although the aid now nearly equals the national budget and actually pays the salaries of most of the public administration and the Army.

It's also the private sector. "They've gotten used to [both] U.S. aid and the relatively high walls of protection," a U.S. official says. Even though most businessmen disparage Duarte's model of a state-regulated economy, the official adds that "in some ways, free enterprise is the last thing they want."

Of the more than \$3 billion the U.S. has funneled into El Salvador since 1980, about \$550 million (17 percent) has gone into direct development assistance to help redress the inequalities that fuel the guerrilla war. More than \$850 million (26 percent) has gone directly to the war effort.

But the United States has sent much more (\$1.1 billion, or 33 percent) to the central bank in direct cash transfers, which sustain the government by providing balance-of-payments assistance. The transfusion creates economic distortions and buoys the exchange rate, keeping it steady at five colones to the dollar.

The overall result: Inflation has been nearly cut in half (to 18 percent) since 1986, and economic growth (2.6 percent in 1987) is outpacing population growth for the first time in more than a decade. The construction and service sectors are thriving, and the U.S.'s new target, nontraditional exports, is showing steady growth.

But in the process, El Salvador has become hugely dependent on the influx of American funds.

"Without American aid, this country would come to a complete stop," says development consultant Ricardo Stein.

"Everybody recognizes that we're hooked, but nobody wants to go through the withdrawal pains," he explains.

COUNTRYSIDE ABANDONED

Pain—not of withdrawal but of neglect—has always been felt in places like Santa Teresa, where the beauty of towering volcanoes and rolling farmlands cannot disguise the daily struggle for survival.

Here, next to the unfinished water project, 60 percent of the people do not have access to drinkable water, government figures say.

Here, not far from the country's rich coffee plantations, wages are so low that the government says it takes seven average salaries to meet a family's basic nutritional needs. About 27 percent of rural adults are without employment; three of every five families cannot adequately feed themselves.

The distribution of wealth in El Salvador remains among the worst in Latin America. Yet the government now spends virtually nothing on land reform, and only 30 percent of its development programs are aimed at the rural areas where the majority of the population still lives.

The flow of U.S. development funds has now slowed to a trickle. In March government officials and foreign advisers say, AID severely tightened procedures for using development aid in response to a prominent corruption case involving \$2 million in American funds. The U.S. action means the Salvadoran government must provide more extensive accounting of how funds are spent.

"For a system accustomed to spend freely, this restriction was like slamming on the brakes," a foreign development adviser says. It "put the institution in crisis. There was no management to handle it."

As a result, the Salvadoran government spent less than 20 percent of its allocated budget in the first half of the year, advisers say. And of that, 90 percent was directed to urban projects, leaving rural areas virtually abandoned.

Many rural families are sustained by money sent home by some of the half million Salvadorans who have fled to the United States. Indeed, the estimated \$400 million in annual remittances represents the country's second-largest source of income after coffee.

But numbering poverty remains the rule. "If we had a time machine and could go back 60 years to before the first peasant revolt, much of the countryside would look the same," muses a Salvadoran expert in rural development. "The same huts, the same food, the same services, the same struggle."

BEST WISHES FOR TRENT LOTT

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. THOMAS of California. Mr. Speaker, I want to join in wishing our colleague, Mississippi's TRENT LOTT, best wishes as he prepares to leave the body in which he has served since the 93d Congress. He's done fine work as a Member of this body.

TRENT's service on the House Committee on Rules and as House Republican whip made him influential in the development of all kinds of legislation of national importance. Whether the subject is taxes, defense, the budget process, or social policy, it is difficult to think of a point where TRENT LOTT was not

involved in trying to improve legislation for the benefit of the country. He has clearly demonstrated his skills as a master of the legislative process while serving as a source of valuable advice and counsel to many of us.

Even though his responsibilities on the Committee on Rules and Republican whip kept him extremely busy, TRENT never failed to make sure that the interests of people all over Mississippi were fairly considered by the House. He understands what it means to represent people during the complex process of legislating, and he knows how to persuade people to see his point of view. TRENT's influence on this body and the work it has done has been tremendous, and all of us will miss his contribution to the work of the House of Representatives.

IT WAS YOU WHO DID IT!

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. KEMP. Mr. Speaker, I believe that we should always look back and learn the lesson of history. I therefore introduce into the RECORD the following chapter, "It Was You Who Did It," from the book "The Prague Spring: A Mixed Legacy" published by Freedom House.

IT WAS YOU WHO DID IT!

(By Antonin J. Liehm)

At the beginning of 1988—on the occasion of the 20th anniversary of the beginning of the Prague Spring—the Communist party of Czechoslovakia took notice of the occasion—negatively. It declared in its daily, *Rude pravo*, that the process of democratizing the economic and political system in Czechoslovakia (which the Communist party is prepared to initiate after twenty years of so-called normalization) will have nothing in common with the process that occurred in Czechoslovakia during the first eight months of 1968. *Rude pravo* also declared that Gorbachev's reforms in the Soviet Union have little in common with the 1968 Czechoslovak process.

Several days later, an extensive interview with Alexander Dubcek appeared in *l'Unita*, the most important press organ of the Italian Communist party. In that interview, the general secretary of the Czechoslovak Communist party at the time of the Prague Spring points to a remarkable similarity between the basic tendencies and objectives of "Gorbachevism" and the tendencies of the Prague Spring. Dubcek pleads for the rehabilitation of 1968 and a return to its ideas and practices.

After the twenty years that have elapsed since 1968, it is possible to reflect on the current Czechoslovak reality as more than debris and burned-out land left behind by the Soviet invasion.

OPENING THE DOORS FOR STALIN—1938

The history of 1968 and of modern Czechoslovakia began with the final disintegration of the Peace of Versailles in Munich in September 1938. At the time, a well-armed and modestly fortified country was ready—in full armor and with the enthusiasm of its populace—to defend its borders. It was only half a year after its strategic siege had been basically completed by the

"anchlusion" of Austria, Czechoslovakia was ready, with the help of allies, not only to call Hitler's bluff, but also, if necessary, to take up the unequal fight which it most probably would have lost at great expense. But such a fight would have determined quite a different course for the coming conflict—by sacrificing Czechoslovakia and Europe as they existed after World War I, it would have postponed the ensuing war by at least a year.

It was in 1938—and not at Yalta or in 1948—that the doors to the heart of Europe were opened for Stalin, and the first chapter of Europe's division was written. Foundations of the future world divided between two superpowers were laid. As an ultimate result of that process, Central and Eastern Europe came under Soviet bondage and became a part of the Soviet empire. Especially when the course of the war and the situation on the war fronts are taken into account it becomes clear that nothing could have been changed about that fact by Yalta or various episodes in later developments. The map of Europe and the ratio of forces were determined for a long historical period when Stalin's armies—as a result of the policy of appeasement and Munich—finally stood in Berlin, Warsaw, Prague, Budapest and Vienna. Today, everyone realizes that a basic change in this situation could be brought about only through developments inside the blocs themselves and not through outside intervention.

The significance of the Prague Spring, and of its crushing by Soviet tanks, must be understood from this perspective. The Czechoslovak attempt to reform "real socialism" was an attempt at a constructive answer to the collapse of the Stalinist system in its entirety. It was an attempt to create a model of a renewed, permanently self-reforming civil society. This attempt could have eventually amounted to a gradual transformation of the Soviet empire into a commonwealth of nations, one that would have been based on mutual advantages, especially economic, for example, a huge market, and not on military and police coercion. In the aftermath of World War II, such an attempt could have been realized first only in a country with a deep, more than one-hundred-year-old tradition of civil society, and with an equally long tradition of democratic socialism. And it could have had happened only in a country that—despite the difficult experience of the post-war developments—was spared by history from direct contact with Russian imperialism; in a nation where there was still a desire for friendship and sincere cooperation with the biggest Slavic nation. And the reform was possible only in a country that belonged, before World War II, among the most advanced industrial countries in Europe, a country with a deep tradition of technological skill and industrial organization, and a high level of general education and culture. It could have happened only in a country that, on the one hand, was deeply Western, and, on the other hand, without historically caused prejudice against the European East and its superpower.

The entire course of the first eight months of 1968 showed that the possibility for real reform did actually exist. Despite the great openness that accompanied this period, and despite the absolute disappearance of the official censorship—indeed amidst a real practical self-management of the news media—the entire process of the social reform unfolded in a calm and orderly manner, with increasing participation of the

citizenry. There was real hope that the period of social and economic stagnation would end, and that—without changes in the geopolitical situation in Europe—a process of gradual recovery of the whole eastern part of Europe would begin. Such a process could be accompanied by a recovery of good mutual relations between the countries of this region, and perhaps even between the two parts of the divided Europe and the world. This possibility—without being given a real chance—was destroyed by the Soviet tanks during the night of 21 August 1968. I am deeply convinced that this night was a tragedy not only for Czechoslovakia but, above all, for the Soviet Union. The Soviet Union eliminated the possibility of creating a reform model that would have been constructed on foundations much more suitable for reforms than those that could have been provided by Soviet society—then or today. The possibility for reform was eliminated in the only advanced country of the Soviet bloc, a country that was not hostile to the Soviet Union.

"DUBCEKISM" AND "GORBACHEVISM"

In contrast to the January 1988 analysis in *Rude pravo*, I would say that there is a deep similarity between the philosophies of "Dubcekism" and "Gorbachevism." However, there is also a big difference: in Czechoslovakia this philosophy was applied to a society that, despite the thirty years since September of 1938, immediately began to behave as a mature, orderly and active civil society, fully aware of its possibilities and limitations. The Soviet Union does not have such a tradition. The basic difference between Gorbachevism and Dubcekism therefore is that Gorbachevism does not and cannot depend on the civil society. It relies above all on reforms ordered and enforced from above, reforms that are stimulated and controlled by the bureaucracies and the police. The current leadership of the Communist party of Czechoslovakia envisions the reforms—should it actually be forced to initiate them—in the same way. Unfortunately, what may amount to a degree of progress and enlightened rule in Russia will become mere "steel lungs" in Czechoslovakia, "lungs" that will prolong a dangerous and explosive situation that was begun in the August of 1968.

Unfortunately, not even Dubcek's *l'Unita* analysis is quite correct. The process of liquidation of the once advanced and prosperous democratic Czechoslovak society, which was slowed gradually in the 1960s and disrupted in 1968, has continued for the last twenty years in a most primitive and brutal fashion. Although the standard of living in Czechoslovakia is still higher than that in the USSR and other Communist countries, with the exception of the GDR, Czechoslovak workers are worse off than workers in all the European countries whose standard of living in 1938 was comparable to that of Czechoslovakia. The middle class is even worse off. Only farmers are relatively prosperous. Even so their production cannot match the agricultural production of the West.

As a result of shortages in the economy and the rule of unchecked police and bureaucratic despotism, corruption has spread to a degree never previously seen in Czechoslovak society. Citizens show no interest in public matters. Society has been fully atomized. Ties between individuals and society have disappeared. The level of education has fallen sharply. Twenty years of the cultural policy of "burned land" have transformed one of the main traditional Europe-

an cultural centers into a cultural wasteland, where only few oases are kept alive—with incredible difficulties. Not only have civil and socialist traditions been forgotten, but the younger generation has never learned them. A balanced and, on the whole, friendly relationship with Russia and then with the USSR has changed into one of distaste, resistance and, often, open hatred.

The idea that it is possible to return to the concepts of 1968 under such circumstances seems to me illusory. A certain autonomy of the civil society, the source of its self-discipline, which Czechoslovakia reestablished during the 1960s, has been destroyed. And unless the autonomy of the civil society is renewed, no attempt at reform stands a chance.

Unfortunately, today an exhausted, tired and apathetic Czechoslovak society does not have the energy for such a renewal. Since it is the Soviet Union that bears the full responsibility for this situation, it is necessary to turn toward Moscow, toward the new Soviet leadership, and all those in the Soviet Union who support the leadership's attempts at a new policy, and ask them: "What have you done and what will you do to correct, at least partially, the crime committed in your name in August 1968?"

"It was you who did it," a Spanish philosopher said to general Franco, looking over the terrible destruction of his country. "It was you who did it," should be repeated again and again to those who speak from Moscow of a new approach to the world and its problems. It was you who did it, and not the Czechoslovakia government put in power by you, a government that—because of its policies—has never achieved legitimacy, not even the degree of legitimacy attained by Janos Kadar in the years that followed the Hungarian uprising of 1956. It was you who did it, and the situation in today's Czechoslovakia is the direct result of your work. Until you remedy—step by step—what you committed, the world will look at the debris of Czechoslovakia and will not believe anything that you today declare and promise.

Every reasonable person in Czechoslovakia supports Gorbachev's policy today because its success could mean a new future for the nations of the Soviet empire. Nobody demands that the USSR again "clean up house" in Czechoslovakia; such an act would amount to the repetition of the old policy, only played to a new tune. However, until Moscow distances itself from what happened on 21 August 1968; until the books banned in Czechoslovakia are published at least in Moscow; until the films banned in Czechoslovakia are played there; until they write in Moscow that the inspiration for the Soviet perestroika comes from the economists of the Prague Spring; until it is said publicly that the Czechoslovakia attempt at the renewal of civil society was the only possible direction for reform, and that accusations leveled against that experiment remain a lie, until then it will be necessary to repeat to those in Moscow: "It was you who did it!"

PERSONAL EXPLANATION

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. FAZIO. Mr. Speaker, I was unable to be here on Wednesday and Thursday as I was in my district on official business.

Had I been here I would have voted "aye" on: Rollcall Nos. 449, 450, 451, 452, 453, 454, and 455.

A TRIBUTE TO STATE SENATOR JOHN F. PARKER

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. CONTE. Mr. Speaker, a legend is retiring from Massachusetts politics. At the end of this legislative session, State senator and minority leader John F. Parker will retire from a 50-year career in public service to the people of the Commonwealth. John Parker will be sorely missed at the statehouse, but his straightforward style and unmatched sense of humor will always be remembered.

He worked and lived by this quote from Clarence Darrow: "If you loose your power to laugh, you loose your power to think." In his book "The Fun and Laughter of Politics," Senator Parker elaborated by writing "[l]aughter is nature's defense against the world's burdens. Public men and women have found it the best medicine they know, better by far than roots, herbs, pills and nostrums."

John Parker is a serious man, with strong convictions but he didn't take himself too seriously. To illustrate this trait, the senator often tells this anecdote. "Almost all men in politics and government seek relief from the strain of public office. Laughter has often provided that needed relief. Ben 'meat axe' Hardin, a Kentucky senator of long ago, once said in reference to the need for laughter, 'If this senate was made up of nothing but solemn asses, this government would fall apart in the mouth.'" It was this hearty and realistic approach to life that guided John Parker through his 50 years in public life.

Senator Parker began his distinguished career in public service at the age of 27, when he was elected to the Taunton, Massachusetts School Committee. He then served as mayor of Taunton before being elected to the Massachusetts State Senate in 1953. It was during those early years in the senate that I first came to appreciate the wit and wisdom of John Parker.

As colleagues in the senate, we began our legislative service with optimism and with a sense of pride in our work for the people. The Republicans had control of the senate back then, and both John and I were mavericks in a sense. We were determined to represent our districts first, and we were willing to take tough stands regardless of political expediency or party pressures. Party line and politics took a back seat to what was best for our dis-

tricts and for the Commonwealth. The late Congressman Joe Martin, the former Speaker of the House and Republican leader, recognized this talent in John Parker, and always said that John was the man to succeed him in the House of Representatives. It's a loss to the Nation that he never had that opportunity to serve in Congress.

Instead, the Commonwealth of Massachusetts was the beneficiary of John Parker's service as he carried this sense of duty throughout his career in the Senate. After serving as chairman of the Republican State Committee for a time in the 1960's, he was honored by his colleagues in the Senate and elected Republican floor leader. He has held that position for the last 22 years, and during this service in the Massachusetts General Court, John Parker earned a reputation for leadership, hard work and a memorable speaking style. Senator Parker is a much sought after dinner speaker who used this talent to make people laugh and more importantly to get his message across.

Even with a serious message, John always kept things in perspective, as this excerpt from his book illustrates:

Every politician has four after-dinner speeches. First is the speech he prepares in advance. That one is pretty good. Second is the speech he really makes. Third is the speech he delivers to his wife on the way home, which is a beauty and the best of all. Fourth is the speech the newspapers next morning says he delivered, which bears no resemblance to any of the others.

This anecdote and many other stories were preserved in two books that he wrote: "The Fun and Laughter of Politics" and "If Elected, I Promise . . .". John is a master story teller, with an encyclopedia of political anecdotes, and the retelling of one of these gems is an appropriate conclusion to this tribute.

It is a story about an old friend of ours and Republican colleague from Massachusetts politics, John Volpe, the former Secretary of Transportation, Governor of Massachusetts and Ambassador to Italy. As Senator Parker recalls it, "John A. Volpe was one of the best handshake campaigners in Massachusetts history. His staff boasted that Volpe could shake hands like an automatic machine.

"A confident and relentless campaigner with class, style and a great statewide image, Volpe always figured that everyone knew him, until one day he approached a local merchant in a small town."

Moving in on the merchant with a broad smile and a big handshake, Volpe said: "Haven't I met you someplace before?"

"You could have," said the unimpressed merchant. "I meet a lot of people and damned if I can remember them all."

These stories and many others will make John Parker unforgettable, even on his retirement from public life. Senator Parker is a gentle man, a dedicated public servant, a good friend to me and many others and above all a great American.

Mr. Speaker, on the occasion of Senator Parker's retirement, I extend to him my warmest congratulations and admiration for a model career in public service.

CONGRATULATIONS TO THE WORLD CHAMPION LOS ANGELES DODGERS

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. DIXON. Mr. Speaker, the California World Series ended in game five, with the Dodgers clinching the magic victory over the all powerful Oakland Athletics at the Oakland Alameda County Coliseum. They did it in the fifth game, and with a streak of pitching brilliance, amazing plays and a surprising display of power that was never matched.

Hardly anyone gave the team in blue a chance to win, except those of us who are true-blue Dodgers fans. The Dodgers had only won 94 regular season games and were up against the Oakland A's with a 104 regular season winning record. However, they were a team destined to win on fastballs, forkballs, sinkers, sliders, and just plain hustle. All of this in the face of mounting injuries to key players.

The Dodgers' road to victory was not an easy one. They stunned the far more gifted New York Mets. In the seventh game of the National League Championship Series, played in Los Angeles at Dodgers Stadium, they snatched the National League pennant that the media had all but awarded to the New York Mets.

The Dodgers' legendary 21 man-roster team played with courage, spirit and a quest to win. Four of the key players were injured—Mike Marshall, catcher Mike Scioscia, Kirk Gibson, and John Tudor. But with each injury, the team seemed to gain new strength. The awesome, dazzling, right-handed pitcher Orel Hershiser came to the mound and demobilized the A's. He clearly was the "most valuable player." But there were others like Mickey Hatcher who played the best baseball of his life by driving in five runs; Mike Davis who shook off a season-long slump just in time to slug a two-run homer; and injured Kirk Gibson who hobbled into the first game in the bottom of the ninth inning to seal a come-from-behind victory by hitting one of the most dramatic game-ending homeruns in World Series history.

Some believed the Dodgers could not win the championship against the most talented team in the American League. But, the Dodgers team took to the field and demonstrated true grit to not only beat the A's, but also beat the insurmountable odds in a stunning victory that will be remembered for years to come. They are the "Team of Destiny."

The Dodgers are now baseballs only team to win two championships in the 1980's. This is the team's sixth World Series title, the second in Manager Tom Lasorda's career with the Dodgers.

A championship team is the reflection of an outstanding organization comprised of the coaches, managers, players and fans—and all are to be congratulated. Los Angeles Manager Lasorda inspired each player and made them believe in themselves. He used their individual talent to mold a winning team. I also congratulate Dodgers' owner Peter O'Malley, who is

always willing to obtain the best talent and also announcer Vin Scully whose commentary and knowledgeable insight once again reminded us of why he is in the Hall of Fame.

I thank both of California's world class baseball teams, the Los Angeles Dodgers and the Oakland Athletics, for providing baseball fans around the world with a great championship series.

Today we honor an outstanding group of sportsmen whose relentless determination and unyielding spirit have brought the World Series trophy home to Los Angeles.

AFRICAN METHODIST EPISCOPAL CHURCH—BICENTENNIAL CELEBRATION

HON. FLOYD H. FLAKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. FLAKE. Mr. Speaker, I rise today to bring to the attention of this Congress the accomplishments of the African Methodist Episcopal Church, which recently concluded the celebration of its bicentennial.

The historically black church in America is one of the most unique institutions within the body of the Protestant church. Its beginnings can be traced to the era when blacks were denied their freedom and were an enslaved people hoping for the day when they would be free. From their proud tradition and heritage of nobility and aristocracy, Africans were brought to America on slave ships and forced to become the tillers of soil, laborers in the fields, and maids in the homes of their white masters and mistresses.

The fact that these African people were able to survive cultural shock, alienation, hostility and change in status and stature speaks a remarkable resiliency and survival instinct on their part. They survived because of an ability to create an informal network supposedly social in nature, but in reality spiritually and religiously oriented. They learned to "sing the Lord's song in a strange land," and communicate messages of hope to their enslaved brothers and sisters. Thus these African people set in motion the foundation for what has emerged as the black church.

It is the black church which then and now addresses the psychological, emotional, and spiritual needs of its people, thus providing the necessary support system for survival. It is the spiritual nature of blacks, derived from their religious experience, which gave them hope that eventually they would escape the oppressive yoke of slavery and replace it with the sweet taste of freedom. Often times this quest for freedom was couched in the language of what we now define as the Negro spiritual. Freedom songs which used spiritual language to connote a message exemplify the intense desire of a people to be free. Songs such as "Steal Away Home," "I Ain't Got Long To Stay Here," and "Before I Be a Slave I'll Be Buried in My Grave" gives clear indication of the intensity with which black people felt the need to be free.

Freedom meant either dying and going to heaven, where all of God's children were free,

or traveling the dangerous underground railroads with the hope of eventually winding up North where blacks were supposedly free. It did not take long to discover that the religious practices in what was supposed to be free society did not allow blacks to worship in the same manner as others. Most often blacks were relegated to the balconies of the main-line churches.

It is out of this restrictive, segregated worship setting that Richard Allen, who had purchased his freedom from his Delaware slave master, seized the moment to strike a blow against religious bigotry by leading a group of black worshippers out of the balcony of St. George's Methodist Church in Philadelphia onto the main floor for worship. He and his followers were forcefully removed from the sanctuary and thrown into the streets. He decided to create a worship setting where people of African descent could freely express their religious beliefs. This event in 1787 marks the founding of the African Methodist Episcopal Church.

The African Methodist Episcopal Church has just concluded its bicentennial celebration, which represents the culmination of a remarkable 200-year journey filled with numerous achievements. It is a testimony to the commitment and dedication of the founders and followers of the denomination that it has survived these 200 years. From such humble beginnings the African Methodist Episcopal Church now has a recorded membership of over 2 million, with churches in North America, the Caribbean, Africa, and Europe.

The legacy of Richard Allen, who was the first denominational bishop, continues into the third century under the leadership of the following bishops: John Hurst Adams, Richard Allen Hildebrand, Samuel Solomon Morris, Frederick Hiltborn Talbot, Hamel Hartford Brooks, Vinton Randolph Anderson, Frederick Calhoun James, Frank Madison Reid, Jr., Frank Curtis Cummings, Philip Robert Cousin, Donald G.K. Ming, Rembert Edward Stokes, Cornelius E. Thomas, J. Haskell Mayo, Harold B. Senatle, Robert Lee Pruitt, Henry A. Belin, Jr., Vernon R. Byrd, John R. Bryant, Robert Thomas, and Richard Allen Chappelle, Sr. Retired bishops who share this legacy are: Decatur Ward Nichols, H. Thomas Primm, Ernest Lawrence Hickman, Harrison J. Bryant, Harold I. Beardin, Hubert N. Robinson, and Henry Wendell Murph.

I ask the Members of this body in recognizing the glorious past and promising future of the African Methodist Episcopal Church to join me in commending the bicentennial commission which was chaired by Bishop Vinton R. Anderson and whose membership consisted of the following persons: Bishops John Hurst Adams, Rembert E. Stokes, Harold I. Bearden, Henry W. Murph, John R. Bryant, Richard Allen Chappelle, Sr. General officers: Dr. Joseph McKinney, Dr. Benjamin Bruce, Dr. Kathryn M. Brown, Dr. Henderson Davis, Dr. Dennis Dickerson, Dr. A. Lee Henderson, Dr. Joseph L. Joiner, Dr. Wilhelmina Lawrence, Dr. Jayme C. Williams, Ph.D., Mrs. Johanna Green, and Rev. O. Urcille Ifill, Sr. Other members: Mrs. Vivienne Anderson, Rev. Taylor Thompson, Mrs. Rogenia B. Alexander, Mabel Holmes, Reverend Reginald Jackson, Miss Glenell Lee, Dr. Larry Murphy, Ph.D.,

Rev. Richard Morris, Dr. D. Yvonne Walker Taylor, Miss Misbrow Times, and Mr. J.D. Williams.

With its theme "A Liberating and Reconciling People," the African Methodist Episcopal Church concludes its bicentennial celebration as it moves with vision and holy boldness into the third proud century of its denomination.

Mr. Speaker, as an ordained minister in the African Methodist Episcopal Church and the first member of the denomination to serve in the House of Representatives in over 100 years, I am proud that my colleagues are able to join with me in this well-deserved commendation.

MINORITY DIPLOMATS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. DYMALLY. Mr. Speaker, I wish to bring to your attention and that of my colleagues in the House, a situation which has persisted in the U.S. Foreign Service, despite efforts by the Congressional Black Caucus and other Members of this House.

This situation is the continuation of race and sex discrimination at the Department of State and the slow implementation of affirmative action in the Foreign Service ranks.

In 1980, there were 12 black senior Foreign Service officers; currently there are only 6. Today also, we find only one Hispanic senior officer and no native American or Asian-American senior officers.

The recent efforts by Secretary Shultz to order improvements in the Foreign Service's Equal Opportunity Program are commendable. However, they are being made against the backdrop of an administration which has made it clear that its priorities do not include a battle against race and sex discrimination.

I recently read an eloquent article on this issue by a former officer of the U.S. Information Agency. I would like to share it with my colleagues:

SO FEW MINORITY DIPLOMATS

(By Norris D. Garnett)

"They say he has a chip on his shoulder." "They say she is too sensitive about women's rights." "They say he/she is too parochial." I don't know how many times in my 30-some years in the U.S. Foreign Service I heard those or similar code words, used to justify why a black, a female or another minority officer didn't get a good assignment, didn't get promoted or didn't get ahead in his or her career.

No one can say that the U.S. diplomatic service is still the exclusive purview of the eastern-seaboard Ivy League establishment and the southern aristocracy. That restrictive men's club was broken up by the Kennedy and Johnson administrations, and progress was continued under Presidents Nixon, Ford and Carter. Ending race and sex discrimination, however, has not been a high priority of the Reagan administration, and consequently affirmative action in the Foreign Service has stagnated if not regressed.

This is readily apparent when one looks at the present statistics in my former agency, the U.S. Information Agency. In 1979, there

were two black career ministers (the highest career rank possible) in the USIA. Today there are none. In 1980, there were 12 black senior Foreign Service officers; currently there are only six. There were one native American, one Asian-American and two Hispanic senior officers in 1980; today we find only one Hispanic and no native American or Asian-American senior officer on the rolls. And the USIA recently lost a class action case concerning discrimination against females.

We know from the recent class action suit brought against the State Department by black Foreign Service officers that the situation there is, if anything, worse. Today there are only six black ambassadors out of 150 worldwide—there were 12 in 1979—and of 635 officers in the senior Foreign Service only nine are black. The number of blacks entering the Foreign Service has dropped from a high of 18 percent in 1978 to 4.3 percent in 1986.

It is doubtful that the strongly worded cable sent out by Secretary of State George Shultz in 1986 to all U.S. diplomatic posts ordering improvements in the Foreign Service's equal opportunity program will do much to improve the situation. In my own experience, such well-intentioned directives are generally ignored in practice. All the top level can do is set the tone, and the impression coming out of the White House and the Justice Department these days is that the battle against racial and sex discrimination has already been won. In such an atmosphere, an ambassador, an undersecretary for management, a director of personnel is not likely to take the policy directive very seriously.

The question is often asked: Why, after all the progress in civil rights, does our Foreign Service remain such a hard nut to crack? Some observers point to the tradition of wealth and class in the diplomatic service. Others believe that because many of the white males now directing our foreign affairs establishment were overseas during the civil rights battles of the '60s, they missed out on the positive changes in American society brought about by that struggle. I suspect the real reasons are far simpler even if more difficult to admit.

In the first place, a small majority of our white male Foreign Service officers believe that blacks and other minorities do not deserve to be in the Foreign Service because they didn't go through the same difficult examination system to enter. Even though a substantial number of minority Foreign Service officers did in fact enter the service via the same exam, and even though the courts have ruled that such standardized tests are culturally biased anyway, these white males sincerely believe that they themselves have been discriminated against. And since these same officers control assignments and work performance evaluations, they have a considerable impact on promotions.

While promotion boards by law now must have "adequate" representation of women and minorities, this doesn't address the problem of biased performance evaluations. These, too, can no longer make any reference to race, sex, religion or marital status; however, certain code words and phrases easily identify race and sex to the white males on the board.

Second, a significant minority of white male Foreign Service officers still reason that since the diplomatic corps of most industrialized countries represent the upper crust, it is impossible for minority officers,

coming as they do from disadvantaged backgrounds, to deal with these diplomats on an equal basis. Similarly, they argue—an Indira Gandhi or a Margaret Thatcher notwithstanding—that the vast majority of heads of state and others in power are men and no female officer can really deal with these people on an equal footing.

Given the personnel makeup of our present Foreign Service establishment, I frankly do not see an end to racial and sexual discrimination in the near future, unless an administration is willing to break up the infrastructure of our foreign affairs agencies. And I suspect that discrimination is far too subtle and the bureaucracy far too entrenched for this to happen. As for the long run, well, none of us can stay around forever, even entrenched, chauvinistic bureaucrats.

INTRODUCING A RESOLUTION IN THE U.S. HOUSE OF REPRESENTATIVES CALLING FOR A STUDY OF THE SAFETY OF RONGELAP

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. DE LUGO. Mr. Speaker, today I am cosponsoring a resolution which calls upon the Departments of Energy and Interior to implement section 103(i)(2) of the Compact of Free Association Act of 1985, Public Law 22-239. This law requires a comprehensive and independent radiation study of Rongelap Atoll to be undertaken as soon as possible.

Time does not permit consideration of the legislation in the remaining hours of the 100th Congress. However, given the importance of this matter, the resolution is being introduced so that it can be the subject of an Insular and International Affairs Subcommittee hearing later this year.

When Congress considered the Compact of Free Association with the Marshall Islands, serious questions were raised about the safety and habitability of Rongelap Atoll. In particular, an Energy Department study, published in 1982, on radiation in the Northern Marshall Islands indicated high levels of radiation contamination throughout Rongelap Atoll as of 1978.

The revelation in Energy's study greatly alarmed the Rongelap people. While Energy publicly assured the Rongelap people that the lands of their atoll were safe, and even administration representatives testified before the Interior and Insular Affairs Committee that indeed Rongelap was safe, the Rongelap people did not believe them.

As a result, the Congress insisted on language in the compact mandating a two-step review process. The first step review would examine the 1982 energy radiation study. If deficiencies were found, then a second, more comprehensive study would be undertaken.

As required by the compact, the Government of the Marshall Islands contracted for the "Phase 1" study in August 1987. The final report of the Rongelap Reassessment Project (phase 1) was submitted to the Congress in July 1988.

The Rongelap reassessment project, headed up by Dr. Henry I. Kohn, was statutorily required to examine the data contained in the DOE's 1982 radiation study and determine whether or not it was adequate. Congress also further directed that a determination be made regarding whether or not the conclusions in the 1982 DOE study were "fully supported" by the data in that report.

Both questions were answered in the negative. The study provision in Public Law 99-239 also required that "if the party reviewing the data concludes that such conclusions as to habitability are fully supported by adequate data, the report to the President * * * and the Congress shall so state." Such required certification is not provided to the President and the Congress in Dr. Kohn's report.

As a result, it was decided that a sense of Congress resolution would be introduced regarding radiation problems at Rongelap Atoll. The resolution states the intent of Congress that because the Rongelap reassessment project required by the Compact of Free Association did not find that the 1982 Department of Energy radiation study was adequate for determination that Rongelap was safe, further study should be conducted as already authorized in the compact.

Chairman UDALL, my colleague Congressman GEORGE MILLER and I feel very strongly that there were enough questions raised by the review done pursuant to Public Law 99-239 to justify further study.

In the 1940's and 1950's the United States felt that it was essential to use for nuclear testing land belonging to these people for whom we had a trust responsibility. This action imposes on the United States an obligation to make absolutely certain that the land is safe before we insist that the people live on that land and to make it safe again if it is not. There is no assurance now that Rongelap is safe and there is a lot of evidence to suggest that it may not be safe in some important respects.

This is a serious problem which should be faced squarely and not defensively.

I, therefore, plan for the subcommittee to conduct a hearing on the problem now that this resolution is introduced.

The Rongelap people strongly support the resolution and have enthusiastically agreed to a hearing to determine what further action needs to be taken in order to proceed with the "Phase 2" comprehensive survey.

We bear an obligation to understand the sense of fear and level of anger that overwhelmed the Rongelap people following publication of the DOE radiation study in 1982. In August 1983, the Marshall Islands Nitijela unanimously adopted Resolution 25 calling for the Rongelap people to be relocated by the U.S. Government as a result of disclosures about radiation contamination in the DOE study.

A delegation from Rongelap appeared before the Interior and Insular Affairs Committee in May 1984, detailing those fears during our deliberations on the Compact of Free Association for the Marshall Islands. Since the U.S. Government did not respond to their concerns or request for relocation, they made their own arrangements to move themselves.

In May 1985, the Rongelap people, believing their lands and food poisoned, evacuated their historical homeland and now temporarily live on another island (Majato in the Kwajalein Atoll) in self-imposed exile.

Their current living conditions in Mejato have been described to us as being very bad. There is no infrastructure on the island aside from the housing the people brought with them and a dispensary built with funds from the United States. The nearest island where food and other supplies can be purchased is Ebeye, which is about 8 hours by small boat.

It now appears from the Rongelap reassessment project report that the decision to evacuate Rongelap was justified.

I believe we have a moral responsibility to the Rongelap people to take action on this matter as expeditiously as possible and I consider this a high priority for the next Congress. I will expect no less from the next administration.

Later this year, the Insular and International Affairs Subcommittee will hold a hearing on the Rongelap situation. At that hearing, with all the appropriate witnesses present, the subcommittee will review the reassessment project's final report, including its findings and conclusions. It will also examine the DOE 1982 radiation study.

Hopefully, we will emerge from that hearing armed with the information, conclusions and commitment necessary to come up with the funding for "Phase 2" of Public Law 99-239.

The 1982 DOE study examined 14 atolls in the northern Marshalls, including the entirety of Rongelap Atoll. The Congress, in the compact for the Marshalls, limited the phase 1 review to Rongelap Island, as it was the island of primary residence. The resolution to be considered calls for Rongelap Atoll to be fully examined in the comprehensive independent phase 2 study.

Life to the people of the Marshalls is not confined to one island, but rather to the series of small islands that make up the atoll. Traditional food gathering, residence and fishing have taken place throughout Rongelap Atoll. If the Rongelap people are to return to Rongelap Atoll, then they are entitled to the use of the entire atoll. We have an obligation to fully disclose the entire atoll's status and condition to the Rongelap people.

One additional issue needs to be addressed at this time. In the Rongelap reassessment project final report, Dr. Kohn concluded that Rongelap Island was safe now for adults, but reserved judgment with respect to the Rongelap children. Since submission of the final report to Congress, Dr. Kohn modified this recommendation. On October 3, in a letter to Senator Jettin Anjain, the very dedicated Senator who represents Rongelap in the Marshall Islands Nitijela, Dr. Kohn says that a long list of medical and environmental studies must first be initiated and completed prior to resettlement. This is a significant change from the final report.

It is more than 34 years since the thermonuclear test Bravo contaminated Rongelap. It is more than 3 years since the Rongelap people fled their homeland in search of safety. There is an undeniable urgency to this matter.

For the edification of my colleagues, I include in the CONGRESSIONAL RECORD a copy of a letter dated August 1, 1988, that Congressman MILLER and I sent to the Secretary of the Interior, and a copy of a letter from Senator Jettin Anjain and Mayor Willie Mwekto of Rongelap to my subcommittee.

COMMITTEE ON INTERIOR AND
INSULAR AFFAIRS,

U.S. HOUSE OF REPRESENTATIVES,

Washington, DC, August 11, 1988.

HON. DONALD P. HODEL,
Secretary, Department of the Interior, Wash-
ington, DC.

DEAR MR. SECRETARY: A short time ago, the Committee on Interior and Insular Affairs received the Final Report, dated July 22, 1988, of the Rongelap Reassessment Project, prepared by Dr. Henry I. Kohn.

This project was authorized by Congress in the Compact of Free Association (P.L. 99-239, Section 103(i)). In that Act, the Project was established to determine "whether the data cited in support of conclusions as to habitability of Rongelap . . . are accurate and whether such conclusions are fully supported by the data" in the Department of Energy (DOE) 1982 report entitled, "The Meaning of Radiation for Those Atolls in the Northern Part of the Marshall Islands That Were Surveyed in 1978."

Several years ago, the Rongelap Atoll leaders came before Congress and sought a reassessment of the DOE report and a determination regarding the safety of their atoll.

The Interior Committee staff has been reviewing the Rongelap Reassessment Project Final Report. It's clear that the policy issues raised by the report cannot be fully reviewed without additional information and added clarification on these matters. We are concerned that the Final Report fails to address adequately a number of fundamental issues raised by the Congress in the Compact.

The Interior Committee noted in its Report on the Compact that the Rongelap people are in danger of becoming "Pacific Nomads." They evacuated Rongelap out of fear for the health and safety of their citizens. They are anxious to know if their homeland is, in fact, safe. The process to resolve fully these questions has been initiated, but is far from complete.

Attached to this letter is a detailed list of questions regarding the Final Report and its recommendations and conclusions. We would appreciate your timely response to these questions. We have limited this initial set of questions to matters pertaining to the safety and habitability of Rongelap. We anticipate additional questions at a later date.

Thank you for your assistance in this matter.

Sincerely yours,

RON DE LUGO,
Chairman.
GEORGE MILLER,
Member of Congress.

QUESTIONS SUBMITTED TO THE DEPARTMENTS
OF ENERGY AND INTERIOR REGARDING THE
RONGELAP REASSESSMENT PROJECT FINAL
REPORT

(1) The Rongelap reassessment project final report repeatedly references and discusses the terms, "safe for habitation." However, at no place in the Report are these terms defined for purposes and/or application in this Report.

(a) Provide the definition of "safe for habitation" as used in this Report.

(b) Define "habitability" as it would apply to Rongelap Island and also Rongelap Atoll.

(2) During this review, the Rongelap people learned, for the first time, that some of their citizens possibly had been exposed to plutonium, possibly in large doses. The final report begins to address this question and the final report states, on page 77, that "Some 270 samples of urine have been analyzed [which indicated a large range of plutonium excretion]. Owing to a reorganization at Brookhaven, the work for this project was stopped (no funds), and the results were neither tabulated nor analyzed."

This appears to be a serious breach of Brookhaven's clinical responsibilities to the Rongelap people as described by Dr. William H. Adams, Director, Marshall Islands Medical Program, Brookhaven National Laboratory in Note 4 of the final report. Additional information is therefore required about this matter.

(a) Provide the name of the medical ship and the date these samples were taken.

(b) When were the urine samples in question first obtained by Brookhaven National Laboratory?

(c) When did the Brookhaven National Laboratory reorganization occur?

(d) How long has this work on the project been halted? Is it more than 24 months?

(e) What was it about the Brookhaven reorganization that caused a delay in tabulating and analyzing the plutonium data from urine samples of the Rongelapese?

(f) Were the Rongelap people ever notified that a delay was occurring?

(g) Did Brookhaven, DOE, or anyone else inform those individuals from Rongelap with specific high readings of plutonium of their individual circumstances?

(h) If individual Rongelap citizens had high plutonium readings, and were not informed, what is the explanation for withholding this information.

(3) In the review, did the Rongelap reassessment project find any evidence or otherwise determine that any other blood, urine or other medical samples obtained from the Rongelap people by DOE were neither tabulated nor analyzed? If so, please describe the situation.

(4) Congress, mandating this study, in the Compact of Free Association (Section 103(i)2 of P.L. 99-239) stated that the purpose of the review was to establish whether the data cited in support of DOE's conclusions as to the habitability of Rongelap were adequate and whether such conclusions were fully supported by the data cited in that report.

The final report concludes, in at least in two instances, that the DOE-1982 dose calculations data and conclusions were incorrect, and therefore understated. Dose, as I understand it, is one of the critical aspects of assessing habitability.

The final report, at page 40, states, "DOE-1982 stated that the diet on which its reported doses were based consisted only of local food from Rongelap Island. That statement is incorrect." The final report states that if the diet were of local food only, "the doses would be higher." Having declared that 1982 DOE Radiation Study contains this potentially significant error, the final report does not indicate the extent of the error.

(a) With respect to the conclusion that "the doses would be higher," what should the correct figure, or range of figures, be in the DOE-1982 Report for Rongelap (local food only)? Provide both the correct figures and the percentage of error.

(b) What would the correct figure, or range, be for Rongelap Island, if as DOE-1982 stated, only local food from that island is consumed? Provide both the correct figure and the percentage of error.

(c) Similarly, what would the correct figure, or range, be for the islands other than Rongelap Island in Rongelap Atoll?

(d) Was DOE aware of this error?

(e) Did DOE inform the Rongelap Reassessment Project of this error, or did the Project discover the error during its investigation?

(f) Do any of the corrected figures exceed the U.S. standard?

(5) Further, with regard to the primary conclusion, that Rongelap "Island" is safe for habitation, and final report also concludes (both in the Abstract at page 3 and in the Recommendations at page 44), that a portion of Rongelap "Island" may require "potassium-salt treatment of the soil and soil removal. . . ."

I'm unable, however, to find any discussion of this matter anywhere in the final report. In other words, a conclusion and recommendation are provided that are not discussed in the final report.

(a) How can on one hand, it be determined that Rongelap Island is safe for habitation and on the other, suggest a portion of the same Island is sufficiently contaminated as to require either potassium-salt treatment or scraping and soil removal?

(b) What is the precise location or area of Rongelap Island that is sufficiently contaminated as to warrant cleanup? Include a map indicating the specific areas of contamination.

(c) Identify and describe the nature of the contaminant and the level of contamination in area(s) on Rongelap Island.

(6) The Rongelap reassessment project final report concludes that "I recommend no food gathering on islands north of Borukka and Eniaetok." However, elsewhere in the final report, it is stated that the review was limited to Rongelap "Island," and not the other 50 or 60 islands in Rongelap Atoll.

(a) Did DOE, in their 1982 Report, take samples and readings from the northern islands of the Rongelap Atoll?

(b) Did the Project gather samples, take readings, or otherwise inspect the so-called "northern islands" of Rongelap Atoll?

(c) If the Project didn't take samples, readings, or inspect these northern islands in Rongelap Atoll, how did the Project conduct a review of them?

(d) If samples weren't taken and inspections weren't made, what is the basis for this conclusion?

(e) What is the level of radiation contamination on the northern islands and please identify the contaminant(s)?

(f) Would the level of contamination exceed the U.S. Federal dose standard if the people lived on and consumed food from these islands?

(g) Is this condition permanent, and if not, when can the Rongelap people anticipate or expect that food gathering will be safe, and therefore permissible?

(h) If the review was limited to Rongelap "Island," why were samples taken and analyzed from Ailinginae Atoll (to the South of Rongelap Atoll), but not the northern islands of Rongelap Atoll?

(7) The primary conclusion of the final report, as I review it, is that Rongelap "Island" is safe for habitation provided the previous diet is maintained and extended.

(a) Is the "previous diet" referenced a "local food only" diet or a diet based on the USDA Food Assistance Program?

(b) The final report provides no indication how long such a diet must be maintained. Assuming the previous diet is the "type B" diet, the USDA Food Assistance Program based diet, for how many years will this assistance be required?

(c) Are the circumstances such that USDA Food Assistance Program will no longer be needed at some point in the future? Two years, five years, ten years, longer?

(d) And further assuming the "previous diet" is the USDA Food Assistance Program, is it recommended that this program-based diet be maintained in perpetuity?

(8) Regarding the USDA Food Assistance Program:

(a) Did the Project review the USDA Food Assistance Program?

(b) Is the diet from these foods adequate?

(c) Are the ship deliveries timely and reliable?

(d) Is the USDA food assistance provided consistent with U.S. nutrition standards?

(e) Did the Reassessment Project conclude that the program is adequate and dependable?

(f) Did the Project discover any problems associated with the USDA Food Assistance Program?

(g) Did the Project make any recommendations for improving the program?

(9) Did the Rongelap reassessment project find any evidence of chromosomal damage to the citizens of Rongelap?

(a) If so, what is the nature of that evidence? Please describe it.

(b) What kinds of medical, health, and safety problems should be anticipated in the future?

(c) Do the Rongelap people face prospective problems in future generations?

(10) The Rongelap reassessment project final report is inconclusive regarding infants and small children. According to the Final Report, "Rongelap Island is safe for 'adults';" that the radiation "dose to infants and small children is another potential cause for concern;" and finally, "until we have a more extensive appraisal of what the infant and small child diet is, it would be wise to withhold final judgement." Congress is unable to formulate policy or make clear judgement on the habitability of Rongelap based on these conflicting statements. Further explanation is required.

(a) Is it safe for the Rongelap infants and children to return to Rongelap Atoll at this time?

(b) Does the final report advocate that Rongelap adults return without their children?

(c) In light of confusion and uncertainty advanced in the final report, just precisely what is recommended with respect to infants and children, and pursuant to what timetable?

(d) Should the Rongelap people return to Rongelap Atoll or not?

(e) Can it be stated without reservation and is it concluded that, in fact, it is safe for all the Rongelap citizens to return to their homeland?

(f) How long do you estimate it will take for these recommended determinations to be made, as outlined in the final report?

(11) From the review, what kinds of future medical, health and safety problems will the Rongelap people likely encounter from the exposure to radiation?

(12) At the very beginning of the final report, it is stated that "Rongelap is safe for

habitation." However, the very last recommendation then states, "the fact that Rongelap 'appears' suitable for resettlement . . ."

(a) Why does it only "appear" that Rongelap is suitable for resettlement?

(b) What is the difference between "safe for habitation" and "appears suitable for settlement?"

(c) Why the declaration in one instance, but uncertainty and doubt in another?

(13) Finally, let me ask a speculative question. If Rongelap Atoll were a city, located in the United States—say in Contra Costa County, California—and subject to a nuclear accident resulting in radiation contamination similar to that experienced on Rongelap, would U.S. health and safety standards tolerate a conclusion today that, "Rongelap Atoll 'City' is safe for habitation?"

RONGELAP ATOLL LOCAL
GOVERNMENT,

Republic of the Marshall Islands,

September 22, 1988.

Hon. RON DE LUIGO,

Chairman, Subcommittee on Insular and
International Affairs, Washington, DC.

DEAR CHAIRMAN DE LUIGO: The Rongelap Atoll Local Government has reviewed the Rongelap Reassessment Project Final Report. It is now time to proceed with the "Phase 2" independent study as set forth in section 103(b) of the Compact of Free Association.

A "Preliminary" version of the Report was submitted to Congress last April. At that time, the Rongelap Atoll Local Government presented testimony to the Interior Appropriations Committee based on the interim report which concluded that the data in the 1982 DOE Radiation Report in the Northern Marshalls, and Rongelap Atoll, contained significant errors, omissions and discrepancies. As a result, we concluded that the comprehensive, independent study of Rongelap, as set forth in the Compact, was required.

The Final Report was provided to us in early August. It has been reviewed by the Rongelap people in Mejato.

In addition, we have reviewed the comprehensive and detailed questions you and Mr. Miller have asked the Departments of Energy and Interior. We have also been provided a copy of Dr. Kohn's responses to those questions along with other correspondence from him about the Report (in which he modifies the report).

The Rongelap Atoll Local Government concludes that the Department of Energy's 1982 Radiation Report, with respect to Rongelap Atoll, is wrong for the following primary reasons:

DOE data is inadequate (in numerous instances);

DOE conclusions as to the safety of Rongelap, based on that data are inaccurate and misleading;

DOE data contains numerous errors;

DOE data is replete with omissions, and in particular, fails to include critical information about exposure to plutonium;

DOE understated the radiation exposure and dose for the Rongelap people;

DOE data contains significant discrepancies;

DOE is silent regarding the health risks to Rongelap infants and children; and

In general, DOE failed to disclose the full nature of radiation contamination by the Rongelap people.

The Rongelap Reassessment Project Final Report declared DOE's 1982 data sampling

was "meager" and concluded in other instances that DOE's Brookhaven National Laboratory had failed to tabulate or analyze urine samples containing a wide range of plutonium excretion. These are among the most obvious problems. There are many others.

In authorizing a review of the DOE 1982 Study, the Congress mandated in the Compact that the review shall establish whether the data cited in support of the habitability of Rongelap Island was accurate. That question must be answered in the negative.

The Congress also directed that a determination be made regarding whether or not the conclusions in the 1982 DOE Study "are fully supported" by the data in that report. That question must be answered in the negative.

The Congress further directed that "if the party reviewing the data concludes that such conclusions as to habitability are fully supported by adequate data, the report to the President . . . and the Congress shall so state. The statutory requirement that an affirmative declaration be made was not provided by the Rongelap Reassessment Project. There is no such finding.

Instead, the Final Report effectively alters the congressional mandate in the Compact and instead, makes a different and "conditional" finding. The Final Report concludes that Rongelap Island is conditionally safe, but then limits that finding exclusively to adults.

The Final Report also concludes that the Northern Islands of Rongelap Atoll are "forbidden territory" and therefore off limits.

The Project concludes that its report is not the final word on the subject. A lengthy list of studies are recommended, including various medical reviews of the Rongelap people as well as studies of the land and food supply. Attached to this letter is a listing of those studies.

When the Final Report was presented to the Rongelap people in Mejato a few weeks ago, they were particularly disturbed by the recommendation that whole-body counting be initiated once again. It was their belief that whole-body counting would be primarily used to determine that radiation poisoning had once again invaded their bodies. Instead, our people believed that the emphasis should be on prevention and clean-up, not measuring the poison after it had once again entered our bodies.

As the Committee knows, the DOE 1982 Radiation Report caused fear to sweep through the people of Rongelap. Our legislature, the Nitijela, unanimously adopted a resolution asking the U.S. Government to remove us from Rongelap. Instead, we were told it was safe. Facing mounting fear and indescribable anxiety, the Rongelap people evacuated Rongelap Atoll in 1985. That action was, and remains, most controversial. Today, we live in exile because of fear. The Rongelap Reassessment Project Final Report confirms that our decision to evacuate in 1985 was justified.

It is the desire of the Rongelap people to return to their native homeland on Rongelap Atoll, but only if it is safe. Since our exile, we have taken a number of affirmative steps (a) to determine the true nature of radiation contamination to the atoll and to the people; and (b) initiate steps to resolve these problems. This Committee's statutory directive in the Compact to review the 1982 DOE study was the first important step.

Last year, the Rongelap Council contracted with Holmes and Narver, an engineering firm with radiation clean-up expertise, to prepare a comprehensive rehabilitation and resettlement plan for Rongelap. It was completed last April and submitted to you at that time. According to these radiation clean-up experts, the earliest our people could resettle back on Rongelap, if it can be made safe, in 1993.

The comprehensive study of Rongelap could be undertaken and completed within this time-frame.

Finally, during our review of the Final Report, we also examined various drafts of the report and the comments submitted by some of the consultants. Comments submitted by Dr. William Bair, provided to us only a few weeks ago, are significant.

Dr. Bair authored the DOE's 1982 Radiation Report. Commenting on one of the very first drafts of the report last February, Blair refutes the assumption (in the draft) that the DOE Report, in 1982, declared Rongelap "safe." According to Bair, the Report said no such thing. Instead, Bair writes:

It was not the book's [Doe 1982] purpose to draw conclusions about the safety of the atolls. That properly is a judgement to be made by others. Moreover, there is no statement in the book about Rongelap being safe.

Five and a half years after publication of the DOE 1982 Radiation Report, its primary author now quietly makes a declaration of staggering proportions. It speaks for itself.

Finally, Mr. Chairman, let us tell you that when we read the 1982 study, the fear we felt was for the children of Rongelap. It was for the children of today and the children of tomorrow.

It is not time to proceed with the "Phase 2" comprehensive and independent study of Rongelap Atoll.

We thank you for your expressions of concern in the past and we now seek your leadership, guidance and assistance in this important matter.

Sincerely,

JETON ANJAIN,

Senator

WILLIE MWEKTO,

Mayor.

RONGELAP REASSESSMENT PROJECT— RECOMMENDED STUDIES

The following is a list of the studies recommended by the Rongelap Reassessment Project Final Report which are found in four separate sections of the Final Report.

(1) Abstract (page 3). "The matter [plutonium in the urine] is a potential great concern and should be studied."

(2) Abstract (page 3). "The doses to infants and small children is another potential cause of concern. This study should be continued."

(3) Abstract (page 3). "The whole-body counting for cesium should be resumed."

(4) Abstract (page 3). "Planning for resettlement should consider the possible use of potassium-salt treatment of the soil."

(5) Abstract (page 3). ["Planning for resettlement should consider]... soil removal as studied at Bikini."

(6) 4.4 Infant Dosage (page 38). "The study [children's dietary studies conducted by Peace Corps volunteers] is still going on, and it is hoped that more information will be available by October."

(7) 4.5 Dose Summary; (b) Transuranics (page 41). "The Brookhaven dose estimates vary significantly. . . Obviously, something is radically wrong, technically or physiologi-

cally. . . It is therefore essential. . . that the problem be studied immediately."

(8) 5.2 Recommendations (page 44). "Reinstitute whole-body counting for cesium-137."

(9) 5.2 Recommendations (page 44). "Study the plutonium excretion in urine now."

(10) 5.2 Recommendations (page 44). "Extend the study of infant diets and those of small children."

(11) 5.2 Recommendations (page 44). "Develop a plan to control contamination."

(12) 5.2 Recommendations (page 44). "The prelude to such planning would include contamination surveys on islands north of Borukka and Eniawotok."

In a letter to Chairman de Lugo and Congressman Miller, Dr. Kohn amends the Final Report with the added recommendation for a study of chromosomal issues.

Response to de Lugo-Miller question #9 (page 4, August 30 letter from Dr. Kohn to Chairman de Lugo) which asked if the Project found any evidence of chromosomal damage to Rongelap citizens, Dr. Kohn states, "This result (discussing chromosomal damages reported earlier) does not make sense radiologically and the matter should be reinvestigated."

VINDICATION FOR FRANK BOURGIN, MINNESOTA SCHOLAR WHO WAS AHEAD OF HIS TIME

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. OBERSTAR. Mr. Speaker, often we are too absorbed with the assumptions of the present to recognize the truth when it runs counter to the conventional wisdom. Such was the problem faced by the political scientists on the University of Chicago faculty in 1942 when they were presented with a doctoral thesis entitled "Affirmative Government in the Early American Economy." The work was written by a 32-year-old Ph.D. candidate, Frank P. Bourgin, a merchant's son from Ely, MN.

Written during the New Deal years, Mr. Bourgin's thesis refuted the generally accepted view that President Roosevelt's activist economic programs were unprecedented in the American system. The University rejected this thesis and denied Mr. Bourgin the degree he had so dearly wanted and had worked so hard to earn.

It was only after reading Arthur Schlesinger's "Cycles of American History" that Mr. Bourgin realized his 45-year-old theory of affirmative government in our country's early economy had become accepted by scholars and historians of high repute.

Mr. Bourgin, with the help of Mr. Schlesinger, was able to convince the present faculty of the University of Chicago that he was unjustly denied his doctoral degree because he was ahead of his time. The university—to its credit—agreed, and last week, at the University of Chicago's spring commencement, 77-year-old Frank P. Bourgin received his degree, 45 years late.

The story of Frank Bourgin is told in the accompanying articles from the New York Times

and the Washington Post. I submit them to my colleagues for the lessons they teach about perseverance, courage of conviction, and the problems that occur when foresight runs opposite the assumptions of the day.

[From the N.Y. Times, April 23, 1988]

AFTER 45 YEARS, VINDICATION FOR SCHOLAR

(By Linda Greenhouse)

WASHINGTON, April 21.—For more than four decades, his Ph.D. dissertation remained locked in a steel box, the bitter legacy of an academic future that had died when a faculty committee at the University of Chicago rejected the manuscript.

But Frank P. Bourgin's dream of someday receiving his Ph.D. in political science did not die. It haunted him, as he raised a family and made his living in business and in the Federal bureaucracy. Each time the Bourgin family moved, the dissertation in the steel box went along.

And now, in an unlikely ending to years of frustration, Mr. Bourgin is about to be recognized as a scholar who was ahead of his time. After taking a new look at the 45-year-old dissertation, the political science faculty decided that the department had erred when it rejected the paper. Later this spring, the university will award Mr. Bourgin his Ph.D.

"It's really a crazy story," said Mr. Bourgin, now 77 years old, physically disabled but mentally as engaged by ideas as he was as a young graduate student studying the country's early economic history.

His thesis, written during the New Deal, refuted a then-common notion that President Franklin D. Roosevelt's social programs departed from the laissez-faire principles of the United States Government in its early days. On the contrary, Mr. Bourgin wrote in his dissertation now titled "Affirmative Government in the Early American Economy," the Constitution's framers were committed to using Government powers to develop the country's resources—a theory since upheld by other historians.

The outcome of Mr. Bourgin's story is a testament to one man's stubborn faith in himself. The national celebration of the Constitution's bicentennial last year inspired him to make a second effort to get his dissertation accepted. Mr. Bourgin sent a summary to Arthur Schlesinger Jr., the historian, who has praised the work as pioneering and who enthusiastically urged Chicago's political science department to take a fresh look at it.

RARE REVERSAL OF ERROR

The result also testifies to a great institution's willingness to rectify a long-ago error. Neither Mr. Schlesinger nor other scholars who helped bring about the reappraisal, including C. Herman Pritchett of the University of California, a retired chairman of the Chicago political science department, could recall such a dramatic reversal of academic fortune.

"Frank Bourgin has realized the ultimate fantasy," said Gary Orfield, a political science professor at Chicago who served on the three-member committee that favorably reviewed Mr. Bourgin's dissertation after the department reopened the case. "The world is full of former graduate students who have failed to get their Ph.D.'s. For most of them, it's the first major effort that was not successful, and it's on their mind the rest of their lives. He's done a fine piece of work, and I'm delighted."

"We're not just handing out a degree," said Professor Joseph Cropsey, the political science department's director of graduate studies and another of Mr. Bourgin's readers. "He earned it."

Befitting its reputation as one of the most austere and intellectually rigorous institutions of American higher education, the University of Chicago is not planning to make a fuss over Mr. Bourgin beyond giving him extra tickets to the June convocation so his wife, children and grandchildren can join him.

"A Ph.D. from the University of Chicago is special for anyone," said William Harms, a university press spokesman. "But it is extra special for him."

STUDY OF FOUNDING FATHERS

The essence of Mr. Bourgin's 617-page dissertation is a refutation of a long-held belief about how the Founding Fathers viewed the Federal Government's relationship to the economy. In the days of the New Deal, when Mr. Bourgin was researching the political and economic history of the country's first 40 years, conventional wisdom was that President Roosevelt's commitment to economic planning represented a sharp break from the laissez-faire spirit that had guided the men who wrote the Constitution and led the new nation.

After studying the Constitutional debates and the economic policies implemented by such figures as Thomas Jefferson and Alexander Hamilton, Mr. Bourgin concluded that far from being disciples of the laissez-faire theorist Adam Smith, the Founding Fathers were determined to use the power of the National Government to develop the country's resources through public works, transportation, science and other areas.

Mr. Bourgin's interpretation is now widely accepted by historians. Mr. Schlesinger reached much the same conclusion in his recent book, "Cycles of American History." After reading that book last year, Mr. Bourgin sent Mr. Schlesinger a summary of his dissertation.

Mr. Schlesinger, who is the Albert Schweitzer Professor of the Humanities in the City University of New York's Graduate Center, wrote back to say that he found the work "pathbreaking." He told Mr. Bourgin that he was "a true pioneer in the reconstruction of the early economic policy of the republic."

Mr. Schlesinger wrote to the Chicago department, urging a new look at the dissertation. In an interview this week, he said that Mr. Bourgin had produced "a strikingly original piece of work." He added: "The University of Chicago did him a great injustice, and I'm glad it's being remedied."

No one seems to know exactly what went wrong in 1942, when Mr. Bourgin's manuscript was rejected. Dr. Pritchett was listed as a member of Mr. Bourgin's original faculty review committee, but he said in a telephone interview from his office in Santa Barbara, Calif., that he had no memory of ever having seen the document then. When he read it this time, after Mr. Bourgin sent it to him, he too, urged a reappraisal.

What appears most likely is that the dissertation fell through the cracks following the retirement of Mr. Bourgin's mentor and dissertation adviser, Charles E. Merriam, and amid the distractions of World War II.

By the time the faculty committee rejected the dissertation, Mr. Bourgin was no longer in residence as a graduate student. With a wife and baby to support, he had taken a job with the Chicago office of the Quartermaster general. He was told that he

would have a chance at getting his Ph.D. if he again became a full-time student and worked at revising his manuscript, but that was a financial impossibility.

In the years that followed, Mr. Bourgin manufactured lighting fixtures, owned a chain of men's clothing stores in northern Minnesota, served on a local school board and became a Federal civil servant. He became Midwest regional director for the Federal Office of Emergency Planning, supervising a five-state region. It was a comfortable life, but the manuscript in the steel box gnawed at him.

"It feels like a resurrection," he said.

[From the Washington Post, May 28, 1988]

VINDICATION NOT JUST ACADEMIC AFTER 43 YEARS—MARYLAND MAN BELATEDLY GETS A PH.D.

(By Amy Goldstein)

Nearly a half-century ago, Frank P. Bourgin was forced to relinquish his plans for an academic career when his mentors at the University of Chicago told him his doctoral thesis on the roots of the New Deal wasn't good enough for a degree.

Now at the age of 77, Bourgin has received an uncommonly personal lesson in revisionist history.

In a rare occurrence, spurred by the intervention of the noted historian Arthur Schlesinger Jr., the university has belatedly decided it made a mistake.

The political science department re-read his dissertation and concluded that Bourgin, who retired five years ago from an episodic career in business and the federal government, deserved a Ph.D.

And so in two weeks, the Chevy Chase resident will travel to the Chicago campus for the first time in 43 years. He will don a maroon robe with velvet bands and a black doctoral hood, ride into the Rockefeller Chapel on the motorized scooter he relies on to get around and, at last, collect his degree.

It will be a moment to savor for Bourgin, whose activities are now limited by the after-effects of polio to reading and a daily swim. But the real joy, he said, has already come.

It is "the satisfaction, the vindication, the fact I am somebody," he said in an interview. "I feel I am a different person than I was a year ago. A Ph.D. counts for something."

The Bourgin affair, as the Chicago faculty have dubbed it, attests to this man's relentless faith in the worth of his ideas. It attests, too, to a willingness by a rigorous university to look into its past and admit that perhaps it had been wrong.

"I don't think anything like this has ever happened before," said Gary Orfield, one of the three Chicago political scientists who reevaluated Bourgin's thesis last year.

"Imagine if something had been on your mind for 40 years and it gets worked out," said Orfield, who said he plans to break his habit of missing commencements so that he can watch Bourgin graduate June 10. "It's a very happy story."

The story begins in the heart of the Depression when Bourgin, a merchant's son from the tiny town of Ely, Minn., decided he could never make a living as a lawyer and found another field instead. "I ate and slept political science," he said. "I expected to get a Ph.D. and go on teaching college."

The central idea of his 624-page dissertation contradicted the prevailing 19th- and early 20th-century view among historians that Thomas Jefferson and other framers of

the Constitution had favored a laissez-faire government that promoted "uncontaminated free enterprise."

Bourgin found that Jefferson's land-settlement policies and his plan to build a network of canals, for instance, reflected an activist vision of government similar to that of Roosevelt.

"I feel I had something very important to say that had never been said," Bourgin recalled. "To me, this was dynamite in terms of undermining the kind of claims the conservatives have had on our Constitution for 200 years. It made Jefferson something of a New Dealer."

But when he submitted his dissertation in 1945, the political science department returned it, admonishing him that it needed more work. They suggested he return to school full time—something he could not afford with a wife and year-old daughter to support.

"I was crushed. I felt defeated, frustrated," he said. "I saw that I was licked." And he put his thesis away in a locked black box.

For a time, he owned a lighting fixture company in Chicago. There were 16 years running a men's clothing store in northern Minnesota, and another seven as regional director in Michigan for a federal office of emergency planning. In 1970, he and his family settled in Chevy Chase, when he took a job as a disaster analyst for the Federal Emergency Management Agency.

Yet throughout his career, his frustration with his failed dissertation lingered. "In government, you'd meet some jerk with a Ph.D. and he was a somebody and I was a nobody."

Two years ago, as the bicentennial of the Constitution approached, he decided to reopen the black box. He found the paper clips rusty, the paper yellowed and the type faded. But the ideas, he sensed, were still fresh.

"I said, 'Damn it, I was right from the beginning!'"

Bourgin distilled his work into a 22-page synopsis, which he sent out for reviews. He mailed copies to U.S. senators, to leading political journalists and to Daniel Boorstin, then-librarian of Congress.

Among the recipients was Alan Saunders, a political scientist who had been Bourgin's mentor as an undergraduate at the University of Minnesota. Now 90 and living in Hawaii, Saunders replied to Bourgin, pointing out that his ideas resembled those in a chapter of a new book by Schlesinger, "The Cycles of American History."

Buoyed by the news, Bourgin fired off a copy of his synopsis to Schlesinger, an FDR historian and the Albert Schweitzer Professor of the Humanities at the City University of New York. And a year ago, Bourgin's fingers trembled as he read the reply: "... belated congratulations on your pathbreaking work of nearly half a century ago."

Schlesinger also wrote to Chicago's political science department, urging it to reconsider Bourgin's degree.

In an interview, Schlesinger said he had never before made such a request. But, he said, "It seemed to me interesting work. It was a mystery to me why the things were rejected. I thought an injustice had been done, and it was not too late to rectify it."

The department agreed to reread the thesis and rejected it at first. But after Bourgin made some changes, the three-member committee decided in February that it was acceptable.

"It is at least as good as many dissertations that merited the degree," said Joseph

Cropsey, distinguished service professor of political science who was one of the readers.

He and Orfield said it was too long, and tended to be repetitive. "It could benefit from some good editing," Orfield said. But he added, "It had something important to say then, and it does now."

In offering Bourgin the degree, the university made certain accommodations. It waived his tuition and the oral exam required of doctoral candidates. And to permit his children and grandchildren to attend the ceremony the department appealed all the way to the central administration to secure for him "an absolutely incredible, unheard of number" of scarce commencement tickets, Cropsey said.

Bourgin has hired a literary agent to try to get his dissertation published. He'd love to lecture on his ideas, if anyone asks.

And he teases his wife, Dorothy, although he doesn't really mean it, that he will launch his belated academic career. "My next book," he said, "is going to be called 'Sunrise at 77.'"

HEALTH CARE FOR AMERICA ACT

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. TAUKE. Mr. Speaker, when the 101st Congress convenes, I intend to introduce comprehensive legislation to assist all Americans to obtain health care, to provide long-term care, and to increase the equity and efficiency of the health care delivery system.

I describe my proposed Health Care For America Act today because I actively solicit the ideas and suggestions of others who are interested in joining in this effort. I intend to bring this proposal to the U.S. Commission on Comprehensive Health Care, of which I am a member, for consideration.

The Health Care of America Act is three pronged: It fills gaps in coverage; it makes the Government's assistance in obtaining health care coverage rational and equitable; and it improves the efficiency and quality of the health care delivery system.

My proposal will provide new benefits for millions of Americans. At the same time, it will equalize Government assistance and concentrate governmental funding on those who most need it.

The Federal Government now helps Americans obtain health insurance in a variety of ways. It provides Medicare benefits. It shares with the States assistance to Medicaid beneficiaries, but under a variety of systems. The eligibility standards and coverage vary from State to State. A person in one State will receive better coverage than a person in another State with the same income, and the Federal Government provides more money to the one than to the other. The Federal Government also provides assistance to those whose health insurance is provided by their employers; the value of the insurance which would otherwise be taxable wages to the employee is tax free. Employees in the higher tax bracket receive more benefit than those in the lower bracket. No assistance is given to those whose employers do not provide insurance for

them, although the tax law recently was changed to permit, until 1990, self-employed workers to deduct 25 percent of the cost of purchasing insurance.

With the exception of Medicaid, the Government's assistance is not tied to need. Some receive assistance they do not need; many others, who need it most, receive no assistance. While the Government helps with tax benefits those who are employed and whose employers provide insurance, it provides little or no assistance to those who must purchase their own insurance and need assistance the most.

The Health Care For America Act would rationalize and expand the Government's assistance. It would provide assistance to all Americans, without regard to eligibility categories, and ensure that those who most need assistance receive the most.

EXPANDED COVERAGE

The act would fill the two major gaps in coverage.

1. Assistance to the uninsured

It is estimated that 37 million Americans now have no health insurance. Some health care policymakers have proposed that employers be required by law to provide health insurance to their employees. This is the wrong route to the right result. It is critical that all Americans be able to obtain health insurance, but it does not follow from that that every employer should be required by Federal law to provide it.

Mandated benefits would reduce employment, particularly for lower paid workers, who most need assistance in obtaining health insurance. It has been estimated that mandating that employers provide health insurance for all employees who work more than 17½ hours per week would raise the real wages of the lowest paid workers by more than 30 percent. Many small businesses could not bear this added cost. A mandated benefits requirement would lower employment, deprive small businesses of their livelihood, and increase the concentration of American business.

A requirement that employers provide health insurance would impose a de facto tax on employers—a head tax on labor. That is a bad jobs policy. Moreover, this head tax on labor would be regressive. A company would be required to incur this expense regardless of whether or not it was making a profit.

There are other drawbacks to the mandated benefits approach. It fails to provide insurance when it is most needed. The smallest employers would be exempted from the requirements, and their workers would receive no benefits. Some temporary and part-time employees would not be covered. Requiring employers to provide coverage does not help a person who loses his or her job or is between jobs, when, of course, the coverage is most needed.

Under my proposal the Federal Government would provide assistance directly to each American. In this way everyone would have the ability to obtain insurance. The assistance would not depend upon the number of hours as employee worked or who the employer is. The cost would be spread broadly through the tax system and avoid the heavy burden on small business. At the same time, the role of

the employer in providing health insurance would be maintained. Employers could, and I expect most would, provide additional coverage to their employees. The decision on whether a company provided additional wages, health insurance, or other benefits would not be skewed by tax incentives, as is the case presently, but on the basis of what employees want. All workers would have basic coverage, while additional employee benefits would continue to be determined by collective bargaining or other expressions of employee choice.

2. Long Term Care

Last year Congress passed an extension of Medicare benefits which, although entitled the Medicare Catastrophic Coverage Act, does not provide, except for 150 days in a skilled nursing facility, coverage for what is truly the catastrophic expense; namely, long term care. The elderly and their families are afraid that they will have to enter a nursing home and be forced to spend all of their savings until they reach the Medicaid eligibility level in order to pay for nursing home care. They need, and my bill will provide, assistance to those who need it to obtain nursing home or home health care without forcing them to exhaust their assets and become Medicaid recipients. It would cover the elderly and also the rest of the population, who may need long-term care but who rarely think of that possibility.

In order to be economically feasible, the cost of long-term care cannot be borne only by those who are immediately at risk for it. Yet the nature of this coverage has impeded the development of a private market that could spread the cost. If young people purchase long-term insurance, they are almost certain not to receive the benefit for many years. Consequently they typically do not purchase the coverage. Insurance companies similarly are reluctant to offer the product because the long period between the purchase and the use of the policy increases the uncertainty of what the coverage will cost, and thus their risk. Accordingly, there is little private insurance for long term care, and what has been developed is mainly marketed to those who are soon to be at the most risk. It is therefore expensive for the elderly to obtain.

I believe a broad private market should be encouraged and fostered. The impediments to the development of a private market should be identified, and to the extent possible, removed. Until enough companies provide coverage that meet peoples' need, however, it appears that the Government is the best mechanism for funding long term care coverage; it can spread the risk over the entire population and assure the young, who are asked to contribute today, that there will be coverage when they need it.

REFORM OF THE HEALTH CARE SYSTEM

I believe that it is harmful, both to the beneficiary and to the taxpayer, to expand coverage without reforming the system that provides the care. The health care system as now structured is largely exempt from the salutary discipline of economic competition among those who provide health care. Hospitals and physicians compete in terms of quality, but not price.

The lack of economic constraints results from the way the system is structured. Patients have little incentive to factor cost into their health care purchasing decisions and are provided no systematic way to express a choice. Most care is paid for by third-party payers—insurance companies, Medicare and other Government programs. Patients, who are the ones who ultimately must choose how care is delivered, are not concerned about, and may even not know, the cost of much of the care they received, particularly hospital care. The mechanisms are not in place for them to make informed choices.

Employers are attempting to introduce cost-saving mechanisms by entering into arrangements with health maintenance organizations, preferred provider organizations, and other plans which have a financial incentive to negotiate with hospitals and doctors, as companies offering traditional indemnity insurance have not. The effectiveness of these efforts, however, is reduced by the fact that the employees often do not have an economic stake in their health care decisions and by the fact that the Medicare reimbursement system impedes the development of competitive arrangements.

The system must be changed, and providers forced to compete, in order to avoid waste in the short term, and to protect the quality of health care and access to it over the long run.

If competitive efficiencies are not introduced, the governmental control of the system which already has developed to compensate for the absence of competition will be further tightened: the Government will determine which hospital can buy what equipment, who can be admitted into the hospital, how much hospitals and physicians are paid, what procedures they can perform under what circumstances, and indeed how they are to be performed. Too intrusive a role by the Government will destroy the diversity, vitality, and creativity of the health care system—and its concern for the well-being of the individual patient which we now enjoy. The quality of health care provided in the country will degenerate.

Already, Government measures intended to compensate for the lack of competition are threatening quality of care, and access to it.

The Federal Government, faced with its budget crisis, has imposed a variety of regulatory measures to reduce its expenditures. It has set in place stringent regulatory controls to determine who can be admitted into a hospital. Those programs threaten to deny access to care to people who need it.

Medicare pays for most inpatient hospital care provided to the elderly by paying hospitals a predetermined set amount. However, this prospective payment system [PPS] does not involve the Medicare beneficiary in choosing hospital care on the basis of cost, as well as quality. The hospital feels the effects of the reduced Government reimbursement, but the patient does not and has no incentive to choose the less expensive over the higher cost hospital.

The PPS system is little more than a price-setting mechanism on hospitals. But like all price controls over any period of time, it creates shortages and anomalies. The payment set by the Government is not necessarily the

right amount. PPS demonstrates the drawbacks of an administered price system.

The PPS system does not recognize the differences in health care costs between various regions, or the difference in the severity of illnesses of patients. Worse, the amount that is set by the Government for payment seems more often to be based on what the Government needs for its budgetary purposes than what is a fair payment. It is unfairly benefitting some hospitals, which have the right DRG's, and which are located in the right areas. It is providing too little reimbursement to many others, not because they are less efficient but because of the mix of patients they care for, the services they provide, and the area in which they are located.

An increasing number of hospitals are losing money when they care for Medicare patients. This reduces their ability to provide free care to the indigent and needed community services. The ability of hospitals to purchase and deliver the newest techniques is reduced. Quality of care is threatened.

The PPS system is not the long-term answer to how to fund assistance to Medicare beneficiaries. It will become increasingly arbitrary, and efforts to compensate for its effects will only create new anomalies and unfairness. Because it threatens the financial viability of many hospitals, the need to find a new way of providing Government assistance will shortly become apparent.

My proposal will provide a unified reimbursement system for all Americans, replacing the current patchwork of reimbursement systems. My proposal will permit all Americans, rather than the Government, to choose how they wish their health care delivered and how much resources are allocated to it. And it will give them the means to choose their health coverage and the incentive to do so in a cost-conscious way. This will force insurance plans to compete for their business, and this in turn will force hospitals, physicians, and other health care providers to compete against each other in terms of efficiency and quality. Consumers will determine which plans and which providers are meeting their needs for quality care, efficiently delivered.

My bill will introduce the incentives and set the parameters necessary to create a competitive system, without predetermining how it will operate. My proposal will not specify how an insurance plan would have to be structured or how it would pay hospitals, physicians, and other providers. It could be an indemnity insurance plan, a health maintenance or preferred provider organization, or any of a variety of new forms that are likely to develop in a competitive market. The plan could pay physicians on a fee-for-service basis or relative value scales, or it could capitate physicians in whole or in part. It could employ physicians. Similarly, hospitals could be reimbursed on a cost basis, charge basis, or they could be capitated in whole or in part. They could be paid on the basis of a DRG system, like the current Medicare prospective payment system, or even could be paid on a more global standard, one that is based not on inputs—particular services—but on outputs—patient health. Insurance plans and providers throughout the country would work out the most effective payment systems, guided and controlled by

consumers' decisions rather than by inflexible requirements dictated from Washington.

DESCRIPTION OF PROPOSAL

A brief description of how my proposal would work follows.

1. Government Assistance

The Federal Government would entitle all legal residents to a health care contribution. The contribution would be paid to qualified health plan of their choice, an insurance plan which has been certified by the Department of Health and Human Services as meeting Federal standards governing coverage, quality of care, financial viability, and other requirements.

2. The Plans

A plan would have to provide all acute health care, including prescription drugs, well baby care, and rehabilitation care, to its members. For Medicare beneficiaries coverage would have to be at least as extensive as that currently provided. A plan could provide additional benefits if it wished to do so, depending on consumer demand. Plans would have an incentive to provide home health care where that is less expensive than hospitalization and medically justified.

Each plan would be required to set its premium in an area on the basis of each of its members' risk category: age, sex, family size, and so forth. There would be a limit on the amount of out-of-pocket expenditures that a plan could require—\$2,000 for an individual and \$5,000 for a family—and a separate limit for drugs—\$250 for each individual and \$1,000 for a family. It could provide more extensive coverage if it decided to do so, and a member chose such a Plan.

In order to qualify for receipt of the Federal health care contribution, the plan would have to meet certain operational requirements. It would have to agree to enroll all individuals who apply and pay its premiums. It could not select members on the basis of risk or health status. Plans would have to enroll members during a common period, in order to enhance customers' ability to shop among competing plans. Plans would have to meet financial viability standards set by the Department of Health and Human Services and make a contribution to a Health Benefits Assurance Fund designed to ensure members' continued coverage in case any plan failed to meet its commitments.

3. Amount of the Health Care Contribution

The amount of the health care contribution and the plans' premiums would depend upon the risk category in which an individual falls. Older people and larger families would receive greater assistance. This would remove any incentive for plans to try to avoid enrolling high risk members.

The amount of the contribution would be tied to the amount charged by plans in a particular area, in order to account for differences in the cost of care in different geographic areas. After an initial transition year, the basic health care contribution would be the average of the premiums of qualified health plans in each area for members within a particular risk category. The basic contribution would be ad-

justed to reflect income; the poor would receive the basic amount, plus an additional amount to cover out-of-pocket expenditures they would otherwise have to be paid; those with higher incomes would receive on a progressive basis less than the basic contribution.

Medicaid beneficiaries would be included in the system on the same basis as other Americans. Medicaid currently does not provide adequate coverage to the poor or adequate payment to providers, reducing the poor's ability to obtain what care is covered. My proposal would provide Medicaid beneficiaries with the assistance necessary to purchase the same health insurance that all other Americans choose on average. In place of the present categorical eligibility and state-by-state variations in eligibility, the proposal would provide for uniform eligibility across the country based on income. Rather than a red line of eligibility or noneligibility, there would be a spectrum. The amount of the health care contribution would vary by income.

4. Long Term Care

The Health Care For America Act would also provide assistance to all Americans in obtaining long-term care—nursing home care or home health care as needed. After a beneficiary had exhausted a deductible each year of \$2,000, the Government would pay for long-term care an amount based upon the average amount now being spent in each area, adjusted for inflation and severity of care need. The Government would pay a percentage of that average cost, ranging from 100 percent for the poor to lower amounts for those who could afford to pay. Spousal and family impoverishment protections would be provided to ensure that couples and families are not forced into poverty by long-term care costs for their loved ones.

Impediments to the development of a private market would be identified and reduced. Pilot projects demonstrating various ways to providing long term care through private plans would be encouraged. Beneficiaries could choose whether they wanted to have the Government's assistance used for private plans, or continue under the government's program.

5. Funding

The program would be funded by a combination of measures.

The current hospital insurance portion of FICA would be redirected into a special account to be used to pay health care contributions.

States would be required to contribute 20 percent of the cost of health care contributions for Medicaid beneficiaries in the state.

The tax exclusion for employer contributions for health insurance would be repealed. This is necessary to avoid duplicate benefits from the Government, to provide equity between those whose employers provide health care and those whose employers do not, and to avoid skewing by favorable tax treatment the question of whether compensation is paid in the form of wages or health insurance.

The long-term care component would be financed by a surcharge payable by a qualified health plan for each beneficiary using the health care contribution toward the premium

of an acute care plan. This will distribute the cost of long-term care across the population.

Any additional amounts necessary would be funded out of general revenues. In this way the country could make a conscious decision each year of how much tax revenues it wished to devote to health care.

6. Other provisions

State laws which impede competition would be preempted as they applied to qualified health plans and to providers serving members of the plans, so they would not interfere with Federal regulation of the plans. This includes rate review laws, health planning/certificate of need requirements, and laws which would require plans to provide specified coverage.

The proposal requires the Department of Health and Human Services to review for accuracy the advertising of plans and to stop any untruthful advertisements.

The proposal provides funding in each area for advocacy and education groups to assist beneficiaries in selecting among plans and in obtaining benefits to which they are entitled. Any disputes over required coverage would be settled by arbitration with the plan.

CIVIL RICO: VITAL TOOL IN THE WAR AGAINST WHITE COLLAR CRIME AND FRAUD

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. CONYERS. Mr. Speaker, as this Congress comes to a close, it is important to remember what happened with reference to the attempts to strengthen and weaken the civil racketeering law, the Racketeer Influenced and Corrupt Organizations Act [RICO].

The Subcommittee on Criminal Justice, which I am privileged to chair, held hearings on RICO reform over the past 2 years. A broad consensus on what course of action we should follow emerged in the hearings.

Most of the witnesses agreed that we must preserve and strengthen RICO on the criminal side, since it has proven to be a crucial legal weapon in efforts to curtail sophisticated forms of crime, including organized, white-collar, and violent group crime.

On the other hand, witnesses, who generally reflected the views of segments of the business community, urged us to narrow RICO on the civil side. They focused their attention on RICO's private treble damage enforcement mechanism. They suggested that RICO gave rise to various litigation abuses, especially in the fraud area.

Other witnesses, who generally reflected the views of consumer groups, urged us to strengthen civil RICO. They pointed to pressing problems of contract procurement fraud, fraud on Wall Street, insurance fraud, and bank and thrift failures brought about by fraudulent financial practices. They argued that the commonly used fraud laws in these areas were not working as the \$200 billion annual fraud bill suggests.

On May 25, 1988, the Senate Judiciary Committee reported to the full Senate S. 1523, a reform measure sponsored by Senator HOWARD METZENBAUM. On June 20, 1988, Congressman DON EDWARDS and I introduced H.R. 4920, which took as its point of departure the general approach of the Senate bill, but nevertheless contained important differences.

Broadly, both the Senate and the House bills would strengthen RICO in a number of ways. For example, new predicate offenses in the area of violence would be added to RICO; penalties would be raised for RICO offenses where death results; and civil recovery under RICO would be authorized for personal injuries caused by RICO violations that include crimes of violence.

At the same time, both the Senate and House bill recognize the need to guard against the abuse of RICO, particularly in private litigation. Each of the bills sharply restricts the use of the "racketeer" label. In addition, the bills set heightened pleading standards for RICO litigation, and they generally reduce the measure of recovery from treble to actual damages in private litigation not involving crimes of violence.

One of the principal differences between S. 1523 and H.R. 4920, however, is the scope of the exception that each would authorize for the recovery of up to double punitive damages in specified classes of cases. The exception in the Senate measure is confined to a limited number of consumer and insider trading suits.

H.R. 4920, in contrast, would include among those who could obtain this heightened measure of recovery certain other especially vulnerable classes of victims in our society. H.R. 4920 would authorize double punitive damages for victims that are welfare and pension funds, small businesses, exempt organizations; that is, charities, schools, and so forth, defense contractors, and financial institutions, that is, banks, credit unions, and insurance companies, and so forth.

Unlike the Senate measure, H.R. 4920 would also circumscribe the potential misuse of RICO in the labor area by sharply restricting its use in private litigation by employers or unions in the context of labor disputes.

The most significant difference between the Senate and House bill, however, is the special exemption given by the Senate bill to the securities and commodities industries and its provisions making a reduction of the measures of damages retroactive to pending civil suits.

Mr. Speaker, in light of the current scandals on Wall Street, I believe that it is wholly unjustifiable to treat securities or commodities fraud in any fashion different from, say, insurance or bank fraud. I see no valid reason why aggravated patterns of criminal behavior in the securities or commodities industries do not merit RICO's enhanced sanctions. I see no ground, in short, for a double standard.

Similarly, I believe that it would be profoundly unwise, wholly inappropriate, and constitute both a troubling and unseemly precedent to make RICO reform retroactive so as to restrict the measure of recovery in pending cases.

I see no reason to give the likes of Boesky or Butcher in their stock fraud or bank fraud activities a special bill of relief. Congress sits to legislate, not settle pending litigation.

Indeed, the Department of Justice testified before the subcommittee against making RICO reform legislation retroactive, and the National Association of Insurance Commissioners recently passed a resolution condemning precisely this feature of the Senate legislation. The judgment of the commissioners—which I share—is that insurance fraud is a problem too pressing on our Nation to roll back remedies against it, particularly retroactively.

Mr. Speaker, the extensive negotiations to resolve the fundamental differences between the Senate and House measures regrettably did not prove fruitful. We tried in good faith to resolve our differences, but we failed. We came close, but in the end, we could not agree. But nothing is so pressing about RICO reform that we should not wait until the 101st Congress to finish our work.

Indeed, we reached tentative agreement on a number of features of a possible bill. If progress could be made on the issue of special treatment for special interests and retroactivity, I am sure that we could bring to the floor of the House a bill that would be, not only principled, but also satisfactory to all.

Mr. Speaker, I ask unanimous consent that the following material be printed in the RECORD at this point.

First, an editorial of the New York Times of October 6, 1988,

Second, an op-ed piece from the New York Times of December 27, 1987.

Third, a resolution of the National Association of Insurance Commissioners.

[From the New York Times, Oct. 6, 1988]

SAVE RICO FROM REFORM

RICO, the 1970 Racketeer Influenced and Corrupt Organizations law, gave organized crime's victims a way to sue for civil redress. The idea was to motivate an army of victims to bring individual lawsuits, with the promise of triple damages. The law has turned out to work better for people with complaints about consumer and conventional business fraud. That has prompted businesses to lobby Congress for relief. These "reformers" would reduce most damage awards to actual money losses, carve out new exemptions for securities and commodities frauds and make these changes retroactive, invalidating suits now in the courts.

The existing RICO law doesn't lack problems. A useful cosmetic fix would remove the "racketeering" label from litigation not based on mob-type violence. Courts are already limiting the law by making it harder to base Federal RICO suits on a few illegal acts rather than a genuine pattern of illegality.

But there's no need for more drastic change. Reducing damages would reduce deterrence. It makes no sense to exempt commodities and securities frauds when these seem rampant. Above all, retroactive relief is unfair. By going along with it, Congress would turn itself into a partial substitute for impartial courts.

[From the New York Times, Oct. 6, 1988]

DON'T WATER DOWN THE ANTIFRAUD LAW

(By John Conyers, Jr.)

WASHINGTON. The most infamous and significant insider-trading case in the nation's history was concluded when Federal District Judge Morris E. Lasker sentenced Ivan S. Boesky to three years in jail for conspiracy to file false trading records. The prosecutor spoke at sentencing of "rampant criminal misconduct" that appears to have involved not only Mr. Boesky but at least five major brokerage houses. But something was conspicuously absent from the criminal sentence: a significant fine commensurate with the crime.

The judge's rationale for not imposing a fine was to make available Mr. Boesky's assets to private plaintiffs victimized by his criminal schemes. Regrettably, that sensible approach will soon be impossible if the securities industry succeeds in its efforts to convince Congress to water down the antifraud law under which many of Mr. Boesky's victims are suing.

The securities and financial lobbies are making a top priority of legislation that would drastically reduce the financial liability of inside traders and other crooks and cheats under the civil provisions of the Racketeer Influenced and Corrupt Organization Act, known as RICO.

RICO is especially important to victims because it allows for triple damages—a tough provision needed to return monies defrauded and to deter the criminal misconduct of which the Boesky prosecutor spoke.

The securities lobby, rather than acknowledging a real and fundamental problem on Wall Street, thumbs its nose at measures to make the industry accountable. It is seeking a bill that would modify RICO so that victims of securities fraud could recover only actual damages, instead of triple damages, and that would bar any RICO suits by victims of insider trading. Both provisions would be retroactive. Mr. Boesky's lawyer could not have crafted a better bill.

RICO was enacted in 1970 to give public prosecutors a way to deal with the scope of organized and white-collar crime. The financial lobbies now argue that the law should be limited and that Congress's intent was to get at organized-crime figures (those whose names end in vowels). But victims care little whether their life savings are stolen by mobsters wearing black shirts and white ties or stock brokers in Brooks Brothers suits and white collars, and Congress expressly rejected any such limitation.

White-collar criminals cost the nation nearly \$200 billion annually, nearly as much as drug traffickers. Consider bank fraud and its effects as another graphic example of what that means: About half of the recent bank failures and one-quarter of the thrift failures—each running at post-Depression highs—involved criminal activity by insiders, few of whom, according to a Congressional survey, were adequately punished.

Following the stock market collapse in October, which revealed some questionable practices by aggressive brokers, we need more accountability, not less. Small investors seem to have been hit the hardest. The North American Securities Administrators Association told a Congressional committee the other day that its analysis showed an average loss to individuals of \$170,000, a figure far beyond many initial capital investments.

Especially important, said the association, was the inadequate supervision of greedy brokers, who sought higher commissions

from unsophisticated investors, advising them to open high-risk option accounts, conducting unauthorized trading on their behalf and failing to disclose many of the risks of their trading strategies.

RICO does need reform but not the type or extent that Mr. Boesky's lobbyists seek. Rather than being abridged, the law should be extended to such areas as bank fraud, racial and ethnic violence and toxic waste. Fine-tuning the requirements needed to bring a suit could adequately distinguished frivolous suits from meritorious claims and hold accountable not only drug dealers but also crooked stock brokers.

No segment of society merits special treatment, certainly not retroactive relief from present civil liability. As the Boesky scandal and the stock market crash demonstrate so amply, we need laws that will take the measure not only of organized but also of white-collar crime.

RESOLUTION IN OPPOSITION TO PENDING FEDERAL LEGISLATION TO AMEND THE RACKETEER INFLUENCED AND CORRUPT ORGANIZATION ACT

Whereas, the United States Congress may soon consider amendments to the Racketeer Influenced and Corrupt Organization Act, 18 U.S.C. 1964 ("RICO"); and

Whereas, state insurance departments have found the federal civil RICO statute one of the most effective enforcement tools to combat insurance fraud; and

Whereas, is passed, such legislation may prevent state insurance departments from bringing treble damage civil RICO lawsuits under the federal statute; and

Whereas, if passed, such legislation may apply retroactively to ongoing lawsuits brought under the direction of many of the state departments. The results is that it may be difficult, if not impossible, to recover treble damages in pending federal civil RICO actions involving the following states: Illinois, North Carolina, Texas, Tennessee, Rhode Island, New York and Iowa; and

Whereas, if passed such legislation may create procedural roadblocks so that the filing of a civil RICO lawsuit by anyone against a regulated entity—such as an insurance company—would not be practical. Now, therefore, be it

Resolved, That the National Association of Insurance Commissioners believes that the effect of current proposals would be to protect the insurance industry and others involved with the industry from any civil RICO liability and interfere with the right of state regulators to bring civil RICO lawsuits against those who would commit insurance fraud upon the public. Be it further

Resolved, That the National Association of Insurance Commissioners opposes this legislation or similar legislation.

A TRIBUTE TO ATTORNEY GENERAL J. JOSEPH CURRAN, JR., AND ELANE STEIN

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. MFUME. Mr. Speaker, I rise in tribute of two distinguished citizens of the State of Maryland, who have dedicated many years of their professional lives to enhance the quality of their community, the city of Baltimore, and

their State. The individuals to whom I refer are Maryland Attorney General J. Joseph Curran, Jr., and WBAL radio personality Elane Stein. Thus it is both fitting and proper that on October 30, 1988, the Harford County Senior Citizens Center will pause to honor them for their exemplary work and dedication to people.

Mr. Speaker, Attorney General J. Joseph Curran has been active in Maryland's political arena for 30 years. Mr. Curran entered the Maryland House of Delegates in 1958, while still a student at the University of Maryland Law School. Attorney General Curran was elected in 1962 to the State senate where he served on the Judicial Proceedings Committee. Mr. Curran later became the chairman of this committee, serving in this capacity for 16 stellar years.

While a member of the Maryland General Assembly, Mr. Curran led the fight for many significant pieces of legislation which included the creation of the court of special appeals and the district court system. Joseph Curran consistently supported measures to augment Maryland's courts and the department of corrections. He persistently fought for tougher drunk driving laws, and equal rights for all Maryland citizens. Joe first sponsored the legislation to establish the Maryland Higher Education Loan Program while he was a member of the house of delegates. Later as a leader in the State senate, he saw this proposal reach fruition and pass into law.

In 1982 J. Joseph Curran became Maryland's third Lieutenant Governor. As Lieutenant Governor, he served on numerous State task forces and committees. Mr. Curran continued to work unceasingly in criminal justice matters, and with the department of economic and community development, where he assisted in the efforts to bring new industry and jobs to the State of Maryland. In 1986, Joe was elected Maryland's attorney general and has served his State with much distinction. J. Joseph Curran is one of the nicest and most effective leaders our State had produced, and I am happy to call him by friend.

Mr. Speaker, those of us who live and work in Baltimore, have come to love and admire Elane Stein also for her commitment to broadcast journalism and her advocacy in behalf of the visual and performing arts. Ms. Stein has earned the respect of individuals from all walks of life. A native Baltimorean, Ms. Stein spent 2 years in Europe as a producer for Voice of America. Later, she was the founder and director of a nonprofit art gallery which successfully launched the career of many talented Maryland artists.

Ms. Stein's work has brought her in contact with almost every celebrity who has visited Baltimore. Elane Stein remains actively involved in many cultural and community service projects, even as she produces and hosts her own radio broadcasts 21 times per week. Additionally, Elane is also a regular guest on Maryland Public Television's "Weekend Alive" and WJZ's "Square Off." All this, from a woman who devotedly serves as both a WBAL radio host and the station's public service director.

Mr. Speaker, Elane Stein has truly earned the title of "Baltimore's First Lady of Broadcasting." In recognition of her many years of outstanding and professional dedication to the

people of Maryland, I am very proud to have such an enlightened and knowledgeable personality on the airwaves of Baltimore. Best wishes, Elane for many more years to come, and thank you for a charismatic and energetic style of broadcast journalism, that serves as a benchmark for others to emulate.

In closing Mr. Speaker, the State of Maryland has been blessed throughout her rich history with citizens of the caliber of J. Joseph Curran and Elane Stein, who have unselfishly dedicated their professional careers to making our State a better place for all who live there.

COMMEMORATION OF JONESTOWN

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mrs. MORELLA. Mr. Speaker, November 18, 1988, marks the 10th anniversary of the tragic events at Jonestown, Guyana, including the death of Congressman Leo J. Ryan of California. Those Members of Congress who served with Leo Ryan will remember him as a public servant of unusual conviction, dedication and courage. In fact, he lost his life in the fulfillment of his congressional duties while leading a congressional investigation of the People's Temple settlement.

To commemorate this 10th anniversary of the tragedy in Guyana, there will be a candlelight interfaith ceremony on Sunday, November 13, 1988, at 4 p.m. at the Jefferson Memorial to honor the memory of the 913 men, women and children who died at Jonestown, Guyana. It is my hope that this event and other commemorative ceremonies will also lead us to learn the lessons from this tragedy. Jim Jones' People's Temple was a destructive cult which attacked members' fundamental human rights. Mr. Speaker, as our Nation continues to celebrate the anniversary of the U.S. Constitution, I urge my colleagues to join with me in a commemoration of Jonestown and to renew our commitment to the freedoms contained in our Bill of Rights so that events like Jonestown will not be repeated.

SUPPORT OF BILL TO PROVIDE REASONABLE FEES AND COSTS TO JUDGE ALCEE HASTINGS IN CONNECTION WITH HIS DEFENSE DURING THE IMPEACH- MENT PROCEEDINGS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. CONYERS. Mr. Speaker, today I have introduced legislation which would reimburse Judge Alcee L. Hastings for reasonable and necessary legal expenses incurred in connection with his defense in the impeachment proceedings presently pending before the Senate.

On August 3, 1988, Judge Hastings was impeached by the House of Representatives by an overwhelming margin. As chairman of the

Subcommittee on Criminal Justice of the Committee on the Judiciary, to which the impeachment inquiry was referred, I heard firsthand the evidence against Judge Hastings, and came to the conclusion that impeachment was warranted. Notwithstanding this view, however, I also have concluded that this relief is warranted for Judge Hastings as a public servant of limited resources in his defense of an impeachment proceeding.

The general rule in American jurisprudence is that in both criminal and civil proceedings, the parties bear their own legal expenses. Exceptions have been created for indigent parties in the criminal process and for prevailing parties in a few areas of the civil law. At this time, Judge Hastings is neither indigent nor a prevailing party. However, the unique circumstances of his impeachment inquiry justify a further exception to this rule.

First, Judge Hastings has had to bear the expenses of multiple investigations and trials, first in the criminal courts, then in the judiciary, and now in the Congress. Although I believe that these various investigations were all appropriate and warranted, the fact remains that his limited resources have been depleted by this extended process. Second, because of the enormous importance to the nation of determining whether a Federal judge is fit to remain in office, considerable public resources have been committed to the investigation and prosecution of Judge Hastings. Neither he nor any other public official could expect to garner comparable sums in his defense. Third, whether or not Judge Hastings ultimately prevails by an acquittal in the Senate should not be the test of his entitlement to reasonable legal fees and expenses. It is his ability to hire counsel when an impeachment inquiry is first initiated, before he knows the outcome of the process, which is important.

At this point, the impeachment proceedings are not yet completed. The Senate has determined that it has the authority to defer the trial until the next Congress. Since, the full extent of the reasonable fees and expenses which will be incurred by Judge Hastings is not yet known. Accordingly, my proposed legislation leaves the amount to be awarded blank, to be determined when the impeachment process is finished.

THE PASSAGE OF THE NATIONAL POLICY ON TECHNOLOGY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mrs. MORELLA. Mr. Speaker, countless hours of research, many interviews and hearings, and most significantly, a great deal of thought, has gone into writing the "National Policy of Technology." I want to first thank both the chairman, BUDDY MACKAY, who overcame many other commitments of his time to lead us in this effort, his surrogate, GEORGE BROWN, who stepped in whenever necessary with his leadership, and the ranking minority member, RON PACKARD, who has freely contributed his experience and advice to this enormous effort. In addition, Ron Wil-

liams has headed up a superb staff, and it has been an honor, as well as a pleasure, for me to serve on the task force.

I want to express my full support for the document that was just approved by the Committee on Science, Space, and Technology. During its production, I had an opportunity to add to the formulation of two sections, with the help of several Marylanders who have the knowledge and expertise to keep me informed.

In the first draft, there was no effort to address the problem of future management practices that would help our industries and businesses to be more competitive in the 21st century. Fortunately, we have recently established at the University of Maryland a Center for the Study of Future Management, under the leadership of Dean Milton A. Grodsky. I am serving as a member of their board of visitors and enlisted their help in addressing this issue in the report. As a result, one of the six recommendations is the establishment of a National Institute of Manufacturing, Engineering, and Management.

Second, a company in my district, Fusion Systems Corp., brought to my attention an ongoing problem they were experiencing with patents on their products which were in conflict with the Japanese system. With their assistance, and on the basis of a Senate hearing on the topic, a section was added called "Protecting Patent Rights Abroad." Although no solution is suggested, the section should be the catalyst to initiate a study next year.

In addition, I want to recognize the contribution of Dr. Donald Johnson from the National Institute of Standards and Technology [NIST] in Gaithersburg, MD. Dr. Johnson served as an active member of the task force advisory committee, and I know that his technical expertise with technology transfer was of inestimable value.

Sometimes we forget to acknowledge a job well done. The National Policy on Technology is a timely report, and will be a significant contribution toward keeping America on the leading edge. Congratulations to all who contributed to its completion.

REFLECTIONS OF A FRESHMAN DEMOCRAT

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. MFUME. Mr. Speaker, 2 years ago, the citizens of Maryland's Seventh Congressional District went to the polls and delivered unto me, the privilege of representing them in the historic 100th Congress.

Today, as I stand in this great Chamber, and before this distinguished body, I am reminded of how we have grown in two short centuries, from a small band of impoverished colonies, to become the strongest, the wealthiest, and the most influential nation on the face of the Earth.

Yet even before the Nation was born, it comprised the moral principles and the moral claims articulated in the Declaration of Independence, the preamble to the Constitution,

and in all of the other pronouncements that it issued to justify its revolution against tyranny, by having subjected human beings, my ancestors, to a bondage of the flesh, as well as a bondage of the spirit. The enslavement of the African, the annexation of the Hispanic and the destruction of the Indian, challenges each succeeding generation to do even more, in making real the basic tenet of "government of the people, by the people and for the people." These are the words and principles which first moved me to public service some 9 years ago, and to fight unceasingly for the justice and democracy that I so dearly cherish.

Hence, while I take great pride in America the beautiful, I realize that the best America is still yet to come. And so, I urge my colleagues to join me today in not just pledging allegiance, but in also pledging a commitment; to work diligently to break down the evil barriers of race, prejudice, ignorance, and fear; to bridge the historic chasm between the haves and the have nots; to harness the wisdom of our elderly and to encourage the genius of our youth.

Ostensibly, every American shares the same hopes and aspirations for their families. They want access to a decent education, good jobs, affordable housing, day care for children, protection from criminals, a stable economic environment, a strong defense, affordable health care and protection from disease. These are issues that transcend color, ethnic origin, religion, creed, and gender.

Twenty-five years ago, Dr. Martin Luther King, Jr., led blacks and whites, Jews and gentiles, old and young, and the rich and poor, as soldiers in the "great march on Washington." The civil rights era of that day not only elevated the struggle of African Americans, but all minorities, seeking first-class citizenship, and the promise of life, liberty and the pursuit of happiness. It opened a door too long closed, and it allowed for many of us the opportunity to at long last walk through.

Two years ago it was my distinct honor to be the first American ever elected to the Congress with an African surname; along with the first black Congressman from the State of Mississippi since reconstruction, and the first American Indian to have ever been elected to this body. There have been other gains of noteworthy significance by racial and ethnic minorities in every facet of American life, and, they were made possible in part by the leaders of that era, who made their bodies bridges, that we might run across.

Yet despite a quarter of century of change, many signs now point to a growing social disparity among the races, as stark and as severe, as before the civil rights movement. And, in many instances, Mr. Speaker, the parallels are frightening.

Economic gaps between black and white families are widening rather than narrowing, and are significantly greater than they were in the 1970's. The income of the typical black family today equals 56 percent of the typical white family income, a lower percentage than in any years since the late 1960's.

The poverty rate has risen dramatically among those of my race without a college education. And, not only have black poverty

rates risen, but those households that are poor, have fallen even deeper into poverty.

Infant mortality rates in our Nation are far higher than those in many industrialized nations, and acts of racial hatred and anti-semitism are on the rise.

Consequently, we are called as a nation to do more, and to be more. Not just at home but also abroad. The nations of the free world still look to America as the arsenal of democracy; the defender and protector of the rights of man, and of human liberty.

We must therefore accept, that the wretched system of apartheid in South Africa, religious conflicts in the Middle East, war in Central America, Soviet repression of refuseniks, and famine in Africa and Asia, all have a direct relationship to America's precepts and canons of democracy. Accordingly they challenge us, as the leader of the free world, to be even stronger in our national resolve.

In closing Mr. Speaker, on this the last day of the 100th Congress, let me say to you and remind others, that I have not given upon the American idea or on the American possibility, and I urge others not to give up also. For I am convinced that this Nation stands before the world as perhaps the last expression of a possibility of man, devising a social order, where justice is the supreme ruler and law is but its instrument; where freedom is the dominant creed and order is but its principle; where equality is the common practice, and fraternity the common human condition.

Thus, Mr. Speaker, I thank God, for allowing me the opportunity to participate as a Member of this Congress in the process of governing our Nation, and I thank dearly the people of Baltimore and the State of Maryland for the privilege to serve.

ANDREA LLOYD, GOLD MEDAL WINNER

HON. STEVEN D. SYMMS

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Friday, October 21, 1988

● Mr. SYMMS. Mr. President, recently Andrea Lloyd from Moscow, ID, helped the U.S. Women's basketball team capture the hearts and imagination of the United States.

Andrea Lloyd is a fine role model for our young people. Her grace and ability under pressure was a pleasure to watch. She helped our United States team overpower and outrun the Soviet team, and contributed greatly in the impressive United States win over the Yugoslavians to win the Gold Medal.

Mr. President, all Idahoans are very proud of Andrea Lloyd. I wish Andrea all the best in her future endeavors.

[From the Idahoan/Daily News, Oct. 4, 1988]

MOSCOW IS PROUD OF ANDREA LLOYD
(By Kenton Bird)

The Palouse has been home to Olympic athletes before. They usually have been track or field stars from other countries who have passed through the Washington State University or University of Idaho.

In Andrea Lloyd, however, the region has a hometown celebrity, someone in whom Moscow and Pullman can take personal pride. As a high school basketball player, she fired jump shots and grabbed rebounds in a good share of the area's high school gyms. And after being a part of her team's gold medal-winning effort in the Olympics in South Korea, it was to Moscow that Lloyd came home this week.

Because there are few post-Olympic opportunities in this country for the best female U.S. players, Lloyd plans to play for the next seven months in Italy. Her Moscow fans may have to wait until the 1992 Olympics to see her compete again with athletes of comparable ability.

Lloyd's local admirers will have one last chance to see and congratulate her before she leaves for Italy. Mayor Gary Scott proclaimed today as Andrea Lloyd Day in Moscow. A ceremony will begin at 7 p.m. in East City Park. It will be a splendid opportunity for the Palouse to say hail and farewell.

MOSCOW'S "STAR CATCHER" HONORED (By Tony Semerad)

Andrea Lloyd, former Moscow High School basketball star and Olympic gold medalist, was presented with a key to the city by Mayor Gary Scott during a ceremony in her honor Tuesday night at Moscow's East City Park.

Dressed in a red, white and blue jump suit and wearing her medal, Lloyd received kudos from Scott, her former Moscow High coach Jennifer Barrett, and Moscow school superintendent Alethia Fasolino. A crowd of about 120 well-wishers attended the ceremony.

"In all her achievements, Andrea Lloyd has brought great credit to herself and reflected honor on her home town of Moscow, our school system and our people," Scott told the audience clustered cozily around the park stage. "I hereby proclaim Tuesday, Oct. 4 as Andrea Lloyd Day in Moscow."

Fasolino praised Lloyd as an shining example to Moscow students.

"She's been a model for them," the superintendent said. "I know that they, too, will remember her honor for many, many years. Andrea, we try to teach our students to reach for the stars. And you caught one. Congratulations. We're very, very proud of you."

Barrett poked fun at her former student, who played for the U.S. women's basketball squad in the 1988 Olympic Games in Seoul, South Korea. And Lloyd, a 1983 graduate, poked back.

"What? You're not going to make me do sprints or anything like that?" the 6-foot-2 Lloyd asked Barrett. "When I'm traveling, people ask me where I'm from and I say Moscow. They say, 'Where's that?' and I say, 'In northern Idaho.' And they ask if that's at the end of the earth. And I tell them, 'No, but you can see it from there.'"

Lloyd, who scored four points in the American 77-70 victory over Yugoslavia in the Olympic final to win the gold medal, clarified remarks she made earlier in the week about the alleged steroid use of Ben Johnson, the Canadian sprinter who has been barred for life from international sports.

"I meant what I said that people shouldn't be that hard on him," Lloyd said. "If he did use steroids, he did make a mistake. I don't think that's right that he used them. I'm just saying that you can't condemn him for the rest of his life, just be-

cause he did that. I don't think drugs are OK at anytime, for anything."

Lloyd fielded questions from the audience on her future plans and signed autographs for her young and old admirers.

"You can't rely on your physical skills," Lloyd said. "That's something that I've learned because I don't have anywhere to go right now after I've finished playing basketball. . . . So I would say, rely on your mind and get the most out of that. Be thankful for what you can do. . . ."

OPPOSITION TO FINAL WELFARE REFORM BILL

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. HAWKINS. Mr. Speaker, for the record, I would like to once again clarify why I voted "no" on the recently passed Family Support Act of 1988.

The most bothersome aspect about the so-called welfare reform finds the fault in the individual victims, not in the system itself. People want to work, at decent wages. They want to be educated and they want to be trained. Given these opportunities and the necessary supportive services, people need not be compelled to do what they are willing and anxious to do.

Welfare reform may be "an idea whose time has come," but in the most inhospitable time of budget constraints. The welfare reform compromise cuts funding to half the level of the House-passed bill: From \$7 billion to \$3.3 billion. The AFDC benefit increases, which would have helped to alleviate poverty, were deleted in the conference committee deliberation despite the fact that the average AFDC benefits have declined, in real terms, by 33 percent since 1970.

Funding for the "reform" is totally inadequate, thus ensuring less intensive education and training services, poor child care, and no actual job creation to provide decent jobs except through displacement of nonwelfare individuals already in the labor market.

Quality, accessible, and affordable child care can be a great incentive for parents to work. Studies have shown that lack of child care is a key barrier to employment for AFDC mothers: 90 percent have children under age 12 and more than half have children younger than age 6.

In low-income families, whether headed by one parent or two, child care is critical. At current costs, they cannot hope to become self-sufficient and still bear the bills associated with affordable child care. The national average yearly cost for quality child care is \$3,000. The welfare bill, unfortunately, sets limits on reimbursement for child care expenses which may be less than the national average. The new mandates in the welfare bill will mean that hundreds of thousands of children will be thrust into a child care system which is already overburdened. Consequently, children in welfare families may be relegated to inferior care of a custodial nature not intended to improve their own chances of success.

The original House bill provided for \$150 million per year of additional funds to enhance

child care resources. States would have been provided grants to establish and renovate child care centers and family day care homes, as well as to provide training for day care providers. Unfortunately, this important provision was a victim of the cost-cutting efforts in the final conference negotiations.

The major source of direct Federal assistance for child care is the title XX Social Services Block Grants. Yet, in real terms, title XX funding has been cut by 50 percent in 10 years—\$2.1 billion, down from \$4.2 billion. Instead of meeting this funding shortfall, "welfare reform" sought to patch up the welfare system in an uncoordinated, ad hoc fashion.

In addition to child care concerns, the welfare conference agreement failed to deal effectively with "workfare"—the requirement that individuals work off their benefits. Currently, workfare is optional and very few States have chosen to operate it statewide. The new mandate would make workfare much more attractive to States and individuals can be required to stay on workfare indefinitely. Studies have shown that workfare is not cost effective and provides no long term benefits. The General Accounting Office's January 1987 report on welfare and work indicates that relatively few participants in welfare work programs receive services designed to improve their employability: Only 2.3 percent received vocational skills training.

The welfare reform compromise also failed to require equal pay for equal work. This provision is unfair and demeaning to individuals who already have many strikes against them.

The transitional medical and child care provisions, under the conference agreement, will be terminated in 1998. These sunset provisions constitute a real gamble that these necessary services will be reauthorized in future years. The new JOBS participation requirement will continue beyond 1998. Therefore, people on welfare could be left with no care for their children and no medical assistance while participating in the mandatory JOBS program.

The Family Support Act of 1988 is no panacea for poor people. Economic conditions in the next several years will be the true determinant of how successful we are in our efforts to reform the current welfare system.

By failing to offer the opportunities contained in the original House bill, we will continue to risk breeding poverty and welfare faster than the new welfare system can handle. Welfare dependency will be perpetrated because we have left its sources untouched. The children in welfare families will be the ones who will suffer most.

Attached to this statement is a listing of the organizations which opposed the conference report, as well as a statement from Representative MATSUI—a member of the Public Assistance Subcommittee who has been intensively involved in welfare reform issues over the past 2 years. Mr. MATSUI's concerns succinctly echo many of the problems which I have outlined above.

ORGANIZATIONS OPPOSED TO WELFARE REFORM
CONFERENCE AGREEMENT

AFL-CIO.

AFSCME.

Americans for Democratic Action (ADA).

Bread for the World.
Child Welfare League.
Children's Defense Fund.
Church Women United.
Coalition for the Homeless.
Coalition on Human Needs.
Communications Workers of America.
Food Research and Action Center (FRAC).

Friends Committee on National Legislation.

Full Employment Action Council.
Interfaith Action Council.
League of Women Voters.
National Council of Churches.
National Council of La Raza.
National Puerto Rican Coalition.
National Organization of Women.
National Urban League.
United Church of Christ.
U.S. Catholic Conference.
Wider Opportunities for Women.

STATEMENT BY HON. ROBERT T. MATSUI ON H.R. 1720, THE FAMILY SUPPORT ACT OF 1988

Mr. Speaker, today the House of Representatives will vote to approve the House-Senate conference agreement and report on H.R. 1720, The Family Support Act of 1988. For the record, the following organizations are opposed to the conference agreement:

AFSCME.
AFL-CIO.
Bread for the World.
California Rural Legal Assistance.
Children's Defense Fund.
Church Women United.
Coalition of California Welfare Rights Organizations.

Coalition on Human Needs.
Food Research and Action Council.
Friends Committee on National Legislation.

Full Employment Action Council.
Interfaith Action for Economic Justice.
League of Women Voters of the United States.

National Coalition for the Homeless.
National Council of Churches.
National Council of Churches.
National Council of La Raza.
National Organization for Women.
National Urban League.

NETWORK: Catholic Social Justice Lobby.

United States Catholic Conference.
Western Center on Law and Poverty.
Wider Opportunities for Women.

This list of opposing organizations includes many well-respected advocates for low income families and children. Perhaps Democrats should be asking their friends the truly important question regarding this bill. That question is not about politics, it is a very simple inquiry: Will this bill help poor families?

My colleagues from the Ways and Means Committee have described many of the beneficial aspects of the conference agreement on H.R. 1720. I believe, as they do, that the transitional childcare and medical benefits, the child support enforcement provisions and other elements of the bill are measures which move the Aid to Families of Dependent Children (AFDC) program in a positive direction. However, if you look at the bill as an entire package of "reform", this legislation is a step backward for state welfare programs striving to help recipients gain financial independence. If the Democrats can call this bill "Welfare Reform", then they should also label the Tax Technical Corrections Act "Tax Reform".

The House-Senate welfare reform agreement fails to accomplish the critical original goal of the Subcommittee on Public Assistance and Unemployment Compensation when we first addressed welfare reform. It does not create a welfare program which ensures that low income families will have available to them the resources they need to develop economic independence. The agreement imposes extremely high participation rates on AFDC-UP families, thereby diverting scarce resources from education and training for young single parents who are most likely to become long-term AFDC recipients. It forces States to spread limited resources so thin that no individual receives the kind of intensive help necessary to break the cycle of poverty.

By FY 1997, states must have at least one parent in 75 percent of their AFDC-UP families participating each month in a workfare program. This unlimited time on "Make-work" does not give the AFDC-UP population skills or experience to help them move into the workforce. It simply forces this group, who tend to move quickly off the welfare roles on their own, to earn their benefits at degrading tasks or at substandard wage levels. Rather than instill a sense of pride in the welfare recipient, month after month on workfare undermines it.

In addition to the AFDC-UP unrealistic participation rates, by FY 1995, 20 percent of AFDC single parents must be participating each month in the JOBS program activities. Again, arbitrary quotas that fail to take into account individual State and county welfare loads will prevent the targeting of resources to those AFDC recipients who will remain long-term dependents without intensive education and training. Targeted intensive education and training programs are cost-effective. Sufficient investment in individuals will move long-term, costly welfare recipients off the roles. The 20% participation requirement prevents effective targeting of intensive education and training.

The agreement allows individuals assigned to "CWEP" or workfare to work off their benefits at minimum wage for nine months no matter what the nature of the work they are assigned to do. The prevailing wages for a particular job, say a secretarial position, could be \$10 an hour but a welfare recipient would only be valued at \$3.35. The rhetoric of the Democratic party of "a fair wage for a hard day's work" does not seem to extend to the poorest in our nation.

What benefit increases did we gain in exchange for these workfare requirements? The agreement fails to mandate full-year AFDC-UP coverage in all states by a date certain. States currently without UP programs will be required to offer an AFDC-UP program but only for 6 months out of a year. The poor two-parent unemployed family will find their cash assistance arbitrarily cut off after 6 months regardless of the circumstances, such as severe economic conditions in their home town, unless that family breaks up. Family stability is discouraged and long-term welfare dependence may well be the result. Even this minimal 6 month AFDC-UP mandate will sunset in FY 1999.

I sincerely hope that as the provisions of the Family Support Act are implemented, we continue to monitor the impact of these changes on state welfare programs and welfare families. I ask that my colleagues remain open-minded and flexible as we continue to examine welfare in this country. We must continue to reform the welfare system so that people are treated with re-

spect and given a real opportunity to become financially self-sufficient.

TRIBUTE TO HON. DELBERT L. LATTA OF OHIO

SPEECH OF

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 1988

Mr. MAZZOLI. Mr. Speaker, I want to join with our colleagues in saluting DEL LATTA, of Ohio's Fifth Congressional District, who is retiring after 30 years of distinguished service in the House of Representatives.

DEL's career in the House will always be noted for the leadership role he has played in legislative efforts—or more accurately, battles—to rein in Federal spending. As testament to his ability and respect among his Republican peers, DEL has served as the ranking member of the Budget Committee since its inception in 1975.

More times than not the struggle over budget priorities yields little glory for its participants, but through the years Congressman LATTA has been "tough in the trenches", earning deserved recognition with passage in 1981 of the historic Gramm-Latta budget package, and for his efforts on subsequent plans.

The House will surely miss DEL LATTA's 30 years of experience. And, the Ohio congressional delegation will lose its leader and dean. But, I know that everyone wishes DEL a most enjoyable retirement and every hope that the years ahead will bring good health and happiness to him and his family.

THE BUDGET PROCESS— EDUCATION'S NEMESIS?

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mrs. MORELLA. Mr. Speaker, I submit for the RECORD an article written by Mr. Roy Millenson and Mrs. Susan Frost, "The Budget Process—Education's Nemesis?", published in the September/October CEF newsletter, by the Committee for Education Funding, the Umbrella Group for National Education Interest Groups.

I believe that Mr. Millenson and Mrs. Frost have presented an accurate portrayal of our troubled budget process, which has indeed resulted in the erosion of funding for education and a number of other vital domestic priorities. Budget process reform must be a priority for the 101st Congress, and I urge my colleagues to keep this thoughtful analysis in mind as we consider reform measures next year.

Mr. Millenson, a retired Senate staffer, is a consultant in Washington. Mrs. Frost is executive director of the Committee for Education Funding.

THE BUDGET PROCESS—EDUCATION'S NEMESIS? (By Roy H. Millenson and Susan Frost)

It would appear that education funding is a prisoner held captive by the budget process. Public and political support for education funding is frustrated and becomes weakened and dissipated after the lengthy and tiring journey over the obstacle course of authorizations which are too often enacted at the 11th hour, delayed budget resolutions, 302(b) allocations, late appropriations, successive continuing resolutions, Gramm-Rudman-Hollings variations, omnibus bills, and impoundments. The process and the time consumed not only erode funding amounts but also erode effectiveness of the beneficiary programs as Federal, state and local administrators are frustrated in their efforts to plan properly and use funds most effectively.

The budget process is ailing. In only two of the years since budget reform became law in 1974 have all the appropriation bills been enacted by the beginning of the new fiscal year and only two other years were more than half the appropriation bills enacted in time. In this decade alone, continuing resolutions have been late in four years, with resultant shut-downs in government operations, extra costs and dislocated program plans. In four of the years since 1974 there were omnibus bills covering all Federal agencies, including the now-famous FY 1988 2,100-page measure which was enacted three months into the fiscal year. Also in four years we have seen five continuing resolutions; in fact in only one year, FY 1979, has there been only one continuing resolution. And, on top of all this we are burdened with a seemingly unmanageable deficit.

Let's look at just three of the specific areas where the education community has an interest:

1. Nothing is final:

The Congressional Budget Resolution is not binding. Thus, while a budget resolution amount does not assure favorable funding, the unfavorable figure in the resolution can be an excuse for inadequate funding.

To confuse things even more, there have been times when the House had one set of figures and the Senate another and they could not agree in conference before the appropriation bills were considered. To add to the uncertainty, it is not uncommon for budget resolution provisions to be waived.

Even after the budget resolution is adopted, 302(b) allocations have been made and the appropriations bill is passed, the game is not over. Gramm-Rudman-Hollings may be brought into play resulting in across-the-board reductions. Such reductions are given the fine-sounding name of "sequestrations".

Is the net sequestered amount secure? Not so fast. The Administration can still impound the funds either through deferral (postponing the expenditure for a period not later than the end of the fiscal year) or rescission (canceling the appropriation). While a rescission requires Congressional approval, there is no Congressional appeal from a deferral; since the Supreme Court's 1983 Chaddha decision the deferral must stand.

2. 302(b) allocations vs the budget resolution:

Sec. 302. (b) of the 1974 Congressional Budget Act provides that each subcommittee of the House and Senate Appropriations Committees will receive an allocation gov-

erning how much may be included in the bills they report. Sounds simple enough. But for two years in a row now, the Senate Appropriations Committee 302(b) allocation to its Labor-HHS-Education subcommittee has been significantly below the level assumed in the Congressional Budget Resolution which had been approved by both the House and Senate. How can this happen?

Although the budget resolution is designed to set spending priorities that are agreed to by a majority of House and Senate members, the Appropriations Committees can choose whether or not to follow the budget's guidelines for discretionary spending in making its allocations to its subcommittees. The allocation decision requires only a majority vote by the members of the full committee. Appropriations Committees are then required to mark up their bills within their allocations. Thus, a simple majority vote of the members of the full Appropriations Committee overrules a majority vote of both the House and Senate on the budget resolution. And in the Senate this committee decision can only be overturned by a 60% vote waiving a point of order for consideration of a subcommittee bill that exceeds its appropriation allocation.

In summary, the Senate Appropriations Committee 302(b) allocation decision is the most important determinant of the Senate's discretionary budget priorities and can only be overturned by a supermajority of the full Senate.

3. Plus equals minus:

When the Labor-HHS-Education Appropriations bill was before the Senate on July 27, as the Digest in the CONGRESSIONAL RECORD shows, three amendments were adopted increasing funding for education programs. What the Digest does not indicate is that these amendments resulted in funds being deducted from other education programs. While the election year air rings with talk of cutting defense or other spending and allocating the money to education, the fact is that when the Labor-HHS-Education bill came to the floor, the money in amendments to increase an education item necessarily came from another education item. That was the rule of the game, where education (like health and other social programs) is tied to a Procrustean bed.

Comptroller General Charles A. Bowsher put his finger on it when he observed that House and Senate procedures "have simply become burdened of late by excessive layering and duplication on budget-related matters." As also happens with human illnesses, the nostrums offered may achieve some of the desired ends but also cause unforeseen side effects. Example: Gramm-Rudman-Hollings.

A budget process that is supposed to bring government closer to the people has moved government further away from the citizenry because of its increasing complexity and uncertainty. This has resulted in a greater reliance on organizations which must maintain offices and representatives in Washington. We might well use this period when we mark the Constitution's bicentennial for reflecting on whether the funding process as now practiced truly reflects the intentions of our nation's founders.

LOUISVILLE FIREFIGHTERS RECEIVE MEDALS OF COMMENDABLE VALOR

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. MAZZOLI. Mr. Speaker, we are always talking about heroes. Let me take this moment to introduce real live heroes who live and work in my congressional district of Louisville, KY.

Clifford Meredith has served his community as a firefighter with the city of Louisville Fire Department for 13 years. He recently was awarded the Medal of Commendable Valor for heroism. He received this award for forcing his way into a house thick with smoke and flames to search for its two occupants.

Risking his own life to save others, however, is nothing new for firefighter Meredith. He has done so on other occasions. Just the other day before he was to receive the medal of commendable valor, he helped rescue a woman who had jumped from the Clark Bridge into the Ohio River.

The other heroes are Sgt. John E. Jutz, a 19-year veteran of firefighting, and firefighter Richard L. Haines, who has been with the fire department for 3 years. These two valiant men also received medals of commendable valor for their rescue of an unconscious 86-year-old man from his burning apartment.

We, in Louisville, are proud to have men and women of this caliber in the service of our community as firefighters. They are, indeed, heroes to us all.

SENATOR STENNIS: ONE OF THE GREAT LEADERS OF OUR TIME

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. MONTGOMERY. Mr. Speaker, in the last minute rush to pass legislation in this 100th Congress, I want to take this time to pay a final tribute to one of the most distinguished men ever to have served our great country. His name is JOHN C. STENNIS of Mississippi and he is retiring at the end of this session.

Back in November 1987, when Senator STENNIS announced his plans to retire, I said he was one of the greatest statesmen this country has ever produced. That was not political rhetoric. I sincerely believe that JOHN C. STENNIS will be remembered as one of the finest leaders in the 200-plus years of our Republic.

He came to Washington in 1947 and has served with eight Presidents. His counsel and advice were sought by all eight Commanders in Chief, Democrat and Republican. Senator STENNIS was chairman of the Appropriations Committee and in the past was chairman of the Armed Services Committee. He was third in line of succession to the Presidency.

I represent De Kalb, MS, which is Senator STENNIS' hometown. I have been his Congressman for the past 22 years. I have counted on his advice over those years and I plan to continue to do so as he returns to Mississippi in retirement.

He liked to say that all he wanted to do was "plow a straight row" for his beloved Mississippi constituents. I think we all would agree that he did that quite well over the past 41 years.

Senator STENNIS has been the voice of reason and common sense in Washington through some very tough times in our Nation's history. He has also been through some tough times of his own. But he has persevered and come back as strong as ever.

He has been one of the very best and I am proud to have had the chance to work with him.

MERITS OF THE TAXPAYERS' BILL OF RIGHTS

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. PICKLE. Mr. Speaker, I am pleased to rise today to report that the bill before you includes important and long-awaited protections for all taxpayers. I believe these new protections will significantly improve the Federal tax system, and, that they are truly worthy of being called the taxpayers' bill of rights.

I strongly support these provisions because it is vital that all taxpayers receive fair treatment from the Internal Revenue Service. In recent years, as the Federal budget deficit has grown, the IRS has been under increasing pressure from the Congress and the administration to step up its tax collection efforts. This pressure is understandable. Simple fairness dictates that all taxpayers must pay their taxes and accept their share of the tax burden.

Our Federal tax system is based on taxpayers' willingness to voluntarily comply with our tax laws. Therefore, for this system to work, taxpayers and the IRS must be willing to work together in order to resolve those disputes which inevitably arise. I am satisfied that the taxpayers safeguards included in this bill will protect the legitimate interests of taxpayers who are honestly attempting to meet their tax obligations, while, at the same time, allowing the IRS to continue its efforts to vigorously enforce our tax laws. This bill is not anti-IRS, it is protaxpayer, and for that reason I think it is a good bill.

Finally, I am particularly pleased that many of the taxpayer protections which my House colleagues and I introduced in our own bill last year have been included in this legislation. I believe that this taxpayer bill of rights should receive the wholehearted and bipartisan support of the Congress and the country. I urge my colleagues on both sides of the aisle to support this bill.

THE SEVEN BLUNDERS OF THE THRIFT REGULATORY WORLD

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. LEACH of Iowa. Mr. Speaker, the time has come for Congress to cease mincing words about savings and loan problems. The dilemma we are confronted with is of our own making. Too loose laws have led to too loose regulation which in turn has led to too loose banking practices. The overleveraging of other people's money by high-flying thrifts has put taxpayers on the line for billions of dollars of liabilities developed outside the normal budgetary process. Multibillion-dollar obligations have been made by politicians refusing to stand up to special interest concerns and made larger by regulators preferring to buy time rather than spread ill winds through an industry strewn with ill will.

The statistics speak for themselves. A \$1.3 trillion industry has a negligible capital base, negligible insurance fund, and negligible disincentive to take risks with taxpayer dollars. If the first quarter of 1988 is a guide, the industry is losing money at a \$15 billion annual clip. The weak are getting weaker, with Congress facing the prospect of the largest private sector bail out in the history of the Republic.

Commentators like to suggest that regional problems—that is, a weak economy in the oil patch and on the farm—precipitated the savings and loan problem. Actually, there are more human culprits than abstract rationales. The root cause of the thrift problem is greed, the regulator—sanctioned capacity of high flyers to attract and overleverage other people's money because of receipt of Federal or State charters to take deposits backed by Federal insurance.

The quid pro quo—prudential investment and lending practices—has been ignored by a significant element of the industry because regulators followed the pandering exhortations of legislators at both the State and Federal level who have given too much power to too few to exercise too wantonly.

A classic example of egregious thrift power is the regulatory rule that allows savings and loans, but not banks, to put 300 percent of their capital in direct investments. Alleged representatives of the little guy have encouraged thrift investors to use Government insured deposits to speculate in real estate or the stock market rather than home loans.

If executive branch scandals—some have gone so far as to suggest the presence of a sleaze factor—may partially be ascribed to Republicans, thrift conflicts of interest can just as fairly be considered disproportionately Democratic. Such is the case because over the years in a battle for powers between savings and loan interests and commercial banks, thrift executives chose up sides with the Democrats, presumably on the assumption that bankers historically identified with the Republican Party. Just as large banks have come over time to be regulated less firmly than small ones, thrifts used their legislative power base within the dominant political party at both the State and Federal level to see to it

that they would not become as forcefully regulated as commercial banks. Compounding the problem of weak regulation and a weak capital base in the thrift industry is the epidemic of greed that seems to exist within a number of overextended institutions in growth States. Thrift managers who are in a negative net worth situation understand that they have nothing to lose as they pay premiums to attract deposits insured by others. Hence, there is every incentive—through dividends, salaries, and perks—to live high on the hog today and make risk investments in the hope of striking gold tomorrow. Without stern regulatory oversight, imprudent circumstances are likely to breed more imprudent decisions.

The quandary regulators confront is the problem of how to rein in overextended institutions when their primary resource is an overextended insurance fund. Ingeniously, the short-term answer appears to be a Government-backed Ponzi scheme: the issuance of Federal guarantees and long-term capital notes on a fund backed, in theory, by the Treasury. The undeniable effect of such guarantees and note issuances is taxpayer accountability for the printing press of a runaway Federal regulatory agency. But incredulously few in this conservative administration are crying foul; and few in this liberal Congress are prepared to act. No one desires to bite the bullet just now. Apparently the administration and Congress simply want to get out of town on election eve before the horses are out of the barn and a stampede commences.

The only way it can do this is to give license to the licentious. Even though well capitalized and well managed thrift institutions have had record profits in recent years. The "Dr. Jekyll" third of the industry is so poorly managed that losses not only exceed the deposit insurance fund for thrifts but for banks as well. These losses are almost certainly likely to multiply unless regulators learn just to say "no." Otherwise, a \$50 billion headache today could become a \$100 billion migraine tomorrow.

The best antidote to public bailouts of individual institutions is the simple requirement that they be adequately capitalized and responsibly regulated.

Unless enormous real capital infusions are made by private sector investors, the only prudent regulatory guidance to the industry should be to shrink. As a representative of individual taxpayers and of an institution with primary responsibility for Federal spending decisions, my strongest admonition to regulators is to shut down the presses. Under today's circumstances where an industry is under water as extensively as this one, schemes that provide paper certificates to induce barely solvent thrifts to take over insolvent institutions stretch the constitutional and legal prerogatives of regulators.

What is needed is a new macro-economic approach to pruning back, rather than the current micro-management largess implied in certificated gift-giving. Failure of institutions to comply with growth restraints should lead to immediate removal of key officers and directors.

If thrift industry extravagances continue to be countenanced, the country and the financial community have to be prepared for the

greatest jolt in public confidence since the depression. A run up of interest rates sparked either by Congress' inability to constrain the deficit or inflationary policies at the Federal Reserve Board could all too easily spark a run down in thrift industry spreads and assets. A cascade of thrift failures could have an avalanche effect on the economy leading to recession or, quite possibly, depression.

Of all the policy scandals of this Congress, failure to come to grips with the pressure group syndrome that precipitated the thrift problem ranks second only to failure to discipline the Federal deficit. Despite the implications of interference with a free market, there is no substitute for prudent laws and regulations of financial institutions when the economy as a whole can be so dramatically affected by the decisions of a few.

In this context it is appropriate that the seven blunders of the thrift regulatory world be examined and, hopefully, corrected.

1. ALLOWING DIRECT INVESTMENTS FOR THRIFTS

Presently, the Federal Home Loan Bank Board allows thrifts to take equity positions in real estate deals, play the commodity markets, invest in junk bonds and make other kinds of direct investments. Meanwhile, Federal regulators for banks prohibit their institutions from making any direct investment, with incidental exceptions. This discrepancy between the powers of the two principal financial industries is ironic in that the weaker is given a speculative green light while the stronger is more responsibly curbed. This discrepancy in regulation is no doubt one of the major reasons why the thrift industry is in such comparably desperate shape.

Studies done by the Banking Board itself conclude that most of the nontraditional investment powers, including the authority to make direct investments, have proven to be neither superior in return to traditional mortgage lending, nor do they appear to offer significant diversification benefits. One Bank Board study completed in the fall of 1986 found that a grossly disproportionate percentage of thrifts with high levels of direct investment have become FSLIC problems cases, and those institutions making disproportionate direct investments have created disproportionate liabilities for the FSLIC. Still other studies have shown that it costs FSLIC more, whenever it must liquidate direct investments compared to traditional investments. The insurance corporation, for instance, pays 60 to 85 cents on the dollar on liquidated direct investments, in contrast with about 20 cents on the dollar for more traditional investments.

Aside from the cost of FSLIC of allowing direct investments, there are other fundamental philosophic concerns:

First. Should deposit insurance be authorized to advance speculative investments?

Second. Should thrift owners be given a competitive investment advantage over real estate developers and other entrepreneurs?

Third. Should thrifts be given a competitive "powers" advantage over commercial banks?

The common sense answers to these questions would appear to be: "no," "no," "no."

2. ALLOWING THE GROWTH OF INSOLVENT THRIFTS

Insolvent thrifts are bleeding the industry dry with their predatory pricing for deposits and their investments in risky ventures. Given

their broke status, they have every incentive to take risks with insured funds on the assumption that it's—heads they win if a risky investment pays off, and tails the taxpayer loses, if it doesn't.

In California, for instance, the thrift deposit base now exceeds that of the banking industry even though the capital base of many California savings and loans is negligible. Loose regulations stimulated excessive competitive leverage. If an individual or group, for instance, can put together \$10 million today, it is possible to obtain a bank charter in California with regulators allowing \$150 million in deposits. With the same \$10 million, a savings and loan can be chartered and allowed \$2 billion in deposits—with the taxpayer potentially on the line if imprudent loans or spending practices develop.

Accordingly, for a number of years I have been pressing to require the Federal Home Loan Bank Board prescribe regulations to constrain the growth and reduce the size of undercapitalized thrifts.

While Congress to its embarrassment has opted for a legislative status quo, the Bank Board, finally got the message and agreed last month to promulgate growth guidelines on the assets of troubled thrifts. While the Board's plan is not as comprehensive as is warranted, it represents the first significant departure from the growth-in-excess-of-inflation mandate Chairman Wall has hitherto been pushing for the industry. An industry which is losing \$1 million an hour simply cannot be expected to grow its way to prosperity.

3. REGULATORY SPINELESSNESS—THE LINCOLN AND FCA CASES

Not only has the Bank Board been tardy, if not lax, in issuing appropriate regulatory guidelines, it has also capitulated to political pressures in removing thrift problem cases from the jurisdiction of regulators who attempt to crack down on speculative practices. In the case of Lincoln, the Board in an unprecedented step removed an institution from the regulatory jurisdiction of the San Francisco District, because that district objected to Lincoln's untraditional lending schemes. Just as Members of Congress should not be able to use the Federal Home Loan Bank Board as a Santa Claus for friends, thrift owners should not be allowed to use their institutions as private piggy banks.

In the case of FCA, the Board reportedly intends to grant a Federal charter, not out of a desire to apply standards stricter than California's historically loose ones, but because California's State regulator objected to granting extraordinary powers to FCA, including investment banking tie-ins which amount to illegal affiliate transactions under both Federal and State law. Not only is the banking industry now allowed such tie-ins, but the various committees of Congress in their futile efforts to craft expanded powers for the banking industry this year went to explicit lengths to preclude the very kinds of conflicts the Bank Board is endorsing in the FCA deal.

The Bank Board, under previous leadership, erred grievously in allowing developers like Keating at Lincoln to use thrifts to advance their own leveraged development projects. Today, Lincoln is growing at a billion-dollar-a-year clip and FSLIC is left to hold the bag on

projects like the \$300 million Phoenixian Hotel if the investment doesn't pan out.

Under Danny Wall, a number of new dubious dimensions have been added to Bank Board precedent making. Takeover artists are being lured into the thrift industry, and in the case of the Bass family interest, given a nine-figure advantage over traditional competition in the leveraged buyout game.

In addition to the taxpayer being put on the line for billions of dollars of questionable Federal agency notes and guarantees, FSLIC already has precipitated a Federal bailout by arranging for acquirers to apply S&L tax losses against other corporate profits and then transferring part of such tax savings to FSLIC. If, for instance, the Bass proposal stands, Treasury will be deprived of significant revenue, with 25 percent being kept by the Bass family and 75 percent being given to FSLIC. A deprivation of Treasury resources, with a partial transfer to FSLIC, amounts to the same thing as a direct Treasury appropriation to the insurance fund and has the effect of slanting the bidding process to non-financial-community corporate interests.

4. SINGLE SOURCE BIDDING

The FCA bidding process is anathema to good government. The Bank Board has given carte blanche to one bidder to negotiate a multibillion-dollar deal. Because other bidders have been shut out, Bass family interests have been given the opportunity to have cast an investment minnow and land a blue whale of a deal.

In separating out a "good" bank from a "bad" one, Bass interests have all the upside profit potential contained in the obtaining for free of quality assets while managing for a fee—that is, guaranteed profit—weaker ones. Such an arrangement leaves the Bank Board liable for all the weak assets and puts Bass in an insider position at a later time to purchase discounted assets at favorable prices. The arrangement also provides for the establishment of a merchant bank, which is neither a subsidiary of the "good" or "bad" bank. This merchant bank is authorized a \$1.5 billion line of credit at a highly preferential rate—equivalent to a home mortgage rate for what could in essence be a low quality junk bond. Exempted from normal supervisory controls except in certain cosmetic contingencies, this merchant bank breaches a half-century of regulatory precedents.

Extraordinarily, a previous bidder was eliminated despite having committed more capital and having demanded no merchant bank risk. Whatever the merits of the contrasting bid that once was on the table and the allegations of FSLIC numbers "gaming" in favor of Bass, two facts stand out: the granting of negotiating exclusivity to Bass family interests prevented competition that could have reduced FSLIC costs; the "good" bank—"bad" bank arrangement leaves FSLIC totally vulnerable to bearing the costs of resolution of weak assets and leaves federal insurers with a much more difficult job of selling off these assets in the future because no quid pro quo advantages will accrue to a purchaser and outsiders will not find as attractive the assets of the "bad" bank that the Bass interests will run as insiders.

5. PUTTING OF PROBLEMS THAT SHOULD BE RESOLVED TODAY

With unexamined confidence the Bank Board asserts that deal making is cheaper than institution closing. A close look at the Southwest Plan leads one to doubt this premise.

Under the Southwest plan incentives are actually built in for acquirors of failed thrifts to manage assets poorly. Because there is full loss coverage on bad assets for 10 years, acquirors have no incentive to incur asset management and work-out expenses. In addition, the yield maintenance assistance is generous, if not rich. It typically begins at Texas cost of funds plus 275 basis points, declining over 10 years to 175 basis points. Given that well run thrifts holds their overhead expenses to approximately 100 basis points, a nice profit is guaranteed, particularly on nonearning assets for which the yield subsidy is paid on the original book value.

These deals are not real resolutions of the problems. They are risk-free for the acquirors, but risk-incurring for the FSLIC.

Acquirors candidly acknowledge that they do these deals because:

First, they make a risk-free profit by simply holding assets; even the risk of FSLIC defaulting on its obligation to them can be transferred to the Dallas FHLB by using the bad assets as collateral for loans;

Second, they have a very cheap "call" option on Texas real estate; and

Third, they can typically earn back their entire—minimal—capital contribution within the first few years of the 10-year contract.

It is increasingly clear that FSLIC has seriously underestimated the size of the problem in Texas and overestimated the amount of funds it will have to work with over the next 10 years. The chances of a near-term default by FSLIC on its obligations cannot be dismissed.

The future supervisory risk is also significant. The FSLIC forbearances from normal rules for acquirors—that is, reduced capital requirements and special accounting and regulatory privileges—effectively bind the hands of future Bank Boards. Since minimal real capital is asked to be invested, incentives are built in for acquirors to take undue risks, pay high salaries, and advance extravagant perks.

The problems in Texas spin off to the entire Federal Home Loan Bank system because each of the 12 Federal Home Loan Banks has "joint and several" liability on their consolidated obligations. The liabilities caused by the provision of loans against artificially inflated collateral may expose the country to the excesses of one over-banked, under-regulated State where the oil-based economy shows few signs of emerging from the doldrums. It also causes the FSLIC-assisted part of the industry to grow exactly where shrinkage would appear most in order. Liquidation may imply greater short-term infusions of real capital, but far smaller long-term liabilities for the taxpayer.

6. ACCOUNTING GIMMICKRY

In virtually all recent FSLIC-assisted deals, FSLIC has agreed—because of its capital loss and yield maintenance coverage on bad assets—to allow the acquiror to restore bad assets to their original book value. These

write-ups capriciously increase the reported capital of the whole industry. For example, a Federal Home Loan Bank Board press release stated that the industry's regulatory capital rose sharply by \$5.8 billion in August. In fact, the capital of the industry continued to fall. The \$8 billion in assistance given by FSLIC in August—almost none of which was in cash—implies a \$2.2 billion loss rather than gain of capital.

Stated simply, as FSLIC promises to provide cash it doesn't have, it writes up the reported capital of the thrift industry by the same amount. Americans are increasingly seeking more corporal punishment for a variety of crimes and mischief. While stocks and pillories are outdated, a public spanking of Bank Board economists would appear in order.

7. A ROSE MAY BE A ROSE, BUT FSLIC IS NOT CONGRESS

As of this date, FSLIC has issued nearly \$13 billion in promissory notes to shore up the balance sheets of failed institutions and almost \$8 billion in assistance guarantees, which are open-ended commitments to protect acquirors of failed thrifts from certain losses entailed in their operation. Whether the full faith and credit of the Congress stands behind these commitments is statutorily unclear. What is clear is that Bank Board accountability for note and guarantee issuances cannot responsibly exceed noncongressionally derived resources available to it. To the extent they do, the Bank Board presumes to take on constitutional authority reserved for Congress. The American people can accept the principle of protecting depositors, but not institutions. If there is no confidence Government is working to restrain excesses, the chances that representatives of the public will be forthcoming to the FSLIC plight lessen significantly.

Under the circumstances the case for folding or merging Federal Home Loan Bank regulation with that applicable to the banking industry is compelling. It may be unfair to allow FSLIC to tap the larger FDIC resource base, but the sterner standards applied to banking should be transferred to thrifts, with regulatory responsibility shifted to the FDIC, Comptroller or a new financial community regulatory body. The put-off-problems-till-tomorrow panacea has failed. The problem of over-leveraged capital in the thrift industry can no longer be dealt with by stringing out the due date. Tomorrow has arrived; the wolf is at the door. The time to face up to reality is here, not by choice, but by necessity.

TRIBUTE TO ZACHARY FISHER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. ACKERMAN. Mr. Speaker, today I rise to extend heartfelt appreciation and gratitude to a wonderful person and great American, Zachary Fisher. He has devoted tremendous energy and countless hours to various philanthropies, and has been a tireless champion of veterans and members of the Armed Forces.

An example of Zachary's commitment to America's service people is Fleet Week '88, held in April in the greater New York City area. The event brought thousands of service people from the Coast Guard, Marine Corps and merchant marine together so that they could be honored by the surrounding community for their contributions to the defense of our country.

Mr. Speaker, Zachary Fisher was motivated to organize Fleet Week '88 because he wanted to show our service people how much their bravery and selflessness are appreciated by the American public.

Fleet Week '88 began with a glorious parade of 30 vessels led by the battleship *Iowa*. Many private boats joined in the festivities which made the flotilla even more impressive.

Over the course of the special week many events were held to encourage service people and civilians to socialize with each other.

Organizations and groups from around New York City rallied around Zachary Fisher to help make Fleet Week '88 a memorable one. Events were held at Yankee Stadium and the USS *Intrepid*. The week ended with celebratory ball, "Anchors Aweigh," at the Waldorf Astoria.

I commend Zachary Fisher for his unwavering commitment to our servicepeople. He is a true patriot.

Mr. Speaker, I ask my colleagues to join me in thanking Zachary Fisher for his selfless work to improve the appreciation the American people have for their brave service people.

COMPACT OF FREE ASSOCIATION IMPLEMENTATION ACT

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. DE LUGO. Mr. Speaker, in addition to the statement I inserted into the RECORD explaining the status of House Joint Resolution 597, which would have authorized a compact of free association with Palau to be put into effect subject to certain conditions, I want to make these remarks a part of the RECORD.

In that statement—which was included in the RECORD of October 21 on page E3702—I noted that a compromise had finally been reached that should settle this matter; explained that this final compromise had been reached too late to pass the 100th Congress; and expressed the hope that the administration would follow through on the commitments which made this final compromise possible. I also said that I would include in the RECORD a detailed explanation related to this final compromise.

Essentially, it involves the executive branch taking actions to implement all of the requirements of the House-passed version of House Joint Resolution 597 and the deletion of those requirements from the legislation. This would enable those of us who sponsored the provisions in the House-passed resolution to agree to support legislation which would not include

them, such as has been favored by some Members of the other body.

I would like to include in the RECORD at this point some of the information related to this matter that I said I would submit. Specifically, the information includes a section-by-section analysis of the House resolution—which, under the compromise, the administration would implement without being required to do so.

SECTION-BY-SECTION ANALYSIS

Section 1 would designate the resolution's short title as the Palau Compact of Free Association Implementation Act.

Section 2 would authorize the Compact to be put into effect (1) if it is approved by a 75 percent vote in Palau—or a lesser percentage of Palau's constitution is amended to lower the requirement—and (2) 30 days after the President has notified the Committees on Interior and Insular Affairs and Foreign Affairs of the House and the Committee on Energy and Natural Resources of the Senate of his intent to implement the Compact.

Section 3(a) would require the Secretary of the Interior to assist Palau in developing regulations for spending Compact assistance.

Section 3(b) would authorize the President to negotiate an agreement with Palau in consultation with the Congress providing that Palau will develop plans to implement U.S. audit recommendations, or in the alternative, that Palau inform the U.S. of its objections to implementing the recommendations. Notification would have to be made within 120 days of when the recommendations are made. This provision would also require the Secretary of the Interior to provide Palau with assistance to implement U.S. audit recommendations.

The consultation with the Congress which would be required by this section and the other provisions of the resolution requiring such agreements is intended to respect the prerogatives of the President. It is also intended, though, to ensure that a serious effort is made by the Executive to try to avoid entry into agreements which contradict the will of the Congress.

The term "consultation" would not require constant contacts between agreement negotiators and Members. It would, however, require good faith efforts to clear major issues prior to agreement on them.

Contacts should be made with the staffs of the three committees of the Congress with jurisdiction over this legislation regarding the substance of the agreements. These contacts should be made before, during (to the extent feasible), and after negotiations. Committee observation of important negotiations should be possible.

Section 4(a) would authorize the President to negotiate an agreement with Palau in consultation with the Congress providing that the U.S. will provide Palau with assistance for enforcement of its narcotics and other laws and prevention and treatment of narcotics and other substance abuse.

Section 4(b) would require this agreement to specifically describe the technical assistance, training, and equipment to be provided for law enforcement.

Section 4(c) would require the agreement to provide Palau with specific financial assistance for narcotics and other law enforcement and for prevention and treatment of narcotics and other substance abuse. At least \$400,000 would be required to be provided Palau each year in years two through six of free association for this purpose.

These funds would be able to be spent according to a plan developed by Palau and approved by the Secretary of Interior, in consultation with the Attorney General and the Secretaries of Health and Human Services, State, and Education. The requirement for federal approval would be included to ensure that funds are planned to be spent effectively. It would not enable agencies to prevent spending of this assistance for reasons not consistent with the intent of this legislation.

Section 4(d) would authorize grants to Palau of \$400,000 per year for the first 15 years of the Compact for the purposes of the agreement required by this section.

Section 4(e) would require the agreement to provide that Palau authorizes U.S. law enforcement officers to investigate in Palau in cooperation with Palauan law enforcement agencies. This authority would only apply to those federal laws which apply in Palau under the Compact or the U.S. laws approving it.

Section 5(a) would authorize the President to negotiate an agreement with Palau in consultation with the Congress providing that the U.S. will assist Palau in implementing its public auditor and special prosecutor laws and that Palau will implement those laws at least as long as the U.S. provides this assistance.

Section 5(b) would require that the agreement provide that Palau agrees to spend not less than \$100,000 annually each for the auditor and prosecutor offices in addition to the assistance this section would require the U.S. to provide for the offices.

Section 5(c) would require the agreement to provide that the U.S. will provide technical assistance to the public auditor and special prosecutor on a nonreimbursable basis.

To ensure that requests for such assistance cannot be blocked for political reasons, this assistance would be able to be requested by the auditor or prosecutor as well as by the government of Palau itself.

At a minimum, the technical assistance that the U.S. must provide will include an auditor or accountant for the office of public auditor and an attorney or investigator for the office of special prosecutor.

The intent is to ensure that federal agencies do whatever is needed to cooperate with Palauan auditor and prosecutor investigations. This may include providing additional personnel, equipment, or other resources. It may include collaborative or complementary investigations.

Section 5(d) would require that the agreement commit the U.S. to providing Palau with at least \$300,000 annually for the public auditor and special prosecutor offices for at least the first five years of free association. \$100,000 of those amounts would be required to be spent annually on each office. The additional \$100,000 per year would be required to be divided between the two offices by Palau.

When combined with the at least \$100,000 annually that this section would require that Palau commit to providing, this provision would ensure that each office has a budget that Palauan officials agree is needed for effective operation.

Section 5(f) would require the President of take action in the event that Palau does not maintain public auditor and special prosecutor offices as it would commit to under this section.

The President would initially have to take the Conference and Dispute Resolution steps outlined in the Compact. These involve: the two governments conferring; re-

ferral to arbitration if the dispute is not resolved within 90 days; the naming of three arbitrators within a total of 45 days; and an arbitration decision within 30 days, unless a longer period is mutually agreed to.

The President would have to take further actions if Palau did not implement its public auditor and special prosecutor laws after an arbitration panel determined that it was not doing so. For 180 days, he would have the latitude to determine what actions should be taken to obtain compliance by Palau.

If the still has been unsuccessful in obtaining compliance after this period, the President would be required to either withhold funds or suspend the guarantee of assistance this legislation and the Compact would provide Palau.

Suspending the guarantee would not necessarily prevent funding from being provided. But it would prevent Palau from having the recourse to the U.S. Court of Claims to compel the U.S. to provide guaranteed funds that the Compact would provide.

Section 6 would amend Section 104(e) of Public Law 99-658, the Act which approved the Compact subject to the condition that another law be enacted to approve the Compact's effectiveness.

The existing law unsuccessfully sought to apply the immunity from suits in U.S. courts that Palau would have under the Compact to litigation against Palau for payment for power facilities constructed by a now-defunct British firm, International Power Systems Company (IPSECO).

This provision would repeal the apparently unconstitutional retroactive application of immunity. It would also, however, prevent the use of Compact or other U.S. assistance to satisfy the \$46 million debt to the banks which guaranteed the purchase loan with two exceptions.

One exception is that Palau would be authorized to use Compact funds for capital improvements and energy needs (other than the one-quarter of the energy funds that are reserved for areas not served by the IPSECO plant) to pay the debt.

Compact Section 212(b) provides that Palau will receive \$36 million, adjusted for inflation, for capital improvements at the beginning of free association. This amount is now estimated to be about \$46 million.

Compact Section 211(b) provides that Palau will receive \$2 million per year, adjusted for inflation, in years two through fifteen of free association for energy needs. This amount, is estimated to be about \$27 million, not including the one-quarter of the funds reserved for the energy needs of areas not served by the IPSECO plant.

The other exception would apply if Palau and the banks finalize a preliminary settlement of the \$46 million debt for \$32 million. In this event, all of the energy funds that Palau is to receive under the Compact would be provided Palau at the beginning of fiscal year 1990. Palau could then use \$28 million of these "accelerated" energy funds and \$4 million of the capital improvements funds to satisfy the debt.

The acceleration would provide Palau with an estimated \$37 million for energy needs in fiscal year 1990. The approximately \$9 million difference between this amount and the \$28 million which would be used for the IPSECO plant debt would have to be used to meet Palau's other energy needs.

Section 7 would authorize the President to negotiate an agreement with Palau in consultation with the Congress under which Palau would agree to submit information

that was omitted from its development plan to the U.S.

An Administration task force identified three deficiencies in the plan. One was that it did not cover the first five years of the Compact. The second was that it did not list the public sector projects to be financed with U.S. assistance in priority order. The third was that it did not specifically describe the private sector projects to be financed with U.S. assistance.

To this list, we would add a fourth deficiency: it does not outline how existing capital improvement debt—nearing \$100 million between Palau's central and state governments—would be paid.

Section 8(a) would require the U.S. to provide Palau with the amount of up to \$5 million for medical facilities that is matched by Palau. These funds would have to be provided in fiscal year 1990. This provision would also require approval of Palau's plans for a new hospital by the Secretary of the Interior in consultation with the Secretary of Health and Human Services.

Section 8(b) would require the U.S. to settle the still outstanding medical referral debts of the Federated States of Micronesia, the Marshall Islands, and Palau to both public and private institutions. These debts would have to be settled through the respective effective dates of the Compacts. This provision would enable the U.S. to settle these debts by the payment of funds to the governments or to the creditors, or through inter-agency transactions in the case of debts owed to federal hospitals.

The essential requirement of this provision is that the approximately \$7.6 million in outstanding debts—or whatever is still owed if it is actually another amount—must finally be paid.

Section 9 would require the President to certify that the audits of Compacts assistance conducted by Executive Branch agencies meet the requirements of the law. The intent of this requirement is to ensure that a federal official is fully responsible for determining whether Compact assistance has been spent properly.

Section 10(a) would recognize that the government of Palau will be bound by its constitution to provide fair payment for private land that the U.S. might require Palau to provide for military purposes under the Compact.

Section 10(b) would require the President to enter into agreements with Palau regarding financial assistance to that government in Palau determines that it does not have the funds it needs to acquire land for U.S. military use under the Compact.

Section 10(c) would require the financial assistance that the U.S. would provide Palau under subsection (b) to be based on independently verified appraisals of land value, other actual costs, or other indications of fair value.

Section 10(d) would authorize the President to extend the 60 day period that Palau has to make land available to the U.S. under the Compact. When read in conjunction with other provisions of this section, this is intended to provide Palau with whatever time whatsoever it needs to obtain land for U.S. military use.

The provisions of this section should provide assurance to the people of Palau that in authorizing the Compact to be implemented, the U.S. intends that their land will not be taken or used unless they receive fair compensation for it.

Section 11 would require the U.S. to provide Palau with \$800,000 to renovate or replace its jail.

Section 12 would require the Interior Department to assign at least one professional in Palau and another professional to serve both in the Federated States and the Marshalls.

The intent is that these officers—hopefully augmented by other staff if needed—would be individuals that would have the capability to provide the assistance intended by the Compact Act. This means that they should be able to provide technical assistance and recruit other agency program personnel who can be rotated in and out of the freely associated states, according to need.

Overseers of local governments and mid-level men are not needed in the freely associated states. But persons knowledgeable about federal programs, economic development, financial management and professionals who possess others skills useful to the freely associated states are needed.

Section 13 would require the Secretary of the Interior to provide Palau with the amount of funds needed for a seventh referendum on the Compact and other appropriate costs related to the change in the political relationship between the U.S. and Palau.

Up to \$200,000 would be authorized. This amount is based on our estimates of the cost of a referendum and other necessary expenses, including the costs to Palau of U.S. deliberations on the Compact. These latter costs would include, for example, the participation of Palau officials in meetings with U.S. officials, including hearings. They would also include the costs of unbiased public education on the effective changes to the Compact which would be made by this legislation.

The intent of this provision is that Interior provide funds for Compact consideration in addition to those to be provided for trusteeship administration.

Section 14 would require the President to negotiate an agreement with Palau to provide for the assistance to be provided Palau under Sections 8 for medical facilities and medical referral debts, 11 for detention facilities, and 13 for Compact referendum and other costs. The agreement would have to be negotiated in consultation with Congress.

The purposes of this agreement are to provide further assurance that the assistance promised by this legislation will be provided and to detail how it will be provided. Reasonable requirements that would not contradict congressional intent could be included in the agreement.

Section 15 would authorize Palau to spend assistance provided it by the U.S. for one year in a subsequent year. It parallels a provision of the Compact with the Federated States and the Marshalls that was inexplicably omitted from the Compact with Palau.

This section would also apply the Compact's guarantee that most of the assistance it promises will actually be provided to \$9.3 million of the additional assistance that this resolution would provide Palau.

Section 236 of the Compact provides that Palau may try to enforce the guarantee in the U.S. Court of Claims if the U.S. fails to provide guaranteed assistance. It applies to most of the estimated \$460 million, adjusted for inflation, to be provided Palau under the Compact.

The additional \$9.3 million to be guaranteed Palau by virtue of this provision of the legislation includes: \$2 million for narcotics and other substance abuse prevention and treatment and for narcotics and other law enforcement; \$1.5 million for the offices of public auditor and special prosecutor; \$5 million for medical facilities; and \$800,000 for detention facilities.

Section 16 would provide that the authority that the President would be granted under Section 2 to implement the Compact will not take effect until 30 days after the Congress has the opportunity to review the agreements that the President would be required to conclude with Palau under this resolution.

The agreements involved are on: Palau's response to U.S. audit recommendations; law enforcement assistance and cooperation; implementing Palau's auditor and special prosecutor laws; Palau's development plan; and assistance for medical facilities and debts, detention facilities and Compact approval costs.

The 30 day review required for these agreements is intended to give Congress time to ensure that the agreements are consistent with the intent of this resolution. It would enable Congress to take action if any requirements of this legislation were not being met by the President.

This section would also not permit any subsequently agreed upon changes to the agreements to take effect until 30 days after they have been submitted to Congress. This will provide assurance that Congress has time to act if subsequent agreements are made that would in any way change the requirements of this legislation.

Finally, this section would require congressional approval for any change to the agreement entered into under the Compact which would require the U.S. to construct a 53 mile road on Babelthaup Island.

Section 17 would amend Public Law 99-658 (the law which approved the Compact on the condition that the U.S. enact another law approving the Compact) to delay the phase-down of federal programs that would be discontinued under free association. The delay would be from fiscal year 1987 to the first fiscal year after the Compact is implemented. This amendment is consistent with the intent of the original law.

THE CRIME OF GENOCIDE: OUR FIGHT CONTINUES

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. MAZZOLI. Mr. Speaker, one of the most significant achievements of this historic 100th Congress has been passage of the Genocide Convention Implementation Act of 1988.

Approval of this legislation by the House and Senate—and with the President's signature to become law—removes the final obstacle to ratification of the U.S. Convention on the Prevention and Punishment of the Crime of Genocide. This concludes an effort of some 40 years in the making since President Truman signed the Genocide Convention back in 1948.

Fulfilling its constitutional duty to advise and consent, the Senate attached several conditions to its approval of the genocide treaty, including that domestic legislation be enacted which criminalizes the act of genocide. This implementing legislation establishes in Federal law that genocide is a crime and provides specific penalties for those who would commit acts of violence against groups of people dis-

tinguishable by their race, religion, nationality, or ethnic background.

The United States now joins the community of nations—almost 100 signatories—in establishing in U.S. law a firm commitment to human rights around the world.

The irony of the situation should not be lost on us. That the United States, a nation of immigrants with the broadest of ethnic heritage represented in its people and the leader for human rights to the oppressed around the world, should take so long in its ratification. As chairman of the House Immigration Subcommittee, I have been proud and honored to have been responsible for seeing this important legislation moved toward enactment.

If we are to observe history and to learn anything from our actions about how to make a better, more humane world for all peoples, then it is an appropriate occasion for us to pause and reflect on a time of uncertainty and turmoil in our not too distant past.

This November 9 marks the 50th anniversary of the "Kristallnacht"—the "Night of Broken Glass"—when Jewish people, their homes, synagogues, and businesses across Germany and Austria became the object of murderous attacks. This set in motion a policy of oppression, calculated and systematic, foreshadowing one of the darkest periods in human history and ending in the terrible consequences of the Holocaust.

I am pleased that the Congress of the United States has chosen not to forget the events of those dark days in Europe by its passage of House Joint Resolution 654, designating the week of November 4-10, 1988, as the "Week of Remembrance of Kristallnacht." It signals that our work continues to fight the forces of bigotry and genocide wherever they may arise.

It must be our duty to make clear to future generations that such attacks against mankind have no place in a civilized world. And, we must resolve that such crimes against man anywhere on the face of the Earth can never occur again.

THE ENDURING STRENGTH OF THE WAR POWERS RESOLUTION

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. FASCELL. Mr. Speaker, we have come to the end of one of the most controversial periods in the 15-year history of the War Powers Resolution. For 15 months, from May 1987 to August 1988, a major, escalated deployment of U.S. Armed Forces occurred in the Persian Gulf. It was generally believed that U.S. forces had been introduced into situations where imminent involvement in hostilities was clearly indicated by the circumstances and on occasion were engaged in hostilities.

Those are the familiar words of section 4(a)(1) of the War Powers Resolution, which requires the President to submit a report to the Congress about any such event. Despite the obvious level of hostilities in the Persian Gulf, the President refused to characterize the

reports he submitted to the Congress as ones which would invoke the requirements of that law. Many Members of Congress grew impatient not only with the President, but also with the sometimes frustrating character of the law. Consequently, the War Powers Resolution came under siege in the White House, in the Congress, and even in Federal court.

Since late August, a cease-fire has held in the Persian Gulf. The administration now plans gradually to de-escalate our military presence there. This is an appropriate time to reflect on the War Powers Resolution and the impact it had both on U.S. military commitments in the Persian Gulf and on political and legal developments in Washington.

In the Persian Gulf itself, the influence of the War Powers Resolution was evident. The deployment of U.S. naval assets was structured so as to achieve the primary objective—protection for 11 reflagged Kuwaiti oil tankers—in a manner which minimized exposure to hostilities or situations where hostilities were imminent. As the deployment expanded and the hostilities intensified, it became apparent that the military rules of engagement would have to be carefully structured in consultation with the Congress. Although such consultation was insufficient in the early months of the Persian Gulf operation, it improved considerably by late 1987 and early 1988.

During the Persian Gulf operation U.S. Armed Forces did not prolong hostilities beyond appropriate self-defense measures, including well-targeted retaliatory attacks on Iranian military targets. While the downing of a civilian Iranian airliner on July 3, 1988, by the U.S.S. *Vincennes* was a tragedy and deeply regrettable, it was an act of self-defense, not aggression.

From my perspective the War Powers Resolution contributed to a policy of prudent restraint professionally undertaken by our Armed Forces. Within 48 hours after every major military incident in the Persian Gulf, the President submitted a war powers report to the Speaker of the House of Representatives and the President Pro Tempore of the Senate, as required by section 4 of the War Powers Resolution. All of these reports referenced the War Powers Resolution and all but one stated that the report was "consistent with the War Powers Resolution." The President admittedly sought to avoid triggering the requirements of section 5 with this gambit.

In the Congress, a number of legislative initiatives were launched focussing on the reflagging operation and on invocation of the War Powers Resolution. Legislation was introduced in the House of Representatives which would have invoked the provisions of the War Powers Resolution in response to U.S. military activity in the Persian Gulf. These bills, referred to the Committee on Foreign Affairs, included House Joint Resolution 296 and House Joint Resolution 310 [Mr. DEFAZIO], House Joint Resolution 387 [Mr. SOLARZ], and House Joint Resolution 295 [Mr. GONZALES]. Although these bills generated considerable discussion, none of them attracted the level of support which would be required to proceed to markup and floor consideration.

In the Senate, there were several attempts to invoke the War Powers Resolution, but

each failed after long debate. Senate Joint Resolution 194, which passed the Senate (54 to 44) on October 21, 1987, did not invoke the War Powers Resolution, but would have required a comprehensive report from the President within 30 days of enactment that reviewed U.S. policy and commitments in the Persian Gulf, and would have facilitated congressional consideration of authorizing legislation within 60 days after the report is submitted.

No agreement emerged from the debates in either body that would have moved the Congress toward explicit invocation of the War Powers Resolution. Nonetheless, the House of Representatives and the Senate attempted to fulfill their constitutional roles. In the absence of a formal section 4(a)(1) report from the President, both bodies sent clear signals of caution to the President regarding the character of the Persian Gulf operation and held out the probability that the War Powers Resolution would be invoked if the situation in the Persian Gulf worsened.

It is important to recognize that the War Powers Resolution was not diminished following Congress' choice not to invoke it. On the contrary, the Congress reacted with considerable strength to fill a vacuum left by the President's unwillingness to confirm his own compliance with the law. The fact that a consensus emerged from that debate to allow the Persian Gulf operation to proceed under strict congressional oversight was no defeat for the War Powers Resolution. It reflected the reality of the situation; namely, Presidential denial of the reporting requirement and congressional acquiescence to the overall policy.

In the Federal courts, the lawsuit brought by 110 Members of Congress with the guidance of the Democratic Study Group was a good faith effort to compel executive compliance with the law. In *Lowry, et al. versus Reagan*, the plaintiffs pleaded common sense: That in the Persian Gulf there were hostilities and situations where imminent involvement in hostilities was clearly indicated by the circumstances, that U.S. Armed Forces had been introduced into those hostilities and situations, and that the President was obligated to report such facts to the Congress pursuant to the War Powers Resolution.

When examined in conjunction with the totality of cases which have centered on the War Powers Resolution, the U.S. District Court and U.S. Court of Appeals decisions in *Lowry* reaffirmed many of the original premises of the War Powers Resolution, the most important being the coparticipation of the Congress and the President in the warmaking process. It is erroneous and self-defeating for proponents of the War Powers Resolution to interpret the dismissal in the *Lowry* case, or any previous war powers case, as an indictment of the law itself.

First, the constitutionality of the War Powers Resolution has never been at issue before the courts. Second, the courts have never been seized with the merits of a dispute over enforcement of the War Powers Resolution. Rather, jurisdictional issues have dominated each case, especially *Lowry*. Third, no court has ever ruled that the President may ignore the reporting requirement of section 4 of the

War Powers Resolution. Fourth, the courts have recognized the role of the Congress in enforcing the War Powers Resolution. In some respects, the courts have encouraged the Congress to enforce the War Powers Resolution through the legislative process. The War Powers Resolution is not intended to give one Member of Congress the power to force the President's hand, but it was intended to give the Congress that power.

Fifth, the courts have clarified the limits of their own power to intervene in the exercise of war powers. They have explored, to an important degree, the circumstances under which the courts could be seized with a war powers case. The judicial decisions, especially in *Lowry*, may frustrate some advocates of the War Powers Resolution, but the precedents they set should not be overstated. Those decisions distance the courts from war powers adjudication, but the courts have not abandoned such adjudication. They have simply held that these are executive-legislative struggles which, in the last resort under certain circumstances, could find their proper place in the courts. And that is exactly as it should be.

Sixth, the U.S. Court of Appeals decision in *Lowry* must be properly understood. It did not uphold the reasoning of U.S. District Court Judge Revercomb, who dismissed the case last year on grounds associated with the political question doctrine and the equitable discretion doctrine. Rather, the U.S. Court of Appeals dismissed the case for two very different and commonsense reasons.

The court first ruled that the issue of involvement in present or imminent hostilities presents a nonjusticiable political question. This appears similar to Judge Revercomb's reliance on the political question doctrine. But there is an important distinction in the court of appeals' order. The court held that what is beyond judicial competence, and therefore nonjusticiable, in an assessment of the stability of the cease-fire in the Iran-Iraq war, an assessment that would require an inquiry into the likely intentions of the Iranian and Iraqi Governments. The court had no way of determining whether the cease-fire would collapse, and therefore had no way of determining whether hostilities were imminent. Thus, it could not determine whether a section 4(a)(1) report was required. The court explicitly expressed no view as to the justiciability of other claims under section 4(a)(1) of the War Powers Resolution. The court dealt exclusively with the situation as it existed after the cease-fire, and thus avoided embroiling itself in the original controversy over judicial inquiry into the existence of hostilities.

The second ground for dismissal by the court of appeals was the court's determination that the original claim—for submission of a section 4(a)(1) report—was moot. The court ruled that the "warmaking process" had been completed, and that there was no need for the information required in a section 4(a)(1) report. Although the court stated that such information would be needed for Congress' "effective coparticipation in the warmaking process," the appellant Members of Congress suffered no "present injury" because the warmaking process had ended. The court concluded that the appellant Members of Congress would have to "demonstrate that hostil-

ities are currently present or imminent" in order to assert continuing injury, and that that "demonstration cannot be made."

The dismissal order of the U.S. Court of Appeals in *Lowry* thus does not impair the integrity of the War Powers Resolution. The court did not rule that a section 4(a)(1) report would not be required if U.S. Armed Forces are introduced into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances. Nor did the court endorse Presidential non-compliance with the War Powers Resolution. The dismissal order does remind all of us, however, that the courts are not well-suited to grapple with the ebb and flow of military conflict. As the court itself pointed out, it is the executive and legislative branches which are coparticipants in the warmaking process.

The War Powers Resolution remains a worthy vehicle for this coparticipation in the warmaking process. It is a living document whose importance in the conduct of U.S. foreign policy cannot be dismissed, discounted, or denied. Its elegant simplicity restores the constitutional balance that was created between the President and the Congress on questions of peace and war, and affirms, in the words of the U.S. Court of Appeals, our "coparticipation in the warmaking process".

The real issue is one of attitude and commitment to the principles of the Constitution. One critical way to enhance the coparticipatory process is through improved consultation between the President and the Congress. Since the beginning of the Persian Gulf operation, I have been calling for the creation of a leadership consultative group consisting of senior Members from both the House and the Senate. The group would hold regular closed meetings with senior policy decisionmakers within the executive branch to consult on major foreign policy and national security issues. The group also would be available for consultation mandated by the War Powers Resolution. That remains an objective I plan to pursue with the next administration.

The Committee on Foreign Affairs recently held hearings on the War Powers Resolution. I came away from those hearings convinced that the ultimate viability of the War Powers Resolution depends on the practical compliance of the law by the President. That means submitting section 4(a)(1) reports when they are clearly required by the facts, consulting closely with the leadership of the Congress, and taking the initiative by bringing the issue to a timely vote in the Congress. The alternative is the endless debates we experienced during the Persian Gulf operation and the kind of legislation which the executive branch seeks to avoid. We survived the Persian Gulf operation, but it was not the way foreign policy should be managed in this Government. We can and must do better in the future.

SENATE AMENDMENT TO THE HOUSE AMENDMENT TO S. 11

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. MONTGOMERY. Mr. Speaker, on October 18, 1988, the Senate amended the Veterans Judicial Review Act which the House had passed on October 3, 1988. Unfortunately, due to errors in the printing of the Senate amendments in the October 18 CONGRESSIONAL RECORD, the full text of the Senate amendments, which represented the compromise agreement between the House and Senate, was not printed. To compound the problem, when the House adopted the compromise agreement the following day, the CONGRESSIONAL RECORD of October 19 erroneously printed the House amendments twice, and failed once again to print the full text of the compromise agreement. Since there was so much interest in this legislation, I am inserting the full text of the compromise agreement of the Veterans' Judicial Review Act, Division A of S. 11, for the benefit of all those who are interested in this important legislation.

SENATE AMENDMENT TO THE HOUSE AMENDMENT TO S. 11

In lieu of the matter proposed to be inserted by the House amendment to the text of S. 11, insert the following:

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Judicial Review Act".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—ADJUDICATIVE AND RULE-MAKING AUTHORITY OF THE VETERANS' ADMINISTRATION

SEC. 101. DECISIONS BY ADMINISTRATOR.

(a) MATTERS TO BE DECIDED BY ADMINISTRATOR.—Subsection (a) of section 211 is amended to read as follows:

"(a)(1) The Administrator shall decide all questions of law and fact necessary to a decision by the Administrator under a law that affects the provision of benefits by the Administrator to veterans or the dependents or survivors of veterans. Subject to paragraph (2) of this subsection, the decision of the Administrator as to any such question shall be final and conclusive and may not be reviewed by any other official or by any court, whether by an action in the nature of mandamus or otherwise.

"(2) The second sentence of paragraph (1) of this subsection does not apply to—

"(A) matters subject to section 223 of this title;

"(B) matters covered by sections 775 and 784 of this title;

"(C) matters arising under chapter 37 of this title; and

"(D) matters covered by chapter 72 of this title."

(b) CONFORMING AMENDMENT.—Section 4004(a) is amended by striking out "All questions on claims involving benefits under laws administered by the Veterans' Administration" and inserting in lieu thereof "All

questions in a matter which under section 211(a) of this title is subject to decision by the Administrator".

SEC. 102. VETERANS' ADMINISTRATION RULEMAKING.

(a) APA PROCEDURES.—(1) Chapter 3 is amended by inserting after section 222 the following new section:

"§ 223. Rulemaking: procedures and judicial review

"(a) In applying section 552(a)(1) of title 5 to the Veterans' Administration, the Administrator shall ensure that subparagraphs (C), (D), and (E) of the section are complied with, particularly with respect to opinions and interpretations of the General Counsel.

"(b) The provisions of section 553 of title 5 shall apply, without regard to subsection (a)(2) of that section, to matters relating to loans, grants, or benefits under a law administered by the Administrator.

"(c) An action of the Administrator to which section 552(a)(1) of 553 of title 5 (or both) refers (other than an action relating to the adoption or revision of the schedule of ratings for disabilities adopted under section 355 of this title) is subject to judicial review. Such review shall be in accordance with chapter 7 of title 5 and may be sought only in the United States Court of Appeals for the Federal Circuit. However, if such review is sought in connection with an appeal brought under the provisions of chapter 72 of this title, the provisions of that chapter shall apply rather than the provisions of chapter 7 of title 5."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 222 the following new item:

"223. Rulemaking: procedures and judicial review."

(b) REPORT ON IMPLEMENTATION.—Not later than May 1, 1989, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the implementation of section 223(a) of title 38, United States Code, as added by subsection (a)(1). Such report shall set forth the actions the Administrator is taking to ensure that such section is carried out.

SEC. 103. VETERANS' ADMINISTRATION ADJUDICATION PROCEDURES.

(a) IN GENERAL.—(1) Chapter 51 is amended by adding at the end of subchapter I the following new section:

"§ 3007. Burden of proof; benefit of the doubt

"(a) Except when otherwise provided by the Administrator in accordance with the provisions of this title, a person who submits a claim for benefits under a law administered by the Veterans' Administration shall have the burden of submitting evidence sufficient to justify a belief by a fair and impartial individual that the claim is well grounded. The Administrator shall assist such a claimant in developing the facts pertinent to the claim. Such assistance shall include requesting information as described in section 3006 of this title.

"(b) When, after consideration of all evidence and material of record in a case before the Veterans' Administration with respect to benefits under laws administered by the Veterans' Administration, there is an approximate balance of positive and negative evidence regarding the merits of an issue material to the determination of the matter, the benefit of the doubt in resolving each such issue shall be given to the claimant. Nothing in this subsection shall be construed as shifting from the claimant to the

Administrator the burden specified in subsection (a) of this section.

"§ 3008. Reopening disallowed claims

"If new and material evidence is presented or secured with respect to a claim which has been disallowed, the Administrator shall reopen the claim and review the former disposition of the claim."

"§ 3009. Independent medical opinions

"(a) When, in the judgment of the Administrator, expert medical opinion, in addition to that available within the Veterans' Administration, is warranted by the medical complexity or controversy involved in a case being considered by the Veterans' Administration, the Administrator may secure an advisory medical opinion from one or more independent medical experts who are not employees of the Veterans' Administration.

"(b) The Administrator shall make necessary arrangements with recognized medical schools, universities, or clinics to furnish such advisory medical opinions. Any such arrangement shall provide that the actual selection of the expert or experts to give the advisory opinion in an individual case shall be made by an appropriate official of such institution.

"(c) The Administrator shall furnish a claimant with notice that an advisory medical opinion has been requested under this section with respect to the claimant's case and shall furnish the claimant with a copy of such opinion when it is received by the Administrator."

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 3006 the following new items:

"3007. Burden of proof; benefit of the doubt.

"3008. Reopening disallowed claims.

"3009. Independent medical opinions."

(b) CONFORMING AMENDMENTS.—Section 4009 is amended—

(1) in subsection (a), by striking out "is authorized to" and inserting in lieu thereof "may";

(2) in subsection (b)—
(A) by striking out "Such arrangement will" and inserting in lieu thereof "Any such arrangement shall"; and

(B) by striking out "any individual case will" and inserting in lieu thereof "an individual case shall"; and

(3) by adding at the end the following new subsection:

"(c) The Board shall furnish a claimant with notice that an advisory medical opinion has been requested under this section with respect to the claimant's case and shall furnish the claimant with a copy of such opinion when it is received by the Board."

(c) TECHNICAL AMENDMENTS.—(1) The items relating to chapter 51 in the table of chapters before part I, and in the table of chapters at the beginning of part IV, are amended by striking out "Applications" and inserting in lieu thereof "Claims".

(2) The heading of chapter 51 is amended to read as follows:

"CHAPTER 51—CLAIMS, EFFECTIVE DATES, AND PAYMENTS".

(3) The item relating to subchapter I in the table of sections at the beginning of chapter 51 is amended by striking out "APPLICATIONS" and inserting in lieu thereof "CLAIMS".

(4) The heading of subchapter I of chapter 51 is amended to read as follows:

"SUBCHAPTER I—CLAIMS".

SEC. 104. ATTORNEYS FEES.

(a) REVISION OF ATTORNEY FEE LIMITATION.—Section 3404 of title 38, United States Code, is amended by striking out subsection (c) and inserting in lieu thereof the following:

"(c)(1) In connection with a proceeding before the Veterans' Administration with respect to benefits under laws administered by the Veterans' Administration, a fee may not be charged, allowed, or paid for services of agents and attorneys with respect to services provided before the date on which the Board of Veterans' Appeals first makes a final decision in the case. Such a fee may be charged, allowed, or paid in the case of services provided after such date only if an agent or attorney is retained with respect to such case before the end of the one-year period beginning on that date. The limitation in the preceding sentence does not apply to services provided with respect to proceedings before a court.

"(2) A person who, acting as agent or attorney in a case referred to in paragraph (1) of this subsection, represents a person before the Veterans' Administration or the Board of Veterans' Appeals after the Board first makes a final decision in the case shall file a copy of any fee agreement between them with the Board at such time as may be specified by the Board. The Board, upon its own motion or the request of either party, may review such a fee agreement and may order a reduction in the fee called for in the agreement if the Board finds that the fee is excessive or unreasonable. A finding or order of the Board under the preceding sentence may be reviewed by the United States Court of Veterans Appeals under section 4063(d) of this title.

"(d)(1) When a claimant and an attorney have entered into a fee agreement described in paragraph (2) of this subsection, the total fee payable to the attorney may not exceed 20 percent of the total amount of any past-due benefits awarded on the basis of the claim.

"(2)(A) A fee agreement referred to in paragraph (1) of this subsection is one under which (i) the amount of the fee payable to the attorney is to be paid to the attorney by the Administrator directly from any past-due benefits awarded on the basis of the claim, and (ii) the amount of the fee is contingent on whether or not the matter is resolved in a manner favorable to the claimant.

"(B) For purposes of subparagraph (A) of this paragraph, a claim shall be considered to have been resolved in a manner favorable to the claimant if all or any part of the relief sought is granted.

"(3) To the extent that past-due benefits are awarded in any proceeding before the Administrator, the Board of Veterans' Appeals, or the United States Court of Veterans Appeals, the Administrator may direct that payment of any attorneys' fee under a fee arrangement described in paragraph (1) of this subsection be made out of such past-due benefits. In no event may the Administrator withhold for the purpose of such payment any portion of benefits payable for a period after the date of the final decision of the Administrator, the Board of Veterans' Appeals, or Court of Veterans Appeals making (or ordering the making of) the award."

(b) VIOLATION TO BE A MISDEMEANOR.—Section 3405 of such title is amended by striking out "shall be fined not more than

\$500 or imprisoned at hard labor for not more than two years, or both" and inserting in lieu thereof "shall be fined as provided in title 18, or imprisoned not more than one year, or both".

TITLE II—BOARD OF VETERANS' APPEALS

SEC. 201. APPOINTMENT AND REMOVAL OF THE CHAIRMAN AND MEMBERS.

(a) IN GENERAL.—Subsection (b) of section 4001 is amended to read as follows:

"(b)(1) The Chairman shall be appointed by the President, by and with the advice and consent of the Senate, for a term of six years. The Chairman may be removed by the President for misconduct, inefficiency, neglect of duty, or engaging in the practice of law or for physical or mental disability which, in the opinion of the President, prevents the proper execution of the Chairman's duties. The Chairman may not be removed from office by the President on any other grounds. Any such removal may only be made after notice and opportunity for hearing.

"(2)(A) The other members of the Board (including the Vice Chairman) shall be appointed by the Administrator, with the approval of the President, based upon recommendations of the Chairman. Each such member shall be appointed for a term of nine years.

"(B) A member of the Board (other than the Chairman) may be removed by the Administrator upon the recommendation of the Chairman. In the case of a removal that would be covered by section 7521 of title 5 in the case of an administrative law judge, a removal of a member of the Board under this paragraph shall be carried out subject to the same requirements as apply to removal of an administrative law judge under that section. Section 554(a)(2) of title 5 shall not apply to a removal action under this subparagraph. In such a removal action, a member shall have the rights set out in section 7513(b) of such title.

"(3) Members (including the Chairman) may be appointed under this subsection to more than one term.

"(4) The Administrator shall designate one member of the Board as Vice Chairman. The Vice Chairman shall perform such functions as the Chairman may specify. Such member shall serve as Vice Chairman at the pleasure of the Administrator."

(b) SALARY OF CHAIRMAN.—(1) Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Chairman, Board of Veterans' Appeals."

(2) The amendment made by paragraph (1) shall take effect when the President first appoints an individual as Chairman of the Board of Veterans' Appeals under section 4001(b)(1) of title 38, United States Code (as amended by subsection (a)).

(c) TRANSITION TO NEW BOARD.—(1) Appointments of members of the Board of Veterans' Appeals under subsection (b)(2) of section 4001 of title 38, United States Code (as amended by subsection (a)), may not be made until a Chairman is appointed under subsection (b)(1) of that section.

(2) An individual who is serving as a member of the Board on the date of the enactment of this Act may continue to serve as a member until the earlier of—

(A) the date on which the individual's successor (as designated by the Administrator) is appointed under subsection (b)(2) of that section, or

(B) the end of the 180-day period beginning on the day after the date on which the

Chairman is appointed under subsection (b)(1) of such section.

(d) INITIAL TERMS OF OFFICE.—Notwithstanding the second sentence of section 4001(b)(2) of title 38, United States Code (as amended by subsection (a)), specifying the term for which members of the Board of Veterans' Appeals shall be appointed, of the members first appointed under that section—

(A) 22 shall be appointed for a term of three years;

(B) 22 shall be appointed for a term of six years; and

(C) 22 shall be appointed for a term of nine years, as determined by the Administrator at the time of the initial appointments.

SEC. 202. DETERMINATIONS BY THE BOARD.

(a) MAJORITY VOTE IN SECTIONS.—Section 4003 is amended to read as follows:

"§ 4003. Determinations by the Board

"(a) Decisions by a section of the Board shall be made by a majority of the members of the section. The decision of the section is final unless the Chairman orders reconsideration of the case.

"(b) If the Chairman orders reconsideration in a case, the case shall upon reconsideration be heard by an expanded section of the Board. When a case is heard by an expanded section of the Board after such a motion for reconsideration, the decision of a majority of the members of the expanded section shall constitute the final decision of the Board.

"(c) Notwithstanding subsections (a) and (b) of this section, the Board on its own motion may correct an obvious error in the record."

(b) RESOURCES TO DISPOSE OF APPEALS IN A TIMELY MANNER.—Section 4001(a) is amended—

(1) by inserting "and" after "Vice Chairman,";

(2) by striking out "necessary, and" and inserting in lieu thereof "necessary in order to conduct hearings and dispose of appeals properly before the Board in a timely manner. The Board shall have"; and

(3) by adding at the end the following new sentence: "The Board shall have sufficient personnel under the preceding sentence to enable the Board to conduct hearings and consider and dispose of appeals properly before the Board in a timely manner."

SEC. 203. DECISIONS OF THE BOARD.

(a) DECISIONS BASED ON THE RECORD.—Section 4004(a) is amended by adding at the end the following new sentences: "The Board shall decide any such appeal only after affording the claimant an opportunity for a hearing. Decisions of the Board shall be based on the entire record in the proceeding and upon consideration of all evidence and material of record and applicable provisions of law and regulation."

(b) CONFORMING AMENDMENT.—Section 4005(d)(5) is amended by striking out "will base its decision on the entire record and".

SEC. 204. REOPENING OF DISALLOWED CLAIMS.

Subsection (b) of section 4004 is amended to read as follows:

"(b) Except as provided in section 3008 of this title, when a claim is disallowed by the Board, the claim may not thereafter be reopened and allowed and a claim based upon the same factual basis may not be considered."

SEC. 205. NOTICE AND CONTENT OF DECISIONS.

Section 4004 is amended by striking out subsection (d) and inserting in lieu thereof the following:

"(d) Each decision of the Board shall include—

"(1) a written statement of the Board's findings and conclusions, and the reasons or bases for those findings and conclusions, on all material issues of fact and law presented on the record; and

"(2) an order granting appropriate relief or denying relief.

"(e) After reaching a decision in a case, the Board shall promptly mail a copy of its written decision to the claimant and the claimant's authorized representative (if any) at the last known address of the claimant and at the last known address of such representative (if any)."

SEC. 206. STATEMENT OF THE CASE.

(a) MATTERS TO BE INCLUDED.—Paragraph (1) of section 4005(d) is amended in the second sentence by striking out "will prepare" and all that follows and inserting in lieu thereof the following: "shall prepare a statement of the case, A statement of the case shall include the following:

"(A) A summary of the evidence in the case pertinent to the issue or issues with which disagreement has been expressed.

"(B) A citation to pertinent laws and regulations and a discussion of how such laws and regulations affect agency's decisions.

"(C) The decisions on each issue and a summary of the reasons for such decisions."

(b) PROHIBITION AGAINST PRESUMPTION OF AGREEMENT.—Paragraph (4) of such section is amended to read as follows:

"(4) The claimant in any case may not be presumed to agree with any statement of fact contained in the statement of the case to which the claimant does not specifically express agreement."

SEC. 207. TRAVELING SECTIONS OF THE BOARD.

(a) IN GENERAL.—Chapter 71 is further amended by adding at the end the following new section:

§ 4010. Traveling sections

"A claimant may request a hearing before a traveling section of the Board. Any such hearing shall be scheduled for hearing before such a section within the area served by a regional office of the Veterans' Administration in the order in which the requests for hearing are received by the Veterans' Administration with respect to hearings in that area."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4010. Traveling sections."

SEC. 208. ANNUAL REPORT ON BOARD ACTIVITIES AND RESOURCES.

Section 4001 is amended by adding at the end the following new subsection:

"(d)(1) After the end of each fiscal year, the Chairman shall prepare a report on the activities of the Board during that fiscal year and the projected activities of the Board for the fiscal year during which the report is prepared and the next fiscal year. Such report shall be included in the documents providing detailed information on the budget for the Veterans' Administration that the Administrator submits to the Congress in conjunction with the President's budget submission for any fiscal year pursuant to section 1105 of title 31.

"(2) Each such report shall include, with respect to the preceding fiscal year, information specifying—

"(A) the number of cases appealed to the Board during that year;

"(B) the number of cases pending before the Board at the beginning and at the end of that year;

"(C) the number of such cases which were filed during each of the 36 months preceding the current fiscal year;

"(D) the average length of time a case was before the Board between the time of the filing of an appeal and the disposition during the preceding fiscal year; and

"(E) the number of members of the Board at the end of the year and the number of professional, administrative, clerical, stenographic, and other personnel employed by the Board at the end of the preceding fiscal year.

"(3) The projections in each such report for the current fiscal year and for the next fiscal year shall include (for each such year)—

"(A) an estimate of the number of cases to be appealed to the Board; and

"(B) an evaluation of the ability of the Board (based on existing and projected personnel levels) to ensure timely disposition of such appeals as required by section 4003(d) of this title."

SEC. 209. LIMITATIONS OF AWARING PERFORMANCE INCENTIVES TO BOARD MEMBERS.

Section 4001 (as amended by section 208) is further amended by adding at the end the following new subsection:

"(e) A performance incentive that is authorized by law for officers and employees of the Federal Government may be awarded to a member of the Board (including any temporary or acting member) by reason of that member's service on the Board only if the Chairman of the Board determines that such member should be awarded that incentive. A determination by the Chairman for such purpose shall be made taking into consideration the quality of performance of the Board member."

TITLE III—UNITED STATES COURT OF VETERANS APPEALS

SEC. 301. UNITED STATES COURT OF VETERANS APPEALS.

(a) ESTABLISHMENT OF COURT.—Part V is amended by inserting after chapter 71 the following new chapter:

"CHAPTER 72—UNITED STATES COURT OF VETERANS APPEALS

"Subchapter I—Organization and Jurisdiction

"Sec.

"4051. Status.

"4052. Jurisdiction; finality of decisions.

"4053. Composition.

"4054. Organization.

"4055. Offices.

"4056. Times and places of sessions.

"Subchapter II—Procedure

"4061. Scope of review.

"4062. Fee for filing appeals.

"4063. Representation of parties; fee agreements.

"4064. Rules of practice and procedure.

"4065. Contempt authority; assistance to the Court.

"4066. Notice of appeal.

"4067. Decisions.

"4068. Availability of proceedings.

"4069. Publication of decisions.

"Subchapter III—Miscellaneous Provisions

"4081. Employees.

"4082. Budget and expenditures.

"4083. Disposition of fees.

"4084. Fee for transcript of record.

"4085. Practice fee.

"Subchapter IV—Decisions and Review

"4091. Date when United States Court of Veterans Appeals decision becomes final.

"4092. Review by United States Court of Appeals for the Federal Circuit.

"Subchapter I—Organization and Jurisdiction

"§ 4051. Status

"There is hereby established under Article I of the Constitution of the United States, a court of record to be known as the United States Court of Veterans Appeals.

"§ 4052. Jurisdiction; finality of decisions

"(a) The Court of Veterans Appeals shall have exclusive jurisdiction to review decisions of the Board of Veterans' Appeals. The Administrator may not seek review of any such decision. The Court shall have power to affirm, modify, or reverse a decision of the Board or remand the matter, as appropriate.

"(b) Review in the Court shall be on the record of proceedings before the Administrator and the Board. The extent of the review shall be limited to the scope provided in section 4061 of this title. The Court may not review the schedule of ratings for disabilities adopted under section 355 of this title or any action of the Administrator in adopting or revising the schedule.

"(c) Decisions by the Court are subject to review as provided in section 4092 of this title.

"§ 4053. Composition

"(a) The Court of Veterans Appeals shall be composed of a chief judge and at least two and not more than six associate judges.

"(b) The judges of the Court shall be appointed by the President, by and with the advice and consent of the Senate, solely on the grounds of fitness to perform the duties of the office. A person may not be appointed to the Court who is not a member in good standing of the bar of a Federal court or of the highest court of a State. Not more than the number equal to the next whole number greater than one-half of the number of judges of the Court may be members of the same political party.

"(c) The term of office of the judges of the Court of Veterans Appeals shall be 15 years.

"(d) The chief judge is the head of the Court.

"(e)(1) The chief judge of the Court shall receive a salary at the same rate as is received by judges of the United States Courts of Appeals.

"(2) Each judge of the Court, other than the chief judge, shall receive a salary at the same rate as is received by judges of the United States district courts.

"(f)(1) A judge of the Court may be removed from office by the President on grounds of misconduct, neglect of duty, engaging in the practice of law, or physical or mental disability which, in the opinion of the President, prevents the proper execution of the judge's duties. A judge of the Court may not be removed from office by the President on any other ground.

"(2) Before a judge may be removed from office under this subsection, the judge shall be provided with a full specification of the reasons for the removal and an opportunity to be removed.

"§ 4054. Organization

"(a) The Court of Veterans Appeals shall have a seal which shall be judicially noticed.

"(b) The Court may hear cases by judges sitting alone or in panels, as determined

pursuant to procedures established by the Court. Any such panel shall have not less than three judges. The Court shall establish procedures for the assignment of the judges of the Court to such panels and for the designation of the chief of each such panel.

"(c)(1) A majority of the judges of the Court shall constitute a quorum for the transaction of the business of the Court. A vacancy in the Court shall not impair the powers or affect the duties of the Court or of the remaining judges of the Court.

"(2) A majority of the judges of a panel of the Court shall constitute a quorum for the transaction of the business of the panel. A vacancy in a panel of the Court shall not impair the powers or affect the duties of the panel or of the remaining judges of the panel.

"§ 4055. Offices

"The principal office of the Court of Veterans Appeals shall be in the District of Columbia, but the Court may sit at any place within the United States.

"§ 4056. Times and places of sessions

"The times and places of sessions of the Court of Veterans Appeals shall be prescribed by the chief judge

"Subchapter II—Procedure

"4061. Scope of review

"(a) In any action brought under this chapter, the Court of Veterans Appeals, to the extent necessary to its decision and when presented, shall—

"(1) decide all relevant questions of law, interpret constitutional, statutory, and regulatory provisions, and determine the meaning or applicability of the terms of an action of the Administrator;

"(2) compel action of the Administrator unlawfully withheld;

"(3) hold unlawful and set aside decisions, findings (other than those described in clause (4) of this subsection), conclusions, rules, and regulations issued or adopted by the Administrator, the Board of Veterans' Appeals, or the Chairman of the Board found to be—

"(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

"(B) contrary to constitutional right, power, privilege, or immunity;

"(C) in excess of statutory jurisdiction, authority, or limitations, or in violation of a statutory right; or

"(D) without observance of procedure required by law; and

"(4) in the case of a finding of material fact made in reaching a decision in a case before the Veterans' Administration with respect to benefits under laws administered by the Veterans' Administration, hold unlawful and set aside such finding if the finding is clearly erroneous.

"(b) In making the determinations under subsection (a) of this section, the Court shall take due account of the rule of prejudicial error.

"(c) In no event shall findings of fact made by the Administrator or the Board of Veterans' Appeals be subject to trial de novo by the court.

"(d) When a final decision of the Board of Veterans' Appeals is adverse to a party and the sole stated basis for such decision is the failure of the party to comply with any applicable regulation prescribed by the Administrator, the Court shall review only questions raised as to compliance with and the validity of the regulation.

"§ 4062. Fee for filing appeals

"(a) The Court of Veterans Appeals may impose a fee of not more than \$50 for the filing of any appeal with the Court. The Court shall establish procedures under which such a fee may be waived in the case of an appeal filed by or on behalf of a person who demonstrates that the requirement that such fee be paid will impose a hardship on that person. A decision as to such a waiver is final and may not be reviewed in any other court.

"(b) The Court may from time to time adjust the maximum amount permitted for a fee imposed under subsection (a) of this section based upon inflation and similar fees charged by other courts established under Article I of the Constitution.

"§ 4063. Representation of parties; fee agreements

"(a) The Administrator shall be represented before the Court of Veterans Appeals by the General Counsel of the Veterans' Administration.

"(b) Representation of appellants shall be in accordance with the rules of practice prescribed by the Court under section 4064 of this title. In addition to members of the bar admitted to practice before the Court in accordance with such rules of practice, the Court may allow other persons to practice before the Court who meet standards of proficiency prescribed in such rules of practice.

"(c) A person who represents an appellant before the Court shall file a copy of any fee agreement between the appellant and that person with the Court at the time the appeal is filed. The Court, on its own motion or the motion of any party, may review such a fee agreement.

"(d) In reviewing a fee agreement under subsection (c) of this section or under section 3404(c)(2) of this title, the Court may affirm the finding or order of the Board and may order a reduction in the fee called for in the agreement if it finds that the fee is excessive or unreasonable. An order of the Court under this subsection is final and may not be reviewed in any other court.

"§ 4064. Rules of practice and procedure

"(a) The proceedings of the Court of Veterans Appeals shall be conducted in accordance with such rules of practice and procedure as the Court prescribes.

"(b) The mailing of a pleading, decision, order, notice, or process in respect of proceedings before the Court shall be held sufficient service of such pleading, decision, order, notice, or process if it is properly addressed to the address furnished by the appellant on the notice of appeal filed under section 4066 of this title.

"§ 4065. Contempt authority; assistance to the Court

"(a) The Court shall have power to punish by fine or imprisonment such contempt of its authority as—

"(1) misbehavior of any person in its presence or so near thereto as to obstruct the administration of justice;

"(2) misbehavior of any of its officers in their official transactions; or

"(3) disobedience or resistance to its lawful writ, process, order, rule, decree, or command.

"(b) The Court shall have such assistance in the carrying out of its lawful writ, process, order, rule, decree, or command as is available to a court of the United States. The United States marshal for a district in which the Court is sitting shall, if requested by the chief judge of the Court, attend any session of the Court in that district.

§ 4066. Notice of appeal

"(a) In order to obtain review by the Court of Veterans Appeals of a final decision of the Board of Veterans' Appeals, a person adversely affected by that action must file a notice of appeal with the Court. Any such notice must be filed within 120 days after the date on which notice of the decision is mailed pursuant to section 4004(e) of this title.

"(b) The appellant shall also furnish the Administrator with a copy of such notice, but a failure to do so shall not constitute a failure of timely compliance with subsection (a) of this section.

§ 4067. Decisions

"(a) A decision upon a proceeding before the Court of Veterans Appeals shall be made as quickly as practicable. In a case heard by a panel of the Court, the decision shall be made by a majority vote of the panel in accordance with the rules of the Court. The decision of the judge or panel hearing the case so made shall be the decision of the Court except as provided in subsection (d) of this section.

"(b) The Court shall include in its decision a statement of its conclusions of law and determinations as to factual matters.

"(c) A judge or panel shall make a determination upon any proceeding before the Court, and any motion in connection with such a proceeding, that is assigned to the judge or panel. The judge or panel shall make a report of any such determination which constitutes the judge or panel's final disposition of the proceeding.

"(d)(1) In the case of a proceeding determined by a single judge of the Court, the decision of the judge shall become the decision of the Court unless before the end of the 30-day period beginning on the date of the decision by the judge the Court, upon the motion of either party or on its own initiative, directs that the decision be reviewed by a panel of the Court. In such a case, the decision of the judge initially deciding the case shall not be a part of the record.

"(2) In the case of a proceeding determined by a panel of the Court, the decision of the panel shall become the decision of the Court unless before the end of the 30-day period beginning on the date of the decision by the panel the Court, upon the motion of either party or on its own initiative, directs that the decision be reviewed by an expanded panel of the Court (or the Court en banc). In such a case, the decision of the panel initially deciding the case shall not be a part of the record.

"(e) The Court shall designate in its decision in any case those specific records of the Government on which it relied (if any) in making its decision. The Administrator shall preserve records so designated for not less than the period of time designated by the administrator of the National Archives and Records Administration.

§ 4068. Availability of proceedings

"(a) Except as provided in subsection (b) of this section, all decisions of the Court of Veterans Appeals and all briefs, motions, documents, and exhibits received by the Court (including a transcript of the stenographic report of the hearings) shall be public records open to the inspection of the public.

"(b)(1) The Court may make any provision which is necessary to prevent the disclosure of confidential information, including a provision that any such document or information be placed under seal to be opened only as directed by the Court.

"(2) After the decision of the Court in a proceeding becomes final, the Court shall permit the withdrawal by the party entitled thereto of originals of books, documents, and records, and of models, diagrams, and other exhibits, submitted to the Court before the Court may, on its own motion, make such other disposition thereof as it considers advisable.

"§ 4069. Publication of decisions

"(a) The Court of Veterans Appeals shall provide for the publication of decisions of the Court in such form and manner as may be best adapted for public information and use. The Court may make such exceptions, or may authorize the chief judge to make such exceptions, to the requirement for publication in the preceding sentence as may be appropriate.

"(b) Such authorized publication shall be competent evidence of the decisions of the Court of Veterans Appeals therein contained in all courts of the United States and of the several States without any further proof or authentication thereof.

"(c) Such publications shall be subject to sale in the same manner and upon the same terms as other public documents.

"Subchapter III—Miscellaneous Provisions**"§ 4081. Employees**

"The Court of Veterans Appeals may appoint such employees as may be necessary to execute the functions vested in the Court. Such appointments shall be made in accordance with the provisions of title 5 governing appointment in the competitive service, except that the Court may classify such positions based upon the classification of comparable positions in the judicial branch. The basic pay of such employees shall be fixed in accordance with subchapter III of chapter 53 of title 5.

"§ 4082. Budget and expenditures

"(a) The budget of the Court of Veterans Appeals as submitted by the Court for inclusion in the budget of the President for any fiscal year shall be included in that budget without review within the executive branch.

"(b) The Court may make such expenditures (including expenditures for personal services and rent at the seat of Government and elsewhere, and for law books, books of reference, and periodicals) as may be necessary to execute efficiently the functions vested in the Court.

"(c) All expenditures of the Court shall be allowed and paid upon presentation of itemized vouchers signed by the certifying officer designated by the chief judge. Except as provided in section 4085 of this title, all such expenditures shall be paid out of moneys appropriated for purposes of the Court.

"§ 4083. Disposition of fees

"Except for amounts received pursuant to section 4085 of this title, all fees received by the Court of Veterans Appeals shall be covered into the Treasury as miscellaneous receipts.

"§ 4084. Fee for transcript of record

"The Court of Veterans Appeals may fix a fee, not in excess of the fee authorized by law to be charged and collected therefor by the Clerks of the district courts, for comparing, or for preparing and comparing, a transcript of the record of any proceeding before the Court, or for copying and record, entry, or other paper and the comparison and certification thereof.

"§ 4085. Practice fee

"(a) The Court of Veterans Appeals may impose a periodic registration fee on persons admitted to practice before the Court. The frequency and amount of such fee shall be determined by the Court, except that such amount may not exceed \$30 per year.

"(b) Amounts received by the Court under subsection (a) of this section shall be available to the Court for the purpose of (1) employing independent counsel to pursue disciplinary matters, and (2) defraying administrative costs for the implementation of the standards of proficiency prescribed for practice before the Court.

"Subchapter IV—Decisions and Review**"§ 4091. Date when United States Court of Veterans Appeals decision becomes final**

"(a) A decision of the United States Court of Veterans Appeals shall become final upon the expiration of the time allowed for filing, under section 4092 of this title, a notice of appeal from such decision, if no such notice is duly filed within such time. If such a notice is filed within such time, such a decision shall become final—

"(1) upon the expiration of the time allowed for filing a petition for certiorari with the Supreme Court of the United States, if the decision of the Court of Veterans Appeals is affirmed or the appeal is dismissed by the United States Court of Appeals for the Federal Circuit and no petition for certiorari is duly filed;

"(2) upon the denial of a petition for certiorari, if the decision of the Court of Veterans Appeals is affirmed or the appeal is dismissed by the United States Court of Appeals for the Federal Circuit; or

"(3) upon the expiration of 30 days from the date of issuance of the mandate of the Supreme Court, if that Court directs that the decision of the Court of Veterans Appeals be affirmed or the appeal dismissed.

"(b)(1) If the Supreme Court directs that the decision of the Court of Veterans Appeals be modified or reversed, the decision of the Court of Veterans Appeals rendered in accordance with the mandate of the Supreme Court shall become final upon the expiration of 30 days from the time it was rendered, unless within such 30 days either the Administrator or the petitioner has instituted proceedings to have such decision corrected to accord with the mandate, in which event the decision of the Court of Veterans Appeals shall become final when so corrected.

"(2) If the decision of the Court of Veterans Appeals is modified or reversed by the United States Court of Appeals for the Federal Circuit and if—

"(A) the time allowed for filing a petition for certiorari has expired and no such petition has been duly filed, or

"(B) the petition for certiorari has been denied, or

"(C) the decision of the United States Court of Appeals for the Federal Circuit has been affirmed by the Supreme Court,

then the decision of the Court of Veterans Appeals rendered in accordance with the mandate of the United States Court of Appeals for the Federal Circuit shall become final upon the expiration of 30 days from the time such decision of the Court of Veterans Appeals was rendered, unless within such 30 days either the Administrator or the petitioner has instituted proceedings to have such decision corrected so that it will accord with the mandate, in which event the decision of the Court of Veterans Appeals shall become final when so corrected.

"(c) If the Supreme Court orders a rehearing, or if the case is remanded by the United States Court of Appeals for the Federal Circuit to the Court of Veterans Appeals for a rehearing, and if—

"(1) the time allowed for filing a petition for certiorari has expired and no such petition has been duly filed, or

"(2) the petition for certiorari has been denied, or

"(3) the decision of the United States Court of Appeals for the Federal Circuit has been affirmed by the Supreme Court,

then the decision of the Court of Veterans Appeals rendered upon such rehearing shall become final in the same manner as though no prior decision of the Court of Veterans Appeals had been rendered.

"(d) As used in this section, the term 'mandate', in case a mandate has been recalled before the expiration of 30 days from the date of issuance thereof, means the final mandate.

"§ 4092. Review by United States Court of Appeals for the Federal Circuit

"(a) After a decision of the United States Court of Veterans Appeals is entered in a case, any party to the case may obtain a review of the decision with respect to the validity of any statute or regulation (other than a refusal to review the schedule of ratings for disabilities adopted under section 355 of this title) or any interpretation thereof (other than a determination as to a factual matter) that was relied on by the Court in making the decision. Such a review shall be obtained by filing a notice of appeal with the Court of Veterans Appeals within the time and in the manner prescribed for appeal to United States courts of appeals from United States district courts.

"(b)(1) When a judge or panel of the Court of Veterans Appeals, in making an order not otherwise appealable under this section, determines that a controlling question of law is involved with respect to which there is a substantial ground for difference of opinion and that there is in fact a disagreement between the appellant and the Administrator with respect to that question of law and that the ultimate termination of the case may be materially advanced by the immediate consideration of that question, the judge or panel shall notify the chief judge of that determination. Upon receiving such notification, the chief judge shall certify that such a question is presented, and any party to the case may then petition the Court of Appeals for the Federal Circuit to decide the question. That court may permit an interlocutory appeal to be taken on that question if such a petition is filed with it within 10 days after the certification by the chief judge of the Court of Veterans Appeals. Neither the application for, nor the granting of, an appeal under this paragraph shall stay proceedings in the Court of Veterans Appeals, unless a stay is ordered by a judge of the Court of Veterans Appeals or by the Court of Appeals for the Federal Circuit.

"(2) For purposes of subsections (d) and (e) of this section, an order described in this paragraph shall be treated as a decision of the Court of Veterans Appeals.

"(c) The United States Courts of Appeals for the Federal Circuit shall have exclusive jurisdiction to review and decide any challenge to the validity of any statute or regulation or any interpretation thereof brought under this section, and to interpret constitutional and statutory provisions, to the extent presented and necessary to a decision. The judgment of such court shall be

final subject to review by the Supreme Court upon certiorari, in the manner provided in section 1254 of title 28.

"(d)(1) The Court of Appeals for the Federal Circuit shall decide all relevant questions of law, including interpreting constitutional and statutory provisions. The court shall hold unlawful and set aside any statute or regulation or any interpretation thereof (other than a determination as to a factual matter) that was relied upon in the decision of the Court of Veterans Appeals that the Court of Appeals for the Federal Circuit finds to be—

"(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

"(B) contrary to constitutional right, power, privilege, or immunity;

"(C) in excess of statutory jurisdiction, authority, or limitations, or in violation of a statutory right; or

"(D) without observance of procedure required by law.

"(2) Except to the extent that an appeal under this chapter presents a constitutional issue, the Court of Appeals may not review (A) a challenge to a factual determination, or (B) a challenge to a law or regulation as applied to the facts of a particular case.

"(e)(1) Upon such review, the Court of Appeals for the Federal Circuit shall have power to affirm or, if the decision of the Court of Veterans Appeals is not in accordance with law, to modify or reverse the decision of the Court of Veterans Appeals or to remand the matter, as appropriate.

"(2) Rules for review of decisions of the Court of Veterans Appeals shall be those prescribed by the Supreme Court under section 2072 of title 28."

(b) CLERICAL AMENDMENTS.—The tables of chapters before part I and at the beginning of part V are each amended by inserting after the item relating to chapter 71 the following new item:

"72. Court of Veterans Appeals 4051".

SEC. 302. INITIAL APPOINTMENT OF JUDGES TO COURT OF VETERANS APPEALS.

(a) CHIEF JUDGE TO BE APPOINTED FIRST.—The President may not appoint an individual to be an associate judge of the United States Court of Veterans Appeals under section 4053(b) of title 38, United States Code, as added by section 301, until the chief judge of such Court has been appointed. The President shall, during the period beginning on January 21, 1989, and ending April 1, 1989, nominate an individual for appointment to the position of chief judge of such Court.

(b) JUDGES.—Subject to subsection (a), judges of the Court of Veterans Appeals may be appointed after February 1, 1989.

SEC. 303. FACILITY FOR PRINCIPAL OFFICE OF COURT.

In the implementation of section 4055 of title 38, United States Code (as added by section 301), the principal office of the Court of Veterans Appeals shall initially be located, if practicable, in a facility existing on the date of the enactment of this Act, as determined by the Administrative Office of the United States Courts, would facilitate maximum efficiency and economy in the operation of the Court. The Administrative Office of the United States Courts shall take into consideration the convenience of the location of such facility to needed library sources, clerical and administrative support equipment and personnel, and other resources available for shared use by

the Courts and other courts or agencies of the Federal Government.

TITLE IV—EFFECTIVE DATES AND APPLICABILITY

SEC. 401. EFFECTIVE DATES.

(a) **GENERAL EFFECTIVE DATE.**—Except as otherwise provided in this section, this Act (and the amendments made by this Act) shall take effect on September 1, 1989.

(b) **EFFECTIVE DATE FOR CERTAIN TRANSITION PROVISIONS.**—The amendment made by section 201(a) shall take effect on February 1, 1989.

(c) **DATE OF ENACTMENT.**—Section 201 (other than subsection (a)), 208, 209, 302, and 303, and the amendments made by those sections, shall take effect on the date of the enactment of this Act.

(d) **BOARD OF VETERANS' APPEALS.**—Sections 202 through 207 shall take effect on January 1, 1989.

(e) **COMMENCEMENT OF OPERATION OF COURT OF VETERANS' APPEALS.**—Notwithstanding subsection (a), the United States Court of Appeals established pursuant to chapter 72 of title 38, United States Code (as added by section 301) shall not begin to operate until at least three judges have been appointed to the court.

SEC. 402. APPLICABILITY TO CASES AFTER DATE OF ENACTMENT.

Chapter 72 of title 38, United States Code, as added by section 301, shall apply with respect to any case in which a notice of disagreement is filed under section 4005 of title 38, United States Code, on or after the date of enactment of this Act.

SEC. 403. APPLICABILITY TO ATTORNEYS FEES.

The amendment to section 3404(c) of title 38, United States Code, made by section 104(a) shall apply only with respect to services of agents and attorneys in cases in which a notice of disagreement is filed with the Veterans' Administration on or after the date of the enactment of this Act.

CHILD PROTECTION AND OBSCENITY ENFORCEMENT ACT OF 1988 (H.R. 5210)

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. HUGHES. Mr. Speaker, as part of the Anti-Drug Abuse Act of 1988, I am delighted to report that Congress passed the Child Protection and Obscenity Enforcement Act of 1988.

As chairman of the Subcommittee on Crime, I originally introduced this bill with BILL MCCOLLUM, the ranking Republican member of this Subcommittee on Crime as the principal cosponsor, as H.R. 3889, on February 2, 1988. This bill is probably the most significant assault upon obscenity in decades. This important measure builds upon the work of the Subcommittee on Crime in the last two Congresses which enacted two bills to attack child pornography—measures which have already resulted in an increase of more than 600 percent in prosecutions of child pornographers.

This year our Subcommittee on Crime held three exhaustive hearings on the bill, taking testimony from dozens of witnesses. We received testimony from the following witnesses: Dr. Jerry Kirk, president, National Coalition Against Pornography, Cincinnati, OH; Dr. Larry

Baker, executive director/treasurer, Christian Life Commission, Southern Baptist Convention, Nashville, TN; Elder John Carmack, area president, North America—North East, Church of Jesus Christ of Latter Day Saints, Salt Lake City, UT; Bishop George McKinney, Church of God in Christ, Archdiocese for Southern California, Second Jurisdiction, San Diego, CA; Father Bruce Ritter, president, *Covenant House*, New York, NY; Barry W. Lynn, legislative counsel, American Civil Liberties Union, Washington, DC; Guy E. Moman, Jr., chairman, Council for Periodical Distributors Associations, Tuscaloosa, AL; Michael Bamberger, general counsel, Media Coalition, New York, NY; Representative BILL GREEN (New York); Representative ROBERT K. DORNAN (California); Representative THOMAS J. RIDGE (Pennsylvania); Representative JOSEPH J. DIOGUARDI (New York); Mr. Brent D. Ward, U.S. attorney for the district of Utah; Mr. H. Robert Showers, executive director, National Obscenity Enforcement Unit, Criminal Division, U.S. Department of Justice; Mr. Jack E. Swagerty, Assistant Chief Postal Inspector for Criminal Investigations, Postal Inspection Service, U.S. Postal Service; Mr. George Davis, assistant general counsel, U.S. Postal Service; Mr. Dan Milhalko, Program Manager for Prohibited Mailing, Postal Inspection Service, U.S. Postal Service; Ms. Patrice Scully, Regional Counsel (Chicago), U.S. Customs Service; Mr. John Sullivan, director, Child Pornography and Protection Unit, U.S. Customs Service; Prof. Frederick Schauer, University of Michigan School of Law, Ann Arbor, MI; Prof. Martin Redish, Northwestern University School of Law, Chicago, IL; Linda Steinman, attorney at law, Weil, Gotshal and Manges, New York, NY, counsel, the Association of American Publishers; James Schmidt, chairman, Committee on Intellectual Freedom, American Library Association; Carla Cohen, proprietor, Politics and Prose bookstore, Member, American Booksellers Association, Washington, DC; and Alan E. Sears, Legal Counsel, Citizens for Decency through Law, Inc., Phoenix, AZ.

The Subcommittee on Crime then held two meetings to mark up the bill in which we extensively discussed what ought to be included in a reported bill, and the areas of disagreement. In the 8 years I have served as chairman of the Subcommittee on Crime, it has been the practice of the subcommittee to legislate by consensus—to report legislation only when through discussion, give and take, and compromise, we arrive at agreement on provisions which all or nearly all Members can support.

Regarding H.R. 3889, almost immediately we reached consensus on the provisions regarding title I (now chapter I), relating to the sexual exploitation of children and the provisions of title II relating to forfeiture in such cases. We were unable to agree on title II provisions relating to adult obscenity.

I am very pleased however that BILL MCCOLLUM and I were able to develop a bill for inclusion in the drug bill that met with the approval of the bipartisan leadership of the House and Senate, and with the near unanimous approval of our colleagues when the bill was passed by Congress, October 22, 1988 as Title VII, Subtitle N, of H.R. 5210. I want to commend BILL MCCOLLUM for his leadership

in this area. He pointed out the need to concentrate Federal resources at those who mastermind the distribution of obscenity and the need for a statute that specifically targets those who specifically traffic in obscenity. I also want to commend him for agreeing to drop the civil forfeiture provisions of the original bill, which because of the absence of the safeguards of the criminal law, created great fear of unjust application among those who are in the legitimate industry of distributing books, records and videotapes. The forfeiture area was one of the issues of greatest concern to those in first amendment protected businesses, and BILL MCCOLLUM's leadership helped us to strike a good compromise at literally, the eleventh hour.

Because final agreement between BILL MCCOLLUM and myself was not reached on the most controversial provisions of the anti-pornography provisions until just a couple of hours before the measure went to the floor, we were unable to prepare a detailed analysis for inclusion in the RECORD of October 21, 1988.

Thus, as the principal architect of the compromise bill adopted by the Congress, I have developed the following explanation and section-by-section analysis to guide the public, the Department of Justice and the courts in the enforcement of the new provisions.

SECTION-BY-SECTION ANALYSIS

Section 7501—Short Title

CHAPTER I—CHILD PORNOGRAPHY

Section 7511—Amendments to existing child pornography offenses

Subsection (a) This subsection adds to the jurisdictional circumstances of the offense prohibiting advertising with respect to child pornography (18 U.S.C. 2251(c)) created by P.L. 99-628 (the Child Sexual Abuse and Pornography Act of 1986) by adding after "interstate or foreign commerce" the words "by any means including by computer".

Subsection (b) This subsection amends 18 U.S.C. 2252(a) to prohibit the transportation of shipment in interstate or foreign commerce by means of computer of visual depictions of child pornography. The subsection also prohibits the receipt or distribution of any visual depiction of child pornography by means of a computer in interstate or foreign commerce, or the reproduction for distribution by computer.

Subsection (c) This subsection defines "computer" to have the same meaning as the term "computer" in the Computer Fraud statute. The term "computer" means "an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device but such term does not include an automated typewriter or typesetter, a portable automated typewriter or typesetter, a portable hand held calculator, or other similar device" (18 U.S.C. 1030(e)(1)).

Section 7512—Selling or buying of children

This section creates new offenses of "Selling or buying of children," a new section 2251A of title 18, United States Code.

Subsection (a) of the new offense would prohibit a parent, legal guardian, or other person having custody or control of a minor

to sell or otherwise transfer custody of a minor either:

(1) with the knowledge that as a consequence of the sale or transfer the minor will engage in, or assist another to engage in, sexually explicit conduct¹ for the purpose of producing a visual depiction; or

(2) with intent to promote the engaging or the assisting in the engaging in by the minor in sexually explicit conduct for the purpose of producing a visual depiction.

This offense would carry imprisonment of not less than 20 years and up to life imprisonment.

Similarly, whoever "purchases or otherwise obtains custody or control of a minor" with such knowledge would violate subsection (b) of the new 18 U.S.C. 2251A.

Subsection (c) sets forth three jurisdictional circumstances for the new offenses:

(1) In the course of conduct described, the minor or the actor traveled in or was transported in interstate or foreign commerce.

(2) Any offer described in the offense was communicated or transported in interstate or foreign commerce (including by computer) or by mail.

(3) The conduct took place in any territory or possession of the United States.

The term "custody or control" is defined to include temporary supervision over or responsibility for a minor whether legally or illegally obtained.

Section 7513—Record keeping requirements

This section adds a provision (18 U.S.C. 2257) to the child pornography chapter to require pornographers to keep "individually identifiable records" of persons depicted in pornography (called "performers" in the bill) to make it easier to prosecute producers of pornography who use performers who are under age 18.

Subsection (a) of new 18 U.S.C. 2257 provides that persons who produce any book, magazine, periodical, film, videotape or other matter which contains one or more depictions of "actual sexually explicit conduct" (using the definition in the child pornography law, 18 U.S.C. 2256(2)²) and which is produced with materials which have been shipped in interstate or foreign commerce, which is shipped in interstate or foreign commerce, or which is intended for shipment or transportation in such commerce, must keep records on every performer portrayed in the visual depiction.

Subsection (b) of new 18 U.S.C. 2257 requires the producers of these materials (which include film laboratories, publishers, etc.) to ascertain by examining identification documents the name and date of birth of the performers, ascertain any other name ever used by the performer, and record the information as prescribed by the Attorney General's regulations.

Subsection (c) of new 18 U.S.C. 2257 requires that the records shall be maintained at the producer's place of business for inspection by the Attorney General.

Subsection (d)(1) provides that information required to be kept in these records shall not be used as evidence against any person with respect to any violation of law,

except a prosecution for furnishing false information.

However subsection (d)(3)(A), provides that in a prosecution for producing child pornography, failure to create records for every performer, failure to examine identification documents, failure to obtain all professional names, or failure to keep the required records raises a rebuttable presumption that the performer depicted was a minor.

Subsection (e) requires that producers of sexually explicit depictions affix to every copy of such depictions a statement describing where the records of all performers in the depiction are located. In the case of an organization, the name of the person responsible for maintaining the records shall be included. In a prosecution under 18 U.S.C. 2251 or 2252 that the material is a depiction of a minor in engaging in sexually explicit conduct, proof that the statement is not affixed raises a rebuttable presumption that the person depicted is a minor (new subsection (d)(3)(B) or subsection (e)(3)).

Subsection (f) authorizes the Attorney General to issue regulations to carry out the section.

Subsection (g) defines the term "actual sexually explicit conduct" as actual but not simulated conduct as defined in subparagraphs (A) through (E) of 18 U.S.C. 2256(2)³, the term "identification document" to have the same meaning as defined in 18 U.S.C. 1028(d), the term "produces" (which includes duplication, reproduction, and reissuing of any material), and defines the term "performer."

The Attorney General is directed to prepare regulations implementing this section within 90 days of enactment. The section takes effect 180 days after enactment (the date H.R. 5210 is signed by President Reagan) except for the subsection requiring affixing a statement concerning the location of the records of performer's ages, etc., which takes effect 270 days after enactment.

Section 7514—RICO amendment

This section amends the definition of "racketeering activity" in the RICO (Racketeering Influenced and Corrupt Organizations) chapter of the criminal code (18 U.S.C. 1961(1)) to include any act which is indictable under sections 2251 and 2252 of title 18, United States Code, relating to the sexual exploitation of children. This means that the full panoply of legal tools provided for racketeering prosecutions can be utilized in sexual exploitation of children cases provided the criteria for a RICO offense exist.

CHAPTER II—OBSCENITY

Section 7521—Engaging in the business of selling or transferring obscene matter

Subsection (a) is a new provision developed in the conference to focus on major smut peddlers, those who are engaged in the business of distributing obscene matter. It adds a new section 1466 of title 18, U.S.C. proscribing engaging in the business of selling or transferring obscene matter by the receipt or possession with intent to distribute obscene material which has been shipped in interstate or foreign commerce. The penalty is a maximum imprisonment of up to five years, and felony level fines of up to \$250,000 for an individual and up to \$1,000,000 for an organization. This new offense requires, first that the circumstance be proven that the defendant is in the business of selling or transferring obscene

matter. Second, the government then must prove that the defendant knowingly received or possessed, with intent to distribute, obscene matter that has been shipped or transported in interstate or foreign commerce.

Under present federal obscenity laws (18 U.S.C. sections 1461, 1462, 1465), it is an offense to use the mail or interstate commerce to transport obscene material. The proposed new section will make prosecution against those persons whose business is the trafficking of obscenity easier by proscribing the receipt or possession, with intent to sell or distribute, of obscene material which has been shipped in interstate commerce, without having to prove that such person was actually involved in the shipment.

Subsection (b) of the new offense defines the term "engaged in the business" of selling or transferring obscene matter to mean one who sells or transfers or offers to sell or transfer obscene matter who devotes time, attention, or labor to such activities, as a regular course of trade or business, with the objective or earning a profit, although it is not necessary that the person make a profit or that the selling or transferring or offering to sell or transfer such material be the person's sole or principal business or source of income. This definition is taken from the definition of "engaged in the business" used in the 1986 amendments to the Gun Control Act (18 U.S.C. 921(a)(21)(C) and (22), (S.49 and S. 2414; P.L. 99-308 (May 19, 1986) and P.L. 99-360 (July 8, 1986)). Under this definition a legitimate bookseller, record or video dealer might make an occasional transfer or sale of something not yet determined to be obscene and not be "engaged in the business" unless a regular course of trade or business in obscene matter is shown. The last part of the reservation regarding the circumstance that it is not necessary that the business of selling obscene matter "be the person's sole or principal business or source of income" is designed to recognize that persons engaged in the business may have other substantial sources of income. For example, the organized criminal organizations involved in the production and distribution of obscenity frequently have substantial sources of income from narcotics trafficking, prostitution, gambling, hijacking, loan sharking, labor racketeering, extortion, arson, bankruptcy fraud and other lucrative criminal activities. Such persons would be prosecutable under this section even if the obscenity business were not the sole or principal source of income.

This offense is different from the approach in the original amendment to H.R. 5210 passed by the Senate (October 14, 1988) in that it does not place in jeopardy the vast majority of publishers and manufacturers, wholesalers and retailers who provide American citizens with the wide variety of books, magazines, records and video products which enrich American life and culture, some of which contain sexually explicit material, but which have not been found to be obscene and are protected by the First Amendment. In developing this approach of focusing upon those engaged primarily in the obscenity business, it was intended to avoid deterring those who distribute protected material to the public, and to draft the offense in a limited fashion so that the severe penalties which can be imposed upon those in the obscenity business are not to be imposed upon those who are legitimate retailers or publishers who might possess on a single occasion items in inventory that are subsequently adjudged obscene.

¹ The term "sexually explicit conduct" means "actual or simulated—(A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; (B) bestiality; (C) masturbation; (D) sadistic or masochistic abuse; or (E) lascivious exhibition of the genitals or pubic area of any person . . ." (18 U.S.C. 2256(2)).

² Ibid.

³ See footnote 1, *supra*.

Subsection (b) also provides a rebuttable presumption to facilitate the prosecution of those who are actually traffickers in obscene material. The presumption is necessary so that a trafficker in obscene material does not avoid prosecution simply because in a particular case the evidence adduced to prove that the trafficker was engaged in the business of selling or transferring obscene matter was that the defendant trafficked in a relatively small number of obscene items. This supports the reason for the creation of this new offense which is to attack the traffickers in obscene material. The presumption is to be applied in the context of the overall definition of "engaged in the business". The presumption is that a person who offers for sale or transfer, at one time, two or more obscene publications, two or more obscene articles or a combined total of five or more such publications and articles is "engaged in the business" of transferring or selling obscene matter. The defendant could rebut this presumption by evidence that the articles or publication were offered for sale or transfer in the course of carrying on the defendant's general trade or business in lawful books, magazines, audio or video products, and that he did not, in the regular course of business, devote time, attention or labor to the selling of obscenity. Similarly, an individual who sells at cost two obscene publications to a friend could rebut the presumption by showing that he engaged in no transactions in obscene matter which were aimed at profit making. However, a person who in fact is engaged in sale for profit and who meets the definition of "engaged in the business" cannot escape prosecution merely by showing that the particular sale or sales with which he is charged were on a not-for-profit basis.

Subsection (b) of the bill is a clerical amendment.

Subsection (c) amends 18 U.S.C. 1465, relating to transportation of obscene matters for sale or distribution, to expand the prohibition to add the knowing *travel in interstate or foreign commerce, or use of a facility or means of interstate commerce, for the purpose of transporting obscene material in interstate or foreign commerce*. The phrase, "for the purpose of transporting," is intended to limit prosecutions based on the use of facility or means of interstate commerce to those facilities or means directly involved in the transportation of the obscene material.

Subsection (d) creates a new section 1469 of title 18 which would provide a number of presumptions for all prosecutions relating to obscene material under chapter 71 of title 18. First, proof (by circumstantial or direct evidence) that the matter was produced or manufactured in one state and subsequently located in another state raises the *rebuttable presumption that the matter was transported, shipped or carried in interstate commerce*. A second, similar presumption is created for foreign commerce. Subsection (e) is a related clerical amendment.

Section 7522—Forfeiture in obscenity cases

Subsection (a) of the bill adds a new section to chapter 71, relating to obscenity, section 1467, relating to criminal forfeiture. A provision relating to civil forfeiture of obscenity was not adopted because it did not require convictions in order to be operative. Subsection (b) of the bill is a technical amendment. Subsection (c) of the bill replaces the two current sections in chapter 110 of title 18 U.S.C. (relating to sexual exploitation of children), section 2253, relating to criminal forfeiture, and section 2254, re-

lating to civil forfeiture, with expanded and clarified new procedures.

Subsection (a) of the new 18 U.S.C. 1467 provides that a person who is convicted of an offense regarding obscene material under chapter 71, United States Code, shall forfeit to the United States such person's interest in—

(1) any obscene material produced, transported, mailed, shipped, or received in violation of chapter 71;

(2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from a violation of chapter 71; and

(3) any property, real or personal, used or intended to be used to commit or promote the commission of such offense, *if the court in its discretion so determines, taking into consideration the nature, scope, and proportionality of the use of the property in the offense*.

This is an important change from H.R. 3889 as introduced. Forfeiture of the obscene material and profits derived therefrom are subject to mandatory forfeiture. Property used in the production, transportation or distribution of obscene material is only forfeitable in the discretion of the sentencing court after the court takes into consideration the ratio of the use of the property in the commission of the offense to the use of the property for other purposes, including in connection with the production, transportation or distribution of materials which are protected under the First Amendment. In other words, if the court determines to order any forfeiture at all under this paragraph, in addition to considering the scope and nature of the use of a particular item of property in the offense, it is limited to that production of the use of the property in the commission of the offense, as distinguished from all other uses.

The other provisions of criminal forfeiture are borrowed from the criminal forfeiture provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853).

Subsection (b) is the so-called "relation-back doctrine." The title in the forfeitable property passes to the United States at the time of the commission of the offense. This doctrine is limited however against transfers of property to third parties to protect bona fide purchasers for value who at the time they receive the property are "reasonably without cause to believe that the property was subject to forfeiture." The burden is upon the transferee to establish such lack of cause to so believe.

Subsection (c) permits the United States to obtain restraining orders or injunctions or to take other action to preserve forfeitable property.

Subsection (d) permits the government to obtain from a court a warrant to seize property that is subject to forfeiture if it finds that an order which could be issued under subsection (c) is insufficient to assure the availability of property for forfeiture.

Subsection (e) requires that if the court finds beyond a reasonable doubt that the property in question is subject to forfeiture, property described in subsection (a)(1) and (a)(2) be forfeited, but that with respect to property used or intended to be used to commit or promote the commission of the offense (subsection (a)(3)), the court after finding beyond a reasonable doubt that the property is subject to forfeiture, shall further exercise its discretion whether and to what extent to forfeit the property.

Subsection (f) provides for the execution of orders of forfeiture.

Subsection (g) provides for the disposition of the property.

Subsection (h) provides various authorities for the Attorney General concerning the forfeited property and to grant petitions for mitigation and remission of forfeiture, to pay rewards to informants.

Subsection (i) bars intervention in criminal trials or appeals or bringing actions against the United States by person with interests in property subject to forfeiture.

Subsection (j) provides that the United States District Courts have jurisdiction to enter orders regarding property subject to forfeiture without regard to the location of the property.

Subsection (k) permits the use of depositions to facilitate the identification, location and disposition of property subject to forfeiture.

Subsection (l) provides procedures for the protection of the interests in the property held by third parties by requiring notice and the opportunity to file necessary petitions.

Subsection (m) provides that the forfeiture section be "liberally construed".

Subsection (n) provides that if property subject to forfeiture cannot be forfeited for a specified reason, then other property may be substituted.

Subsection (c) of the bill replaces 18 U.S.C. 2253 and 2254 in chapter 110, sexual exploitation of children, with stronger and more detailed procedures for the forfeiture of property from persons convicted of child pornography offenses (18 U.S.C. 2253, Criminal Forfeiture), and forfeiture of depictions of child pornography and derivative property (18 U.S.C. 2254, Civil Forfeiture).

The Criminal Forfeiture provisions are similar to those in obscenity offenses without the exception regarding judicial discretion and the application of proportionality. The civil forfeiture provisions mainly track the civil forfeiture provisions of section 511 of the Controlled Substances Act (21 U.S.C. 881). The Congress recognizes the legitimacy of civil forfeiture in this area since, unlike the obscenity area, there is no need for a judicial determination of obscenity, *New York v. Ferber*, 102 S.Ct. 3348 (1982) and P.L. 98-292. The provisions of Service Postal Inspection Service and the Secretary of the Treasury in the investigation and forfeiture of child pornography and related property.

Subsection (e) revises section 305 of the Tariff Act of 1930 (19 U.S.C. 1305), relating to the prohibition on importing immoral articles, which now requires the seizure of obscene matters upon its appearance at any Customs office, to permit the *delay of forfeiture to permit the continuance of a criminal investigation*.

Section 7523—Cable television obscenity

Subsection (a) creates a new offense in chapter 71 of title 18, U.S.C., relating to obscenity, to *prohibit uttering obscene language or distributing obscene matter by cable or subscription television* (18 U.S.C. 1468). State regulation of obscene matter distributed by cable or subscription television is not preempted.

Currently obscene *television broadcasting* is prohibited under 18 U.S.C. 1464 proscribing obscene "radio communication". Cable television is transmitted by wire, not radio waves, and thus is generally not covered by the existing law. A violation would carry a maximum of two years in prison and felony level fines. The term "distribute" means "to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire micro-

wave, or satellite, or to produce or provide material for such distribution."

Section 7524—Communications Act amendment

This section is a "Dial-A-Porn" amendment. The 1983 effort to regulate or ban "dial-a-porn" concentrated on prohibiting access of minors to such material (P.L. 98-214, section 8; 47 U.S.C. 223(b)). The FCC has attempted (over the past four years and in the face of three court challenges) to develop regulations for telephone companies that would restrict minors from accessing dial-a-porn by:

(1) setting certain hours in which the dial-a-porn messages could not be made available to the public (which was rejected by the U.S. Court of Appeals for the Second Circuit);

(2) limiting access to those who have a credit card (accepted by the court);

(3) adopting a system of customer access codes (accepted by the court);

(4) allowing the customer to block the making of dial-a-porn calls from his or her telephones (remanded by the court for further revision and consideration of the potential costs and their just allocation);

(5) requiring the "scrambling" of dial-a-porn message and providing adult dial-a-porn customers with de-scrambling devices (under court review).

This section rewrites the 1983 amendment to the Communications Act of 1934 (47 U.S.C. 223(b)) by:

(1) eliminating the distinction between minors and adults in dial-a-porn, i.e., communication for commercial purposes;

(2) retaining the proscription of obscene communications by telephone generally in section 223(a) which is a misdemeanor;

(3) proscribing obscene communications by telephone "for commercial purposes" as a felony; and

(4) proscribing non-obscene but "indecent" communications "for commercial purposes" to any person as a misdemeanor.

The provision eliminates the former statutory defense to a prosecution involving an indecent communication that the defendant restricted access to the indecent communication to persons 18 years of age or older in accordance with FCC regulations (former 47 U.S.C. 223(b)(2)). The provision also eliminates a civil fine provision in the prior law (former 47 U.S.C. 223(b)(4)). The provision also eliminates the Attorney General's injunctive powers under the prior law.

The first new offense creates a felony for whoever knowingly, in the District of Columbia or in interstate or foreign communication, by means of telephone, makes (directly or by recording device) any obscene communication for commercial purposes to any person, regardless of whether the maker of such communication placed the call; or knowingly permits any telephone facility under such person's control to be used for an activity prohibited by this offense. This felony can be punished by imprisonment of not more than two years.

The second new offense creates a misdemeanor for whoever knowingly, in the District of Columbia or in interstate or foreign communication, by means of telephone, makes (directly or by recording device) any indecent communication for commercial purposes to any person, regardless of whether the maker of such communication placed the call; or knowingly permits any telephone facility under such person's control to be used for an activity prohibited by this offense. This misdemeanor can be pun-

ished by imprisonment of not more than six months.

Section 7525—Possession with intent to sell and sale of Obscene Matters in Federal jurisdiction or on Federal Property

This section creates a new offense in chapter 71 of title 18, relating to obscenity, of possession with intent to sell and sale of obscene matter on Federal property, 18 U.S.C. 1460.

Subsection (a) of the new offense provides that whoever, in the special maritime and territorial jurisdiction of the United States (defined in 18 U.S.C. 7 to include vessels on the high seas, aircraft and spacecraft in flight, and certain lands of the United States), or any land or building owned, leased or used by or under the control of the Government of the United States, or in the Indian country (defined in 18 U.S.C. 1151), knowingly sells, or possesses with intent to sell, an obscene visual depiction or a visual depiction of child pornography shall be imprisoned for not more than 2 years or subject to felony-level fines.

ARMS CONTROL AND INTERNATIONAL SECURITY ACTIVITIES OF THE COMMITTEE ON FOREIGN AFFAIRS DURING THE 100TH CONGRESS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. FASCELL. Mr. Speaker, during the 100th Congress, the Committee on Foreign Affairs, primarily through the Subcommittee on Arms Control, International Security and Science, considered a wide range of arms control and international security issues. Recognizing the high public interest in these issues, I would like to report to my colleagues in the House and to the American people on the efforts of the subcommittee and the committee in support of a comprehensive arms control policy that has enhanced our country's national security.

The activities of the Subcommittee on Arms Control, International Security and Science during the 100th Congress were guided by its broad and varied jurisdictional responsibilities as reflected in the committee rules for the 100th Congress.

To deal with national security and scientific developments affecting foreign policy; strategic planning and agreements; war powers and executive agreements legislation; Arms Control and Disarmament Agency and all aspects of arms control and disarmament with particular emphasis on the investigation and evaluation of arms control and disarmament proposals and concepts; security aspects of nuclear technology and materials; international terrorism with special focus on the U.S. Government's policies and programs for combating international terrorist movements and actions; oversight of all military aspects of foreign policy and foreign intelligence; and oversight of State and Defense Department activities involving arms transfers, arms export licenses, administration of security assistance, arms sales, foreign military training and advisory programs, and conventional arms control.

The following overview of the subcommittee's activities during the 100th Congress addresses major international issues ranging from strategic, nuclear testing, chemical, biological and conventional arms control, to war powers and the Persian Gulf, to international terrorism, to international security and scientific issues, to conventional arms sales around the world, to nuclear and chemical nonproliferation issues, and to international security assistance and military training programs worldwide. A listing of key activities and publications during the 100th Congress by the Subcommittee on Arms Control, International Security and Science follows my remarks.

ARMS CONTROL POLICY ISSUES

During the 100th Congress, the Committee on Foreign Affairs in general, and the Subcommittee on Arms Control, International Security and Science in particular, acted to reaffirm arms control as an integral part of our country's national security policy by carrying out its oversight responsibility in a number of arms control areas, including: the Intermediate-Range Nuclear Forces Treaty, the Geneva Arms Control Talks, strategic arms reductions, the ABM Treaty, the strategic defense initiative [SDI], nuclear testing, the SALT II Treaty and antisatellite [ASAT] weapons, and chemical and biological weapons bans.

Several days of hearings were conducted on the implications of the INF Treaty for U.S. arms control and national security policy. The committee examined the contributions of the Treaty to U.S. national security interests, European reactions to the INF Treaty, implications of the treaty on conventional defense spending and arms control, verification provisions of the treaty, and their adequacy and possible applications to other agreements, including an agreement on strategic offensive nuclear weapons.

These hearings resulted in committee action and subsequent floor approval of legislation recommending approval of the INF Treaty as well as calling for a number of actions to be taken with respect to the ongoing negotiation of a 50-percent reduction in the strategic offensive nuclear arsenals of the two superpowers.

In addition, the Arms Control Subcommittee conducted numerous hearings and briefings on strategic nuclear issues. Particular focus was given to the Geneva arms control talks and the relationship between reductions in strategic offensive weapons and space defenses.

Through regularized briefings before the committee and the House observers to the Geneva arms control talks, administration officials and U.S. negotiators reported on the status of the talks, the outcome of the various meetings between Secretary of State Shultz and Soviet Foreign Minister Shevardnadze, and the four summits between President Reagan and General Secretary Gorbachev.

During the 101st Congress, the subcommittee will closely examine the details of a prospective 50 percent strategic reductions agreement, including: the interpretation of the ABM Treaty that will guide the United States-Soviet nonwithdrawal period from the ABM Treaty, sublimits on ICBM's and SLBM's, efforts to distinguish future conventionally

armed cruise missiles from nuclear-armed cruise missiles, and mobile missile verification issues.

During the 100th Congress, the Arms Control Subcommittee continued to conduct hearings and briefings as part of its ongoing evaluation of the administration's SDI program which is designed to go beyond research. This effort goes back to 1983 when the subcommittee was the first in the Congress to examine in detail the administration's SDI program resulting in the following conclusions which were reaffirmed during the 100th Congress. Such an SDI program: First, is excessively costly; second, is technically unworkable; third, will have a negative impact on arms control; fourth, will result in a dual arms race; and fifth, would strain U.S. relations with our allies.

The subcommittee was also the first in the Congress to examine the administration's unilateral reinterpretation of the ABM Treaty beginning in 1985 which resulted in the Congress requiring the President to adhere to the traditional interpretation of the ABM Treaty in the 100th Congress.

In the next Congress, the subcommittee will continue to support adherence by both the United States and the Soviet Union to an agreed upon common interpretation of the ABM Treaty and will work to strengthen the treaty which has proven to be an effective inhibitor to expanding the United States-Soviet arms race in strategic defenses and space-based systems.

During the Reagan administration, the subject of nuclear testing has never ceased to arouse controversy and the subcommittee analysis of this issue was no exception.

In recent years, the subcommittee has followed this issue closely, from the passage of House Joint Resolution 3 in February 1986, calling for ratification of the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty and negotiations on a comprehensive test ban treaty, to the House-passed prohibition on nuclear testing above 1 kiloton—contingent upon Soviet acceptance of stringent verification measures—to the Natural Resources Defense Council's [NRDC] establishment of seismic monitoring stations on Soviet territory, to the President's eventual agreement to engage in nuclear testing discussions between United States and Soviet technical experts in July 1986, to the United States-Soviet joint verification experiments, and finally to the nuclear testing talks underway today in Geneva.

In the next Congress, it is my hope that the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty—signed in 1974 and 1976 respectively—will be ratified. The subcommittee will continue to examine nuclear testing issues with a focus on how best to move from the 150 kiloton limit on testing to lower levels of testing, culminating in a negotiated comprehensive test ban agreement. This goal—a comprehensive test ban—has been an arms control policy espoused by every President since Eisenhower. In my view, uncontrolled nuclear testing simply fuels the arms race. We not only need negotiated reductions in our strategic nuclear arsenals, but we also need a negotiated halt to testing.

During the 100th Congress, the subcommittee continued to support a halt to the F-15 antisatellite [ASAT] weapons testing program and continued adherence to the SALT II limits for as long as the Soviets continue adherence to those limits. U.S. national security interests now and into the future are best served by maintaining arms control limitations on Soviet offensive strategic systems through continuation of the existing arms control regime until there is a more stable regime to replace it—a position that has been adopted by both Presidential candidates.

During the 100th Congress, the subcommittee also examined arms control compliance in general and Soviet compliance with arms control agreements in particular. In addition to administration witnesses, the subcommittee heard from several of the authors of a study on Soviet compliance prepared by the Stanford University's Center for International Security and Arms Control.

Their expert testimony, based on a 400-page report conducted over an 18-month period concluded that the Soviet Union is in compliance with arms control agreements, with the exception of the Krasnoyarsk radar. This radar is a violation of the ABM Treaty and it is my hope that the Soviets will take the necessary actions to resolve this compliance concern.

The Stanford study further noted that a perceived compliance crisis has been created, in part, by the Reagan administration's exaggeration of the military significance of alleged Soviet violations. The Soviets have also contributed to a perceived compliance crisis by stretching the terms of agreements and responding to United States concerns in a non-constructive manner.

Hopefully the Standing Consultative Commission [SCC]—which has a proven record of resolving compliance concerns under past administrations—will be better utilized by both superpowers in the months ahead.

In the 101st Congress, the subcommittee will continue to monitor compliance concerns and ways to improve the compliance resolution process.

Chemical and biological weapons have also been major arms control policy concerns of the Subcommittee on Arms Control during the 100th Congress.

Joined by Representative JOHN PORTER of Illinois, I led a sustained bipartisan effort in Congress to develop a comprehensive chemical arms control approach that would ban the production and usage of chemical weapons resulting in their ultimate elimination from world arsenals. While opposing the Department of Defense's binary chemical weapons production program, I have, at the same time, supported the multilateral negotiations on chemical weapons in Geneva, recommended improving chemical weapons defenses as the best deterrent to chemical weapons use, and urged that we keep our currently deployed chemical weapons deterrent force in Europe until a chemical weapons agreement with the Soviet Union is negotiated.

Reflecting abhorrence over the use of nerve gas, the House of Representatives adopted committee-passed legislation that condemned the Iraqi use of lethal chemical weapons and approved sanctions against Iraq to enhance

cessation of its use. Unfortunately, legislative adjournment precluded its final passage by the Senate.

Congressional bipartisan opposition to binary chemical weapons production has been based on a variety of sound arms control, foreign policy, and national defense reasons. The Arms Control Subcommittee has commissioned a number of important studies and reports detailing the many flaws of the binary nerve gas program. One such report from the Congressional Research Service describes the risks of chemical weapons proliferation posed by binary nerve gas production; others from the General Accounting Office have documented in detail the persistent developmental and operational testing flaws of the Bigeye binary nerve gas bomb; and another from the GAO documented the illegal lobbying activities of the President's Chemical Warfare Review Commission.

Bipartisan congressional opposition to the production of binary nerve gas weapons has been successful in delaying and actually eliminating hundreds of millions of dollars that would have otherwise been spent on this flawed program. Despite years of persistent DOD requests for Bigeye bomb production, there will not be any production until 1990 at the earliest, and even then it must pass a rigorous clearance and justification process which DOD itself acknowledges it cannot currently satisfy.

The Subcommittee on Arms Control will continue to carefully oversee all future plans for the binary chemical production program and continue to support a successful conclusion in 1989 to the chemical weapons negotiations in Geneva that would negate any interest in pursuing binary chemical arms control production here in the United States. It is critical that a comprehensive chemical weapons agreement banning stockpiling and production be reached before the tragedy of chemical weapons use, so graphically demonstrated by the Iraqi nerve gas attacks against the Kurdish people, is not repeated elsewhere.

In response to Department of Defense plans to embark on an upgrade of the U.S. biological research testing program, the Subcommittee on Arms Control was joined by two other subcommittees from the Committees on Armed Services and Interior to conduct a joint three-subcommittee hearing to focus not only on the arms control concerns raised by such a perceived shift in policy but also to examine the safety, public health, and environmental issues related to such testing.

During the subcommittee's hearing on biological research testing, a number of key observations and recommendations were made which should be given careful consideration by both the executive branch and Congress in 1989. For example, it would seem only logical that no biological weapons research needs to be secret, if our biological research testing program is purely defensive in nature. Openness would show that our purposes are totally defensive. Also, we should seriously consider making our biological research program civilian in nature, if there is no offensive element to its purpose. Expert testimony also indicated that biological threats might be so inherently numerous, especially when genetically engi-

neered, that any effective defense might simply prove to be futile. Simulants rather than virulent agents may be just as effective in defensive research. Therefore, one must ask, why are we taking the risks of doing defensive research with virulent agents? Finally, it was recommended that an oversight commission—provided that it have the necessary independence to avoid political and bureaucratic pressures—be established to assure that any and all research in this area be as safe and peaceful in intent as possible.

As a result of public concern and congressional interest as expressed in the unusual joint three subcommittee hearing, the Department of Defense subsequently decided to delay an upgrade of the biological testing facility at Dugway, UT. The subcommittee will monitor future plans at Dugway and other facilities to make certain that the arms control, safety, and public health concerns are adequately addressed in any biological research program. Our purpose is to preserve the official U.S. position that we do not possess or plan to possess or produce biological weapons.

The signing of the INF Treaty focused heightened congressional attention on the need to address current imbalances between NATO and the Warsaw Pact in the conventional military sphere.

This same point was made by Secretary of Defense Carlucci in his January 1988 report to Congress entitled "Support of NATO Policy in the 1990's" in which he underscored the necessity of addressing the most critical deficiencies in NATO's conventional force posture including areas related to reinforcement, Follow-on Force Attack [FOFA] and counter air missions.

Accordingly, the subcommittee scheduled to follow up to its July 1987 hearing with Gen. Bernard Rogers on the overall aspects of European security, new weapons technologies available to the United States and NATO, and the implications of the INF Treaty upon the application and deployment of these technologies in the future. That hearing was held jointly with the Commission on Security and Cooperation in Europe during the summer of 1988.

On behalf of the State Department, Ambassador Ridgway stressed continued U.S. commitment to asymmetrical reductions in NATO/Warsaw Pact military deployments from the Atlantic to the Urals while emphasizing that any conventional arms control regime remain autonomous from the Conference on Security and Cooperation in Europe.

While the policy objectives outlined by both Ambassador Ridgway and the Carlucci report seem reasonable, it remains to be seen how effective the new conventional stability talks [CST] will be in reaching those objectives. The Arms Control Subcommittee will continue its examination of the relationship between the CSCE and the CST. In other words, what will be the nature of the relationship between establishing a more equitable balance in conventional military forces and conventional armaments reductions with efforts to improve human rights. This effort will also include an examination of the viability of a long-term U.S. and NATO strategy that relies upon clear and conventional force modernization while at the

same time calling for asymmetrical reductions in NATO/Warsaw Pact conventional military forces.

ARMS CONTROL AND DISARMAMENT AGENCY [ACDA]

As part of its jurisdiction over the Arms Control and Disarmament Agency [ACDA], the Subcommittee on Arms Control remains committed to developing a vibrant, independent, and effective arms control agency. This commitment was demonstrated during the 100th Congress in the enactment of a 2-year authorization bill for ACDA that enabled the agency to engage in a wide array of arms control activities including an external research program to examine existent and alternative verification techniques and technologies that could be used to enhance compliance with arms control agreements.

Despite these commitments, however, ACDA has been hampered to a certain extent in recent years from carrying out its important arms control missions due to the development of lax security procedures within the agency. Recognizing the need to restore stringent security procedures in ACDA, the subcommittee authorized the establishment of an independent Inspector General at ACDA and initiated appropriate General Accounting Office investigations into ACDA security programs, practices, and procedures. In addition the subcommittee instructed the Department of State inspector general, who now also serves as ACDA's inspector general, to conduct a survey of ACDA security programs, practices and procedures.

These investigations identified a number of security problems which, if seriously addressed by ACDA, would restore proper security practices to the high levels necessary for this small but important agency to fulfill its arms control mandate. Under the subcommittee's direction, the new Director at ACDA, Gen. William F. Burns, has already initiated a variety of reform measures to rectify the security problems that he inherited.

In the future, the subcommittee will continue its efforts to maintain the independent integrity of ACDA as the primary agency of the U.S. Government in arms control policy formulation and implementation. This can best be accomplished by the subcommittee providing ACDA with sufficient funding to meet its wide range of arms control responsibilities coupled with the Agency's restoration of the highest security standards. Taken together, these steps will enhance the likelihood of ACDA maintaining a strong and independent voice for arms control.

ONSITE INSPECTION AGENCY

The Onsite Inspection Agency [OSIA] was established by the INF Treaty and is tasked with implementing the verification provisions of the INF Treaty.

The experience of implementing the verification provisions of the INF Treaty will be an important guide for determining what verification provisions will be necessary in a future strategic arms reductions agreement. Logically, OSIA could become the likely agency responsible for implementing the verification provisions of a future strategic arms reductions treaty as well as a nuclear testing treaty and a chemical weapons agreement.

The Foreign Affairs Committee and this subcommittee will take the lead in the House in

overseeing OSIA in the 101st Congress. In legislation passed in 1988, the Congress required reports from the Director of ACDA, the Secretary of State, the Secretary of Defense, and the Director of the Central Intelligence Agency on their agencies' respective responsibilities for monitoring and verifying arms control agreements, as well as their OSIA-related responsibilities.

In particular, the reports are to describe each agency's responsibilities for: First, monitoring and verifying activities carried out with respect to the INF Treaty; second, evaluating the effectiveness with which these functions have been implemented; and third, recommending any future organizational or policy changes that may be necessary in view of the experience of implementing the INF Treaty.

The Congress also required that any authorization of appropriations for the Onsite Inspection Agency, shall be submitted as a separate activity so that the relevant committees of jurisdiction can exercise their oversight responsibilities.

The Arms Control and Disarmament Act established the Arms Control and Disarmament Agency which is within the jurisdiction of the Foreign Affairs Committee. The agency is charged with the formulation and implementation of United States arms control and disarmament policy in a manner which will promote the national security. As defined in the act, the terms "arms control" and "disarmament" mean the identification, verification, inspection, limitation, control, reduction, or elimination, of armed forces and armaments of all kinds under international agreement to establish an effective system of international controls * * *. The Activities described above are clearly within the realm of the Onsite Inspection Agency's arms control functions and as such are under the Foreign Affairs Committee's jurisdiction and its Subcommittee on Arms Control.

NUCLEAR RISK REDUCTION CENTERS AND CRISIS MANAGEMENT

Avoiding the outbreak of an accidental nuclear war and developing enhanced communication between the United States and the Soviet Union during times of crisis has become a growing arms control priority. As such, the Committee on Foreign Affairs has been interested in reducing the risks of nuclear war and for creating an institution dedicated solely to this end since 1980.

Since 1983, the Congress has voted on a number of occasions to support the establishment of Nuclear Risk Reduction Centers [NRRC's]. Congressional action and interest resulted in the administration negotiating an agreement with the Soviet Union to establish NRRC's on September 15, 1987.

The purpose of the NRRC's is to reduce the risk of a United States-Soviet conflict—primarily a nuclear conflict—arising from accidents, misinterpretation, or miscalculation. In addition, the NRRC's will exchange on a government-to-government basis, information and notifications of military activities required under existing and future arms control agreements. In this regard, the NRRC's are utilized by the Onsite Inspection Agency for INF Treaty verification purposes, that is, providing and receiving required updates of information

and data exchanges, required notifications of inspections, and providing and receiving compliance-related information.

In the 101st Congress, the subcommittee will exercise its oversight of the NRRC's with a particular focus on whether or not the role of the NRRC's should be expanded to include establishment of joint United States and Soviet manned centers and whether or not the United States NRRC should have responsibility for coordinating U.S. nuclear risk reduction efforts.

WAR POWERS

The escalation of U.S. military activity in the Persian Gulf in 1987 and 1988 dominated the subcommittee's oversight of war powers. On May 17, 1987, the U.S.S. *Stark* was attacked in the Persian Gulf with the tragic loss of 37 American servicemen.

Two days after the *Stark* tragedy, the Committee on Foreign Affairs launched a series of six hearings to examine the situation in the Persian Gulf. Senior witnesses from the administration included Richard W. Murphy, Assistant Secretary of State for Near Eastern and South Asian Affairs; Edward P. Djerejian, Principal Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs; Secretary of Defense Caspar W. Weinberger; Adm. William J. Crowe, Jr., Chairman of the Joint Chiefs of Staff; and Michael H. Armacost, Under Secretary of State for Political Affairs.

These witnesses testified that the administration did not believe that anything had occurred in the Persian Gulf which would require application of sections 4(a)(1) and 5(b) of the War Powers Resolution. Those provisions require the President to report to the Congress 48 hours after the introduction of U.S. troops into hostilities or imminent involvement in hostilities. Congress then has 60 to 90 days to approve such a deployment or the deployment must cease. Some Members of Congress believed that those provisions of the War Powers Resolution were applicable with respect to the naval escort operation and U.S. military activities in the Persian Gulf and so testified at the hearings.

Legislation was introduced in the House of Representatives which would have invoked the provisions of the War Powers Resolution in response to U.S. military activity in the Persian Gulf. While these measures generated considerable discussion, none of them attracted the level of support which would be required to proceed to markup and floor consideration.

Despite the refusal of the administration to formally submit reports pursuant to section 4(a)(1) of the War Powers Resolution, the Speaker of the House of Representatives received war powers reports from the President in a timely fashion following various separate military incidents in the Persian Gulf which referenced the War Powers Resolution. Subsequently, the subcommittee published a revised edition—May 1988—of a compendium of relevant documents, correspondence and reports relating to the War Powers Resolution.

The August 1988 cease-fire in the Iran-Iraq war appeared to bring this chapter in the 15-year history of the War Powers Resolution to a close. The escalated deployment and military engagement of U.S. Armed Forces in the

Persian Gulf from mid-1987 to mid-1988 clearly was reportable under section 4(a)(1) of the War Powers Resolution, a fact which the administration attempted to finesse with submission of war powers reports "consistent with" but not "pursuant to" that section of the law. It took several months before the administration started to take seriously its obligation to consult with the Congress as required by section 3 of the War Powers Resolution. The subcommittee maintained constant oversight of such reporting and consultation requirements.

The tensions which developed between the executive and legislative branches over the Persian Gulf deployment prompted the subcommittee to conduct a review of the War Powers Resolution. The subcommittee held two hearings in August and September 1988 to review the origins and applications of the War Powers Resolution.

These hearings reaffirmed my view that the War Powers Resolution is a living document fundamental to the conduct of U.S. foreign policy which cannot be dismissed, discounted, or denied. Its elegant simplicity restores the constitutional balance that was created between the President and Congress on questions of peace and war, and affirms our mutual partnership in such matters.

Under present circumstances, the need is not necessarily for Congress to amend the War Powers Resolution but rather for the executive branch to comply more fully with the spirit and letter of its provisions. I reach this conclusion fully recognizing that the President's noncompliance with the formal reporting requirement of section 4(a)(1) impaired the enforcement of the law. But in fact the President did submit reports following military incidents, did restrain the use of U.S. Armed Forces in the Persian Gulf in accordance with the general sentiment prevailing in the Congress, and eventually did consult with the Congress more fully and frequently than in the early stages of the Persian Gulf crisis. In short, the President's actions were significantly influenced by the War Powers Resolution.

Because I believe it is critical for us to restore and sustain a national security and foreign policy that has bipartisan support from Congress, I have proposed the establishment of a Leadership Consultative Group to serve as a structure for executive branch consultations with Congress on national security issues that impact on Congress' constitutionally granted foreign policy and national security obligations and rights. That remains an objective I plan to pursue in the next Congress and with the new administration.

ANTITERRORISM EFFORTS

The congressional investigations into the Iran-Contra affair in 1987 prompted two members of the subcommittee, Mr. BERMAN and Mr. HYDE, to review the antiterrorism provisions of various Federal laws. What they found were conflicting standards which could lead to legal misinterpretations in the making and conduct of U.S. antiterrorism policy. They also concluded that certain antiterrorism provisions could be strengthened.

On November 18, 1987, Mr. BERMAN, Mr. HYDE, Mr. HAMILTON, and I introduced H.R. 3651, the Antiterrorism and Arms Export Amendments Act of 1988. The purpose of H.R. 3651 was to amend the Arms Export

Control Act, the Foreign Assistance Act of 1961, the Export Administration Act of 1979 and the Hostage Act of 1868 to achieve the following major objectives:

First, to clarify and strengthen the prohibition on the export of defense articles and services to countries which the Secretary of State has determined repeatedly provide support for acts of international terrorism, including the introduction of criminal and civil penalties for violations of the prohibitions;

Second, to establish uniform standards in these laws for the designation of a country as one whose government repeatedly provides support for acts of international terrorism and for the President's authority to waive statutory prohibitions or to rescind the Secretary of State's determination;

Third, to require validated licenses for the export of any good or technology which could significantly contribute to the military potential of a terrorist country or could enhance that country's ability to support international terrorism;

Fourth, to require quarterly reports from the executive branch listing all Presidential consents to transfers of defense articles and services—exceeding \$1 million in value—to third countries and listing interagency transfers of defense articles and services which will be disposed of outside the United States, but excluding those used solely in connection with intelligence activities;

Fifth, to prohibit the taking of any action to release hostages under the Hostage Act of 1868 which otherwise would be prohibited by law; and

Sixth, to clearly distinguish between the authority to transfer defense articles and services to a terrorist country as part of an intelligence activity and the prohibition on overt exports of such articles and services.

H.R. 3651 represented a considerable effort to achieve the above-stated objectives during the 100th Congress. Over the course of 5 months, the subcommittee—together with the Subcommittees on International Operations and International Economic Policy and Trade—solicited views from the House Permanent Select Committee on Intelligence, from representatives from the State Department, Commerce Department, Defense Department, and the Central Intelligence Agency, and from representatives of the private sector. Numerous changes were agreed to as a solid bipartisan draft emerged from these discussions.

On March 17, 1988, the three subcommittees held a joint hearing on antiterrorism policy and arms export controls to consider H.R. 3651. Testimony was received from executive branch witnesses and the private sector. On April 19, 1988, the full committee met and approved an amendment in the nature of a substitute to H.R. 3651 offered by Mr. BERMAN and Mr. HYDE. H.R. 3651 unanimously passed the House of Representatives by voice vote on May 24, 1988.

On September 13, 1988, Senators KERRY, LAUTENBERG, and LUGAR introduced S. 2776 which was identical to H.R. 3651. The Senate Foreign Relations Committee held a hearing on S. 2776 on October 7, 1988, at which Mr. BERMAN and Mr. HYDE testified along with witnesses from the State Department, who sup-

ported the bill. On October 20, 1988, the House of Representatives unanimously approved the Antiterrorism and Arms Export Amendments Act of 1988 as part of larger legislation dealing with various foreign policy issues. Unfortunately, the Senate failed to complete action on this legislation in the 100th Congress even though the measure enjoyed wide bipartisan support in Congress and the support of the administration.

It is my hope that the 101st Congress will favorably act on this measure, thereby enhancing understanding and adherence to our antiterrorism efforts.

CONVENTIONAL ARMS SALES AND TECHNOLOGY TRANSFER ISSUES

A primary area of the subcommittee's jurisdiction remains the oversight of U.S. conventional weapons sales and technology transfers. During the 100th Congress, the subcommittee was confronted with a number of controversial military arms sales. These included proposals to: First, coproduce the M-1 main battle tank with Egypt; second, sell the AEGIS naval air defense system to Japan; third, sell F-18 C/D fighter aircraft to Kuwait; and fourth authorize the sale of three United States satellites to two foreign consortia for launch on board the People's Republic of China's long march launch vehicle.

In each of the major proposals listed above, the subcommittee engaged in extensive consultations with representatives from the administration. These consultations involved staff and Member briefings, and in the cases of the AEGIS, F-18, and satellite sales, resulted in joint hearings by the Arms Control Subcommittee and other relevant subcommittees of the Committee on Foreign Affairs.

As for the AEGIS sale, the subcommittee received assurances from the administration regarding United States-Japanese discussions which resulted in a division of labor between the United States and Japan with respect to each nation's military role in defending the Northwestern Pacific. These discussions led to a Japanese decision within the limits of its constitution to defend its own territory, the sea and sky lanes around its territory, and the Northwest Pacific sealanes to a distance of 1,000 miles. In this regard, the sale of the AEGIS system augments Japan's abilities to respond, in conjunction with the United States, to the significant military capabilities of the Soviet Union in the Northwestern Pacific during a period of crisis or confrontation. In this manner, the AEGIS sale contributed to more balanced United States-Japanese military burdensharing and interoperability.

In the case of the F-18 C/D sale to Kuwait, while approving the sale, the subcommittee received Kuwaiti assurances with respect to basing, refueling, retransfer of aircraft and munitions, and security and accountability of these aircraft. In addition, the subcommittee negotiated a change from the original administration proposal that resulted in the transfer of less sophisticated air-to-ground missiles to Kuwait.

The case of the sale of three U.S. satellites to two foreign consortia for launch on board the People's Republic of China's long march launch vehicle raised serious subcommittee concerns over the administration's efforts to seek congressional approval for an agreement

that had yet to be negotiated. Such an effort represented an unprecedented attempt to alter the reporting procedures for 30-day congressional review of commercial arms sales mandated by section 36(c) of the Arms Export Control Act.

These concerns were raised with representatives from the administration during both staff and Member level briefings and hearings. The administration pledged further consultations with the concerned subcommittees as each set of negotiations with the People's Republic of China were concluded. This consultative process permits continued congressional oversight of this proposal in the future, and underscores congressional interest in maintaining a viable U.S. commercial launch industry.

The subcommittee also continued its active oversight of other issues associated with technology transfers during the 100th Congress. In this regard, the subcommittee examined proposals to transfer United States plutonium to Japan and that of United States nuclear nonproliferation policies worldwide.

In addition, the subcommittee initiated an examination of the missile technology control regime [MTCR]—a new area of technology transfers policy with significant arms control and national security implications.

At present the MTCR is a technology control regime adopted in common between the United States and its major allies to prevent Third World access to those technologies that would provide them a ballistic missile production capability in excess of 300 kilometers in range and 500 kilograms in payload. To date, key shortcomings to the MTCR include: First, lack of Soviet or Chinese participation in the MTCR; second, the regime's limited scope in addressing only relevant technologies but not human abilities; and third, the lack of an effective enforcement mechanism within the MTCR.

In the upcoming Congress, the subcommittee will: Explore the possibilities of bringing more supplier states into the regime; examine the establishment of an international MTCR enforcement agency; review legislation aimed at enhancing and strengthening the MTCR's effectiveness; and consider those avenues that currently exist within the framework of the MTCR that could be used to strengthen the present nuclear nonproliferation regime and enhance the achievement of a treaty to ban all chemical weapons.

CONCLUSION

This report has demonstrated that the activities and achievements of the Subcommittee on Arms Control International Security, and Science during the 100th Congress were substantial. In a variety of areas, the subcommittee made a significant contribution to the advancement of bipartisan arms control and national security objectives. We were able to maintain the mandate of the American people for tangible progress in arms control and encourage the executive branch to do the same. This mandate clearly helped in forging a bipartisan, national consensus which led to the successful negotiation, ratification and implementation of the INF Treaty. The subcommittee's investigative efforts with respect to the counterproductive and wasteful binary chemical weapons program helped save the taxpayer

millions of dollars and prevented a wrong-headed policy with respect to chemical weapons deployment to go forward.

Furthermore, the subcommittee's oversight hearings on the administration's efforts to unilaterally reinterpret the ABM Treaty led to congressional action which has refocused the SDI program toward measured, necessary strategic defense research and away from initiating a strategic defensive arms race that would have resulted in reduced U.S. security. The common sense approach of preserving past arms control successes like the ABM Treaty and the SALT agreements while seeking more comprehensive strategic arms control agreements has also been an important part of the subcommittee's approach to arms control issues. Finally, the subcommittee has been active in reshaping various aspects of conventional arms export policy so as to enable such exports to advance critical U.S. foreign policy interests abroad.

Continued success in addressing these many and important arms control and international security issues confronting the Committee on Foreign Affairs and its Subcommittee on Arms Control, International Security and Science will demand the active involvement of the new President and his advisors. On my part, I pledge to continue my efforts in support of a bipartisan arms control and national security policy that earns the support of our friends, commands the respect of our adversaries, and promotes the well-being and security of the American people.

LIST OF KEY ACTIVITIES AND PUBLICATIONS BY THE SUBCOMMITTEE ON ARMS CONTROL, INTERNATIONAL SECURITY AND SCIENCE DURING THE 100TH CONGRESS

Status of the Geneva Arms Control Talks, Remarks by Chairman Dante B. Fascell, Congressional Record, June 9, 1987, p. E2295; August 6, 1987, p. E3312; Oct. 21, 1987, p. E4088; March 3, 1988, p. E522; Oct. 6, 1988, p. E3282.

"The Reykjavik Talks: Promise or Peril," (Subcommittee report) (January 1987).

"Reaction to the Reykjavik Proposals" (January 1987 hearing).

"Review of the ABM Treaty Interpretation Dispute and SDI," (February 1987 hearing).

"Foreign Assistance Legislation for Fiscal Years 1988-89 (Part 2)," (March 1987).

"Soviet Compliance with Arms Control Agreements" (March 1987 hearing).

"Overview of the Situation in the Persian Gulf" (Joint hearing with Europe and the Middle East Subcommittee) (May and June 1987 hearings).

"Verifying Arms Control Agreements: The Soviet View" (Subcommittee report, May 1987).

"Arms Control and Disarmament Agency Authorization for Fiscal Years 1988-89" (June 1987 hearing).

"European Security, New Technologies, and a Possible INF Agreement" (Joint hearing with Europe and the Middle East Subcommittee) (July 1987 hearing).

"The Intermediate-Range Nuclear Forces (INF) Treaty and Its Implications for U.S. Arms Control Policy" (March 1988 hearings).

"Overview of U.S. Arms Control Policy" (July 1987 hearing).

"Biological Warfare Testing" (Subcommittee hearing May 1988).

"Seismic Verification of Nuclear Testing Treaties" (OTA report requested by subcommittee, May 1988).

"The War Powers Resolution: Relevant Documents, Correspondence, Report" (Subcommittee print, May 1988).

"U.S. Arms Control Policy: Nuclear Testing" (Subcommittee hearing, June 1988).

"Sale of the AEGIS Weapon System to Japan" (Joint hearing with Asia and Pacific Affairs) (June 1988).

"Proposed Arms Sales to Kuwait" (Joint with Europe and the Middle East) (July 1988).

"The War Powers Resolution: 15 Years of Experience" (Congressional Research Service report done at Subcommittee request, August 1988).

"War Powers: Origins and Purposes" (Subcommittee hearings, August and September 1988).

"Proposed sale and Launch of U.S. Satellites on Chinese" (Joint hearing with Asia and Pacific Affairs) (September 1988).

TRIBUTE TO LEGAL COUNSEL FOR THE ELDERLY

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. ROYBAL. Mr. Speaker, many older Americans are forced to fend for themselves when a legal problem arises—whether it involves litigation, understanding the technicalities of programs to serve them, or just planning their personal affairs.

Fortunately, there are legal services programs to assist elderly persons, primarily under the direction of the Legal Services Corporation and the Older Americans Act. One excellent example is the American Association of Retired Persons' Legal Counsel for the Elderly Program, which was first formed in 1975.

Legal Counsel for the Elderly has already helped more than 100,000 senior citizens on a wide range of issues, including Social Security, Supplemental Security Income, landlord-tenant disputes, guardianships, and many others. The program is widely respected not only in the Washington, DC area, but also nationwide.

Legal Counsel for the Elderly has been in the forefront in developing innovative concepts. The volunteer lawyers program has received wide acclaim in the Nation's Capital. This activity has delivered competent and highly professional legal services to older persons with limited means. The volunteer program has also made excellent use of retired or semiretired attorneys who have found this service to be especially rewarding.

The "legal services hot line" is a relatively new concept, which provides a quick and efficient means to respond to less complex legal questions for senior citizens. It has enabled legal services attorneys to focus more attention on time consuming and complex legal issues.

Recently, Legal Counsel for the Elderly won a precedent-setting case in having a receiver appointed for an unlicensed boarding house to provide better care for older persons who were former mental patients. Also, the Washington Post carried two articles describing

some of the extraordinary work by Legal Counsel for the Elderly. Mr. Speaker, through these recent events and my remarks today, it is my hope that my colleagues will take special notice of the excellent services that Legal Counsel for the Elderly provides for Older Americans.

A CONGRESSIONAL SALUTE TO GATX CORP. AND GATX TERMINALS CORP.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to GATX Corp. and GATX Terminals Corp. which will be honored by the Harbor Association of Industry and Commerce's 10th Annual "Salute to Industry" Award Banquet to be held in Long Beach, CA, on November 18, 1988. This occasion gives me the opportunity to recognize this corporation for its outstanding service and significant economic contribution to the South Bay Area.

The GATX Corp., headquartered in Chicago, was started in the Chicago stockyards in 1898 by Max Epstein. The company was started from \$1,000 Max had earned as a commission for selling 20 refrigerator railcars and a mortgage on an additional 28 refrigerator cars. It has since grown into a major NYSE company with 1987 gross income of \$574 million. Originally named The Atlantic Seaboard Despatch, the company name was changed to the German American Car Co. in 1902, the General American Tank Car Co. in 1916, and General American Transportation Corp. in 1933. In 1975, the name GATX Corp. was adopted, with the "X" being derived from the designation made by railroad companies for privately owned cars.

A number of subsidiary companies of the multimillion-dollar GATX Corp. have been established. These include: the General American Transportation Corp., the leading lessor of railroad tank cars; GATX Financial Services, a major lessor of commercial jet aircraft, rail equipment, and marine equipment; the American Steamship Co., operating the largest and most modern fleet of self-unloading vessels on the Great Lakes; and the GATX Terminals Corp., also headquartered in Chicago.

The GATX Terminals Corp., a major economic force in Southern California, operates the largest network of bulk liquid storage terminals in North America via 14 domestic terminals and 9 international terminals. In the Los Angeles area alone, GATX Terminals employs 150 personnel in operations in three marine terminals located in the Port of Los Angeles, a major terminal located in the city of Carson, and in my district, a regional office located in Long Beach.

In the Port of Los Angeles' fiscal year 1987, GATX Terminals moved an estimated 47.8 million barrels of throughput across the wharfs and paid the port an estimated \$3.7 million in land leases and wharfage payments. Needless to say, GATX Terminals is a close friend and good customer of the Port. In addition, GATX Terminals has an annual payroll of \$3.8

million in the Los Angeles area, and pays an estimated \$700,000 in annual taxes to the city of Los Angeles.

The numerous contributions that GATX Terminals Corp. has made to the country in general and the South Bay Area in particular could not have been possible were it not for the effective direction of corporate President Robert E. Claypoole. His outstanding leadership capabilities are rooted in an impressive education, including both a Bachelors and Master's Degree from Cornell University as well as two and a half decades of dedicated service to the GATX Terminals Corp. In recognition of his outstanding commitment he was promoted to president in 1980. In addition to his dedication to GATX, Bob and his wife, Nancy, are also the proud parents of six children, Patricia, Catherine, Kimberly, Christine, Robert, and Michael. The phenomenal reputation of Robert Claypoole as president is characteristic of the corporation which he represents.

In Long Beach, the western regional office of GATX Terminals has been under the guidance of Mr. David E. Wright, who became vice president in 1986. Born March 2, 1945 in Cheyenne Wyoming, he graduated from the University of Wyoming with a B.S. in Electrical Engineering in 1967, and received his master's in business management from the same institution in 1969. Prior to receiving his job at the western regional office of GATX Terminals, Wright spent almost two decades at various posts within the petroleum industry, including two previous management positions with GATX Terminals in Carson, CA. The strong leadership skills displayed by Mr. Wright are undoubtedly a major contributor to the success of the corporation.

Mr. Speaker, GATX Terminals Corp. boasts of a "business objective to provide responsive, cost effective, error-free, quality service to its customers. Its employees will work with its clients and each other to establish mutually accepted external and internal operating standards and will not only meet them, but consistently improve upon them." As the Representative of a major area of operation for this corporation, I can attest to the accomplishment of this objective.

My wife, Lee, joins me in extending our congratulations to GATX Terminals Corp. for being honored at the Harbor Association of Industry and Commerce's 10th Annual "Salute to Industry" Award Banquet. It is a congratulations long over due. We wish the entire corporation, the corporate president, Mr. Robert Claypoole, the western regional vice president, Mr. David Wright, their families and the employees of this fine company our very best wishes in the years to come.

AT THE UNITED NATIONS, REFORM HAS A LONG WAY TO GO

HON. PATRICK L. SWINDALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. SWINDALL. Mr. Speaker, the United Nations continues to waste millions of Ameri-

can taxpayer dollars. Many believe the United Nations has sufficiently reformed itself to merit full U.S. funding. However, the widely respected Heritage Foundation has recently pointed out how this reform effort has a long way to go. Therefore, the need to maintain the pressure of U.S. withholdings is as important as ever. The Background appears below:

AT THE UNITED NATIONS, REFORM HAS A LONG WAY TO GO

INTRODUCTION

The United Nations has been earning public relations dividends from its high visibility role in recent attempts to negotiate agreements among belligerent states. Some say, for example, that the U.N. finally has become what its founders envisioned in 1945. The biggest dividend has been the September 13 announcement by Ronald Reagan that the United States will resume full funding of the U.N. This decision reflects the Reagan Administration's conclusion that the U.N. has begun to reform, as demanded by the U.S. Congress. While this is true, the reform has only begun. As such, the Congress should continue to demand that the U.N. continue its reform to earn full U.S. financial backing, using the leverage of withholding funding until U.N. performance matches U.S. promise.

This year, the U.S. tab for the U.N. system will exceed \$800 million—about one-quarter of the total U.N. system budget. Of this, \$144 million will be given as part of the mandatory assessed U.S. contribution to the U.S. regular budget, most of which funds the Secretariat and General Assembly. The remainder of the U.S. contribution to the U.N. system, over \$650 million, pays for "humanitarian" U.N. agencies, largely in the form of voluntary contributions. The general feeling in the U.S. remains one of cautious optimism as reflected in the actions of the Congress, which continues to demand that the U.N. become less of a "dangerous place" to U.S. interests.

Three Areas of Reform.

Congressional concerns about the U.N. are forcefully expressed in the Foreign Relations Authorization Act for Fiscal Year 1988 and 1989. The Act requires that the U.N. make progress in three specific areas of reform before the full appropriated amount of the U.S.'s assessed contribution to the U.N. can be paid.

The first U.N. reform sought by Congress is a 15 percent cut in U.N. Secretariat personnel. U.N. Secretary-General Javier Perez de Cuellar has submitted plans to eliminate 1,465 staff positions by December 31, 1989. This reduction from the current level of 11,422 is approximately 12.8 percent. In his proposed budget outline for the biennium 1990-1991, the Secretary-General incorporates these staff cuts with an estimated \$177.5 million reduction in that budget.

Fixed-term Soviet staffers

The second reform sought by Congress is that no more than half of U.N. Secretariat staffers from any one country be on fixed-term contracts, revocable at any time by the home government. This reform is crucial to ensuring compliance with Articles 100 and 101 of the U.N. Charter, which stipulate that U.N. staff should be "exclusively international" and "shall not seek or receive instructions from any government or from any authority external to the Organization." This can be achieved by having Secretariat employees hired as careerists for indefinite, rather than fixed terms. Although other countries practice "secondment" of

their nationals working for the U.N., almost all of the Soviet and Soviet-bloc nationals at the U.N. work on a temporary basis—or, as it is called, "seconded"—under fixed-term contracts, making them responsive to Moscow, not to the U.N. So far, the U.N. has made little progress in cutting the number of "seconded" staffers. In a hearing on September 23, 1988, before the House Foreign Affairs Committee Subcommittee on Human Rights and International Organizations and Subcommittee on International Operations, Assistant Secretary of State for International Organization Affairs Richard S. Williamson testified that the Soviets were "planning" to allow between three and six of its 184 nationals employed in the Secretariat to accept permanent contracts with the U.N.

The third reform sought by Congress is that a consensus based decision-making process for adoption of the U.N. budget "be implemented and its results respected by the General Assembly." By this provision, Congress intends to make the U.N. more responsive to its major contributors, since consensus decision-making effectively would give the U.S. a veto. Under the present system, the U.S. contributes around one-quarter of the U.N. regular budget, but has no more say on how that money is spent than a country that contributes the minimum .01 percent of the U.N. regular budget. This lack of accountability has contributed largely to the profligate waste for which the U.N. has become famous.¹

THE U.N. RESPONSE

The General Assembly passed a resolution in December 1986 which changed the budget approval process and calls for consensus decision-making, but only at the recommendation stage of the budgeting cycle. Under this new budget approval process, the Secretary-General provides the Committee for Program and Coordination (CPC) with a preliminary budget outline during the non-budget year of the U.N.'s biennial budget cycle. The CPC then is asked to make a consensus recommendation to the General Assembly on the outline. This is not required, however, merely encouraged. The General Assembly in turn provides the Secretary-General with binding recommendations on the preparation of the final budget. The Secretary-General prepares the final budget, which, after review by the CPC, is sent to the General Assembly for final adoption. The problem is that consensus is only recommended, and only within the CPC. The General Assembly can do as it sees fit before adopting the final budget. In effect, the U.S. voice in U.N. budget-making is no stronger than it has been.

Scratching the surface

U.N. movement in the three areas of concern identified by Congress is modestly encouraging. Much, however, remains to be done. Talk that the U.N. finally has turned the corner is premature. These developments merely scratch the surface of the serious problems of the U.N. from a U.S. perspective.

The 15 percent reduction in the Secretariat staff has not yet been achieved. The 12.8 percent reduction proposed by Secretary General Perez de Cuellar is the first step toward this end, but this must be incorporated in the 1990-1991 budget which will

not be adopted until the end of the 44th General Assembly in 1989. The possibility always remains that the General Assembly will alter the Secretary-General's budget outline.

The Soviet Union still has 100 percent of its nationals employed at the U.N. Secretariat on fixed-term contracts. Even with the small number which Moscow promises to allow to accept permanent contracts, that will leave, at best, 97 percent of the Soviets at the U.N. on fixed-term contracts. There is no indication that the Soviets or their Eastern bloc allies have any intention of continuing these reductions down to the 50 percent limitation any time soon.

General Assembly control

Even the weak consensus decision-making procedure on the budget has not been tested yet. The CPC reached a consensus on the Secretary-General's preliminary budget outline for the 1990-1991 biennium this September 19. The General Assembly, which in the reform resolution (41/213) is still granted total control over the final budget with no pretense of consensus, has not approved this outline. In addition, the General Assembly, as typically has happened, can add on to the final budget. It can do this as late as the second year of a budget cycle.

Since the fulfillment of even these reforms remains in jeopardy, the U.S. must remain vigilant and insist that the U.N. follow through on its minimal, though not negligible, beginnings of reform. Should the General Assembly refuse to adopt an acceptable budget or the Soviet Union stall the progress toward a 50 percent limitation on secondment, then the U.S. will have no other choice but to resume its policy of withholding part of its annual assessed contribution to the U.N. However, if these efforts are successful, the reform movement cannot be abandoned. Instead, the success should serve as a catalyst for continued improvement, perhaps ultimately resulting in an organization capable of achieving the goals embodied in the U.N. Charter.

INCREASING THE U.N.'S EFFICIENCY

In addition to those reforms addressed by Congress which are just getting underway, the U.S. should pursue more managerial changes to improve the efficiency of the U.N. In one promising development, the Secretary General has proposed a contingency fund equaling 0.75 percent of the total U.N. administrative budget. This contingency fund, long sought by the U.S., is designed to limit add-ons to the regular budget. However, as it exists now, this fund contains a loophole. It would not cover expenditures "arising from the impact of extraordinary expenses as well as fluctuations in rates of exchange and inflation." One example could be unforeseen peacekeeping costs. But "extraordinary expense" is ambiguously defined and conceivably may encompass anything the General Assembly wishes. The U.S. must follow through on this initiative and close this loophole. A separate peacekeeping contingency fund would be a simple way of providing for necessary peacekeeping start-up costs.

In addition to this, the State Department's Bureau for International Organization Affairs (IO) should begin a comprehensive series of audits of the U.N. and its specialized agencies. The U.S. Office of Management and Budget (OMB) can provide technical support to IO. Surprisingly, this kind of scrutiny almost never is applied when determining the level of funding for U.N. activities. In addition to conducting

¹ See, for example, Thomas E.L. Dewey, "The Charade of United Nations Reform," Heritage Foundation Background No. 624, December 31, 1987.

audits to determine managerial efficiency, IO should also perform cost-benefit analyses to determine if the results of particular programs are worth the amount of money being spent. Ideally, the U.N. Secretariat would perform these tasks, but it is unlikely that the U.N. will undertake rigorous monitoring of its own performance.

Enormous Redundancy

One thing that would become obvious through this kind of analysis is the enormous redundancy and overlap of responsibilities throughout the U.N. system. Example: About half a dozen U.N. offices and agencies, ranging from the economic and Social Council to the Food and Agriculture Organization, are working on schemes to regulate multinational corporations.

A number of other U.N. organizations, meanwhile, dabble in development issues even though they were created for other specifically defined purposes. The World Intellectual Property Organization (WIPO) is an example of this. Created to promote the international protection of patents and copyrights, WIPO frequently tries to undermine patents in the name of promoting development in the Third World, by giving national governments of developing countries the right to essentially eliminate existing patent protection for multinational corporations under certain circumstances.

By simply insisting that every program or agency be restricted to the tasks for which it was created, the U.N. could eliminate much of the existing overlap. With the elimination of superfluous organizations, this would reduce the cost of operations and could improve the efficiency of the entire system by allowing each agency or program to focus on a single issue for which it alone is responsible and has demonstrated expertise.

HOW THE U.N. FLOUTS ITS CHARTER

Management and budget are not the only U.N. areas needing reform. The U.S. must forcefully push the U.N. toward strict adherence to the Charter and to the broader liberal democratic ideals upon which the Charter is based.

There has been a tendency for the U.N., and particularly the General Assembly, to ignore major provisions of its own charter and rules of procedure.

Supporting Terrorists

Typical of this is U.N. support for so-called national liberation movements. The very notion of endorsing and providing aid to promote armed struggle against a U.N.-member country is in direct violation of the U.N. Charter. Article 1 of the Charter states that it shall "take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means . . . adjustment or settlement of international disputes or situations. . . ." The U.N.'s funding of the South West African People's Organization (SWAPO), Palestine Liberation Organization (PLO), and the African National Congress (ANC), all of which engage in aggressive, violent tactics and reject peaceful methods for solving disputes, is clearly illegal under the terms of the Charter.

SWAPO, a Marxist guerrilla group that claims to represent the people of South West Africa, otherwise known as Namibia, has received U.N. funds since 1975 and will receive \$3.8 million in grants for 1988 and 1989. SWAPO enjoys official observer status at the U.N. and maintains an official mis-

sion in New York at a cost of \$420,000 per year out of the U.N. regular budget. The U.N. has also supported the ANC, a Soviet-backed terrorist organization, with its recognition and financial assistance since 1976. It too has observer status at most U.N. agencies and is given around \$170,000 per year for its offices in New York.

Education for Terrorists

In addition to direct grants, a plethora of U.N. programs provide assistance to these "national liberation movements." The United Nations Development Program (UNDP) funds farm projects for SWAPO in Angola and Tanzania and for the ANC in Tanzania. Through the United Nations Educational, Scientific and Cultural Organization (UNESCO), UNDP will spend over \$1 million "in favour of ANC" and over \$2 million in favour of SWAPO for "educational projects" in 1987-1991. Total expenditure by UNESCO in collaboration with UNDP for "educational projects" benefitting "national liberation movements" for this period will come to \$7,034,000.

The United Nations High Commissioner for Refugees (UNHCR) provides substantial assistance to both SWAPO and the ANC. For 1987-1988, for example, SWAPO will receive \$2,012,000 for agriculture equipment for its Viana Reception Centre in Angola. UNHCR funds for the ANC's Malange farm project in Angola, Dakawa Centre and Bagamoyo farm in Tanzania will total \$1,214,000 for 1987-1988. It also is providing \$360,955 for an ANC farm near Lusaka and SWAPO's Nyango farm in Zambia.

Another terrorist group, the PLO, has had permanent observer status at the U.N. since 1974. In its 1980 political platform, the PLO declared its goals to be "the liberation of Palestine, a full and complete liberation: the annihilation of the Zionist entity in all of its economic, political, military and cultural manifestations . . . and the establishment of an independent democratic Palestine which would rule the entire land of Palestine." The U.S. Congress has identified the PLO as a terrorist organization and ordered the closure of the PLO information Office in Washington, DC, in the Anti-Terrorism Act of 1987.

At about the same time as the PLO obtained observer status, General Assembly Resolution 3236 (XXIX) was adopted instructing the Secretariat to promote the PLO goals adopted by the General Assembly. Not only is the Charter violated on the grounds that the U.N. has bestowed legitimacy on a group that seeks the destruction of another member state, Israel, it also violates the requirement for maintaining an "exclusively international" Secretariat staff. The PLO is not a nation, yet it has the privilege of full membership status in the U.N. Economic and Social Council's (ECOSOC) Commission for Western Asia. It has even chaired the Commission in the past. While there are no specific line item expenditures budgeted directly to the PLO, its agenda is supported through a host of U.N. programs and committees.

The most important benefit that SWAPO, the ANC, and the PLO get from the U.N. is not however, financial assistance, but the aura of international legitimacy. This legitimacy works not only to enhance various terrorist organizations, but also to undermine any serious international effort to eradicate terrorism.

Excluding South Africa

The most flagrant case of the U.N. violating its own Charter is the illegal exclusion

of the Republic of South Africa from the General Assembly. As a U.N. member, South Africa is entitled to participate in the General Assembly according to Article 9 of the U.N. Charter on which the universality provision is based. In article 5, the Security Council is given sole authority for initiating suspension from the exercise of the rights and privileges of membership. Article 2 states that "nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter." These important safeguards were—and continue to be—disregarded by the General Assembly.

The first attempt to exclude South Africa came in 1970 in a Somali initiative to challenge the credentials of the South African delegation based on claims of the illegitimacy of their government. The Credentials Committee, which reviews all delegates' credentials for each General Assembly session, rejected this challenge.

General Assembly Violation

In plenary, the General Assembly then amended the Credentials Committee's report to delete the acceptance of the South African delegation, despite a ruling by the U.N.'s own Legal Counsel stating that such a move would be a clear violation of the Charter. Only the intervention of the President of the General Assembly, Norway's Edvard Hambro, prevented the illegal exclusion of South Africa from General Assembly deliberations. Hambro ruled that the General Assembly's resolution could not prevent South Africa from exercising its full rights and privileges as a member of the U.N.

The "Hambro ruling" guided the actions of future General Assembly Presidents in this matter until 1974, when Abdelaziz Bouteflika of Algeria sat in the President's seat. A radical Third World leader, he ignored precedent and allowed South Africa to be denied participation in the work of the General Assembly. All subsequent attempts on the part of South Africa to regain its rights have failed.

Regardless of the member states' positions concerning South Africa's domestic policy of apartheid, the U.N. should never, even for the most moral reasons, abandon its Charter. The objections of the Netherlands, Canada, Great Britain, West Germany, the U.S., and many others shocked by its dangerous precedent have been forthright, but unsuccessful. However, many members still fail to appreciate adherence to the Charter as one of the major factors bearing on the U.N.'s legitimacy.

Undercutting the Security Council

The primacy of the Security Council is one of the main tenets of the U.N. Charter. Despite this, the General Assembly often encroaches on the authority of the Security Council, as it did in the South African case.

It also does so by routinely ignoring Article 12 of the Charter. This states that "While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests." In other words, the General Assembly may not pass any resolution on a subject being considered by the Security Council, unless the Security Council seeks the General Assembly's advice.

An example of the General Assembly's violation of Article 12 was its creation of the Council for Namibia in 1967 at a time when the South West Africa/Namibia situation was on the agenda of the Security Council. In fact, the General Assembly illegally assumed responsibility for Namibia and turned over its administration to the Council for Namibia. Under the Charter, the Council for Namibia should not exist and, as such, has no authority to administer the trusteeship of Namibia.

Human Rights Double Standard

In addition to insisting on strict adherence to the letter of the Charter, the U.S. also should press for the revival of the liberal democratic principles upon which the U.N. was founded. One of the fundamental ideals embodied in the Charter is the "universal respect for, and observance of, human rights and fundamental freedoms for all..." Failure by the U.N. to apply consistent and equal standards for determining human rights abuses is a serious problem which destroys its credibility as a promoter of individual liberties.

For most of its existence, the U.N. has refused to expose, or even mention the possibility of, major human rights violations in the Soviet bloc. Recently, the U.N. Human Rights Commission finally agreed to conduct an investigation of the human rights situation in Cuba. It took the Reagan Administration two years to get the Commission to look into alleged human rights violations in Cuba.

Yet, even as the Human Rights Commission was investigating Cuba, an accredited journalist at the U.N. in Geneva, Eliana Bocca, requested "technical support" from the U.N. Department of Information to do a TV program on the Commission's activities in Cuba. The response by Director of Information Therese Gastaut typifies the refusal of the U.N. system to probe human rights abuses to communist countries. She said, "It is not possible... because those Cubans [the ones Ms. Bocca would be interviewing] will be speaking against Castro."

Combating Free Enterprise

The U.N. has a similar bias in its prescriptions for improving the economic well being of less developed countries. A free enterprise approach to economic development seems to be equated reflexively with "colonialism" and some unproven "dependency theory"—namely that "rich" countries can only be rich because "poor" countries are poor and are kept that way. Centralized statist approaches, despite increasing evidence of the bankruptcy of these models, by contrast, continue to be the preferred method utilized by U.N. development schemes.

Through excessive international regulatory efforts, collectivist agricultural policies, and an emphasis on resource distribution rather than growth, the U.N. has failed to promote "higher standards of living, full employment, and conditions of economic and social progress and development," a duty given the U.N. by Article 55 of the Charter. Despite this, U.N. agencies continue to rely on nonmarket approaches to development that almost always drive developing nations deeper into poverty.

From Labor to Infant Formula

The list of restrictive regulatory measures crafted by the U.N. is lengthy. They include: The Multinational Corporation Code, Restrictive Business Practices Code, Tripartite Declaration on Labor, Convention on Termination of Employment, Tripartite

Declaration of Principles Concerning Multinational Enterprises and Social Policy, Infant Formula Code, Essential Drug Program, Pharmaceutical Code, Transfer of Technology Code, and the New World Information Order.

These schemes emanate from almost every agency associated with the U.N., but especially those associated with the General Assembly and the Economic and Social Council (ECOSOC). Such agencies include: U.N. Conference on Trade and Development (UNCTAD), U.N. Development Program (UNDP), U.N. Environment Program (UNEP), U.N. Institute for Training and Research (UNITAR), Law of the Sea Preparatory Committee (LOS PrepCom), Committees on Science and Technology for Development, and the Centre on Transnational Corporations (CTC).

Despite some improvement in recent years, the August 12, 1988 update of UNDP activities still shows substantial reliance on government administration of development projects. For example, Nigeria will receive \$1,249,820 from UNDP for "improving its capacity for agricultural planning." UNDP will also support the Vietnamese government's "effort to... create improved fertilizer handling and distribution system" with \$1.4 million and will provide another \$1.4 for fertilizer. The disastrous results of Vietnamese agricultural policies are well documented.

The U.N. Conference on Trade and Development (UNCTAD) is another agency that consistently promotes nonmarket and anti-market "solutions" to problems in the developing world. UNCTAD continues to call for: increased regulation of business practices, transfer to technology, and multinational corporations; international taxation schemes; commodity price regulations; and expanded tariff preferences for developing countries.

The developing countries within UNCTAD, which constitute a majority bloc, blame their poor economic performance on external barriers to increased trade and development in their countries. Rather than looking to the growing number of development success stories, like the newly industrialized countries of South East Asia, they insist on clinging to failed Marxist policies.

TOWARD SERIOUS REFORM

Until the U.N. begins to respect the letter and principle of its Charter, it can not be said that it has been reformed in any meaningful sense. Serious reform will only be achieved when the U.N.:

Expels and condemns all terrorist organizations posing as legitimate representatives of their people and begins to address the threat posed by terrorism.

Restores the primacy of the Security Council. First, it must adhere to Article 12 of the Charter which prohibits the General Assembly from making recommendations on issues being discussed by the Security Council. Second, it must restore Articles 5 and 6 regarding the Security Council's authority over questions of participation in the General Assembly.

Applies an unbiased standard in determining human rights violations.

Recognizes that the existence of civil liberties is a necessary, albeit insufficient, precondition for achieving all of the lofty goals embodied in the U.N. Charter.

Utilizes a free-enterprise, market approach to development in order to fulfill the mandate for promoting higher standards of living, full employment, and conditions of economic and social progress. The failed so-

cialist policies of the past are no longer justifiable in light of the increasing evidence of success demonstrated by free market economies.

CONCLUSION

The United Nations' early steps toward reform, taken in response to U.S. financial pressure, are encouraging, but they are not enough. There remains a long way to go. Still to be achieved are additional reductions in the Secretariat staff and in the numbers of Soviet and East bloc nationals "seconded" to the U.N. The consensus decision-making procedure for the budget has yet to be tested and could be scuttled by the General Assembly. And sweeping managerial changes are needed to improve U.N. efficiency and eliminate wasteful and redundant programs. The next Congress and Administration, therefore, must be willing to use financial leverage and should not hesitate to withhold a portion of the U.S. assessed contribution to ensure that serious reform continues.

In those programs supported through voluntary contributions, the U.S., as the major voluntary donor to the U.N., has the capacity to insure that such programs are run in compliance with the spirit of the Charter. The U.S. should be prepared to use this leverage when an agency or program is operating otherwise.

The next Congress and Administration should press for still more reforms that will make the U.N. less dangerous to U.S. interests. Such reforms include ending the human rights double standard, promoting free market incentives and reducing state controls to stimulate economic development, and eliminating all funding for so-called national liberation movements.

Finally, the U.S. must insist constantly and unwaveringly that the U.N., especially the General Assembly, abide by its Charter and rules of procedure. If it refuses, the U.S. should use whatever means necessary, including refusing to participate in General Assembly sessions and withholding the U.S. portion of the cost of conducting the General Assembly, to see that it does.

THE ALCOHOL WARNING LABEL ACT OF 1988

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. CONYERS. Mr. Speaker, as the House sponsor of the Alcohol Warning Label Act of 1988, I want to take this opportunity to discuss the intent of this bill, so that the courts will have clear guidance in construing the legislation as the authors specifically intended.

The Alcohol Warning Label Act of 1988 requires alcoholic beverage containers to carry a warning label addressing two health hazards—drinking during pregnancy and driving under the influence of alcohol—and pointing out that alcohol consumption can have other harmful effects as well. The act also precludes States from imposing labelling requirements in addition to those required by this Federal law. This provision, which is typically referred to as a preemption clause, was included in the act for purposes of establishing a floor for safe conduct; it should not be construed by State or Federal courts as a ceiling

for or a limit on safe conduct in the absence of a clear statement of congressional intent. Most importantly, it should not be seen as reflecting any intent to prevent the States from compensating alcohol victims and encouraging the manufacturers to adopt more adequate warnings through traditional product liability litigation and remedies.

Tort remedies to compensate for personal injuries are traditionally and properly considered to be the province of State regulation. Thus, Federal law does not supersede the historic police powers of the States unless this is clearly the intent of Congress. In other words, the courts should not trample on the police powers of the States unless Congress explicitly states that a given State action is expressly preempted, compliance with both Federal and State law would be impossible, or State law stands as an obstacle to accomplishing Congress' purposes. (See, *Ferebee v. Chevron Chemical Co.* 736 F.2d 1529 (D.C. Cir., 1984)).

None of those three requirements exist under this act. First, this act contains no provision that precludes State damages actions; it merely prevents States from directly ordering changes in alcohol warning labels. Clearly, State courts can allow plaintiffs to be compensated for personal injuries that result from a failure to provide consumers with an adequate warning as to the hazards of alcohol consumption.

Second, compliance with both Federal and State law under this act is not unduly burdensome. Alcohol producers can either follow the label required under this act and at the same time pay damages to successful tort plaintiffs, or the producers can petition for more comprehensive alcohol warning labels. In either case, alcohol producers are not subjected to State and Federal requirements that cannot be reconciled.

Third, State tort damages actions would not hinder the accomplishment of Congress' purposes. The act is a regulatory law aimed at warning citizens about the hazards of alcohol use, not a blanket immunization against personal injury suits. Thus, courts should continue to permit personal injury suits based on failure to warn theories; whether or not the warnings contained in this act provide an adequate warning for a given risk should be left as a question of fact to be resolved by the trier of fact. Because none of these three conditions is met, courts should not dismiss suits brought under State tort law simply because the requirements of the act are met.

Courts should interpret this statute as one which establishes minimum regulatory objectives in the area of alcohol warning labels. A State court may rule that this act's label is inadequate under State law, even though the labels meet Federal requirements, if the trier of fact decides that the label fails to warn against the foreseeable, significant risk. It need not be assumed that the company can be held liable for failure to warn only if the State could have required a company to alter its warning.

In addition, while the act does not allow States directly to impose additional labeling requirements, the act clearly allows States to impose more stringent constraints on the use of alcohol. A State can control the use of al-

cohol for compensatory reasons by holding alcohol producers liable for injuries that could have been prevented by a more adequate label.

Thus this section does not preempt State or local laws regulating alcoholic beverages through means other than warnings on beverage container labels and packages. Nor does it affect the liability at common law or State statutory law of manufacturers, distributors, or sellers of alcoholic beverages to any other person for any health effects associated with alcohol consumption.

While the warnings required in this act represent a beginning, they are not adequate to convey sufficient information about the health risks they list, much less those not mentioned. Clearly, warning labels cannot be considered adequate for health hazards that they do not specify. To hold that the act provides otherwise would be to subvert the intent of Congress and to defeat the purpose or warning labels.

In conclusion, the preemption provision of this bill does not preempt any State tort or common law remedies for personal injury or property damage based on a failure to warn theory, or any other theory cognizable under State law. Furthermore, the bill does not prevent manufacturers, distributors, or sellers of alcoholic beverages from voluntarily using more stringent warnings in their labeling for whatever reason, including their concern for consumers' welfare or their desire to satisfy State tort or common law standards. In these two respects, this bill should be construed to impose only Federal minimum standards of alcoholic beverage container labeling with respect to health concerns.

NATIONAL DAY OF EXCELLENCE IN HONOR OF THE CREW OF THE SPACE SHUTTLE CHALLENGER

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. KOLBE. Mr. Speaker, January 28, 1989, will provide this country the opportunity to appropriately recall the sacrifice of the crew of the space shuttle *Challenger* and to honor the dedication and commitment to the pursuit of excellence exemplified by those seven American heroes.

House Joint Resolution 477, proclaims January 28 a "National Day of Excellence" in honor of the *Challenger* crew who gave their lives while striving for an excellence of technology, of goal, and of personal achievement.

It should, most emphatically, not be a holiday. On the contrary, it should be a day when Americans rededicate themselves to the simple, but sometimes forgotten, pursuit of excellence, performing their work with the greatest pride and success that is possible. In lieu of a passive or static event, this tribute will provide an opportunity for all of us to participate, and to be made better by virtue of our participation. It is to be a time to focus our attention on the rewards and, yes, the risks of extending our reach beyond the familiar and

mediocre toward new knowledge, toward new insights, and toward a final embrace of the ideal of excellence pursued so fervently by the crew of the *Challenger*.

It is to be a day when the best cars roll off the assembly line, when educators teach their best lessons, and when the best national ideals are born; a time set aside to excel in each of our endeavors. Each year we should see product labels marked "Manufactured January 28" and know, this is America's finest.

The vision of a National Day of Excellence was first proposed by Ed McDonald, a Tucson schoolteacher of handicapped children. Since our original discussions, House Joint Resolution 477 has been endorsed by educational organizations, city governments, and aerospace organizations.

I commend the National Space Society, the National Education Foundation, NASA, the Young Astronauts Council, the Air Force Association, the Boeing Corp., the White House Office of Science and Technology Policy, the Center for Space and Advanced Technology, the U.S. Department of Commerce, the U.S. Department of Education and many, many other groups and individuals who have supported the idea of a National Day of Excellence.

Passage of this bill marks the third annual observance of the National Day of Excellence. This has become not only a recognition of those brave astronauts who perished in the shuttle explosion, but an effort to recognize excellence in the workplace and the enhancement of the American competitive spirit.

House Joint Resolution 477, reads as follows:

H.J. Res. 477

Whereas on January 28, 1989, the seven crew members of the space shuttle *Challenger*, Commander Francis R. Scobee, Pilot Michael J. Smith, Mission Specialist Ellison S. Onizuka, Mission Specialist Ronald E. McNair, Mission Specialist Judith Resnik, Payload Specialist Gregory Jarvis, Teacher-Observer S. Christa McAuliffe, were killed in a tragic explosion shortly after liftoff;

Whereas each of the crew members of the *Challenger* was a true American hero who represented the best and brightest that our nation has to offer;

Whereas the crew of the *Challenger* gave their lives while striving for an excellence of technology, of goal, and of personal achievement which fills all Americans with a sense of pride in their fellow human beings and countrymen;

Whereas the most appropriate tribute we could pay the crew of the *Challenger* is a national day when Americans would dedicate themselves in all their endeavors to the pursuit of excellence which makes our country great;

Whereas the American spirit is most responsive to a living tribute in which all citizens can participate and be enriched by such participation; and

Whereas this is a day for which our national character cries out: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 28, 1989, is designated as a "National Day of Excellence". The President is authorized and requested to issue a proclamation calling on

the people of the United States to observe such a day—

(1) by resolving that in the course of their regular activities that they pursue the spirit of excellence represented by the crew of the space shuttle Challenger; and

(2) with appropriate ceremonies and activities.

PALAU COMPACT OF FREE ASSOCIATION IMPLEMENTATION ACT

HON. RON DE LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. DE LUGO. Mr. Speaker, early this morning, I inserted a statement into the RECORD explaining the status of House Joint Resolution 597, which would have authorized a Compact of Free Association with Palau to be put into effect subject to certain conditions.

In that statement (which was included in the RECORD of October 21 on page E3702), I noted that a compromise has finally been reached that should settle this matter; explained that this final compromise has been reached too late to pass the 100th Congress; and expressed the hope that the Administration would follow through on the commitments which made this final compromise possible. I also said that I would include in the RECORD a detailed explanation related to this final compromise.

Essentially, it involves the executive branch taking actions to implement all of the requirements of the House passed version of House Joint Resolution 597 and the deletion of those requirements from the legislation. This would enable those of us who sponsored the provisions in the House passed resolution to agree to support legislation which would not include them, such as has been favored by some Members of the other body.

I would like to include in the RECORD at this point some of the information related to this matter that I said I would submit. Specifically, the information includes a section-by-section analysis of a compromise proposal agreed upon by Members of this House on October 21, which incorporated provisions of the House resolution and the Senate amendment. This proposal was superseded by the final compromise with the other body that I have explained.

Although this proposal was not agreed to by representatives of the other body as a final compromise, it is included in the RECORD for purposes of legislative history. This is because it represents the extent of compromises on this issue that sponsors of House Joint Resolution 597 could agree to in the absence of the final compromise committed to October 22.

SECTION-BY-SECTION ANALYSIS

Section 101 would designate the resolution's short title as the Palau Compact of Free Association Implementation Act.

Section 102 would authorize the Compact to be put into effect (1) if it is approved in a referendum in Palau by the percentage of votes required by Palau's constitution and (2) 30 days after the President has notified the congressional committees of this intent to implement the Compact.

The intent is that there be no effort to implement the Compact without 75 percent approval in Palau unless that requirement is properly changed by the people of Palau.

Section 103 would require the Secretary of the Interior to assist Palau in developing regulations for spending Compact assistance.

It would also authorize the President to negotiate an agreement with Palau in providing that Palau will develop plans to implement U.S. audit recommendations, or in the alternative, that Palau inform the U.S. of its objections to implementing the recommendations.

Finally, it would authorize the agreement to require the Secretary to provide Palau with assistance to implement U.S. audit recommendations. It does not require the Secretary to provide this assistance because Administration officials have assured us that assistance will be provided without such a requirement.

Section 104 would authorize the President to negotiate an agreement with Palau providing that the U.S. will provide Palau with assistance for enforcement of its narcotics and other laws and prevention and treatment of narcotics and other substance abuse.

It would require this agreement to specifically describe the technical assistance, training, and equipment to be provided for law enforcement.

It would also require the agreement to commit the U.S. to providing Palau with at least \$400,000 each year in years two through six of free association for this purpose.

This assistance could be spent according to a plan developed by Palau and approved by the National Drug Policy Board. The requirement for federal approval is not intended to enable agencies to prevent spending for reasons not consistent with the intent of this legislation.

Finally, it would require the agreement to provide that Palau authorize U.S. law enforcement officers to investigate in Palau in cooperation with Palauan law enforcement agencies. This authority would only apply to those federal laws which apply in Palau under the Compact or the U.S. laws approving it. In addition, the agreement may also include authority for Palau to request U.S. law enforcement agencies to conduct investigations consistent with the plan.

The U.S. or Palau would also be authorized to agree to commit resources in addition to those specified in the plan. The plan would recommend priority use for additional resources if such resources are made available.

The intent recognizes that the Administration will not be able to anticipate all of the assistance that Palau will need in the future to address these problems. However, it expects some specifics before the Compact is implemented.

Section 105 would authorize the President to negotiate an agreement with Palau providing that the U.S. will assist Palau in implementing its public auditor and special prosecutor laws and that Palau will implement those laws at least as long as the U.S. provides this assistance.

It would also require that the agreement provide that Palau agrees to provide the offices with adequate funding in addition to that which the U.S. would provide. At present, this amount is estimated to be about \$100,000 per year for each office.

Further, this section would require the agreement to provide that the U.S. will pro-

vide technical assistance to the public auditor and special prosecutor on a nonreimbursable basis. At a minimum, the technical assistance would include an auditor or accountant for the office of public auditor and an attorney or investigator for the office of special prosecutor.

To ensure that requests for assistance cannot be blocked for political reasons, it would be able to be requested by the auditor or prosecutor as well as by the government of Palau itself.

The intent is to ensure that federal agencies do whatever is needed to cooperate with Palauan auditor and prosecutor investigations. This might also include providing additional personnel, equipment, or other resources. It might also include collaborative or complementary investigations.

This section would also require that the agreement commit to providing Palau with at least \$300,000 annually for the public auditor and special prosecutor offices for at least the first five years of free association. \$100,000 of these amounts would be required to be spent annually on each office. The additional \$100,000 per year would be required to be divided between the two offices by Palau.

Finally, it would require the President to take action in the event that Palau does not maintain public auditor and special prosecutor offices.

The President would initially have to take the Conference and Dispute Resolution steps outlined in the Compact. He would have to take further actions if Palau did not implement its public auditor and special prosecutor laws after the Conference and Dispute Resolution procedures determined that it should.

For 180 days, the President would have the latitude to determine what actions should be taken. After this period, he would be required to either withhold funds or suspend the commitment assistance this legislation and the Compact would provide Palau.

Suspending the commitment would not necessarily prevent funding from being provided. But it would prevent Palau from having the recourse to the U.S. Court of Claims to compel the U.S. to provide committed funds that the Compact would provide.

Section 106 would amend Section 104(e) of Public Law 99-658, (the Act which approved the Compact subject to the condition that another law be enacted to approve its effectiveness), to repeal a provision that sought to apply the immunity from suits in U.S. courts that Palau would have under the Compact to litigation against Palau for payment for power facilities constructed by a now-defunct British firm, International Power Systems Company (IPSECO). It would also prevent the use of Compact or other U.S. assistance to satisfy the debt with one exception.

The exception is that Palau would be authorized to use Compact funds for capital improvements and energy needs (other than the one-quarter of the energy funds that are reserved for areas not served by the IPSECO plant) to pay the debt. [Compact Section 212(b) provides that Palau will receive \$36 million, adjusted for inflation, for capital improvements at the beginning of free association. This amount is now estimated to be about \$46 million. Compact Section 211(b) provides that Palau will receive \$2 million per year, adjusted for inflation, in years two through fifteen of free association for energy needs. This amount, is estimated

to be about \$27 million, not including the one-quarter of the funds reserved for the energy needs of areas not served by the IPSECO plant.]

The intent that these funds could only be used to pay the debt if Palau desires to use them and makes such a decision by local law.

Because of the large amounts of Compact assistance that this exception would make available to pay the debt, we would not expect—or advise—Palau to approve the Compact unless the settlement anticipated and made possible by Section 115 were finalized.

Section 107 would authorize the President to negotiate an agreement with Palau under which Palau would agree to submit information that was omitted from its development plan.

This information would adapt the plan to the first five years of free association, would list all infrastructure projects to be financed with U.S. assistance, prioritize infrastructure projects and private sector projects to be financed with U.S. assistance and outline how Palau national and state infrastructure debts would be met.

Section 108 would authorize the President to negotiate an agreement with Palau that would require the U.S. to provide Palau with the amount up to \$5 million for medical facilities in fiscal year 1990 that is matched by Palau. It would require approval of Palau's plans for a new hospital by the Secretary of the Interior in cooperation with the Public Health Service and submission of the plans to congressional committees.

This section would also require the U.S. to settle the still outstanding medical referral debts of the Federated States of Micronesia, the Marshall Islands, and Palau to both public and private institutions through the respective effective dates of the Compacts. The U.S. would be able to settle these debts by the payment of funds to the governments or to the creditors, or through interagency transactions in the case of debts owed to federal hospitals. The requirement is that the approximately \$7.6 million in outstanding debts—or whatever is still owed if it is actually another amount—must finally be paid.

Section 109 would require Executive Branch agencies to certify that the required audits of Compact assistance meet the statutory requirements for such audits. The intent to ensure that a federal official is fully responsible for determining whether Compact assistance has been spent properly.

Section 110 would recognize that the government of Palau will be bound by its constitution to provide fair payment for private land that the U.S. might require Palau to provide for military purposes under the Compact.

It would also require the President to enter into agreements with Palau regarding financial assistance to Palau if Palau determines that it does not have the funds it needs to acquire land for U.S. military use under the Compact.

Further, it would require this financial assistance to be based on independently verified appraisals of land value, other actual costs, or other indications of fair value.

Finally, it would authorize the President to extend the 60 day period that Palau has to make land available to the U.S. under the Compact. When read in conjunction with other provisions of this section, this is intended to provide Palau with whatever time

whatsoever it needs to obtain land for U.S. military use.

The provisions are intended to provide assurance to the people of Palau that in entering into the Compact, the U.S. commits that their land will not be taken or used unless they receive fair compensation for it.

Section 111 would authorize the President to negotiate an agreement with Palau providing that the U.S. will provide Palau with \$800,000 to renovate or replace its jail. The agreement would also require Palau to submit a plan for the improvement of prison facilities to congressional committees.

Section 112 would require the Secretary of the Interior to station at least one professional in each Palau, the Federated States of Micronesia, and the Marshall Islands to coordinate federal programs and provide technical assistance. It would also provide that these persons, who would work out of the U.S. offices in the freely associated states, would have to be selected after consultation with other agencies. Finally, it would authorize such sums as many be necessary for these personnel.

The intent is that the required field officers—hopefully augmented by other staff if needed—would be individuals that would have the capability to provide the assistance intended by the Compact Acts. This means that they should be able to provide technical assistance and recruit other agency program personnel who can be rotated in and out of the freely associated states, according to need.

Section 113 would authorize the spending provided for in the legislation. There was no similar section in either the House resolution or the Senate amendment and, therefore, the other provisions of the substitute are renumbered in sequence accordingly.

The authorization supersedes provisions for funding included in Section 115 of the House resolution and in various sections of the Senate amendment. These provisions are described in the following.

The House resolution would apply Compact Section 236 to \$9.3 million of the assistance that it—and this resolution—would provide Palau. Section 236 provides a full faith and credit commitment that assistance promised Palau by the Compact will actually be provided. (It provides that Palau may try to enforce the commitment in the U.S. Court of Claims if the U.S. fails to provide the assistance and applies to most of the estimated \$460 million, adjusted for inflation, to be provided Palau under the Compact.)

The additional assistance to be provided Palau under the resolution includes: \$2 million for narcotics and other substance abuse prevention and treatment and for narcotics and other law enforcement; \$1.5 million for the offices of public auditor and special prosecutor; \$5 million (or as much as is matched by Palau) for medical facilities; and \$800,000 for detention facilities.

These amounts were reduced from the approximately \$30 million proposed in the introduced resolution. The reduction was the result of a compromise with the Administration and other Members. The amounts were reduced as much as they can responsibly be reduced and as much as can be agreed to by both Palau's leaders and sponsors of House Joint Resolution 597.

As little as \$300,000 of these amounts would have to be provided Palau in fiscal year 1989. The required payments of the \$9.3 million would be made over the first six years of free association.

The Senate amendment does not include specific amounts or a commitment that funds will actually be provided.

The authorization proposed in this section is a major concession to the other body, some members of which have objected to providing Palau with a full faith and credit commitment of assistance beyond that specified in the Compact itself.

They have insisted that the appropriations process have an opportunity to provide the assistance that the House resolution would require be provided Palau. They have asked us—and more importantly, the people of Palau—to trust their good faith commitment to provide this assistance upon appropriate justification for it.

This section would enable them to use the appropriations process, as they have asked, to provide the required assistance to Palau.

Although this section would not apply a full faith and credit commitment to the \$9.3 million, the specific sections regarding this assistance do provide commitments that the funding will be provided. This compromise was made possible by the understanding that the Executive Branch would assume such obligations without being required to do so by statute.

Additionally, although the compromise includes many of the terms and conditions for spending the assistance—such as providing plans and justifications—that were proposed by members of the other body, it is not intended to enable agencies to use these terms and conditions as a reason for not providing the assistance.

We have agreed to this compromise with confidence in the good faith commitment of members of the other body, representatives of the Administration, and the distinguished chairman of the Interior Appropriations Committee, the gentlemen from Illinois, Sid Yates, to ensure that the assistance this resolution specifies for Palau will actually be provided.

Chairman Yates and the members of the other body involved have been among the members of Congress most sensitive to insular needs and most effective at meeting them. I am sure that when they ask us to remove the full faith and credit commitment which 406 Members of this House voted to apply, this assistance will be provided.

One of the members of the other body opposed the full faith and credit commitment because he was concerned that the amounts over the six fiscal years involved would be scored against discretionary Interior Department appropriations and, thus, reduce the amount of funds available to address other needs.

The Administration has responded to his concerns by telling us that Office of Management and Budget has committed that the budget ceilings for the Interior Department will be increased to accommodate the additional spending that this legislation will require.

Section 114 would require the Secretary of the Interior to provide Palau with the amount of funds needed for a seventh referendum on the Compact and other appropriate costs related to approval of the Compact. It is intended that the costs associated with the approval of the Compact include not only the actual costs of the referendum but for education and other related expenses as well, including the costs of communicating with U.S. government officials on the approval.

Up to \$200,000 would be authorized, including the costs to Palau of U.S. delibera-

tions on the Compact. The intent is that the Interior Department provides funds in addition to those to be provided for trusteeship administration.

Section 115 would approve agreements with the Federated States of Micronesia and the Marshall Islands and a similar still-to-be-negotiated agreement with Palau. The agreements would change the required U.S. representation in the freely associated states specified in the law which approved the Compact with the Federated States and the Marshall Islands and the law which conditionally approved the Compact with Palau.

It would also approve an agreement that would extend the applicability to the freely associated states of the essential air service program until October 1, 1998.

It is not intended that the change in U.S. representation in the freely associated states will diminish the jurisdiction of the Interior and Insular Affairs Committee regarding the representatives or any matter concerning the freely associated states.

This section would also authorize the President to negotiate an agreement with Palau under which the U.S. would commit to providing Palau in the first year of free association the \$28 million, adjusted for inflation, that Compact Section 211(b) provides that Palau will be provided in years two through fifteen of free association. The inflation adjustment is understood to be about \$9 million.

This provision provides a means of settling the IPSECO debt far more preferably than that contained in Section 106, which originated in a Senate amendment. Under this provision, a former president of Palau was prepared to pay the banks involved up to an estimated \$66 million. This is an unconscionable amount for facilities worth perhaps a third as much and acquired under questionable circumstances that require further investigation.

The agreement required by this provision would require Palau to pay the U.S. for the net economic costs of "accelerating" Section 211(b) assistance before the sixteenth year of free association. The payment would be automatically paid from Compact Section 211(f) funds, under which \$70 million would be provided Palau, if Palau has not paid the U.S. for this cost by the sixteenth year of the Compact.

The payment was proposed by a member of the other body. The anticipated amount is understood to be approximately \$9 million.

It is intended to be calculated by the Department of State using Federal Financing Bank loan rates that may be used for very similar circumstances, if any, minus the inflation factor. Palau should not have to pay more than the amount that is understood now.

The purpose of the acceleration is to enable Palau to satisfy the \$46 million debt for the power facilities purchased from IPSECO for \$32 million pursuant to the preliminary settlement reached between Palau and the banks which guaranteed the debt. The additional amounts to be provided Palau under this section are intended to be used to electrify areas of Palau not served by the IPSECO plant.

Section 116 would authorize Palau to spend assistance provided it by the U.S. for one year in a subsequent year. This flexibility is intended to ensure that Palau does not lose the use of U.S. assistance because of a failure to expend it in any particular year.

Section 117 would provide that the authority that the President would be granted

under Section 102 to implement the Compact will not take effect until 30 days after the Congress has the opportunity to review the agreements that the President would be required to conclude with Palau under this resolution.

The agreements involved regard: Palau's response to U.S. audit recommendations; law enforcement assistance and cooperation; implementing Palau's public auditor and special prosecutor laws; Palau's development plan; and assistance for medical facilities and debts, detention facilities and Compact approval costs.

The 30 day review required for these agreements is intended to give Congress time to ensure that the agreements are consistent with the intent of this resolution. It would enable Congress to take action if any requirements of this legislation are not being met by the President.

This section would also not permit any subsequently agreed upon changes to the agreements to take effect until 30 days after they have been submitted to Congress. This would provide assurance that Congress has time to act if subsequent agreements are made that would in any way change the requirements of this legislation.

Finally, this section would require congressional approval for any change to the agreement already entered into under the Compact which would require the U.S. to construct a 53 mile road on Babelthaup Island.

Section 118 would amend Public Law 99-658 (the law which approved the Compact on the condition that the U.S. enact another law approving the Compact) to delay the phase-down of federal programs that would be discontinued under free association. The delay would be from fiscal year 1987 to the first fiscal year after the Compact is implemented.

1989, A YEAR FOR CHEMICAL WEAPONS ELIMINATION NOT PRODUCTION

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. FASCELL. Mr. Speaker, Iraqi use of chemical weapons against its own Kurdish population and against Iran, new chemical weapons production capabilities in Libya, and reports of more widespread chemical weapons proliferation must prompt our Government to give this issue a higher priority than it has received in the past 8 years and to take action to assure success in 1989 at the multilateral chemical weapons negotiations in Geneva. A new administration in 1989 would also be well advised to reject this past administration's push to produce new binary nerve gas weapons. Little if any new chemical weapons production has begun due to Congress' persistent opposition to production based on well documented foreign policy, arms control, and technical problems that have plagued the binary production program as proposed by the Pentagon.

The need to act decisively in 1989 for chemical weapons elimination not production becomes more and more obvious as the number of nations possessing chemical weapons grows, as use of chemical weapons risks

teaching the wrong lesson—that there may be some political or military advantage to be gained by using chemical weapons—and as our own country and others edge closer to the production of chemical weapons, all of which are onerous signs against a multilateral chemical weapons arms control regime. The momentum for new and more sophisticated weapons systems is always there. In the field of chemical weapons there will be funding proposals for chemical multiple-launch rocket systems and chemical-tipped cruise missiles in the near future. An effective and verifiable ban on chemical weapons production and use in 1989 would save us from spending billions of dollars on chemical weapons systems that are unnecessary and counterproductive to longstanding United States and world efforts to avoid returning to the days of chemical weapons use during World War I.

The multilateral chemical weapons negotiations in Geneva are slowly but surely producing a treaty with a very substantive inspection and verification regime to stop the proliferation, production, and use of chemical weapons. A treaty is expected to be ready for signing in 1989 and then the work will begin by the original signatory nations to try to make the treaty universal. The treaty will give those original signatory nations the necessary instrument to encourage all nations to join thereby implementing perhaps the only effective way of stopping the dangerous proliferation of chemical weapons not only to nations that do not yet possess them but to terrorist groups.

There are positive signs from the negotiations in Geneva and elsewhere concerning chemical weapons. The September 29, 1988 address to the United Nations by French President Francois Mitterand represents one of the most recent positive signs. In the past France has not been generally supportive of any negotiation which might possibly seek to limit French inventories of chemical arms. Now, however, President Mitterand has agreed to host an international conference on chemical weapons, and announced that France would no longer insist on its right to produce new chemical weapons while other nations reduce their stockpiles under the treaty being drafted in Geneva, and would support U.N. efforts to embargo any nation using chemical weapons. This is the type of political will and action that is necessary to stimulate progress in Geneva negotiations and ultimately produce an effective chemical weapons ban.

For the past 8 years Congress and the administration have been at odds over a chemical weapons arms control strategy. In 1989 a new administration and a new Congress will have an opportunity to implement a comprehensive and unified arms control strategy on chemical weapons. This can be done by taking concrete actions to arrest the proliferation of chemical weapons, by saving billions of dollars in halting production of new binary weapons, and by stimulating progress at Geneva in the multilateral chemical weapons negotiations. A coherent and reasonable arms control policy on chemical weapons can set a positive course in 1989 which should help avoid very troublesome problems in the future regarding chemical weapons. The objective

for such a chemical weapons arms control strategy should be to strengthen our national defense, stimulate progress toward a chemical arms control agreement, and eliminate wasteful spending on weapons systems that either don't work or don't have any justifiable role in our country's defense.

One of our primary concerns should be to make absolutely sure that no more money is wasted on a weapons program, the Bigeye binary nerve gas bomb, that seems to remain doomed to failure. In 1988 the Congress was asked to authorize almost one-fourth of a billion dollars for Bigeye bomb production money when even the Secretary of Defense admitted that it was not yet reliable. In a February 18, 1988 letter by Secretary of Defense Carlucci to Chairman LES ASPIN of the House Armed Services Committee, Secretary Carlucci admitted that the Bigeye bomb was not "mature" and had not yet met the reliability standard. Fortunately the House and the Senate decided not to produce such a questionable weapon system and strict limitations were drafted to assure that there would be no low-rate initial production and no full-scale production until the Bigeye bomb proves itself to be production-worthy both to the General Accounting Office (GAO) and the Pentagon's Office of Operational Test and Evaluation. Funds, both prior-year funds released by a presidential certification and a small amount of fiscal year 1989 funds, can be used only for purposes related to the continued testing program for the Bigeye bomb. Low-rate initial production and final assembly are specifically prohibited before positive certifications by the GAO and DOD's Office of Operational Test and Evaluation. A firm line has been drawn between testing and production of the Bigeye bomb for at least the next 2 years, thereby giving us an opportunity to negotiate a mutual chemical weapons productive ban.

In November 1985, President Reagan and Soviet leader Gorbachev pledged to work for a worldwide ban on chemical weapons. Consistent reports of progress toward a worldwide ban on chemical weapons have been received from the 40-nation U.N. Disarmament Conference negotiation in Geneva. During this past year the Soviet Union has been active on the chemical weapons issued and there have been some public Soviet concessions which could be quite significant once they are negotiated into a treaty. During this past year the Soviet Union and the United States have exchanged visits to their chemical weapons facilities. The exchange of these expert delegations represents an important confidence-building measure which should help improve the prospects for an agreement next year in Geneva.

Furthermore, the Soviet Union has announced that it had halted production of chemical weapons and begun building an incinerator to destroy its present chemical weapons stocks. The Soviets also agreed to "on-site" and "quick-challenge" inspections. They have also presented some new ideas on the question of chemical weapons data exchange. These new chemical arms control positions by the Soviets must, of course, be translated into the necessary written provisions in an arms control agreement. While an adequate verification regime remains a difficult

problem to negotiate, the above-mentioned Soviet concessions do set the stage for an agreement next year.

Our key allies have been working hard for an agreement on chemical weapons at the negotiations. These include the British, the Germans, and most recently the French as reflected in President Mitterand's September 29, 1988 call for the elimination of all chemical weapons. It is definitely time for a new administration in the United States in 1989 to complement these efforts. For example, a moratorium on all new binary chemical weapons production is one such step. We would, of course, expect that such a moratorium would only last as long as we have no evidence proving renewed Soviet production of chemical weapons.

These are the elements which form, in my mind, the type of realistic, viable, and effective arms control policy for a chemical weapons ban that a new administration could adopt with broad bipartisan congressional approval. Our efforts should be based on using the arms control process to eliminate Soviet and American chemical weapons as part of a global ban rather than taunting the Soviets back into a chemical weapons arms race with our new production of binary nerve gas weapons. Such efforts would also complement U.S. sanctions against countries that use chemical weapons and would be one of the most meaningful deterrents against chemical weapons proliferation.

CONGRATULATIONS TO OAKLAND ZOO

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. STARK. Mr. Speaker, I would like to join with others in the San Francisco Bay area in congratulating the Oakland Zoo, and its director, Joel Parrott, for recent dramatic improvements in the quality and attractiveness of the zoo.

The institution is becoming a world-class operation, and the new recognition of its efforts should help ensure a stable and lasting revenue base.

Congratulations to Director Parrott and all the staff at the Oakland Zoo for their hard work and a job well-done.

Following is a recent article from the Oakland Tribune describing the great progress made at the zoo.

"New" OAKLAND ZOO REAPS HIGH PRAISE

(By Bill Snyder)

The Oakland Zoo, once considered one of the worst in the country, has "been transformed" and now meets stringent professional standards, according to a private agency that evaluates North American zoos.

In a glowing, five-page report, the American Association of Zoological Parks and Aquariums awarded the 60-acre zoo full accreditation, a status held by 137 of the nation's approximately 500 menageries.

The report pointed to new exhibits, an educational program and improved management that "have transformed an old outdated zoo into an aesthetically pleasing facility."

Being accredited, said Joel Parrott, the zoo's director, will allow the zoo to:

Participate in rare animal breeding programs.

Have a more effective fundraising effort. Recruit professionals who would be unwilling to work in a "second-rate" institution.

But most importantly, he said, the accreditation ends an era that began in 1983 when the Humane Society rated the zoo one of the 10 worst in the United States.

At that time, Robert Wagner, executive director of the zoological association, visited the Oakland Zoo and said: "Some of the things I saw there frightened me. They frightened me to death."

Since then, the zoo has demolished many of the old, prisonlike animal quarters and replaced them with well-lighted, spacious facilities that are better for the animals and more pleasing to the public.

Last March, the zoo opened its new chimpanzee exhibit, a landscaped, 4,000-square-foot "habitat," replacing a small, concrete enclosure at a cost of \$205,000.

Other improvements include new baboon and ocelot exhibits, the hiring of an education director, and construction of a new animal hospital.

The accreditation report did raise a number of criticisms, including the relatively low \$14,000 annual salary paid to zookeepers and "the small and unsafe elephant exhibit."

Construction of the new, \$300,000 elephant barn is expected to start in February, said Parrott.

Many of the new exhibits were paid for by private donors, and the zoo's improvement does not mean that the additional \$400,000 in annual funding approved by the state Legislature last month is not needed, said Parrott.

The allocation, which shifts funds that would have gone to the East Bay Regional Park District and to Eastbay courts, apparently ended the argument about whether the zoo, which attracts 320,000 visitors a year, is Oakland's responsibility or a regional institution.

Parrott said the current budget—when added to the hoped for level of private contributions—will allow Oakland to run a high-quality zoo.

"There is no point in having a rotten zoo. It's bad for the public and bad for the animal," he said.

Eric Mills, coordinator of Action for Animals and a longtime critic of the zoo, said the accreditation is well-deserved.

"There isn't any doubt that it has improved."

But he added: "When the best zoo in the world (the San Diego Zoo) is still beating elephants with ax handles, all zoos have to raise their standards."

CLIFFORD (CASEY) IRELAND

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. WYLIE. Mr. Speaker, on October 11, 1988, Clifford (Casey) Ireland, the former minority staff director of the Subcommittee on Housing and Community Development, died. Known to all of us as Casey, he served on the

minority staff of our Housing Subcommittee from 1963 until early 1974 when he retired.

Casey's ties to the Congress go back a long way. His father served in the House of Representatives during the latter part of World War I and into the early 1920's, representing the district that is now so ably represented by the distinguished minority leader of the House, BOB MICHEL. After graduating from the University of Illinois, Casey served in the Army in the Pacific during World War II where he rose to the rank of lieutenant colonel, continuing his Army service during the Korean war. A journalist by training, Casey served as press assistant to our late colleague from Wisconsin, Vernon W. Thompson, and served in the public information office of the Public Housing Administration which was then part of the predecessor agency to HUD, the Housing and Home Finance Agency.

Casey Ireland was a very able staff assistant who brought humor and good cheer to members of our committee and to the staffs of the offices and committees with whom he worked.

I extend, on behalf of my colleagues of the Subcommittee on Housing and Community Development, my sympathies to his widow, Lucille, and his two children, Terrence and Maureen, and his five grandchildren.

[From the Washington Post, Oct. 14, 1988]

CLIFFORD (CASEY) IRELAND, LEGISLATIVE ASSISTANT

Clifford (Casey) Ireland, 79, a retired legislative assistant to Rep. William B. Widnall (R-N.J.), died of pneumonia Oct. 11 at the Powhatan Nursing Home in Falls Church. He lived in Arlington.

Mr. Ireland was a public relations officer for the Republican Party in Wisconsin before moving to the Washington area in 1953. For the next eight years, he was the executive assistant to Charles E. Slusser, the D.C. public housing commissioner.

From 1961 to 1963, Mr. Ireland was an assistant to Rep. Vernon W. Thomson (R-Wis.). In 1963 he joined the staff of Rep. Widnall, who was the ranking Republican member of the housing subcommittee of the House Committee on Banking and Currency. Mr. Ireland retired in 1973.

A native of Washburn, Ill., Mr. Ireland graduated from the University of Illinois and studied law at Kent College in Chicago. During World War II, he served in the Army in the Pacific and was promoted to the rank of lieutenant colonel. During the Korean War, he served in the Army in Chicago.

He had been a member of the National Press Club, the Capitol Hill Club and the American Legion.

Survivors include his wife, Lucille T. Ireland of Arlington; two children, C. Terrence Ireland of Silver Spring and Maureen I. Coyne of Memphis; a sister, Pat Martin of Canton, Ill., and four grandchildren.

CLARIFICATION OF THE INTENT OF S. 795, SAN LUIS REY INDIAN WATER RIGHTS SETTLEMENT ACT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. PACKARD. Mr. Speaker, on October 20, 1988, this body agreed to the Senate amendments to S. 795, the San Luis Rey Indian Water Rights Settlement bill. I applaud my colleagues for that unanimous action.

As various parties have reviewed the bill, an area of needed clarification has arisen. The bill authorizes and directs the Secretary of the Interior to develop and deliver water to the settlement parties in cooperation with non-Federal water user organizations in southern California. It is likely that the delivered water will be mixed with waters delivered from the Colorado River under contracts made with the Secretary pursuant to the Boulder Canyon Project Act. Some have suggested that the transport of water for the settlement in conjunction with Boulder Canyon Project Act water might subject cooperating non-Federal entities or the settlement parties to provisions of the Reclamation Reform Act of 1982. Such a result would be ludicrous and would be inconsistent with the Reclamation Reform Act of 1982 [RRA] and the legislative history of the San Luis Rey Indian Water Rights Settlement bill.

Although the bill we have forwarded to the President is silent on the subject of applicability of the RRA to the development and delivery of water for the settlement, that silence should not be misconstrued. Both the Imperial Irrigation District and the Metropolitan Water District of Southern California and its member agencies previously were exempted from applicability of the RRA through acts of the Congress. In addition, the RRA does not apply to Indian tribes by its own terms and it would be superfluous to include a specific exemption in S. 795 for the La Jolla, Rincon, San Pasqual, Pauma and Pala Bands of Mission Indians. In fact, if such an exemption had been included in title I of S. 795, someone could infer that the RRA generally applies to Indian tribes in the absence of a specific exemption. Obviously we didn't want that result as making tribes subject to the RRA is an action that would require careful deliberation by the Congress.

Both the House and Senate considered this issue during deliberations on S. 795. The Senate originally passed S. 795 on December 20, 1988, and included in section 11(c) an explicit waiver of the applicability of other law. As described in the first two full paragraphs on page 8 of Senate Report No. 100-47, this provision was included to protect participating non-Indian entities; an exemption for the bands being superfluous. During the June 3, 1988, markup session before the Water and Power Resources Subcommittee of the House Interior and Insular Affairs Committee, Congressmen MILLER and LEVINE discussed this issue. The consensus was that the RRA would not apply to entities participating in the settlement.

Thus, although title II of S. 795, at section 209, includes specific language which protects the historical RRA exemption of those involved in the lining of the All American Canal and those using the saved water, no such language was thought necessary or desirable in title I. All supplemental water provided pursuant to title I will either be used by the Indians themselves or it will be used by Escondido and Vista as part of the negotiated settlement with the Indian bands. In either case, because Indians are not subject to the RRA, those entities involved in the development, delivery and use of water pursuant to title I of S. 795 will not be subject to provisions of the RRA.

Mr. Speaker, I make these remarks to clarify why I was persuaded that explicit language on the applicability of the RRA should not be included in title I of S. 795. Again I wish to thank my colleagues for their assistance and unanimous support in passing S. 795.

BASE CLOSURE LEGISLATION

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. ASPIN. Mr. Speaker, with congressional action on the base closure legislation now complete, I want to express my hopes and fears for this process.

We all know that the time is long overdue to close some excess capacity within our domestic base structure. Both the Congress and the Pentagon have been delinquent in making and implementing such proposals. The last formal proposal to close bases was submitted by the executive branch almost 10 years ago. This period of inactivity is due, in part, to the roadblocks the Congress put in the way of previous closure proposals.

The process established in this year's legislation provides the first real opportunity to grapple with this problem. If it proceeds in an effective and credible manner, this model may be used for a base initiative in the future or even for some other thorny issues.

The key in my mind, Mr. Speaker, is that the process must be credible. The Commission's procedures for considering closure candidates must be, and appear to be, completely impartial and nonpartisan. The Commission must exercise its own judgment on these matters and not just accept a recipe prepared by Defense Department cooks. The Commission's members are certainly well qualified to perform this role and I have great confidence they will perform creditably.

With 2 months remaining on the Commission's calendar, there are two concerns weighing on my mind. One deals with the Commission staff, the other with the Commission report. Both deal with my overriding concern for credibility.

First, I have a concern about the way the Commission has been staffed. This task would not be easy for people who had been working on the base structure for their whole careers let alone individuals brought in from other

areas to complete this work in 9 months. I am also concerned that the choice for staff director could pose a challenge to the credibility of the final product. I think the selection of someone with no background in military matters and who has a partisan political background poses a problem for a Commission of this character in which the effort to eliminate even the appearance of a partisan slant has been one of the principal elements leading to its creation.

I am not suggesting that any member of the staff is incompetent or guided by base motives. I am not seeking to give critics a hammer with which to hit the Commission's final report. But I do not want the Commission to hand out hammers either. And I am saying that the composition of the staff is critical not only to the balance of the final product but also to the appearance of balance.

This does not mean that any member of the staff need be fired. The concern I have could be addressed in less drastic ways. For example, a staff member with a clearly partisan background could be balanced with the addition of another staff member with a similar background, albeit from the other party. But I do not wish to make predictions. The Commission has its own resources for coping with this problem.

I believe this cautionary note is needed to lessen the likelihood early next year that the Commission's work could be undercut by allegations that the Commission staff lacked independence from DOD or placed a partisan spin on the output.

My second concern, Mr. Speaker, also relates to credibility.

The Commission has only 2 months remaining on its mandate. It faces a major task. Its final product will, by definition, come under attack. Its report will be read widely and every sentence will be perused by mayors, editors, and community activists. That report, therefore, must be written with clarity and precision and without jargon or bureaucratese.

The manner in which the Commission determined what installations should be closed or realigned must be explained and justified coherently. When an installation is earmarked for closure, the Commission should explain not only the negative points leading to that decision, but also the positive points about that base and the reasons the Commission did not feel the positive points prevailed.

None of this is easy. But all of it is essential to foster credibility.

I hope the Commission will take these thoughts in the spirit in which they are offered—as an effort to improve the final product by which the Commission's work will be judged. As codrafter of this legislation along with SAM NUNN, and as one who has piloted this legislation through the rocks and shoals of the House, I have a deep personal interest in seeing that the Commission report is not only first-rate but also widely perceived to be first-rate.

S. 1081—THE NATIONAL NUTRITION MONITORING AND RELATED RESEARCH ACT OF 1988

HON. VIRGINIA SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mrs. SMITH of Nebraska. Mr. Speaker, enactment of S. 1081, the National Nutrition Monitoring and Related Research Act of 1988, would be a victory for Nebraskans as well as all other Americans.

This bill would help assure the American consumer that all future dietary advice would be based on sound scientific evidence and that all government agencies and institutes would "speak with one voice."

This bill was passed by the House 311 to 84 on October 12 and by the Senate by a voice vote on October 18. Under this law, the U.S. Department of Agriculture and the Department of Health and Human Services would be required to review and coordinate any dietary guidance issued to the public by Government agencies.

If the President signs this bill all appropriate and affected Government entities would need to make sure that any dietary advice and nutritional statements have sound scientific evidence to back the statements before being released.

In addition to establishing a coordinated National Nutrition Monitoring and Related Research Program, the legislation would establish a comprehensive plan to determine the nutrition and dietary status of the U.S. population and the nutritional quality of the U.S. food supply.

This bill has three titles, as follows:

Title I establishes the 10-year coordinated National Nutrition Monitoring and Related Research Program to be implemented by the Secretaries of Health and Human Services and Agriculture.

It also requires an Interagency Board for Nutrition Monitoring and Related Research be established to help facilitate the implementation of the program, and then to have the Secretaries appoint an Administrator of Nutrition Monitoring and Related Research to coordinate the program.

The title requires the Secretaries to: First establish matching grants programs for specified nutritional and dietary purposes; and second, submit a biennial report to the President for transmittal to the Congress.

The comprehensive national nutrition monitoring and related research plan as implemented must:

First, assess and report on the U.S. nutritional and dietary trends;

Second, sample representative groups of low-income populations and assess and report on food and household expenditures;

Third, sponsor and conduct nutritional and related research;

Fourth, develop and update a national dietary and nutritional status data bank;

Fifth, assist State and local agencies in developing procedures and networks for nutrition monitoring and surveillance; and

Sixth, focus the activities of Federal agencies.

The research plan must also allocate the project functions and activities among the various Federal agencies and offices involved.

The comprehensive plan must be completed and fully implemented before the end of the ninth fiscal year following the fiscal year in which the final comprehensive plan is submitted.

Title II establishes a nine-member National Nutrition Monitoring Advisory Council to: First provide scientific and technical advice on the development and implementation of all components of the coordinated program and the comprehensive plan; second, evaluate the program and plan; and third, submit an annual report to the Secretaries.

Title III directs the Secretaries to publish and review dietary guidelines for the general public by the start of 1990 and then every 5 years.

I understand that the administration is concerned about the additional money needed to fund the grants and that the additional advisory boards would reduce the efficiency of the current nutritional work being done unless Congress provides funds for both additional personnel and for the grants.

A veto would be a terrible setback to American farmers who have suffered unnecessarily and unfairly at the hands of a well-intentioned but often inept system with inadequate and unworkable safeguards.

This bill has broad support, including the support of 45 very divergent organizations from the American Dietetic Association to the American Farm Bureau, from the Society for Nutrition Education to the National Cattleman's Association.

While we must keep in mind that the reasons for supporting S. 1081 by these groups are sometimes at cross purposes, a form of this bill has passed the House three times before. The measure has been carefully amended each time to address many of the concerns of the various organizations supporting S. 1081.

The most important item in S. 1081 that must be implemented, however, is the careful review of dietary guidance publications. Government agencies must not issue dietary guidance based on old and inaccurate data or report conflicting findings that confuse and create misconceptions for health-conscious Americans on the healthfulness of various foods.

For example, the Food and Drug Administration published in 1987 "Planning for A Healthy Heart" which on pages 2 and 3 recommended to the reader that they should choose tuna or chicken salad instead of processed meats. Unless a consumer is very careful and either prepares the tuna or chicken salad with low-fat mayonnaise or other salad dressing, the differences between the two are almost nonexistent.

An early draft of the National Cancer Institutes [NCI] pamphlet entitled "A Guide to Food Choices" did not use the most accurate and current data available.

Fortunately, the U.S. Department of Agriculture reviewed the draft by accident and furnished the NCI with the up-to-date correct information, which was then incorporated in the final version of the pamphlet.

A problem associated with having several agencies putting out dietary recommendations with no central or coordinated review process is the possibility of using inaccurate data that does not reflect the current nutritional content of foods.

For example, if an agency were to use the nutritional information on pork from 25 or more years ago, the recommendations would not reflect the dramatic differences in swine carcass composition. With current breeding and feeding practices a pig today is approximately 50 percent leaner than his ancestor of the early 1960's.

In fact, research conducted in the late 1960's indicated that a pig's fat type could be altered by feeding it soybean oil, corn oil, or safflower oil.

In other words, the fat deposited by the pig would reflect the characteristics of the type of feed it was fed, yielding a pig high in polyunsaturated fats.

Unfortunately, processing problems and the economics associated with the diet needed to bring about such carcass composition changes are not yet practical.

The current research being conducted by animal scientist with growth hormones means, however, that tomorrow's livestock could yield more meat and less fat, while maintaining most if not all the flavor and tenderness characteristics enjoyed by today's consumers. An additional benefit is that the beef, pork, and lamb producer could put this animal on the menu at a relatively lower cost of production.

Another example of the need for careful review of dietary recommendations occurred in 1984. A doctoral student at Berkeley used a grant from the National Institutes of Health to conduct research for a pamphlet of dietary recommendations for distribution in grocery stores.

In conducting his research as part of his dissertation the student had used untrimmed, outdated hanging carcass data as the foundation for his dietary recommendations.

His improperly based calculations showed that beef was high in fat and cholesterol and had been sent to a public relations company to produce the pamphlet.

The material was already at the printer when the National Cattlemen's Association discovered the project and determined it had not yet been reviewed by the Department of Health and Human Services or the U.S. Department of Agriculture.

Only by luck and by going to the Reagan reelection campaign was the National Cattlemen's Association able to get the publication stopped. The NIH had to be informed that the project was not using the latest and most accurate nutrient composition of beef.

The nutrition education module entitled "Eating Well" developed by the Education Development Center and funded by the Centers for Disease Control gives an unjustified negative view of meat in the diet.

"Eating Well" suggests that red meat be replaced as a source of protein by other foods. The module does not consider the nutrient density when comparing fat content of foods and does not mention nutritional deficiencies like anemia.

Perhaps the most glaring fault in using the module as an educational tool is that it fails to

stress the universally sound principles of variety and moderation in the diet, as recommended in the Dietary Guidelines for Americans issued jointly by the USDA and the HHS.

Fortunately, the last couple of years have shown the positive results of review by the USDA and HHS of dietary guidance information proposed to be released by the NIH. The USDA reviewed the National Cancer Institutes, "Diet, Nutrition, and Cancer Prevention, the Good News" published in 1986 and made several recommended changes, most of which were incorporated in the final version.

The NCI often tries to make specific numerical or quantitative statements on the types of food that need to be eaten instead of using qualitative statements on the general kinds of food that should be included in the diet.

The first statement that the USDA recommended being changed indicated that sugary foods are often high in fat. This is not necessarily true when one considers that soft drinks are the major source of sugar in the American diet.

The second recommended change involved the category for changing the diet. Frequently the recommended diets were calorie restrictive in nature, which is not what everyone needs. Many Americans need a diet that emphasizes maintaining the appropriate weight for your height and bone structure, which would be your lean weight at age 25.

Other recommended changes involved the use of out-of-date or inaccurate numbers in the various tables. On the table for grams of fat contained in foods, the following foods had inappropriate grams listed: beef, pork, chicken, avocado, and oils. These were corrected.

In the category of foods that should be eaten more or less often the original version failed to mention the availability of lower fat hotdogs and luncheon meats; gave a partial list of vegetables in certain categories as such cruciferous vegetables as broccoli, brussels sprouts, and cauliflower; and suggested that only whole grain bread was low in fat when white bread is nearly identical.

In a joint National Heart, Lung, and Blood Institute and the National Cancer Institute publication entitled "Eating for Life," published in 1987 and reviewed twice by the USDA, some similar recommendations for changes were made and accepted.

Often the definition or lists of items needed to be more accurate and complete in order to help a person formulate his or her most appropriate diet. When originally written the publication recommended eating low fat meat but failed to add that that meant meat trimmed of fat.

The statement recommending the use of only so called polyunsaturated vegetable oils did not emphasize that the important thing to look for is the level of polyunsaturated fats contained in the oil, not that saturated fat be totally absent which is not very often the case.

Americans know food plays an important role in health, but to adequately adjust an individual's diet, complete and accurate data and information is absolutely essential. I am hopeful that S. 1081 will be so effective that inaccurate dietary guidance statements will no longer be published.

Americans have a right to expect accurate information in the publications put out by the various Government agencies. We must avoid crying wolf or damaging any agricultural commodity simply because of an oversight or the use of an inadequately defined statement.

H.R. 1580

HON. PATRICK L. SWINDALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. SWINDALL. Mr. Speaker, I rise today to express my opposition to H.R. 1580, the so-called Anti-Apartheid Act Amendments of 1988.

I had wanted to offer an amendment to H.R. 1580, but the Rules Committee chose to deny me the opportunity to offer my amendment. My amendment was clear and straightforward. It had two simple sections. First, my amendment required the Comptroller General of the United States, through the General Accounting Office, to conduct or contract out a survey of nonwhite South African opinion concerning United States economic sanctions against South Africa. The obvious purpose was to determine whether nonwhite South Africans favor or oppose such sanctions.

Second, under my amendment, if the Comptroller General determined that a majority of nonwhite South Africans oppose United States economic sanctions against South Africa, the economic sanctions in H.R. 1580 would cease to be in effect.

What could make more sense than that? My amendment simply posed the question: Why take actions toward the South African economy with which the oppressed in South Africa completely disagree? Despite the simplicity and good sense embodied in my amendment, the Rules Committee chose not to allow my amendment to come to the floor. This was yet another example in the 100th Congress of how the majority in the House forces its will upon the minority, in violation of the principle of free and fair and open debate of the important issues before us.

The respected South African Institute of Race Relations revealed last year that, in 13 opinion surveys taken over the past 4 years by a variety of private research institutes and newspapers, a majority of South African blacks opposed sanctions and disinvestment, mostly by a margin of 3 or 4 to 1. More recently, in the most comprehensive survey of South African black opinion ever taken, the nonpartisan Investment Resource Responsibility Center concluded in June 1988 that a majority of urban black South Africans do not support economic sanctions against South Africa.

These surveys point to the utter irresponsibility Congress bears when it passes so-called antiapartheid legislation which the victims of apartheid themselves do not support. Those who claim that blacks in South Africa are willing to suffer the consequences of American sanctions are either unaware or blind to the reality in South Africa today.

Finally, Mr. Speaker, I would point out that there is a precedent for my amendment. In

1985, when the House considered the Anti-Apartheid Act of 1985, the Rules Committee specifically granted permission to Representative DAN BURTON (R-IN) to offer an amendment similar to mine. The only difference is that Representative BURTON'S amendment contained a requirement that the Secretary of State—instead of the General Accounting Office—perform a survey of nonwhite South African opinions toward the prohibition of new United States investments in South Africa.

My disapproval of H.R. 1580, however, lies not only in the actions of the Rules Committee in bringing the bill to floor, but in the substance of the bill itself.

I view South Africa's racist system of apartheid as an affront to human dignity. Apartheid is a hideous, humiliating form of government. It stands in direct contrast to the values of human liberty which all Americans cherish. The United States must continue to clearly and categorically express our abhorrence of South Africa's apartheid system and put the greatest possible pressure on the South African Government to dismantle this brutal system and allow all of its citizens to live their lives free and in peace through the creation of a representative, constitutional form of government.

Too often in the debate over South Africa, proponents of sanctions only speak of the necessity of ending apartheid. Often overlooked is the importance of creating the conditions for self-determination in South Africa. As former Ambassador Alan Keyes once stated, "Apartheid is the evil against which we fight, but we do not fight evil merely for the sake of evil. We oppose evil for the sake of present and future good." In other words, in efforts to end apartheid, the United States has a responsibility to build the foundations for democracy in a post-apartheid South Africa. The United States must resist measures that encourage violence and could lead to an even greater tyranny than apartheid. For this reason, I voted against H.R. 1580.

In considering H.R. 1580, it is important to draw on the lessons of the past 2 years. In 1986, Congress voted to override President Reagan's veto of the Comprehensive Anti-Apartheid Act [CAAA]. Much has occurred since that time, none of which encourages me to believe that renewed sanctions are a solution to South Africa's crisis.

First, South Africa has taken a dramatic turn to the political right. The major opposition party in parliament, the liberal Progressive Federal Party, has been replaced by the extremist Conservative Party, which favors repeal of the political reforms by the ruling National Party. In response, the Government has halted its reform efforts, banned political and religious activities, and extended the state of emergency. The Southern African Catholic Bishop's Conference states that sanctions have "clearly had a totally counterproductive effect on government thinking [and have] consolidated the Government in its retreat from meaningful, and indeed, any reform." Unfortunately, sanctions have produced the exact outcome which proponents of sanctions sought to prevent—rightwing extremists are stronger and those who favor political reforms away from apartheid are weaker.

Beyond the political impact of the 1986 sanctions lies the economic destruction wreaked upon South Africa's black population. While the departure of American firms from South Africa has had little impact on the overall economy, disinvestment has had grim consequences for black workers and communities. Most profoundly impacted have been the coal and agricultural industries, both of which have experienced sharp falloffs of exports and rising unemployment. Moreover, a study commissioned by South Africa's largest black trade union estimates that new sanctions could put 2 million more blacks out of work over the next decade. Since each worker supports an average of five persons, 10 million blacks could lose their primary means of support. This may account for the fact that thirteen recent opinion surveys indicated that a majority of blacks oppose sanctions and disinvestment.

Mangosuthu Buthelezi, chief of the 6 million Zulu nation, notes that:

Black South Africans have to seek to bring about radical change in such a way that we do not destroy the foundations of the future. To greatly exacerbate unemployment and greatly increase the already horrendous backlog in housing, education, health and welfare services, would be unforgivable. Millions of black South Africans already live in dire squalor in squatter areas and in shanty-towns. Jobs make the difference between hunger and starvation and between life and death. For Americans to hurt the growth rate of the South African economy through boycotts, sanctions, and disinvestment would show a callous disregard for ordinary people, suffering terribly under circumstances that they did not create, and would be a gross violation of any respect Americans may have for the principle that people should be free to exercise their rights to oppose oppression in the way they choose.

Moreover, the Washington Post observed in 1985—before the passage of any U.S. sanctions that:

There is a serious, respectable, nonracist case against sanctions. It is that the country's economy is the most effective engine of social transformation, compelling whites to grant blacks precisely the training and education, the livelihood, and personal rewards, the choices of where to live and work, the associations and organizations, the sense of their own power and community, that apartheid would deny them.

By slowing down the economic engine of change in South Africa, H.R. 1580 will extend apartheid's life.

Therefore, Mr. Speaker, I believe it would be utterly hypocritical and illogical if H.R. 1580 were to become law despite opposition from those it is aimed at freeing; namely, nonwhite South Africans. In approving H.R. 1580, the House passed an ill-conceived, nefarious piece of legislation in the name of condemning apartheid in South Africa. For Congress, however, morality is cheap when someone else pays the cost.

The sad truth is that there is no instant method to eradicate apartheid. Despite the international clamor for sanctions, the most fundamental aspects of apartheid remain. However, Americans can facilitate the movement toward a representative government there. Helen Suzman, the longest serving

Member of Parliament in South Africa and a lifelong opponent of apartheid, has said that, "the most effective instrument for change is economic expansion within the country." Economic growth, says Suzman, has compelled the Government to abolish the pass laws, recognize black trade unions, open central business districts to all races, end the reservation of skilled jobs to whites, and make property available to blacks in the townships.

In contrast, by forcing out United States firms that contribute heavily to black development, H.R. 1580 would slow down the economic engine of change in South Africa and frustrate blacks' ability to bring about political change. For this reason, I voted for an alternative to H.R. 1580 offered by Representative BURTON which would authorize housing loan guarantees for disadvantaged South Africans and provide major expansions of black economic, educational and legal aid. This "black empowerment" approach would build on the \$210 million spent in the last eight years by American businesses in South Africa on black education, job training, health care, and private enterprise programs. Unfortunately, the House defeated the Burton substitute.

America's goal should be to help black South Africans gain more economic opportunities, as a means of gaining political power and forcing reforms to take place. South Africa's economy relies heavily on both black workers and consumers. While the black majority holds only 2 percent of the country's assets, blacks comprise 52 percent of the total purchasing power and over 70 percent of the skilled work force. This strength was demonstrated on June 6 when over one million black workers staged a 3-day national strike to protest restrictions on unions and anti-apartheid organizations. Beyond labor strikes, consumer boycotts are another way blacks can use their power to force political change. Of course, if blacks are out of work—as thousands are as a result of U.S. sanctions—they cannot strike or effectively boycott. By increasing black unemployment, H.R. 1580 would thus directly undermine black efforts to end apartheid.

In sum, I believe the United States should increase our investment in South Africa to strengthen blacks' ability to fight apartheid. At the same time, the United States should increase diplomatic pressure on South Africa to legalize nonviolent political and religious movements, release the Nation's political prisoners, and accelerate negotiations with government opponents to build a political system where the rights of majorities and minorities are protected by law. Only this combination of economic and diplomatic pressures can lead to a peaceful end to apartheid and the creation of a truly free, prosperous society.

GEORGE BUSH MEETS THE 10-TON TRUCK FROM WISCONSIN

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. ASPIN. Mr. Speaker, in the last Presidential campaign debate, GEORGE BUSH was asked to name three weapons he would cut

from the budget to help bring it into balance. The Vice President replied:

"If I knew of three weapons systems that I thought were purely waste and weren't protected by the Congress, they wouldn't be in the budget. But you want one now? I'll give you one. That HEMTT, that heavy truck. That costs, what is it \$850 million—and the Pentagon didn't request it. And yet a Member of Congress, a very powerful one, put it in the budget."

That Member of Congress is me. And that HEMTT is the heavy expanded mobility tactical truck, a mighty mouthful describing what we mere mortals call a 10-ton truck. The Vice President was reshaping a news story published last spring.

Given the profusion of misinformation and partial truths going the rounds, I think it might be useful at this point to look at the facts. There are four key points.

First, it is completely accurate that the Congress, on the recommendation of the House Armed Services Committee, which I chair, last year directed the Army to buy more trucks than it requested—and those trucks have been made for many years in Oshkosh, WI.

It is also true that the Congress, on the recommendation of my committee, last year directed the Army to buy more Abrams tanks, Blackhawk helicopters, Apache helicopters, and AHIP helicopters than it requested. None of those prime contracts went to Wisconsin. But the Vice President did not mention them.

In fact, the policy issue involved in the helicopters and the trucks was the same. The Army wished to shut down the production lines for the 10-ton trucks and the three types of helicopters and count on yet-to-be-developed new trucks and helicopters. The Army was, quite simply, betting on the come. Congress wasn't willing to make policy based on paper promises of a fancy, ultrasophisticated 21st century truck and a fancy, ultrasophisticated 21st century chopper.

That was last year. Almost every year the Congress disagrees with some of the priorities of an administration and changes them. The Constitution empowers the Congress to set priorities. This year, for example, we told the services to spend less on the MX missile than the administration wished, less on SDI, more on the National Guard and Reserves, and—again—more on Army tanks, trucks, and helicopters. The administration requested, and the Congress approved, a total of \$299.5 billion for defense. But within that, the Congress shifted \$5 billion to programs the Congress thought deserved a higher priority. Of that \$5 billion, \$239 million or about 5 percent was related to 10-ton trucks.

Second, while Congress directed the Army to buy more trucks than it requested, we did not order it to buy more than it needed. This canard is a misrepresentation of the facts of immense proportions. The current "Army acquisition objective," or requirement for 10-ton trucks, is more than 16,000. The services, however, rarely buy the full AAO. Instead they set a lower figure, based on the size of the budget and their own service priorities.

In 1986, for example, that "procurement objective" for 10-ton trucks was 12,628. In 1987, however, the Army looked at the declining budget and revised its procurement objective

to 10,829. It was that reduction—that change in priorities—that the Congress disagreed with. Instead, last year we told the Army to buy 13,275 trucks, about 2,500 above last year's procurement objective.

This year, the Army has revised its procurement objective yet again. It now says it wants to buy 13,587 10-ton trucks. In other words, despite the assertions that Congress has "forced" the Army to buy trucks it neither needs nor wants, Congress actually told the Army to buy 312 fewer trucks than it now wants and thousands fewer than it says it can use—that is, the acquisition objective.

This welter of numbers can be very confusing. Suffice it to say that the Army's procurement objective is a moving target and that the number adopted by Congress is not out of line with the Army's own numbers. The assertion made in one newspaper article that the Army has no idea what to do with all the trucks Congress told it to buy and may ship the "excess" off to Salvador is little more than idiotic given the Army's own calculations of its needs.

In the standard response the Army is sending to those who inquire about the truck issue, the service itself states that "the Army does have a valid requirement for a larger number of vehicles," and that the volume of trucks approved by Congress "will be used to fill valid Army requirements and to reduce existing shortfalls." So much for the suggestion that "excess" trucks might be given to El Salvador.

Third, the Army has objected viscerally that Congress has directed the Navy to select the successor to the current 10-ton truck. Some newspaper articles have ridiculed that idea. Here's the history on that.

Last year, Congress—with my support—directed that the Under Secretary of Defense for Acquisition [USDA], rather than an Army contract officer, determine who should get the contract for the successor to the 10-ton truck. I did that because there is so much bad blood between the Army and Oshkosh—bad blood that I felt might bias the Army's decision against Oshkosh.

I should add that this proposal also ordered that the 10-ton successor be determined specifically by open competition. I did not bias the system toward Oshkosh. And I did not want the Army to bias it away from Oshkosh.

Early this year, I received a telephone call from William H. Taft IV, the Deputy Secretary of Defense and No. 2 official in the Pentagon. Will told me he didn't think it was a good idea for the USDA to make this decision. For one thing, he felt the USDA's job was to deal with acquisition policies, rather than individual programs. Perhaps more importantly, the incumbent USDA came to the Government from GM and would face a conflict of interest if GM entered the truck competition.

I agreed with Will and asked him who he thought would be an appropriate decision-maker in place of the Army. Will suggested the Navy. Based on that suggestion, I introduced legislation to that effect. That legislation has now been approved.

As with all legislative proposals, the Pentagon was asked for its written position, and it gave a written response that interposed no

objection. The Army may oppose the idea, but the Army's superiors have another opinion.

Fourth, the suggestion that these trucks would never have been bought had it not been for my pressure doesn't stand up against the record.

In the last year's budget cycle, this committee first prepared a defense authorization bill totaling \$306 billion. That bill included the controversial additional increment of trucks. Later, the House Armed Services Committee was directed to redraft the defense budget at \$289 billion. I proposed \$17 billion in cuts to meet that new total, including a smaller truck buy. In April, the Procurement Subcommittee voted against my recommendation on a 12-to-6 rollcall vote. So, as you can see, the committee is an even bigger proponent of the 10-ton truck program than I am. Furthermore, while Oshkosh is in Wisconsin, it is not in my congressional district. It's about 75 miles away and employs no one in my congressional district.

Finally, I note that this contract was not issued to the Oshkosh Truck Corp. by me. It was issued by the Reagan-Bush administration in 1981, just a few months after it took office—and 4 years before I became chairman of the House Armed Services Committee.

**FRED THOMAS, JR., HONORED
BY THE CARNEGIE HERO
FUND COMMISSION**

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a young man of exceptional courage, Fred A. Thomas, Jr., of Wilkes-Barre, PA. Fred is this year's youngest recipient of the Carnegie Medal, a medal awarded by the Carnegie Hero Fund Commission to recognize individuals who perform outstanding acts of selfless heroism in the United States and Canada.

In order to receive a Carnegie Medal, there must be conclusive evidence that the person performing a heroic act voluntarily risked his or her life in saving or attempting to save the life of another person, or voluntarily sacrificed himself in a heroic manner for the benefit of others.

On October 26, 1987, Fred rescued Christopher J. Toole, 3, from a fire in the toddler's home. Christopher was inside his family's apartment when leaking natural gas ignited in the kitchen. Flames spread to the walls and ceiling. A resident of the same building, Fred, a 16-year-old high school student, entered the apartment through the burning kitchen and led Christopher's mother and two brothers outside. There, he learned that Christopher was still in the apartment. Fred reentered through the burning kitchen, went upstairs, and searched for Christopher, finding him in a bedroom. By then, dense smoke had filled the apartment, and visibility was severely limited. Fred took Christopher downstairs and outside to safety.

Mr. Speaker, I am proud and honored to draw your attention to this young hero today.

We in northeastern Pennsylvania are fortunate to have Fred Thomas, Jr., as our neighbor; and little Christopher Toole is alive today as a result of Fred's courageous and selfless efforts.

**RETIREMENT OF REAR ADM.
H.D. CAMPBELL**

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. COMBEST. Mr. Speaker, I would like to take this opportunity to offer a tribute to Rear Adm. H. Don Campbell, the Judge Advocate General of the Navy, who retires this month after an illustrious career of 26 years of service to his country.

A native of west Texas, Don Campbell was born in Plainview, TX, and graduated from nearby Tulia High School, where he was an honor student and member of the football team. He holds a bachelors degree from McMurry College, a juris doctorate from Southern Methodist University, and an LL.M. in international law from George Washington University. He was commissioned a law specialist in the Navy after completing Officer Candidate School at Newport, RI, in March 1963.

Upon receiving his commission, Rear Admiral Campbell served as appellate counsel at the Navy Court of Military Review during 1963 and 1964, followed by 1 year with the Third Marine Division in Okinawa and Vietnam as law specialist and chief defense counsel. In 1966 and 1967, Rear Admiral Campbell served as deputy station legal officer, NAS Corpus Christi, and was selected for postgraduate study in international law (1967-68). After receiving his masters degree in international law, Rear Admiral Campbell had a brief tour as staff judge advocate for the commander, Submarine Flotilla Two, before serving from 1970-73 as the executive assistant to the judge advocate general of the Navy. In 1973, Rear Admiral Campbell was assigned as executive officer, Naval Legal Service Office, Norfolk, where he served 2 years, followed by a 2-year assignment as force judge advocate, Commander Naval Surface Force, Atlantic. In 1977, he was ordered to Washington, DC, to serve on the Naval Ship Procurement Process Study Team, which conducted a high-level study commissioned to resolve Navy claims problems in ship acquisitions. Subsequently Rear Admiral Campbell served as Special Assistant (Legal) to the Assistant and Naval Aide to the Assistant Secretary of the Navy for Shipbuilding and Logistics.

In 1982, Rear Admiral Campbell was reassigned to the Office of the Judge Advocate General where he served as deputy assistant judge advocate general (administrative law) until May 1984. From May through September 1984, he served as assistant judge advocate general (civil law) and commanding officer, Naval Civil Law Support Activity. In September 1984, Rear Admiral Campbell was assigned as assistant judge advocate general (operations and management) and was selected for promotion to the rank of rear admiral (lower

half). He served additional duty from October 1984 until disestablishment in April 1985 as inspector general, Naval Material Command, and from April 1985 until October 1986 as inspector general, Naval Systems Command.

Rear Admiral Campbell was promoted to his present grade in 1986 and assumed the position of judge advocate general of the Navy and commander, Naval Legal Service Command.

Rear Admiral Campbell's personal decorations include the Legion of Merit (two awards), Meritorious Service Medal, and the Navy Commendation Medal (three awards, one with Combat "V").

He is past president of the Pentagon Chapter of the Federal Bar Association and is active in church and local civic affairs. He has two children, a son, Lex, and a daughter, Amber.

On behalf of this body, I wish to express appreciation to Rear Admiral Campbell and recognize his many years of devoted service to the Navy and to our country. I also extend my best wishes to his children, Lex and Amber, and my honors to the memory of his wife, Marty, for their loyalty and willingness to make sacrifices as devoted members of a career Navy family.

**QUESTIONS ABOUT THE UNITED
NATIONS**

HON. PATRICK L. SWINDALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. SWINDALL. Mr. Speaker, at a Foreign Affairs Subcommittee hearing on September 27 about recent events in the United Nations, there were two essential questions. First, can the United Nations be reformed? Second, does anyone really care?

I asked the first question because, based on the standards set by Congress last year, the United Nations clearly has not reformed itself.

The second question is relevant because of a tragic event which occurred in September. I'm not talking about President Reagan's decision to restore full U.S. funding to the United Nations, though that decision itself was a disastrous mistake in judgment which will have a profound impact on the U.S. effort to reform the United Nations. What I'm talking about instead is the constitutional consequences of the President's decision to certify to Congress that the U.N. has made enough progress to warrant the release of \$44 million more from the U.S. taxpayers.

For the past several years, by overwhelming majorities in both Chambers, Congress has intentionally withheld millions in U.N. payments because many of the U.N.'s programs and hiring practices have been bloated with waste, hostile toward the United States, and inconsistent with the U.N. Charter itself. Congress and the American people have demanded that there be real, substantive changes in U.N. administrative and budgetary operations. Yet the White House determination came prior to such fundamental changes. The truth of the matter is that the President's determination flies in

the face of clearly expressed, bipartisan congressional intent that the resumption of full U.S. funding of the U.N.'s massive bureaucracies be contingent on systemic and irreversible reforms. As such, the administration's action is premature and irresponsible at best, illegal and fraudulent at worst.

As the certification process has become rhetorical, instead of being based on substantive proof of change, the administration is crippling the balance of power in our Republic's Government. If the law is ignored, the legislative branch becomes ineffective and the American people are rendered voiceless.

To ensure that financial and management reforms take place and to reassert congressional leverage over this process, I introduced a joint resolution with Senator HELMS to withhold 20 percent of the fiscal 1988 funds appropriated by the U.S. to the United Nations—approximately \$28.8 million. I introduced this resolution because, though there has been a reduction in the number of U.N. Secretariat personnel, and while the United Nations and some member nations have committed themselves to making more changes, the U.N.'s most wasteful budget and management practices continue. So do violations of the U.N. charter itself.

The revised Kassebaum-Solomon amendment conditions 60 percent of our contribution on three very specific benchmarks for measuring reform. None of these has been met or even closely approached.

The law's first condition is that "the consensus based decisionmaking procedure established by General Assembly Resolution 41/213 is being implemented and its results respected by the General Assembly." But the consensus process for adopting the U.N.'s biennial administrative budget has never been fully tested. The first attempt, in late 1987, ended in chaos with the United Nations continuing to vote on its budget as it always has—by majority rule of the world's tiniest nations, who pay the United Nations practically nothing. The second attempt is barely underway, as meetings continue among members of the U.N.'s Committee on Program and Coordination. Obviously it remains to be seen whether the United States will have any more input over the U.N. budget than when the 1987 U.N. reform law was passed. But today, the fact remains that the U.N. continues to bill the U.S. taxpayers for at least 25 percent of its costs, which last year meant contributing over \$800 million.

The law's second condition is that "progress is being made toward the 50-percent limitation on seconded employees of the Secretariat" as called for by the United Nations group of 18 experts. Yet, the deliberate Soviet abuse of the independence of the United Nations career staff through secondment continues unabated. According to an April 1988 report to Congress from the State Department, 99.7 percent of all Soviet-bloc personnel remain under short-term contracts, in blatant violation of article 100 of the charter. I fail to see any progress here either.

The law's third and final condition is "the 15-percent reduction in the staff of the Secretariat is being implemented and equitably applied among the nationals on such staff."

While the United Nations boasts a 12-percent "vacancy" rate, these reductions have primarily been the result of attrition and, more importantly, the posts themselves have not been eliminated—only the employees. The United Nations could easily refill these posts, especially when the President decides to turn the spigot of U.S. dollars back on.

I am fearful that Secretary General Perez de Cuellar will repeat his scandalous decision in May 1987, when he violated the United Nations' employee hiring freeze and allowed the Soviet Union and its allies to bring 104 new employees into the Secretariat. Congress was shocked by this outrageous act. We knew that many of these new employees are intelligence officers taking orders directly from Moscow. For this reason, the House and Senate passed a resolution of mine condemning the hiring freeze exceptions and asking the President to withhold all United States assessed contributions to ensure compliance with the freeze. Unfortunately, this resolution went unheeded in New York and no change was made in the hiring of these new Soviet-bloc employees. So, once again, the United Nations and the Soviet Union have gotten away with murder—with the United States footing the bill.

With the United Nations making no true progress toward meeting the law's three conditions, I do not understand why the administration and many Members of Congress seem to have given up on reform. The pressure to pay our bills seems to have risen as the United Nations has become reacquainted with its role as an instrument for peace. I'm obviously pleased that the United Nations has facilitated the end of several conflicts in recent months. In so doing, it is finally beginning to fulfill its primary function under the charter. It deserves our support for these efforts. But as Ambassador Williamson noted in a speech last week, "We must not allow the present euphoria felt in some quarters to blind us to the political realities which are intertwined within the multilateral arena."

U.S. payments to the United Nations have never been linked to the success of U.N. peacekeeping operations. The law speaks only of reform in the United Nations budget and hiring practices. From the onset of the so-called U.N. funding crisis, United Nations and State Department bureaucrats have attempted to confuse legislatively mandated U.S. withholdings with the United Nations' peacemaking and peacekeeping roles. They have attempted to conceal the fact that peacekeeping operations are primarily funded separately from the regular U.N. budget. United States arrearages have scarcely had any impact on the United Nations' role in ending conflicts in Afghanistan, the Persian Gulf, and Africa. The United Nations own budget allocations indicate that barely 3 percent of U.S. nonpayments can be attributed to peacekeeping operations. Therefore, U.S. arrearages have had

a negligible effect on the United Nations ability to make or keep peace.

Strong leadership by President Reagan and leading Senate and House Members, combined with the leverage of U.S. withholdings, gave momentum to the U.N. reform process. Selective U.S. funding began to distinguish useful U.N. programs—those consistent with American interests and the mandates of the U.N. Charter—from those that are driven by outright hostility toward the United States and toward the principles of open societies, human rights, and free markets.

President Reagan's decision severely dilutes that strong, principled initiative. The collapse of leadership from the U.S. mission to the United Nations and the State Department, combined with the restoration of full U.S. payments to the United Nations, greatly undermines the entire reform process. Any meaningful process of U.N. reform must focus on the substance of useless or even counterproductive U.N. programs and change them once and for all. With no fundamental change in U.N. operations, the American taxpayers are wondering why the Reagan administration has chosen to retreat and shovel out hundreds of millions of dollars to the United Nations despite the organization's failure to reform itself. Unless and until steps are taken to address the United Nations' serious structural problems, I can assure you that Congress will seek to strengthen the U.N. reform law and use the power of the purse to reject efforts to pay for the United Nations' wasteful programs and its Soviet-bloc spy apparatus.

It is ironic that, those Members of Congress and the Reagan administration who favor the restoration of full U.S. funding to the United Nations out of concern for the organization's survival, are unwilling to recognize the fact that the U.N. has not met the reform goals of its own group of 18 experts or those written into U.S. law. If the United States would resist the clamor for full funding, the pressure for reform would ultimately compel the United Nations to genuinely change its ways. In so doing, the United States will be helping the United Nations reestablish some of its much compromised integrity. Such a development should be welcomed by all those concerned with the United Nations' success, reputation, and survival.

IN RECOGNITION OF CAPT. WILLIAM N. SHANNON, SUPPLY CORPS, U.S. NAVY

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. MAVROULES. Mr. Speaker, I would like to take this opportunity to honor and recognize Capt. William N. Shannon, Supply Corps, U.S. Navy.

On August 29, Captain Shannon retired after 26 years of outstanding service to the Navy and the Nation. A distinguished professional, his Navy career has included tours afloat in the U.S.S. "Misplillon" and as a plankowner in the precommissioning crew of the U.S.S. *Nassau*; overseas with the military advisory and assistance group to the Venezuelan Navy, and in Sasebo, Japan on the staff of the 7th Fleet Commander. In this country, his superior service included duty on the staff of the Atlantic Fleet Commander, the San Francisco Naval Shipyard, the Electronics Supply Office in Great Lakes, IL; and at the Naval Supply Systems Command Headquarters in Washington DC. In his most recent assignment, Captain Shannon has commanded the Defense Contract Administration Management Area, Boston. In this capacity, he has provided superb support to my office and to many of the constituent firms located in the area.

A man of Captain Shannon's talent and integrity is rare indeed. While his exemplary service will be genuinely missed, it gives me great pleasure today to recognize him before my colleagues and to wish him "fair winds and following seas" as he ends a long and distinguished career in the U.S. Naval Service.

TRIBUTE TO JAMES L. MCCORMICK

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 21, 1988

Mr. PORTER. Mr. Speaker, Household Finance is losing an outstanding advocate when James L. McCormick retires the end of this year. Thirty-four years ago Jim joined Household and has held various positions in the public relations department. In 1978 he was promoted to senior vice president, government and public affairs. It has been my personal pleasure to have known and worked with Jim during almost half of this time when I was first elected to the Illinois General Assembly in 1972 until my fifth term in the Congress. He has always proven a credible and knowledgeable proponent of his firm and industry and all of us who have had the pleasure of working with him will miss him.

A native of Arkansas City, KS, Jim has been active in business and civic affairs in Chicago. He is a former member and past president of the Chicago Area Public Affairs Group. He is past chairman of the Better Business Bureau of Chicago and Northern Illinois, Inc., and presently serves on the executive committee and is a board member of the Council of Better Business Bureaus.

I wish Jim and his wife, Rosalee, much happiness in this new phase of their lives.