

## EXTENSIONS OF REMARKS

## DEMOCRACY IN THE AMERICAS

## HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. TORRES. Mr. Speaker, I want to call your attention to a paper entitled "Collective Action in Support of Democracy in the Americas" which I ask you to take the time to read.

This paper was written by Mr. Brian Atwood, president of the National Democratic Institute for International Affairs in collaboration with Venezuela Foreign Minister Enrique Tejera-Paris. I know both writers and I commend their vision of building democracy in our hemisphere. The paper was recently presented to the Council of Freely Elected Heads of Government at the Carter Presidential Center in Atlanta, GA. Again, I urge my colleagues to read this far-reaching plan regarding the development of democratic forms of government in our hemisphere:

COLLECTIVE ACTION IN SUPPORT OF  
DEMOCRACY IN THE AMERICAS

(By J. Brian Atwood, President, National Democratic Institute for International Affairs)

Trends toward the development of democratic forms of government in our hemisphere continue to be positive. Last October's victory by forces advocating early free elections in Chile demonstrates that the democratic traditions of that proud nation are very much alive. The promise of free elections in Paraguay is a hopeful indicator of positive change in a nation that heretofore had not joined the democratic mainstream. The prospect of peaceful transfers of power from one elected government to another—now imminent in Argentina, Uruguay, El Salvador, Brazil, Bolivia and Peru—provide further evidence that democracy is becoming institutionalized in our hemisphere. These positive developments build on more than a decade of progress and augur well for the future of our region.

Despite the positive trends and growing consensus in support of democratic institutions, we note that the overall environment within which democracy must prove its mettle and survive remains a hostile one. The debt crisis has crippled economic growth and forced governments to adopt stringent austerity measures. A growing subculture of international drug traffickers has begun to corrupt democratic institutions and poses a serious security problem for many nations. Non-democratic forces of the left and right play off one another to justify extremist tactics and thus constitute a potential threat to the democratic core of many societies. These threats to the viability of our democratic systems must be addressed collectively and with a sense of urgency.

This collective action must be undertaken both at the highest governmental levels and through non-governmental initiatives. Steps should be taken where necessary to support democratic transitions and to oppose non-

democratic governments that hold onto illegitimate power and violate the human and political rights of their citizens. In this regard, the Esquipulas formula, which endorses democratization and pluralism as necessary parts of the resolution of the Central America crisis, should be viewed as a good model for resolving conflict situations.

Collective initiatives should be consistent with the international obligations and responsibilities of our nations under the OAS charter, particularly the principle of non-intervention. Yet, we must recognize that this principle is not incompatible with the promotion of human rights and democracy.

The late 1970's witnessed a revolution in diplomacy relating to governments' consideration of human rights issues. The administration of President Jimmy Carter led that revolution. This change of thought and policy and the results that have followed, caused the community of democratic nations to modify its concept of intervention. This was recently recognized by former Spanish President Adolfo Suarez in a report of the international delegation sent to observe the Chile plebiscite:

The recent Chilean plebiscite, although formally an internal matter falling within the sovereign rights of Chile, also had an international dimension of major relevance. The old principle of classic international law regarding nonintervention in the internal affairs of other states is gradually receding in importance; consequently, the international community cannot be indifferent to the fight for freedom, human rights and the rule of law, and the interest of all humanity to construct a completely free world. Indeed, the lack of freedom and systematic human rights violations have become transgressions of international law that justify actions by the community of nations.

If the OAS, for procedural reasons, cannot be summoned to action, in the support of democracy, the democracies and the democrats of the region must act, individually and collectively. This paper sets forth proposals for collective action.

## TRANSITIONAL SITUATIONS

In recent years, we have seen leadership vacuums created in several non-democratic nations in our region. Notable was the situation that developed in Haiti after the departure of Jean-Claude Duvalier in 1986. In the initial stages, the successor military government appeared to be, and perhaps actually was, committed to its caretaker role, even seeking financial and technical assistance in making the transition to a constitutional democracy. Subsequent countervailing pressures from recidivist, non-democratic forces within Haiti were not matched in turn by an adequate Haitian or international, pro-democratic response. Some nations, notably Canada, France, the United States and Venezuela, attempted to aid the transition, but this assistance fell short of what was needed. Worse, some democratic nations of the region chose to look the other way when the Haitian military sabotaged the November 1987 election for a constitutional president and parliament.

We, the democratic governments and political parties of the Americas, should commit ourselves to expeditious collective

action in situations where changes in government give hope for a democratic transition. When situations arise such as in Haiti, and, most recently, in Paraguay, we recommend the following steps by the hemisphere's democracies:

1. An emergency meeting of foreign ministers from democratic nations should be held, if possible within the OAS context, to share information on the developing situation and to plan a multilateral response. A collective statement of concern should be issued holding the particular government to its international obligations with respect to human rights and representative democracy.

2. A survey mission should then be sent to the nation in crisis to assess the situation, discuss with the successor government its intentions and determine its needs if a commitment to a democratic transition is made. This high-level delegation would report its recommendations for collective action to the OAS and/or to the ad hoc group of democratic foreign ministers.

3. A collective action plan would be devised, which would include the provision or the withdrawal of assistance at governmental and non-governmental levels. A series of automatic escalatory steps should be agreed upon, starting with diplomatic statements and leading to subsequent economic and political actions if the situation merits.

4. The group of foreign ministers, working within and beyond the OAS, would seek ways to demonstrate ongoing, high-level international interest during the transition period evaluating the development of democratic laws and procedures and helping to prepare and strengthen democratic institutions for the role they will have to play. The group could designate representatives who would maintain a presence in the country to monitor political developments and demonstrate continuing interest in the democratization process, consistent, of course, with the requirements of the principle of non-interventionism.

As the Haiti situation demonstrated, a democratic transition can be lost in the earliest stages if the international community allows the discredited forces of the *ancien regime* time and space to regroup. We believe that concerted action, always in a manner consistent with international law and treaty obligations, is called for at these historic moments of opportunity.

When a democratic government appears to be at risk of falling to non-democratic elements, the community of democratic nations should be prepared to commit itself to a specific set of deterrent steps. Non-democratic elements must be aware that the consequences of their actually gaining power through violent means will be severe.

## TREATMENT OF NON-DEMOCRATIC STATES

There are only a few non-democratic states left in our hemisphere. Each case must of course be considered separately. Generally, however, these states must be seen as in violation of their obligations under the OAS charter and should be isolated accordingly.

Advocates of democracy within their borders should be encouraged and protected to

● 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.

the maximum extent possible by the democratic community. Divisions within a democratic opposition along political, personal or ideological lines are damaging to the effort to effect change and should be discouraged by the international community. Assistance given to such an opposition should be designed to encourage coalition building and a united effort.

If non-democratic nations desire "normal" diplomatic, political or trade relations with their neighbors, the *quid pro quo* should be the creation of open space for free expression and political activity within their borders. Our goal should be the integration or re-integration of all the American states into the democratic community.

#### SUPPORTING DEMOCRACY THROUGH PARTY NETWORKS

Much of the business of fostering and developing democracy before and after these moments of crisis/opportunity must be done by non-governmental institutions, some of which may be publicly supported. In recent years, we have seen a network of democratic political parties effectively operate in a manner, and in areas where governmental activity would be diplomatically inappropriate or impractical.

The democratic opposition in Chile benefited from support, advice and resources from foreign political institutions. International delegations comprised of party leaders, some of whom were government leaders as well, have observed elections, offering vital international support for the democratic electoral process. Party foundations and institutes such as our own Gonzalo Barrios Foundation and the National Democratic Institute for International Affairs are working to strengthen democratic institutions (as have similar institutes in Europe and Latin America). Governments should support and encourage this work.

Every nation must find its own way to the democratic path. There is no one blueprint for every nation's democracy. But today, democrats of all ideological persuasions seeking to build democracies can profit from the lessons of past struggles in other nations. In this spirit of collective exchange and hemispheric comity, we suggest that governments and party leaders pay special attention to the following areas of challenge and opportunity.

#### Political parties

Political parties must be viewed as fundamental institutions in a democracy. If they are successful and strong, so will be the democratic system itself.

Using the machinery of our parties, we can form bonds either according to ideological affinities or on a non-partisan basis. Through these contracts, we must look to the weakest of our fellow parties and provide effective aid. This is especially important in the new democracies of our region where political skills require practical development. For the most part, this means training in the fundamental functions of a political party: organization, message development, use of the media, constituent services, the surveying of public opinion, campaign techniques and ideological principles and objectives.

In countries where democracy is not yet established, democratic parties in the hemisphere should seek opportunities and establish mechanisms to work collectively despite their ideological differences. Member parties of the Socialist, Liberal, and Christian Democratic internationals, and the International Democrat Union, should explore po-

tential areas of cooperation, either within their respective internationals or jointly, across ideological lines.

#### Civil-military relations

There is perhaps no greater threat to fragile democratic systems in our hemisphere or elsewhere than the inability to integrate the military forces of a nation into the civil society. If our region's democratic leaders are to succeed, they must establish the principle of civilian authority and control. This is a difficult challenge, for they must prevail upon those who bear arms to accept the authority of those who do not.

We have had notable success in achieving this goal within our hemisphere. The experience of Venezuela is most instructive. Venezuela has managed to integrate an armed force that historically was separated from its society by differences of education, training and political philosophy. Today, Venezuela's military plays an integral part in the democratic life of the nation. It is part of the political establishment and is integrated socially, educationally and politically; its individual members reflect the diversity of the nation. Furthermore, Venezuela has produced a civilian leadership knowledgeable of military matters and fully capable of making the judgments necessary to exercise policy-making responsibilities.

This and other positive experiences in civil-military relations should be shared. Many of the newer democracies in our region remain under constant threat from military forces that do not accept civilian authority or that accept it only tentatively. We call upon the established democratic governments and their military forces to begin to encourage a process of reform leading to the full integration of the military into the democratic constitutional order.

#### Election processes

Elections, as we have learned, do not by themselves translate into democracies. For years, dictators such as Somoza and Stroessner sought to legitimize their regimes by perverting the electoral process in their countries. The expense to Nicaragua and Paraguay in the destruction or negation of democratic values was great and is reflected today in voter cynicism or ambivalence toward the political process.

Much has changed in the interim. Today, the international community of democracies has become much more actively interested in the conduct of free and fair elections. In this hemisphere, the contemporary practice is for international delegations to be welcomed as observers. Their presence serves both to bear witness to the process and to evaluate, based on internationally recognized standards, the conduct of elections.

The Council of Freely-Elected Heads of Government has a special role to play in encouraging the conduct of free and open elections, in evaluating electoral systems and in participating in the observation of elections. Delegations, operating under the Council's auspices, have visited nations in the region to review election laws and observe elections. Missions such as these serve the voters of the visited nation and inform the international community.

As noted, governments view elections as a way to gain needed legitimacy in the eyes of their own people and the world, but such legitimacy should come only through the conduct of an open campaign and a free and fair election. We suggest the creation of a new election monitoring commission under the auspices of the OAS with authorities similar to those of the Inter-American

Human Rights Commission. Such a commission would organize impartial election observation delegations who would report their findings to the OAS.

#### SUMMARY RECOMMENDATIONS

The development of democracy must be the primary responsibility of indigenous groups active within national borders. However, the community of democracies, at both the official and non-official levels, has become an important factor in encouraging and assisting these groups. Great strides have been taken in the human rights field; a similar consensus should be reached concerning the steps needed to encourage democratization.

We recommend that the following specific steps be agreed to in principle by the Council:

1. That a caucus of democratic nations be formed to press the OAS to take emergency action in crisis or transitional situations, or, failing that, to form their own secretariat for taking collective action as described herein.

2. That the Council of Freely-Elected Heads of Government take additional steps in support of indigenous democratic groups, particularly when transition situations arise. These steps might include reviewing election systems against international standards and leading observer delegations.

3. That the democratic community continue to participate in international delegations to observe elections, particularly in countries in transition; that members of the Council use their influence to convince reluctant governments to permit such observations; and that the OAS consider the creation of a new commission to be charged with monitoring elections and reporting its findings to the international community.

4. That democratic party foundations further develop consultative networks to coordinate activities in support of strengthening democratic institutions within the hemisphere.

5. That the civil-military relationship be given urgent attention and that those democratic nations that have succeeded in integrating the military into the constitutional order make a special effort to share their positive experience.

6. That governments of the hemisphere place the factors negatively affecting democratic development—the debt crisis, drug trafficking and consumption, and interventionism by non-democratic elements—high on their foreign policy agenda and that they work collectively toward their mitigation.

7. That all hemispheric nations take legal steps to protect fundamental human and political rights and that they accept the jurisdiction of the Inter-American Court over matters involving individual and group freedoms.

KILDEE HONORS RAYMOND K.S. LEE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. KILDEE. Mr. Speaker, I would like to bring to the attention of my colleagues and the Nation an award ceremony that will be held Tuesday, May 9, in my hometown of Flint, MI, honoring Mr. Raymond K.S. Lee. Mr.



Lee is recognized as the recipient of the Golden Door Award by the International Institute of Flint in honor of his lifelong commitment to America, the land of opportunity.

This award is inspired by Emma Lazarus' poem, "The Golden Door," inscribed at the bottom of the Statue of Liberty. The poem depicts America as the "light of Liberty," as witnessed by immigrants. People like Raymond Lee, who immigrated from Hong Kong in 1968, are witnesses to that great "light" and to the opportunities America offers for people around the world.

Mr. Lee is a highly motivated and extremely dedicated community servant in the Flint area. Throughout his career, Raymond has distinguished himself through many noteworthy deeds and accomplishments. Raymond was born in Hong Kong in 1946 and attended La Salle High School in Hong Kong. After arriving in Flint, MI, in 1968, Mr. Lee attended the University of Michigan—Flint and received his degree in 1973. He has been employed by the Michigan National Corp. since 1969 and is currently a senior mortgage officer with the corporation. Taking advantage of America's fine educational institutions has aided Mr. Lee in attaining his career goals.

Mr. Raymond K.S. Lee has truly been an asset to our country since his arrival. As a dedicated community volunteer, Mr. Lee has unselfishly demonstrated his willingness to serve his fellow Americans. He is a member of a number of community boards including the International Institute and the Urban Coalition. He is a commissioner for the Human Relations Commission of Flint and is a member, as well as a past president, of the Chinese Association of Flint. He is a member of the Flint Woodcarvers and is treasurer of the Sister City Committee.

Mr. Speaker, this distinguished man who will be honored May 9 has demonstrated by his actions the personification of true community service. As a result of his presence and unwavering commitment of this country, Mr. Lee has succeeded in making this community a better place in which to live. This gentleman has my utmost respect and admiration in receiving the Golden Door Award. I am proud to be his Congressman and proud to extend to him some of the recognition that he so richly deserves.

#### TRIBUTE TO EUGENE J. KANE, SMALL BUSINESS PERSON OF THE YEAR

#### HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. McDADE. Mr. Speaker, today I wish to pay tribute to Mr. Eugene J. Kane who has been named the outstanding "Small Business Person of the Year" by the Greater Scranton Chamber of Commerce in Scranton, PA. This honor is given in recognition of significant contributions to the community and for achievement of excellence in business.

Mr. Kane is president of Kane Is Able, Inc., Kane Freight Lines, Inc., Kane Warehousing Inc., and chairman of the Board of Kane Traf-

fic Services, Inc. Gene Kane's contributions to the betterment of the Scranton area are evident in his longstanding and fruitful efforts to improve the economic opportunities of its citizens. He was educated at St. Paul's High School and Lackawanna Business College. In pursuit of higher education, Gene attended the University of Scranton and also completed courses in logistics at Temple University and Ohio State University.

In addition to his various business ventures, Gene Kane has given generously of his free time and energy to professional organizations and community groups. Gene has served as president of the Pennsylvania Motor Truck Association and is currently active with the Warehouse Education and Research Council, the American Warehousemen's Association, Distribution Service, Inc., and the American Trucking Association. He is a member of the Traffic Club of New York, the Northeast Traffic Club, and the Scranton Club. Young people in the Scranton area know Gene Kane from his work with the boys and girls clubs and the Forest Lakes Council Boy Scouts of America and admire him for his tireless efforts on their behalf. Gene also devotes his time to both the Pennsylvania Regional Tissue and Transplant Bank and the Kiwanis Club.

No matter how proud the Scranton community is of Eugene Kane and his accomplishments, no one is prouder than his wife Joan and their lovely family. Gene has endowed many with that most precious commodity which allows lives to be fulfilled and gives life to all possibilities: a job.

For his contributions to improving the lives of the citizens of the district I am privileged to represent, I salute Eugene J. Kane for receiving this tribute.

#### HOW CAN WE DENY HEALTH CARE TO POOR WHILE OTHERS GET FACE LIFTS?

#### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. STARK. Mr. Speaker, I'd like to include in the RECORD an excellent essay from the Los Angeles Times by Biomedical Ethicist Arthur Caplan.

Too many people are spending time debating the merits and demerits of liposuction, while the poor in our society are being left to die. Caplan's article asks the key question, "How can we deny health care to poor while others get face lifts?"

#### HOW CAN WE DENY HEALTH CARE TO POOR WHILE OTHERS GET FACE LIFTS?

(By Arthur L. Caplan)

The American health-care system, the experts say, is going bust at a rapid rate. Efforts to contain our burgeoning \$500 billion-plus tab through economic juggling and shifts to prepaid medical plans have been a total failure.

The dilemma of how to pay for health care is forcing some public officials to think the unthinkable. Alameda County and the state of Oregon recently announced plans to institute explicit rationing policies for health care.

But, before you applaud the realism, consider that these plans would ration access to health care only for the poor. The medically indigent of Alameda County and those eligible for Medicaid in Oregon will be required by law to forgo life-saving medical care. One generation's war on poverty is becoming another's war against the poor.

Officials in both Oregon and Alameda County note that the poor have always gotten less access to health care than the rich. This is true. But our society's failure to meet the health-care needs of the poor hardly justifies a public policy that asks the poor to bear the burden of rationing as a matter of law.

Who concocted this blatantly unethical scheme? Incredibly, the inspiration for both the California and Oregon plans for pocket-book triage comes in part from those in my line of work—medical ethicists.

A California bioethics consulting firm is being paid by Alameda County and Oregon state officials to provide moral rationales for dropping the poor out of the health-care lifeboat. The consultants appear to be approaching their task with gusto.

"You have to draw the line somewhere," one moralist-for-hire said in a recent newspaper article about Alameda County's decision to begin rationing for the poor. "We'll provide all services to a diminishing segment of the population, and literally we'll throw the rest of the people overboard. We're thinning the soup and lengthening the line," he explained in language more appropriate to Scrooge than Jesus, Kant, Mill or Niebuhr.

No hint is given of the theoretical position that would justify aiming all rationing efforts at the poor. But it is hard to think of a moral or religious ethic that holds that when a nation cannot pay its doctor bills, it is the poor and only the poor who should be denied the right to see a doctor.

It is hard to understand how any ethicist could become involved in a scheme so blatantly unfair as that of rationing necessary health care only for the poor. What is worse is that the same ethicists and the officials taking their advice, who are enthusiastically directing triage at the California and Oregon health-care lifeboats, are not asking whether it is really necessary in 1989 to institute the rationing of necessary medical care for anyone.

Before saying goodbye to the indigent, why aren't public officials in Oregon and California thinking about reforming a malpractice system that adds tens of millions of dollars to state-financed health-care costs each year? Before saying no to a bone marrow transplant for a 3-year-old whose mother is on Medicaid, couldn't county and state legislators insist that every licensed hospital and physician be required by law to provide a fixed percentage of care for those who cannot pay?

Before creating laws that would send some of the poor to a premature demise, county and state officials ought to require private health insurers to charge subscribers an additional premium that could be used to supplement the pitifully small budgets of Medicaid and public hospitals. And would it not make some sense to insist on a luxury tax, which could be used to help meet the crucial health-care needs of the poor, from the rich who avail themselves of psychotherapy, vitamins, cosmetic surgery, diet clinics and stress-management seminars?

It is wrong to make the poor and only the poor bear the burden of rationing. It is un-

ethical to institute rationing of necessary health services for any group of Americans unless we have made every effort to be as efficient and as frugal as we can be in spending our health-care dollars.

At a time when some can indulge their wants by buying a face lift, it seems extraordinarily hard for ethicists or legislators to convincingly argue that they have no other option but to condemn the poor to die for want of money.

### LEE COLE'S REMAINS HAVE COME HOME

#### HON. JOHN G. ROWLAND

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. ROWLAND of Connecticut. Mr. Speaker, after nearly 22 years of waiting, the family of Navy Comdr. LeGrande O. Cole, Jr., finally has a confirmation of what happened to their loved one in Vietnam. Lee Cole had been missing in action since he was shot down over North Vietnam on June 30, 1967. On May 5, he will receive a military burial in Arlington National Cemetery.

Lee Cole flew 100 missions during his first tour of duty in Vietnam and was a highly decorated Navy pilot. Among his many medals, he received the Distinguished Flying Cross, the Purple Heart, the Navy Commendation Medal, the Vietnam Service Medal, the Republic of Vietnam Campaign Air Medal, and the National Defense Service Medal. Lee was part of an attack squadron based on the aircraft carrier *Intrepid* during his second tour of duty when his plane was shot down over Vinh, North Vietnam.

While I did not personally know Lee, I did have the pleasure to work closely with his parents to gain information on their son. While in Vietnam in 1986 and again in 1988, I spoke to the Vietnamese regarding Lee and presented them with information pertaining to this case.

Lee's remains were returned by Vietnam this past November and were positively identified in February by the Department of Defense. He is survived by his parents, Hazel and LeGrande Cole, Sr., his wife, Billie Jo, a son, Kenneth Mark, one sister, Cindy Vogel, and a brother, Donald.

My thoughts and best wishes go out to the friends and family members whose lives were touched by Lee during his short life. After 22 years of wondering and waiting, Lee Cole has finally come home.

### CONGRESSIONAL SALUTE TO THE ASIAN PACIFIC HERITAGE WEEK

#### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to Asian Pacific American Heritage Week celebrated in California the week May 8 through May 14. I particularly want to salute this year's theme: "Planting Roots: 226 Years

of Filipinos in America—Exploring New Dimensions."

Asian Pacific American Heritage Week presents a unique opportunity for the Asian Pacific community to share with our friends, colleagues, and the general community, our rich and diverse culture. The week long celebration highlights the significant contributions the Asian Pacific community has made in California and throughout the country as well as acknowledges the challenges facing our community in the future.

This year's theme honors the immeasurable contributions the Filipino-Americans have made to America during the last 226 years. From the early settlers in Louisiana in 1763 to the soldiers fighting for our country during World War II, from the farmworkers to the professionals, the Filipino-Americans have contributed their skills, their spirit and their lives to enrich our Nation. Our Nation will continue to benefit from their contributions as the Filipino-American community of over 1,200,000 strong continues to explore new dimensions and hurdle new challenges to improve the quality of life for all Americans.

Mr. Speaker, I ask my colleagues to join me in saluting our Filipino-Americans during this special week-long celebration of Asian Pacific American Heritage Week. I commend the many achievements of the Asian Pacific community highlighted during this festive celebration and extend my best wishes for continued success in all of their future endeavors.

### LOSING FAITH

#### HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. DANNEMEYER. Mr. Speaker, "Losing Faith" is the title of a feature article in the May 1, 1989, issue of the Wall Street Journal. It refers to a poll revealing that the majority of Americans no longer assume that their children will be better off than they are. The article concurs:

The Golden Years are over \* \* \* the economy's ability to provide greater returns to every working American has faltered.

The Journal fails to come up with a comprehensive plan to bring optimism and rising prosperity back. Yet we cannot honestly say to our children that we have done everything within our power to save their patrimony. We have not made a frontal attack on the regime of high interest rates, which is the real culprit robbing our children of the American dream.

I insert my response to the "Losing Faith" article. I exhort my colleagues in Congress, and all other people of good will, to resist the counsel of pessimism and defeatism. America's dynamism has always been due to the belief that each generation would live better than the last. It is surely not beyond the power and the wit of the U.S. Congress to restore the birthright of our children, thus putting an end to the dissipation of America's dynamism.

BRING BACK OPTIMISM—BRING BACK GOLD BONDS

(By Bill Dannemeyer, M.C.)

A stark change in expectations is revealed by a recent Wall Street Journal/NBC news

poll. Despite seven years of solid economic growth, Americans who think the standard of living is falling outnumber, for the first time, those who think it is rising. In a feature front-page article (May 1, 1989) the Wall Street Journal concludes that "the Golden Years are over". In the past decade and a half, the economy's ability to provide greater returns to every working American has faltered. And there are some trends, such as the rapid buildup of debt, and the perennial banking crisis, that portend even more trouble for the future.

The article is ominously entitled: "Losing Faith". It stresses that at the heart of the debate over living standards lies a troubling paradox. The world is going through a whirlwind of technological changes, with advances emerging almost daily in fast-moving fields such as microelectronics, computers, and biotechnology. But those technological changes are not fuelling economic growth as they did in the past. "The computer revolution has shown up everywhere—except in productivity figures", complained one economist interviewed by the paper. The problem of stagnating living standards is tied up with the problem of the sharp decline in growth of productivity. Advances in manufacturing technology provide the basis for increases in productivity which, in turn, form the foundation for a steady rise in material well-being. The bottom line is that inflation-adjusted wages in the U.S., which were increasing at the average rate of almost 2% per annum during the decades before 1971, have been declining at the average rate of ¼% since.

Although the Journal cites the budget deficit and the debt spiral as the greatest threat to future living standards, its analysis stops short of offering a comprehensive solution. It fails to see the significance of 1971. That year sticks out, like a sore thumb, in every statistic and every chart. 1971 was the year when America's promises to pay lost their meaning—the year when President Nixon "closed the gold window", and Congress abdicated its Constitutional responsibility to define what a dollar is. 1971 marked the beginning of an era of capital decumulation and capital destruction, affecting agriculture, industry, and even banking. It marked the beginning of the era of soft dollars, making it possible for foreigners to move in and to snap up surviving American assets at bargain-basement prices. It unveiled skyrocketing and volatile commodity prices. It invented "stagflation". It ushered in a regime of high and volatile interest rates. It heralded a regime of low and uncertain bond values. It made the savings rate collapse. It put the debt-spiral into high gear. The evidence is overwhelming that the root cause of our troubles goes back to the quality of promises men live by.

The speedy restoration of rising living standards, productivity, and capital accumulation will become possible as soon as we are ready to address the issue of quality of promises. To bring back the American Dream, we must bring back gold bonds. We could eliminate the entire budget deficit in four years without gimmickry, if we refinanced the maturing short-term debt by issuing gold bonds. A new breeze of confidence in America's promises would change the atmosphere in the world economy. Foreign scavengers, who are picking up the pieces after our real-estate, bond, and stock markets crashed, would be driven out. A new era of reconstruction could start, to rebuild the capital base of America's industry, agriculture, and banking. The time-hal-



lowed virtue of thrift would be given a new lease on life. The money-changers and speculators, who drive currency and bond values down so that they could drive them up again, and make a killing at both ends of the swing at the expense of the productive elements in society, would be chased out of the temple. Pessimism, as if by magic, would disappear and give way to a new, creative optimism.

Unfortunately, ignorance and vested interest stand in the way. The men in charge of monetary and fiscal policy are usurpers of powers, powers which by the Constitution belong to Congress. They will not yield without a fight. At any rate, it is not clear that Congress is ready to reassert itself and its monetary powers.

The saddest part of the Wall Street Journal/NBC poll concerns our children. America's dynamism has always been due to the belief that each generation would live better than the last. According to the results of the poll, this has now changed. In a painful awareness striking at the heart of American life, the majority no longer assume that their children will be better off than they are.

We cannot honestly say to our children that we have done everything in our power to save their patrimony. We haven't made a frontal attack to bring down interest rates. The regime of high interest rates is not an act of God. It entirely is man-made. It has to do with the nature of promises. Gold bonds command high value, and can be sold at a low rate of interest, because of the superb nature of the promise they embody. Paper bonds command low value, and can only be sold at high coupon-rates, because all they promise to pay at maturity is another promise of the same dubious value. There are two possibilities. Either those promises are believed; then we saddle our children with an impossible debt burden which increases at double-digit rates. Or, at one point in time, those promises will be disbelieved; in this case we bequeath a credit collapse to our children, possibly with a Great Depression in its wake.

As the polls show, the American people are intelligent enough to realize that their children have been deprived of their birthright. They are looking for leaders who would restore this birthright. People may not know all the answers. It is the duty of their leaders to study the principles of public finance and credit, and come up with the solution: bring back the promise of future, by bringing back gold bonds. Only then can we say that we have done everything within our power to make our children's future bright. Only then can we say, with pride, that the Golden Years are not over; they have just begun.

#### TAX LAW MAKES IT HARDER TO KEEP FIRMS IN FAMILY

**HON. ARLAN STANGELAND**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. STANGELAND. Mr. Speaker, some in Congress have proposed that we increase certain estate taxes in order to raise revenue to meet the targets established in the bipartisan budget accord. I am concerned that such an increase would have a disastrous impact on many family-owned farms and small-town businesses.

I direct your attention to a column published in yesterday's Wall Street Journal entitled, "Tax Law Makes It Harder to Keep Firms in Family." I believe this column, written by Anthony J. Obadal, makes a valid case why Congress should not raise the estate tax.

#### TAX LAW MAKES IT HARDER TO KEEP FIRMS IN FAMILY

(By Anthony J. Obadal)

For closely held businesses to survive, their assets must pass from one generation or group of employees to another. But, slowly and quietly, Congress over the past few years had made changes in the estate-tax laws that threaten this continuity.

Currently, federal estate taxes have a \$600,000 exemption, a starting rate of 35% and a top rate of 55%. The estate-tax changes adopted by Congress in 1981 applied these rates to the fully appreciated market value of property at the date of death, rather than to the property's original purchase price or earning ability.

Because few family or other closely held businesses could survive these prohibitive rates, which strip them of substantial portions of their assets to pay taxes, the tax mavens quickly devised techniques to pass on a business to family members or to employees before the principal's death. These techniques generally involved "freezing" the value of the principal's holdings on the date of the transfer.

Under a typical estate-freeze transaction, parents who owned a business would convert their common stock into preferred and have the company issue new common stock to the children. The value of the preferred stock was frozen for tax purposes, and an annual income through dividends was received by the parent. This preserved continuity, kept the older generation involved in the business, and provided the older principal with a comfortable retirement income. The children benefited as the value of the common stock grew through their own efforts, and the increase in the business's value was not included in the parent's estate. Thus, the sale of the business to pay taxes was not necessary.

Congress was not happy. While the details, exceptions and special rules are too complex to cover here, the 1987 Revenue Act and the 1988 Technical and Miscellaneous Revenue Act changed the estate-freeze rules to prevent, among other things, the transaction described above. Additionally, the law was drafted broadly and may apply to certain transfers to employees or other non-family members.

Generally, transferred property will not be included in a decedent's estate if it was sold at fair market value in an arm's-length transaction. But there are special rules for sales to family members. Thus, even if a parent sells all his common stock in a corporation to a child for fair market value but retains the preferred, the value of the common stock at the time of the parent's death will be included in his estate.

The estate-freeze provisions of the code were attacked last year by the American Bar Association as discriminatory and anti-family business. Several other trade associations also attempted to obtain modification or repeal of these sections. These efforts continue.

However, attacks on small business estates have just begun:

On Jan. 15, the Washington Post published a "Tax Menu" listing as one of the "juiciest" tax options a tax on capital gains at death. "This," the Post said, "would

remove the exemption that allows stock and other assets to be passed to heirs free of capital tax, leaving assets whose value has been rising for 30 or 40 years subject only to the estate tax." Estimated revenue enhancement per year: \$4.9 billion. Three days later, the New York Times called for a capital-gains tax at death as a trade-off for a reduction in the capital-gains tax rate.

Also in January, the Consumers Union called for gift- and estate-tax changes to finance a "comprehensive and universal social insurance program."

Sen. George Mitchell of Maine, the new majority leader, favors a 5% surtax on estates over \$200,000; Rep. Henry Waxman (D., Calif.) favors a 10% surcharge on estates over \$100,000; Rep. Pete Stark (D., Calif.) wants to reduce the estate and gift exemption to \$300,000 and change the rate structure with a beginning rate of 15% for estates over \$300,000 rising to 70% for estates over \$5 million. All three want to use these taxes to finance their proposals for long-term health care for the elderly.

Still others, such as Robert Kuttner in Business Week last September, have called for changes in inheritance taxes to finance child-care entitlements so that "middle and lower class children could begin life with a few advantages, too."

Let's face it. If the estate-free provisions are not changed, if estate-tax rates remain confiscatory, if surcharges are added to the already excessive rates, or if a capital-gains tax at death is adopted, family businesses are at their end.

The continuity of America's family enterprises ought to be of major importance to our government. Such businesses are fundamental to our economic and social structure, allowing our citizens to become economically independent. As former Sen. Mark Andrews (R., N.D.), a leader in the estate-tax reform fight, has said: "It is in our best democratic tradition to preserve and encourage that continuity within families, not tax such businesses out of existence."

**KILDEE HONORS WILLIAM F. SYMONS**

**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. KILDEE. Mr. Speaker, I rise today before my colleagues in the House of Representatives to pay tribute to a most distinguished citizen from my hometown of Flint, MI.

William (Bill) F. Symons will be honored at a special event on May 13, 1989, in Flint for his tireless efforts on behalf of organized labor and the community of Flint and Genesee County. Bill was born April 13, 1913, in Florida, MI, a small town in Michigan's scenic Upper Peninsula. Bill moved to Flint in 1920 to seek employment in one of the General Motors factories. Bill became active in the early days of the labor movement, especially the Congress of Industrial Organizations [CIO], working closely with Robert Travis, an associate of John L. Lewis, in organizing workers. In 1935, Bill was blackballed as a result of his efforts to organize on behalf of the CIO.

While working in the labor movement, Bill became active in politics. One of the first campaigns in which Bill participated was the 1928 Presidential campaign of Al Smith. This taste of politics whetted Bill's appetite in such a way that he became active in many other Presidential campaigns including those of Franklin D. Roosevelt, Stuart Symington, and Adlai Stevenson. Bill has also been very active in local Democratic politics, working on numerous Senate, congressional, State and mayoral campaigns. He has spent many long hours erecting yard signs, distributing literature and volunteering at campaign headquarters.

Additionally, my own political career has been enlightened, enhanced, and inspired by Bill's devotion. Bill has been a true and loyal friend throughout my 25 years of public service as an elected official. As a result of Bill's involvement in the labor movement and the community, the quality of life has greatly improved for the citizens of Flint and the Seventh Congressional District. His advice and counsel have guided me throughout my career.

Mr. Speaker, it is indeed an honor and pleasure to pay tribute to Bill Symons for his unflinching dedication and tireless efforts on behalf of his adopted home of Flint, MI. I am personally honored and privileged to have had the opportunity to work with this extraordinary man, who has so greatly distinguished himself by helping others. I know the entire U.S. House of Representatives joins me today in honoring this fine American, William F. Symons.

#### A TRIBUTE TO FLOYD STEINMETZ, SMALL BUSINESS REGIONAL PRIME CONTRACTOR OF THE YEAR

##### HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. McDADE. Mr. Speaker, I rise today to recognize and pay tribute to Mr. Floyd Steinmetz of Moscow, PA, who is being honored this year by the U.S. Small Business Administration as Regional Small Business Prime Contractor of the Year.

Floyd Steinmetz is the sole owner and founder of Steinmetz & Sons Machinery Co. Founded in 1974, Steinmetz & Sons is a manufacturing firm specializing in the production of cast polyurethane parts. The owner and his company are being recognized for outstanding achievement in meeting or exceeding production requirements for aircraft carrier wheel chocks for the Naval Air Engineering Center.

Commitment to excellence, a fiercely competitive spirit, and enterprising ingenuity characterize the small business owners of Pennsylvania's 10th Congressional District. Floyd Steinmetz is cast from this same mold. His efforts and those of his company have brought honor and recognition to the manufacturing industry and the Moscow community.

A graduate of Massachusetts Institute of Technology with a degree in aeronautical engineering, Floyd Steinmetz has spent 40 years as a design engineer. Among his professional

accomplishments, he counts the development of six U.S. patents, the most notable of which is a ball-lapping machine used in the finishing stages of ballbearing production.

Entrepreneurship is a time-honored American tradition. Floyd Steinmetz cuts a profile of today's entrepreneur competing in a demanding domestic market. He is an example of those small business men and women who continue to blaze new trails in innovative research and development to fill needs and tackle problems in the free market system.

#### ALAN KRANOWITZ RETIRES

##### HON. JOHN G. ROWLAND

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. ROWLAND of Connecticut. Mr. Speaker, I rise today to give praise to a dear friend who is leaving public service after more than two decades.

Alan Kranowitz served the U.S. House of Representatives and Presidents Ford and Reagan in numerous positions. His responsibilities may have varied, however regardless of his duties, the labors of Alan's hard work were always appreciated. Alan's integrity and honesty enabled him to develop strong relationships with members on both sides of the aisle. It was these relationships that provided Alan with the basis he needed to effectively represent President Reagan's interests on Capitol Hill.

Following the Reagan administration, I was delighted to learn that Alan would be returning to Congress. Although I considered myself part of the Reagan team most of the time, having Alan work as a minority floor assistant would have assured that we were on the same team all the time. Unfortunately, it was not meant to be. I do however, have a good feeling that we may again have an opportunity to work together.

Mr. Speaker, I thank you for giving me this opportunity to express my appreciation to Alan Kranowitz. I know that all my colleagues join me in wishing him Godspeed and more time to spend with his family.

#### CONGRESSIONAL SALUTE TO NATIONAL NURSES WEEK—MERCY GENERAL HOSPITAL

##### HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to National Nurses Week and to salute the men and women that make up the nursing staff at Mercy General Hospital. These caregivers, and all others in the nursing profession, deserve to be recognized for their outstanding contributions to the health care arena and particularly for their dedication to delivering quality health care.

The nursing profession has been dramatically transformed during the last quarter of a century. Nurses have been faced with many challenges as a result of a more complex and

competitive health care arena. From nursing shortages to dealing with an advancing technological environment, these individuals have continued to deliver care with respect, dignity and concern. As quality issues become the key in facilitating patient medical services in the future, nurses will play an even greater leadership role in all aspects of delivering health care.

Mr. Speaker, I commend the nurses of Mercy Hospital for their dedication, their professionalism, and their spirit of caring. We can seek comfort knowing that our care was being administered by these devoted individuals. I ask that my colleagues join me in saluting this outstanding profession and extending our gratitude for their service.

#### TRIBUTE TO EDWIN BEARD MASTICK

##### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. STARK. Mr. Speaker, I take this opportunity to pay tribute to Mr. Edwin Beard Mastick (1824-1901) for his achievements in a lifetime of dedicated public service to the development of modern California. The memory of Mr. Mastick and his contributions to the community will be honored with the presentation of a plaque at the Mastick Senior Center in Alameda, CA.

Edwin Beard Mastick was born in Ohio in 1824 where he studied law and taught school. He came to Alameda County with his family in 1864 and went on to become one of the pioneer attorneys in the State of California. He served as clerk of the State Supreme Court in 1869 and was nominated for State Senator in 1875. He also served as chairman of the board of city trustees of Alameda for 15 years.

Edwin Mastick can be remembered as the driving force behind many of the improvements to Alameda in the late 1800's. The paving of streets, the organization of the electric light plant, and the creation of a sewer system can all be traced to Mr. Mastick's far-sightedness. The first locomotive of the railroad which ran from Alameda to Hayward, CA, in 1864 was named the E.B. Mastick and pulled two passenger cars.

Mr. Mastick lived in Alameda for 37 years. In March 1891, a school was opened between Bay Street and St. Charles Street on Santa Clara Avenue and was named the Encinal School. Because of Mr. Mastick's contributions to the community, on June 18, 1901, the school was renamed Mastick School in honor of Edwin B. Mastick. The old three-story school was replaced by a single-story new Mastick School in 1939 and was an elementary school for children in grades kindergarten through sixth.

In July 1980, the school was closed. The building was leased to the city by the Alameda Unified School District for use as a senior center. The first senior programs were held in one large room on the north side of the building. The senior center has since undergone extensive remodeling of the lobby, dining hall, offices, and classrooms, and has become a



completely modern facility. Over 48,000 visits by seniors are made each year to the Mastick Senior Center.

It is with great pleasure that I honor the memory of Edwin Beard Mastick and his lifetime dedication to the Ninth Congressional District of California.

## UNIVERSAL HEALTH INSURANCE ACT OF 1989

**HON. DONALD J. PEASE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. PEASE. Mr. Speaker, today I rise to introduce a bill that promises help in an area of great concern to us all. The Universal Health Insurance Act addresses the very serious problem of the lack of affordable health insurance for many Americans today.

The United States has a wonderful medical system, capable of performing procedures that would have been considered miracles not too long ago. But for many of our fellow citizens, just getting through the door is a miracle if they have no health insurance. These individuals are often forced to delay medical treatment, or even to do without altogether, causing suffering and death that could be prevented. We are not talking about just the indigent—there are many working Americans who would be willing to pay for insurance if it were offered to them at a price they could afford. This is the kind of plan the Universal Health Insurance Act seeks to provide.

Mr. Speaker, my bill itself is very simple, but the issues it addresses are complex, so in an effort to explain it in a cogent manner, I have put together the set of questions and answers that follows:

### QUESTIONS AND ANSWERS ON THE UNIVERSAL HEALTH INSURANCE ACT OF 1989

#### Why a Universal Health Insurance Act?

Access to health care today is increasingly dependent on health insurance. And although the health care needs of most Americans are adequately covered by employment-related plans or by government programs, an ever-increasing number are falling between the cracks of this system. Currently, about 37 million Americans lack health insurance altogether, a 40% increase since 1980.

Individuals without health insurance are often forced to delay or avoid seeking needed medical help, thus worsening their conditions and causing easily preventable suffering and death. Often they are forced to impoverish themselves in order to reach eligibility for public programs. Many of these people would be perfectly willing to pay for insurance, if they could find insurance they could afford—or that would enroll them. This is the kind of plan the Universal Health Insurance Act seeks to provide.

#### How does the Universal Health Insurance Act address these problems?

The Pease plan would be open to everyone, regardless of income, work status or health condition. Anyone who desires health insurance will be able to buy a policy from a state insurance pool, operated by a private insurance company under contract to the Federal Government.

#### What will the insurance plan cover?

The plan will cover inpatient and outpatient hospital services and physicians' services; maternity, prenatal and postnatal care; diagnostic services; and catastrophic medical expenses. Coverage will be similar to health plans offered to most government and private sector employees.

#### How much will this cost an individual?

The individual will pay a portion of the cost of the premium, based on a sliding scale—6% of the first \$10,000 of income and assets, 7% of the next \$10,000, and 8% of the next \$10,000. The income and assets determination will be made by an independent agency not associated with either the government or the insurance carrier.

#### How will the rest of the premium be covered?

The portion of the premium not covered by the sliding scale payments will be picked up by the Federal Government. I propose to partially fund this by doubling the tax on cigarettes, a strategy supported by 61% of the American people in a recent survey.

#### Does anyone have to buy this insurance plan?

No, absolutely not. The Pease Plan is completely voluntary. There are no mandatory provisions either for employers or beneficiaries. If an individual wants health insurance, it is available at an affordable price, but the actual purchase decision remains the choice of the individual. The key is to give every American access to affordable health insurance.

#### How will we get people to sign up for the plan?

The bill includes an outreach component as an important part of the Pease plan. A public information campaign will be vital to let the public know this insurance is available. It will also educate people about the importance of health insurance and the benefits available to those who enroll in the Universal Health Insurance Plan.

#### What about self-selection and pre-existing conditions?

Certainly individuals with pre-existing conditions and individuals at risk for serious illness will sign up for this plan in large numbers. But without access to any insurance at all, these individuals will end up on Medicaid with the American public paying the entire tab. With subsidized insurance, they help pay their own way, and some of the risk is covered by the pool. Also, insurance allows many people to get medical care earlier than they would without insurance coverage. This can keep serious conditions from developing, and can ease the severity of some illnesses that cannot be avoided.

#### How will the insurance carriers be determined?

In each service area, the insurance companies will bid on the monthly cost of enrollments. The lowest bidder in a service area will become the "recognized" carrier and will be guaranteed at least 60 percent of the enrollment in that area for that year. The other insurance companies will be allowed to participate in the plan, but they must offer the same rates and conditions as the recognized carrier.

#### How are employers affected by the Pease plan?

Employers who offer health insurance to their employees will not be affected by the Pease plan. Employers who do not offer health insurance to their employees will have a choice between offering health insurance as a benefit or paying a new Health Plan Employment Tax, similar to the Federal Unemployment TAX (FUTA). If a health insurance option is available to employees,

their employers will be exempt from the Health Plan Employment Tax. One way the employer can fulfill the health insurance option is to pay for the employee's insurance under the Pease plan.

#### How does the Pease plan compare to other proposals for the uninsured?

The Pease plan is not mandatory in any way, either for employers or employees. It is not tied to employment or to eligibility for any other program. It covers not just catastrophic care, but also the early medical care that can prevent catastrophic illness. The cost of the Pease plan is not excessive, the philosophical and political hazards are reasonable, and the mechanics of the proposed system appear practical. It looks like a winner to me, and I urge you to support it.

## TRIBUTE TO THE LATE FRED BECK

**HON. GEORGE (BUDDY) DARDEN**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. DARDEN. Mr. Speaker, those of us who belong to the Kiwanis Club of Marietta, GA, said goodbye this month to Fred Lewis Beck—a member of our club for more than 50 years, its secretary for more than 30 of those years, but above all, a friend to all of us in that organization.

Fred Beck was one of those people who, through their hard work and the building of their institutional memory, come to be both the propulsion system and the guidance mechanism for a civic group. As club secretary, Fred was always careful to cover all the bases, and other officers came to rely on him heavily as, from year to year, the other club leadership posts changed hands. I know that, when I was president in 1976-77, the contributions of Fred Beck were enormous. And his work was essential to the elevation of other members of our club to major offices at the State, national, and international level within Kiwanis.

Fred epitomized the ideals of the Kiwanian. He was committed to God, family, country, and to all his friends—which included every member of the Marietta Kiwanis Club. And, of course, there was his commitment to his wife, Drucy, who several years ago became the first woman admitted to our club.

Fred Beck will no longer be with us—physically—as we meet at noon each Friday. But I know that his spirit always will be with us, and that every member of the Marietta Kiwanis Club will be forever indebted to him for his leadership, and his friendship.

To further acquaint my colleagues with the life and accomplishments of Fred Beck, I would like to include in the RECORD an item from the April 27 Marietta Kiwanis Club newsletter, written by Jim Cole:

#### IN MEMORIAM, APRIL 17, 1989

We laid the body of Fred Lewis Beck to rest today, but his spirit will remain in our midst forever. He gave himself to each one of us and to his community. His values have been indelibly inscribed on us. When we inadvertently look for him at the rear table, he will not be there; however, his tireless ef-

forts have guaranteed him an eternity of perfect attendance in our hearts.

It is only fitting that organizations occasionally have individuals who come along and who epitomize their ideals and commitments. Fred Beck personalized and enhanced the ideals of Kiwanis. His commitment to God could be found not only on Sundays, but on every day of the week. He looked at a man's heart and not just his deeds. Fred gave little quarter to lethargy and slothfulness, but his hand always reached as far as possible to help those who were less fortunate. He loved his family and, I think, considered it to be the entire community. His boundless and unselfish energy were legend. A friend's tragedy or sadness became his burden. At the same time, he did not burden others with his personal problems. It seemed to him that, since God had given him Drury, he couldn't complain.

This strong veteran of WWI with the tattoo on his arm was reduced to tears whenever the club honored his beloved Drury. He would pull out his handkerchief and rush up to the podium to escort her. The special love and tenderness that he displayed toward Drury made a deep impression on everyone. Love begets love, and Fred, in his indomitable way, reminded all of us of that.

Dr. Donald Parker used Fred's work with stone in the monument business in his funeral address. While Fred did work with stone for a time, we saw him working with people. With God's children he was at his finest. His special charm with the ladies was irresistible, and children made him bubble over with joy. He made us Kiwanians wear ties, be on time, write more legibly, speak closer to the mike, be cooler or hotter, be at meetings, pay our dues, sign cards for sick members, write articles, remember announcements, learn names, be Governors, be Presidents, be Board members, and finally be what we are today. One could say that although Fred Lewis Beck was not a President of our Club a single time, he was Co-President more than forty times. Some years he was about all we had and other years he was trying to keep it in line.

One must remember that Fred was involved in many other things besides Kiwanis and that he gave them all his full measure. The impact of this unsung hero is therefore amplified many fold through our community. If Fred is not already busy in his Heavenly Home and is listening, "Fred, if we did not let you know, We Love You!"

#### AMERICA FOR SALE

#### HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. CRANE. Mr. Speaker, John R. Montgomery III has served as president of the Lakeside Bank in Chicago for more years than he probably would like to admit. And he has served both the bank and his community with great distinction.

At a recent Business Forecast Luncheon, he delivered the following remarks which I want to share with my colleagues. The message should give all Americans pause. Hopefully, we, as Members of Congress, by addressing the Nation's budget deficit with firmness, can make Mr. Montgomery's forecast

nothing more than a gloomy assessment of what might have happened.

If his forecast causes alarm that prompts a responsible reply by our actions on this issue, no one will be more pleased than John Montgomery.

#### REMARKS OF JOHN R. MONTGOMERY III

America is for sale. It is the natural consequence of an administration policy to devalue the dollar against other currencies. We have lowered the dollar to make our goods more price-competitive. The Japanese who had to pay 260 Yen for one dollar on March 1, 1985, now have to pay only 126, and the Germans who then paid 3.35 Marks for one dollar now only pay 1.78. The Japanese and Germans can buy dollar assets today for half of what they would have paid for the same dollar assets four years ago.

When Ronald Reagan took office, interest rates, which were already high, were pushed even higher, up over 20 percent, attracting many foreign investors to our currency. And the dollar through the early 1980's became a stronger currency. Between 1980 and late 1984 the dollar appreciated against the Deutschmark 115% and 35 percent against the Yen. This ushered in a disinflationary environment. Imports became cheaper to buy in this country. This placed tremendous pressure on American manufacturers to improve productivity and produce higher quality goods at a lower cost. Increased price competition, which largely flowed from our policy to strengthen the dollar, has resulted in a massive restructuring of our industrial base—leveraged buy-outs, corporate raiders disassembling companies where liquidation values exceeded the capitalized value for the company in the marketplace, and renegotiating labor contracts to bring our wage rates more in line with the new global competition. In short, we went through, and are still going through, a period of economic Darwinism. During this period, when we were not competitive in the global marketplace, our trade deficit went up as we imported more and exported less.

This strong dollar, and the foreign competition it brought down upon our domestic manufacturers, engendered calls for protective tariffs. The Reagan administration was committed to free markets and protective tariffs were anathema. So the President and James Baker, then Secretary of the Treasury, met with representatives of our trading partners in 1984 in an effort to reduce trade barriers in their countries and to orchestrate an international reduction in interest rates. Such a reduction we felt would help stimulate our own economy and the economies of these other countries, which represent markets for our exports—increasing demand. One joint decline in interest rates was orchestrated. But Germany and Japan balked at further reductions. So we began in 1985 to unilaterally promote a lower dollar—by interest rate reductions to make the dollar less attractive. In January 1985 the prime rate was 10% percent, in January 1986 it was 9% percent and in January 1987 it had declined to 7% percent. During that period the exchange rates reversed themselves. The Deutschmark appreciated over 70 percent against the dollar and the Yen appreciated 90 percent.

So having raised the value of our dollar in the early 1980's, in 1985 the government reversed course and began to devalue our currency against the other major world currencies. This made our products and services more price competitive by making foreign goods and services more expensive. And this

policy did a number of things for our domestic manufacturers. It enabled them to increase exports, since our products were now more price competitive overseas. But it also gave them the opportunity they had not had during the early 1980's to raise prices. At that time our products were under price pressure from import competition. In many instances we had to reduce prices and accept lower profit margins until we could restructure and improve productivity. Now with the lower dollar and the increased price of foreign products, domestic manufacturers had the opportunity to raise prices without making their products less competitive. And, we should note, these increased sales and prices increased corporate tax revenues to the Federal government.

The policy of a lower dollar has led to an increase in export sales. In 1986 exports were \$227 billion; in 1987, \$254 billion; and in 1988, \$322 billion. And our trade deficit, although it went up in 1987 to \$152 billion from \$138 billion in 1986, came down in 1988 to \$119 billion.

What is equally important to focus on, however, is imports. Despite our lower dollar policy, imports have continued to increase, from \$365 billion in 1986 to \$406 billion in 1987 to \$440 billion in 1988. So the lower dollar has not yet slowed imports.

While the lower dollar made imports more expensive to Americans, it made not only our export products relatively cheaper to foreigners, but our companies, real estate and other dollar denominated assets.

In 1985 the United States, as a result of this lower dollar policy, again became a Debtor Nation.

America was a debtor nation throughout the nineteenth century and until the end of World War I. During this period England, Germany, and other European countries funded our growth financing our mines, railroads and factories.

By contrast the debt we incur today is not to secure our manifest destiny as we expand westward across the great plains. We are now a mature economy. Foreign capital is now needed to finance our deficits and pay interest on our debt. It does not expand our productive capacity to provide income but to fund our consumption and our interest expense. In this sense we are not unlike other third world countries who continue to increase their outstanding debt so they can meet their interest cost. We are borrowing to pay off the excesses of the past not to build wealth for the future. Debt as a percentage of GNP rose from 27 percent in 1981 to almost 42 percent in 1986. It is estimated to be 54 percent for 1988.

As we promoted a lower dollar what did foreigners do as it became more difficult to sell into our marketplace? Well, at first they maintained prices and absorbed the increased cost exchange rates imposed on them. Then, as the dollar continued to move lower, they were forced to begin increasing prices. Since they already had gained market share in the early 1980's when the dollar was strong, and the American public was well aware of the superior quality built into many foreign products, their products continued to sell, even at increased prices because of perceived value.

And foreigners took other actions when we disadvantaged their export opportunities by lowering the value of the dollar. The Japanese, for instance, have built their own auto plants in this country. Just as we outsource production to Mexico, Taiwan, or Hong Kong, to advantage ourselves of lower labor rates, we are now a low cost labor



market. The Japanese locate plants here because they avoid protective tariffs, take advantage of low cost labor, and obviate the impact of unfavorable exchange rates.

And we actively compete for these plants! Individual States have over 50 development offices throughout the world.

America lost industrial jobs in the early 1980's when the dollar was strong. State governments in the midwest are now actively recruiting foreign investment to restore these jobs and, of course, for the resulting income tax revenues.

The British still are the largest investors in this country followed by the Dutch. Japan has overtaken Canada for the number three spot but probably will lead all investor nations going into this next decade.

Martin and Susan Tolchin in their book "Buying Into America" point out that more than one-half of the nation's cement industry and four of the nation's top ten chemical companies are foreign owned. Foreign investors have bought skyscrapers and shopping centers in almost every state. Royal Dutch Shell owns the Shell Oil Company, A & P is owned by German investors, Nippon Kokan Corporation of Japan owns half of the National Steel Corporation and Nestle of Switzerland recently bought the Carnation Food Company for \$3 billion; Doubleday and Co., publishers, is German owned and the Viking Press and E. P. Dutton are British owned; a British holding company owns the 136-year-old firearms manufacturer, Smith and Wesson, Firestone Tire and Rubber Co. was acquired by Bridgestone, a Japanese multi-national corporation, and Pillsbury was bought in December 1988 by a British company. In 1986, with the approval of the Federal Reserve Bank, the Sumitomo Bank bought a \$500 million equity stake in the Wall Street firm of Goldman Sachs. In 1985 foreign-owned banks owned 33 percent of the total banking assets in California and were responsible for 40 percent of the total business loans made in New York state. Here in Chicago the Algemene Bank (Dutch) owns LaSalle National Bank and The Bank of Montreal (Canadian) owns the Harris Trust and Savings Bank.

It is estimated that foreigners own \$1.5 trillion of U.S. assets. This includes not only outright ownership of corporations and real estate, but stocks and bonds. It includes about \$300 billion of U.S. Treasury securities. In other words, foreigners own approximately 10 percent of our \$3 trillion national debt.

The problem is still the Federal Deficit. The deficit is supposed to be coming down. It was \$221 billion in 1986, \$150 billion in 1987, but \$155 billion for 1988. It is officially budgeted to be \$123 billion for 1989 but probably will be higher because the Fed is slowing down the economy. It has, however, declined from 5 percent of GNP eight years to 3 percent today. This notwithstanding, the deficit continues to be the central problem facing our economy today. And if the Congress does not address the deficit, as it appears they will not, the government will continue to be between a rock and a hard place. If we promote a low dollar, America continues to be for sale; foreigners, seeing that we are not addressing the deficit, may not buy our debt. As William Hummer, a noted Chicago economist, points out, the average maturity of our debt is 5 years 9 months, meaning that foreign lenders—who concentrate their holdings in short term issues—have considerable leverage in determining the cost of future borrowings. If foreigners do not buy our debt, we must raise

interest rates to attract purchasers and this would increase our deficit.

If, on the other hand, we foster a high dollar through higher interest rates we further endanger the already weak Savings and Loan industry, encourage businesses to curtail expansion plans, reduce export sales and discourage consumer spending. These higher interest rates exacerbate the Federal deficit by increasing interest cost and decreasing tax revenue. By not addressing the Federal deficit we are rapidly losing what flexibility we have left to control our own destiny.

It is interesting to note that while the government reports Net interest expense on the debt as \$152 billion in 1988—this is after crediting interest income from government trust funds against gross interest expense. Gross interest expense on the Federal debt in 1988 was \$214 billion or about 20 percent of the total Federal Budget.

Higher interest rates and additional interest expense arising from the funding of continuing budget deficits will further increase their expense.

Total Federal spending continues to increase. In 1986 total government expenditures were \$871 billion; in 1987, \$925 billion; in 1988 \$964 billion and in 1989 our budget is \$1.1 trillion.

Many people feel we should raise taxes. Milton Friedman has a word on this. "Higher taxes will not eliminate the deficit. They will, after a brief delay, simply increase government spending. Taxes have been going up for 50 years without eliminating deficits." Indeed, Federal income taxes for individuals and corporations, which were \$412 billion in 1986, increased to \$482 billion in 1987 and \$496 billion in 1988. So tax revenue does continue to increase and, needless to say, the deficit has not been eliminated.

Our economic policy continues to be hampered by this ongoing Federal deficit. Many economists feel it is not important—that it is declining as a percentage of the GNP—which it is. But it is not only the reality of the deficit, it is the perception. We are the largest consumer market in the world. We enjoy the highest standard of living. Our government year after year continues to overspend its revenue. It is the perception the rest of the world has of our economy that we have to deal with. And this perception is more important than whatever the reality of the deficit may be.

Foreigners hold over 10 percent of our debt, \$300 billion. Franklin Roosevelt said the Federal debt was not a problem because we owed it to ourselves. And we did. But today we don't. Edward Yardeni, now chief economist for Prudential Bache, points out that President Reagan has been widely criticized for permitting substantial deficits during his term of office. But, Yardeni points out, what he did was to create a worldwide liquidity pool. If politicians, or our central bank, try to reinflate the economy, or if foreigners feel our politicians are not taking serious steps to reduce the deficit, the "bond vigilantes" will attack the dollar by selling dollar denominated assets. Our stock and bond markets would decline precipitously and we would see substantially higher interest rates. Such an event could bring on a severe recession and undoubtedly higher taxes to fund a greatly expanded Federal deficit.

So real interest rates remain high to accommodate the deficit, and a weaker dollar is maintained to keep us price competitive in a global economy and to maintain our tax revenues. And these policies continue to

make dollar denominated assets bargains for the Japanese, English, Germans, Dutch and others.

Under President Reagan we instituted more protectionism than we had in the past 60 years. Increasing foreign ownership of U.S. companies and real estate will bring pressures for more protectionism. But this may be increasingly harder to accomplish. It is estimated that foreign owned companies provide 3,000,000 jobs in our country already. These companies have their own Political Action Committees. They have for years helped finance congressional campaigns at the Federal level and politicians running for office at the State level. They already have a big voice in our political establishment. Their political muscle will make it difficult to place limitations on foreign investment. Indeed, we can speculate that down the road we could be outvoted on a number of issues in our own country by the Japanese.

In the meantime, while Congress is flinching, *America Continues to be for Sale.*

## PUBLIC OPINION IN INDIANA

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, May 3, 1989, into the CONGRESSIONAL RECORD.

#### PUBLIC OPINION IN INDIANA

Every now and then I try to summarize and report on the perceptions I have of public opinion in Indiana. These perceptions emerge from contacts with hundreds of Hoosiers through public meetings, correspondence, conversations, and visits in my offices in Washington and Indiana. What follows are my impressions of several of the major trends in public opinion and some of the preferences expressed to me.

I find that concern about the possibility of an international military conflict is low. Most people feel that tensions with the Soviets have been reduced, and believe that the Soviet Union is less threatening than it was a few years ago. Many talk to me about cutting defense spending. When asked to identify what part of the federal government should be reduced to lower the budget deficit, they usually target the Pentagon first and foreign aid next. Most express the belief that our economic competitors represent a greater threat to our national security than our military adversaries. Yet I do not find Hoosiers wanting the U.S. to actively try to strengthen Gorbachev's position in the Soviet Union.

There is a lot of unease about the loss of U.S. economic power to foreign competition. Many see our ability to compete in the world as declining. But at the same time there is some sense that we will make progress in the near future and America's competitive position will get better. Most see increased foreign investment in the U.S. as undesirable and view Japan, not America, as the leading economic power in the world. People feel threatened by Japan's economic rise, and view Japanese foreign trade policies as significantly more unfair than those of other countries. They insist that our trading partners treat us fairly and often urge increased tariffs against them.

In discussing America's competitive position, many criticize the focus of U.S. businessmen on short-term profits and do not like all the activity on corporate takeovers. They believe that valuable resources are wasted in legal and financial maneuvering on both sides in a hostile takeover battle. They fear cheap foreign labor and often criticize American public education. Public schools are seen as a significant U.S. weakness.

Almost everybody wants our allies to pay more for our common defense, and many now favor withdrawing troops from Europe and South Korea as a way to reduce the deficit. I often hear the view that we could better solve our domestic problems if we scale down our overseas commitments. My impression is that while Hoosiers worry about the burdens of leadership in the world and want more help from friends and allies, they do not want the United States to relinquish its special role of leadership.

Most of the people with whom I talk still do not think that federal tax dollars are spent prudently, but they nonetheless continue to want various government programs expanded, especially those dealing with crime, drugs, homelessness, and health care. There is also increased interest in federal education and training programs, environmental protection, and energy research.

Crime and drugs are both uppermost in the minds of Hoosiers, and they speak of these two issues with an intensity and emotion not present when they talk about the budget deficit or U.S. competitiveness. My guess is that the spread of illicit drugs is near the top of their concerns at the moment.

I continue to find strong support for helping older people. Many Hoosiers seem to believe that older people are less affluent than the general population and favor increased government spending on their behalf. They would leave untouched programs like social security and medicare in any attempt to reduce the budget deficit. They want to protect the integrity of the social security trust fund; they do not want the excess social security reserves used for any purpose other than future social security payments.

With respect to the economy most people remain generally optimistic about its future, but at the same time they express concern that both interest rates and inflation will move upward in the months ahead. In recent days most of them talk to me about the possibility of a recession next year.

The federal budget deficit is seen as the most important domestic problem facing the nation; and even though people are not optimistic about our chances of solving it, they generally remain upbeat about the country's future. For the longer term, many Hoosiers think that the next generation may be worse off economically than they are.

A surprisingly large number of people, although not a majority, believes that taxes will be necessary to get the deficit under control. Most Hoosiers are very reluctant to support a new broad-based tax. They like the idea of "sin" taxes, such as excise taxes on cigarettes and alcohol, and favor a national lottery. They believe that the gap between the rich and the poor in America is getting worse, not better, and there is some support for increasing the tax burden on upper-income people and corporations. But generally it would take some persuasion to get majority public support of any new source of revenue despite deep concerns about the deficit. Before raising taxes, they

want the government to push hard to collect unpaid taxes.

There is strong support for making further cuts in federal spending to bring the budget more into balance. Hoosiers would cut rather sharply defense spending, transportation, foreign aid, and federal pensions. To a lesser degree they would cut agriculture, community development, general science, and aid to the needy.

Most people seem generally satisfied with the beginning of the Bush Administration. They express some concern about the President's lack of agenda, but are supportive of his efforts to improve government ethics and to reach out for bipartisanship with the Congress.

## NEEDED: A FOREIGN AND DOMESTIC POLICY TO FIGHT DRUGS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. RANGEL. Mr. Speaker, in my judgment we have had no foreign policy when it comes to drugs, and we are sorely in need of a domestic strategy as well.

In foreign affairs, we have been vocal and active in fighting terrorism. There long have been those fighting communism. The previous administration invaded Grenada, bombed Libya, and found every way possible to support the Contras. So when it comes to communism and terrorists, America has marshaled its resources.

But to fight our No. 1 national security threat, drugs from abroad, recent Secretaries of State have been silent—even though all of the opium and coca is grown outside U.S. shores. These poisons from abroad—not Communists—are killing the kids in my district and in neighborhoods throughout the country every day.

Despite the tripling of drugs from abroad in the last decade, can anyone here remember a Secretary of State saying the drug smuggling from abroad must be stopped? Every week, on the Sunday talk shows, we'd hear Secretary Shultz and now Secretary Baker emphasizing communism, terrorism, arms control, or debt—worthy subjects, to be sure—but not stopping drugs from abroad.

Do you know why? They have not mentioned drugs because in my opinion we have been afraid to jeopardize the other supposedly more important purposes of foreign policy.

So we supported Noriega when apparently everyone and every newspaper believed he was a drug dealer, but administration officials would not mention this and kept dealing with him because he gave us information on the Contras.

Also, because we want to support our allies, we have continually certified as cooperating in stopping drugs friendly countries who we know full well are growing and producing the poisons directed at the United States.

Furthermore, because we have no coherent antidrug foreign policy, heroin runs freely through the golden triangle to my city of New York.

The only person who really declared war on drugs was Nancy Reagan. At least she brought the first ladies together for a conference.

I simply do not understand why neither President Reagan nor President Bush have called for a western hemispheric drug summit. Two years ago, President Reagan agreed with our committee's call for a summit, but it was never scheduled.

This is tragic, because every day we are losing children to the war on drugs. A western hemispheric summit would be a way to add international strength to the fight.

Only with a regional and united strategy can we stop the enormously powerful drug cartels from sending the poisons killing our children and, more and more, the children of the producing nations too.

Let us urge the President and the Secretary of State to call for the summit now, without additional delay.

It is time to depoliticize narcotics efforts with Latin American nations. In recent trips I have taken to the Andean and Caribbean nations this January and this past December, world leaders told me and our committee that they want to develop regional cooperation to fight drugs, regardless of political differences with the United States. We must do no less.

Every day, I see more drug related murders, more drug overdoses, and more addiction. Other nations are learning the same sad lesson from drugs.

It used to be that there were producer nations and consumer nations. Now all countries are regrettably both. That's why we have to work together. And that's why we should bring all western hemispheric heads of state together now, in a hemispheric drug summit.

Even on day to day issues, we must depoliticize antinarcotics efforts. Cuban President Castro told the Select Committee on Narcotics in December in a 5-hour meeting that he is willing to cooperate on drug control on a regional basis. He told Gorbachev this month that Cuba wants to help stop drugs. But the State Department is still intent on bringing all manner of other issues into the question of whether we work with Cuba in fighting drugs.

We do not have to normalize relations with Cuba on all fronts to work together on information-sharing and enforcement against drug smugglers. We already have joint emergency search and seizure procedures, and we must have antidrug cooperation as well.

On the domestic front, President Bush is off to a good start in the war against drugs. We have finally succeeded in placing drugs on the national agenda. We join him in his conviction that this scourge must end. I am glad he has added some funding to the Reagan outlays—a billion dollars—although he is still far short of fully funding the antidrug programs the Congress authorized last year.

I am particularly pleased that this administration, unlike the previous one recommended at least some funding—\$150 million—for State and local drug law enforcement. Congress has wisely funded this program anyway despite the previous administration's opposition.

When we talk of costs, we must recognize the long-term savings that can be derived



from education and prevention and treatment programs. With our present approach, after someone is arrested for a drug-related crime or addicted, that's when we really pay. It costs \$30,000 to \$40,000 to keep someone incarcerated. And it costs \$600 a day to keep an addict in a hospital, over and above emergency procedures for overdoses. And can we even calculate the cost of New York's record 1,900 murders last year and Washington's one-every-18-hours rate?

Until we solve the problems of joblessness, homelessness, family instability, lack of education, and poverty, we will never end the despair that is the root cause of narcotics addiction for many in the first place. That cost—in both dollars and a breakup of our social fabric—could overwhelm us.

We can no longer afford an antinarcotics program made up of cosmetic steps:

Banning imported semiautomatic assault rifles does not help the kids killed with domestic ones. It matters little to the murder victim which one he is killed with. We need a comprehensive program to regulate domestically produced semiautomatic weapons.

Loose talk of using the National Guard on city streets gives me grave concern: We should not have to resort to an image of a military state.

It is a sad indictment of our health policy that the first drug policy steps taken by the new HHS secretary are to advocate no-frills methadone and the distribution of free needles to IV drug abusers. Both of these policies will give no hope of a drug free society. They will keep addicts out of sight, out of mind, and under the rug, but very much with us.

A "Supercop for D.C." is not what Congress envisioned when we created the drug czar. If Secretary Bennett—I'll call him that, because he should be in the Cabinet—has time to run the District's law enforcement efforts, then I hope he'll tell us soon how this fits into a national strategy that includes New York, Detroit, Los Angeles, and small communities too.

What we badly need more than this idea-a-day approach we've had so far, is a comprehensive national and international strategy. Because the last administration never gave us one, the Congress had to write legislation at least to be able to do something. The last two drug bills, in 1986 and 1988, were drafted without the administration's help, without even any draft bill until after we acted, and with no strategy.

I sincerely hope and believe that Bill Bennett will write a good national strategy, and that's what he should be doing instead of running the District. We need to know what is needed, policywise and funding wise, in supply and demand, in education, rehabilitation, treatment, and prevention, and law enforcement; and in foreign policy concerning crop substitution, eradication, interdiction, certification, sanctions, and cooperation.

This is a big, big job for the new drug czar. We in the Congress are prepared to help and work with him, and President Bush, fully.

## LEGISLATION REQUIRING HOSPITALS TO SERVE LOW-INCOME INDIVIDUALS

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today to impose restrictions on the use of tax-exempt bonds used to provide hospitals. This legislation has been developed over the past several months, and I think, clearly places the debate over tax-exempt financing into the proper context.

Simply put, the question is this: If taxpayers of this country are going to provide an enormously generous subsidy; that is, tax exemption for interest on municipal bonds, don't the beneficiaries of that generosity owe something to the taxpayers of this country? Stated another way, if a hospital is able to benefit by using tax-exempt financing, investors are able to benefit by paying no Federal income tax on investments in municipal bonds, and bond lawyers and underwriters are able to earn huge commissions, shouldn't the least-fortunate in our society benefit as well? The debate is really that simple.

I have introduced several pieces of legislation in the area of tax-exempt finance; the overriding principle in all of those legislative initiatives has been providing benefits to the less fortunate. This legislation continues that tradition. It limits the ability of hospitals to use tax-exempt bond proceeds if they do not treat a significant percentage of low-income individuals. This legislation is a true test of a hospital's commitment to the poor.

In addition, Mr. Speaker, the bill creates an alternative to the traditional penalty of a bond being declared taxable. Typically, the tax laws treat a bond which does not comply with the statute as taxable. Because this is such a harsh sanction—and one which the Internal Revenue Service has been less than aggressive in enforcing—my bill provides an alternative.

A description of the legislation follows:

### PRESENT LAW

#### Tax-exempt bond rules

Interest on obligations of State and local governments is exempt from Federal income tax under authority of section 103 of the Internal Revenue Code. In the case of bonds, the proceeds of which inure to the benefit of organizations exempt from tax under section 501(c)(3) of the Internal Revenue Code, certain restrictions apply if interest on the bonds is to be tax-exempt.

One restriction imposed on 501(c)(3) bonds is a volume limitation. Generally, no 501(c)(3) organization may have more than \$150 million of tax-exempt bonds outstanding at any one time. This limitation does not apply, however, to hospital bonds.

In the case of private activity bonds, a separate statewide volume cap applies. The private activity volume cap is equal to \$50, multiplied by the population of the State. For purposes of this volume cap, 501(c)(3) bonds are not considered private activity bonds (i.e., 501(c)(3) bonds are not subject to the \$50 per capita cap).

### Medicare program

The Medicare program generally reimburses hospitals on the basis of a prospective payment system. Hospitals which are reimbursed on this basis receive a pre-determined payment per case, subject to several adjustments. One adjustment which increases payments per case is the disproportionate share adjustment.

The disproportionate share adjustment is the sum of two fractions. The first fraction compares Medicare beneficiaries who receive an SSI benefit to total Medicare days. The second fraction compares total Medicaid days to total patient days. To the extent that a hospital's disproportionate share adjustment exceeds 15%, the hospital receives an increased payment.

### Standards for hospital charitable care

Prior to 1969, the Internal Revenue Service took the position that, to be exempt from Federal income tax as a charitable organization, a hospital was required to accept patients "not able to pay for the services rendered and not exclusively for those who are able and expected to pay." See, Rev. Rul. 56-185, C.B. 1956-1 203, requirement 2. In 1969, however, the IRS modified this position.

In Rev. Rul. 69-545 (C.B. 1969-2, 117), the Service stated that the promotion of health was *per se* a charitable purpose. The revenue ruling noted that "even though the class of beneficiaries eligible to receive a direct benefit from [the hospital's] activities does not include all members of the community, such as indigent members" a hospital could still be operating charitably within the meaning of code section 501(c)(3).

### EXPLANATION OF PROVISION

#### Application of 501(c)(3) volume limitation

Under the bill, a hospital which has an average disproportionate share adjustment of less than 10% over any three consecutive cost reporting periods is subject to the \$150 million volume limitation applicable to 501(c)(3) bonds generally. The provision applies at all times during which the hospital is out of compliance with the disproportionate share standard, to bonds issued during the non-compliance period and bonds outstanding at the beginning of the non-compliance period.

Thus, any bond which would cause the hospital to exceed the \$150 million volume limitation would (unless the issuer elects either of the two alternatives discussed below) become taxable. Interest on the bond would only be taxable during the period of non-compliance; a hospital would be back in compliance when the average of the disproportionate share adjustments was 10% or higher.

#### Alternatives to bond taxability

Under the bill, two alternatives are available to issuers who wish to avoid bond taxability. The first alternative allows a State to reduce its private activity bond volume cap by the amount by which a non-complying hospital has exceeded the limitation. The second alternative allows the issuer to pay a penalty to the United States.

The first alternative, if elected, would require the State to reduce its private activity volume cap by a fraction of the amount by which a non-complying hospital has exceeded the \$150 million limitation. The fraction reduction is the percentage by which the hospital's disproportionate share adjustment falls below 10%.

The second alternative, if elected, would require the issuer to pay a penalty to the

United States equal to the lost tax revenue had the bonds been taxable. Under this alternative, the percentage by which the hospital's disproportionate share adjustment falls below 10% is multiplied by a fraction, the numerator of which is the highest rate of individual tax and the denominator of which is 100 minus the highest rate of tax. This product is in turn multiplied by the interest accruing on bonds in excess of the \$150 million volume limitation.

#### Medicare issues

If a hospital is excluded from the normal principles of Medicare reimbursement, the legislation intends that such hospital would calculate what its disproportionate share adjustment would have been were it reimbursed on the basis of a prospective payment system. Thus, if a PPS-excluded hospital were exempt from tax under Code section 501(c)(3), the provisions of the bill would apply.

#### EFFECTIVE DATE

The bill is effective for bonds issued after the date of enactment. The bill does not apply to current refunding bonds issued after that date.

### BOWERS SCHOOL STUDIES THE OZONE LAYER

**HON. BARBARA B. KENNELLY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mrs. KENNELLY. Mr. Speaker, the deterioration of the ozone layer is a problem of great concern to those of us in Washington. It is also of great concern to the people of my district. In fact, the sixth grade at Bowers Elementary School in Manchester, CT, conducted a special project to study this environmental problem, and the town declared at their urging the week of March 13, 1989, as "Ozone Awareness Week."

As part of this effort to make the citizens of the town and State more aware of air pollution and the impact of chemicals on the ozone, the sixth-graders wrote a series of "letters to the editor" to the Manchester Herald. The paper printed these letters on March 14 and March 16. For the education and benefit of my colleagues and staff, I am inserting these letters into the CONGRESSIONAL RECORD at this point:

#### SIXTH-GRADERS AT BOWERS CONCERNED ABOUT OZONE LAYER

Editor's note: Sixth-graders at Bowers School have written letters to the editor as part of a special project for Ozone Awareness Week.

Besides the letters, class activities have included a poster-coloring contest, a student teach-in, a skit, and visits to the state Capitol and last week's meeting of the town Board of Directors.

Some of the pupils' letters are published below. More will be published later this week:

I am very concerned about the ozone layer and it being destroyed. I think the public should be aware of the ozone deteriorating. If the public gets involved with helping this problem, other states and countries will soon follow.

My sixth-grade class at Bowers School is very interested and we hope to help the town and state fight this problem.

In places like Antarctica and Australia holes are developing in the ozone layer. These holes cause ultraviolet rays to go through, which causes skin cancer and other health problems. CFCs (chlorofluorocarbons) and halons are destroying the ozone layer. They are found in many products such as Styrofoam, spray cans and coolers in refrigerators.

Consider what I'm saying because I want my kids to live with one less problem to worry about.

ERLIN O'NEIL.

People are harming the ozone layer and don't know it. They don't know that if more ultraviolet rays were to hit the earth it could cause blindness, eye cataracts, severe skin cancer, burns and damage to the immune system. I think that people should know that Styrofoam, aerosol cans and refrigerants let out CFCs (chlorofluorocarbons) that in two years will reach the stratosphere and destroy some of the ozone layer.

Ozone is a natural gas present in the atmosphere that partially blocks ultraviolet rays from reaching the earth's surface. The ozone can be found in three layers of the atmosphere. Sometimes the ozone is called "the union of three oxygens." The ozone is usually found in the upper regions of the atmosphere. The greatest concentration is at the altitude of 19 miles and ozone is produced naturally through photochemical and electrical discharge.

Scientists now think that 5 percent less ozone in the earth's atmosphere would allow 25 percent more ultraviolet radiation to reach the earth. There are already holes in the ozone layer over Australia and Antarctica.

An international treaty was recently signed by 46 nations and put in effect Jan 1. The treaty will cut back on the making and use of CFCs. Most nations must cut back on their use of chlorofluorocarbons by 20 percent by 1994, and 30 percent by 1999 (total 50 percent cutback).

So please stop using products that contain CFCs, because I want my children and everybody's children to have a healthy life.

DORIAN ROYE.

The ozone layer is depleting rapidly from CFCs, otherwise known as chlorofluorocarbons. These CFCs take two years to get to the ozone layer, but they do a lot of damage when they get there.

I think we should cut back on aerosol cans, Styrofoam, refrigerants and halons. I also think we should try to find a replacement for these harmful chemicals.

The ozone layer screens out ultraviolet rays. The ultraviolet rays are good to a point, but too much causes eye cataracts, skin cancer and damage to the immune system. So cut back on CFCs so we've not extinct.

VINCENT FERZA.

I am writing to you because of the fact that our ozone layer needs our help. To help it, all we have to do is cut back on the usage of aerosol cans, Styrofoam and refrigerants.

The ozone layer screens harmful ultraviolet rays, so if too many ultraviolet rays come down to us, it could cause skin cancer, blindness and severe burns. There are already scattered holes in the ozone layer over the Antarctic and Australia.

I think we should all cut back on the usage of CFCs or we could all be severely harmed by the ultraviolet rays.

MELANIE ANDRULOT.

The ozone layer is a very important issue. Ozone is a natural gas present in the upper atmosphere that partially blocks ultraviolet rays from reaching the earth's surface. When ultraviolet rays hit the earth's surface it can cause blindness and severe skin cancer and burns.

CFCs (chlorofluorocarbons) and halons are breaking down the ozone layer, which is what we have to stop. Some things that use CFCs and halons are aerosol cans, Styrofoam, refrigerants, air conditioners, etc.

I think we should make a substitute for the products that contain these harmful chemicals. This is only one idea but I'm sure there are many more. And remember: The quicker we react to this issue the better our future will be.

MICHELLE REICHEL.

My sixth-grade classes at Bowers School are concerned about the ozone layer. CFCs (chlorofluorocarbons) and halons, which are in Styrofoam, aerosol cans and refrigerators, are ruining the ozone. We want people to cut down on CFC products.

The ozone already has holes above Australia and Antarctica.

Five years ago skin cancer was found in older people; now it is found in younger people, too.

The ozone layer protects us from dangerous ultraviolet rays. The ultraviolet rays can cause skin cancer, eye cataracts and damage to the immune system.

So please cut down on CFC products and save some lives.

ANGELA PAVELACK.

It is important to cut back on the use of CFCs and halons because they destroy the ozone layer. The ozone layer blocks ultraviolet rays from the sun that can cause blindness and severe skin cancer. Also, the ozone layer breaks up soot and dirt in the air to help keep our air cleaner.

Science has shown that in the past five years the average age for developing skin cancer has dropped from 40 to 20. This is caused by the CFCs in Styrofoam, aerosol cans and refrigerators, which destroy the ozone layer that blocks the ultraviolet rays.

So let's protect our ozone layer so we can live better and breathe better.

ERIC BOVEE.

I am concerned with the ozone problem. Ozone is a natural gas that's being destroyed by CFCs (chlorofluorocarbons) and halons. They're found in aerosol cans, refrigerants and Styrofoam. It takes two years before the CFCs and halons reach the stratosphere.

Ozone protects us from ultraviolet rays. Ultraviolet rays cause cancer, burns and blindness. Five years ago people got cancer at age 40, and now people are getting it at age 20. The ozone is mostly found in the upper regions of the atmosphere. Right now there are the holes in the ozone layer over Antarctica and Australia.

I think his subject is important because if the ozone is destroyed then we will be, too.

ANNA BOSSIDY.

The ozone layer is being destroyed by chemicals called CFCs. It takes two years for CFCs to get to the ozone layer. The ozone can be found in three layers of the atmosphere. If the ultraviolet rays, screened by the ozone layer, hit the earth, it would cause blindness, burns and skin cancer. The ozone layer shields 95 to 99 percent of the harmful ultraviolet rays.



Scientists think that 5 percent less ozone in the earth's atmosphere would allow 25 percent more ultraviolet radiation to reach us. There are already holes in the ozone layer over Antarctica and Australia.

Most nations should cut back on the use of CFCs in Styrofoam, aerosol cans and refrigerators. Also, factories should decrease the use of CFCs. Save the ozone layer!

KURT SIBRINSZ.

The ozone layer is a layer of gas, much like oxygen, that protects us from harmful (if not deadly) ultraviolet rays cast at us by the sun. The layer either absorbs or reflects the ultraviolet rays. This makes it a very important resource. This resource is slowly deteriorating because of the constant releasing of CFCs, or chlorofluorocarbons (which are found in car air conditioners, Styrofoam and refrigerators), into the atmosphere. These CFCs are broken down into their elements, one of which is chlorine. Then the chlorine eats away at the ozone layer.

I think that slowing the use of CFCs would also slow the breaking down of the ozone layer. I urge strongly that we do all we can to help the situation we're in, because if this situation is allowed to sit, it could mean a disaster is on its way.

ADAM ZAKOWICZ.

Our ozone layer is being destroyed by CFCs (chlorofluorocarbons) and halons. Products such as Styrofoam, aerosol cans, refrigerators and air conditioners contain CFC's and halons.

Recently, 46 nations signed a treaty that went into effect on Jan. 1. This treaty will decrease the production of CFCs. By 1994 most of the nations that participated in this must cut back their use of CFCs by 20 percent, and by 1999, 30 percent or more—so by the year 1999, there should be a 50 percent decrease in CFC usage.

The ozone layer protects us from dangerous ultraviolet rays. Ultraviolet rays can cause blindness and severe skin cancer. Some scientists believe that 5 percent less ozone in the earth's atmosphere would allow 25 percent more ultraviolet radiation to reach the United States. The ozone layer is located in the upper regions of the atmosphere. The highest concentration is at the altitude of 19 miles (30 kilometers) and ozone is produced naturally through photochemical and electrical discharge.

There are already holes over Antarctica and Australia. It could be the United States next. So please stop using CFCs.

LORI GOSGROVE.

We are experiencing a loss of the ozone layer. Ozone protects us from harmful ultraviolet rays. The ozone layer is being broken down by chlorofluorocarbons which are found in Styrofoam, cooling systems and aerosol cans. Ozone is regularly found in the upper regions of the atmosphere. It takes two years for CFCs, better known as chlorofluorocarbons, to get to the ozone layer.

Already there are holes in the ozone layer over the Antarctica and Australia. Please let me live a good and healthy life.

KEITH ISLIEB.

I'm writing to you because I'm very upset about the depletion of the ozone layer. Everytime someone sprays a spray can, breaks Styrofoam, or throws away refrigerators, gases called CFCs are let out into the air. They go up into the air and "eat" away the ozone layer which shields us from ultraviolet rays from the sun which come

through and cause skin cancer, blindness, severe burns and death.

I think we should boycott some of these industries or at least cut down on use of these products. I'm only 11 years old and I don't want the world to be annihilated before I'm 20. If we do something now my generation and the ones after can have a better life.

REBECCA KEENEY.

Our sixth-grade class is working on the problem with the ozone layer. The ozone is breaking down because of CFCs which are Styrofoam, aerosol cans and refrigerators.

Ozone is a natural gas in the atmosphere that partially blocks ultraviolet rays from reaching the earth's surface. When not enough ultraviolet rays are blocked, people get skin cancer and damage to immune system.

I think people should stop using CFC products. If you don't care, start caring, because people like us kids that are growing up should have a chance in the world, too. If you're not a caring person, start being one and help.

BILL RENARD.

My thoughts about the ozone layer are that we should cut back, even stop using CFCs (chlorofluorocarbons), which are in Styrofoam and seep into the air and destroy the ozone. If we don't do something soon we won't be able to later.

My class is speaking at the Capitol and at the Board of Directors meeting about the ozone problem. We hope to help pass a bill.

The ultraviolet rays from the sun cause 40 percent of skin cancer, because of ozone depletion. Ozone is destroyed by CFCs and halons. This process takes one to two years. It's been proven by scientists that in 50 to 60 years, if Styrofoam is still being used as much as it is now, then there will be no ozone layer, and much more skin cancer from deadly ultraviolet rays.

So if you want your grandchildren or children to live, help put a stop to this!

SHANNON BLAKE.

We should stop using chlorofluorocarbons, Styrofoam, aerosol cans and refrigerators that destroy the ozone layer. Every time you spray an aerosol can you destroy some ozone. Over the South Pole and Australia there is some ozone missing.

Ozone protects us from the dangerous ultraviolet rays that get on earth and can cause skin cancer, burns, eye cataracts and damage to the immune system. It takes two years for CFCs to reach the ozone layer.

So soon, when there is no ozone, there will be no life. Instead of watching TV, do something about this problem.

JASON EDLUND.

Our class is doing a project on the ozone layer. We plan to go to a public meeting in Hartford. My class has picked three representatives to get up and talk about why my class wants a law against Styrofoam.

The reasons we want to ban Styrofoam is because every time Styrofoam is broken, little CFCs are let off into the air and then, after two years, they get to the ozone layer and destroy it. The ozone layer already has a hole, and it probably will get bigger. We should stop that hole from getting bigger and patch it back up!

So everybody out there, please help us get a bill on Styrofoam and stop the hole in the ozone. If you have styrofoam please don't break it or you'll be breaking the ozone, too!

REGINA GILES.

At this very minute there is a great ozone depletion over the continent Antarctica.

I think people should cut down more on the usage of aerosol cans, Styrofoam and refrigerators which contain chlorofluorocarbons that break down the ozone and let harmful ultraviolet rays reach earth.

The ozone protects us from 95 to 99 percent of the ultraviolet rays that come to earth. The ultraviolet rays cause skin cancer, eye cataracts, and damage the immune system.

Recently, 46 nations signed a treaty that went into effect Jan. 1. This treaty cuts back on the production of chlorofluorocarbons.

Scientists now think that 5 percent less ozone in the earth's atmosphere would allow 25 percent more ultraviolet rays to reach the United States.

I am writing this letter because I don't want cancer at the age of 20. I also want to live a healthy life.

MICHAEL VARNI.

We should cut down on CFCs (chlorofluorocarbons) and halons. We want to top skin cancer, eye cataracts, and damage to the immune system. The ozone's shield protects us from 95 to 99 percent of the harmful ultraviolet rays. The ozone in the stratosphere also cleans the air by reacting with dirt and soot.

Stop using Styrofoam, aerosol cans and refrigerators to help protect the ozone layer and prevent many illnesses.

ANDY BALDASSARIO.

We are learning about the ozone layer. We are also learning about CFCs (chlorofluorocarbons) and halons. CFCs are in refrigerators, aerosol cans and hairspray cans.

I think we shouldn't have these products. We should try to find something else. I want to see my kids live and have my kids have children.

If too many ultraviolet rays were to hit the earth it would cause blindness and severe skin cancer and burns. (Five years ago people at the age of 40 had skin cancer but now people at the age 20 are getting it also.) Scientists now think that 5 percent less ozone in the earth's atmosphere would allow 25 percent more ultraviolet radiation to reach earth. The ozone's shield protects us from 95 to 99 percent of the harmful ultraviolet rays.

Help stop our ozone loss!

ERIN TEDFORD.

Anyone can say it looks like a great day when they wake up in the morning, but if we don't discontinue the use of Styrofoam, aerosol cans, air conditioners and refrigerators we won't be able to wake up in the morning and say what a great day it is.

You see, Styrofoam, aerosol cans, air conditioners and refrigerators have CFCs (chlorofluorocarbons) and halons which are chemicals that break down the ozone layer. The ozone layer is a gas that protects us from too much ultraviolet light hitting the earth's surface. Ultraviolet light five years ago could cause severe skin cancer to people who were 40 years old. Nowadays, people who are 20 years old can get diseases from the direct increase in the ultraviolet light rays.

So next time you say it looks like a great day, stop using CFCs and halons and make it better!

MELANIE FISKE.

In the sixth grade we are trying to tell people that CFCs are breaking down our ozone layer. Ozone is a chemical in the stratosphere which partially blocks out the deadly ultraviolet rays.

CFCs are found in coolants for cars and homes. They are found in Styrofoam, refrigerants and aerosol cans. Forty-six nations have already agreed to cut back the usage of CFCs.

My class and I know that cutting back CFCs will decrease jobs, but what is your life compared to your job?

KEN DUNNELLS.

Our sixth-grade class is trying to tell people about the serious decrease in the ozone layer.

We should cut back on the use of halons and chlorofluorocarbons (CFCs).

CFCs destroy the ozone layer. The ozone layer is breaking down more and more everyday and we are still using CFCs. People can die because of these chemicals. They could also get severe skin problems and cancer. Scientists think that a 5 percent decrease in the ozone layer would allow 25 percent more ultraviolet radiation to reach the United States.

It takes about two years for CFCs and halons to reach the atmosphere. CFCs and halons are used in Styrofoam, aerosol cans, refrigerators, disposable diapers and other things. That's why you have to help.

PATRICK GRABOSKI.

## KUWAIT, TERRORISM AND COMPENSATION

### HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. GEJDENSON. Mr. Speaker, it was recently announced that the Government of Kuwait had released 2 of the 17 convicted terrorists whose freedom has been sought by pro-Iranian elements in Lebanon. These elements are currently holding several American hostages in Lebanon. The release of these prisoners highlights the tragedy of international terrorism. These terrorists are now free. At the same time, hostages are still in captivity, and families of those who have died at the hands of fanatics are still without compensation.

Moreover, the world stands hostage to the fanaticism that threatens us all. With the Rushdie affair, we are all increasingly aware that acts of terrorism threaten our most basic freedoms. With the ever-increasing number of hijackings and bombings of airplanes, we are all well aware that tragedy and death can strike anyone who boards a plane. No one is immune from international terrorism.

The release of these prisoners in Kuwait reawakens the anger and sadness that we all experienced in the wake of the hijacking of Kuwait Airways Flight 221 in December 1984. Three U.S. Agency for International Development employees—Charles Hegna, Charles Kapar and William Stanford—were kidnapped and Chuck Hegna and Bill Stanford were subsequently murdered by the hijackers. The Government of Kuwait and the Government of Iran have still not been held accountable for their actions with respect to the human traged-

dy that unfolded during that hijacking. Kuwait for its lax security measures; and Iran for its continued and unrelenting sponsorship of international terrorism.

As the chairman of the Foreign Affairs Subcommittee on International Economic Policy and Trade, I look forward to working with my colleagues in finding and using every means at our disposal to assure that the widows and children of the victims of this and other tragic cases of international lawlessness are provided commensurate, fair, and timely compensation for wanton acts of violence and murder of innocent bystanders.

Mr. Speaker, I am inserting in the RECORD the recent newspaper article on the release of the two jailed terrorists in Kuwait and a copy of recent testimony presented on this matter to the House Armed Services Committee by Ralph Dupont of New London, CT.

[From the Washington Post, Feb. 12, 1989]

#### KUWAIT FREES 2 JAILED TERRORISTS

(By Patrick E. Tyler)

CAIRO, Feb. 11.—The Kuwaiti government has released from prison two of the 17 convicted terrorists whose liberty has been sought by pro-Iranian extremists in Lebanon holding American hostages.

Interior Minister Salem Sabah said the two men, Abdul-Mohsen Rashash Abbas, 25, and Nasser Matar Dahash, 30, were released "a while ago" after they completed five-year prison terms for their parts in the December 1983 bombing attacks on the American and French embassies in Kuwait and other targets.

Abbas was identified as an Iraqi national, and Dahash as a Kuwaiti. Both had been convicted of possessing arms and explosives.

Sabah said the release of the men, who were deported to undisclosed destinations, was not in response to the still-pending demands of Lebanon-based extremists to free the prisoners in Kuwait in return for the release of American hostages held in Lebanon. The completion of the prison terms "has nothing to do with the demands of extremist organizations," he said.

Kuwait, which has both Sunni and Shiite Moslem populations, became a battleground for radical Shiite terrorist activity during the Iran-Iraq war. Pro-Iranian militants staged dozens of attacks on political and economic targets, including an unsuccessful attempt to assassinate ruling Emir Jaber Sabah. The December 1983 bombings killed at least five persons and wounded more than 80.

Kuwait has firmly adhered to a policy of "no capitulation" to terrorist demands, a policy that was tested most recently when hijackers took over a Kuwait Airways jumbo jet on April 5, 1988, and during a two-week ordeal killed two Kuwaiti passengers while the plane was on the ground in Larnaca, Cyprus.

The hijackers had demanded the release of the prisoners in Kuwait, but after lengthy negotiations Kuwait won the freedom of the jet's passengers without making concessions on the prisoners. Kuwaiti officials have maintained. The deal also guaranteed the safe departure of the hijackers.

One of the prisoners held in Kuwait, Mustafa Badreddine, has been identified as the brother-in-law of Imad Mughniya, 32, a senior operative in the Hezbollah (Party of God) organization in Lebanon. Mughniya is believed by western intelligence sources to have participated in the planning and direc-

tion of the 1988 hijacking and a number of other terrorist attacks.

Nine Americans are currently being held hostage in Lebanon. The longest held is Terry Anderson, 41, chief Middle East correspondent for The Associated Press. He and Thomas Sutherland, 57, acting dean of agriculture at the American University of Beirut, are being held by Islamic Jihad, also a pro-Iranian extremist group, which has frequently demanded the release of the Kuwait 17.

Of the 15 terrorists still in prison in Kuwait, three have been sentenced to death by hanging, seven to life imprisonment, four to 15-year terms and one to 10 years. Though the sentences were handed down on March 27, 1984, by Kuwait's state security court, Emir Sabah has thus far declined to sign the death warrants necessary to carry out the three executions.

In the wake of last year's hijacking, there has been widespread speculation among Arab government officials that Kuwait's leaders may have agreed to forgo carrying out the three death sentences.

Other reports indicated that Kuwait turned over a videotape to intermediaries showing that the prisoners under death sentence were still alive and had not been subjected to torture.

STATEMENT OF RALPH DUPONT, DUPONT, TOBIN, LEVIN, CARBERRY & O'MALLEY, P.C., BEFORE THE DEFENSE POLICY PANEL, HOUSE ARMED SERVICES COMMITTEE, AUGUST 3, 1988

Chairman Aspin and members of the Committee, I appreciate the opportunity to appear before you today. I am Ralph P. Dupont, an attorney from New London, Connecticut. I represent Mrs. Lorraine Stanford and her daughter Patricia and Mrs. Edwena Hegna, who are here with me. They are the families of William Stanford and Charles Hegna, who perished at the hands of terrorists in 1984 aboard a hijacked Kuwaiti aircraft. Charles Kapar, who was also a passenger on the hijacked aircraft, is also present with his attorney, Roger Johnson of Washington, D.C.

The Committee's concern for all the innocent victims of terrorists in the Middle East and your support for airline security from hijacking is well known and appreciated.

The Committee's focus today on the principal of ex gratia compensation for these victims, without admission of fault by foreign governments, is especially compelling in light of the recent statements by President Reagan and the Department of State that our own government will compensate citizens of Iran, Kuwait and other nations for claims arising from the recent accidental downing of an Iran airliner by a United States Naval vessel.

This hearing is timely and appropriate because American citizens are similarly seeking remedies for loss of life from one of the countries the President proposes to compensate. This morning, I want to review for you an incident that cost the lives of these two American AID employees.

The families for these two men are not seeking additional compensation from the Federal Government; they are only asking that the Federal Government take their case to the Government of Kuwait, not in anger, but in sorrow. It is our hope that Congress will urge the President and the Secretary of State to espouse the just cause of these as well as the other victims and ask the Government of Kuwait to grant to



American citizens the same treatment our Government proposes to extend to the families of Kuwaitis aboard Iran Flight 655.

The American people believe in fair play and equitable treatment for all. They believe that ours is a government of laws, that it is not arbitrary, and that it is committed not only to principles of just compensation for innocent foreign victims of governmental action, but also to equal protection of the law for its own citizens. We are here today seeking equal protection for two American heroes who died in the hijacking of a Kuwaiti airliner in December, 1984.

The deaths of Charles Hegna and William Stanford were tragically unnecessary.

Chuck Hegna, Bill Stanford and Charles Kapar, all employees of the United States Agency for International Development, had completed an audit of the expenditures of AID funds in Sanaa, Yemen, and departed for the Pakistan office of AID. Chuck Hegna was coming home to Virginia for Christmas with his wife, Edwena, and their four children. Bill Stanford, an ex-U.S. Marine aviator, was flying to Karachi to join his wife, Lorraine, and their daughter, Patricia.

These men, travelling on U.S. travel orders, arranged their travel through Pan American and obtained tickets for passage on Kuwait Flight No. 221 from Kuwait to Karachi via Dubai, on the night of December 3, 1984. They boarded the flight at Kuwait.

Our research has discovered that the Kuwait Government required at least two air marshals to be aboard its state-owned airliners. The flight departed Kuwait with only one security guard and that person's identity was known to the hijackers.

At Dubai, Flight 221 accepted four male passengers from Middle East Airlines Flight No. 426, originating in Beirut, Lebanon. These men had no checked baggage, although bound for Bangkok; no visas; and had purchased their tickets for cash within 24 hours of departure.

Furthermore, they came from the Beirut airport, on Middle East Airlines, in circumstances where both the terminal and aircraft lacked any security. The metal screening devices and x-rays at Beirut were either not in use, or did not work.

Coincidentally, this was at a time shortly after the one year anniversary of the jailing of terrorists in Kuwait for bombings and killings at the American and French embassies there. Kuwait was threatened with reprisals if the so-called "Dawa prisoners" were not released. As the Committee knows, terrorist reprisals occurred both before and after the hijacking of Kuwait Flight 221.

Notwithstanding the threats, indeed the reality, of terrorist activity, Kuwait instituted no special training or instructions for its crews, carried out no effective screening at Kuwait, and to make matters more absurd, the lone security guard on Flight 221 also inspected hand baggage at Dubai, so that he was known at once to the hijackers.

Two of the hijackers were seated directly in back of the security guard in first class, and two others were seated in economy. About 35 minutes after the flight took off from Dubai, the security guard was shot in the hip and the terrorists seized control of Flight 221. They ordered the pilot to fly to Teheran, Iran, which he did. Meanwhile, the hijackers identified Americans onboard and herded them into the first class cabin.

Chuck Hegna was seized almost at once and William Stanford shortly thereafter. They were subjected to threats, beatings

and interrogation, particularly regarding the possibility that they were CIA agents, which of course they were not. The hijackers also seized Kuwaiti citizens and threatened them with harm unless the Dawa prisoners were released. They threatened to kill the Americans, including Charles Kapar and John Costa, an American businessman.

When the plane landed at Teheran's Mehrabad Airport on December 4, at about dawn, the Kuwaiti Government knew the hijacking was in progress and knew also of the demands for release of the prisoners held in Kuwait. Shortly after the aircraft landed, the hijackers threatened to start killing passengers if their demands were not met. Thereupon the terrorists brought Chuck Hegna forward into the cockpit, made him kneel down, and held a pistol to his head. They threatened to kill him and when Kuwait refused the demands for release of the Dawa prisoners, one of the hijackers murdered Chuck Hegna by shooting him in the stomach and throwing his body onto the tarmac.

During that day and evening, negotiations continued. According to the Iranian authorities, the Kuwaitis were not in favor of any plan to storm the aircraft. The Kuwaiti co-pilot and sole translator in the flight crew then left the plane. The next day, the hijackers demanded that Kuwait supply a replacement crew and they threatened to kill another American if this was not done.

Bill Stanford was then taken to the stairway leading from the forward cabin of the A-300 airbus and he was given a bullhorn to address the Iranians. He stated that he would be shot if the hijackers' demands were not met. He counted down to his own death and he, too, was shot in the stomach, and his body thrown onto the tarmac. For the next four days, Kapar, Costa and the crew remaining aboard were tortured and abused before the Iranians stormed the aircraft and subdued the hijackers.

Mr. Chairman, all of us here today will agree the murders of Chuck Hegna and Bill Stanford more than three years ago are an injustice. These men had dedicated their lives to international peace and understanding. Their only crime was being American citizens in the wrong place at the wrong time. The four men who perpetrated the crime, the hijackers, were released to continue their campaign of murder and terrorism.

The need for justice in this case is clear and compelling, but obtaining a just resolution has been difficult.

In cases like this one, a sovereign state such as Kuwait can and did invoke the Foreign Sovereign Immunities Act as a defense. That Act bars our courts from even taking jurisdiction of a claim against a foreign government. International air carriers, including government owned carriers, may also rely on the so-called Warsaw Convention to bar a hearing of claims like these in American courts and to limit damages in any case to a few thousand dollars.

At best, these families, according to one view of the law, have claims cognizable only in the courts of either Pakistan, Kuwait or Yemen. This is not our view, of course, but meanwhile, our own legal remedies face delays and frustrations which doubtlessly will not end short of the United States Supreme Court. In fact, Charles Kapar has been denied access to our lower courts and his case is likely to be appealed to the United States Supreme Court soon. Clearly, if he has no remedy in the United States, then Mr. Kapar, an American Jew, assured-

ly will have none in a tribunal in Yemen, Pakistan or Kuwait.

The families I represent are seeking relief in the federal courts in New York and here. The New York court has preliminarily ruled also that our clients have no right of action against Kuwait Airways in the United States.

Mr. Chairman, President Reagan has proposed, without admission of fault, to voluntarily compensate victims of the Iran Flight 644 disaster. Among these victims are the families of thirty six (36) Kuwaiti passengers on that flight. If this proposal is a truly humanitarian gesture, as I believe it to be, to the families of innocent victims in a region of the world in which victims too often are innocent, then an earnest effort ought to be made to compensate the families of American victims such as Chuck Hegna and Bill Stanford, without admission of fault. Otherwise, the President's initiative might justifiably be seen as no more than an international public relations statement to blunt criticism at the United Nations.

In the circumstances, the just and fair thing to do is to permit compensation to these innocent American victims and to do so for the same reasons that President Reagan has proposed to compensate Kuwait's citizens. We hope this Committee will urge the State Department to persuade Kuwait to treat our citizens as fairly as we have proposed to treat theirs.

Mr. Chairman, my clients are extremely sensitive to the impact of these kinds of tragedies on the families of those who are killed whether as the result of an unfortunate accident or a deliberate terrorist act. But we are also concerned with the apparent willingness of the American government to so quickly volunteer compensation in the case in point, yet so seemingly reluctant to advocate compensation or any other form of accounting from those who have been responsible for harm to American citizens.

I would urge this committee to insist on an accounting from the governments whose citizens we propose to compensate with respect to their obligations to our country and our citizens. Innocent Americans have died as a result of deliberate terrorist acts. Yet there have been no meaningful offers of compensation from the states in which those terrorist acts have occurred. At the very least, our own government should seek to balance the equities in these cases. I came here as a lawyer to plead for equity for my clients. I leave here as an American urging you to insist that justice be the American response to this and other indignities in the Middle East.

#### A SPECIAL SALUTE TO THE CO-OPERATIVE EXTENSION SERVICE ON THE 75TH ANNIVERSARY OF THE SMITH-LEVER ACT

HON. FREDERICK S. UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. UPTON. Mr. Speaker, on March 14, 1989, the distinguished Members of the House of Representatives voted unanimously in favor of House Joint Resolution 124 to designate May 8, 1989, as the official 75th anniversary of the enactment of Smith-Lever Act of 1914, and to honor that act's role in estab-

lishing our Nation's system of State cooperative extension agencies.

Mr. Speaker, I stand here today to commend my colleagues for pledging their support of the Cooperative Extension Service throughout the United States, and to salute the activities of my home State's programs through the Michigan Cooperative Extension Service.

Since the Smith-Lever Act was passed, the Extension Service has provided an invaluable service to the people of rural America. It has played a major role in helping to develop the most productive system in the world; it has encouraged our youth to take an active interest in learning through 4-H; and has delivered valuable products of research directly into the hands of the people in the agricultural sector.

During the past 75 years, rural America has experienced fundamental changes, and the Extension Service has demonstrated its ability to adapt to the changing needs of rural communities. The Extension Service has worked diligently to add to its traditional production agriculture programs, new programs and approaches designed to meet the diverse and growing needs of rural America. Extension agents are gaining expertise in community development, business assistance, environmental issues, alternative agriculture, and a wide variety of regional and local interests and concerns.

As Representative of the Fourth District of Michigan, I especially applaud the work of the Michigan Cooperative Extension Service in southwestern Michigan and throughout the State. Operating in conjunction with the Nation's first land-grant college, Michigan State University, the Michigan Extension Service, continues to shine as a premier example of what the Extension Service can offer.

The success of the extension program can certainly be attributed to its unique structure as a partnership at Federal, State, and local levels. In particular, I salute the people who work and volunteer in the eight county extension offices in my district. Without the thousands of volunteers and extension professionals at the county level, the program could not achieve its broad goals. It is truly the people at the local level who make the difference.

I urge all my colleagues to join me in extending a very happy 75th birthday to Cooperative Extension Service. I hope that Cooperative Extension Service will continue to build upon the accomplishments of the past 75 years.

#### THE JUDICIAL DISCIPLINE AND IMPEACHMENT REFORM ACT OF 1989

**HON. ROBERT W. KASTENMEIER**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. KASTENMEIER. Mr. Speaker, I recently introduced a legislative proposal (H.R. 1620) to improve the functioning of the Federal judicial discipline statute and to create a national study commission on impeachment. The bill was referred to the House Committee on the Judiciary, where it was further referred to my subcommittee, the Subcommittee on Courts,

Intellectual Property and the Administration of Justice. The ranking minority member of the subcommittee, Mr. MOORHEAD, joined me as the principal cosponsor.

Several questions have been raised about the proposal. In my floor remarks today, I hope to respond to those questions and to present a detailed analysis of the proposed legislation.

Currently, there is a clear congressional concern about the health of judicial discipline law, both that rooted in constitutional text and that contained in the statute books. During the past decade, three judicial impeachment proceedings, the inexorable growth of the Federal judiciary, and the judicial salary crisis have all contributed to that concern.

Congressional impeachment procedures bring heavy political armaments into action and only occur rarely. Since the drafting of the U.S. Constitution two centuries ago, there have been only 15 impeachments by the House of Representatives. Following on the heels of these impeachments, the Senate has conducted 12 impeachment trials. Only a handful have terminated in convictions and removals from office. The impeachment of a Federal judge is the tip of an iceberg; under the water and out of sight lies the larger mass of judicial discipline and ethics.

Discussion of judicial discipline and ethics is not new to our society. Nor are proposals for legislative change and constitutional amendments. The very first Congress provided that a judge convicted of accepting a bribe would forever be disqualified to hold any office of honor in the United States. In 1803 heated congressional debate occurred during the impeachment proceedings of a Federal judge, Judge John Pickering. The first constitutional amendment to establish a removal mechanism as an alternative to impeachment was introduced in 1791, and between 1807 and 1812 nine more constitutional amendments were proposed as a result of the impeachment and attempted removal of Supreme Court Justice Samuel Chase.

As a reaction to the impeachment and removal from office of a Judge Halsted Ritter in 1936, a number of constitutional amendments and statutory changes were proposed. Significant among these were the bills introduced by the chairman of the House Committee on the Judiciary, Hatton Summers. Again, in 1986 after the removal from office of Judge Harry Claiborne, legislative interest in alternatives to impeachment were rekindled.

Generally, proposals to amend the Constitution have been short-lived. They, however, should be taken seriously as political barometers. Today, amendments and cries for congressional vigilance are again on the rise. Proposals for change key into a loss of public confidence about the trustworthiness of all public officials, with that confidence thought to have eroded badly in the recent past.

During the post-Watergate era, Congress enacted a variety of statutory schemes to promote high ethical standards by public servants. That the national interest requires the very best judges has always been true but never more so than today. In order to ensure the delivery of quality justice, judges are subject to canons of judicial ethics, financial disclosure requirements, judicial disqualification

standards, and a judicial discipline statute. Members of Congress and high ranking executive statute. Members of Congress and high ranking executive branch officials are similarly treated.

In 1980 judicial discipline legislation—entitled the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980—that I authored was enacted into law. See Public Law 96-458. We built on the pre-existing statutory structure (found in 28 U.S.C. 332 and 372) of the judicial councils of the circuits and established a mechanism and procedures within the judicial branch to consider and respond to complaints against Federal judges. The 1980 Act was the result of several years of cooperation and good communication among the three branches of Government.

Several important amendments to the 1980 Act are contained in H.R. 1620. Before discussing the amendments, I would like to reflect a bit on the 1980 discipline legislation and discuss what has occurred in the interim.

#### BACKGROUND

The 1980 Act would never have been passed if the proponents and authors of the legislation had not been able to navigate the shoals of separation of powers. It took many years to chart the path. The legislative delegation of power to the judicial branch of Government to discipline judges does raise delicate constitutional questions. But let us remember that the judiciary itself implemented much of the contemplated reform, by rule and in reliance on a different statute, 28 U.S.C. 332, prior to enactment. The judicial branch drafted the initial bill on the subject. The judiciary had—and continues to have—inherent power to establish internal operating procedures in a broad variety of areas, including discipline.

As befits our system of separated and interdependent powers with checks and balances, there is a counterweight to the authority vested in the Congress to oversee and legislate for the Federal judiciary. The framers promoted the autonomy of the judicial branch by providing lifetime tenure for judges, erecting a bar against the diminution of salary while in office, and equipping the Federal judiciary with the power to review congressional enactments. In turn, the framers provided another counterweight to the lifetime tenure clause by providing that Federal judges could be impeached and removed from office. As has been constantly recognized during this Nation's history, the independence, autonomy and integrity of a branch of Government must take precedence over the independence of an individual officeholder.

A serious weakness between the branches is their inability to communicate effectively with each other. Judge Frank Coffin recently observed: "The Judiciary and the Congress not only do not communicate with each other on their most basic concerns; they do not know how they may properly do so." Lack of understanding among the three coordinate branches is a fever that affects the entire body politic. Admittedly, the weakest branch—the judiciary—needs protection; but it also needs accountability and ethics. Judicial independence and accountability are equal partners. One should not dominate the other.



In discussing the subject of judicial discipline and impeachment, we witness first-hand institutionalized tension, a tension that, when properly harnessed, can be constructive. An understanding of this tension inescapably leads us to a conclusion that any statutory solution to the "discipline" problem must involve all three branches of government and good communications between the branches. The only alternative is by way of constitutional amendment and a reallocation of respective powers between the branches. At present, this alternative does not appear to be necessary.

A retrospective of the 1980 act reminds us of three basic facts: the act was the product of consensus and compromise; a serious effort was made to ensure the act's constitutionality; and the act was passed with the understanding that congressional oversight would be vigilant.

In 1980 Congress was asked to assess the need for the legislation and then to draft a logical solution to the problem. A clear policy objective was identified. As aptly observed by Senator DENNIS DECONCINI, Congress was asked "to improve judicial accountability and ethics, to promote respect for the principle that the appearance of justice is an integral element of this country's system of justice, and, at the same time, to maintain the independence and autonomy of the judicial branch of government." Last, with the cooperation of the three branches of government, a compromise-consensus piece of legislation was developed to meet these policy needs.

The judicial branch itself was active in the process. Since 1940 the Judicial Conference devoted much time and energy to this difficult subject. In 1979, after a full year of study, the Conference concluded that judicial discipline legislation could be supported if it respected several principles. The Conference prepared a draft bill, which I ultimately introduced in the House. Even before final enactment of Public Law 96-458, a majority of the circuit councils implemented the resolution of the Conference, creating their own complaint mechanisms.

Utmost care was taken by the Congress to ensure the bill's constitutionality. The House Committee on the Judiciary reviewed its own documents on the constitutional grounds for impeachment prepared by the staff of the Nixon impeachment inquiry, received extensive testimony on the issue, and requested and reviewed a study prepared by the American Law Division of the Library of Congress on the constitutional questions. The House report has a special section on constitutionality. The Senate requested its own constitutional analysis of the proposed legislation. Then, the issue was debated at some length on the Senate floor.

From a policy perspective, while the judicial discipline legislation was being drafted, several Members expressed doubt about whether the Act would work. Promises that vigilant congressional oversight would occur were heard during floor debate in both Houses. To facilitate oversight, the Act contains a statistical report provision requiring the Director of the Administrative Office of U.S. Courts to include in his annual report a summary of judicial discipline and disability complaints. I noted

the need for a "continuing dialog between the legislative and judicial branches."

Much has transpired since 1980. Seven years of experience under the Act can be reduced to the following four propositions: (1) since 1981 nearly 1,000 complaints have been processed and the Judicial Conference has recommended implementation of illustrative rules; (2) challenged on constitutional grounds, to date the Act has withstood judicial scrutiny; (3) the Act has not disrupted the autonomy of the judicial branch; and (4) the promised congressional oversight has occurred. Judicial discipline does not exist in a vacuum, and therefore several outside factors have had an effect on its short lifespan. Since 1980 the U.S. Department of Justice has prosecuted three Federal judges, convicting two of felony offenses. Finally, the size of the Federal judiciary has continued to grow, the problems of ethics and discipline increasing proportionally.

Each of these items deserves separate discussion.

**Implementation and Illustrative Rules.** In spite of the fact that most of the circuit councils had promulgated discipline rules prior to enactment of the 1980 Act, Congress manifested its respect for the judicial branch by allowing an inordinately long transition period. Signed by President Jimmy Carter on October 15, 1980, the Act became effective on October 1, 1981.

When the Act finally became effective on October 1, 1981, 11 circuit councils had promulgated revised rules to implement the Act.

The initial set of post-Act rules were criticized as not meeting the purposes and goals clearly contemplated by Congress. Recently, the Judicial Conference recommended that model rules be substantially adopted by the circuit councils, on an experimental basis. The model rules provide answers to many unresolved procedural questions. Already accepted in major part, these rules have served to create uniformity and reduce internal tensions within the Federal judiciary caused by the clash between localism (the regional circuit councils) and centralization (the Judicial Conference). One respected commentator (Professor Steve Burbank) has aptly observed that both the process of formulating the rules and the final work-product "... represent major advances in the Federal judiciary's effort to engage in responsible self-regulation that adequately respects the legitimate interests of Congress and the public." The judicial branch deserves much credit for its illustrative rule-making endeavor.

**Constitutionality.** Every court that has adjudicated cases challenging the act has found that it passes constitutional muster. Several lawsuits have attacked the act as an impermissible method of circumventing the only constitutional mechanism for disciplining Federal judges: impeachment. A definitive statement from the Supreme Court has not been received, but every lower court that has considered the question has upheld the act's constitutionality.

**Judicial autonomy.** From a policy perspective, the 1980 act certainly has neither disrupted the autonomy of the judicial branch nor affected its ability to function. The original cost-estimate of the Congressional Budget Office

on the act, prepared in reliance on data provided by the Administrative Office of the U.S. Courts, stated that the Federal judicial branch would need 15 additional staff positions to "process 2,300 complaints per year." See H. Rep. No. 96-1313 at 21. From October 1981—when the act became effective—until June 30, 1987, a total of 1,153 complaints were filed. As was expected, most of these complaints were dismissed by the chief judges. During 1986-87 there were 232 complaints filed against judicial officers, a decrease of approximately 26 percent from the previous reporting year, when 312 complaints were filed. The 1987 statistics show that the allegation most often cited in complaints was that the officer had acted in a prejudicial or biased manner and that most complaints were resolved by the chief judges.

**Oversight.** The congressional oversight demanded in both the House and the Senate has taken place. During the 99th Congress, oversight hearings were held by my subcommittee and the Senate Constitution Subcommittee. A significant amount of correspondence between Members of Congress and representatives of the judiciary has occurred.

Other external factors have had an impact on the functioning of the act. Most important among these factors is the fact that the Federal court system has continued to grow by leaps and bounds. Today, it is not farfetched to envision a judiciary with over 1,500 lifetime tenured judges. With an attrition rate of approximately 10 percent, as is currently the case, the Senate would have to confirm approximately 150 judges a year—or close to one judge each legislative working day. Having experienced three criminal prosecutions against Federal judges in the recent past, a growing number of felony cases brought against sitting judges can be expected as judgeships are added to the judicial system.

In addition, it is pretty clear that salary compression affects both the quality of judges appointed to the bench and ethical problems, such as the desire or need to earn outside income while on the bench. While I hesitate to conclude that a direct link exists between pay and discipline, I know that they are distant relatives.

#### DESCRIPTION OF PROPOSED LEGISLATION

H.R. 1630—entitled the Judicial Discipline and Impeachment Reform Act of 1989—proposes numerous amendatory changes to the United States Code. The proposed amendments, even considered collectively, will not amount to a total redesign of current law.

Title I of the bill contains amendments to the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980, codified at 28 U.S.C. 372(c). Title I also amends four other provisions of the Code, the first, granting contempt power in discipline cases to circuit councils, the second, amending the oath of office for Federal judges, the third, modifying the Ethics in Government Act, and the fourth, increasing the authority of the circuit advisory committees of the circuit to assist in drafting discipline rules.

Even assuming enactment of title I of the bill, something is missing. While several

amendments improve the channels of communications between the judicial and legislative branches when an impeachable offense may have been committed by a Federal judge, title I refrains from initiating any constitutional and institutional changes as to how Congress responds to the impeachment of a Federal judge.

Title II creates a National Commission on Judicial Impeachment, assigned the task of studying the problems and issues involved in the appointment and tenure of article III judges. Title II traces its lineage to a bill proposed during the 99th Congress by Senator ROBERT DOLE.

Mr. Speaker, I urge all Members to give H.R. 1620 their careful consideration. If any Member is interested in a more detailed explanation of the bill, a sectional analysis is available from the Subcommittee on Courts, Intellectual Property and the Administration of Justice, 2137 Rayburn Building, Washington, DC 20515 (telephone: 225-3926). Needless to say, any questions about the bill can also be addressed to the subcommittee.

#### A CONGRESSIONAL SALUTE TO THE WILLIAMS, WESLEY, AND KARATSU FAMILIES

**HON. GLENN M. ANDERSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 3, 1989*

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to three outstanding families for preserving and upholding the values of the family while devoting their energies to ensuring that Long Beach and its institutions are ever responsive to the needs of the entire citizenry. William and Eleanor Williams, Ovid and Lillie Mae Wesley, and Hideo and Jeanne Karatsu will all be honored on May 3, 1989, by the Family Service of Long Beach at the 1989 Family Life Awards. This occasion gives me the opportunity to express my sincere appreciation for their many years of hard work and unending commitment to their families and the Long Beach community.

William and Eleanor Williams are to be commended for their dynamic leadership and a lifetime of participation in the religious, civic, philanthropic, and professional associations of Long Beach. Bill Williams, is a law partner in the firm of Pray, Price, Williams & Russell. In addition to his extensive association with the legal profession, he also devotes a considerable amount of time to school and civic organizations. And as if the contributions of Bill Williams are not enough, his wife, Eleanor, is also deeply involved in the Long Beach community.

It would seem that the many hours that both Eleanor and Bill Williams devote to the Long Beach community would leave little time for a family, however, this is clearly not the case. The Williams have two children, Drew Williams, a student at San Diego State, and Julie Williams, an account executive for the Orange County Register. As you could imagine, Mr. Speaker, the Williams family is well respected in my district and worthy of this recognition.

Another fine family that I wish to extend my thanks and congratulations to is that of Ovid and Lillie Mae Wesley. Both were born in Texarkana, TX. Shortly after Wesley's discharge from the Army and after their marriage, they moved to Long Beach where both began to carve out an impressive community service record with an eye on improving the overall quality of life in Long Beach.

Even though Ovid and his wife possess an overwhelming compassion for those that are less fortunate and those that are in need, their deepest compassion is to each other and to their family. Their marriage, which spans over four decades, provided them with a fine daughter, Anita, a graduate of California State University, Long Beach, and her husband, Eddie, a master machinist foreman with the U.S. Navy. Perhaps the greatest joy of their daughter's marriage was the birth of their granddaughter, Tracie, who recently celebrated her eighth birthday.

The last family that I wish to pay tribute to, is that of Hideo and Jeanne Karatsu. Both of these giving and caring individuals were born in Los Angeles, and received their bachelors degrees from USLA. Hideo went on to receive his medical degree and Jeanne her teaching credentials. I salute them for preserving strong family ties while engaging in exemplary community involvement through medical, humanitarian, and youth-benefiting activities. They extend their love and concern throughout Long Beach, the surrounding community, to their son Douglas, 20, a junior at UCLA, and to their daughter, Amy, 18, a freshman at UCSD.

My wife, Lee, joins me in extending our congratulations to all of these fine families as they are honored by the Family Service of Long Beach. They are truly remarkable people who have devoted their talents and energies to enriching the lives of so many other people. We wish the families of William and Eleanor Williams, Ovid and Lillie Mae Wesley, and Hideo and Jeanne Karatsu, all the best in the years to come.

#### COMMENTS ON THE CURRENT STATUS OF SOVIET JEWRY

**HON. LAWRENCE J. SMITH**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 3, 1989*

Mr. SMITH of Florida. Mr. Speaker, I stand in front of you today to detail yet another chapter in the ongoing plight of the Soviet Jewish community.

As you know, Gorbachev's Perestroika policies have allowed for a great number of Soviet Jews to receive exit visas to leave the Soviet Union. As successive administrations and Congresses have incessantly pressured the Soviet Union to relax their emigration regulations, these Soviet reforms would seem a testimony to the dedication of the American people and government.

Before last October, INS automatically accepted Soviet refuseniks into the United States as refugees because their fear of persecution in the Soviet Union was a given. Suddenly, after years of a stable immigration

policy, applicants' "fear of persecution" must now be documented before they are allowed to enter the United States as refugees. How can they document a fear, an intangible? Certain elements, of course, can be proven. But how can they prove that there are quotas limiting Jewish entrance to universities, KGB harassment of religious minorities, and pervasive and cultural anti-Semitism, to name a few examples.

For those who cannot prove a "fear of persecution", their option is to go to Israel or enter the United States under Attorney General Thornburgh's "parole authority". Our role is to create and then implement a fair set of immigration laws. Congress has created those laws, but the administration is failing to implement them.

It is unethical, heartwrenching, and just plain bad politics that, after pressuring the Soviets to let these people go, and encouraging Soviet Jews to come to America, we are not allowing them in as refugees. The Attorney General's parole authority is a feeble attempt to assuage our outrage and the outrage of concerned human rights activists worldwide.

Another tragic twist in this story is that the INS is now in the business of separating families. For years we complained when officials in the Soviet Union provided one member of a family with an exit visa while declining the application of another family member. Yet here is our own Government continuing the same practice by giving some people refugee status visas while rejecting their children, parents, siblings and cousins. How can this random system of exclusion be justified? How could some people be subjected to persecution while their relatives living under the same roof were not?

It is pathetic that this State Department has managed to mangle one of the few issues which has traditionally enjoyed unequalled support from every sector of public and private life. We must provide additional funds and increase the refugee ceiling. We cannot be silent on this issue. We must channel our outrage and force the administration into action, and thereby, once again, make a difference.

#### RADON TESTING FOR SAFE SCHOOLS ACT

**HON. BART GORDON**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 3, 1989*

Mr. GORDON. Mr. Speaker, today, I introduced the Radon Testing for Safe Schools Act. This bill is a response to growing awareness of a very real lung cancer risk that our children, our teachers, and our school administrators face in schools every day.

Recently, EPA released the results of a 16-State preliminary survey of radon levels in schools. The results were alarming. The EPA found that over half of the 3,000 classrooms tested in 130 schools showed radon levels over 4 picocuries per liter of air. This level of radon exposure is equivalent to receiving over 200 chest x rays per year. Radon levels vary around the country, but middle Tennessee classrooms unfortunately had the highest



radon levels of all the schools tested in this survey. One classroom showed radon levels of 136 picocuries per liter. That is equivalent to receiving 25,000 chest x rays a year. Children and teachers exposed to this level of radon over a year will have a 3 in 1,000 chance of contracting lung cancer. This clearly is an unacceptable level of risk.

Radon is an odorless, colorless, radioactive gas that occurs naturally in the process of decay in uranium. Radon is present naturally in soil, water, and air, but not all areas of the country have equal concentrations of radon. In outdoor air, radon is diluted and becomes harmless; however, when radon gas seeps into buildings it becomes a major source of indoor pollution. The EPA ranks radon as the second biggest cause of lung cancer in America; experts estimate it is responsible for as many as 20,000 lung cancer deaths every year.

Children are particularly vulnerable. Because they have smaller lungs and higher breathing rates, children are as much as three times as susceptible as adults to radon contamination. Recognizing this increased risk to children, Congress last year required EPA to conduct a survey of radon levels in schools. My colleagues on the Energy and Commerce Committee have been particularly responsive to the radon threat in homes and in schools, and I commend them for including the survey of radon in schools in the Indoor Radon Abatement Act. Now that the preliminary results of this survey are in, it is clear that we need to expand testing to every State in the country. On April 20, the new Administrator of the EPA, William Reilly, called for nationwide testing of radon in schools.

My bill, the Radon Testing for Safe Schools Act, calls for this nationwide testing of radon levels in our schools. The bill requires EPA to conduct sample radon tests in schools in every State to determine hot spots or areas of dangerously high radon contamination. Priority will be given to States where preliminary EPA testing already has shown high radon levels. The bill then requires local education agencies within these designated hot spots to test for radon in all schools under their jurisdiction.

Identifying the radon threat in schools is a critical first step in eliminating the risk of lung cancer to children and teachers. However, we must recognize the enormous burden that schools face in dealing with the problems of asbestos removal and lead contamination in drinking water. My bill does recognize these burdens by providing Federal assistance in the form of a grant/loan program to help local education agencies with the costs of testing. Priority will be given to local education agencies with the greatest financial need, and Federal outlays will be limited to 50 percent of the costs of testing. Overall, the bill authorizes \$100 million over 4 years for both the EPA sample testing and the grant/loan testing assistance programs.

Radon testing and mitigation programs are relatively easy and inexpensive. To comply with EPA's suggested guidelines, schools should test all below-ground and ground level rooms in a school—usually 25-30 rooms. The most widely used testing devices, charcoal canisters, cost about \$10 each. Mitigation can be as easy as opening windows and

caulking cracks. In middle Tennessee, these simple measures quickly lowered radon levels by as much as 100 picocuries per liter. More extensive testing can be done with alpha track detectors that cost as little as \$15 each, and EPA estimates that ventilation alterations and other more serious mitigation efforts should cost between \$300 and \$10,000 per school.

We know that high levels of radon greatly increase the chances of contracting lung cancer. We know that children are more vulnerable than adults to radon. EPA has told us that schoolchildren and teachers in some schools are being exposed on a daily basis to dangerously high radon levels. Now, parents, teachers, and school administrators need to know just where the radon hot spots are so that they can take remedial action. We need nationwide testing of radon levels in schools.

The Radon Testing for Safe Schools Act has been endorsed by the NEA, the PTA, and the American Lung Association. I look forward to working with my colleagues on the Energy and Commerce Committee to approve this important step toward making schools radon-safe for both teachers and children.

#### VISITING NURSE ASSOCIATIONS WEEK

#### HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. LEWIS of Florida. Mr. Speaker, for more than a century, Visiting Nurse Associations have provided vital health care to the homebound. The VNA's have developed a well-deserved reputation not only for their compassion and kindness, but also for their high-quality professional services that are offered to anyone in need, regardless of ability to pay.

Because of their adherence to high standards, VNA's have been training grounds for numerous physicians and nurses, many of whom continue to practice in the area of home health care. Doctors frequently depend upon VNA's to carry out prescribed care for their patients. VNA's also have served as models for hospital and profitmaking home health care organizations. They have been a major force in shaping our system of health care.

Visiting nurses sometimes perform under adverse conditions and at great personal sacrifice, working long hours and traveling great distances to minister to the sick and the dying. They truly are foot soldiers in the struggle for improved public health in the United States. Their services include neonatal care, physical, mental and speech therapy, hospice services, and home IV therapy.

The concept of the visiting nurse was imported from England, where it was developed by Florence Nightingale and William Raithbone in 1859. Since the early days, when they primarily stocked milk banks and cleaned homes to ensure the survival of newborns and their mothers, the VNA's have continued their tradition of pioneering advances in home health care. In recent years, they have been in the forefront of assisting AIDS, cancer, and ventilator-dependent patients.

While Medicare covers a large percentage of home health care, Visiting Nurse Associations offer a number of services to the indigent that are not reimbursed by the Federal Government. For example, in central Florida, the VNA, with the backing of the area agency on aging and the State, conducts a Community Care Program for the elderly. This includes a day care center for the frail elderly, who normally would be confined to their homes because of their susceptibility to accidents and medical problems. The VNA provides transportation to and from the day care center, where the seniors can enjoy regular meals, recreation, field trips, and companionship with others their own age. VNA nurses, therapists, and aides are on hand to provide medical services as needed.

My local VNA also operates an emergency response program which monitors 145 frail adults in their home and sends assistance if they have an accident or encounter another type of emergency situation.

Last year, the central Florida VNA delivered 43,000 meals to homebound elderly in their homes and provided homemaker services to 730 seniors. VNA's across the country offer similar kinds of programs for the indigent in their communities. Without the VNA's, these people would be neglected.

Although VNA's generally are associated with the elderly, they do serve people of all ages. An increasing number of their patients are high-risk infants, prematurely born children, some weighing less than 2 pounds. Often these infants require the latest high-technology equipment to monitor their hearts, help them breathe, and drain excess fluids from their bodies. In previous years, such children would have been forced to spend their lives in institutions, cut off from their families. Under the innovative high-risk infant programs operated by many VNA's, these youngsters are receiving skilled nursing care and other essential services to help them thrive at home.

VNA nurses, nurses aides, medical technicians, and therapists are supported by a broad network of community volunteers. Some of them serve on a locally governed board of directors that oversees each association to guarantee its adherence to high standards of care. Others raise funds so that the VNA's can continue to care for the indigent who might otherwise fall through the safety net. Still more help lift the spirits of homebound patients by talking and reading to them, running errands, and delivering meals-on-wheels.

The personalized care of the VNA's allows patients to recover from long, debilitating illnesses in the home environment where they are more comfortable. Visiting nurses also enable thousands of physically and mentally handicapped individuals to remain in their homes while receiving therapeutic benefits, care, and support services.

More than 500 VNA's collectively provide annual home care to 1 million poor, sick, and needy Americans, young and old alike. Because of their importance to the Nation's health care system, the Visiting Nurse Association should be encouraged to continue growing and serving the public. One of the ways to do this is to recognize their contribu-

tions, by celebrating National Visiting Nurse Associations Week. I am pleased to join my colleague, Ms. Oakar, in offering a resolution to do just that.

# THE SIMS PARK PROJECT— SAFETY FOR THE CITIZENS OF EUCLID, OH

**HON. EDWARD F. FEIGHAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. FEIGHAN. Mr. Speaker, Sims Park is located in Euclid, OH, a suburb of Cleveland, OH.

This park fronts approximately 1,085 feet and covers an area of 32 acres. It provides access to Lake Erie for hundreds of thousands of northeast Ohio residents. In July 1986, the U.S. Army Corps of Engineers completed a study—the corps' own study—under authority of section 103 of the 1962 River and Harbor Act to determine appropriate action on the Sims Park erosion and flood control project. The corps study proposes the construction of three breakwaters to solve erosion and flooding problems at Sims Park. The breakwaters would eliminate shoreline erosion along the 1,085 feet of shoreline and bluffs correcting a serious safety hazard for residents who walk along the shoreline.

For years the people of Euclid have requested and urged the Corps of Engineers to erect erosion and flood control protection on the Lake Erie front of Sims Park. The corps has steadfastly refused to respond to this request because the corps has taken the position that the project is recreational in nature. In its statement of administration policy regarding H.R. 2072, the dire emergency supplemental appropriations bill of 1989, the Bush administration argues that erosion and flood control is "recreational."

Mr. Speaker, nothing could be further from the truth in this case. We are not talking about building an ice cream stand or a beach front volleyball court. We are talking about the safety of men, women, and children who use this park.

There is a provision in H.R. 2072, title I, that directs the corps to construct this project at Sims Park. The cost is shared with the local municipality and the Federal portion comes from funds already appropriated in the fiscal year 1988 Energy and Water Development Appropriation Act. This project does not require the appropriation of new moneys and therefore has absolutely no effect on the budget deficit.

Mr. Speaker, the city of Euclid is ready to fulfill its responsibility in this undertaking. I urge the Corps of Engineers to abide by the provision in H.R. 2072 and construct this project.

## EXTENSIONS OF REMARKS

### MISSISSIPPI RIVER NATIONAL HERITAGE CORRIDOR ACT OF 1989

**HON. RICHARD H. BAKER**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. BAKER. Mr. Speaker, I am honored to be one of the original cosponsors of H.R. 2174, the Mississippi River National Heritage Corridor Act of 1989, introduced today by my distinguished colleague Representative Mike Espy from Mississippi.

It is vital that States bordering the Mississippi River corridor, take the lead in insuring the preservation of this valuable natural resource. We need to establish an overall environmentally balanced economic plan for the corridor, and this legislation will set up a special Commission to do just that.

One of the most important duties of this Commission will be to provide a much needed focal point for gathering data and disseminating information related to recreational, cultural, historic, environmental protection, and economic opportunities in the region.

Data gathering and dissemination is sorely needed, especially when it involves information on how to correct the Mississippi River's many pollution problems. It is essential that we coordinate all our resources to develop sound and comprehensive abatement measures to insure the river's water quality. However, before we can develop our existing resources, we first must take inventory and assess the success and weaknesses of existing technologies and regulations. Provisions contained in the Mississippi River National Heritage Corridor Act will allow us to accomplish this vital first step to protect the river's biological and chemical integrity.

I urge my colleagues to join me in supporting our effort to protect one of our most important and unique natural resources, the Mississippi River.

### SALUTE TO GERALD FRANKLIN

**HON. BYRON L. DORGAN**

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. DORGAN of North Dakota. Mr. Speaker, I would like to take a moment to honor a man whose thoughtful attention to his work recently saved a woman's life. Gerald Franklin, a rural mail carrier in Wells County, ND, is so dedicated to those along his route that he notified the sheriff when he suspected something unusual at the home of Ann Bender.

Gerald always delivers Ann's mail to her box at the end of the driveway. However, when the weather turned cold earlier this winter, he would bring it right to her door. Every day she would greet him and visit for a few minutes, and he always knew in advance if she were not going to be there.

One day last month, she told him she would be at the beauty parlor when he arrived, and she asked him to put the mail on her table. When she failed to meet him for the next 2

days, though, he became suspicious. He thought it even stranger that her kitchen light was on and her front door was locked. He therefore called the sheriff at the next stop along his route.

Gerald's phone call rescued Ann from near tragedy. When the sheriff found her she had been lodged between her bed and the wall, unable to move, for more than 1½ days. Having been deprived of food and water, she was becoming dangerously dehydrated. In addition, she had many scrapes, cuts, and bruises.

I would like to call attention to Gerald Franklin and the dedicated people of America like him whom we often take for granted. As Ann said:

I just couldn't get up \* \* \* so I finally quit trying, and thought, "Gerry will find me."

Gerry did find her. People like Gerry are the everyday heroes of our country—they do their job—and they do a little extra—and they help other people. That's what makes Gerry and everyone he represents a special part of America.

### BUDGET CHARADE SETS THE STAGE FOR PROGRESS

**HON. RONALD V. DELLUMS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. DELLUMS. Mr. Speaker, tomorrow, May 4, the House of Representatives will be debating the budget resolution for fiscal year 1990. One of the budget proposals to be debated is that proposed by the Congressional Black Caucus.

I ask my colleagues to read the following article on the budget, written by Mr. Thomas Oliphant in the Boston Globe on April 23. Please pay particular attention to his comments concerning the "fiscally honest" proposals contained in the CBC budget, and then examine those proposals in depth so that we can have a fair and full debate on these critical issues when the budget proposals come to the House floor.

[From the Boston Sunday Globe Apr. 23, 1989]

### BUDGET CHARADE SETS THE STAGE FOR PROGRESS

(By Thomas Oliphant)

WASHINGTON.—For the ninth year in a row, the great budget charade is about to be played out in Congress; and for the ninth year in a row, the winner is going to be the savings-depleting, interest-rate-raising, investment-suppressing federal deficit.

This year, however, will be the first of those years in which the charade is being played out under a president who is not Ronald Reagan and by a Congress that is strongly Democratic. So far, that difference has proved inconsequential, but there are enough straws in the wind to support a contention that one more phony budget could be setting the stage for legitimate progress later this year or in 1990.

If it comes, the progress will be in deficit-reduction only—not in meeting any of the country's vast needs. The question is whether the potential progress is worth the at-



tendant frustration, and the answer by a slender margin is yes; yes, because of the likely benefits to the economy of the lower interest rates that would accompany credible deficit reduction.

The dissents, though, are powerful. The Congress-White House agreement announced 10 days ago and ratified by the Senate Budget Committee on Wednesday is putridly phony: the deficit reduction is on paper only, to get around the increasingly pointless requirements of the Gramm-Rudman-Hollings law; and all vital questions of military and domestic policy have been fudged.

For this reason, one of the best minds in the House, Lee Hamilton of Indiana, chairman of the Joint Economic Committee, is going to lead a movement to vote no when the 1990 budget resolution hits the floor—in effect, to force a confrontation with reality now, before another disruption in the financial markets occurs or before a recession can hit.

"Gramm-Rudman-Hollings has nothing to do with reducing the deficit," Hamilton noted recently. "It requires only that we reduce the projected deficit. . . . In effect, the new law creates a sophisticated division of labor between the administration and the Congress; they provide the smoke and we provide the mirrors."

It is also proper to lament the Democratic leadership's inability to offer a genuine alternative to President Bush's February proposals, such a task being one of the obligations of opposition, however politically impossible the odds of enactment.

As it is, the only honest budget to be voted on in Congress this year will be offered by the Congressional Black Caucus. Shaped under chairman Ron Dellums (D-Calif.), it shows what tough choices look like.

On defense, the caucus proposes to stop nuclear-weapons modernization and cut active-force levels by 15 percent over three years.

On taxes, the budget would establish a top tax rate of 33 percent on the highest brackets, impose a 10 percent surcharge on the top 10 percent of corporate taxpayers, and another 10 percent surcharge on the top 5 percent of individual income earners.

The military cuts and the tax increases would then make possible \$41 billion in additional domestic expenditures next year, with the emphasis on education, housing, health, job-training and nutrition.

So what if it can't pass. It's fiscally honest, true to a coherent set of values and it ought to make people think.

The reality, though, is that the phony budget is likely to pass, though it was interesting last week that an irresponsible proposal by Sen. Fritz Hollings (D-S.C.) to freeze all government spending for a year failed in the Budget Committee by just a 12-10 vote.

The reason for giving the charade one last year is that there is evidence Budget Director Richard Darman is trying quietly to do what he and former boss James A. Baker 3d tried so often to do with Ronald Reagan—lay the groundwork for a grander budget deal that obviously would include taxes. Even the phony budget includes \$5.3 billion in unspecified new revenue that could include extending the Medicare tax to state and local employees or continuing the due-to-expire excise on airline tickets.

"This is a manageable step," Darman, said of the 1990 deal. "We get this done, let's move right away to the next manageable

step. The whole approach is based on trust, building confidence, doing what we can, getting it done when we can, and we'll take it one step at a time."

Eventually, the lure for President Bush may be his cherished cut in capital gains taxes. He can't win that in isolation, but the interesting question is what he might give to get it—a higher top rate for the wealthy, a gasoline tax, a levy on the Social Security benefits of the high-income elderly?

It's worth waiting to see what this infant coalition government can accomplish.

## THE INTRODUCTION OF LEGISLATION URGING THE PRESIDENT TO ENGAGE IN BILATERAL NEGOTIATIONS WITH MEXICO

**HON. ALBERT G. BUSTAMANTE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. BUSTAMANTE. Mr. Speaker, last year the United States and Canada concluded an historic free-trade agreement. That agreement recognized that the economies of our two countries are interdependent and that the economic prosperity of one country determines the economic health of the other.

Last year Congress also recognized the importance of this country's trading relationship with its southern neighbor, the Republic of Mexico. A provision contained in the Omnibus Trade and Competitiveness Act of 1988 urged the President to continue negotiations with Mexico to achieve an expansion of mutually beneficial trade and investment.

Since then, several proposals have been floated as a gesture of the United States' interest in building on the progress of the past few years to improve trade links with Mexico. One legislative proposal would authorize the President to enter into negotiations with Mexico for the purpose of establishing a United States-Mexico free trade arrangement similar to the one just reached with Canada. Another idea that was considered briefly by President Bush and his administration explored possibility of entering into preferential trading arrangements by certain product sectors.

These proposals are well-intentioned, and they will doubtlessly become realities as the economies of our two countries become more intertwined in the decades ahead. For the moment, however, these proposals ignore the basic fact that trade relations between United States-Mexico are principally grounded on geography, necessity, and history—not always for reasons of economic efficiency. Mexican officials have stated clearly that Mexico is not yet able to compete with the United States under a free-trade or sectoral arrangement. Such proposals are too broad in scope and do not take into account Mexico's level of development.

Mr. Speaker, today I am introducing a concurrent resolution that is more simple, basic, and what I hope will be considered more practical than those that have surfaced to date. The measure I am offering for the consideration of my colleagues urges the President to enter into accelerated bilateral negotiations

with Mexico for the purpose of reducing or eliminating tariffs on products in which each is a major supplier of the other. Mexico is a major supplier of the United States in agricultural produce and livestock, glass and paper products, electronic appliances and components and other products supplied to United States industries and consumers. The United States is major supplier of Mexico in auto and machine parts, electronic components, agricultural products, and livestock.

Mexico has taken many important and difficult steps to improve trade relations with the United States and the world trading community. Over the last few years Mexico—

Agreed to phase out export subsidies;  
Joined the General Agreements on Tariffs and Trade and agreed to open up its economy to international competition;

Dropped most import license requirements and quantitative restrictions on imports; and

Reduced its average tariff rate from 40 percent to less than 10 percent in 1988.

From my viewpoint, if one were to compare the progress Mexico has made in opening its economy vis-a-vis Korea, for example, Mexico would surely be viewed by the United States as an open country, as far as developing countries go.

Mr. Speaker, the resolution I offer today is not as far reaching as others have proposed, but it is no less significant. The future of United States-Mexico relations holds great promise, and even great achievements can be gained by taking a series of small steps. The measure I am offering today provides such a measured proposal to further advancing a stronger partnership between the United States and Mexico.

## AN OUTSTANDING SERBIAN—DR. VOJISLAV SESELJ

**HON. EDWARD F. FEIGHAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. FEIGHAN. Mr. Speaker, the political and human rights activist in Yugoslavia, Dr. Vojislav Seselj, is visiting Serbian communities in the United States and Canada. Mr. George Djelic, the dynamic leader of the Greater Cleveland Serbian community, has been instrumental in making Dr. Seselj's trip to Washington possible.

Since 1981, Dr. Seselj has been in the opposition political forefront in Yugoslavia and active in Yugoslav human rights issues. In 1984, Dr. Seselj was arrested and sentenced to 8 years in prison for allegedly engaging in criminal activities that jeopardized the Yugoslav political system. His sentence was subsequently reduced to 2 years, 6 months of which were spent in solitary confinement. Dr. Seselj, a former associate professor of political science at the University of Sarajevo, has virtually been unemployed since his prison term expired. The Government further threatened Dr. Seselj's livelihood by taking away his passport but—after much public protest—reissued it to him.

Dr. Seselj is a true democrat, a committed anti-Communist, and a true proponent of liber-

alization of the Yugoslav political system. The people of Greater Cleveland—and the Serbian community in particular—are honored that Dr. Seselj is visiting our city before leaving for Canada and Australia.

We wish Dr. Seselj the best as he continues to inform us on the challenges and the struggle facing the Yugoslavian people.

## FHA: ANOTHER FEDERAL BAILOUT?

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. KLECZKA. Mr. Speaker, the Federal Housing Administration, an essential Federal program which has enabled millions of Americans to purchase their homes, has always been self-financing.

There are very disturbing signs, however, that the FHA reserves, which were once substantial, may be declining at an alarming rate. If those reserves are reduced to zero, Congress may be asked to step in with appropriations to prop up the agency. At that point, the pressure to reduce funding for low- and moderate-income housing to make up for the shortfall in FHA will be enormous. As a member of the House Housing and Community Development Committee, I intend to help ensure that FHA operates in a fiscally prudent manner. I have asked the General Accounting Office for an assessment of the fiscal health of the agency and an evaluation of the effect several proposed changes in FHA loan standards may have on the fund balances. The information now being gathered and analyzed by the GAO should prove useful to the Housing subcommittee in hearings on the FHA this summer.

At this point, I include in the RECORD a copy of an April 24, 1989, article from Barron's magazine, "Building Woes: The Federal Housing Administration May Be Headed for Trouble."

**BUILDING WOES—THE FEDERAL HOUSING ADMINISTRATION MAY BE HEADED FOR TROUBLE**

(By Thomas G. Donlan)

WASHINGTON.—In Oklahoma City, the local office of the Department of Housing and Urban Development stages a reenactment of the great Oklahoma land rush of 1889. In Denver, a more prosaic but equally desperate HUD office sponsors a Sunday advertising supplement in the Denver Post listing more than a thousand homes, with come-ons including \$100 down payments on condos and \$500 down payments on single-family houses.

These real-estate bonanzas are what's left of broken dreams. Some of the houses HUD is trying to sell were owned by families who dreamed of a better life. Others were owned by property speculators and crooks who dreamed of getting rich. All of them were insured by Uncle Sam, who paid off their mortgages when their dreams went bust.

The payments came from a major—and familiar—government agency, the Federal Housing Administration, which today insures \$277 billion worth of mortgages on many of the nation's less-expensive homes. Born in the Great Depression, when a bat-

tered, default-shy banking system shunned lending for housing, the FHA pioneered the long-term, fixed-rate residential mortgage, and in other ways helped revolutionize housing finance. And it helped establish home ownership, through low down payments and affordable monthly outlays, as a realistic goal for Americans of modest means. All the while, FHA was, as far as the world could tell, functioning as a viable insurance operation, covering losses from a fund replenished not by taxpayers but by premiums collected from the borrowers themselves, and playing a role the private sector was unwilling or unable to fill. A classic New Deal success story, FHA is a legacy of that era that has survived a half century—and even the Reagan Revolution.

But now there are hints of trouble in this big federal insurance program. Indeed, FHA may be where federal insurance of savings-and-loan deposits was eight to 10 years ago, before fraud and foolishness mushroomed into a \$100 billion crisis.

No one today is suggesting that the FHA is inevitably moving down the same path traveled by the now-bankrupt Federal Savings and Loan Insurance Corp. But the agency has been suffering losses in recent years—losses that threaten to enlarge the federal deficit. The result could be cuts in the program, or, more likely, an expansion of FHA's reach, and potential premiums, into the upper-middle-class housing market. Either way, the result could have profound impact on the housing industry.

The extent of FHA's troubles has been hidden from view. Its accounting doesn't conform to the accepted standards applied to insurance companies in private industry. And in violation of a statutory requirement that's been on the books since 1945, the FHA has never been audited. "Over the years, the place had become an absolute shambles," says a government auditor. "Nothing balanced, and our guys would just walk out. It was unauditable."

But over the past three years, a team of former employees of the General Accounting Office have been hosing out the financial stabiles of the FHA and the books are now said to be more or less presentable. Within a few weeks, the GAO expects to publish an audited version of the balance sheet for the fiscal year that ended Sept. 30, 1987. With that as a starting point, a full audit of the balance sheet and income statement for fiscal year 1988—which ended last Sept. 30—may be ready for publishing this summer.

It promises to be a revealing document. "When we started, the FHA had equity of \$3.1 billion on the books, using the word 'books' loosely," says an official. The new balance sheet is expected to show the results of more than 60 major adjustments, which erased about \$1.9 billion of purported equity, leaving \$1.2 billion in equity to back \$277 billion in mortgage insurance in force.

If FHA were a private mortgage insurance company, that kind of leverage on its balance sheet would be unacceptable, but FHA is ultimately backed by unlimited power to borrow from the U.S. Treasury. It is this borrowing power that allows holders of Ginnie Mae certificates to sleep at night, since most FHA mortgages are packaged into pools certified by the Government National Mortgage Association and sold to the public. In a two-tier security system, FHA actually insures the mortgage while GNMA insures cash flow by guaranteeing that principal and interest payments on Ginnie Maes will be made on time.

In the \$1.9 billion FHA write-off, \$350 million recognized existing losses and \$500 million was for "miscellaneous" items. The largest adjustment, about \$1.1 billion, created a reserve for future losses on the insurance portfolio based on past experience. One reason that FHA had gone unexamined for so long was that under the U.S. government's cash-based accounting system, FHA origination fees plus revenue from sales of foreclosed homes in any particular year always outweighed the insurance payments made in the same year. This wasn't much better than a Ponzi scheme, since the apparent health of FHA depended on its ability to insure new mortgages faster than the old ones went bad.

In a Ponzi scheme, large dividends are paid out of the victims' original cash investment, thus, attracting new victims who are deceived into believing that the scheme is highly profitable. In government budgeting, a program does not contribute to the deficit as long as current revenues exceed current outlays, thus deceiving taxpayers and legislators.

In fiscal 1984, the FHA program reduced the federal budget deficit by \$365 million, even while insurance claims paid were \$1.7 billion and its direct losses on the sale of foreclosed assets were \$529 million. For fiscal 1988, this governmental equivalent of a profit was tallied at \$653 million, while claims ran \$2.2 billion and losses on the sale of foreclosed assets were \$601 million. The budgetary profit grew to \$1.69 billion in fiscal 1986, against claims of \$2.9 billion and losses on disposal of assets of \$546 million.

The primary reason for these profits was rapid growth in insurance premiums and fees on new mortgages, from \$906 million in 1984 to \$3 billion in 1986. In other words, as the old joke has it, the FHA made it all up in volume, because its accounting did not recognize that new business would mean new claims and new losses in the future.

The current accounts began to show trouble in 1987, when premiums began a downturn, to \$2.8 billion, while claims rose faster than ever, to \$4.4 billion, and loss on disposal of assets was \$979 million. The FHA showed a budgetary loss of \$188 million.

That was the first loss in FHA history, but officials said there was nothing to worry about. All that loss and more came from two relatively small housing-aid programs; the major program, called Mutual Mortgage Insurance, contributed a \$101 million profit.

In 1988, premiums slumped again, to \$1.9 billion, while claims rose again, to \$5.9 billion and the direct loss on disposal of foreclosed assets hit \$1.6 billion. Unaudited accounting by the Department of Housing and Urban Development, FHA's parent, shows FHA taking an \$857 million loss, of which Mutual Mortgage Insurance was responsible for \$368 million. The budgetary outlay was \$1.1 billion.

This would seem like big money, were it not overshadowed by the pending \$100 billion bailout of the FSLIC. The Senate Banking Committee, for example, recently canceled a hearing on FHA mortgage insurance so that its members could continue to wrestle with the savings and loan crisis.

(FHA is not the government's only troubled mortgage-insurance program, either. The Veterans' Administration loan-guarantee program received a bailout of nearly \$750 million last year, and looks to be in as deep this year. The Farmers Home Administration owns 1.3 million acres of farmland it received after paying claims on insured foreclosures.)



HUD consistently has put the blame for FHA's problems on regional depressions, most notably in the energy belt. Some HUD jokesters say they have simply a CLOT problem—meaning that the difficulties are confined to sinking real estate values in Colorado, Louisiana, Oklahoma and Texas.

But close examination shows that HUD has incurred heavy losses elsewhere—in Camden, N.J., where the market for homes has not been overheated for at least a generation, and Seattle, where there has been prosperity for more than a decade. And even in the troubled real estate markets like the CLOT states, there is more to blame than just falling energy prices. Collapsing housing prices have typically provided opportunities for fraud, but HUD's lack of vigilance allowed the frauds to be successful.

Consider the practice known as "equity skimming." Oklahoma HUD manager Charles Ming says "kitchen table" real estate deals are common in his city. A family with an FHA mortgage on a modest home finds the monthly payment too much to bear when the breadwinner is laid off. They put the house up for sale, offering to sell to any buyer who will assume the mortgage. "Unfortunately, the mortgage is now bigger than the value of the home on today's market, but 'Mr. Investor' goes out and offers to take it over," says Ming. Maybe, to enhance his image as a ruthless real-estate speculator, "Mr. Investor" insists that the owners pay him \$1,000 to take the house and its mortgage off their hands. The family picks up stakes and heads for some place where jobs and hope may be found.

Behind them in Oklahoma City, "Mr. Investor" isn't really a speculator, but a crook. He doesn't record the deed; he doesn't assume the mortgage; he doesn't make monthly payments. He just sticks a "For Rent" sign in the front yard, rents the house and pockets the rent checks—often for a couple of years.

In a more devious variant recounted in a report from HUD's inspector general, a speculator lined up straw buyers to purchase 25 properties, using FHA-insured mortgages. Then the speculator acquired the properties by assuming the mortgages. Two years later, 10 of the loans were delinquent, nine were in default and three were in foreclosure.

This could not work if the lenders and their mortgage servicers kept close tabs on payments. According to HUD's critics, they don't. After all, these are loans that FHA guarantees will be repaid eventually; it makes more sense for the banks to work on loans where they are actually at risk. This scam also could not work if HUD kept reasonable tabs on the lenders and servicers. According to HUD's critics, it doesn't.

The General Accounting Office has issued a series of critical reports on FHA mortgage insurance. It has said over and over that HUD does a poor job of appraising properties and an even poorer job of reviewing appraisals. For example, a GAO check of three offices in 1986 found that more than three-quarters of appraisal reviews did not include a check inside the appraised home. The reviewers just drove by.

No wonder HUD's inspector general has been saying for years that "fraud and abuse in the Single Family Mortgage Insurance Program continues to be a significant problem for the department." Case studies in the inspector general's report show that the problem can be found all over the country, not just in the CLOT states. From the report for the six months ended March 31, 1988:

A couple in Seattle used equity skimming to collect \$200,000 in rents on 97 properties while making no mortgage payments. When the lenders foreclosed, FHA lost \$425,000 on resale of 22 of the properties. The Veterans Administration, which has a similar mortgage-insurance program, lost \$288,000 on 17 properties.

Two officials of a Greenville, S.C., development company obtained FHA-insured loans on 10 properties and then allowed persons who could not qualify to assume the loans. Most of them defaulted, resulting in HUD losses of \$317,000.

A builder in Denver provided down payments to buyers who could not qualify, then built the cost into the home mortgages insured by FHA. After the local U.S. attorney refused to prosecute, HUD required the builder to take over the insurance liability.

A ring of builders, a lawyer, a loan officer and a real-estate agent operating in Atlanta paid straw buyers \$2,500 to apply for FHA-insured mortgages. False paperwork indicated the buyers had put down 15%. After the closings, the real purchasers assumed the mortgages, putting down little or nothing. At least 78 of them defaulted.

In fiscal 1987, 64,269 FHA-insured borrowers defaulted on single-family home mortgages and HUD made good on them, to the tune of \$3.6 billion.

Among the peculiarities of the FHA program is the provision that the foreclosing bank conveys the property to HUD and receives the amount of the insured debt. HUD, not the lender, then incurs the costs of holding and selling the property, including property maintenance, repairs and local taxes. (The Veterans Administration loan program insures less than the total mortgage and leaves the property with the lender.)

HUD's ultimate loss depends on what its regional officials like Charles Ming can sell them for. The HUD inspector general has several times criticized the agency for allowing houses to be sold too cheaply; the GAO has criticized the department for not moving them quickly enough.

HUD's average holding period in 1987 was seven months. (The average acquisition period, which measures the time from the last payment to the time of the foreclosure, was 16.7 months.)

HUD's net loss in fiscal 1987 on selling 59,194 single-family homes was \$1.2 billion. The department reported that the average holding cost was \$4,000 per property, for a total of \$236 million. To this, the General Accounting Office says, should be imputed an opportunity cost representing the interest lost from holding the properties—running about \$2,200 per average property.

Some foreclosed properties are worth less than HUD's cost to foreclose on them and hold them. HUD often does it anyway. The General Accounting Office urged HUD to appraise properties to determine whether foreclosure is cost-effective; HUD officials said they would think about it. A payment-supplement program already exists, but only for borrowers who have a temporary problem paying. (At the end of September 1987, there were more than 50,000 mortgages with outstanding balances totalling about \$1.2 billion in this program, which is called the Mortgage Assignment Program.)

GAO and the HUD inspector general's office have been making the same criticism of the FHA program for years. And fraud against the FHA started at about the same time as the FHA, more than 50 years ago. But the program has always been declared

fundamentally sound—in need of better enforcement, perhaps, but a worthy program that poses no long term fiscal threat. Those declarations continue today.

HUD's actuary has declared the Mutual Mortgage Insurance Fund to be actuarially sound—that is, he calculates that the long-term income of FHA premiums and fees, plus investment interest, will be sufficient to cover the long-run cost of claims minus the proceeds on the sale of foreclosed assets. Price Waterhouse actuaries hired by the General Accounting Office said his assumptions were reasonable.

Peat Marwick & Main ran the FHA through a spreadsheet exercise that modeled the impact of economic stress on the insurance program. The firm said FHA deserved at least a rating of AA from S&P.

The Peat Marwick conclusion, however, is extremely generous. It turns out to be based on "parental support" from the U.S. Treasury (presumably an AAA credit). It covers only the Mutual Mortgage Insurance program. That is 85% of the FHA's business, but excluding the other 15% excludes more than half the FHA's losses. In addition, Peat Marwick's starting point was the 1987 balance sheet as it appeared before the GAO audit that's about to be published, so it overstates the MMI equity by about \$1 billion. Elsewhere in the Peat Marwick report, the careful reader learns that Peat Marwick expects that even the Mutual Mortgage Insurance Fund will run operating losses for the next three years under current economic assumptions, with bigger losses lasting longer if the economy turns down. In the regional recession scenario, the fund would be exhausted in four years; in the national-depression scenario, it would take only three years.

At bottom, the Peat Marwick report of the FHA's good health really depends on the U.S. Treasury. "It appears that the MMIF cannot meet Peat Marwick's interpretation and application of the tests of survivability by Moody's and S&P without 'parental' support from the U.S. Treasury," the report says. Then it asks, in effect, so what? "Many (and perhaps all) of the private mortgage insurers who have achieved the rating agencies' highest ratings did so only on the strength of parental support and other capital maintenance agreements," notes the report. At bottom, says Peat Marwick, "the MMIF is in a strong financial position."

Responsible officials and legislators have apparently read no further than this statement. In fact, leaders of the Senate Banking Committee want to expand the FHA program to help more people.

Chairman Alan Cranston of California and the committee's ranking Republican, Alfonse M. D'Amato of New York, are pushing a bill that would cut required FHA down payments and repeal the \$101,250 limit on size of the mortgage that could receive FHA insurance. FHA mortgages would be available in amounts up to 95% of the median house price in each state or smaller region designated by HUD. Down payments could be as low as 1% for first-time home buyers who go through a counseling program.

The justification, especially for the senators from California and New York, is that home prices in many areas, including parts of their own states, have outpaced the FHA limit. The bill, said Cranston when he introduced it last month, "will make low down payment FHA mortgages available equitably throughout the country."

But the flexible mortgage ceiling means FHA insurance will be available on mortgages of about \$200,000 in some areas. Income qualifications dictate that the beneficiaries of government insurance will include people making more than \$75,000 a year.

"We are still covering only the modest-cost houses, relative to the local markets," says an aide to the Senate Banking Committee. "We're just going to stop freezing out whole markets. You have to ask, 'Do we have a national program or a regional program?' Are you going to say that modest houses for people with modest lives in L.A. are excluded? Their salaries may be higher but their cost of living, and of housing, is certainly higher. Their standard of living is similar to a lower income somewhere else."

Some housing experts say the government ought to concentrate its aid on poor people. "In Orange County, Calif., we are talking about using FHA mortgages to buy \$200,000 homes," says Anthony Downs, a housing economist at the Brookings Institution in Washington. "I don't think this is the group that needs help. And anyway, California and the Northeast have created their own high market with anti-growth policies, such as restrictions on multi-family buildings. Why should the rest of the country subsidize their refusal to create enough housing?"

Another argument comes from the private mortgage-insurance companies, which see FHA as a potential competitor. William H. Lacy, president of Mortgage Guaranty Insurance Corp., predicts that raising the limit will actually harm lower-income buyers. "One \$200,000 loan will crowd out four \$50,000 borrowers," he says. In addition, he says, easier credit will drive up the price of homes everywhere, with the indexed FHA mortgage ceiling following right along: "It would be inflationary as hell. Upper-income people will grab onto FHA right away."

The insurance holds the interest rate down, and FHA loans are assumable. Says Lacy: "When FHA financing becomes available to people like myself, I'll bid up the price when I want to buy. And when I sell, I'll ask more because of the assumable mortgage."

Lacy is also chairman of his trade association, the Mortgage Insurance Companies of America, which proposes to target the benefits of FHA insurance to borrowers based on income, rather than on the prices of houses in the region. That probably won't satisfy Cranston and D'Amato and their constituents.

Nor will it satisfy the National Association of Home Builders, the Mortgage Bankers Association and other housing industry lobbyists who support the Cranston-D'Amato bill. They support adding liquidity in hot real-estate markets, and they contend that raising the FHA ceilings will strengthen the Mutual Mortgage Insurance Fund because upper-income borrowers are more reliable. Lacy and other opponents argue that low down payments will attract the least reliable upper-income borrowers, further endangering the MMI fund. The General Accounting Office has been asked to review the controversy.

Hearings on the FHA amendments are likely to be held this summer. In both houses of Congress, the FHA provisions are part of much larger housing bills that Democrats hope will rejuvenate programs for public housing and aid to the homeless that were reduced under the Reagan administration. That gives the FHA amendments

a high priority and a fair chance of passage by the end of the year.

Though it would take a great deal of mismanagement and fraud and inattention to bring the FHA program down to the level of the FSLIC, it is noteworthy that the committees considering the housing bills are the same panels that crafted savings and loan deregulation in the early 'Eighties.

#### COL. DONALD CAMPBELL PROMOTED

#### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. SMITH of New Jersey. Mr. Speaker, on May 7, 1989, Col. Donald Campbell, of Jackson, NJ, will be officially promoted to brigadier general of the 353d Civil Affairs Command.

Colonel Campbell, a resident of Jackson Township, located in my district, has been an active community leader for several years both as a member of the Civil Affairs Command and in his civilian career. Currently serving as a superior court judge in the State of New Jersey, he has long been a respected member of our judicial system.

However, Mr. Speaker, it is not Judge Campbell's distinguished public service that I wish to call attention to here today, but rather his military record. For nearly 25 years, Colonel Campbell has served our country in the U.S. Army or the Army Reserves. In 1965, Donald Campbell was commissioned as a second lieutenant in the U.S. Army through the ROTC Program. He entered active duty in 1969 and served our country with distinction in Vietnam. During his active tour, Colonel Campbell was awarded the Bronze Star Medal; the National Defense Service Medal; the Vietnam Campaign Medal; and the Vietnam Service Medal with three bronze stars.

In 1972, Colonel Campbell entered the U.S. Army Reserve. He served in various staff positions at the 404th Civil Affairs Company and the 303d Civil Affairs Group before being assigned to the 353d Civil Affairs Command in 1978. He has served in many capacities at the command including Civil Defense Division Chief, Command Inspector General, and Public Transportation Division Chief. It is his record of achievements, accomplishments, dedication, and hard work, Mr. Speaker, that has made Colonel Campbell a natural to assume the command of the 353d Civil Affairs Command this year.

Mr. Speaker, the civil affairs units of the Army, as you know, perform invaluable services to the men and women of the armed services in times of war as well as in times of peace. The 353d has also reached out and become actively involved in community projects in the Bronx, NY, where they are headquartered. In addition, the 353d provided important technical and humanitarian assistance in the Cuban refugee program and they have provided key assistance to Army commands assigned to special projects throughout Europe.

As the new commander of the 353d, Colonel Campbell will lead a corps of dedicated people who have already established them-

selves as a significant and effective regiment for the U.S. Army. His education, both military and civilian, as well as his years of dedicated military service have prepared him well to take on this challenge. It is my pleasure to join his family, friends, and colleagues in congratulating him on this occasion and wishing him success in his new assignment.

#### A SALUTE TO A GREAT AMERICAN

#### HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. COX. Mr. Speaker, it is my privilege today to recognize the outstanding contributions of one of Orange County's finest citizens, the deputy superintendent of the Newport-Mesa Unified School District, Dr. Norman Loats.

Dr. Loats is an avid community servant who has been active in a myriad of local organizations, including the Newport Harbor Chamber of Commerce, the Commodores, the PTA, St. Andrews Presbyterian Church of Newport Beach, the Environmental Nature Center Board, the YMCA, the Assessment Treatment Service Center, and the American Cancer Society.

Dr. Loats received degrees from Iowa's Central College and Drake University and from the University of Denver. As deputy superintendent of the Newport-Mesa Unified School District since 1973, he has been in charge of all instructional programs in the district.

But, Mr. Speaker, more important than his résumé is his commitment to all of those groups and projects with which he involves himself. He is especially selfless in his devotion to giving young people their best opportunity to achieve their full potential.

Mr. Speaker, on Thursday, May 11, the Newport-Mesa Unified School District will hold an "All American Salute to Norman Loats," as he approaches his retirement on June 30. With a record of community service as exemplary as this, it is obvious that his retirement from full-time employment will only enhance his opportunities to further serve his community. With that in mind, I ask my colleagues in the Congress of the United States to join me in sending our best regards to Dr. Loats as he marks the completion of one part of his career, and in congratulating him on his outstanding contributions that go above and beyond the call of duty.

#### COMMENDING PRESIDENT BUSH ON SALE OF WHEAT TO SOVIET UNION

#### HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. COMBEST. Mr. Speaker, I take this opportunity to commend President Bush for the approval of a sale of 1.5 million metric tons of wheat to the Soviet Union under the Export



Enhancement Program. Although we would have hoped for a larger transaction, this is definitely a step in the right direction toward further expansion of our international market.

Since the Export Enhancement Program came into being under the 1985 farm bill, we have seen the American farmer afforded a fair chance in world markets. This most recent sale to the Soviets will be worth approximately \$270 million. Moreover, this brings the total amount of sales to the Soviets this year to over 20 million metric tons of wheat, which has largely been cash sales.

I caution those who are quick to criticize the administration over yesterday's transaction because it was a smaller amount than first hoped for, especially if their statements are based on rumors from the Soviets. We must also remember that we have finalized a market transaction, and not cut off communications with a trading customer whom we hope will continue to buy U.S. products in the future.

I also believe this recent action shows a positive shift in the administration on the use of our trade subsidies. In addition, I encourage USDA to further pursue additional sales and possible long term agreements. Finally, I would encourage all Members to join me in saying, "Hats off to you Mr. President for a job well done" in helping agriculture in America.

#### TRIBUTE TO JUANITA DEL CARLO

#### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to Juanita del Carlo, one of San Francisco's most energetic citizens, on the occasion of her retirement from the Mission Hiring Hall.

Juanita del Carlo has been active in the Mission District of San Francisco for over two decades. She served as the first recording secretary of the Mission Coalition Organization, established in 1960. This organization soon became a significant force in the Mission District, working to establish needed social programs. The Mission Hiring Hall was founded by the MCO to improve employment opportunities for the district's residents. Ms. del Carlo was appointed as executive director in 1972.

Throughout her career, Juanita del Carlo has worked tirelessly for programs for the people of San Francisco. She served 11 years as a member of the San Francisco Fire Commission, was appointed to the Hispanic Advisory Council of the California Fair Employment and Housing Commission and was instrumental in the creation of the Mission Senior Escort Program.

Juanita del Carlo is one of those unique citizens who is selflessly dedicated to bettering the lives of the people around her. It is fitting that we recognize a citizen of such stature in the Congress of the United States.

#### EMINENT SCIENTISTS CALL FOR DEFERRAL OF CONSTRUCTION OF NEW PRODUCTION REACTORS

#### HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. WYDEN. Mr. Speaker, in a very significant article published recently in the Washington Post, 11 eminent American scientists contest the Department of Energy's claims that there is an imminent tritium crisis and call on Congress to defer plans for construction of new production reactors.

The scientists argue that such a deferral will support on-going United States-Soviet negotiations and could prevent wasting billions of dollars on planned new production reactors that might not be needed. The scientists express confidence that the deferral would have no adverse impact on U.S. national security, even if arms reduction accords eventually are not realized. Among the scientists who wrote the paper are some who have played leading roles in developing the Nation's nuclear weapons.

In light of the budget deficit and the United States-Soviet agreement in principle to make significant cuts in their nuclear arsenals, we in Congress have an obligation to avoid committing funds to construction of large new production reactors that will prove excessive or unnecessary upon conclusion of arms-reduction agreements.

I ask that the article by these eminent scientists, entitled "Atomic Weapons: America's Non-Existent Nuclear 'Crisis,'" published in the Washington Post on April 16, 1989, be printed in the RECORD in full.

The article follows:

[From the Washington Post, Apr. 16, 1989]

#### ATOMIC WEAPONS: AMERICA'S NON-EXISTENT NUCLEAR "CRISIS"

New production of tritium for U.S. nuclear weapons has been at a standstill since the spring of 1988, when the Department of Energy's reactors at the Savannah River plant were completely shut down as a result of safety concerns.

Since those reactors are the sole source of supply of tritium for nuclear weapons, officials of the Departments of Defense and Energy and some members of Congress have stated that production must be resumed in at least one Savannah River reactor this year or our national security will be endangered; they view a longer halt as tantamount to "unilateral disarmament." This concern is based on tritium's relatively rapid radioactive decay, necessitating its regular replacement in warheads.

DOE also has asked for over \$300 million in FY 1990 to prepare for construction of two new production reactors with an estimated cost of \$7.5 billion. The reactors, to be completed in 10 years, would supply 150 percent of DOE's perceived future tritium requirements for nuclear weapons. They also would be capable of producing weapon-grade plutonium.

It is our considered view that there is no critical shortage of tritium today and that claims of an imminent "crisis" distort the true situation. Congress and the American people should not be stampeded into re-

starting the Savannah River reactors and building costly new reactors. Instead, the existing tritium supply should be put to more efficient use to meet the nation's military needs in the near-term and proposals for new production should be reevaluated.

There are a number of important reasons to take this cautious approach.

Tritium, because of its decay rate, is a wasting asset; it makes no sense to produce more than is needed or to fund facilities capable of producing very much more than will be needed. Plutonium, on the other hand, is long-lived and is in ample supply without new production to meet current weapons requirements.

Enough tritium exists in present inventory to sustain a fully adequate weapons stockpile, probably for at least five years without new production, if the possible effects of different management arrangements and the possible use of tritium from weapons scheduled for retirement or held in storage are taken into account. Congress needs to obtain complete information on these options from the Departments of Defense and Energy.

In view of the fact that the leaders of the United States and the Soviet Union have agreed in principle that their nuclear arsenals are much too large, a continuation of the present halt and a delay in proceeding with new production facilities would allow time to ascertain whether the ongoing Strategic Arms Reduction (START) Talks and other arms reduction initiatives will result in significantly reduced tritium requirements.

If prospects for a START agreement are realized, there would be an opportunity to reassess the need for new tritium production capacity and to take advantage of substantial reductions in the size and cost of new facilities if they are required.

If it turns out that these arms-reduction opportunities will not be realized, and a new production reactor is eventually needed, plans of the kind currently proposed could be reinstated. The delay of a few years entailed by this approach would not erode the nuclear-deterrent power the nation now possesses, nor pose any other risk to national security. It should be understood that with a stockpile of over 20,000 nuclear warheads any reference to a "crisis" in tritium supply is quite inappropriate.

We believe a new production reactor can be built in five years, rather than 10, once planning activities are completed. A great deal more is known now about reactor design and safety than was known in the 1950s, and much time and money can be saved if construction proceeds efficiently after thorough planning and safety and environmental review.

The nation is now faced with strict limitations of Federal spending because of the imperative to cut the budget deficit. Very large sums will be required to upgrade elements of the weapons-production complex to achieve improvements in safety, pollution control and efficiency, as well as to proceed with the necessary cleanup of environmental pollution resulting from 50 years of past operation. Monies now being requested for the construction of new production capacity should be applied, for at least the next few years, to such other purposes.

#### MAINTAINING THE ARSENAL

Tritium, a man-made radioactive isotope of hydrogen, is an essential element in modern "boosted" nuclear warheads. The fusion of a few grams of tritium with a nat-

urally occurring hydrogen isotope called deuterium provides a burst of neutrons at the critical moment to amplify ("boost") the yield in fission weapons or in the fission triggers of thermonuclear weapons. Boosted warheads thus weigh less, are more compact and efficient and have lower cost. We are heavily dependent on boosting, and the Soviets use it as well.

Because tritium decays at a rate of 5.5 percent annually (it has a half-life of 12.5 years), the tritium "reservoirs" of U.S. nuclear warheads must be refilled regularly to maintain the weapons' explosive yield. The reservoirs are filled initially with a supply of tritium in excess of what is needed for the weapon to operate properly. When the excess runs down, the reservoir is exchanged for a new one. The surviving tritium in the old reservoir is recovered, purified and recycled. Tritium replenishment cycles vary for different types of warheads: It has been reported that weapons currently in the stockpile have a four- to six-year cycle, whereas the new generation of submarine-launched missiles may be charged for 10 years or more.

Provided that the essential minimum amount of tritium remains in the weapon system, it will still produce the certified yield. The size of the charge determines only the length of time the weapon may remain in the field. To provide a six-year service life after a fresh filling, the tritium loading must have an excess of at least 40 percent over the minimum amount. An eight-year service life requires an excess of 57 percent; 10 years requires approximately 75 percent above the minimum.

#### A CRISIS MENTALITY

In testimony before the Senate Armed Services Committee, Troy E. Wade, DOE acting assistant secretary of defense programs, said it would be necessary to restart one Savannah River reactor by the end of the year, since by then the need for new tritium would become critical. Earlier, Robert B. Barker, assistant to the secretary of defense for atomic energy, was quoted as warning that delaying restart of the reactors would be tantamount to "unilateral nuclear disarmament." These assertions have led to expressions of congressional concern. Yet a recent internal Pentagon study, reported in the *Boston Globe*, concludes that there is an adequate supply of tritium for 18 months to two years with no alterations in resupply of weapons or any additional production.

There are a number of straightforward means that could be adopted to stretch out the period for which a given reserve supply of tritium would be adequate. The most obvious and immediately effective step would be to reconsider existing plans for tritium service life. Suppose, for example, that the current schedule calls for refilling a large number of weapons for a six-year service life. According to Troy Wade's testimony, there is only enough tritium on hand to continue the refilling operation for about one year. However, simply by changing to a three-year service life, for which the required excess in the filling is only 18 percent rather than 40, the required amount of additional tritium would be cut in half and the supply extended from one year to two years. For weapons with a service life longer than six years, the extension of inventory would be even greater.

These options would entail a doubling (or more) of the work load at facilities handling the refills. But the increase would take effect gradually and would not be difficult

to prepare for. The increased number of reservoirs to be handled also would raise operating costs in the field. But this would be offset by the net savings realized from deferring new tritium production costs.

There are a number of other potential sources of tritium that could be used to avert a short-range tritium supply problem. Among these are: the 500 or so warheads to be withdrawn under the INF Treaty, along with the Pershing 1A missiles to be retired from Germany; the warheads from the Poseidon submarines retired since 1985, along with additional warheads from the two scheduled for retirement in 1989 to abide by the SALT limits; the bombs removed from the B52G bombers converted to conventional missions; some 400 enhanced radiation warheads now in storage (if their large tritium supplies have been kept intact); and the recovery of tritium from used heavy water moderators in storage at Savannah River. All these and similar sources should be exploited before it is concluded that there is any imminent "crisis."

Finally, it should be noted that if the present halt in tritium production were continued for an extended period, the weapons stockpile eventually would have to be reduced at a rate similar to the decrease in the amount of tritium on hand—that is, at the decay rate of about 5.5 percent a year. For about the first five years, such a reduction in weapons is roughly equivalent to the cuts that have been discussed in the START negotiations. Should negotiations continue beyond START with the objective of establishing a minimum effective nuclear deterrent, there would be no need to resume new tritium production for many years. In fact, the United States now has enough tritium in its 23,000 nuclear warheads to support a force of 6,000 strategic warheads for longer than 20 years and a force of 1,000 warheads for some 50 years.

But what if the START and other initiatives fail? As a worst-case scenario, suppose that the United States were to refrain from producing any tritium for five years and that at the end of that time there were no clear prospect of any arms-control agreement. We might then decide that it was essential to build up our nuclear arsenal. Would we then face a crisis in tritium supply?

No. Because even then, other sources would be available. During the non-production period, we presumably would have prepared at least one Savannah River reactor for restart. Operating even at half power, it could supply enough tritium to sustain the arsenal at its present level during the approximately five years required to complete a new production reactor. In the unlikely event that none of the remaining Savannah River reactors can be restarted safely, there are a number of other possible sources: The N reactor at Hanford, now undergoing renovation; the DOE test reactors in Idaho; and even the expedient of commercial power reactors, for which tritium target technology is now under development. Also, tritium might be acquired from France, Britain or possibly Canada.

#### RECOMMENDATIONS AND REALITY

Preparations now under way for construction of new production reactors should be deferred to allow Congress to become fully informed about the country's actual needs and to allow time for the START process to produce results.

The United States should not now resume production of nuclear weapon materials that are not needed and can serve only to

further stimulate the arms race. Instead, it should move toward a mutual halt in the production of nuclear materials for weapons.

While the present halt in production remains in effect, the United States should consider offering not to restart the Savannah River reactors or to begin construction of new production reactors for a designated period of time to give the Soviet Union the opportunity to reciprocate. The two sides may be able to proceed to a mutual halt in production of tritium and fissionable materials for weapons by a series of reciprocal steps. A mutual production halt could be monitored by national technical means and on-site inspections, supplemented by international and bilateral safeguards on civilian reactors. Such a halt is possible in the context of a START agreement and agreements on deep cuts beyond START accompanied by verification of delivery systems and warheads destroyed and retained.

The United States and the Soviet Union should not let pass an extraordinary opportunity to achieve a mutual end to the production of nuclear materials for weapons. For its part, the United States can exercise restraint and turn the present production shutdown to advantage. It should not be stampeded into premature resumption of tritium production or construction of new production capacity. If we exercise restraint, the arms reductions process flourishes.

#### THE AUTHORS

The following scientists have signed the tritium policy paper, prepared in collaboration with the Nuclear Control Institute in Washington, from which the above article is adapted:

Hans Bethe, a 1967 Nobel Prize winner in physics, formerly headed the theoretical-physics division at Los Alamos National Laboratory and is emeritus professor of physics at Cornell University.

Freeman Dyson, professor of physics at Princeton's Institute for Advanced Study, has been a frequent consultant to the Defense Department and the U.S. Arms Control and Disarmament Agency (ACDA).

Herman Feshbach, former chairman of the nuclear-science advisory committee of the National Science Foundation and former president of the American Physical Society and the American Academy of Arts and Sciences, is emeritus institute professor of physics at the Massachusetts Institute of Technology.

Val Fitch, a 1980 Nobel Prize winner in physics and professor of physics at Princeton University, was a presidential adviser on science policy and arms control in the Nixon administration.

Marvin Goldberger, former president of the California Institute of Technology and now director of Princeton's Institute for Advanced Study, chaired the committee on international security and arms control of the National Academy of Sciences.

Kurt Gottfried, professor of physics and nuclear studies at Cornell, was an officer of the American Physical Society and a consultant to the Department of Energy's high-energy-physics advisory board.

Milton Hoenig, a physicist and scientific director of the Nuclear Control Institute, was at ACDA during the Carter administration.

Franklin Long, professor emeritus of chemistry at Cornell, was research supervisor of the National Defense Research Com-



mittee from 1942 to 1945 and assistant director of ACDA under President Kennedy.

J. Carson Mark, former leader of the theoretical-physics division of Los Alamos National Laboratory, serves as a consultant to Los Alamos and other government agencies.

George Rathjens, professor of political science at MIT, was chief scientist in the Defense Advanced Research Projects Agency and in the Office of Special Assistant to the President for Science and Technology.

Victor Weisskopf, former group leader at Los Alamos National Laboratory and former director of CERN (the European Center for Nuclear Research), is emeritus institute professor of physics at MIT.

## THE 100TH ANNIVERSARY OF THE SALEM NEWS

### HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. APPLEGATE. Mr. Speaker, I rise today in honor of the 100th anniversary celebration of the Salem News of Salem, OH. A brief account of the newspaper's history was provided to me by Gayle Beck, managing editor of the Salem News of which I would like to include in celebration of this historic event in the newspaper's history:

The Salem News was founded January 1, 1889, as the Salem Daily News by J.W. Northrop. The company was taken over by the Salem Publishing Company, which also operated the print shop, in its first year.

In 1894 the company appointed Louis H. Brush as business manager, and in 1897 Brush became sole owner of the firm. Brush, with Roy D. Moore and William H. Vodrey, later founded Brush-Moore Newspapers, purchasing Ohio newspapers including the Marion Star, the Steubenville Herald-Star and the Canton Repository, and other daily and weekly newspapers from Maryland to California, the Salem News became a Thompson-Brush-Moore newspaper in 1967.

The newspaper remains under local management and has won many awards, including a 1987 Associated Press General Excellence Award, for its balance of local, state, national and international news.

It is at this time, Mr. Speaker that I ask you and my fellow colleagues to recognize and commend the many years of service and dedication that the Salem News has provided for its readers.

## INTRODUCTION OF THE DE SOTO TRAIL COMMISSION ACT OF 1989

### HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. BENNETT. Mr. Speaker, I, along with CLAY SHAW, BILL LEHMAN, ANDY IRELAND,

EARL HUTTO, BILL HUGHES, CRAIG JAMES, ED TOWNS, DANTE FASCELL, BILL NELSON, and BILL GRANT, am introducing legislation to establish the De Soto Trail Commission for the purpose of marking the historic path of Hernando De Soto's expedition.

Last month, Florida's senior Senator, BOB GRAHAM, introduced this bill in the Senate. Senator GRAHAM has worked diligently for many years, not only in his capacity as Senator but also as Governor of the State of Florida, to see that the path taken by one of the New World's greatest explorers, Hernando De Soto, be researched and marked. The De Soto Trail Commission's task is to commemorate the route along existing highways and create an archaeological and historical research institute for studies related to the De Soto expedition.

Almost 250 years before our Constitution was adopted, an unprecedented European penetration was made into what is now the southeastern United States. Led by Hernando De Soto, the expedition began in Florida in May 1539 and covered extensive areas throughout the Southeast, from across the land bridge of the Santa Fe River, and northward and westward to the Mississippi River where De Soto's bones were laid to rest in those troubled waters in 1542. Imagine, those 3 years of journey—an education to himself and to mankind. He was the first to know intimately, over a period of time, the Indians of the Southeast. He was a courageous man, and his route is a spectacular historical route that needs to be adequately marked.

The State of Florida has been instrumental in marking De Soto's trail in Florida. The northern two-thirds of the trail in Florida are already marked, and the marking of the southern portion is expected to be completed within a year. Other southern States have also initiated studies of De Soto's march through Florida, Georgia, South Carolina, North Carolina, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, and Texas. From fragmented records, supplemented by archaeological finds, we are able to learn much about an aboriginal civilization that predated European occupation in the New World along this historic route.

The De Soto Trail Commission is designed to use existing highways to mark the trail, thus keeping costs to a minimum. This bill authorizes only \$1.5 million to commemorate the trail.

By marking the path that De Soto took into the then unknown, we are celebrating the spirit of discovery that existed in De Soto and many Americans today. The De Soto Commission is essential to our understanding of the colonization, development, and history of this area. The De Soto Trail will be an important addition to the many trails marked throughout our country. Mr. Speaker, I invite my colleagues to cosponsor this significant legislation recognizing yet another step in our great history.

## TRIBUTE TO FIRE CHIEF KEITH NIMS

### HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. FORD of Michigan. Mr. Speaker, I rise today to honor one of the finest public servants in my congressional district, Fire chief Keith Nims of Garden City. After a distinguished career in the fire service that has spanned 25 years, Chief Nims has decided to take his well-deserved retirement.

Firefighting is one of the most essential of all public services and one of the most dangerous. It takes courage, strength and stamina, and a great deal of training and judgment to fight even ordinary house fires, let alone, industrial fires that may involve toxic or explosive chemicals. Together with all of those qualities, the fire chief must have leadership ability and political skill.

Firefighting is a matter of life and death, and men like Chief Nims assume an enormous responsibility when they accept the job of running a fire department. They become responsible for the lives, homes, and livelihoods of thousands of citizens throughout their community. And on a day-to-day basis they become directly responsible for the health and welfare of all the men and women they supervise.

Chief Nims discharged these enormous responsibilities with real distinction. It is safe to say that no one is more responsible for the success of the Garden City Fire Department than Keith Nims. During his 7-year tenure as chief, a good department became even better.

His management innovations have made fire prevention a top priority, involving every member of the department. Code enforcement, prefire planning for commercial buildings, and community fire awareness have all been enhanced.

Chief Nims undertook the upgrading of the Emergency Medical Technician service, a process that has resulted in a better trained staff with the capability of providing advanced medical intervention to accident victims.

But the truest test of Chief Nims' leadership and management abilities is the high opinion that the line firefighters have of him. They, after all, put their lives on the line under his direction—there are no harsher critics of a boss than the workers. The respect and loyalty that Chief Nims' department has for him speaks volumes about the excellent job he has done.

I join all of Garden City in wishing Keith Nims a happy retirement and in thanking him for his career of outstanding service.

## THE CAUSE OF REMEMBRANCE

### HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. MRAZEK. Mr. Speaker, on May 2, 1989, we observed Yom Hashoa, a day to remem-

ber those Jews who died in the Holocaust. In honor of those men and women who survived the horrors of the Holocaust, and to assure that future generations never forget what happened, I wanted to share a very moving poem written by Jerri Unger, a constituent of mine from Great Neck, NY. Mrs. Unger is an American-born woman, married to a Holocaust survivor. In the poem, she writes to Ben Meed, president of the American Gathering/Federation of Jewish Holocaust Survivors and his wife Vladka, founder of the teachers program of Holocaust and Resistance. I believe this poem is an excellent description of the importance of the "cause of remembrance."

DEAR VLADKA AND BEN:  
You lead, you guide, you direct  
You have earned our deep respect!  
You have gathered teachers from near and far  
You have summoned all survivors, no matter where they are.  
We constantly talk to ourselves, like sisters and brothers  
Now you've created a vehicle whereby we can reach others

*All in the cause of REMEMBRANCE*

The meetings were very intensive  
The conference most extensive  
Be assured that your audience  
Was both pensive as well as attentive!  
You devote your energy and time.  
Your resources and your thoughts sublime  
Protect the memory of those who did perish  
Without permitting their very souls to tarnish

*All in the cause of REMEMBRANCE*

You have cemented survivors into an organization  
Be aware of their utmost appreciation  
The membership blesses you each and every day

For what you accomplish and  
For what you do and say

*All in the cause of REMEMBRANCE*

You have assisted men to become leaders  
You have enlisted and provided speakers  
Above all you have restored dignity  
To unfortunate brethren assuring them of eternity

*All in the cause of REMEMBRANCE*

What was underlined and of course understood

Is that survivors and all Jews should  
Assist and support the Jewish State  
Which would have combatted the climate of hate

For had we had the State of Israel "Then"  
There would have been a home for Jews—a haven!

And no

*Cause for REMEMBRANCE!*

II

I know that I was not there  
yet I was!

I know I did not suffer  
yet I do!

I had no cause to tremble  
yet I do now!

I had no reason for sorrow  
yet I am sad!

Hunger and thirst I never endured  
Except, of course, for Yom Kippur  
And that is not accompanied by fear  
And occurs only once each year!

My loved ones have never been taken from me

Yet how well I understand the word "pity".  
For man succumbed even lower than beast

At a time when evil and the devil made a tryst.

I took time out to write

What you may not even have the time to read

Lest you not realize how much the needs  
Are appreciated and loved by survivors and their respective families!

Although I am an outsider

In reality I am an insider

Who is happily married to a survivor, William Unger!

With love and affection,

JERRY UNGER.

BETTER HEARING AND SPEECH MONTH

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. LIGHTFOOT. Mr. Speaker, I bring to your attention, and that of my colleagues, an important event.

The month of May has been designated as "Better Hearing and Speech Month." As a former radio broadcaster and as an honorary member of the Iowa Council for Better Hearing and Speech, I realize the importance of effective communications.

The purpose of this commemorative is to encourage early detection of hearing and speech problems, proper treatment, and a better understanding of the needs of people with speech, language, or hearing disorders. More than 24 million Americans have a communicative disorder. This month is a time when we should remember the advances made to assist these individuals while at the same time recognize that more remains to be done to improve the quality of their lives.

I am especially pleased to have the benefit of two agencies in my congressional district, the Iowa School for the Deaf and Loess Hills Area Education Agency, which share the common desire to promote public awareness, and assist and educate individuals with our Nation's No. 1 disability.

I'm proud to take part in this national effort.

SPECIAL TRIBUTE TO ITALIAN SCULPTOR CARLO FRANZONI, CREATOR OF THE CAR OF HISTORY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. ROE. Mr. Speaker, while we in the United States have, over the past 213 years, developed our own unique culture, time and again we are reminded of the strong bonds we maintain with other lands and other cultures. This has been especially true of our Nation's relationship with the great nation of Italy, and is exemplified in the countless numbers of contributions made to our country by many gifted people of Italian descent—Marchese Guglielmo Marconi, Enrico Fermi, Gian-Carlo Menotti, Jose DiMaggio, and our very

distinguished former colleague, the Hon. Peter Rodino—just to name a few.

Our Nation's strong links to Italian culture were further illustrated recently when the bicentennial of the U.S. Constitution was commemorated with the issue of special postage stamps celebrating the first quorums in this great body and by the U.S. Senate.

The stamp commemorating the first quorum of the U.S. House of Representatives features the magnificent 1819 marble work clock known as the Car of History done by the great Italian sculptor, Carlo Franzoni. This outstanding work represents a unique contribution to what was then a fledgling nation by a great Italian artist and which today is most certainly deeply entwined in the historical fabric of the United States.

For the RECORD, Mr. Speaker, I would like to insert the official history of the great Carlo Franzoni and his masterpiece:

The Car of History, standing over seven feet tall on the gallery level above the north entrance to the Old Hall of the House (Statuary Hall), is one of the oldest works of classical sculpture in the United States. The draped female figure represents Clio, the Muse of History. She stands in an elaborately carved winged chariot and records in a book the events she sees taking place on the earth below. The signs of the Zodiac are carved on the sphere, representing Time itself. The wheel of the chariot is a clock face. The work is inscribed "C. Franzoni faciebat 1819."

This white marble sculpture was conceived by architect Benjamin Henry Latrobe as part of his plan for the House Chamber as it was to be reconstructed after the fire of 1814, when invading British troops burned the Capitol. It appears for the first time on a drawing dated August 12, 1815. The finished work is clearly derived from the drawing.

The sculptor, Carlo Franzoni, was born in Carrara, Italy, about 1789, the same year the House of Representatives met for the first time. The son of the President of the Academy of Fine Arts in Carrara and a nephew of Cardinal Franzoni, he was a graduate of a school of anatomy as well as a trained sculptor. Franzoni came to America in 1816 when Latrobe sent his assistant Giovanni Andrei to Italy to contract for the carving of the Corinthian capitals for the Hall of the House and to recruit more Italian artists to join those, including Carlo's brother Giuseppe, who were already carving the stone and marble decoration in the Capitol Building. The Car of History is one of Carlo Franzoni's few known works, as he died of heart failure shortly after its completion. It is possible that some of his early works are in the collections of the Vatican and the Louvre. The Lunette of Justice on the west wall of the Old Supreme Court Chamber is also his work. Tradition has it that Franzoni's niece, whose father Giuseppe carved the corncob capitals in the North Wing vestibule, was the model for Clio. Descendants of the Franzoni brothers still live in Washington.

Mr. Speaker, I appreciate this opportunity to present a brief profile of the great Italian sculptor, Carlo Franzoni, and his outstanding work, the Car of History, which, has indeed, been an ever vigilant witness to, and an integral part of, our great Nation's history.



**TRIBUTE TO ANNE ACKERMAN:  
REMEMBERING A TRULY  
GREAT LADY**

**HON. WILLIAM LEHMAN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 3, 1989*

Mr. LEHMAN of Florida. Mr. Speaker, on May 1, the life of our 17th Congressional District's great lady came to an end. I was privileged to have the opportunity to express my feelings at the services held for her this morning at Temple Beth Torah. I would like to share my thoughts with my colleagues:

Like most of you, I'm here not only to mourn the death of a dear person, but even more, to celebrate the life of a truly special lady—Anne Ackerman.

Annie was not only an individual, but a symbol—a symbol of family devotion, of community responsibility and of individual integrity.

And what did this remarkable lady do best? Searching my memories of Annie, I find the word mobilize. She brought energy and excitement with her wherever she went. She effectively mobilized her "troops" for causes that were special to her and important to us all. Anne could mobilize like no one else.

And what did Anne best represent to us? Again, I reach into my memory. Annie personified to me participatory democracy. Not "jump start," quick-fix participation but one based on careful study, preparation and planning. Anne did her homework and played by the rules.

And what was Anne Ackerman's most valuable contribution—her legacy to us the living, of what she did and what she stood for? To me, it was that individuals do make a difference. Our responsibility is to pick up her standard and continue to march forward toward the goals to which she devoted her life. We preserve her beliefs and continue her battles.

Anne had great strengths of character. Shakespeare defined it this way:

"And this above all  
To thine own self be true.  
And it was follow as the night the day  
Thou canst not be false to any man."

Anne was true to herself, and to family, her friends, her community, her country and to her world.

**A TRIBUTE TO RICHARD J.  
BAUER**

**HON. HAMILTON FISH, JR.**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 3, 1989*

Mr. FISH. Mr. Speaker, I take this opportunity to honor Richard J. Bauer, the 1989 recipient of the Anti-Defamation League's Distinguished Americanism Award.

Richard's record of service is exemplary since his arrival 25 years ago in Maybrook, NY, where he founded Eastern Alloys, Inc., the largest independent zinc alloyer in the North and Central Atlantic States.

Within the alloy industry, Richard serves as chairman of the Washington Conference for

Zinc, testifying before congressional committees and representing the Department of the Interior as a delegate to annual U.N. sponsored meetings held in Geneva, Switzerland. He also cofounded the Board of Service Aluminum Corp., the Independent Zinc Alloyers Association, and was a director of the Zinc Institute and the American Die Casting Institute.

Despite the demands of his business and industry, Richard serves his community through his commitment to our democratic heritage. Following his military service, he worked his way up as a student at Polytechnic University and as president of the company he founded.

For 15 years Richard has dedicated his time and energy to St. Luke's Hospital, and is currently the hospital's chairman of the board. He is a member of the board of elders of the Union Presbyterian Church of Balmville.

With his profound respect for the intrinsic value of education, Richard helps high school students in an American Management Program—Operation Enterprise, an introduction to the fundamentals of the commercial environment. He serves as a region director of Fleet Norstar, upstate New York division.

It is with respect and admiration for Richard J. Bauer's record of achievement that I pay tribute to him on this occasion of his Newburgh Americanism Award for 1989 of the Anti-Defamation League. Congratulations and we all join in wishing you continued happiness and prosperity.

**HONORING BERTINE LAFAYETTE  
FOR HER COMMUNITY  
SERVICE**

**HON. GARY L. ACKERMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 3, 1989*

Mr. ACKERMAN. Mr. Speaker, today I rise to honor an outstanding individual, Ms. Bertine Lafayette. On Sunday, May 7, 1989, the John F. Kennedy Democratic Club of Jackson Heights, NY, will be honoring Bertine for her tireless commitment to her community and the Democratic Party.

Bertine Lafayette, nee Rabin, was born and raised in New York City. The daughter of fine musicians, she was exposed to all cultural activities. Bertine studied piano, ballet and art. She was educated in Manhattan public schools and college.

Bertine is married to Assemblyman Ivan Lafayette and they have three children, all of whom attended Queens public schools. During these years, the Lafayette's became involved in many community affairs. For 2 years, Bertine was president of the Parents Association of P.S. 148. They joined the John F. Kennedy Democratic Club, where Bertine served as president. Furthermore, Bertine was elected a delegate to the Democratic National Convention in 1980, 1984, 1988.

Bertine organized and headed the first Consumer Group of Jackson Heights. In order to obtain a fair price for consumers to purchase meat, Bertine led a group that testified before Congress.

She returned to work as a teacher in the Queens Public School system working at P.S.

17. She has been a long standing and active member of United Federation of Teachers. Bertine is chapter leader and a member of the Advisory Council for Teachers and serves on the board of the A Snelson Center of St. Mark's AME Church of Corona. Also, Bertine is vice-president of the Queens Council on the Arts.

Bertine has achieved the dream of every mother. She is very proud of her three sons. Jonathan is a writer for Advertising Age and his wife Leslie is a Xerox salesperson. They are the parents of a beautiful daughter Sara. Mark is an attorney and his wife Lisa is a computer analyst. Richard is a physician, and a fellow in nephrology at Stanford (University) Hospital.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me in congratulating Bertine on her past achievements and wishing her the best of luck in her future endeavors.

**JOY AND SADNESS AT SPRING  
HIGH SCHOOL**

**HON. JACK FIELDS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 3, 1989*

Mr. FIELDS. Mr. Speaker, these past 2 weeks have been an emotional period for the students, teachers, and administrators of Spring High School in Spring, TX.

On Monday, April 24, the school was notified that it was one of just 47 schools nationwide to have won the U.S. Department of Education's "Drug Free School Recognition Award" for the 1988-89 academic year. On Saturday evening, April 29, the school mourned the death of one of its most popular, and most promising, students. The two events have caused great joy and great sadness at Spring High School.

I had the pleasure of notifying Gloria Marshall, principal of Spring High School, that the school had been selected to receive the Drug Free School Recognition Award. A total of 223 schools were nominated for the award, which recognizes schools for outstanding drug prevention programs. Ten of the schools nominated were ruled ineligible, and 47 schools were selected for the award.

The school's drug abuse prevention is three-pronged. First, the program is designed to teach students to believe in themselves and to improve their self-image—thereby helping them to "say no" to drugs and to develop good relationships with family members and friends. Second, the program makes clear to students that substance abuse will not be tolerated. And third, the program provides counseling to students who may be abusing alcohol or drugs, or who may be tempted to do so.

While the program has not eliminated drug and alcohol use among the 2,100 students at Spring High School, Marshall sees signs that the program is working. She told me during a recent meeting that one student put it this way: "It is becoming cooler not to use'em (drugs)."

I commend the school, its student body, its faculty and administrative officials for winning this award, which recognizes the outstanding accomplishments of everyone associated with Spring High School. Working together, students and faculty members, parents and administrators have devised a program which appears to have reduced drug and alcohol use among the students of Spring High School. In particular, I congratulate Principal Marshall on winning the Department of Education's Drug Free School Recognition Award, and I commend the students of Spring High School for their efforts to make this program a success.

Representatives of Spring High School and of the other 46 winning schools will receive a plaque, to be presented in Washington, probably in mid-May.

At the end of the week in which Spring High School received this great honor, the school suffered a tragedy which deeply saddened the student body, the teachers and administrators at the school. An outstanding student, Danny Mulcahy, a senior, was killed in a one-car accident when he lost control of his car shortly after leaving the school's prom, held at a local hotel. The 17-year-old was returning to Spring High School to participate in its "Project Prom" a post-prom party designed to be free of alcohol and drugs.

I want to stress that the evidence clearly shows that Danny Mulcahy was obeying the speed limit, was not under the influence of drugs or alcohol and was wearing his seat belt. The wreck appears to have been a freak accident with no logical explanation.

Danny Mulcahy was a well-loved and much-respected student who played football, ran track, and earned good grades. His popularity among his fellow students was demonstrated by the fact that more than 400 Spring High School students attended his funeral, held Wednesday, May 3.

To Mr. and Mrs. Dan Mulcahy of 23826 English Oaks in Spring, TX, and to his friends at Spring High School, I extend my deepest sympathies on Danny's passing. Regardless of circumstances, there is rarely a satisfactory answer to incidents like young Danny Mulcahy's death—especially when the individual shows as much promise and potential as Danny displayed.

Mr. Speaker, this has been a period of high emotion at Spring High School, which is located in my congressional district. In the midst of great success and high achievement, tragedy has intruded.

To the students at Spring High School in particular, I want to say that life is a series of successes and failures, a tableau of joy and sorrow. We must enjoy those successes and share our joy with those around us, and we must overcome the failures and the sorrow which inevitably occurs in the lifetime of each of us. We can never surrender to despair, and we must always be strong in time of adversity.

That is how Danny Mulcahy lived his life, and it is how we must live our lives.

# C.E. COLE INTERMEDIATE SCHOOL WINS "DISCOVER EARLY AMERICA" MAP CONTEST

## HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. YATRON. Mr. Speaker, today I want to give special recognition to the students and teachers of C.E. Cole Intermediate School who recently participated in the "Discover Early America" map contest.

As you know, Mr. Speaker, the Commission on the Bicentennial of the United States Constitution sponsored a "Discover Early America" map contest in which schools throughout the United States competed. The goal of this map contest is to encourage the study of geography and to enhance students' knowledge and understanding of American history.

In Pennsylvania's Sixth Congressional District, first place in the elementary school level contest was won by Mrs. Carol Hess' fifth grade social studies class at C.E. Cole Intermediate School in Laureldale, PA. I commend all of the teachers and students who participated in this map contest and congratulate the winners for their outstanding academic and artistic work. These fine young people represent the best of the Sixth Congressional District and they can be proud of their success in this competition.

## A TRIBUTE TO JOSEPH E. BURNS, JR.

## HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. MORRISON of Connecticut. Mr. Speaker, Joseph E. Burns, Jr., of New Haven, CT, retired on May 1, 1989 after 29 years of dedicated service to organized labor. His career is marked by continuous achievement from the time he became an apprentice on the New Haven Railroad, through his service as Directing General Chairman of District 22 of the International Association of Machinists. The railroad industry has gone through many changes, and Joe was there through all of them, speaking out on behalf of the railroad machinists.

From beginning to end, Joe has been a railroad man. After being honorably discharged by the Navy in 1948, Joe returned to his hometown of New Haven and began working for the New Haven Railroad as an apprentice machinist. He became a member of the International Association of Machinists and began to be selected for leadership positions. After 10 years, he was elected general chairman of district 43 which included his local lodge as well as all the others on the New Haven Railroad.

Joe's work for the union began on a small scale and gradually grew in scope. In 1976, when Joe was elected as directing chairman of combined districts 42 and 43, his responsibilities included railroads throughout New Eng-

land and in parts of New York. Following the merger and consolidation of many lodges and districts, Joe was elected to the post of directing general chairman of the new district 22. It was in this capacity that Joe made his greatest contributions. His responsibilities included negotiation, arbitration and servicing for all railroad machinists east of the Mississippi, as well as one Canadian lodge. One hundred local lodges and 20,000 union members fell under his purview.

Although Joe's professional responsibilities extended across the Nation, he maintained his roots in the New Haven community. He was a member of the Board of Directors of the New Haven Labor Council, AFL-CIO, sat on the Board of Directors of the New Haven Labor Council's Building Committee, and was the first director of the State machinists political action committee. And he did all of this while he and his wife, Irma, were raising nine children.

The railroad members of the International Association of Machinists have been fortunate to have a man of Joe's caliber leading and serving them. The work he has done has made the jobs of thousands of railroad machinists better and more secure. The thanks he receives from his fellow machinists is for a job well done.

## IDAHO WILDERNESS

## HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. KOSTMAYER. Mr. Speaker, today, I rise to introduce legislation that would permanently protect nearly 4 million acres of unspoiled Federal lands in Idaho as part of the National Wilderness System.

As a senior member of the House Interior Committee, Mr. Speaker, I have had the opportunity to visit virtually every one of our magnificent United States. I can say without qualification that I have rarely had the opportunity to see anything quite so beautiful as the State of Idaho. From the rain forests of the panhandle, to the 12,000-foot peaks of the central ranges and the prime grizzly bear habitat on the eastern border near Yellowstone National Park, our Nation has very few spectacles to match this natural marvel.

Mr. Speaker, there are currently more than 9 million acres of public domain that remain undeveloped in Idaho, including some of the most beautiful wildlands left in our Nation. The future of this land is in doubt so long as the wilderness question remains unresolved.

The bill I am today proposing, Mr. Speaker, would preserve approximately 3.9 million acres of the most beautiful of Idaho's treasures.

This is the fourth time that I have waded into the decade-long debate between development and conservation forces over the eventual fate of Idaho's public domain. My bill is designed to facilitate a solution by offering a reasonable middle ground between extreme suggestions that have come from each side. To date, proposals have been offered that would offer anywhere from 1.6 million acres, a



figure I find ridiculously low, to 9 million acres, which undoubtedly is too high.

The 3.9 million acres which my bill would protect includes unroaded and pristine territory that is now at stake as land managers seek to resolve the wilderness issue in Idaho before much of this land is lost to development. Habitat for increasingly rare ocean-running salmon and steelhead, great herds of big game species, threatened and endangered species and some of the Nation's most scenic wildland areas remain unprotected and hence open to development. Without congressionally designated protection as wilderness, millions of acres will be lost to road building and logging. Such beautiful areas as the Boulder-White Clouds area with its milky quartzite peaks and the Payette Crest on Payette National Forest, an area with high fish and game value, would be protected from the ravages of logging and mining.

My wilderness proposal would also benefit the American taxpayer. The current protimber policy that exists in this great State cost Americans an average of \$16.5 million per year between 1979 and 1984. During this same period, two of Idaho's national forests returned only 19 to 20 cents on every dollar invested in timber programs. In addition, every forest but one consistently averages negative timber sales. National forest timber sales in Idaho report the second largest deficits in the Nation due to the enormous costs of road building. Consistently, year after year, Idaho has placed near the top of the list as one of the worst States for timber receipts.

Interesting to note, according to a recent Washington Post article, the tourism business has passed the most traditional extraction industries—agriculture, mining, and timber—to become the State's most important source of private sector jobs. In fact, according to recent labor statistics, the tourism-recreation industry is the biggest employer in the State of Idaho.

Idaho's lack of development is one of its chief assets. To a great degree, the State's beauty is untouched, its wildlife healthy, and its diversity of outdoor experiences is developing rapidly.

Consequently, protecting these wilderness areas is no longer simply a question of conservation but also one of great economic portent.

While I think my bill is the best and most reasonable proposal to arise so far, I do not mean to characterize it as the final word on the Idaho wilderness question. Undoubtedly, as we move through this process, we will add and eliminate lands several times until some sort of consensus is reached. The legislation I am introducing today is designed to get the process moving, so that we can put an end to the divisive infighting that has separated the citizens of Idaho for too long.

I strongly encourage you to help protect this priceless heritage and urge your cosponsorship of H.R. 1512. If you have any questions or would like to cosponsor, please contact Emily Gray of my staff at extension 64085.

## THE NOBLE AND REWARDING FIELD OF NURSING

**HON. GEORGE J. HOCHBRUECKNER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 3, 1989*

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to congratulate 29 students from my district who have been awarded regents nursing scholarships. The scholarships are good for up to 5 years of study on campuses in New York State. The students were selected on the basis of a combination of both test scores and grades. They represent some of the brightest students in my district, and I am very pleased that they have chosen to study in the field of nursing.

Two key trends in health care are making nurses in greater demand today than ever before: The aging of our national population, and a growing emphasis on lowering the costs of health care. As the number of older citizens increases, and as hospital stays are shortened, the need for home care is likely to increase substantially. Nurses today are being called upon to fill the gap between available health care services and affordable costs. Studies show that nurse practitioners are cost effective providers for many services covered by Medicare and Medicaid.

Nurses also provide the all-important human element in health care in a society which often identifies technology as the solution to all our health care problems. Unfortunately, we are too often more receptive to funding the latest item in biomedical equipment than offering a nursing scholarship for students entering the health care field. Research has shown that close human contact may be as important as some of the machines that save lives. Nurses offer patients, compassion and concern which go a long way in assuring the patients' speedy recovery. We should encourage others, such as the outstanding students I salute today, to follow their example and enter the very noble and rewarding field of nursing.

## MOTION TO INSTRUCT CONFEREES ON H.R. 2 TO REOPEN HEARINGS ON THE MEDICARE CATASTROPHIC COVERAGE ACT

**HON. TOM DeLAY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 3, 1989*

Mr. DELAY. Mr. Speaker, the elderly are speaking loud and clear. We did them no favor when we passed the Medicare Catastrophic Care Act last year. I have heard from hundreds of my constituents and not one of them likes what we've done to them with that bill.

I opposed the Catastrophic Care Act when we voted on it last summer because it puts a heavy tax burden on the hardworking middle-class elderly.

An estimated 80 percent of Medicare beneficiaries had additional health insurance coverage to supplement their Medicare benefits.

These people were responsible and planned for retirement. It's not right that these people should be penalized for saving for retirement.

Let's face it. This legislation is a costly disaster. It heavily taxes our senior citizens and provides very little in benefits. The elderly were promised that these new benefits would replace their supplemental insurance policies. Instead, they still must continue their Medigap policy and face a stiff surtax as well.

What's more is that with each day we find more problems with the bill. The Health Care Financing Administration [HCFA] recently reported that the catastrophic drug trust fund which will pay for the highly praised prescription drug benefit will be in the hole almost right from the start.

HCFA estimates that the fund will have a deficit of \$4.5 billion by 1993. Under the law, that means seniors could be slapped with another increase in the surtax of 21 percent, a 23-percent increase in Medicare part B premiums or a 68-percent rise in the deductible for the drug benefit from \$600 to more than \$1,000.

I support this motion to call on Congress to reopen hearings on the Catastrophic Care Act to stop the damage before it is too great.

## TRIBUTE TO EVAN K. KLINE, BURLINGTON COUNTY FIRE MARSHAL

**HON. JIM SAXTON**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 3, 1989*

Mr. SAXTON. Mr. Speaker, I rise to salute a constituent, and a friend, who has dedicated most of his life to the service of his community. After 50 years of service as a firefighter in Burlington County, NJ, Evan K. Kline is retiring this week. I ask my colleagues in the House to join with me in paying tribute to this fine public servant.

Evan Kline began his career in 1939 when he went to work for the New Jersey Forest Fire Service where his starting wages were 30 cents an hour. In 1943, he joined the local volunteer fire department in Mount Holly, NJ. At the same time he took up a full-time job as a letter carrier. I understand that at times he was even seen running off to fight a fire with a car full of mail.

Evan's climb up the ladder of rank continued. He served as captain, assistant chief and chief of the Mount Holly Department. In 1965 he was named assistant county fire marshal and 5 years later he was promoted to his present position of Burlington County Fire Marshal.

The fire marshal's office is responsible for providing training on fire fighting techniques, disseminating fire prevention awareness information, coordinating fire fighting efforts with local companies, and investigating crimes of arson. Under Kline's leadership, Burlington County has attained a level of service surpassed by few. They have trained personnel from England, Ireland, Puerto Rico and across the United States. In the area of investigations, Kline's office has a 10-percent conviction rate.

tions rate—a great accomplishment in the difficult business of arson investigation.

Mr. Speaker, Evan Kline has dedicated 50 out of his 67 years to serve the people of Burlington County. In the true mold of the "Public Servant" he does not do it for the money. He does not do it for notoriety. He does it for the satisfaction of helping others. I offer to my colleagues a quote from a recent newspaper article.

When asked why he dedicated so many years of hard work, Evan replied, "you get a certain satisfaction when you help somebody, when you make a rescue or help save someone's property. You just have that certain satisfaction that you have done some good in the world."

Mr. Speaker, Evan Kline has done a lot of "good in the world" and the people of Burlington County, NJ are thankful for it.

### A TRIBUTE TO ARTHUR SPIEGEL

#### HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. MORRISON of Connecticut. Mr. Speaker, in 1983, as a freshman Congressman, I had the opportunity to travel to Israel in the company of an exceptional gentleman, Mr. Arthur Spiegel. I rise today, not only to thank him one more time for the fond memories I have of that week, but to recognize the important contributions he has made to the larger community. When Arthur Spiegel retires from his position as executive vice president of the New Haven Jewish Federation on May 31, 1989, the Jewish community will lose a tremendous leader.

Arthur's retirement concludes a chapter in his life of nearly 25 years of service to the New Haven community and to Jewish causes. That service began in 1965 when he arrived from New York where he had worked in the New York regional office of the Anti-Defamation League of B'nai B'rith. He took over as Connecticut regional director, climaxing a 12-year career with the agency that spanned stays in Florida and Nebraska before he came to Connecticut. He then moved on to become executive director of the New Haven Jewish Federation.

Despite his retirement from his official capacity, I know that Arthur will continue to be a strong and important voice for the Jewish community. However, there is one thing which Arthur will no longer continue to do, and that is conducting tours in Israel with the Federation Interfaith Mission. The one he will lead on May 25, 1989, will be his last. The hundreds of New Haveners who have gone to Israel with Arthur know what an irreplaceable gap that will leave.

What made Arthur's trips special are the same things which make him special, a deep and committed love for Israel and for the United States. As a Jew who fought in the War for Liberation, Arthur knows what it is like to be both an American and an Israeli. As a consultant to the Judaic Studies Department at Yale University, Arthur knows the complex-

ities of Israel's historical and political situation. As a good human being who cares about people instinctively, Arthur knows how to communicate his passion for Israel to others. People respect him because they know his words come from the heart.

In leading his trips, he is able to give everyone, whether Jewish or not, a deeper understanding of what it is like to be part of the family of Israel. By avoiding the popular attractions and taking visitors into a supermarket at night, on a midnight mystery walk or to a kubbitz, he makes every participant a part of the everyday life experiences of Israelis. I was so profoundly affected by what I was able to see and experience with Arthur as my guide, that instead of cutting my tour short in order to come back and make an important vote, I flew back to Washington, voted, and promptly returned to Israel to continue the tour.

The New Haven Jewish Federation has been fortunate to have someone of Arthur Spiegel's caliber to help lead it. His energy and spirit have touched many. As a friend of mine and a community leader, I thank him and wish him well in the future.

#### KEN NOYES, A VOLUNTEER FIREMAN FOR 60 YEARS

#### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. SOLOMON. Mr. Speaker, my definition of a great American is a person who gives of himself to his community. Such an American is Ken Noyes, who will be honored for 60 years of service with the Jonesville Volunteer Fire Company in Saratoga County, NY.

Those of you who come from rural districts know how important the contribution of volunteer fire squads is for the public safety of their communities. Without a doubt, they must save countless lives and billions of dollars' worth of property. I was a volunteer fireman for many years in my hometown of Queensbury, so I know the sacrifices of time and convenience made by our volunteer firefighters.

Ken Noyes has been making those sacrifices for 60 years, and his community is all the richer for it.

Mr. Speaker, his friends, fellow-volunteers, and family will be honoring him at the Jonesville Methodist Church on May 13. Please join me in saluting Ken Noyes, a great American.

#### COMMENDATION TO MEXICAN AMBASSADOR GUSTAVO PETRICIOLI

#### HON. JIM BATES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. BATES. Mr. Speaker, I would like to commend Gustavo Petricoli, Mexican Ambassador to the United States, on his efforts in expediting the deportation of Ramon Salcido to American authorities on April 20.

On Friday, April 14, Ramon Salcido, a Mexican citizen living in the United States, brutally

killed his wife, two daughters, and his employer in Sonoma County, CA. He also seriously injured another daughter and a coworker. Salcido subsequently fled to Mexico and was arrested 6 days later through a joint effort by Mexican police and United States agents.

Due to the efforts of Ambassador Petricoli, Salcido was subsequently deported from Mexico to the United States for a criminal trial. Because he has lived in the United States for the past 9 years, Salcido was considered by authorities as a resident of the United States and could consequently be deported for entering Mexico illegally. Without such efforts, extradition hearings and procedures would have delayed considerably the prosecution of Salcido for his brutal crimes.

The efforts of Ambassador Petricoli in this matter demonstrate his commitment to perpetuate close and positive relations between our country and the Government of Mexico. I would like to commend his work on this matter, and look forward to continuing our mutual efforts as good neighbors.

#### POLISH CONSTITUTION DAY

#### HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I am proud to join with Poles worldwide in commemorating the 198th anniversary of Polish Constitution Day. Recognizing their struggles and dedication to freedom, this year's celebration will be particularly special due to the recent victories and reinstatement of Solidarity.

The Polish Constitution was one of the great documents of mankind. Adopted on May 3, 1791, it was an exciting achievement which captured the very spirit of the age. The French and American revolutions had occurred just years ago, and the beliefs of the French Declaration of the Rights of Man and undoubtedly our own Constitution helped lay the foundation for their work. The time for reform had come in Poland.

The work on the new constitution was a time consuming process. It started with the Four Years Diet in 1788 and took 3 years to hammer out. Many conflicting interests within the Diet worked against each other. Eventually, the King and the reformers won through, and the Constitution of 1791 was drawn up. Its provisions were thrilling: religious freedom, election by secret ballot, and a modern, democratic legislature. President George Washington himself remarked upon the great strides that Poland had made in the pursuit of liberty.

Today, the Polish people are no less bent on achieving freedom and justice than they were over 200 years ago. The struggle of our modern times is no less challenging to these reforming forces and certainly no less essential. The great Communist sprawl of the Soviet Union has cast a shadow over liberty in Poland, but they cannot ever quench its fire. The courage and determination of the Solidarity movement stands proof to the fact.



In commemorating Poland's great Constitution of 1791, we must recognize the tremendous efforts, past and present, that the Polish people have made for the goal of freedom. Poles across the world can stand proud of their past and confident of their future. A great people so inflamed with liberty will not long be held down by the forces of oppression, no matter how intimidating they might be.

**BARD MANUFACTURING CO.  
CELEBRATES 75TH BIRTHDAY**

**HON. PAUL E. GILLMOR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 3, 1989*

Mr. GILLMOR. Mr. Speaker, I rise today to congratulate Bard Manufacturing Co. of Bryan, OH, on the celebration of the company's 75th birthday. Bard Manufacturing is in Williams County, in the western part of Ohio's Fifth Congressional District. With their more than 300 employees, Bard Manufacturing is one of America's leading manufacturers of furnaces, heat pumps, and air conditioners.

Mr. Dale Bard founded this family-owned firm in 1914. His son, Mr. Randolph Bard, guided the company for 54 years, until his retirement in 1981. And now, the company is run by Jim and Richard Bard, grandsons of the original founder. Now, Jim and Richard's children are also involved in the company. This is clearly a great family business that has withstood the test of time and the winds of change.

Mr. Speaker, I am proud to have this opportunity to commend Bard Manufacturing Co. as they celebrate their 75th year. I am very proud to represent the many employees who make Bard Manufacturing a successful company in northwest Ohio.

**IN RECOGNITION OF GREEK INDEPENDENCE DAY, MARCH 25, 1989**

**HON. BILL SCHUETTE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 3, 1989*

Mr. SCHUETTE. Mr. Speaker, I rise today to honor Greek Independence Day. The legislation designating, March 25, 1989, as a National Day of Celebration of Greek and American Democracy was first signed into law in 1985. The Grecian republics were the basis for our modern day democracies, and I join in honoring their historic struggle for freedom which began in 1821.

In the Federalist Papers, James Madison and Alexander Hamilton wrote, "Among the confederacies of antiquity the most considerable was that of the Grecian republics \* \* \* From the best accounts transmitted of this celebrated institution, it bore a very instructive analogy to the present confederation of the American States."

In modern times the ties between Greece and the United States have grown strong through the immigrants who have come to the United States. In fact during the early 1900's,

one of four Greek males between the ages of 15 and 45 departed for the United States.

Mr. Speaker, I ask that you join me in saluting the great heritage of the Greece, their historic struggle for freedom, and the continued contributions from their citizens to our society.

**PAT RINALDI GAINS NEW HONORS**

**HON. CONSTANCE A. MORELLA**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 3, 1989*

Mrs. MORELLA. Mr. Speaker, I want to bring to the attention of my colleagues the outstanding athletic achievements of a long-time Hill aide, Pat Rinaldi, who is a resident of Bethesda, MD, in my Eighth Congressional District.

On May 5, Pat, who has been the Nation's top ranked women's duckpin bowler six times and who has set five world's records over the years, will be inducted into the National Duckpin Bowling Congress' Hall of Fame.

To say that Pat is an all-star is an understatement. She has won three pro tour events and the duckpin all star tournament, served on three U.S. women's international duckpin teams, served as founder and director of the annual ladies all-star classic tournament in Maryland, been named Bowler of the Year on the ladies pro tour twice, and been ranked nationally 18 times. She has appeared on television many times as a spokesperson for duckpins, and has been featured in numerous national articles on the sport.

Pat has an enviable record on the Hill as well. Currently an aide to Congressman ALFRED A. MCCANDLESS of California, she previously served with three other California Congressmen: James Utt, John Schmitz, and Clair Burgener.

Pat is from a long-established Maryland family, and her parents, Nicholas and Victoria Rinaldi, live in Rockville. Her father is one of the largest independent bowling proprietors in the country.

I know my colleagues join me in saluting the many achievements of Pat Rinaldi.

**CELEBRATING THE CALIFORNIA CONDOR**

**HON. BILL LOWERY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 3, 1989*

Mr. LOWERY of California. Mr. Speaker, I rise today in celebration of the birth of a beautiful California condor chick at the San Diego Wild Animal Park. Only the second of the near-extinct species to be hatched in captivity, this healthy, new arrival represents an important step toward reintroducing North America's largest land bird to the wild.

The chick, named Mandan after an Indian tribe in the eastern Rockies, joins the 15 other remaining condors at the San Diego Wild Animal Park and the 14 remaining at the Los Angeles Zoo. The U.S. Fish and Wildlife Service, which is overseeing the condor's recov-

ery, hopes that more birds can be nurtured in captivity so that the condor can one day survive on its own in the wilderness.

There is no question that the United States has mistreated and neglected its indigenous wildlife during the course of this century. In the case of the condor, however, we now have a unique opportunity to correct one of our mistakes. The California condor may not be one of nature's most endearing creatures, but we have an obligation to do whatever we can to protect it from extinction. The bird's continued survival will show that our country has become more protective of its fragile environment.

In 1987, the Federal Government bought 13,600 acres of rugged, untouched land in southern California. If the condors do make a comeback, they will forever have this sanctuary to call their home. Let us hope that Mandan survives and that the three other fertile eggs at the Wild Animal Park hatch this summer.

Mr. Speaker, I praise San Diego's Wild Animal Park for their patient and gentle care of this endangered bird. Their efforts have given us hope for a constructive future.

**HONORING MISSOURI SMALL BUSINESSMAN OF THE YEAR**

**HON. JACK BUECHNER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 3, 1989*

Mr. BUECHNER. Mr. Speaker, I rise today to honor Mr. Mendel Rosenberg, the Missouri Small Businessman of the Year. Mr. Rosenberg is the embodiment of the American dream and his success is an inspiration to us all.

Most immigrants have their own special story of the hardships endured before they reached our great Nation. Mr. Rosenberg's experience is one such remarkable story. He is a survivor of the Nazi concentration camp of Dachau. After the camp was liberated in 1945, Mendel immigrated to the United States, with only \$10 in his pocket.

He settled in the Youngstown, OH, area and started working for a neighbor. Although he was fluent in six languages, he could not speak English. So he used his spare time to study English and earn a high school degree. He also served in the Korean war before he became a United States citizen. After the war, he moved to the St. Louis area to work for the Benada Aluminum Co., a manufacturer of windows.

Mendel worked for Benada until 1967, when he and his wife Sandy decided to start their own window company. They named the company Delsan; a combination of their names. During the first few years, Delsan struggled for survival. However, the days of struggling have long since past. Delsan began with 7 employees and today boasts more than 100 employees. The manufacturing facilities have increased from 13,000 square feet to over 67,000 square feet. Finally, gross revenues for Delsan have grown from \$139,000 to over \$6 million. Not bad for a guy who started with \$10 in his pocket.

Delsan epitomizes an American small business success story, and Mr. Rosenberg embodies the American dream. He has taken an idea and turned it into a success. Mr. Rosenberg also serves as an example of how hard work and dedication lead to the path of success. He overcame enormous obstacles to become a successful businessman.

I ask my colleagues to join me in saluting the Missouri Small Businessman of the Year, Mendel Rosenberg. He has demonstrated what it takes to be both a successful businessman and outstanding citizen. I cannot think of a more fitting recipient.

#### TRIBUTE TO DR. KENNETH MAHANES

#### HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. McEWEN. Mr. Speaker, I would like to call to the attention of my colleagues and the Nation a truly special celebration at the Far Hills Baptist Church of Dayton, OH.

On Sunday, May 7, Dr. Kenneth Mahanes, senior pastor at Far Hills will celebrate his 10th anniversary with the church. During his 10 years, Dr. Mahanes has presided over a period of tremendous spiritual and numerical growth in the church. Today, Far Hills Baptist Church is Ohio's largest Southern Baptist Church.

But Dr. Mahanes' imprint can be seen well beyond Far Hills. Dr. Mahanes has been active in efforts to halt the spread of pornography and end the atrocity of abortion. Under the direction of Dr. Mahanes, the Far Hills Baptist Church is the spiritual home for numerous families that have provided community and civic leadership in preserving traditional values and raising the quality of life throughout the Miami Valley.

While Dr. Mahanes' faithfulness to his church and community is appreciated by all of us, Dr. Mahanes also provides sound leadership to the Southern Baptist Convention as a member of the executive committee of this important policymaking body. Dr. Mahanes' efforts have positively affected the Southern Baptist Church across our Nation.

Most notably, however, is Dr. Mahanes' humble spirit. Despite his considerable accomplishments and ongoing service to his church, he has always given honor to those around him, never seeking the spotlight for himself despite considerable opportunity to do so. When the members of Far Hills Baptist Church are asked about Dr. Mahanes' most admirable quality, they will certainly mention the great humility with which Dr. Mahanes—as well as his wife, Evelyn, and his sons, Mark and David—serve the congregation and the church.

Mr. Speaker, the Apostle Paul writes in his first letter to the church in Thessalonica, "We beseech you Brethren to know them which labour among you, and are over you in the Lord to esteem them; very highly in love for their work's sake."

I ask my colleagues to join the Far Hills Baptist Church and me in a heartfelt congratu-

lations to Dr. Kenneth Mahanes for 10 years of devoted service to a great body of devoted believers.

#### NATIONAL CEMETERY IN NORTH TEXAS

#### HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. BRYANT. Mr. Speaker, yesterday the House Appropriations Subcommittee on HUD and Independent Agencies held a hearing. Due to a previous engagement, I was unable to attend. Consequently, as a member on leave from the House Veterans' Affairs Committee during my Budget Committee service, I rise today in support of a request made by Dallas/Fort Worth area civic and veterans organizations for Federal funding of no less than \$200,000 in the fiscal year 1990 HUD-independent agencies appropriation bill. The funds will be used to conduct an environmental impact study required to establish the congressionally approved national cemetery in north Texas.

Texas has the third largest veteran population in the country and one-third of all Texas veterans reside in the 44 county north Texas area—far more in that area alone than in many other entire States. In its 1987 report on the national cemetery, the Veterans' Administration identified Dallas/Fort Worth as one of 10 U.S. geographical areas most in need of additional burial space for veterans. Congress authorized the establishment of such a cemetery in the Dallas/Fort Worth area in Public Law 99-576.

Texas currently has three national cemeteries located in San Antonio, Houston, and El Paso. Veterans and their families living in the Dallas/Fort Worth area, however, have to travel 300 miles or more to visit these cemeteries. Furthermore, as the elderly continue to migrate to Texas from other States, there is widespread concern that the remaining burial space in these three cemeteries will become increasingly insufficient to meet the burial needs of the Texas veteran population.

A number of locations in the area have been identified and are available for donation to the VA for construction of a national cemetery. On behalf of the approximately 995,000 north Texas veterans and their spouses, I ask that the subcommittee support this proposal for funding of the initial EIS, which is required by Federal law before site selection and construction can begin.

We greatly appreciate your consideration.

#### EMIGRATION POLICY CHANGES IN THE SOVIET UNION

#### HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. YATES. Mr. Speaker, as one who has been involved in the cause of international human rights for a number of years, I am encouraged by recent developments in the

Soviet Union. I welcome the changes that are taking place and I am delighted by the increasing number of families and individuals that are now being permitted to emigrate. In particular, I am most heartened by the news that Mr. Abe Stolar, a native of Chicago, has at long last left Moscow and is now living in Israel. It is my understanding that he will also be visiting Chicago later this spring where I know he will receive a warm and enthusiastic welcome.

But we have experience with the emigration policies of the Soviet Union and I know that what is good today can be quite dismal tomorrow. That is why it is important to take a few moments to remember that Jews in the U.S.S.R. remain a repressed minority and that their safety and well-being depends very much on the support of informed and committed people in this country and around the world. That is the message that we receive from those who have emigrated and I wish to emphasize that point today.

#### LEGISLATION TO PROVIDE EQUITY FOR RAILROAD RETIREES

#### HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 3, 1989

Mr. WILLIAMS. Mr. Speaker, today I am introducing two separate bills which will help provide equity for railroad retirees and other retirees so they are on a par with Social Security beneficiaries.

The first bill—The Retirement Payment Delivery Assurance Act of 1989, would provide for the timely delivery of certain Federal pension checks when the day normally scheduled for delivery falls on a weekend of a legal public holiday. In 1977, Congress authorized early delivery of Social Security and Veterans' Administration checks in these instances. This bill provides for the same timely delivery for railroad retirees, civil service retirees, military retirees, black lung beneficiaries, Foreign Service retirees, and Central Intelligence Agency retirees.

The Post Office receives Federal benefit checks for delivery on a specified date, usually the first or the third of the month. Because of the 1977 legislation, Social Security and veterans' beneficiaries now avoid potential hardships of up to 3 day delays caused by Monday holidays. Unfortunately, the same provisions does not apply to other retirees—numbering nearly 5 million. This legislation corrects this inequity. This bill is identical to H.R. 4884, which I introduced last session with an addition of making sure that timely withdrawal apply for those individuals who have their checks deposited for them.

The second bill—The Railroad Retirement Medicare Equity Act of 1989, will amend title XVIII of the Social Security Act to provide the same limitation on increases in deductions for Medicare part B premiums from railroad retirement annuities as currently applies to Social Security. What this means is that any increase in part B premiums for Medicare cannot exceed the amount of the cost-of-living in-



crease in the annuity. Legislation has already been enacted providing this consideration for Social Security recipients—this bill would provide equity for railroad retirees. This legislation is identical to H.R. 4885, which I introduced last session.

I urge my colleagues to join me in supporting these two bills which will provide some important relief for our retirees.

### MEDICARE CATASTROPHIC EQUITY ACT

**HON. HARRY A. JOHNSTON II**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 3, 1989*

Mr. JOHNSTON of Florida. Mr. Speaker, today I am introducing the Medicare Catastrophic Equity Act of 1989. Since January, I have received 260 to 300 letters a week on the subject of the Medicare Catastrophic Coverage Act of 1988, and virtually all of them are critical of the funding mechanism that is now law. I propose that we step back and look again at how we should fund this important coverage, particularly in light of Senator BENTSEN'S findings that revenues generated from the act are "now more than twice the amount originally projected and far in excess of that required to reach the reserve \* \* \* called for by the law."

The truth is, all those seniors who have been deluged us with mail have been far more accurate than we realized. The sad reality is that we are about to use the excessive revenues being collected from their pockets to mask the Federal budget deficit. Instead of adjusting the formula to achieve more fairness and accuracy, the intention is to keep the money rolling in and make us all look a little bit better. It wasn't fair before. It's even worse now.

My bill, the Medicare Catastrophic Equity Act of 1989, will delay implementation of expanded benefit coverage under Medicare Part B and the supplemental premium for 1 year. It will also mandate the General Accounting Office to evaluate the cost and effect of the expended benefits coverage on the beneficiaries and seek alternative ways to fund them that would be fair and equitable. As it stands today, the Medicare Catastrophic Coverage Act does not meet that test. I urge your support.

### MISSISSIPPI RIVER NATIONAL HERITAGE CORRIDOR ACT

**HON. JERRY F. COSTELLO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 3, 1989*

Mr. COSTELLO. Mr. Speaker, I want to join my colleagues today in calling attention to the Mississippi River National Heritage Corridor Act of 1989. This act will create a commission to look at economic development possibilities along the Mississippi River through 10 States, including my home State of Illinois.

I have spent my whole life in Illinois, and I can tell you that the Mississippi River and the

people who live along that river have a rich history to tell about America's past. It is also an area that plays a significant role in our country's economy as a hub waterway for commercial transportation.

Given its historical past, the river has great potential for tourism. As the central waterway for America, the river is a part of the life and times of the city of New Orleans, part of the tales of Mark Twain, part of the discovery of the Western territories and a great part of the growth of the Midwest.

The Commission created in this bill will provide information about the river and its opportunities, and will work with local governments on ways to preserve the river and tap into it for the benefit of economic development. In fact, Mr. Speaker, this is even happening in my own district, where the city of Alton is considering the construction of a boat marine on the Mississippi as a way of enhancing tourism and development to the downtown area.

As an original sponsor of this bill, I want to ask my colleagues to support this bill as a way to realize the protective measures that the Mississippi River deserves.

### NAMIBIA'S FREE AND FAIR INDEPENDENCE PROCESS

**HON. KWEISI MFUME**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 3, 1989*

Mr. MFUME. Mr. Speaker, like so many Americans, I, too, receive a great deal of my information from the media. As a U.S. Congressman, I also have early access to other sources of public information from, for example, the Library of Congress, official Government studies, and private research groups. Nevertheless, I have awaited in vain for information concerning the events surrounding the April 1 commencement of U.N. Resolution 435. The Washington Post and the New York Times, for example, have related only that information provided by the South African military in Namibia. Having long ago concluded that the South African Government has systematically sponsored and funded a propaganda campaign of lies and misinformation, I was skeptical about news reports concerning their version of the military incursion of South West Africa People's Organization [SWAPO] forces into Namibia from bases in Angola.

The facts have slowly made their way to the Capitol. Three separate documents tell of what really happened and why, they are: the Nation, May 1, 1989, Jane's Defense Weekly, volume 11, No. 15, and a report from the Lawyers' Committee for Civil Rights Under Law's Southern Africa Project. Mr. Speaker, several points come to light that I would like to take time to address: One, the media reports we have received thus far have only related the South African Government's view of the events; two, the United Nations has been manipulated by some Security Council members and the Government of South Africa; three, the U.N. Transitional Assistance Group [UNTAG], which will monitor the cease-fire, is underfunded and late in its deployment, and four, the events as related by eyewitnesses

support a very different conclusion than we have been led to believe.

According to Gay J. McDougall, director of Southern Africa Project, Alexander Cockburn of the Nation, citing eyewitnesses, David Beresford of the Guardian and Dudley Vial, deputy director of communications for the Council of Churches in Namibia, the facts are these: SWAPO units journeyed south as cease-fire day—April 1—approached. They were instructed by their commanders to seek out UNTAG forces in Namibia where they would be escorted to holding areas under U.N. protection. Instead, the returning SWAPO units encountered battalion 101, the notorious Koevoet, who fired first, ambushing the unsuspecting troops. Inspection of corpses reveals that most were not killed during the fire-fights but rather at close range by small caliber weapons to the face. Inspection of one battle site reveals that the SWAPO units were eating a meal and not acting as a hostile force.

According to Tony Banks and Thalif Deen of Jane's Defense Weekly, April 15, 1989, the facts are these: United Nations' peacekeeping force has a projected deficit of \$1.5 billion, it was 3 weeks behind its own schedule for deployment in Namibia, the Security Council has reduced the number of troops, police, and election supervisors. All these factors contributed to the small UNTAG force in place to prevent what turned out to be the heaviest fighting in the 23-year-old war between South Africa and SWAPO. It is the opinion of some that these are sufficient reasons to explain: One, how Koevoet precipitated the carnage on SWAPO personnel, two, how South Africa managed the international media concerning the incursion, and three, why the U.N. agreed to allow South Africa to dispatch additional security forces without independent verification of the events.

Mr. Speaker, the U.N. Security Council should cooperate in the implementation of Resolution 435. The news media should make good on their unquestioning regurgitation of the South African security force's propaganda and print the facts as they are now understood. The International Court should investigate the events on and after April to determine the degree of South Africa's barbarity. After 74 years of South African occupation of Namibia, SWAPO commanders have no excuse for naivete in regards to U.N. capabilities or Pretoria's intentions, and neither should we.

### AGENDA FOR KEEPING AMERI- CA'S FAMILIES TOGETHER

**HON. CLAUDE PEPPER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 3, 1989*

Mr. PEPPER. Mr. Speaker, as chairman of the House Select Committee on Aging's Subcommittee on Health and Long-Term Care, I join with all those who have been involved in advocating meaningful changes to improve conditions for the people of our Nation. I want to commend Members of the 100th Congress for their foresight to enact a number of impor-

tant bills that will be of great assistance to older persons and their families. One of the most significant was the creation of the U.S. Bipartisan Commission on Comprehensive Health Care which was an amendment to the Catastrophic Health Care Act passed by this Congress and signed into law by the President. This Commission, legislation for which I had the pleasure to author, will submit to the Congress, within 1 year, two immensely important reports. The first will detail how the Congress might finance and administer a program of long-term care for all Americans and the second will detail how we might finance and administer a program of comprehensive health care for all Americans. This Commission will for the first time in the history of the United States attempt to come to agreement on how every man, woman, and child in America can have the benefit of appropriate health care, regardless of income or ability to pay.

There have been many other important accomplishments on behalf of the elderly and their families in the 100th Congress. We created the 13th Institute of Health—the National Institute on Deafness and Communications Disorders. This new Institute will hopefully bring about new knowledge and cures for over 30 million Americans, half of whom are elderly, who have been robbed of the ability to hear and to speak correctly.

Also enacted last year was legislation establishing the National Biotechnology Information Center within the National Library of Medicine. This Center marks an important step toward improving the quality of lives for all Americans. Biotechnology, the branch of science focusing on DNA and the molecules which control the life processes, is one of the most promising areas of medical research. If we can understand genetics, we will begin to understand why disease occurs in certain individuals. We will then be on our way to solving the puzzles of Alzheimer's disease, arthritis, cancer, AIDS, and other ailments for which the cure has so far eluded us. This new Center, which will speed the dissemination of crucial information to researchers worldwide, will vastly improve the health status of all Americans in the future.

Tragically, despite these accomplishments, this last Congress did not see fit to enact a program of long-term health care nor a program of comprehensive health care for all Americans. The Congress has not yet adopted procedures for protecting those living under abusive guardianships, nor do we allow older Americans to continue working beyond the age of 65 without penalty of Social Security reduction or taxation.

Today, I am pleased to offer for consideration of my colleagues in the House an "Agenda for Keeping America's Families Together." This legislative agenda will meet the pressing needs of America's aging and changing families for better health care, housing, personal security against criminal victimization, employment, and retirement income.

We are far from the point where we can say that the job is done, but we will not cease our efforts. In this Congress, we will continue our fight for the rights of America's families. Their needs are many:

## HEALTH

First, there is nothing more critical to the well being of an individual than his or her own health. Our health care system in America is failing. It is failing the 37 million Americans who have no health insurance. It is failing 1 million Americans of all ages who go bankrupt annually paying the costs of catastrophic long-term illnesses. It is failing the thousands who die annually unable to pay for a life-giving transplant. It is failing American business by cutting their competitive edge due to our inability to control costs and double-digit health care inflation. It is failing thousands of technology-dependent children who are forced to live out their last days in costly and uncaring hospitals because of our health system's bias against home care. Health is the fastest growing industry in America accounting for about 12 percent of the gross national product, yet it is failing to provide Americans with fundamental health care protection. Instead, it is becoming simply a privilege few can afford.

We must enact legislation recognizing that it is one's birthright to obtain the best health that modern science can provide. We can't afford not to. During the 100th Congress, while the catastrophic illness bill was under debate, Congressman HENRY WAXMAN offered my bill to create a bipartisan Commission on Comprehensive Health Care as an amendment to the catastrophic illness bill. This Commission is now required by statute to present Congress with recommendations on how to finance and how to administer a program of long-term care for all Americans and how to finance and how to administer a program of comprehensive health care for all Americans by November 9 of this year. This historic mandate is unprecedented in the history of the United States. Hopefully, the Commission will lay before the Congress a legislative package upon which it can act to provide comprehensive health care to all Americans.

Pending the Commission's recommendations, the current institutional bias of Federal policy must be changed, so that thousands of chronically ill Americans are not deprived of home health care by present provisions emphasizing more expensive nursing home care. Last year, the Congress approved the Catastrophic Health Care Act and in doing so sought to improve burdensome costs associated with acute catastrophic illnesses. Eighty percent of catastrophic health care expenses, however, are for long-term chronic illnesses. To meet these costs, many families are forced into bankruptcy or poverty—1 million each year. Neither Medicare, nor Medicaid provide significant assistance in these cases. Private insurance policies are similarly limited. Yet, the burden is enormous:

Over 10 million children are said to have chronic health conditions;

More than half a million accident victims are left permanently disabled each year;

Over 20 million Americans have chronic heart conditions;

Ten million Americans have chronic lung conditions;

One of every three seniors will have a chronic health problem that requires long-term care by the age of 85;

Others have chronic conditions as diverse as Cerebral Palsy, Lou Gehrig's disease, Hun-

tington's disease, mental illness, cancer, arthritis, strokes, and Alzheimer's disease.

Congress should enact legislation I have introduced that would meet the enormous challenge of providing long-term care to chronically ill Americans. Such legislation should protect Americans of all ages, regardless of income, who have been certified to be unable to perform two or more normal activities of daily living—eating, bathing, dressing, transferring, or toileting—without assistance. Services delivered should be closely monitored and managed to assure efficiency and effectiveness. Costs should be tightly controlled and should not exceed the cost of providing similar services in a hospital or nursing home. It should be self-financed and progressive. Public opinion surveys indicate enormous support for eliminating the cap—\$48,000 in 1989—on income subject to the Medicare payroll tax of 1.45 percent which would generate income sufficient to pay for the program in its entirety. This change affects only those 5 percent of workers who earn more than \$48,000 in individual income—not family income.

Every public opinion survey indicates overwhelming support for long-term care protection. A recent Lou Harris poll, for example, found that 8 of every 10 Americans favor the Federal Government providing a program of long-term home care for all ages. And, three-quarters of all Americans were in favor of paying for this new program by eliminating the \$48,000 cap on income subject to the 1.45 Medicare payroll tax. Interestingly, the poll found that three-quarters of those who would actually pay the tax—those making over \$48,000—were willing to do so for a program of long-term care.

Lastly, while we were successful in enacting legislation I sponsored last Congress establishing a National Center on Biotechnology Information, much remains to be done in this vast and exciting field of research.

The Congress should give funding priority to efforts underway at the National Institutes of Health to map the human genome. In understanding the makeup of the human gene, we will begin to understand why disease occurs in certain individuals. We will then be on our way to solving the puzzles of Alzheimer's disease, arthritis, cancer, AIDS, and other ailments for which the cure has so far eluded us. I am confident, and prominent scientists have echoed this view, that we will see continued progress in the area of natural interventions. Through biotechnology, we will hopefully unlock the mysteries of diseases and so improve the health status of every American in the future.

## RETIREMENT INCOME AND EMPLOYMENT

Mr. Speaker. With the following words, President Franklin Delano Roosevelt began the greatest and most successful public program in our nation's history, social security: "I am looking for a sound means which I can recommend to provide at once security against several of the great disturbing factors in life—especially those which relate to unemployment and old age \* \* \*"

No single function of government affects as many Americans as profoundly as the Nation's social insurance systems—Social Secu-



ity. America's aged receive a monthly retirement check, and more than 4 million disabled workers and their spouse and children receive disability insurance benefits every month. Altogether, more than 38 million beneficiaries receive a check every month, and over 120 million workers contribute through the payroll tax to Social Security.

Between its inception in 1935 and now, Social Security has transformed the economic well-being of virtually every man, woman, and child in America. The dramatic reduction in the incidence of poverty among the aged, for example, can be attributed almost completely to Social Security. Without Social Security, in fact, the poverty rate among the elderly would nearly quadruple—jumping from 12.4 to 47.6 percent in 1984. Social Security is the primary source of income to more than half of those aged 65 and over, and it is the sole source of income for 1 out of every 4 older Americans.

Many Americans think of Social Security as a pension program for older Americans. Social Security is far more important. It is more broad-based and comprehensive than any pension program. Our Nation's 120 million contributing workers are building vital protection for themselves and their families. Social Security plays a key role in keeping America's families together. It is important for current workers not only because of the retirement, life, and disability protection it provides when needed, but also because it relieves them of the financial burden of caring for parents or disabled family members giving independence and dignity to each generation.

Currently about 140 million people of all ages are insured in the event of death or disability, and 95 out of 100 children have inflation-proof survivor protection. In sum, Social Security is not an old age program—it is a program for the ages and for all ages.

While the 1983 Bipartisan Commission on Social Security, of which I was privileged to be a member, developed legislation assuring a strong, solvent, and sound Social Security system well into the next century, there are improvements to Social Security that deserve the immediate attention of the Congress in its continuing effort to make Social Security even sounder and stronger than it is now.

First, the Congress should make Social Security an independent agency in 1989. When first created it was an independent agency. And, as a member of the 1983 Social Security Commission, I and other Commission Members recommended that it be made an independent agency once again.

In addition to independent status, we must also give the Social Security Administration sufficient staff to operate the program effectively. For the past 8 years there has been a continuous attack on Social Security staff. Staff has been cut by nearly 15,000 or 20 percent. These dramatic cuts make it more difficult for many to get benefits—especially disability benefits—to which they are rightfully entitled and serve to undermine public confidence in the program. As a first step we should at least stop any more cuts to Social Security staff and eventually we should restore all cuts.

Second, beginning in 1984, up to one-half of Social Security benefits became subject to taxation for beneficiaries whose incomes ex-

ceeded certain base amounts—\$25,000 for single taxpayers, \$32,000 for married taxpayers filing jointly. The taxation of benefits, an unfortunate compromise of the Social Security Bipartisan Commission, is simply a cut in benefits and should not have been adopted. Legislation to eliminate taxation on these benefits should be enacted at the earliest possible time.

Third, in order for a Social Security beneficiary to qualify for his or her entire benefit at the time of eligibility they are prohibited from earning more than \$6,480 from age 62 through 64, or more than \$8,880 from age 65 to 70. For every two dollars above those amounts that a person earns their benefit is reduced by one dollar. This is called the earnings test. Legislation should be adopted eliminating the "earnings test." It penalizes older workers who wish to continue working and contributing directly to their own benefit. As a society, we should be encouraging, not discouraging, productivity among people regardless of age.

Lastly, we should act to raise the Social Security death or funeral benefit to a level sufficient to reflect the actual cost of a low cost funeral and tie future increases in the benefit to the rate of inflation. The Social Security death benefit, only \$255, has not been increased since the inception of the program and falls far short of assisting surviving spouses for who a funeral is oftentimes a bankrupting experience.

Aside from assuring older Americans and their families appropriate protection from earnings lost due to retirement, disability or death, it is imperative that the Congress take necessary action to protect American workers against discrimination on the basis of age in the work force. In 1978, the Congress took action to prohibit age discrimination in employment in the public sector. Again, in 1986, the Congress extended the same protections to those in the private sector. Now, however, it is important for the Congress to take the final step and eliminate age discrimination in employment altogether by banning the mandatory retirement of certain occupations which remain outside the protection of the Age Discrimination in Employment Act. They include several groups of Federal employees, including foreign service officers, Central Intelligence Agency personnel and air traffic controllers. Also excluded are elected state and local officials and those for whom age is a bona fide occupational qualification reasonably necessary to normal operations of a particular business, that is, airline pilots.

Evidence from many sources points to the need to act swiftly to eradicate the remaining vestiges of age bias in the workplace. Just as race and sex are no indicators of competence or employability, so should age never be used as a determinant of one's worth.

#### HOUSING AND BOARD AND CARE HOMES

Over the past 8 years, the Federal role in housing has been reduced significantly with cuts in outlays approaching 75 percent. The need for affordable and adequate housing options for low-income older Americans promises to increase dramatically over the next 20 years. The Congress must act to reverse the current reduction in new construction of federally assisted housing.

In addition, while many older Americans—about 70 percent—own their own homes, the majority of these homes are 40 years old or older and badly in need of repair. Living on fixed incomes, most seniors are ill-equipped financially to maintain repairs on their homes and often are required to prematurely seek institutionalization or housing in a less costly environment. We should consider enacting legislation which would assist elderly and their families preserve dignity and independence in the later years of life by providing tax credits for home improvements necessary to maintain a safe living environment.

One of the most troublesome aspects of our housing and health care system today involves board and care homes in America. My Subcommittee on Health and Long-Term Care recently completed its 10 years investigation into the adequacy of such housing in our country today. They found that most of the 1 million elderly, disabled and mentally ill persons who reside in board and care homes are being warehoused in understaffed, unregulated, shoddy, and unsafe facilities. Although the abuse is so broad and systemic as to be evident in every State of the Union, neither the State governments nor the Federal Government, which spend an estimated \$7 billion annually on these facilities, have evidenced any concern for their residents' safety and welfare, leaving this vulnerable population largely unprotected and exploited.

To validate our findings we conducted unannounced visits in 1988 and 1989 to both licensed and unlicensed board and care homes. In all, we interviewed over 2,500 residents in 46 homes in 10 States. We witnessed an incident of fraud, waste, or abuse in literally every State we visited.

Unfortunately, there is little incentive for States to take corrective action to curb these abuses which they acknowledge are increasing in number and are unlikely to abate. Over the last two decades, the States have been under tremendous pressure to shift thousands of mental patients, the elderly and the handicapped, out of State mental hospitals and into board and care homes, where the cost of their care can be shifted from the State to the Federal Supplemental Security Income (SSI) Program. Our figures show that States have reduced their mental patients from 500,000 in 1969 to only 100,000 in 1987. Meanwhile, the cost to maintain an individual in a mental institution increased substantially—from \$5,626 in 1969 to \$41,131 in 1987.

The General Accounting Office confirmed our subcommittee's findings and further found that the States are not enforcing the Keys amendment which was enacted by the Congress in 1972 to protect residents of board and care homes. Thus, the only legal remedy available to board and care residents is simply ineffective.

The Federal Government should adopt standards to provide for the adequate protection and care of board and care residents in the same manner that we require standards of care be met in our Nation's nursing homes. Overall, State oversight of board and care homes is atrocious. Ten States have no standards at all. We must establish and enforce national minimum standards of care and

protection—including a bill of rights for residents—for all homes providing care to two or more unrelated elderly or disabled individuals receiving SSI. Once properly licensed, then we should allow residents to retain their eligibility for receipt of benefits they would have received in their homes such as food stamps, public assistance, and energy assistance. We should increase the minimum SSI payment for residents of licensed board and care homes. Seventy percent of all residents pay rent with the entirety of their SSI checks, the national minimum of which is \$360 a month. Lastly, States need to make a determined effort to track and close down, if necessary, unlicensed and illegal board and care homes.

#### CRIME AND VICTIMIZATION

Mr. Speaker, you may be aware that the Subcommittee on Health and Long-Term Care, which I chair, has over the past decade investigated a wide variety of frauds against Americans of all ages.

These fraudulent schemes assume a wide variety of forms, including travel scams, bogus medical remedies and other types of health fraud, investment schemes, land fraud, and the sale of worthless yet costly insurance. Each and every one of us has had countless numbers of constituents who have been duped by the perpetrators of these activities.

There can be no doubt that fraud is currently a profitable business. Hearings conducted by our subcommittee revealed that our citizens were being defrauded out of \$10 billion per year through phony medical cures and procedures alone. Taken together, the cost of all types of consumer fraud is astronomical.

The time has come to take action. The existing mail and wire fraud statutes have two serious shortcomings which hamper their effectiveness in protecting consumers. First, under current law, the perpetrator of a fraud, no matter how large or serious in scope, is often allowed to keep the profits and proceeds from his or her illegal scheme after serving a brief sentence and paying a negligible fine. Second, the law does not contain any effective provisions to assure that the victims of fraud are compensated for their losses.

Consumer protection would be greatly enhanced by correcting these two deficiencies through legislation I have introduced called the Fraud Victims Restitution Act. It would make the practice of fraud much less attractive by providing for both civil and criminal forfeiture for mail and wire fraud—allowing the Government to deprive violators of their illicit profits before they have an opportunity to disperse with or hide them. This mechanism, which contains proper safeguards to protect the property rights of innocent third parties—including creditors—has proven effective in combating drug trafficking and the peddling of child pornography. Administrative costs would be minimal and would be borne out of the funds seized.

More importantly, the Fraud Victims Restitution Act would require that the profits and proceeds seized from the fraudulent schemers be returned to the rightful owners, the victims. Often now, the victims of consumer frauds never see their money again. For some victims, that means that their home or life savings are gone forever.

The Fraud Victims Restitution Act, developed through close consultation with national consumer and law enforcement experts, would be a dramatic step forward in consumer protection, stopping the alarming increase in number of these fraudulent schemes and reducing the number of victims.

Another area of concern noted by our subcommittee involves the increasing incidence of physical, financial, and emotional abuse perpetrated against the elderly at the hands of their loved ones or those entrusted with their care. Truly, abuse of the elderly is a national disgrace.

It is sad enough that each year around 4 percent, or over 1.1 million elderly Americans may be victims of abuse. It is sadder still that despite State efforts to strengthen legislation to protect estimates that dropouts cost us another 5 percent of lost income, or \$11.5 billion, in additional welfare payments.

Some will argue we cannot afford to mount a large-scale, national effort. I say we cannot afford not to. Dropouts add to the deficit. A recent study estimated that new dropouts from 1 year's class, over their lifetime, will cost us \$68 billion in lost tax revenues.

We owe it to our children, and to ourselves, to act now and to act decisively. I have introduced a bill to set a national goal to improve our high school completion rate by the year 2000. The measure calls on the State to submit plans and provides States with the incentives and resources to meet their goals. The bill safeguards that funds will be used in the schools that most need assistance and insures that graduation requirements will not be lowered.

This is a propitious time to act. President Bush plans to make his administration the education Presidency. Dr. Lauro Cavazos who is the Secretary of Education had indicated that the dropout problem is one of his priorities. It would be a shame not to accept the challenge.

#### CONCLUSIONS: A TIME TO ACT

The lack of health care, the need to assure adequate incomes, affordable and safe housing, the desire to safeguard young and old from abuse and criminal victimization, and the pressing demands of changing and aging families should move us as a nation to move.

It is time that we, a nation still steeped in prosperity, develop policies and enact reforms to assist our most treasured unit, the family. It is time we stop institutionalizing our chronically ill and time we developed alternatives types of care such as home health care, day care and the like. It is time we stop warehousing our mentally ill in unlicensed and uncaring board and care homes and improve the quality of care that such homes can provide. It is time we guarantee each child born in America the education he or she needs in order to pursue the happiness envisioned by our great Constitution.

It is time we place into action our agenda for keeping America's families together—before the 20th century runs out.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a

system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, May 4, 1989, may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

##### MAY 5

9:15 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to review the Department of Treasury's report to Congress on international economic and exchange rate policy.

SD-538

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.

SD-192

Foreign Relations

To hold hearings on the nominations of Ronald Frank Lehman II, of Virginia, to be Director of the U.S. Arms Control and Disarmament Agency and Richard Reeves Burt, of Arizona, for the rank of Ambassador during his tenure of service as Head of Delegation on Nuclear and Space Talks and Chief Negotiator on Strategic Nuclear Arms.

SD-419

Select on Indian Affairs

To hold hearings on S. 611, to establish administrative procedures to determine the status of certain Indian groups.

SR-485

Joint Economic

To hold hearings on the employment-unemployment situation for April.

2359 Rayburn Building

10:00 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1990 for the Library of Congress, Government Printing Office, and the Copyright Royalty Tribunal.

SD-116



Governmental Affairs  
Government Information and Regulation  
Subcommittee  
To hold oversight hearings on issues relevant to the 1990 Census. SD-342

Judiciary  
Constitution Subcommittee  
To hold hearings on S. 386, to control the sale and importation of assault weapons, and S. 747, to protect the rights of legal owners while attacking the problems associated with the illegal use of assault weapons. SD-226

## MAY 8

9:30 a.m.  
Appropriations  
Labor, Health and Human Services, Education Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies. SD-192

Commerce, Science, and Transportation  
Science, Technology, and Space Subcommittee  
To hold hearings on possible climate surprises—predicting greenhouse warming. SR-253

10:00 a.m.  
Energy and Natural Resources  
To hold hearings on S. 783, S. 625, and H.R. 1722, bills to eliminate wellhead price and nonprice controls on the first sale of natural gas and make certain technical and confirming amendments to the Natural Gas Policy Act of 1978. SD-366

Governmental Affairs  
To hold hearings on the nomination of William M. Diefenderfer III, of Virginia, to be Deputy Director, Office of Management and Budget. SD-342

2:00 p.m.  
Armed Services  
Readiness, Sustainability and Support Subcommittee  
To hold open and closed hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on the readiness and sustainability posture of selected unified combatant commands. SR-222

Foreign Relations  
To resume hearings on proposed legislation authorizing funds for foreign assistance program. SD-419

## MAY 9

9:00 a.m.  
Governmental Affairs  
General Services, Federalism, and the District of Columbia Subcommittee  
To hold hearings on Federal and State solutions to crime and drug abuse. SD-342

9:30 a.m.  
Agriculture, Nutrition, and Forestry  
Agricultural Credit Subcommittee  
To resume oversight hearings on the Farmers Home Administration implementation of the Agriculture Credit

Act of 1987 (P.L. 100-233), as it relates to borrowers. SR-332

Commerce, Science, and Transportation  
To hold hearings on industry and government cooperation to promote the commercialization of new technologies. SR-253

Finance  
To hold hearings on the impact of Section 89, of the Tax Reform Act of 1986, nondiscrimination rules applicable to employer-provided fringe benefits. SD-215

9:45 a.m.  
Labor and Human Resources  
To hold hearings on the proposed Americans with Disabilities Act of 1989. SD-430

10:00 a.m.  
Appropriations  
Defense Subcommittee  
To resume closed hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense. S-407, Capitol

Foreign Relations  
To resume hearings on the nature and extent of the threat of chemical and biological weapons proliferation. SD-419

Judiciary  
To hold hearings on the use of steroids. SD-226

2:00 p.m.  
Foreign Relations  
Business meeting, to mark up S. 808, authorizing funds for fiscal year 1990 and 1991 for the Department of State, S. 809, authorizing funds for fiscal year 1990 and 1991 for the U.S. Information Agency, and S. 810, authorizing funds for fiscal year 1990 and 1991 for the Board for International Broadcasting. SD-419

Select on Intelligence  
To resume closed hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the intelligence community. SH-219

2:30 p.m.  
Appropriations  
Foreign Operations Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on international narcotics control. SD-192

Finance  
Business meeting, to hear and consider the nominations of Charles H. Dallara, of South Carolina, to be Deputy Under Secretary for International Affairs, Hollis S. McLoughlin, of New Jersey, to be Assistant Secretary for Policy Development, Roger Bolton, of Virginia, to be Assistant Secretary for Public Affairs and Public Liaison, and Key C. James, of Virginia, to be Assistant Secretary for Public Affairs of the Department of Health and Human Services. SD-215

Labor and Human Resources  
To hold hearings on S. 110, authorizing funds for fiscal years 1990, 1991, and 1992 for family planning programs, and S. 120, authorizing funds for fiscal year 1990, 1991, and 1992 for adoles-

cent family life demonstration projects. SD-430

## MAY 10

9:00 a.m.  
Foreign Relations  
International Economic Policy, Trade, Oceans and Environment Subcommittee  
To hold hearings on the replenishment of the Inter-American Development Bank. S-116, Capitol

9:30 a.m.  
Commerce, Science, and Transportation  
To hold hearings in conjunction with the National Ocean Policy Study on oil spill clean up assessment and prevention, focusing on clean up status containment and natural resource assessment. SR-253

Governmental Affairs  
Permanent Subcommittee on Investigations  
To hold hearings to review drug problems in public housing projects. SD-342

10:00 a.m.  
Agriculture, Nutrition, and Forestry  
To hold joint hearings with the Committee on Appropriations' Subcommittee on Foreign Operations on global environment issues. SD-192

Appropriations  
Foreign Operations Subcommittee  
To hold joint hearings with the Committee on Agriculture, Nutrition, and Forestry on global environment issues. SD-192

Appropriations  
Commerce, Justice, State, and Judiciary Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1990 for the Supreme Court of the United States. S-146, Capitol

Armed Services  
Strategic Forces and Nuclear Deterrence Subcommittee  
To hold closed hearings on operational requirements of the Strategic Air Command, and proposed budget request for fiscal years 1990 and 1991 for strategic forces. SR-222

Finance  
To hold hearings on the European Community's [EC] Program to complete its internal market by 1992. SD-215

Foreign Relations  
To hold hearings on the proposed FSX Co-development Project with Japan, and to consider Senate Joint Resolution 113, prohibiting the export of technology, defense articles, and defense services to codevelop or coproduce the FSX aircraft with Japan. SD-419

1:30 p.m.  
Commerce, Science, and Transportation  
Merchant Marine Subcommittee  
To hold hearings on oil spill clean up assessment and prevention, focusing on oil spill prevention and maritime regulation. SR-253

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## EXTENSIONS OF REMARKS

8115

### Judiciary

#### Constitution Subcommittee

To hold hearings on S. 675, to eliminate discriminatory barriers to voter registration.

SD-226

2:00 p.m.

### Appropriations

#### Defense Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on the foreign policy context of defense.

SD-138

### Armed Services

To resume hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, and to review a 5-year defense plan.

SR-222

### Foreign Relations

Business meeting, to continue markup of S. 808, authorizing funds for fiscal years 1990 and 1991 for the Department of State, S. 809, authorizing funds for fiscal year 1990 and 1991 for the U.S. Information Agency, and S. 810, authorizing funds for fiscal years 1990 and 1991 for the Board of International Broadcasting.

SD-419

MAY 11

9:30 a.m.

### Agriculture, Nutrition, and Forestry

#### Rural Development and Rural Electrification Subcommittee

To hold hearings on rural development.

SR-332

### Appropriations

#### Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.

SD-116

### Commerce, Science, and Transportation

#### Science, Technology, and Space Subcommittee

To hold hearings on space transportation.

SR-253

### Governmental Affairs

To resume hearings on export controls over chemical biological materials.

SD-342

10:00 a.m.

### Appropriations

#### Defense Subcommittee

To continue open and closed hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on the Strategic Defense Initiative (SDI).

SD-192

### Appropriations

#### Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1990 for transportation trust funds.

SD-138

### Foreign Relations

Business meeting, to continue mark up of S. 808, authorizing funds for fiscal years 1990 and 1991 for the Department of State, S. 809, authorizing funds for fiscal years 1990 and 1991 for the U.S. Information Agency, and S. 810, authorizing funds for fiscal

years 1990 and 1991 for the Board for International Broadcasting.

SD-419

1:30 p.m.

### Armed Services

#### Defense Industry and Technology Subcommittee

To hold hearings on recommendations for an acquisition policy agenda.

SR-222

2:00 p.m.

### Energy and Natural Resources

#### Energy Research and Development Subcommittee

To resume hearings on S. 83, to establish the amount of costs of the Department of Energy's uranium enrichment program that have not previously been recovered from enrichment customers in the charges of the Department of Energy to its customers.

SD-366

### Foreign Relations

Business meeting, to continue mark up of S. 808, authorizing funds for fiscal years 1990 and 1991 for the Department of State, S. 809, authorizing funds for fiscal years 1990 and 1991 for the U.S. Information Agency, and S. 810, authorizing funds for fiscal years 1990 and 1991 for the Board for International Broadcasting.

SD-419

### Select on Intelligence

To resume closed hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the intelligence community.

SH-219

2:30 p.m.

### Select on Indian Affairs

To hold hearings on S. 321, to revise provisions of law that provide a preference to Indians.

SR-485

MAY 12

9:30 a.m.

### Appropriations

#### Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1990 for certain programs of the Departments of Labor, Health and Human Services, Education and Related Agencies.

SD-192

### Foreign Relations

To hold hearings on the nominations of Donald Phinney Gregg, of Maryland, to be Ambassador to the Republic of Korea and John Cameron Monjo, of Maryland, to be Ambassador to the Republic of Indonesia.

SD-419

### Rules and Administration

To hold joint hearings with the Select Committee on Indian Affairs on legislation to establish a National Museum of the American Indian within the Smithsonian Institution.

SR-301

### Select on Indian Affairs

To hold joint hearings with the Committee on Rules and Administration on legislation to establish a National Museum of the American Indian within the Smithsonian Institution.

SR-301

10:00 a.m.

### Finance

#### International Trade Subcommittee

To hold hearings to explore the problem of industrialized countries manipulat-

ing the value of their currencies to maintain a trade surplus, and to discuss the U.S. response to this practice.

SD-215

MAY 15

9:30 a.m.

### Environment and Public Works

#### Toxic Substances, Environmental Oversight, Research and Development Subcommittee

To hold hearings to review procedures relating to the use of chemicals in food crops.

SD-406

### Governmental Affairs

#### Government Information and Regulation Subcommittee

To hold oversight hearings on Federal information policy.

SD-342

10:00 a.m.

### Finance

#### Social Security and Family Policy Subcommittee

To hold hearings to review proposed regulations to implement the Family Support Act of 1988.

SD-215

1:30 p.m.

### Appropriations

#### VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development.

SD-138

2:00 p.m.

### Armed Services

#### Projection Forces and Regional Defense Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for the Department of Defense, focusing on aircraft carrier force structure management.

SR-232A

MAY 16

8:30 a.m.

### Office of Technology Assessment

The Board, to meet to consider pending business.

EF-100, Capitol

9:30 a.m.

### Agriculture, Nutrition, and Forestry

#### Rural Development and Rural Electrification Subcommittee

To resume hearings on rural development.

SR-332

### Governmental Affairs

#### Oversight of Government Management Subcommittee

To hold oversight hearings on the use of off-the-shelf items by the Department of Defense.

SD-342

### Select on Indian Affairs

Business meeting, to mark up S. 321, to revise provisions of law that provide a preference to Indians; S. 402, to provide for the settlement of land claims of Puyallup Tribe of Indians in the State of Washington; S. 611, to establish administrative procedures to determine the status of certain Indian groups; and proposed legislation to establish an Indian museum in the District of Columbia.

SR-485



10:00 a.m.  
Appropriations  
Defense Subcommittee  
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on land warfare.

SD-192

Appropriations  
VA, HUD, and Independent Agencies Subcommittee  
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development.

SD-138

2:30 p.m.  
Appropriations  
Foreign Operations Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on the Office of the Inspector General, Office of Disaster Assistance, and American Schools and Hospitals Abroad.

SD-138

## MAY 17

9:30 a.m.  
Commerce, Science, and Transportation  
To hold oversight hearings in conjunction with the National Ocean Policy Study on marine fisheries management.

SR-253

Commerce, Science, and Transportation  
Science, Technology, and Space Subcommittee  
To hold hearings on space commercialization.

SH-216

Governmental Affairs  
To hold hearings on biological weapons proliferation.

SD-342

Rules and Administration  
Business meeting, to mark up S. 136, to establish a single poll closing time in the continental United States for Presidential general elections, S. 377, to establish a series of five Presidential primaries, S. 874, to establish national voter registration procedures for Presidential and Congressional elections, S. 326, to repeal a provision of the Federal Election Campaign Act allowing use of excess contributions, and S.J. Res. 98, to establish separate appropriation accounts for the Senate and the House of Representatives for the payment of official mail costs.

SR-301

10:00 a.m.  
Agriculture, Nutrition, and Forestry  
To resume hearings on trading practices in the commodity futures markets.

SR-332

Commerce, Science, and Transportation  
Communications Subcommittee  
To hold hearings on proposed legislation authorizing funds for the Federal Communications Commission.

SR-232A

1:00 p.m.  
Appropriations  
Defense Subcommittee  
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on Army posture.

SD-192

2:00 p.m.  
Armed Services  
To hold hearings on proposed legislation authorizing funds for fiscal years 1990 and 1991 for defense programs of the Department of Energy.

SR-222

## MAY 18

8:00 a.m.  
Veterans' Affairs  
To hold hearings on certain provisions of S. 13, S. 165, S. 573, S. 574, S. 748, bills to strengthen and improve Veterans' health care programs.

SR-418

9:00 a.m.  
Commerce, Science, and Transportation  
To continue oversight hearings in conjunction with the National Ocean Policy Study on marine fisheries management.

SR-253

Commerce, Science, and Transportation  
Aviation Subcommittee  
To hold hearings on airline concentration.

SR-301

10:00 a.m.  
Appropriations  
Defense Subcommittee  
To continue open and closed hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on space programs.

SD-192

Appropriations  
VA, HUD, and Independent Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development and certain independent agencies.

SD-116

Governmental Affairs  
To hold hearings on nuclear and missile proliferation.

SD-342

2:00 p.m.  
Appropriations  
Foreign Operations Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on the Peace Corps, African Development Foundation, Inter-American Foundation, Overseas Private Investment Corporation, and Export-Import Bank.

SD-138

## MAY 19

9:30 a.m.  
Select on Indian Affairs  
To hold oversight hearings on the U.S. Civil Rights Commission's effects on the White Mountain Apache Tribe.

SR-485

10:00 a.m.  
Appropriations  
VA, HUD, and Independent Agencies Subcommittee  
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Housing and Urban Development and certain independent agencies.

SD-116

## MAY 31

2:00 p.m.  
Appropriations  
Defense Subcommittee  
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on seapower.

SD-192

## JUNE 1

9:30 a.m.  
Energy and Natural Resources  
To hold hearings on S. 710, S. 711, S. 712, bills to provide for a referendum on the political status of Puerto Rico.

SH-216

Governmental Affairs  
Oversight of Government Management Subcommittee  
To resume oversight hearings on the use of off-the-shelf items by the Department of Defense.

SD-342

10:00 a.m.  
Appropriations  
Defense Subcommittee  
To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on Navy posture.

SD-192

1:30 p.m.  
Governmental Affairs  
To hold hearings on alcohol abuse prevention.

SD-342

2:00 p.m.  
Appropriations  
Foreign Operations Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on Central America.

SD-138

Energy and Natural Resources  
To continue hearings on S. 710, S. 711, S. 712, bills to provide for a referendum on the political status of Puerto Rico.

SH-216

## JUNE 2

9:30 a.m.  
Energy and Natural Resources  
To continue hearings on S. 710, S. 711, S. 712, bills to provide for a referendum on the political status of Puerto Rico.

SH-216

2:00 p.m.  
Energy and Natural Resources  
To continue hearings on S. 710, S. 711, S. 712, bills to provide for a referendum on the political status of Puerto Rico.

SH-216

## JUNE 6

10:00 a.m.  
Appropriations  
Defense Subcommittee  
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on tactical airpower.

SD-192

2:00 p.m.  
Energy and Natural Resources  
Energy Research and Development Subcommittee  
To hold hearings on the status of current and future use of alternative

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## EXTENSIONS OF REMARKS

8117

motor vehicle fuels in the United States.

SD-366

2:30 p.m.

Appropriations  
Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs, focusing on the Middle East, Pakistan and Afghanistan.

SD-138

JUNE 7

9:30 a.m.

Commerce, Science, and Transportation  
Consumer Subcommittee  
To hold hearings on proposed legislation authorizing funds for the Federal Trade Commission.

SR-253

Governmental Affairs

To resume hearings on alcohol abuse prevention.

SD-342

10:00 a.m.

Appropriations  
Defense Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on Air Force posture.

SD-192

JUNE 8

8:00 a.m.

Veterans' Affairs

To hold hearings on certain provisions of S. 13, S. 263, S. 584, bills to provide for Veterans' health care benefits and other related measures.

SR-418

9:00 a.m.

Appropriations  
Defense Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focus-

ing on manpower and personnel programs.

SD-192

9:30 a.m.

Commerce, Science, and Transportation  
Consumer Subcommittee  
To continue hearings on proposed legislation authorizing funds for the Federal Trade Commission.

SR-253

JUNE 12

9:30 a.m.

Governmental Affairs  
Government Information and Regulation  
Subcommittee  
To hold hearings on proposed legislation authorizing funds for programs of the Paperwork Reduction Act.

SD-342

JUNE 13

9:00 a.m.

Appropriations  
Defense Subcommittee  
To resume open and closed hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense, focusing on strategic programs.

SD-192

2:30 p.m.

Appropriations  
Foreign Operations Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1990 for foreign assistance programs.

SD-138

JUNE 14

9:00 a.m.

Veterans' Affairs  
To hold hearings on certain provisions of S. 13, S. 86, S. 192, S. 405, and S. 846, bills to strengthen and improve VA health care programs, and related measures.

SR-418

JUNE 15

9:00 a.m.

Appropriations  
Defense Subcommittee  
To resume hearings on proposed budget estimates for fiscal year 1990 for the Department of Defense.

SD-192

JUNE 16

9:30 a.m.

Governmental Affairs  
Governmental Information and Regulations Subcommittee  
To resume hearings on proposed legislation authorizing funds for programs of the Paperwork Reduction Act.

SD-342

JUNE 22

8:00 a.m.

Veterans' Affairs  
To hold hearings on S. 404, to extend certain Department of Veterans Affairs home loan guaranty provisions, and related measures.

SR-418

JULY 20

9:30 a.m.

Veterans' Affairs  
Business meeting, to mark up proposed legislation to revise certain provisions of VA health care programs, including S. 13, S. 86, S. 165, S. 192, S. 263, S. 405, S. 564, S. 574, S. 748, and S. 846.

SR-418

## CANCELLATIONS

MAY 4

11:00 a.m.

Judiciary  
Business meeting, to consider pending calendar business.

SD-226