EXTENSIONS OF REMARKS

PAYROLL TAX DEPOSITS AND SMALL BUSINESS: IRS SIMPLIFICATION SYSTEM MISSES THE MARK

HON. ANDY IRELAND
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. IRELAND. Mr. Speaker, as our colleagues are no doubt aware, on May 18, the Internal Revenue Service issued a proposed rule to help untangle its wholly unintelligible payroll tax deposit system. In doing so, the agency claimed a great victory in the battle against Government redtape.

I rise today to inform—and warn—the House that these triumphant assertions greatly overstate the case.

My initial studies of the proposal reveal only a small victory in the making: A system based on absolute chaos may be replaced by one notable for its mere complexity.

Mr. Speaker, I applaud the IRS for its effort, but I am discouraged and disappointed that the opportunity for true reform, for the creation of a system that is simple and fair, may be lost among all the hyperbolic statements and self-congratulation.

For this reason, I would like to insert in the CONGRESSIONAL RECORD my recent letter to Commissioner Peterson which outlines my concerns about the proposal. I hope our colleagues read it with their hometown businesses in mind.

At the same time, Mr. Speaker, I also encourage our colleagues to read the proposal itself as it appears in the May 18 Federal Register. If they agree with my assessment—that the changes do not simplify the payroll tax deposit system and do not help as many small businesses as they should—then I urge them to write the Commissioner and ask for real reform.

Mr. Speaker, small enterprises, the great job creators, producers, and innovators of our country, are suffocating under piles of Government redtape, from coast to coast, border to border. We can pipe some oxygen to them by helping the IRS develop a truly simple, workable tax deposit system. I hope our colleagues will join in this campaign on behalf of America's small businesses.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SMALL BUSINESS,
Washington, DC, July 8, 1992.

Hon. SHIRLEY D. PETERSON,
Commissioner, Internal Revenue Service, Washington, DC.

DEAR MS. PETERSON: As you know, on May 18th your agency announced that it was simplifying its federal employment tax deposit rules with the laudable goal of easing the regulatory burden imposed on small businesses.

As part of that announcement, the IRS states that formal comments are due by July 20th and a hearing is scheduled for August 3rd. I will be filing a more complete, formal statement by the due date and will also ask to appear at the hearing.

My purpose in writing today, however, is to express my immediate disappointment with your agency's proposal. My initial review of the recommended changes suggests they do not simplify the payroll tax deposit system to any great advantage and do not help as many small businesses as they should.

Let me digress for a moment, first, to note that I am flabbergasted that a proposal touted as helping small business would declare that the Regulatory Flexibility Act, the Administrative Procedure Act, and a Regulatory Impact Analysis do not apply.

As to the latter, to suggest, as the IRS does, that the proposal does not constitute a "major rule" when it affects hundreds of millions of payroll tax dollars truly defies reason: If this proposal is not a "major rule", I really have to wonder what the IRS thinks a "major rule" is?

Further, your agency's determination that the Regulatory Flexibility Act does not apply, either, takes us back to the rather tiresome argument over the scope of the Act and whether the IRS is covered by it. Very simply, the Act covers regulations affecting small businesses; your proposal very specifically affects small businesses; so it would logically follow that the Regulatory Flexibility Act applies to the agency's recommendations. If you could explain why the IRS doesn't follow that straightforward logic, I would appreciate it.

As to the proposal itself, my crude calculations indicate businesses—and this is an outside figure—employing seven workers or less, and this estimate applies only if everyone makes $20,000 per year, including the business owner. In real life, the proposed ceiling of $12,000 in quarterly payroll tax deposits may grant relief only to the very smallest enterprises, probably just those employing two to three workers.

As such, the scope of the revisions is rather contracted, denying the monthly deposit option to as many as two million, perhaps three million, small businesses that employ 10 or fewer workers. It seems to me that our purpose here should be to help as many small enterprises as possible, thus allowing them to direct their time and capital into job creation and production, rather than figuring out and filling out IRS forms.

Finally, if it is only the very smallest enterprises the IRS is seeking to help—however misguided that may be—we should note that these businesses typically can't afford to hire accountants and tax attorneys. As such, the proposed revisions should be as simple and understandable as humanly possible.

From my reading of the proposal, however, it seems to me that these small business owners won't be able to understand the revisions and requirements by themselves. In fact, I'm not altogether sure I understand such statements as this: "Because the employment taxes accumulated by A during each quarter in the base period do not exceed $12,000, A is a monthly depositor pursuant to paragraph (b)(2) of this section. Pursuant to paragraph (c)(1) of this section, A is subject to the Monthly rule for the entire first quarter of 1993 regardless of the amounts accumulated, unless the amounts trigger the $100,000 One-Day rule in paragraph (c)(3) of this section."

And please note that this is the agency's idea of an example aimed at clarifying how the proposal works.

As I suggested, these are only a few, initial observations about the proposal. As you probably gather, I'm not very enthusiastic about the scope or style of the changes, and frankly, I'm not very optimistic about what else might turn up under closer scrutiny.

Still, let me hasten to note that if my quick interpretation of the changes is not accurate, I hope you will not hesitate to correct me.

If, however, my understanding is basically on target, I hope your agency will use the public comments and the hearing to the advantage of small enterprises, and will move quickly to create a clear, simple, understandable payroll tax deposit system that will truly help small businesses help America.

I have taken the liberty of enclosing an article that appeared in the Washington Post ten years ago and which described in painful detail the mind-boggling complexity of our payroll tax system. From my conversations with small businessmen and women throughout the country, it seems clear that we have made little or no progress over the last decade. I hope we seize the opportunity to change the system the right way now before another decade passes.

Thank you for your time and consideration.

Sincerely,

ANDY IRELAND.

[From the Washington Post, Nov. 13, 1983]

15 FORMS TO HIRE A DOMESTIC?

(By Spencer Rich)

God help you if you ever hire a domestic employee such as a housekeeper or maid for any length of time. You will be snowed under by a blizzard of federal and state paperwork. Can't somebody unite all this stuff into a single form and make it easy for people to obey the law?

In the State of New York, for example, where I've had some recent experience helping an elderly aunt with her accounts, 12 federal or state forms must be sent in to different agencies during the year if during the year you employ a nurse's aide or housekeeper for any time.

If a domestic workers works for you for a few months, earns a certain amount, then quits and you hire another one, the number of required filings jumps to 15, and it can rise higher if this happens several times a year—and this doesn't count the task of obtaining initial employer ID numbers from the federal and state governments.

My aunt was ill and needed help around the house and with her medicines, so she employed a succession of women as domestic workers.

For several quarters her total outlays to pay all the workers averaged about $2,400 a quarter. She was too ill and old to under-

stand the forms or to know what to do. Letters from the Internal Revenue Service and New York Department of Labor piled up demanding payment of taxes.

When I arranged to help with her forms, this is what the IRS and New York State officials told me:

Under New York law, if you employ a domestic worker, you must obtain a worker's compensation policy so that if the worker is injured on the job, medical and other bills may be taken care of. It took several phone calls and a filled-out form with a check before the policy could be purchased from the insurance agency designated by the state.

The state also imposes unemployment insurance tax on people who hire domestic workers for at least $500 a quarter, and you must send in form 1A5D with a check four times a year after sending in an initial form to get an employer identification number.

The Internal Revenue Service takes its bite too. You must obtain a federal employer ID number and four times a year file IRS form 942, summarizing how much you have paid employees, how much federal income tax you have withheld and how much Social Security tax is owed, then send a check. This brings federal and state filings to nine, not counting the ID applications.

At the end of the year, you must send each employee a W-2 form, showing how much Social Security tax and federal tax were withheld. You must also send IRS a copy of that W-2. Your annual filings are now up to 11.

The IRS also requires unemployment insurance payments and forms to cover the portion of the overall federal-state UI tax that goes to the federal government. Once a year you must file a form 940, stating how much you paid in wages and calculating how much tax you were required to pay and enclosing the check. Normally, unemployment taxes for workers in businesses are paid quarterly, but the tax for anyone employing one domestic worker at a time is normally so low the IRS lets you make one yearly payment.

That makes, with one employee during the year, 12 filings, not counting the initial ID applications.

If you have two or more workers, a W-3 form must be sent annually to the Social Security Administration summarizing the W-2 information so that Social Security can credit each person with Social Security coverage.

I submit that is heavy paperwork for having household employees, and particularly difficult for an older person.

The picture is much the same if you live in the District of Columbia, Maryland or Virginia, according to officials from those states. All three require unemployment taxes be paid quarterly if you employ a household worker for substantial amounts of time on a regular basis.

Officials from Maryland and the District said worker's compensation insurance is also required, in Maryland if the pay is $250 a quarter, in the District if the employee works at least 240 hours a quarter (about 19 hours a week). In Virginia, worker's compensation insurance is not required for a household employee.

Even a paperwork innocent could figure out a single form that could give most state and federal agencies the information and records they need.

All it would need would be the amount paid the person each quarter, how much was deducted for Social Security and income taxes. A separate section of the same form could include state and federal tables for UI. The individual could send that amount with the form, perhaps to the IRS as lead agency, which could send the forms and money electronically to other federal and state agencies.

It is taken for granted among those who work for the Social Security Administration that many who employ domestic workers don't pay Social Security tax and submit records. It's probably a safe bet that many don't buy worker's compensation for their employees or pay unemployment insurance tax.

Sometimes the employer wants to cheat and avoid the cost; sometimes the employee is evading federal income taxes and doesn't want the government to find out he or she is earning anything, so the boss agrees not to send in the forms.

But in a lot of cases, it's pretty certain the employer just finds the whole burden just too much.

The result isn't just a bit of tax cheating. Some of the lowest-paid workers in society may end up being cheated out of their full Social Security benefits when they reach retirement age, or out of unemployment insurance or worker's compensation.

So anything that makes it easier to file these forms—such as the creation of some central master form that could cut the paperwork—would not only help the government on taxes, but make it easier to give these low-paid workers the Social Security and unemployment insurance protection they need.

THE LIBYAN PEOPLE ARE TIRED OF QADHAFI'S FOLLIES

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. BROOMFIELD. Mr. Speaker, the Libyan masses are growing weary of Qadhafi's follies. They have paid a high price for his failed domestic and international policies and are beginning to think that anyone could do a better job of ruling Libya than the mad colonel.

Since coming to power, Qadhafi has engaged in military adventures against some of his neighbors, Tunisia and Chad, and even briefly clashed with Egypt. He has assassinated opponents of his regime overseas and made Libya a home for international terrorists, including Abu Nidal and Abu Abbas. His intelligence services destroyed Pan Am 103 and a French airliner, killing nearly 500 innocent people in those two mindless terrorist operations. Tripoli's role in backing this lawless international violence has earned Libya a spot on the Export Administration Act's official list of states supporting terrorism.

In a tasteless show of resentment toward the U.S. Government in 1979, Qadhafi ordered a group of Libyans to burn the American Embassy in Tripoli, a compound he was obliged to protect under international law. He ordered the attack to display his solidarity with the new Iranian Government of the late Ayatollah Khomeini. Qadhafi later promised to rejoin the family of nations by moderating his policies, but promptly turned around and pursued his own radical agenda. Even Libya's friends are embarrassed by his bizarre policies.

Libya is now feeling the effects of recently-imposed U.N. Security Council sanctions designed to compel him to surrender two Libyan terrorists accused in the bombing of Pan Am 103. Those sanctions may now be tightened. Rather than surrender the two suspects, Qadhafi is engaging in an elaborate dance designed to gain him time in his dispute with the international body.

While Qadhafi lives in luxury, the average Libyan is beginning to pay a high price for his leader's mismanagement of the country's domestic and international policies. Qadhafi claims that Libya should be run by the people, but chaos is rampant as people's committees attempt to undertake the challenging task of managing a country. Some products are difficult to find, and many basic services are unavailable.

The Libyan people know that both their leader and their country are increasingly subjects of international derision. Even the Arab world does not take Qadhafi seriously. If the Libyan leader does not soon mend his ways, his people may decide that he should be returned to the desert to while away his remaining years in a remote oasis.

I commend the following New York Times article concerning Libya and Qadhafi to my colleagues in the Congress.

LIBYAN DOUBTS ABOUT QADDAFI ARE GROWING

(By Chris Hedges)

TRIPOLI, LIBYA.—The United Nations sanctions that went into effect against Libya last April are turning out to be more than a symbolic gesture. While they have not yet accomplished their purpose of compelling Libya to turn over two suspects wanted in the 1988 bombing of a Pan Am jumbo jet over Lockerbie, Scotland, they have been politically damaging to the mercurial Libyan leader, Col. Muammar el-Qaddafi.

The Libyan military is struggling with serious shortages. Many Libyans openly call for Colonel Qaddafi's removal and the official information media now admit that the Arab solidarity that was the cornerstone of Colonel Qaddafi's foreign policy was "a mirage."

The sanctions have succeeded in banning flights in and out of Libya and in prohibiting the sale of military equipment. They have also brought a reduction in the diplomatic staff Libya maintains abroad. Western diplomats say the departure of 1,700 Russian advisers and technicians has devastated the military's infrastructure, rendering the air defense system ineffective while much of Libya's hardware rests idle.

One result is that the littered streets and back alleys in Tripoli, where young men once shied away from foreigners because they feared the pervasive security apparatus, are seething with open resentment.

If Colonel Qaddafi were to turn the suspects over, a subsequent lifting of the embargo might permit him to halt the deterioration of his popular support. But Arab and Western diplomats say the extradition of the two men is unacceptable to his security apparatus—the organization that has held him in power for 23 years.

These diplomats also believe that if Libya was involved in an operation of the magnitude of the Lockerbie bombing, it could not have been carried out without Colonel Qaddafi's approval. "Colonel Qaddafi has no desire to see two of his intelligence agents describe the inner workings of his regime to the West and directly tie him to state terrorism," one Arab ambassador said.

The Libyan leader appears to be hoping to bargain his way out of his predicament; he has been trying to meet the sanctions requirements half-way by giving the West some satisfaction in hopes it will drop its demand for the two men. "The Libyans know little about how the outside world works," a senior diplomat said, "and so they are vainly trying to work out a compromise."

The United Nations, in addition to the extradition of the two suspects, has called on Libya to end support for international terrorism and assist in the investigation into the bombing of a French airliner over Africa in 1989. The two bombings killed 441 people. In response, Libyan officials have turned over information about the Irish Republican Army, for which they provided training and funds, to British officials. They have expelled the Palestinian terrorists Abu Nidal and Abul Abbas, and have closed several Palestinian training camps.

The Libyans are hoping that these actions will at least stave off the imposition of stiffer sanctions when the United Nations reviews the measures in August.

Diplomats say this tactic may work; a senior Egyptian official who travels frequently to Libya said that if Colonel Qadhafi can avoid further sanctions he will probably retain power. The Egyptians believe that despite the erosion of Colonel Qadhafi's grip on the country he does not yet have any serious rivals.

When Libyan officials are questioned about the extradition demand, they appear to be stalling for time. In a letter sent last month to the United Nations Secretary General, Boutros Boutros-Ghali, Foreign Minister Ibrahim M. al-Bishari promised that the Libyan parliament would "take an appropriate stand regarding the matter as soon as possible." But the 631-member body, which met for 10 days that ended last Tuesday, skirted the issue for most of the meeting. And at the conclusion, it reiterated the standard Libyan demand that the two suspects be turned over to the Arab League or the United Nations, rather than the United States or Britain. Similar offers were rejected before the sanctions went into place.

A CATALYST FOR ANGER

Within Libya, the sanctions have become a catalyst for popular outrage. After two decades in which efforts to follow bizarre economic and political theories have left many Libyans without basic services such as water or garbage collection, even some Libyan officials admit that they are in trouble.

The problems are evident in one of Colonel Qadhafi's most lavish schemes, a $25 billion effort called "the Great Man Made River Project." After spending $6 billion to channel water from aquifers to reservoirs built for the project, the Libyans have discovered that the desert heat is evaporating the stored water. Many Libyans, watching as planners scramble to build roofs over the reservoirs, have begun calling it "the Great Mad Man River Project."

Such feelings do not sit well with the older bureaucrats who dominated the recent session of the parliament. Most spent much of the nationally televised debate attacking the younger generation for advocating change. But younger delegates, while making sure never to attack Colonel Qadhafi by name, complained of shortages in everything from school desks to electricity.

While the sanctions have eroded Colonel Qadhafi's hold on power, his decision to hold onto the suspects while trying to give the West enough to keep the United Nations from imposing tougher measures might just work. "He has been weakened," said an Arab ambassador, "but if he can maintain the status quo, he might survive."

A TRIBUTE TO THE NORTHERN LIVINGSTON COUNTY RED CROSS

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Ms. SLAUGHTER. Mr. Speaker, it is my honor today to pay special tribute to the Northern Livingston County Chapter of the American Red Cross on its 75th anniversary.

The greater part of the work of the American Red Cross is carried on and financed by dedicated local chapters with the assistance and support of the national organization. Today there are over 3,000 local Red Cross chapters throughout the United States.

Founded during World War I, on July 9, 1917, the Northern Livingston County chapter has continued, over more than seven decades, to assist the public through a variety of services. Through disaster assistance, community blood drives, first aid programs, service to the military and their families, water safety programs, nursing and health services, and educational activities for young people, the Northern Livingston County Chapter of the Red Cross has made significant contributions to the quality of life in upstate New York and has become an integral part of the community in Livingston County.

More than 300 active volunteers in the Northern Livingston County chapter have committed themselves to providing comfort, food, lodging, and clothing to families whose homes were destroyed by fire or other disaster. These dedicated volunteers recently undertook another worthy project to help the families of U.S. Service men and women locate relatives on active duty who had become isolated from contact.

I proudly salute the work of these caring individuals on the 75th anniversary of their organization and, on behalf of the people I represent in Livingston County, I thank them for their service to the community.

INTRODUCTION OF THE SMALL BUSINESS REGULATORY COST RELIEF ACT OF 1992

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. LIGHTFOOT. Mr. Speaker, how many times have Members of Congress heard their constituents complain about expensive Federal regulations placed on their small businesses—raising their overhead costs, resulting in higher consumer prices and inhibiting expansion?

Congress and Federal agencies enact dozens of new laws and regulations which affect small businesses every year. Making a small business viable is difficult enough without having to contend with the burden of expensive Federal regulations.

In an effort to relieve some of these federally mandated financial burdens, I am introducing the Small Business Regulatory Cost Relief Act of 1992. This legislation will provide tax relief for small businesses forced to comply with Federal regulations.

My legislation is modeled after the disabled access credit, included in the Americans With Disabilities Act [ADA] but is applicable to all Federal regulations, not just those expenses incurred to provide access to persons with disabilities.

When Congress passed the ADA, it realized that mandating such regulations would impose a costly burden on business and would result in lost jobs and hamper economic growth. Small businesses, which do not have the resources to comply with the expense of regulations imposed by the Federal Government, would have been hit the hardest.

Congress provided the disabled access credit to help businesses comply with the new regulations mandated by the ADA. While this has provided some assistance, many small businesses still suffer from the burden of compliance.

Congress routinely imposes laws on small business yet fails to provide relief for the cost of compliance, with adverse effects on businesses, jobs and ultimately, consumers, who have the costs passed onto them. According to the Rochester Institute of Technology, Federal regulations cost each household in the United States between $4,000 and $5,000 annually.

My legislation would allow small businesses a nonrefundable tax credit equal to 50 percent of verifiable compliance expenses over $250—the same as the disabled access credit. However, my legislation is not limited to the first $10,250 of expenses. My legislation is applicable for all Federal regulations which became final 5 years before the enactment of this legislation. In addition, the eligibility of small businesses to take advantage of the credit is expanded by having small businesses defined by the Small Business Act rather than the more limited definition used by the ADA.

We in Congress must do more for job creation. Small businesses produced 39 percent of the gross national product and employed 58 percent of the work force in 1991. In 1990, small businesses accounted for 90 percent of nonagricultural, net private job growth. Congress and Federal agencies seem to forget this when mandating new regulations on small business.

The Small Business Regulatory Cost Relief Act of 1992 will help small businesses reduce their costs of complying with Federal regulations. By making compliance more affordable, small businesses will be able to implement Federal regulations faster, easier, and more extensively. We all want a cleaner and safer environment, but it can and should be achieved without suffocating small businesses. My legislation will help us achieve both goals.

INTRODUCTION OF THE OYSTER DISEASE RESEARCH ASSISTANCE ACT

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to introduce legislation to establish a Federal program that will provide financial assistance for research relating to oyster diseases.

As many of my colleagues know, oyster diseases have devastated the oyster stocks of this Nation. In the Chesapeake Bay, which once provided almost half of this country's oysters, current harvests are at a historical low. It is estimated that 90 percent of the Chesapeake Bay's oyster beds are infected. However, this problem is not isolated to the bay; the Gulf of Mexico, the Carolina coast, and the west coast have also been ravaged by the diseases MSX, Dermo, and SSO. The situation has worsened over the past 5 years, highlighting how very little is known about oyster disease. The national scope of this problem demands increased Federal assistance and improved coordination between the numerous Federal agencies that work to protect oysters and the Nation's water resources.

Most people recognize the economic benefit oysters provide. Oysters mean jobs, especially in areas such as the Eastern Shore of Maryland. However, what is sometimes overlooked is the fact that oysters are also of vital importance to the environment as well. Oysters support many marine organisms and filter pollutants from the water. Researchers have estimated that at the turn of the century the oyster population of the Chesapeake Bay filtered the entire volume of the bay every 3 to 6 days. By contrast, it is estimated that the current oyster population takes nearly a year to complete this function. It is quite possible, if not probable, that the decline in oysters has significantly contributed to the decline in water quality of the bay.

To date, Federal action to address this problem has been limited. Some research has been conducted and Federal resources have been allocated to assist in the construction of oyster reefs. While this is a worthy effort, little benefit is gained by continuing to repopulate our waters only to feed the diseases which plague them. The reality is we know very little about the diseases afflicting oysters; the life cycle of the diseases and how they are spread remains a mystery. Other questions remain as well, about the ability to make oyster disease resistent, as some have claimed of the Japanese oyster.

The legislation I am introducing today would create a comprehensive, coordinated Federal effort to conduct research on oyster diseases. The legislation would require the Administrator of the Environmental Protection Agency [EPA] to establish and administer, in consultation with an advisory committee, an oyster disease research program that will provide grants to eligible institutions to support research in this area. The Administrator would also be mandated to identify those diseases that should be made a priority for research.

The advisory committee would be composed of nine members with representatives from each of the regions that has experienced oyster disease problems and would be responsible for providing information and advice to the EPA in designing and implementing this new program. Members would serve for 2-year terms and would not be paid.

Perhaps most importantly, this legislation would provide for coordination among all Federal agencies including: the Department of the Interior, the National Institutes of Health, the Food and Drug Administration, the National Science Foundation, and the National Oceanographic and Atmospheric Administration. In addition, all information concerning oyster disease gathered through this program would be shared with other research entities and interested individuals thereby ensuring full dissemination of information.

Mr. Speaker, this legislation will be a serious step in addressing the problem of oyster disease. In Maryland, nearly four centuries of watermen have harvested oysters. It is a way of life for these individuals. But equally important, oysters are an important segment of the Maryland economy and are vital to the health and preservation of the Chesapeake Bay. Other States, I know, are in an identical situation. The situation is beyond crisis, there is no time to spare. It is time for the Federal Government to end its half-hearted efforts and make a real commitment to achieving progress in the area of oyster disease research. I look forward to working with my colleagues on this legislation.

RELAXING THE EARNINGS TEST

HON. PETER HOAGLAND

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. HOAGLAND. Mr. Speaker, I am introducing a bill today to reduce significantly the burden of the Social Security earnings test on those individuals who choose to work after age 65.

The primary purpose of the Social Security Program since its origin has been to provide income protection to workers over age 65 who have retired. To target benefits to the retired elderly, the program since its origin has included an earnings test to determine whether a person is retired. The earnings test is a provision of the Social Security law that reduces the amount paid to senior citizens who continue to work after they begin to claim retirement benefits. Today, when a person earns over the exempt amount—$10,200 for 1992—benefits are reduced by $1 for every $3 of earnings.

The objective of my bill is to reduce the burden of the earnings test on those senior citizens who choose to remain working. It would increase the amount of money Social Security recipients are allowed to earn without a cut in their benefits. By 1997, the bill would enable an individual to earn more than twice the $10,200 he or she can earn this year without any reduction in benefits.

CURRENT LAW

Under current law, Social Security beneficiaries age 70 and older receive full benefits without regard to any earnings. Those under age 70 are eligible for full benefits only if their earnings are lower than the amount they are allowed to earn, $10,200 this year. The amounts allowed without benefit reduction are indexed and increase annually by the rate of average wage growth in the economy. In 1992, the annual exempt amount for retirees and other beneficiaries age 65 to 69 is $10,200 and it is projected to reach $12,600 by 1996. Individuals with higher earnings will have their benefits reduced by $1 for every $3 of earnings above the exempt amount.

PROPOSED IMPROVEMENTS

First, my bill would increase the amount of earnings exempt from reduction and modify the rate of benefit reduction for earnings above the exempt amount for individuals age 65 to 69. The age 65 to 69 exempt amounts would be increased to $11,760 in 1993, $13,800 in 1994, $16,680 in 1995, $20,760 in 1996 and $24,120 in 1997. The proposed 1997 level would be almost double that projected under present law. Following 1997, annual indexing of the exempt amounts would resume.

Second, starting in 1993 the rate of benefit reduction for the first $5,000 of earnings above the exempt amount would be lowered to $1 of benefits for every $4 of earnings. The present law rate is $1 for every $3 of earnings and would continue to apply to earnings above $5,000.

FINANCING

To protect the fiscal integrity of the Social Security trust fund, my bill pays for the costs of relaxing the earning test by gradually raising the contribution and benefit base subject to Social Security taxes. The base establishes the amount of annual wages or self-employment income subject to the Social Security payroll tax. Increasing the contribution and benefit base has a progressive effect, affecting only those individuals with earned incomes next year of over $55,500.

FAIRNESS AND EQUITY

The earnings test we have today is not designed to meet the real needs of retirees now or in the future. We must update the law. The percent of retirees with private pensions has been slowly declining since 1980. The rate of savings declined by half during the 1980's and is now at rock bottom, barely 3 percent of household disposable income. In order to maintain their standard of living—or even to meet their basic needs—some current retirees must work to supplement their income from Social Security benefits and from other sources. Many more may need to do so in times to come. Thus, we need to allow Social Security beneficiaries to earn more to maintain their standard of living, to pay the expenses they face today. It is time to bring this law up to date.

But there is more to it than financial need. Our society has come to recognize that work at some level is vital if we are to maintain our health and sense of well-being. And its a two-way street. Many senior citizens are able and willing to work today. And many businesses would like to hold on to their most experienced and competent older workers. Our economy—all of us—benefit from having the experience and skills of older workers in the work force.

The elderly can be used to train future workers, while bringing in more tax dollars and helping to keep America competitive. Yet today's earnings test is a serious work disincentive for many seniors and penalizes most of those who want to or need to continue some form of meaningful employment.

I believe the changes in the test that I have proposed in this bill are ones that are necessary to meet the very real needs of today's and tomorrow's Social Security retirees—and ones that will benefit society as a whole.

ECONOMIC GROWTH ACT OF 1992

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. COLEMAN of Missouri. Mr. Speaker, as I have visited with north Missourians over the past few months, they have made clear their foremost concerns: good jobs, good wages, lower taxes, and a growing economy. Today, in response to their comments and the need to get the country working and growing at an acceptable, and sustainable, pace, I am introducing the Economic Growth Act of 1992. This measure, coupled with other legislation I have introduced and am cosponsoring, provides a comprehensive blueprint for recovery and sustained economic growth.

As the recession worsened, one of the most important actions by Congress was the extension of unemployment benefits for those unable to find work. I continue to support efforts to provide extensions for those whose benefits have expired. However, simply providing unemployment compensation to those seeking jobs is clearly only a treatment for joblessness, not the solution.

The solution is to create jobs—and good jobs at good wages require business and industrial expansion. Research and investment are two of the keys to economic growth in today's competitive global environment. My economic revival plan will stimulate research and investment through a permanent extension of the research tax credit, and a restoration of the investment tax credit. Extending the research tax credit could free up an estimated $7.8 billion through 1997, and restoring the investment tax credit could return $30 to $40 billion to the economy per year.

The real estate and construction industries continue to be economic bellwethers. Assisting first-time home buyers into the housing market will not only make the dream of home ownership a reality for millions of Americans, it will directly stimulate jobs in the real estate and construction industries, and in related fields as well. My growth proposal calls for a $10,000, dollar-for-dollar tax credit for the purchase of a new home by first-time home buyers.

Economic growth will be further encouraged through a straightforward reduction in the capital gains tax rate. About half of all Americans report capital gains during their lifetime, and nearly 65 percent of all those who reported capital gains in 1990 had incomes of under $50,000. Cutting the gains tax rate will directly benefit farmers, seniors, small business owners and families, and will unleash job-creating investment as well as boost productivity. And since our most fierce international competitors—including Japan and Germany—impose no or only nominal capital gains taxes, a reduction will further improve our international competitiveness, and provide an incentive to keep jobs here at home.

Another key to sustained economic growth and competitiveness is education. To help make education more affordable, my package restores the income tax deduction for interest on student loans, and creates education savings accounts. Similar to IRA's, these are tax free education savings accounts that will help families save to meet the expenses of higher education.

Americans should be able to plan for their futures over the long term. My proposal includes reinstating full deductibility for individual retirement account contributions, and offers penalty free withdrawals for education expenses, for the first-time purchase of a home, and for medical emergencies.

Neither should Americans have to worry about the security of their pensions; thus, I am cosponsoring legislation to help the Federal program which guarantees company pension plans remain solvent.

Furthermore, I believe older Americans who want to work should be able to do so, and my plan includes specific language repealing the unfair and discriminatory Social Security earnings test. This limitation requires that seniors give up $1 in Social Security benefits for every $3 they earn over the arbitrary income limit of $10,200. If the test were eliminated, an estimated 700,000 seniors could enter the work force, generating some 15 billion dollars' worth of goods and services, and paying an additional $4.5 billion in taxes.

The Federal Government, like families, individuals, and businesses across America, must live within its means. The huge Federal deficit destroys economic growth and results in lost job opportunities. The majority of you join me in that belief, and recently voted accordingly. Although we were stifled by a minority of the Members of this body, I have introduced additional legislation calling for a constitutional amendment to mandate a balanced Federal budget, and to provide for the systematic repayment of the accumulated national debt. I have also introduced legislation providing the President with a power enjoyed by Governors across the Nation—the line-item veto power.

High Federal taxes limit the ability of wage earners and families to plan for their futures, and to survive today. Lower taxes mean more dollars returned to the economy as savings, investment, or spending. In addition to the changes in the Tax Code I've already discussed, I am proposing, as part of my growth package, that the dependent deduction for children under the age of 18 be increased by $500. I am also cosponsoring legislation to make the income tax deduction for the health insurance costs of the self-employed permanent, and phasing in an increase in the allowable deduction, so that it hits 100 percent in 1994. And I continue to believe that Congress should enact no new taxes of any kind.

American business and industry can create the jobs we need to turn our economy around and set us once again on the road to sustained economic growth, but only if they are given the necessary tools. The legislation I've outlined here on the floor today provides those tools. I urge my colleagues to join me in this effort to secure a positive economic future for our children, and a better today for our Nation.

B'NAI JACOB MARKS 100 YEARS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. NEAL of Massachusetts. Mr. Speaker, I take this opportunity to recognize the 100th year anniversary of Congregation B'nai Jacob of Longmeadow, MA. One of the oldest Jewish congregations in the Springfield area, B'nai Jacob was formed when a small group of men separated from the Agudass Achem early in 1891 to form their own congregation. This congregation has evolved into one of the most respected and hard-working organizations in the Springfield area.

Although the founding of the congregation was marked with uncertainty, the founders were determined to press through the tough times and produce a caring and dedicated congregation. The tenuous inception of B'nai Jacob was interrupted in 1920 when the congregation erected its own synagogue on Congress Street in Springfield. Until 1920, B'nai Jacob had met in several different private buildings in the neighborhood. The congregation originally met in a small room above member Benjamin Rosenstein's clothing store on Worthington and Water Streets—Columbus Avenue. Although the congregation was burdened with difficulties, they were able to intensify their commitment to the temple and to each other in order to establish a very pious and supportive congregation.

Mr. Speaker, in 1962, the congregation faced another important crossroad: The synagogue and most of the other buildings in the Jewish neighborhood were being torn down as part of a federally funded urban renewal project. The congregation remained committed, and by 1964 they had built a new synagogue on Eunice Drive in Longmeadow. This new synagogue is where they are presently worshiping.

Currently, the conservative temple is serving over 250 families. The youth director provides a steady list of educational opportunities and social activities for the young folks of the congregation. From classroom study to trips to the ball park, the children of B'nai Jacob have always participated in activities with the other members of the congregation. In addition, the older members have excellent opportunities to participate in the social functions of B'nai Jacob.

Mr. Speaker, the congregation is celebrating its centennial anniversary with a 3-month exhibit through September 6 at the Connecticut Valley Historical Museum. The exhibit features a wide array of both religious and ornamental artifacts that chronicle the congregation's history from its earliest meetings in the 1890's to the original temple and its current location. Religious objects on display include the old Torah, the handwritten scrolls of the five books of Moses, and the silver crowns from

the 1920's and 1930's which fit on the Torahs. The 1920 cornerstone is also in the museum. It was picked up in 1963 from the demolition of the temple on Congress Street by Sadie Norkin, who is now one of the oldest members of the congregation at 96. The people who comprise the congregation of B'nai Jacob all enjoy their connection to the temple with great pride.

The preservation of their heritage and the sacred relics of the church are very important to the congregation. They have an intense pride of their history and their future. Recently, a time capsule marking their 100-year anniversary was lowered into the ground and not to be disturbed until the year 2042. The contents of the time capsule included prayer books, yarmulkes, pictures of people and events that have taken place at the synagogue, a book of sentiments, advice, and best wishes. Mr. Speaker, this congregation has expended their time and energy to give the future generations a sense of our history which is their history. They deserve to be recognized for their tremendous efforts in building and maintaining a temple that has the truly noble characteristics to commitment and to hard work.

INTRODUCTION OF THE INFRASTRUCTURE REINVESTMENT AND ECONOMIC REVITALIZATION ACT OF 1992

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. BORSKI. Mr. Speaker, today I will be introducing the Infrastructure Reinvestment and Economic Revitalization Act of 1992. This legislation will rebuild our roads and bridges, spur economic growth, increase productivity, and put thousands of Americans back to work.

In the last few decades, our investment in infrastructure has declined dramatically. At its peak in the late 1960's, U.S. investment in infrastructure neared 2.4 percent of the gross national product [GNP]. However, by the 1980's, investment had plunged to less than 0.3 percent of the GNP.

Not surprisingly, the standard of living of working American families has simultaneously declined. Since 1980, Americans have seen prices increase, wages decrease, and their savings disappear.

Furthermore, our disinvestment in infrastructure has strangled our ability to create the economic growth needed to end the current recession. Without a substantial influx of new capital, our infrastructure will continue to decay, our economy will continue to stagnate, and Americans' standard of living will continue to decline.

Our trading partners are certainly aware of the inherent link between infrastructure and economic productivity. For example, Japan is investing $3.5 trillion in the next 15 years to rebuild its roads, bridges, and airports. Coincidently, Japan's productivity rates continue to exceed our Nation's rates. Even Taiwan—a nation only a fraction of the size of the United States—is embarking on a 6-year, $300 billion investment program.

In order to compete in the global marketplace of the 1990's we must make similar investments. Unfortunately, our antiquated system of financing infrastructure falls far short of providing the resources needed for investment.

To begin with, not all of the resources in the transportation trust funds are being spent on infrastructure. Working Americans who pay taxes every day at the gasoline pumps are not getting the investment they paid for.

Simply put, the trust in the trust funds is being violated. Because of deficit reduction pressures, it appears unlikely that any of the 5-cent gasoline tax authorized by the Budget Agreement of 1990 will ever be used for highways and transit. Half of that tax is already being used for deficit reduction, and the other half may never be appropriated for infrastructure.

In addition, our Federal Government is not using the proven, innovative means of capital financing needed to maximize the amount of resources spent on infrastructure. By limiting annual infrastructure expenditures to the annual amount of revenue from the gasoline tax, we cannot rebuild America. However, by leveraging trust fund revenue into a larger investment, we will be able to meet the needs of our infrastructure and our economy.

The Infrastructure Reinvestment and Economic Revitalization Act of 1992 will revolutionize the way we finance public works projects by moving beyond today's infrastructure financing system. It will create a new infrastructure reinvestment fund [IRF] which will be kept completely separate from other trust funds and from the unified Federal budget. The IRF will issue Treasury bonds in order to finance a one-time, massive nationwide investment in infrastructure construction and revitalization.

The bonds will generate an estimated $50 billion for new spending on infrastructure and will be spent and apportioned proportionately on the programs authorized by the Intermodal Surface Transportation Efficiency Act [ISTEA]—roughly $40 billion for highway programs and $10 billion for mass transit. This money will provide jobs for the thousands of middle-income Americans who are eagerly looking for work.

In order to finance this new spending, my bill will recapture the 5-cent gasoline tax authorized by the Budget Agreement of 1990 and dedicate it solely for the purpose of capitalizing and servicing the debt on the bonds from the IRF.

Under this proposal, revenue collected from a gasoline tax will, for the first time, be leveraged in order to finance massive capital investment. A 5-cent gasoline tax generates roughly $5 billion in revenue. My bill will leverage that $5 billion to generate 50 billion dollars' worth of bonds for spending on infrastructure.

As our trading partners have demonstrated, investment in infrastructure is money well spent. For every $1 we invest in infrastructure, our economy gets a $10 return. Furthermore, every $1 billion in investment will create 48,000 jobs.

We can no longer afford to wait to rebuild America. We must begin today. If we wait any longer, our infrastructure will continue to decay beyond repair, our economy will flounder, and more middle-income Americans will be out of jobs. America cannot be a prosperous and productive country without this investment.

Mr. Speaker, I hope my colleagues will join me in this effort to rebuild our country for the American worker and family.

COMMENDING DR. LLOYD D. KONYHA, PRESIDENTIAL RANK AWARD WINNER

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. BILIRAKIS. Mr. Speaker, I want to take this opportunity to call attention to the vital and dedicated work of Dr. Lloyd D. Konyha, southeastern regional director for Veterinary Services, in the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture.

Recently Dr. Konyha, who lives in Land O' Lakes, FL, was named a 1992 Presidential Rank Award winner. The Presidential Rank Award is designed to recognize Federal career members of the Senior Executive Service whose performance for at least 3 years merits the favorable attention of the President of the United States.

Dr. Konyha received the rank of meritorious executive in recognition of his contribution to the protection, maintenance and improvement of the health of this country's food and animal populations. Of particular note has been his success in reducing the incidence of brucellosis in the Southeastern United States.

Mr. Speaker, Dr. Konyha is directly responsible for preventing the introduction of foreign animal diseases into this country, for actively working with the poultry industry on disease surveillance and prevention in an area of very heavy poultry production and for maintaining a harmonious working relationship with livestock producers and producer groups to enhance American agriculture.

Dr. Konyha, a native of Michigan, earned a doctor of veterinary medicine degree from Michigan State University in 1960. He began his career with the U.S. Department of Agriculture in 1963 as a field veterinarian in Michigan. He was transferred to Ohio in 1965 as a field veterinarian where he conducted research on equine tuberculosis and earned a master's degree in microbiology at Ohio State University. In 1970, he transferred to Wisconsin as the assistant area veterinarian in charge.

In 1972, Dr. Konyha became the staff tuberculosis epidemiologist at the Animal and Plant Health Inspections Service in Hyattsville, MD. During this period he aggressively promoted a campaign to increase the epidemiologic tracing of infected herds or lesioned animals and brought the bovine tuberculosis incidence down to the lowest point in the program's history. Dr. Konyha developed the comparative cervical tuberculin test that is now used nationwide to differentiate between bovine, avian and other nonspecific tuberculin reactions.

From 1979 through 1980, Dr. Konyha was a staff veterinarian in the plant protection and quarantine staff in Hyattsville, where he acted

as a regional staff veterinarian and had responsibility for setting policy for inspecting imported products and passenger baggage at U.S. ports of entry. From 1980 through 1984, Dr. Konyha was the area veterinarian in charge of Oklahoma. In 1984 he became the assistant regional director in the northern region and regional director for the southeast region in 1986.

When Dr. Konyha began as regional director in the southeast region, many severely brucellosis infected states were in this region. On January 1, 1988, there were 1,028 infected herds in the region and 866 of those were in Florida. By October 1, 1988, all class C brucellosis States or areas had to demonstrate significant improvement in reducing incidence of infection.

Under Dr. Konyha's leadership, a task force was formed consisting of Federal, State and industry representatives to devise a plan to improve the status of the area. Today there are only 243 infected herds in the region—a decrease of 76 percent. The task force was recognized for its fine work, receiving a U.S. Department of Agriculture Group Superior Service Award.

Mr. Speaker, Dr. Konyha deserves our gratitude and praise. He exemplifies a special kind of commitment to the public good which we need to recognize and nurture. His service to our Nation cannot be overstated and I am proud to call attention to his remarkable career achievements today.

A BILL TO ADVANCE WORKPLACE SAFETY

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. GRADISON. Mr. Speaker, I rise today to introduce legislation designed to correct a serious inequity in the Federal Tort Claims Act. Current law protects the Federal Government against suit by citizens pursuing damages due to Federal negligence of its own health or safety standards.

In recent years, there has been considerable controversy and litigation concerning the role of the Federal Government in the unnecessary exposure of citizens to risks associated with a number of health and safety hazards. In a number of cases, there exists considerable documentation which suggests that the Federal Government behaved in a negligent manner and was often lax in its enforcement of Federal health and safety standards in workplaces it owned, operated, or controlled. This is particularly true in cases of unnecessary exposure to asbestos.

For example, in those cases involving exposure to asbestos, it has been documented repeatedly that the Federal Government violated its own health and safety standards at the time of the Second World War, and that it failed to warn, or provide protection for, workers in Government and contract shipyards. The courts have found that Government officials and safety inspectors were well aware of the hazards associated with prolonged asbestos exposure and of the dangerous conditions in the shipyards under their control.

Unfortunately, citizens pursuing their cases in the courts have found that the Federal Government can escape any liability for violating its own health and safety standards by exercising a technical legal defense. By invoking the defense of discretionary function provided under section 2680(a), title 28, United States Code, the Federal Government effectively is able to escape liability.

Numerous challenges have been turned aside by the courts. In many cases, the courts have acknowledged explicitly that the Federal Government had been negligent and was responsible, in whole or in part, for injuries and deaths resulting from accidents in the workplace or from the exposure to hazardous materials. Nevertheless, the courts have routinely denied redress—not on the merits of the cases, but based on the Federal claim of immunity grounded in discretionary function.

Mr. Speaker, the discretionary function immunity was provided to the Federal Government by Congress as part of the Federal Tort Claims Act of 1946. Essentially, this defense was incorporated into the FTCA to immunize the Federal Government against suit by citizens for decisions made by high level officials in the course of conducting public policy. An objective review of the record reveals the clarity of congressional intent. Congress intended that this protection would allow principal Government policymakers to conduct an effective public policy without fear of being sued for the ramifications of policy judgment.

For over 45 years, the Federal Government has expanded the application of the discretionary function defense beyond what was initially intended by Congress. The erosion of the right of a citizen to seek redress through the courts for injuries incurred as a result of Federal negligence must end. I can envision no reasonable situation in which it is deemed to be effective public policy for the Federal Government to permit unsafe, unhealthy, and hazardous working conditions in the workplaces it owns, operates, or controls.

Private individuals and concerns, in similar cases of negligence, have been found liable and ordered to compensate plaintiffs. Litigation, or the threat of litigation, is a deterrent. The public, and particularly citizens who have been wronged by the Federal Government, should insist on a similar check on the power of the Government.

This legislation would make it possible for citizens who are injured as a result of the Federal Government's violation of its own occupational health and safety standards, or by its negligence in workplaces under its control or supervision, to seek to recover damages for those injuries.

I want to stress that this legislation makes no judgment about the merits of any case that may be pending before the courts. It merely asks that the Federal Government be required to prove its case on the merits rather than hiding behind the law. If the Government did not act with negligence, I am certain that the courts will recognize that fact. However, if the Government did act in a negligent fashion, it is irresponsible, unjust, and unacceptable for the Federal Government to absolve itself of any responsibility for its actions.

I urge my colleagues to join me in support of this legislation.

HAIL "COLUMBIA"

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mrs. JOHNSON of Connecticut. Mr. Speaker, our Nation's manned space flight program reaffirmed itself again as the space shuttle *Columbia* landed this morning at Cape Canaveral after a historic and robust 14-day mission that broke the previous shuttle duration record by more than 2 days.

The refitted space shuttle *Columbia* is NASA's first extended duration orbiter. It includes equipment and fuel for extra energy production, additional nitrogen tanks for cabin air, and a regeneration system to remove carbon dioxide—equipment that eventually may permit shuttle missions up to 30 days long.

Columbia's regenerating carbon dioxide removal system, I might add, performed admirably during the mission. It's a system that allows the shuttle to carry less expendables into orbit, a system that's a stepping stone to the advanced regeneration systems that will make space station *Freedom* a reality. A system that was produced with great pride by the fine people of Hamilton Standard in Windsor Locks, CT.

The great success of STS–50 was that it allowed for an extended, round-the-clock investigation of the effects of weightlessness on plants, humans, and materials. In 31 experiments over those 13 days—ranging from the manufacture of crystals for possible semiconductor use to the behavior of weightless fluids—the mission compiled information that will be invaluable in helping the United States maintain world leadership in microgravity research and development.

The success of the *Columbia* mission and the *Endeavour* mission in May of this year that included the dramatic rescue, repair, and redeploy of an Intelsat telecommunications satellite, typifies what this country can do with a strong space industry.

I urge my colleagues to remember these recent triumphs—and to look to the future's continued success in the manner space arena through the space station *Freedom* program—when the NASA appropriations bill comes before us later this month.

Space station *Freedom* is the stepping stone to our future in manned space exploration. Let's not discount the benefits we've received and the pride we've felt from a 30-year history of space triumphs. At the same time, let's not turn our back on the enormous potentials yet to be discovered.

TRIBUTE TO THE BRAZOSWOOD BUCCANEERS

HON. GREG LAUGHLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. LAUGHLIN. Mr. Speaker, I rise today to honor the 1992 Texas 5A State Baseball Champions, the Brazoswood Buccaneers. This baseball team not only had an amazing sea-

son by winning their last 19 games in a row, but they were able to make history as well. The Brazoswood pitchers threw back-to-back no hitters in the final tournament which was a first in the State tournament's history. The team managed to keep things in perspective and stay focused, a characteristic of all true champions, until the final game against the South San Antonio Bobcats.

Mark Senterfitt was at the top of the pitching list due to his outstanding 6 inning no hitter in the semifinal round against El Paso Coronado, and he also pitched 2⅔ innings in relief of Justin Bowles and Jason Ferguson's efforts to save the title and the no-hitter record.

Despite the outstanding efforts of the pitching staff, the title could not have been won without the efforts of the defensive players. Both Jason Rendon and Chad Blessing had excellent defensive plays throughout the tournament. Rendon and Blessing also had key runs. Other big hitters were Scott Merritt, Brian Stone, Keith Whitten, and Eric Atkins.

I would like to congratulate all the champions individually: James Ferguson, Chad Blessing, John David Perry, Justin Bowles, Rodney Colon, Keith Whitten, John Dewey, Creighton Collier, Heath Collins, Cody Dingee, Scott Merritt, Brian Guillot, Ryan Chapple, Brian Johnson, Jason Rendon, Cory Townsend, Mark Senterfitt, Cory Gibson, Brian Stone, Eric Atkins, Tobey Stevens, and coaches Bill Poland and Bobby Williams. These players should all be commended for their team effort in securing the State championship.

I rise today to call this body's attention to the hard work and determination that these champions have exemplified. I commend the Brazoswood Buccaneers for their perseverance and exemplary play in their pursuit of the Texas State 5A title.

INTRODUCTION OF THE MANDATE AND COMMUNITY ASSISTANCE REFORM ACT

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. HORTON. Mr. Speaker, today I am introducing the Mandate and Community Assistance Reform Act, a measure that I believe will help significantly over the short- and long-term to relieve the fiscal distress under which many of our States and communities are trying to operate.

This bill addresses major concerns that State and local officials have voiced for years in testimony before the Government Operations Committee and other committees as well—specifically, that the out-of-control Federal practice of mandating activities or services and requiring non-Federal governments to foot the bill, and the lack of flexibility in Federal assistance programs for our communities, are hindering their ability to provide efficiently and effectively for their low-income citizens. I am confident that our State and local partners will find this bill provides welcome relief from the burdens of unfunded Federal mandates, and allows them to try innovative approaches to the problems of their low-income residents.

Titles I and II of the Mandate and Community Assistance Reform Act establish a Commission on Unfunded Federal Mandates. The Commission is required to study this growing practice and make recommendations to Congress regarding the termination, temporary suspension, or consolidation of reporting requirements of up to 30 existing mandates. The Commission also is charged with identifying mandates that should be carried out in whole or in part by the Federal Government instead of States and localities. Because I intend these recommendations to serve as more than a mere discussion piece, I have provided that they will take effect automatically if Congress does not enact a joint resolution disapproving them within 60 days of their submittal.

To discourage the passage of new unfunded mandates, I propose to close a loophole in the Congressional Budget Act of 1974 which enables unfunded mandates to be included in legislation in the absence of Congressional Budget Office estimates of their impact on States and localities. This title amends the Congressional Budget Act to delete language stating that cost estimates are required only if submitted in a timely manner. Further amendments I have proposed require that a cost estimate accompany the conference report of legislation to ensure that any major changes made on the floor or in conference will be reported, and require committees to include in their directions to the conference committees the total cost of their provision to all levels of Government. Adequate cost estimating procedures will benefit all Members working to make informed and responsible decisions on legislation that will affect States and localities.

Expensive regulations often have a significant impact on small towns with limited resources available to pay for compliance with complex rules and mandates. The Regulatory Flexibility Act, designed to mitigate such impacts, directs an agency to perform analyses which estimate the economic and administrative impacts of their proposals on small businesses and governments and to identify alternatives to the proposed rule. However, this act contains a loophole as well—an analysis need not be performed if the head of an agency certifies that their rule will not have a significant economic impact on a substantial number of small entities. To minimize this loophole, I have proposed to modify the act's provisions for judicial review of agency rules. I believe this change will prompt Federal agencies to give more consideration to the effects of their rules on small governments with limited economic resources.

Finally, I have a great deal of enthusiasm for a title of my bill that will restore innovation and creativity to existing Federal assistance programs for local governments. Communities often are stifled in their attempt to provide benefits and services to their low income citizens by inconsistent and incompatible program requirements that prevent an integrated approach toward the problems of needy residents. This title would enable local governments to integrate federally funded programs under community based assistance plans, tailored for their distinct needs and constituencies and structured to address the broad spectrum of problems affecting America's low income citizens. The appeal of this proposal is that it allows a community to design its own social service program or programs using money it already receives from the Federal Government—I emphasize that no additional obligations will be incurred by the Federal Government as a result of this title. Local government leaders have always been a force for innovation and change, and I believe they will be effective and creative in implementing this much needed program flexibility to the benefit of their low income residents.

Mr. Speaker, States and communities have long been asking for the Federal Government to abdicate the role of dictator and assume its rightful place as a partner in the intergovernmental system. The Mandate and Community Assistance Reform Act is a fiscally responsible measure, a vehicle through which we can respond to the call for less Federal intervention and more Federal cooperation. I urge my colleagues to join me in this initiative to relieve the fiscal burdens on States and localities and improve the way the Federal Government does business with its State and local counterparts.

THE NEW MISS KENTUCKY: A REPRESENTATIVE OF THE MOUNTAINS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. ROGERS. Mr. Speaker, the area I call home, eastern Kentucky, is known for its beauty and the determination of her people. And those two qualities are combined in one individual whom I take pride in recognizing today: Tawnya Dawn Mullins.

This 25-year-old from the community of Kimper in Pike County was recently crowned Miss Kentucky, and I can think of no one who could better represent our mountains and, indeed, our entire commonwealth.

Miss Mullins is certainly beautiful. But she also possesses warmth, intelligence, charm and determination in addition to her stunning good looks. And it is her inner beauty and strength that make her an outstanding role model for the young women of Kentucky.

Tawnya Dawn earned a bachelor's degree in political science from the University of Kentucky and originally intended to become an attorney. But after working for a year in a law office, she chose to study sports medicine and enrolled at Virginia's Radford University.

At the same time, this bright young woman was competing in pageants. While at Radford, she was named first runner-up in the Miss Virginia Pageant. Back home, this former Miss East Kentucky was competing for the fourth time for the title of Miss Kentucky when she was chosen last month to represent our commonwealth in the Miss America Pageant.

Persistence and determination have certainly paid off—not only in recognition but in education. Miss Mullins has put herself through school on the scholarships she received from those pageants.

Her parents, Stoney and Brenda Mullins, have every right to be proud of Tawnya's ac-

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complishments. So do the people of Pike County, who take special pride in having one of their own selected for the first time ever as Miss Kentucky.

Perhaps Tawnya's mother said it best: "She'll do a good job for Kentucky, especially East Kentucky. She's just a little hometown girl."

I wish to congratulate this fine young woman, Mr. Speaker, and hope my colleagues will join me in wishing this "little home town girl" well at the Miss America Pageant.

INTRODUCTION OF LEGISLATION REGARDING THE VA HOSPITAL SYSTEM

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mrs. JOHNSON of Connecticut. Mr. Speaker, this Independence Day was sweeter than any other in recent memory for me and I suspect for many other Members as well, as it was the first Fourth of July since the fall of the Soviet Union. As we celebrate the end of the cold war, we should be careful not to forget the men and women who served in the Armed Forces and made this event possible. And as we honor them for their valor, we must reaffirm our strong commitment to providing them with quality health care in the future.

During the past decade, the VA's inadequate medical budget has been unable to address the system's needs. As a result, VA hospitals have not been able to upgrade critical life-saving resources, and many men and women who suffer from service-connected injuries are not receiving prompt attention.

To remedy this situation, today I am introducing a bill, along with 13 of my colleagues, to change the way the largest hospital system in the Nation conducts business. My proposal will allow the VA to collect from all public payers, including Medicare, Medicaid, and CHAMPUS, while waiving certain copayments to entice veterans to utilize VA hospitals. The goal of this proposal is to increase funding to boost staffing and upgrade facilities and equipment. Yet, unlike Secretary Derwinski's rural health care proposal, mine keeps the VA hospital system open to veterans only and is supported by national veterans groups such as AMVETS and the American Legion.

We owe it to those who fought to preserve the virtues of freedom and democracy to assure that the VA hospital system fulfills its mission to provide highest quality health care to our veterans so they can celebrate many more July Fourths and Memorial Days.

JOSEPH BARBER

(Director and Supervisor of the Office of Advocacy and Assistance CDVA).

I am excited that it will increase VA revenue.

This bill will give the VA the additional money it needs to allow it to do more research and accommodate more veterans.

The VA should be allowed to collect from new payers. I believe in the concept.

The VA is not getting enough money from the federal government. This is good P.R. for veterans who have lost faith in the system. It will enhance the capacity of the health care system.

ROBERT PERREAULT

(Director, Department of Veterans Affairs Medical Center, Newington, CT).

This pilot proposal is both appropriate and welcome. It will determine whether money from federal payers will be sufficient (to make up for years of underfunding).

It is very well structured as it doesn't compromise the well-being of the mandatory care veterans while treating more non-mandatory veterans.

I am optimistic that it will help to counter system underfunding and it will be consistent with the position of the VA nationally to keep the hospital system open to veterans only.

She responded to the kinds of things she heard at the veterans town meeting very well and that is represented in this bill.

MS. BARBARA JACKET NAMED HEAD COACH FOR THE 1992 WOMEN'S TRACK AND FIELD OLYMPIC TEAM

HON. GREG LAUGHLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. LAUGHLIN. Mr. Speaker, I rise today to honor a woman from the 14th Congressional District whose many accomplishments on the track and field have brought her a tremendous honor. Barbara Jacket has been named the head coach for the 1992 Women's Track and Field Olympic Team in Barcelona this summer. Ms. Jacket is only the second African-American to be named an Olympic team head coach.

She has led Prairie View A&M University women's track to win an amazingly large number of national championships, including the Association for Intercollegiate Athletics National Championship and the National Association for Intercollegiate Athletics National Championship and the National Association for Intercollegiate Athletics for both outdoor and indoor track for numerous years.

As a result of all her dedication and love for track and field, she has been recognized by multiple organizations for her success in coaching women's track. Ms. Jacket was the Southwest Athletic Conference Coach of the Year for 7 years for cross country, 9 years for indoor track, and 6 years for outdoor track.

On a more international level, Barbara Jacket has been the assistant coach, head manager, and head coach for the World University Games for a number of years. Likewise, in 1987, she was the head coach for the World Championships in Rome, Italy, and now the 1992 Olympics.

I rise today to call this body's attention to Ms. Jacket's competitiveness and adoration of track and field. I hope her inspiring qualities spread throughout the United States as we watch her coach our Nation's best in track and field in Barcelona this summer.

Coach Jacket is an inspiration to not only the student athletes she works with, but to Prairie View A&M University, to the State of Texas and to our Nation.

REGULATORY IMPROVEMENT AND ACCOUNTABILITY ACT OF 1992

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. HORTON. Mr. Speaker, as long ago as 1974 Congress recognized the need to reduce burdensome Government regulations and to secure control of the burgeoning Federal bureaucracy. That year, we enacted the Commission on Federal Paperwork as a means to measure and reduce the level of Government paperwork and redtape.

As many Members know, I chaired that commission and proudly reported our findings in 1977 to President Jimmy Carter. One of the findings of that Commission was that most of the paperwork, in fact, 80 percent, came from the regulatory process. Regulation causes paperwork.

As a result of the Commission's recommendations, the Committee on Government Operations, on which I am the ranking minority member, created the Office of Information and Regulatory Affairs as a means to manage the regulatory agenda of the Federal Government. Agencies were having difficulties in resolving their regulatory disputes, so it was our considered judgment that an office in the Office of Management and Budget keep those regulations on track, eliminate duplication, and make sure that government regulations do not result in additional paperwork requirements.

Under the Paperwork Reduction Act of 1980, OIRA has broad authority to control the collection of information by Government agencies. It is responsible for setting Government wide information policies and ensuring that agency information collection and record-keeping requirements are consonant with Government policies.

Since 1980, OIRA has been responsible for reducing the paperwork burdens on all Americans by millions of hours and, as a result, saved the economy billions of dollars. Unfortunately, OIRA has not been as successful as it could have been due to the continuing debate over its reauthorization. OIRA has not been reauthorized since 1989 and has not had a Senate-confirmed administrator since early in the Bush administration.

For those who support efforts to reduce the ever-increasing burdens of Government mandates, I ask that you join me in support of the Regulatory Improvement and Accountability Act of 1992. This legislation provides for the long overdue reauthorization of OMB's Office of Information and Regulatory Affairs. It amends the Paperwork Reduction Act to bring regulatory review, in addition to pure paperwork concerns, within its scope. And, it overturns the 1990 Dole versus Steelworkers Supreme Court decision, which held that regulations requiring only disclosure of information to third persons were outside the reach of the Paperwork Reduction Act.

To provide accountability and to guarantee that this authority will not be abused, this bill also subjects OIRA review of proposed regulations to a 90-day time limit and subjects its decisions to court review under the Administrative Procedures Act.

The enactment of this bill should end altogether the debate on the Competitiveness Council as it reauthorizes OMB's Office of Information and Regulatory Affairs in a fair and responsible way. This bill is the product of countless hours of hard work and negotiation put in by Senator WILLIAM ROTH and his fine staff. I thank them for their contribution to this effort.

Finally, Mr. Speaker, let me add that the Paperwork Reduction Act and the Office of Information and Regulatory Affairs were endorsed and used efficiently by Democratic President Jimmy Carter as well as Republican President Ronald Reagan.

It is time to reauthorize this legitimate regulatory review function, create jobs by promoting the competitive position of U.S. industry, and get the Government's regulatory burden off the backs of all Americans.

I am attaching a summary of the Regulatory Improvement and Accountability Act of 1992 to this statement. I urge all Members to support this important legislative proposal.

SUMMARY OF PROVISIONS—REGULATORY IMPROVEMENT AND ACCOUNTABILITY ACT OF 1992

REAUTHORIZES OIRA

The Office of Information and Regulatory Affairs (OIRA), located at OMB, would be reauthorized through FY 1997. OIRA was originally established in 1980 to implement the provisions of the Paperwork Reduction Act (PRA), but has been operating without statutory authorization since 1989.

PLACES REGULATORY REVIEW WITHIN PAPERWORK REDUCTION ACT

The bill amends the PRA to bring "regulatory review" within its scope. When the PRA was first enacted in 1980, Congress did not fully contemplate the reality which soon emerged, which is that about 90% of all of the "information collection requests" (the government actions causing the paperwork burden) were contained in regulations. This revealed an inescapable relationship between paperwork and regulations, and almost immediately caused the new Reagan Administration, in two Executive Orders, to try to limit the burden of regulations themselves, in addition to any pure paperwork concerns.

The bill places the provisions of Executive Orders 12291 and 12498, and hence the regulatory review function, into statute.

REVERSES STEELWORKERS DECISION

The bill implicitly overturns the 1990 *Dole v. Steelworkers* Supreme Court decision, which held that information collection requests requiring only disclosure to third persons (i.e. such as workplace safety fliers) were outside the scope of the PRA. This decision obliterated a very large percentage of OIRA's jurisdiction to lower burdensome government action. Since almost all such disclosures are implemented through regulations, this bill would clearly establish the sorts of information collection requests as within the scope of the PRA.

INCREASES ACCOUNTABILITY

The bill takes several steps to guarantee that OIRA remains accountable and that the regulatory review process is not abused. It limits the amount of time OIRA has to review a regulation to a 90 days. It subjects OIRA decisions to court review under the Administrative Procedures Act. And, finally, it codifies the so-called 1986 "Gramm Memo," in which OIRA subjected itself to certain disclosure requirements concerning OIRA communications with outsiders and agencies.

OTHER PROVISIONS

The bill adds competitiveness criteria into regulatory oversight decisions;

"Independent" agencies could still override OIRA decisions;

Regulations would be "sunset" after three years, requiring new OIRA review.

TRIBUTE TO DEB SWIFT—THE "DREAM MAKER" OF SALEM'S "FIELD OF DREAMS"

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to a very special lady, Deb Swift of Salem, NH. She is a homemaker, wife of a Salem police detective, and the mother of two small children. She is also a woman of great vision and determination.

Four years ago, Deb had a dream of a place where she could take her children to play and climb and do all those things that small children love to do. At that time, there were no community parks, and playgrounds were limited to swing sets and jungle gyms in schoolyards.

With her dream in mind, Deb Swift approached the local government boards and committees of Salem to gain their approval and support for such a project. She asked the town to help her locate a parcel of property. Ultimately, the town of Salem donated the property.

Mr. Speaker, locating the property and receiving the blessing of the town fathers was just the beginning. Bob Leathers, "The Pied Piper of Playgrounds," was hired for the design work. His work was based on the ideas and concepts of the children, teenagers, and young adults of Salem. The project grew from a small playground to a multigenerational, multifunctional, one-of-a-kind community park with an entertainment amphitheater, playground area, and nature trails. Deb Swift rallied her community, local corporate sponsors, and volunteers to raise $225,000 to build Salem's first community park and playground, now aptly named the "Field of Dreams."

Recently, Deb saw her dream become a reality. In an organized effort, similar to an old-fashioned barn raising, approximately 1,000 volunteers gathered to build the playground structure. I was fortunate enough to be one of these volunteers and found this to be one of the most uplifting experiences I've had in a long time. When the final piece was put into place, a cheer went up. Four years had passed, and thousands of volunteer hours had been spent organizing and fundraising in preparation for that day. It happened because one woman had the determination and courage to see her dream through. Because of Deb Swift and her dream, Salem, NH, now has place for all of the children to play and the entire community to enjoy.

Mr. Speaker, I ask my colleagues to join with me in honoring Deb Swift, the "Dream Maker" of Salem's "Field of Dreams."

BATTLE OF GUADALCANAL REMEMBRANCE DAY

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. PANETTA. Mr. Speaker, as our country reflects on the heroism of those who bravely served the United States in celebrations marking the 50th anniversary of World War II, it is appropriate that we pay a long-awaited tribute to those who fought valiantly in the campaign to recapture the Island of Guadalcanal between August 7, 1942 and February 9, 1943.

The distinguished Senator from North Dakota, [Mr. CONRAD], has introduced Senate Joint Resolution 248 to designate August 7, 1992, as the Battle of Guadalcanal Remembrance Day. The measure I am introducing today is a companion to the Senate resolution.

Beginning on August 7, 1942, the United States embarked on a pivotal campaign in the Solomon Islands. This offensive was essential to stem the tide of the Japanese imperial advance. Following the tragic fall of Corregidor in the Philippines, the landing on Guadalcanal was a vital American offensive in the Pacific theater during World War II. The ensuing 6-month battle proved devastatingly fierce. During this period, American forces fought what is regarded as some of the most intense combat during World War II. The brutal engagements at Bloody Ridge, around Henderson field and during the naval battle of Guadalcanal from November 12 to 15, 1942 exemplified the true resolve of the American forces. It was at Guadalcanal that the Japanese advance was squarely confronted and set back.

The U.S. Armed Forces distinguished themselves by their brave fortitude during the campaign. The dedication and ultimate sacrifice of those who served in the Solomon Islands of the South Pacific is similarly notable. More than 9,400 Army, Navy, and Marine casualties were suffered during the Guadalcanal campaign. Tragically, 4,343 were killed in action.

Mr. Speaker, it is only fitting that our Nation pay tribute to those who fought at Guadalcanal and whose efforts resulted in the turning point of the war in the Pacific. The planned activities of the U.S. Marine Corps on August 7, 1992, represent an appropriate impetus to extend the commemoration to all who served in the Solomon Islands in the effort to recapture Guadalcanal between August 7, 1942 and February 9, 1943.

It behooves us to join the efforts of Senator CONRAD to honor those who served our country with pride, strength, and loyalty. The veterans of Guadalcanal justly deserve the symbolic day of August 7, 1992, as a day when all Americans can reflect on the sacrifice of our American forces in the Army, Navy, and Marines who fought in the landing and campaign to recapture Guadalcanal. I urge my colleagues to join me in declaring August 7, 1992, as the Battle of Guadalcanal Remembrance Day.

The text of the resolution follows:

H.J. RES. —

Whereas the focus of the military campaign of the Allied forces in the Solomon Islands of the South Pacific during World War II was the island of Guadalcanal;

Whereas the military invasion of the island of Guadalcanal by the United States began on August 7, 1942, with an amphibious landing of Major General Alexander A. Vandergrift's 1st Marine Division;

Whereas, on October 13, 1942, the commitment of ground forces of the United States to the Battle of Guadalcanal began with the landing of the 164th Infantry Regiment of the American Division, making the regiment the 1st unit of the United States Army to engage in offensive combat action in the Pacific theatre during World War II;

Whereas the South Pacific Naval Task Force, under the command of Vice Admiral William F. Halsey, was the principal naval force during the Naval Battle of Guadalcanal in November 1942;

Whereas, throughout the 6-month campaign on Guadalcanal, the United States Navy provided the naval support that was critical to the victory of the armed forces of the United States on the island of Guadalcanal;

Whereas, during the campaign on Guadalcanal, there were more than 9,000 Army, Marine, and Navy casualties;

Whereas, on August 7, 1992, the United States Marine Corps will conduct a ceremony at the Iwo Jima Memorial in the District of Columbia to commemorate the landing of Marines on Guadalcanal; and

Whereas the Department of Defense will recognize the contributions made by all military personnel of the United States during the operations on Guadalcanal as part of its commemoration of the 50th anniversary of World War II: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 7, 1992, is designated as "Battle of Guadalcanal Remembrance Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

TRIBUTE TO STAN STREAKS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. BONIOR. Mr. Speaker, on the evening of June 12, Stan Streaks will be honored at a special dinner at the Van Dyke Manor Restaurant. I am very pleased to join UAW Local 160 in honoring a longtime friend of the working men and women of our community.

In many ways, Stan Streaks has come to symbolize our commitment to fairness and justice in the workplace and society. For more than 35 years, Stan has been an important figure and voice in the labor movement in Michigan. His long record of distinguished service has proven him to be a natural and effective leader. Stan's vision and guidance have always impressed those of us who have had the privilege to know and work with him. His contributions will be truly missed.

Mr. Speaker, on this special occasion of his retirement, I ask that my colleagues join me in saluting Stan Streak's many years of service and dedication to the labor community in Michigan.

ENHANCING RACIAL HARMONY, YOUTH AGAINST RACISM, ELEANOR ROOSEVELT CENTER AT VAL-KILL

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. FISH. Mr. Speaker, recent events in Los Angeles have exposed an urban human condition that cannot be tolerated. Congress is considering what is the appropriate response to inner city unemployment, lack of opportunity, and dispair. Racism is blamed by many for these conditions.

For 2½ years, citizens of Dutchess County, NY, have actively come together to address racial discrimination in their community. There are currently two programs sponsored by the Eleanor Roosevelt Center at Val-Kill in Hyde Park, NY, called Enhancing Racial Harmony and Youth Against Racism. Both programs were developed with national replicability in mind and I salute the creativity and broad-minded efforts made by the many citizens committed to these programs.

Enhancing Racial Harmony came into being in October 1989 in Dutchess County, NY. Its mission: First, identify racial discrimination; and second, make recommendations as to how to improve the situation in five areas: criminal justice, education, employment, housing, and the media.

A steering committee of 30 sets policy and coordinates the activities of the 5 focus groups. Eighty persons sit on the focus groups, while an additional 300 persons have participated in programs initiated by the focus groups. The participants are racially and ethnically diverse, representing leadership in the community, education, business, government, media, and not-for-profit sectors.

One very important aspect of this project has been the process of bringing together groups of people, on a regular basis, who together discuss and address the sensitive and challenging issues of racial discrimination. Another aspect of this project is the programs that have been initiated by each of the groups. Following is a summary of the findings and activities of each of the five focus groups:

CRIMINAL JUSTICE

A racially and ethnically mixed membership on the criminal justice focus group has determined that racial bias and discrimination exists in every element of the criminal justice system from a lack of minorities on police forces, to a predominantly white, male judicial system, to a disproportionate number of minorities in jail and prison.

Two action-based goals have been articulated:

I. REGENERATE THE COMMUNITY

Prevent crime through proactive efforts to address employment and educational opportunities; through a community-based policing initiative; through appropriate programs to stifle drug use and provide drug and alcohol treatment; and a systematic approach to the preservation of families. Encourage the business sector to hire, train, and promote minorities.

II. REDESIGN THE CRIMINAL JUSTICE SYSTEM

Redesign the criminal justice to be responsible to a multicultural community through its enforcement officers and judicial institutions. The system must rely upon a broad spectrum of punishment and intermediate sanctions including community service, probation, and alternatives to incarceration. Restore the community as the keeper of order and the maintainer of justice.

EDUCATION

The mission of the education focus group [EFG] is to assist the local school community to prepare students for citizenship in a culturally diverse world through the development of an understanding and appreciation of all people. To accomplish this mission, the EFG engages in activities to increase multicultural staffing at all levels in the educational system. Also, the EFG recognizes the need for schools to initiate a genuinely multicultural program implemented with enthusiasm, commitment, and sensitivity. Specific projects sponsored by the EFG are a workshop designed to expand the pool of qualified candidates for professional positions. Additionally, the EFG is supporting training for teachers and administrators and recommending policies and procedures that would institutionalize school district multicultural commitments.

EMPLOYMENT

The employment focus group conducted a major study to learn more about racial discrimination in the employment sector. More than 100 citizens participated representing youth, the unemployed, community leaders, the employed, CEO's, and human resources specialists. The results of this study confirmed that racial bias does exist in many aspects of the employment environment in Dutchess County, including hiring practices, promotional opportunities, and management practices.

Twenty-six recommendations resulted from the study. Following are the top two: First, community and business leaders made cultural diversity a personal and public priority; and second, develop coalitions of business, government, and education to provide clear skills training and value development.

The focus group is working on two projects: First, development of a user-friendly publication on the destructive nature of racism in the workplace; and second, development of a workplace awareness program, which will be relevant for both management and the work force, and which will demonstrate the value and economic importance of having a positive, culturally diverse work force.

HOUSING

The housing focus group has a vision of Dutchess County where no one would be denied the right to live in a neighborhood or community they choose, if housing is available. The constant challenge has been to distinguish between economic and racial discrimination.

A major study was conducted to determine the extent to which racial discrimination existed in the housing sector. Participants in the study included: banking professionals, housing specialists, government leaders, homeowners and tenants, realtors, developers, and landlords. Incidents of racial discrimination were revealed on many levels. Resulting recommendations included: First, better public awareness through public service announcements; second, an 800 number guaranteeing

confidentiality that would encourage reporting of discrimination cases; third, better education, including consumer education and creation of support groups; and fourth, support for human rights commission as the best formal structure which can collect data, investigate complaints, followup enforcement, and initiate a broad-based public education campaign.

MEDIA

The mission of the media focus group is to eliminate racial bias and promote racial harmony in the local media. Projects which have been completed include: First, a workshop to inform minority organizations how to better access the media; and second, media seminars for media managers and members of the working press which included sessions on personal bias, equal employment opportunity hiring, semantics, and stereotypes.

A current project of the media focus group is to develop a public service library of antiracism print ads and radio and television public service announcements. The themes will cover housing, employment, education, and criminal justice.

Youth Against Racism is a high school program which was established in 1989 to provide opportunities for teenagers in Dutchess County, NY to explore issues of racism. At weekend seminars and single day workshops led by community leaders and faculty advisors, students address specific issues such as the psychology of racism, institutional racism, as well as racism in education, the media, religion, and the legal system. They heighten their own awareness of racism, explore how it has touched each student, and develop courses of action to foster greater understanding and tolerance.

Students have responded by organizing clubs in their high schools and developing information programs to take to elementary school students. They designed a brochure and a poster which have been distributed to each high school in the country, created a media watch check list, and developed one television and two radio public service announcements. Radio station WKIP submitted the radio spots to the New York State Broadcasters Association where they won first place in 1991. Students also designed an annual T-shirt and a business card that states "I am a Youth Against Racism"; both are awarded at the end of the year to every student who has participated in the program.

The program has been effective not only for the participating students but also for the county and the region. To date, almost 300 students from 10 high schools have participated; an additional 200 elementary school pupils have been part of programs presented by YAR students. In response to painful racist incidents in their buildings, two high schools have asked Youth Against Racism students to help them start the program. The program is also known beyond Dutchess County; a college and two high schools in Ulster County have asked for presentations on Youth Against Racism.

The success of the program can be attributed to four factors: The increasing need to understand and deal with the growing diversity of our communities, the support of the established Eleanor Roosevelt Center at Val-Kill, the strong contributions of community leaders who volunteer their services for seminars and workshops, and the excellent program guidance from participating students who are fully in touch with the changes and emotions of the school community.

Mr. Speaker, the Enhancing Racial Harmony and Youth Against Racism programs of Dutchess County have made a difference. It is the intention of Eleanor Roosevelt Center at Val-Kill to develop models which can be replicated nationwide, bringing the benefit of Dutchess County's experience to communities across the country. The Eleanor Roosevelt Center at Val-Kill [ERVK] is a private, not-for-profit educational organization dedicated to carrying out the humanitarian work of Eleanor Roosevelt. ERVK acts as a catalyst in creating change for the betterment of humanity, all within the context of Eleanor Roosevelt's philosophy and example. More information on Enhancing Racial Harmony or Youth Against Racism is available by contacting Alexa Ward, ERVK executive director, at 914–229–5302, address: ERVK, P.O. Box 255, Hyde Park, NY 12538.

We, in Dutchess County, look forward to helping other organizations and community-minded individuals actively work toward the racial harmony that is necessary for creating an environment of hope and a better future—a nation where there is equal justice and equal opportunity for all Americans.

TRIBUTE TO LEONARD VINCENT

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. LEVINE of California. Mr. Speaker, I rise to pay tribute to a remarkable man on the occasion of his retirement. I refer to Leonard Vincent who, this year, decided to move on to new challenges after a long and distinguished career as a teacher in the Santa Monica schools.

Leonard Vincent has dedicated his life to teaching and inspiring young people. He is the personification of everything educators should be. He truly believes that knowledge is power. That belief motivated him to become a vehicle for transferring knowledge to his students.

He has the unique ability to make history and great social issues come alive for his students. He is able to explain to young people why they should be concerned about events that occurred hundreds of years ago or hundreds of miles away. He makes learning enjoyable and rewarding.

Teachers like Leonard Vincent are a national asset. His retirement is a great loss to the Santa Monica/Malibu school system, but is an even greater loss to children who will never have the opportunity to spend time with him, to learn from him, to catch the enthusiasm which he imparts for the subject he teaches, to have a teacher who cares as deeply and passionately about his students as Leonard Vincent does, and to listen to and groan at his excruciating puns.

Leonard's ability to make his students laugh, to find humor in history and current events is one of the reasons why he is an outstanding teacher. Put simply, he makes learning fun. He makes the time his students spend in his classroom enjoyable rather than excruciating.

This year he delivered the commencement address to the Santa Monica High School graduating class of 1992. It was the kind of upbeat, energizing speech which those who know Leonard Vincent have come to expect. The love of his students, his concern for their future, and his commitment to making our society better all are present in his address. It was the kind of inspiring speech which we used to hear from public officials but hear all too rarely now. It exemplified why he is such a special person and why he meant so much to his students.

I include Leonard Vincent's speech in the RECORD so that my colleagues will have the opportunity to read and reflect on it. I also ask my colleagues to join with me in recognizing Leonard and congratulating him on a lifetime of service to our children:

GRADUATING SPEECH, JUNE 18, 1992

To the staff of Samohi, to our distinguished guests . . . to the members of our board of education . . . to my associate retirees, including Superintendent Tucker, to you, the parents, friends and family members, and most especially, to the extraordinary class of 1992 . . . congratulations and well done!

But first could we get everyone in our audience to take a moment to share the unique one-ness of this event. Turn to someone you may not know . . . reach out and shake a hand, give a pat on the back or administer a major squeeze. Everyone . . . go ahead . . . do it . . . share with each other the common cause of this special time . . . for we are here to celebrate the past achievements, perseverance, and present passage of the class of 1992 here assembled.

The four high school years are not easy ones . . . the changes experienced between the ages of 14 and 18 are among the most difficult, sometimes traumatic, and exciting in the life-span of an individual.

Reflecting back on my own high school years there were many times when my parents thought I'd never make it. On occasion they might have been heard to say, "my God, out of 2 million sperm cells how could this one have been the fastest swimmer? But somehow, with the help of caring teachers, I managed to keep my head above water, at least most of the time.

The graduates assembled here have done at least as well, if not much better. They are ready to move on . . . so what lies ahead?

It has been said that the most important fact about our spaceship earth and the life upon it is that it didn't come with a definitive book of instructions. We humans, lacking these instructions, have often stumbled our way over its face. Some we call experts are telling us that we've done too much damage to our planet and some predictions are filled with gloom and doom.

However, while the experts are doing their best . . . and while they can serve as early warning systems, their problem is that they restrict themselves to facts alone while our human experience, our history, is as much shaped by unpredictables as by hard facts. Experts just have no way of knowing where or when human hopes or fears might suddenly be transformed into enormous energy sources that could forever change our lives.

The simple fact is that the most important force at work for us in the future is the way in which the human mind reacts to crisis,

and a great force is set in motion when you, and classes like yours across America decide to go out and face the challenges of the 21st century.

Some say the most serious problem facing this nation is not unemployment or recession or wasteful use of natural resources . . . they say the greatest problem right now is that we appear to be running out of hope for the future . . . that we have lost our sense of direction, our energy to act . . . that our sensitivities are narrowed, our values destroyed.

This is not true! If it were true we would no longer be capable of reaching out to and caring for one another—our faces would be frozen to each other.

But they are not! There is to be found, everywhere, among the members of the class of 1992 enough caring to restore hope to the severist critic—and enough warmth of feeling to thaw the most frozen face.

There is great talent among these young men and women. It is to be found in every form imaginable. That talent will find its way. It won't be easy. Success is not permanent—the same is true of failure. Each of today's graduates has something special to do, something unique to do and to be, and there is much to be accomplished. Nothing is done, finally and right, nothing is known positively and completely. The times in which we live are full of things to do, to find out, to do over, to do right.

We have not now nor have we ever had a government that couldn't be improved upon, there is not now and there never has been a perfectly run bank, factory, school, airline, or business.

What is true of business and politics is true of the professions. The arts and crafts, the sciences and sports. The best picture has not yet been painted, the finest cabinet is still to be crafted, the greatest novel or play remains unwritten, the most important things remain to be done.

In breaking through some of the obstacles we face there are a few thoughts I hope you will consider:

Question authority—Be an agitator, for the agitator is the person who insists that our community, nation and world, as they stand, are not good enough.

Reach out and seek understanding of your brothers and sisters of all colors, creeds and origins, for we are their keepers and they are ours.

Commandment No. 1 of any truly civilized society is this: Let people be different! We must remember, said Colin Powell, that America is a family. There may be many differences and disputes in our family, but we must not allow them to be broken into warring factions. Find strength in your diversity. Fight racism and prejudice in all its crippling forms. We have to make sure that racism withers and dies in this country once and for all. Because every time history repeats itself, the price doubles.

Finally, to this class of 1992 a wish from the hearts of all of us who care for you and love you unconditionally—may the directions you take and may the decisions you make in these difficult, but far from impossible times, lead to the fulfillment of your most deeply held hopes and dreams.

And, so to all of you here assembled, the time has come to say farewell in the loving hope that you will fill your minds with things that never were and demand, why not?

Thank you for allowing me to share this time and these thoughts with you, whom I hold in the highest regard. It is an honor I will long remember. Again, farewell.

INTRODUCTION OF LEGISLATION REGARDING TAX ABATEMENT

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. PEASE. Mr. Speaker, today I am introducing legislation designed to put an end to the use of tax abatement as an economic development tool. Cities and States have been engaged in a bidding war to encourage businesses to locate or remain in their jurisdictions. These bidding wars threaten the tax bases needed in these localities to support the school systems.

Companies are pitting city against city in an effort to increase the enticements being offered. I cannot say that I blame companies for pursuing the most beneficial arrangements that are available to them under the law. The business community faces tough competition in the changing global economy. I do believe, however, that encouraging or even demanding tax abatements will in fact hamper the ability of U.S. companies to compete. The loss of school revenue makes developing an educated, literate work force all the more difficult.

Recently, Elyria, OH's City Council adopted a resolution urging the Congress to ban tax abatements on a nationwide basis. While expressing their distaste for the use of tax abatements as a means to retain or attract business, members of the city council realize that unilaterally banning tax abatement would put the city at a competitive disadvantage with other cities and towns.

Indeed, any effort to stop the tax abatement problem is useless unless all jurisdictions stop. For that to occur, it seems that the Federal Government must take action.

Mr. Speaker, the bill that I am introducing today provides that no State or political subdivision thereof shall be eligible to receive any grant for economic development purposes under title I of the Housing and Community Development Act of 1974 or the Public Works and Economic Development Act of 1965 if such State, any political subdivision thereof, or any agency or instrumentality of such State offers, permits, or grants a tax incentive that relieves a taxpayer from paying any State or local tax which would otherwise be payable for the direct or indirect support of primary and secondary education.

If all jurisdictions were prohibited from giving these tax breaks, then no area would be at a competitive advantage or disadvantage. Companies would base their location decisions on economic factors, not on how much of a tax break a city or town is willing to provide.

I urge my colleagues to join me in supporting this measure.

INTRODUCTION OF THE AMERICAN JOBS INVESTMENT ACT

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. STOKES. Mr. Speaker, it is my pleasure today to introduce the American Jobs Investment Act. This legislation would reestablish the investment tax credit, which was repealed by the Tax Reform Act of 1986, but with an emphasis on investment that creates jobs for American workers. The American Jobs Investment Act would not permanently reestablish the ITC, but create a temporary credit effective for a period of 5 years, beginning in 1992.

Numerous analysts and commentators have advocated a temporary investment tax credit as an important element to any economic recovery package passed by Congress. I believe an investment tax credit can be a positive economic tool, if it is designed to encourage wise investment decisions focused on long-term growth, and if the investment generates additional economic activity in the United States. Every Member of this body will acknowledge the fact that increased investment by the private sector is needed to both stimulate the economy, and to foster increased international competitiveness, for American companies. The American Jobs Investment Act will promote just such investment by rewarding companies that invest in new equipment to increase efficiency, competitiveness, and create jobs for American workers.

The American Jobs Investment Act provides a 10-percent investment tax credit for the purchase of new and used equipment which has been produced in America. This is achieved by requiring that equipment eligible for the credit have been constructed or assembled with at least 70 percent domestic content. In addition, the American Jobs Investment Act will reward companies that provide good jobs by granting an additional 5-percent credit for the purchase of new or used equipment which was produced substantially with union labor, and for the cost of installation of equipment for which union labor is utilized.

Mr. Speaker, in light of the discouraging economic news of the last 2 months, with the unemployment rate jumping three-tenths of 1 percent in both May and June, and the announcement that the Department of Labor had undercounted by one-third the number of payroll jobs lost during the current recession, it is imperative that we pass legislation to provide economic stimulus, and create good jobs for American workers.

The American Jobs Investment Act will not only provide an incentive for American companies to increase investment, but it will reward those companies which invest in equipment which provides good jobs, with good pay and good benefits for American workers. I urge all my colleagues to support incentives for investment that benefits all Americans by cosponsoring the American Jobs Investment Act.

HEALTH CARE NEEDS OF OUR NATION'S VETERANS

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. WALSH. Mr. Speaker, I rise today to address the health care needs of our Nation's 27 million veterans, and to call for adequate funding of the massive health care delivery system run by the Department of Veterans Affairs.

As Members of the House have heard time and again from their constituents, health care in our Nation is in some difficulty. Nearly 36 million Americans today have no health care insurance and millions more are considered to be underinsured. For those fortunate enough to have health care coverage, the cost is increasing at four to five times the annual rate of inflation. In central New York, rising health care costs are creating severe financial problems and forcing many families to choose between buying adequate coverage and putting food on their tables.

Perhaps no group has been affected more by this crisis than our Nation's veterans—especially our Nation's older veterans who brought us great victories in World War II and stemmed the tide of communism by winning the cold war. As a nation, and as individuals, we owe an awesome debt to these brave men and women who have given so much in days past to ensure that each of us can enjoy freedom today. In my view, Mr. Speaker, we must translate our appreciation of these veterans into action by providing adequate financial resources so that no veteran is denied quality health care by the Department of Veterans Affairs.

Earlier this year, Cleveland Jordan, the national commander of the 1.4 million-member Disabled American Veterans, told Congress that our actions have fallen short in this area. "Veterans are still being denied care; waiting times for certain clinical appointments are as long as 9 months; inequities in access to care still persist; and the needs of aging veterans are being largely unmet," commander Jordan said.

Mr. Speaker, we in Congress can no longer allow such conditions to exist. We have a statutory duty and a moral obligation to care for those courageous men and women who have borne the battle. We must act now to provide the financial resources necessary to ensure that the health care needs of our Nation's veterans are fully addressed. To do less would be immoral and inexcusable.

OMNIBUS CONSTITUTIONAL AMENDMENT

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. DUNCAN. Mr. Speaker, Dudley Brewer, a well respected journalist from Knoxville, TN, has presented me with a proposed omnibus constitutional amendment, which is printed below. I want to take this opportunity to call his ideas to the attention of all my colleagues and other readers of the RECORD.

Dudley Brewer is one of the most thoughtful and intelligent men I know. He spent many years on the staff of the Knoxville Journal, a daily morning newspaper in my district, and has written numerous thought-provoking articles which have stimulated the interests and helped thousands of people throughout Tennessee to make informed decisions on various issues.

I hope everyone will take the time to read his proposal:

(NOTE.—The purpose of this proposed omnibus* amendment is to correct the following perilous faults in federal government as it is being conducted today in the United States of America: congressional corruption: fiscal irresponsibility: judicial tyranny and its abetment of moral degeneration: the undermining of true representative democracy)

SAMPLE AMENDMENT—ARTICLE XXVIII

Section 1. Affected existing provisions of the United States Constitution are hereby amended to accord with the following determinations of the people.

Section 2. The House of Representatives shall be composed of members chosen every fourth year by the people of the several States.

Section 3. No Representative shall be elected to more than three consecutive terms, nor any Senator to more than two consecutive terms.

Section 4. Except in national emergency, appropriations by Congress for any fiscal period shall not exceed anticipated revenues for the same period.

Section 5. Members of Congress shall not establish or maintain perquisites for themselves at taxpayer expense, nor exempt themselves from legislation that affects the public generally. But Congress shall pass laws to control contributions to political candidates and officeholders from persons, groups, corporations or associations.

Section 6. Judges of both the Supreme Court and inferior federal courts who are appointed after ratification of this Amendment shall hold their offices during good behavior for terms of ten years, and may be eligible for reappointment.

Section 7. Whereas there is no provision in the United States Constitution that empowers the Supreme Court or the inferior federal courts to invalidate or to declare unconstitutional laws duly enacted by Congress or the legislatures of the States, those courts shall cease and desist from so doing.

Section 8. The term freedom of speech in this Constitution shall always mean freedom of verbal expression only, and the freedoms of speech, of the press, and of peaceable assembly to petition for redress of grievances shall be subject to abridgement when there is violation of federal, state or local law that prohibits public defamation, libel, indecency, disorder or sedition.

Section 9. Sections 2 and 3 above shall be in effect for individual incumbents at the time when they complete the terms in which they were serving on the date of the ratification of this Amendment. All other sections of this Amendment shall take effect upon ratification.

(The above prepared by Dudley E. Brewer, Knoxville, Tennessee.)

A CONGRESSIONAL SALUTE TO GLADYS ALMEDA BONNER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. ANDERSON. Mr. Speaker, on July 12, 1992, the family and friends of Mrs. Gladys Almeda Bonner will gather together to celebrate her 100th birthday. It is with great pleasure that I rise today to pay tribute to such an extraordinary lady.

Born in a farmhouse in Republican City, NE, on July 16, 1892, Gladys received her grade school education from the local one room school. In her early teens, she moved to Colorado and graduated from high school in Colorado Springs. At a time when most women did not consider continuing their education, Gladys enrolled in Greeley College in Greeley, CO, and graduated with a degree in pedagogy (education) in 1914.

Returning to Nebraska, Gladys became a high school principal working in schools in Palisade and Kenesaw. While Gladys was serving as a principal in Kenesaw, she determined that her school was in need of a chemistry and physics teacher. Little did she know that the man she had hired for this position was her husband-to-be, James Norris Bonner. They were married on May 19, 1928, in Minden, NE, and soon after moved to the land of golden opportunities, Long Beach, CA.

For the past 57 years, Mr. and Mrs. Bonner have been residents of Bellflower. Gladys worked for the Bellflower School System, retiring after 20 years of service. The tradition of teaching has been firmly established with the Bonner family as the grandchildren have entered the profession.

Mr. Speaker, on this momentous occasion, my wife, Lee joins me in extending this congressional salute and special birthday greeting to Gladys Almeda Bonner. We wish Gladys, and her husband, Jim, and their son John, grandchildren, Esther and Paul, and great-grandchildren, Susy and Marc, all the best in the years to come.

SEQUOIA NATIONAL MONUMENT

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. LEVINE of California. Mr. Speaker, anyone who has visited a forest containing giant Sequoias and who has been awed by their beauty will understand why these forests must be saved. They are a national treasure and one of the great wonders of the world. This monument will contain some of the world's oldest and largest trees, many of which are hundreds and even thousands of years old. These magnificent trees are a remnant of a species whose ancestors once stretched as far north as Idaho. As climatic and other conditions have changed, the habitat of these giants has been reduced to their current range. These ancient trees are a part of our heritage which should be handed down to our children and grandchildren.

Today I am introducing legislation to establish the Sequoia National Monument in the Sequoia National Forest. My bill would prohibit logging on approximately 365,000 acres of Federal lands within the monument boundaries in order to protect the giant Sequoia groves and contiguous forests. The Forest Service would be required to manage the monument in a manner which will restore the forest to its natural state, and enable giant Sequoias to flourish in the Sierra Nevada range again.

It is enough to prohibit logging in the groves. Despite their massive size, giant Se-

* Omnibus in its basic meaning of "for all".

quoia are extremely sensitive to disturbances in their ecosystem. Sequoias have evolved with very specific needs for soil, water flow, and temperature. Leaving Sequoias intact in isolated groves, while allowing disturbances in the surrounding forests may imperil the entire species over the long term. In order to preserve the species, great care must be taken to protect their watersheds, soils, and even the microclimates surrounding the trees.

Watersheds disturbed by logging and roadbuilding can create changes in surface water flow downslope that can alter the amount of water reaching Sequoias. In addition, clearcut logging and roadbuilding can cause severe erosion, which can deplete soils and deposit silt in watersheds. Logging, particularly clearcutting, creates openings in the forest where temperatures can be significantly higher than in the deep forest. Over time, such increases in temperature also affect the temperature of adjacent forest.

Logging near the trees themselves damages their shallow root structure, which can cause the trees to die. Similarly leaving Sequoias isolated and surrounded by clearcuts leaves them vulnerable to blowdown in severe storms, which are not uncommon in this part of the Sierras.

If only the isolated groves are protected, the species may not be able to migrate throughout their entire habitat and potential habitat. Millions of years ago, the trees grew to the north of their present range and east of the Sierra Nevada range. The species will certainly die over the long term if trees cannot grow beyond the narrow confines of the groves. There are also concerns that if groves become too isolated, there will be inadequate genetic diversification to maintain the species.

Mr. Speaker, I ask my colleagues to join me in this endeavor. A national monument which protects not only the Sequoia groves themselves, but the contiguous forests is necessary to support the continued health and vitality of the species for generations to come.

A TRIBUTE TO JOSE LUIS RODRIGUEZ, "EL PUMA"

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, a constituent of my congressional district, José Luis Rodriguez, popularly known as El Puma, adds to his already successful collection a new album, "Piel de Hombre." Sony Music, El Puma's record label, has just announced that José Luis Rodriguez has been awarded a gold record in Spain for this album. This is another milestone for El Puma, who is presently on tour in Europe.

The success of this famous artist from Venezuela stems not only from his singing talent, but from his incredible stage presence as well. He has been featured in numerous programs on Spanish television, reaching audiences across the globe. His charisma has allowed him to cross over into the field of television, where he has starred on 17 different soap operas.

The door of opportunity seems to open very easily for the popular José Luis Rodriguez. Admirers in his home country of Venezuela now want El Puma to venture into the political world, placing him as their first choice for governor of the state of Zulla. He has stated that his first priority right now is his upcoming trip to Mexico, where he will act in "El Patio."

Mr. Speaker, I commend Mr. José Luis Rodriguez for his constant success, especially his most recent gold record. He has earned a large following entertaining many around the world. His many accomplishments are the result of a great talent and continuous hard work. Best wishes to José Luis Rodriguez for continued success and further development of his many talents.

A SPECIAL TRIBUTE TO WO OFFICER MICHAEL E. JOHNSON

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. STOKES. Mr. Speaker, I rise today to express my deepest sympathy and condolences to the family and friends of WO Michael E. Johnson who was tragically killed on July 2, 1992, while taking part in a training mission for the U.S. Marine Corps.

Born on July 23, 1953, Mike was raised in the Washington, DC, area and graduated from T.C. Williams High School where he was known statewide for his outstanding track and field abilities. He spent most of his adult life serving his country in the Marine Corps, but always called this area home.

During his lengthy career with the USMC, Mike, better known as Gunny J to his fellow marines, was stationed in South Weymouth, MA, and at Andrews AFB. Mike was respected and admired by all of his fellow marines.

In 1986, Mike made the difficult decision to leave active duty to spend more time with his children, yet he remained active in the Marine Corps with the 4th Civilian Affairs Group Reserve Unit. In 1986, Mike joined the U.S. Capitol Police and obtained the rank of technician in the K–9 unit.

Responding to the call of his country, Mike returned to active duty to serve with his fellow marines in Desert Storm. Remaining in the gulf region for 8 months, Mike combined his police and military skills to coordinate the searching and processing of thousands of POW's.

Mike was decorated for service to his country throughout his career. Most recently he was decorated with the Combat Action Ribbons, the Kuwaiti Liberation Medal, and the Humanitarian Service Medal for his actions in the Persian Gulf.

Mike returned to the United States in 1991 and resumed his position with the USCP. Mike's love of the Marine Corps convinced him to return to active duty in January 1992, where he served as the aviation ordinance officer for the MAG 42 Naval Air Station in Marietta, GA.

Mike is survived by his three children: Alex, Michael II, and Megan and innumerable friends. He will be greatly missed by everyone who knew and loved him. The country has lost one of its bravest and proudest marines. Semper Fi.

SOUTHERN ALAMANCE HIGH SCHOOL GIRLS SOFTBALL TEAM WINS 3–A STATE CHAMPIONSHIP

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. COBLE. Mr. Speaker, the Southern Alamance High School girls softball team from the Sixth District of North Carolina recently won the North Carolina 3–A State championship. I am proud to congratulate this team for the leadership and excellence which it has displayed.

This State title capped off an excellent 1992 season in which the Patriots compiled a record of 27–5. This title has established Southern Alamance as a true competitor in softball, since they have won the State championship 2 out of the last 3 years.

The players who completed this tremendous accomplishment include Jenny Coble, Sherry Briggs, Gina Herring, Crissy Herring, Lynne Knighten, Kimberly Shoffner, Honda Gwynn, Nikki Pritchett, Stephanie Oakes, Melinda Lutterloh, Julie McVey, Anitra Dodson, Tracey Norris, Robin Isley, Frances Woody, Heather Dean, Tennille Robertson, Misty Robbins, and Kasey Griffin. They were directed by the fine coaching of Danny Pope and his assistants Mike Johnson and Annie Loflin.

Southern Alamance Principal Ben F. Howard and all of the faculty, staff, students and fans of Southern Alamance High School can take pride in the softball team's accomplishment. The entire Sixth District is proud of these young women who have achieved this admirable title. Congratulations to all of those involved.

FAMILY RENEWAL AND SUPPORT ACT OF 1992

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. WELDON. Mr. Speaker, I rise today to introduce important legislation designed to assist the sometimes ignored and often overlooked middle-income family. In normal times, most American families experience financial hardships, and they have great difficulty buying their first homes, sending their children to college or vocational school, and saving enough money for retirement. During a period of economic stagnation, these families have even greater difficulty making ends meet.

For this reason, I am introducing a package of familiar and popular initiatives that will help financially strapped families to invest and to save again. This legislation, which includes the first-time homebuyer tax credit, the super IRA, an increase in the personal exemption for children, and the restoration of the deductibility of certain student loans, is badly needed.

These four provisions enjoy very broad bipartisan support and represent a real opportunity to break the legislative gridlock we currently face. With the failure of Congress and the Bush administration to agree on a comprehensive economic growth package, the American public is justifiably angry, as well as disillusioned about the political process. Our constituents need serious help, and even though we are now fully engaged in the quadrennial Presidential circus, there is no excuse not to take action on these widely supported tax measures.

The American family, Mr. Speaker, could easily become an endangered species unless the Federal Government takes the necessary steps to support this fragile institution, the problems of our Nation will surely multiply. With both parents working to earn enough money to barely survive, it is certainly no wonder why there has been a decline in family values. There is simply not enough time in the day for many parents to help children with their homework and to provide them with moral guidance.

While this legislation will not solve the complex problems confronting the American family, it is the right place to start. Therefore, I urge my colleagues to support this legislation. In particular, I would encourage the Committee on Ways and Means to hold hearings and to report out this bill as soon as practicable. The committee is familiar with these provisions. All I have done is to put them together in a package that could move quickly through the House and Senate and be signed by the President. The American people are waiting for results.

IN HONOR OF RITA MORGAN AND IN MEMORY OF CHRISTOPHER BAKER, JULIE DICKS, AND ROB CASH

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. LEVINE of California. Mr. Speaker, it is with deep sorrow that I rise today to pay tribute to four young people; three whose lives were ended abruptly and one who is valiantly struggling to live. Rita Morgan, Julie Dicks, Rob Cash, and Christopher Baker were hit by a drunk driver on the morning of June 7, 1992. This has been the worst accident in Santa Monica's history.

Rita Morgan, the group's designated driver, has been in a coma since the accident. On June 30, 1992, she was disconnected from a respirator and began to breathe on her own. Rita graduated from California State University at Northridge with a degree in physical therapy last May. She previously worked as a physical therapist for the Los Angeles Clippers. In addition to her educational and professional accomplishments, Rita has been a great asset to the community. Her greatest joy has been her community service work as a clown. Rita, also known as Titi the clown, performed extensively with the volunteer organization visiting convalescent homes, children's hospitals and the Special Olympics.

Julie Dicks and Rita Morgan had been friends since they attended Notre Dame High School. Julie graduated from San Diego State University in May 1992. She served this past year as a resident assistant in her dormitory, helping the in-coming freshman to adjust to college life. Julie planned to continue her education in order to establish a career in teaching. Although Julie lived in San Diego while attending school, she drove home every Sunday to visit her family and friends. She was also active in her church, singing in the choir and setting an example to all who knew her.

Rob Cash had returned home to Santa Monica on June 2, after spending a year studying and working in Germany. Fluent in German, Rob graduated from the School of International Training in Brattlboro, VT in June 1992 after completing his course of study and internship under the World Issues Program at that institution. Before transferring to the School of International Training, Rob attended Santa Monica College. While living in Santa Monica, he worked as a teaching assistant at the neighborhood nursery school. Mr. Rob, as he was known to the children, also volunteered much of his time to various programs at the local YMCA. He also possessed great love for an talent in soccer, having competed in the sport for much of his life.

Christopher Baker spent his life teaching and caring for the children in the community. Christopher worked full time as a teacher at the neighborhood nursery school. Known to the children as Mr. Chris, Christopher, along with Rob Cash, provided the nursery school children with the rare experience of having male role models at that level. Following his work each day at the nursery school, Christopher had a second job as a coach at St. Joan of Arc School teaching athletics. He also taught tumbling at the YMCA on a voluntary basis. Even more than teaching, however, Christopher loved baseball. Christopher was involved with Santa Monica Little League for 16 years. He was manager and coach of a number of teams throughout those years and took great pleasure in the achievements of all of his players. He also took time out to give the players extra practice sessions and batting practice and to provide transportation to and from the games if necessary. In addition, Christopher played on three different softball teams, one of which plays in the Santa Monica Men's League.

The loss of these three young people who made such great contributions to the community is particularly tragic. The families, friends, coworkers, and countless children and young adults whose lives they touched feel a great loss. They have now rallied together to encourage Rita to continue her struggle for survival.

Julie, Rob, and Chris will be sorely missed. They provide a vivid reminder of the human cost of the crime of drunk driving. Congress must continue to find ways to get drunk drivers off the road and punish anyone who continue to drink and drive. And, I urge my colleagues to join with me in sending our wishes to Rita Morgan and her family for a swift recovery in the hope that she may live a long, healthy, and productive life.

I would like to submit for the RECORD a copy of the speech given by one of Christopher Baker's colleagues from the Santa Monica Little League. Dr. Barry Weichman helped Christopher coach his 1992 team and made these remarks at the dedication of the new batting cages at Memorial Park in Santa Monica to Christopher R. Baker.

On Sunday I was informed of the tragic and senseless death of someone who had just recently become a friend and teacher, Chris Baker. Chris was my son Jeff's baseball coach this year. As assistant coach, I was fortunate to spend time with Chris both in the dugout and on the field. Chris knew baseball. Chris loved baseball. He imparted his knowledge of and love for the game with great zeal and great dignity. He was respectful of his players and would relish in their accomplishments. He had coached my oldest son, Jerry, as an all-star and he had befriended my youngest son, Joseph, whom he hoped to coach in the future. Chris had no children of his own. He was 26 years old.

Chris Baker was the ultimate volunteer. He nearly always chose to say yes. In a world of take, I only saw Chris give. From his player he asked only that they do their best. Chris always gave them his best. So in losing Chris, what answers had I found? My friends, life is short. No one can predict when or even if we as individuals will be able to impact the world in which we live. From my perspective, Chris Baker impacted my life profoundly, my family's lives, as well as the lives of many other children and families in Santa Monica by doing something that he chose to do, by saying yes to coaching and teaching the children. It was not his job, he received no payment. Coaching the children was not a stepping stone to advance his career. He gave of himself because Chris Baker did not have a concept in his life in which he did not give. Sure, there were plenty of other things that he could have done with his time and energy, but Chris' concept of himself included giving of himself to help others, and it felt good.

CUBAN WOMEN'S CLUB HONORS TWO MIAMI WOMEN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, this year the Cuban Women's Club observed Women's History Month with a celebration of achievement and tradition. The club honored two outstanding Miami women who exemplified community service. The women were Ms. Essie D. Silvia and Ms. Arva Moore Parks.

Ms. Silvia, a woman who helped cultivate cultural unity, was posthumously honored for her lifetime of achievement. A native Floridian, Ms. Silvia held many positions throughout her life which enabled her to help the youth of our Nation. For 15 years, Ms. Silvia acted as the youth coordinator for Dade County. She organized a multitude of recreational, athletic, and job-related activities for the young people of south Florida. She designed a project for the youth called the Urban Corps, which became known as the third largest of its kind in the country. Ms. Silvia's unique talent of uniting people across cultural boundaries was exemplified by her founding and producing of the popular Sunstreet Festival and Parade. As the

first black president of women in radio and television, she was able to highlight Afro-American issues in light of the other cultural issues facing south Florida. Ms. Silvia passed away in 1991, so her daughter, Ms. Jolita Dorsett, who is the Tri-City Cultural Center executive director, accepted her mother's honor.

In addition to honoring Ms. Silvia, the Cuban Women's Club recognized the outstanding accomplishments of Ms. Arva Moore Parks, historian and activist. Ms. Parks, a native of Miami, has been a historian of the State of Florida for the past 20 years. Ms. Parks both records events which occur in south Florida and participates in many of them. She has authored several award-winning books and is the editor of "Tequesta", a journal produced by the Historical Association of South Florida. Ms. Park's willingness to give of herself to the community is highlighted by the fact that she donates proceeds from her books to charity. In 1983, she received the Robert B. Knight. Outstanding Citizen Award, and in 1985, Ms. Parks was inducted into the Florida Hall of Fame.

The events for the Cuban Women's Club were organized by its chairperson, Eugenia Rivero Sierra and its coordinators, Mercy Diaz Miranda and Dolores F. Rovirosa. Ms. Miranda was also the mistress of ceremony for the event.

A SPECIAL TRIBUTE TO JUANITA JACKSON MITCHELL

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. STOKES. Mr. Speaker, I was saddened to learn of the recent passing of Mrs. Juanita Jackson Mitchell. Mrs. Mitchell, a Baltimore lawyer and pioneer in the civil rights movement, died on July 7 at the age of 79. With her passing, our Nation has lost a great leader.

Juanita Jackson Mitchell was a dynamic individual who accomplished a great deal during her lifetime. She graduated from the University of Pennsylvania and Maryland School of Law. Juanita Mitchell was admitted to the bar and became the first black woman to practice law in the State of Maryland. She also served as President of the Maryland Conference of the NAACP where she was credited with filing cases that led to the desegregation of public schools throughout Maryland.

Those who knew Juanita Jackson Mitchell will remember her as a pioneer, a strong leader, and a determined individual. She was a woman I greatly admired and she was a good friend. I was also privileged to maintain a close friendship with her husband, Clarence Mitchell, Jr., during his lifetime. Clarence was a well known civil rights leader whom friends and associates affectionately referred to as the "100th Senator."

Mr. Speaker, I extend my deepest sympathy to the Mitchell family upon the loss of Juanita Jackson Mitchell. She lives on in our hearts and will never be forgotten. I want to share with my colleagues Juanita Mitchell's obituary as it appeared in the July 8, 1992, edition of the Washington Post.

JUANITA MITCHELL DIES AT 79; CIVIL RIGHTS LEADER

Juanita Jackson Mitchell, 79, a lawyer in Baltimore for many years who was a pioneer in the civil rights movement, died July 7 at the University of Maryland Hospital.

A grandson, Clarence Mitchell IV, said Mrs. Mitchell, who had been in poor health in recent years, was taken to the hospital yesterday after apparently suffering a heart attack and stroke at her west Baltimore home.

Mrs. Mitchell, a 1932 graduate of the University of Pennsylvania, entered the University of Maryland's law school in the late 1940's, passed the bar examination in 1950 and became the first black woman to practice law in Maryland.

She was born in Hot Springs, Ark., and came to Baltimore with her family as a child.

Her mother, Lillie Carroll Jackson, was president of the Baltimore branch of the NAACP and oversaw all of Maryland's branches. Mrs. Mitchell worked with her mother in the civil rights cause for many years and was president of the Maryland Conference of the NAACP.

She was credited with filing the cases that, in the wake of the Supreme Court's 1954 ruling on segregation in public schools, desegregated public schools in Maryland.

Her husband, Clarence Mitchell Jr., who died in 1984, was a nationally known civil rights leader because of his longtime role as Washington lobbyist for the NAACP.

Mrs. Mitchell was the first national director of the NAACP's youth and college division.

In a statement issued last night, Benjamin L. Hooks, executive director of the NAACP, called her "one of the greatest freedom fighters in the history of Maryland and the nation."

"She was a strong proponent of civil rights and truly was a leader, never losing her vision in what she believed," the Associated Press quoted Maryland Gov. William Donald Schaefer as saying. "She was an inspiration, a fighter, and she never deviated from her principles."

Survivors include a sister, Bowen Jackson of Baltimore; a brother; Virginia Jackson Kiah of Savannah, GA.; four sons, Clarence Mitchell III, Michael Bowen Mitchell, George Davis Mitchell and Keiffer Jackson Mitchell, all of Baltimore; 15 grandchildren; and two great-grandchildren.

A CONGRESSIONAL SALUTE TO NORMONT TERRACE AND THE HOUSING AUTHORITY OF THE CITY OF LOS ANGELES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. ANDERSON. Mr. Speaker, on Saturday, July 18, 1992, the community of Normont Terrace will celebrate its golden anniversary. On behalf of the residents of Normont Terrace and the Housing Authority of the city of Los Angeles, I would like to share with you the roots of this unique and very special community.

One year following President Roosevelt's signing of the Housing Act of 1937, the Housing Authority of the city of Los Angeles was established. Normont Terrace was one of the first public housing communities owned and operated by this newly created commission. Originally intended as temporary housing for war workers, Normont Terrace opened on July 1, 1942. Since that time, this community has been home to scores of low-income families and continues to provide housing for hundreds of people.

Throughout the years, the residents of Normont Terrace have demonstrated exceptional pride in their community. They have organized a coordinating council and elected council officers to oversee community projects and activities. In addition, this council has served as a positive and productive force in the establishment of a new Normont Terrace community. Recently, Normont Terrace received a technical assistance grant from the U.S. Department of Housing and Urban Development and is entering into the initial phase of an ambitious resident management training program. This program will empower the community's low-income tenants to take an active roll in the control of their environment.

Mr. Speaker, on this momentous occasion I congratulate the Housing Authority of the city of Los Angeles on 50 years of providing quality housing for the residents of Normont Terrace. I also congratulate the residents and coordinating council of Normont Terrace on the 50th anniversary of their community. My wife, Lee, joins me in wishing them continued years of growth, development, and success in their ventures.

A TRIBUTE TO JULIA CUDDEBACK KENISTON, M.D.

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. GILMAN. Mr. Speaker, it is an honor to bring to the attention of all our colleagues the dedicated service of Dr. Julia Cuddeback Keniston at Mercy Community Hospital, Port Jervis, NY. Dr. Keniston will be retiring this year after 45 years of service.

Dr. Keniston started her career as a member of the medical staff of Mercury Community Hospital in June 1947. Throughout her 45 years of service, Dr. Keniston has served meritoriously as president of the medical staff, vice president of the medical staff, secretary-treasurer of the medical staff, chief of pediatrics, and various other committees.

Dr. Keniston has served our community faithfully for 45 years and has earned the admiration of those people she has been associated with over her career. Dr. Keniston's retirement is a great loss not only to the staff and patients of Mercury Community Hospital but to our Nation. Dr. Keniston's service to our community is a perfect example of a person dedicating her life to the betterment of society. Her unselfish actions will be sorely missed and I would hope that she is a role model for younger people in our country to serve in some capacity their communities.

Mr. Speaker, I invite my colleagues to join me in honoring Dr. Julia Cuddeback Keniston for her service to her community, and wishing her a long and fruitful retirement.

NATIONAL INVENT AMERICA! WEEK

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. LOWERY of California. Mr. Speaker, it is with great pride that I rise today with three of my distinguished colleagues to introduce legislation designating the week of July 19 through July 26, 1992, as National Invent America! Week. Invent America! is a nationwide program which encourages young inventors in kindergarten through 8th grade to develop problemsolving and advanced thinking skills by sponsoring State, regional, and national invention programs and competitions. Invent America seeks to inspire in our youth what has always made America great: innovation, imagination, and excellence.

Where are the ingenious inventors of yesterday, people like Thomas Edison, Alexander Graham Bell, Eli Whitney? Where are all the gadgets and machines—the cotton gin, the electric light bulb, the phonograph—that made life simpler as well as more fun and put money in our national pocket to boot? The inventive spirit in America is not gone, but as a Nation we have been resting on our laurels.

Stories about how America is losing its technological edge have become all too common in recent years. Today it is imperative that we focus the Nation's attention on the critical pursuit of ideas in a global marketplace where America no longer is considered the undisputed leader.

To respond to these developments, Invent America! was launched in 1987 by then-Vice President George Bush—who remains honorary chairman—and the United States Patent Model Foundation, a private nonprofit organization enjoying generous support from good corporate citizens like Polaroid, Kmart, 3M, and Pepsi, and private contributors.

Invent America! invites students to create, to explore their dreams, and to improve life for themselves and their country. As we in Congress continue to wrestle with excruciating budget decisions, Invent America! offers this program to more than 87,000 schools free of charge. They provide the materials, educator training, and support to establish invention programs to every classroom, and administer an invention competition at the State, regional, and national level. This simple yet brilliant program touches the lives of 15 million young people each year and recognizes the importance of nurturing curiosity and spreading the joy of discovery throughout the United States.

Invent America! succeeds because it allows students to learn and have fun at the same time. Last year more than 300,000 students from California and millions more nationwide entered the competition with ideas as diverse as an assist-a-chef apron, battery-powered ski lights, disposable bibs, and a devise which extracts prizes from cereal boxes with uncanny speed. Three years ago, I was delighted when a student from my district became one of the regional finalists. Her roadside accident screen is but one shining example of the tremendous potential Invent America! unleashes.

National prizes in past years have gone to a puddle detecting cane for the blind, a biodegradable golf tee that fertilizes the lawn, and a remember clock to help Alzheimer's victims with their daily needs. The first national prize in 1987 went to a young man from Brooklyn, NY for his invention, the Swivel Head Rest. As he explained to David Letterman on the late night talk show, his invention was designed for people to rest their head without falling over when sleeping on an airplane.

This summer, Invent America! will again bring its 45 regional finalists to Washington, DC, to showcase their ideas and to celebrate the 1992 competition. Among this year's finalists are two Californian's: Brian Nowell of Spring Valley and Michael Chan of Monterey Park. Brian is in first grade and calls his invention, the "Speedee Seeder." He has designed a gardening tool that makes holes in the ground—at just the right planting depth—without the usual dirt under the fingernails. Michael's entry is a tri-level commuter car train called CATS that can transport both the commuter and his or her car to and from work. Michael knows that sometimes you need your car for errands during and after work. As these kids so aptly demonstrate, American ingenuity is not lost.

The highlights of Invest America! Week are the annual congressional ice cream social and the national awards ceremony announcing the nine best student inventors in America. I invite all of my colleagues to come out and meet the pioneers of tomorrow in 2 weeks. In addition, the winning entries will earn a distinguished exhibitions spot at the Smithsonian Institution's National Museum of American History in Washington, DC.

Mr. Speaker, Invent America! has the enthusiastic support of the U.S. Departments of Education and Commerce, as well as the National Science Foundation. In fact, Invent America! was singled out for recognition from among 140,000 such programs in the Secretary of Education's special report to the President, "America's Schools: Everybody's Business." This successful public-private partnership is proof that government and industry can work together, hand-in-hand, with tremendous results.

Invent America! shows what our children will offer our future if properly motivated and challenged. Creativity builds creativity and this program embodies the idea that the objective in life is not to pass, but to surpass. Congressional recognition of Invent America! Week draws attention to a program that works by harnessing the boundless energy of the mind.

I urge all of my colleagues who envision a bright and challenging future, who can see the potential in young minds, and who want to ensure that our young people are prepared to meet the future's challenges, to support this resolution. We need to further encourage the young dreamers, discoverers, and doers among us. Our future rests with them.

IN MEMORY OF ALFRED CLARK

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. LEVINE of California. Mr. Speaker, I rise today to pay tribute to Alfred Clark, a 17-year-old high school senior who was tragically slain in Los Angeles on June 17. I do so with deep regret and anger. Alfred's family, community, and the Nation have lost a loving son and brother, loyal friend, and a promising young leader.

Alfred was celebrating the achievement of reaching the conclusion of his senior year of high school with his classmates when his life was taken by senseless violence. While having lunch with his friends in a McDonald's near campus, Alfred was fatally shot after refusing to surrender his compact disc player to two unidentified robbers. It is a pathetic statement on the breakdown of our society's value system when this kind of senseless, random violence occurs over something as insignificant as a CD player.

Alfred was an extraordinary young man, and left a remarkable and memorable impression upon all whose lives he touched. He exemplified academic excellence. Alfred received a Principal's Award for merit, and was a member of the Science Club at Paramount High School, from which he was to graduate a day after his tragic death. He served as a congressional youth representative in 1991. Alfred was an outstanding athlete, starring on the football field and on the track team. The University of California at Los Angeles, where Alfred was scheduled to enroll as a scholarship winner this fall, was deprived of these and many other talents that Alfred had to offer. In the words of a school administrator, Alfred "was truly an all-American young man."

His leadership reached all segments of his community. He was respected and admired by his peers. As a friend commented, "He always cheered you up," and was well known for his "ready smile and ready laugh." As his friends mourned his passing many grieved that they lost a positive role model for whom they held much admiration.

Alfred's death must spark a recommitment to the fight for hope in our cities, safety for our citizens, and opportunity for young people like Alfred who represent the best hope for our Nation's future. His murder is yet another reminder of the terrible price the residents of the inner city are paying for our failure to protect the public safety and ensure law and order. They are on the front lines of the war being waged between law enforcement and the law breakers in our society.

While there is no question that job opportunities and economic growth must be a fundamental part of any program to improve the quality of life for inner city residents, our first priority must be to stop the killing and violence which has become part of every day life for many of its residents.

To these ends, we must commit ourselves today, and every day, to honoring the memory of Alfred Clark with the same sense of duty to our responsibilities as elected leaders, and with the strong sense of kindness, that he carried on in his life during his 17 years.

I ask my colleagues to join with me in sending my deepest sympathies to Alfred's family, his classmates and other members of his community who grieve his loss.

FACILITATING THE USE OF ENVIRONMENTALLY SOUND TECHNOLOGY WORLDWIDE

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. GREEN of New York. Mr. Speaker, today it is my pleasure to introduce legislation, along with Representatives BILL RICHARDSON, STEVEN SCHIFF, and JOE SKEEN, that would establish the "Assisting Deployment of Energy and Environmental Practices and Technologies" Program [ADEPT] at the Department of Energy. The objective of this bill is to enable the Department of Energy national laboratories to use their expertise to adapt environmentally sound technologies to the needs of developing countries who request assistance.

As a congressional observer to the recent U.S. Conference on Environment and Development, the "Earth Summit" in Brazil, I am especially pleased to champion this legislation in the House, as an essential step in implementing goals expressed at that conference.

Under this bill, the DOE national labs would provide leadership in soliciting, reviewing, and funding development proposals from officials of foreign countries. In addition to national lab scientists, DOE would draw from the skills and knowledge of representatives of U.S. businesses and industry, educational institutions, governmental agencies, and nonprofit organizations to create environmentally should technology for developing nations. At a time when the United States is making the transition from a defense-oriented to a peacetime economy, this legislation will go far to accomplish that aim.

As this effort is a global one, I believe the costs as well as the benefits should be shared. This legislation will require, where feasible, that program participants share at least half a project's cost. Foreign governments or other qualified foreign organizations, non-Federal governmental agencies, U.S. business or educational institutions will all be required to contribute to the funding of ADEPT projects. The bill authorizes funding for the program at $14 million for fiscal year 1993, increasing gradually to $30 million by 1997.

The ADEPT Program has the potential to take the fertile seeds sowed at Rio and bring forth a fruitful crop of sustainable development. I urge my colleagues to cosponsor.

A section-by-section summary of the ADEPT Program legislation follows:

SUMMARY OF PROPOSED DEPARTMENT OF ENERGY NATIONAL LABORATORY INTERNATIONAL ENERGY AND ENVIRONMENTAL TECHNOLOGY DEVELOPMENT ACT

Overview (sections 1 & 2): This bill establishes the "Assisting Deployment of Energy and Environmental Practices and Technologies" program within the Department of Energy. The bill authorizes and directs the DOE national laboratories to take the lead in addressing global environmental and energy issues. The program establishes a mechanism to coordinate the laboratories with other government agencies, private businesses, industries and educational institutions, to promote environmentally friendly technology development projects in "cooperating countries."

Section 3. Important definitions: "Cooperating countries" are developing and transitional countries with sufficient scientific infrastructure to share research activities and project costs, such as many countries in Latin America and the Warsaw Pact; "National laboratory" means a DOE multi-purpose laboratory, including the 11 listed; "Qualified foreign organization" means appropriate foreign businesses, foreign educational and international institutions.

Section 4. Summary of purposes: (1) to increase participation in and enhance the potential of the national laboratories in technology cooperation to benefit the global environment (2) to ensure adaptation of ADEPT technologies and creation of new markets by early involvement of and cost sharing with the private sector and foreign partners.

Section 5. How ADEPT projects are encouraged, proposed, reviewed and funded: The Secretary authorizes the national laboratories, in coordination with U.S. and cooperating country partners, to negotiate, develop and present proposals for ADEPT projects. The project proposals should involve the laboratories in developing cost-effective technology to solve environmental and energy related environmental problems in cooperating countries. Project may also be cooperation supporting activities such as a clearinghouse, or technology demonstrations to provide information on energy and environmental technology alternatives to potential ADEPT partners in the U.S. and abroad. Officials of foreign countries—including appropriate scientists and planners—representatives from industry, educational institutions, non-governmental organizations or any governmental agency may also submit proposals. Small business proposals shall be given preference as in previous technology transfer legislation.

An intra-DOE Management Panel, an Interagency Working Group and non-governmental business and scientific reviewers will advise the Secretary on project assessment and approval. These groups will also help to coordinate projects within the government, with foreign nations and organizations and with U.S. business and educational institutions. The Management Panel, chaired by the Secretary's designee and composed of the national laboratory directors and appropriate DOE officials, will oversee and support the ADEPT program. This Panel will also, as necessary, implement policies to protect intellectual property rights. The Working Group, comprised of the Secretary's designee and representatives from the Department of Commerce, EPA, U.S. A.I.D., OSTP, the NSC and other federal agencies the Secretary deems appropriate, is responsible for ranking the project proposals and integrating information from their respective jurisdictions.

In any case feasible, the Secretary is to require 50 percent non-federal funding of ADEPT projects. This non-Federal share may come partially or wholly from any one of the following: foreign government or other qualified foreign organizations, including businesses and educational institutions or international organizations, U.S. business or educational institutions or non-Federal governmental agencies. The bill also encourages coordination and cost-sharing with other federal programs—but it requires that ADEPT programs be managed independently of foreign assistance programs.

Section 6. The Management Panel will prepare a "consolidated plan", with input from the Interagency Group, which evaluates the program and suggests additional legislative or administrative actions.

Section 7. Existing international technology cooperation projects which are qualified to be ADEPT projects may be funded under the ADEPT program.

Section 8. The program is authorized to be funded at $14 million for FY 1993, $18 million for FY 1994, $22 million for FY 1995, $27 million for FY 1996 and $30 million for 1997.

INTERNATIONAL CONFERENCE FOR A FREE VIETNAM

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. GILCHREST. Mr. Speaker, I would like to call to the attention of our colleagues the activities of the Vietnamese Council for a Free Vietnam and the American Committee for a Free Vietnam. Members of these organizations sponsored an International Conference for a Free Vietnam in Washington, DC, on June 29, 1992. More than 300 Vietnamese, Americans, Canadians, Australians, and Europeans gathered to discuss human rights in Vietnam.

At this point I wish to enclose in the RECORD the minutes from the conference, and the reports adopted by the members of the conference:

REPORT ON THE INTERNATIONAL CONFERENCE ON VIETNAM HELD ON JUNE 29, 1992, AT THE SENATE DIRKSEN OFFICE BUILDING AUDITORIUM, WASHINGTON, DC.

The conference was called to order at 12 noon by Co-Chairman Dr. Le Phuoc Sang.

Welcoming remarks were made by the Co-Chairman, Ambassador William E. Colby.

Remarks were also made by the Honorable Allen Rocher, M.P. Federal Australian Parliament, Mr. Saad al-Jabr, Chairman, Iraqui Opposition Forces Council and messages from former Presidents Nixon, Carter and Reagan were read by Ambassadors Colby, Lehmann and Rear Admiral Earl Yates, USN (Ret.). Mr. James Shafer, Associate Director of the Office of Public Liaison of the White House and the Asian-American Deputy Assistant Secretary from the Department of the Interior brought greetings of the Bush Administration.

The reports of the Political Issues, Human Rights and Religious Freedoms and Social and Economic Reconstruction Committees were read by Ambassador Wolf Lehmann, Rev. Andrew Nguyen Huu Le and Rear Admiral Earl Yates, USN (Ret.). A lively discussion ensued with many of the 300 attendees participating. The reports, with minor amendments, were unanimously adopted. A copy of the reports is attached.

At 4 p.m. speechmaking by Members of Congress and other dignitaries commenced. Dr. Z. Michael Szaz from the U.S. Joint Congressional Task Force introduced Mr. Stanley Roth, Counsel, House Subcommittee on Asian and Pacific Affairs, representing his Chairman, Rep. Stephen Solarz who had to remain in New York. He was followed by Rep. Dana Rohrabacher (R., Ca.), a member of the Task Force, by Rep. David Skaggs (D., Colo.), and Mr. John Summer, Executive Director of the Washington office of the American Legion. The next speaker was the Executive Director of the Congressional Human

Rights Caucus, Ms. Alex Arriaga, representing the ranking Democratic member of the House Subcommittee on Asian and Pacific Affairs, Rep. Tom Lantos, who also was in New York on that day hosting a delegation of the European Parliament. General Erle Cocke, USA (Ret.), former National Commander of the American Legion also made remarks to the conference. Before introducing the other speakers, Dr. Szaz gave a short outline of the objectives and activities of the U.S. Joint Congressional Task Force. Thereupon short remarks were made by Senator Charles Robb (D., Va.). Around 5:30 p.m. the Republican co-chairman of the U.S. Joint Congressional Task Force, Rep. Wayne T. Gilchrest delivered a speech on U.S.-Vietnamese relations praising the commitment of the overseas Vietnamese community. Finally Senator John Seymour, the sponsoring Senator, sent a representative to excuse his absence and to assure the conference of his wholehearted support. The Senator was in California on that day.

Co-Chairman Dr. Le Phuoc Sang then outlined the program for a Coalition of Vietnamese, American and International forces for a Free Vietnam which would not only include lobbying efforts to promote freedom and democracy in Vietnam, but the organization of human rights and religious freedom committees on local, country and international levels and charitable projects to help the needy in the refugee camps and in Vietnam.

At the end of the session, it was unanimously resolved to declare the formation of a Coalition of Vietnamese, American and International Forces for a Free Vietnam desirable and to charge the Vietnamese Council for a Free Vietnam to establish such a Coalition trying to include all forces sharing the common objective: a free and democratic Vietnam. The resolution also called for the opening of a permanent headquarters in Washington, DC. Dr. Le announced that ten national non-Vietnamese councils from Europe have already announced in fax messages their willingness to join and Rear Admiral Earl Yates, USN (Ret.) announced that 24 organizations represented at the conference already signed up for the Coalition before the end of the meeting.

The meeting ended at 6:20 P.M.

[The International Conference for a Free Vietnam]

REPORT OF THE POLITICAL COMMITTEE (AS AMENDED DURING THE DEBATE AT THE CONFERENCE)

As Communist dictatorships collapse all over the world Vietnam remains, as one recent newspaper headline put it: "The Land that Freedom Forgets".

The country is ruled by a closed group of Communist ideologues who make decisions affecting the lives of millions in secret conclave. The so called constitution confers a monopoly of power on the Communist Party.

Modest steps toward economic liberalization have not been matched by even minimal progress toward political liberalization. On the contrary, multiplying reports of arbitrary arrests, imprisonment and harassment of anyone voicing even mild dissent or, in some cases, associating with foreigners indicate that the regime remains firmly committed to a course of political repression.

Political prisoners continue to be held in camps and other prisons. Religious liberty has not been fully, restored. President Yeltsin's recent statement and General Vessey's testimony to the Congress make it clear that the regime in Hanoi has not been dealing in good faith with the United States in efforts to resolve the fate of Americans missing in action during the Vietnam war.

In recognition of these realities and dedicated to the cause of freedom and democracy in Vietnam—

The International Conference for a Free Vietnam meeting in Washington, DC on June 29th, 1992

1. Calls for prompt action to restore human rights to the Vietnamese people to include but not limited to:

Release of all political prisoners regardless of where they are incarcerated and cessation of arbitrary arrests and harassment for political reasons;

Freedom of speech and expression;

Freedom of the press;

The right to form political parties and meet in peaceful assembly;

Freedom of religion;

2. Declares that Article IV, which in the present Constitution of Vietnam reserves all political activity and power to the Communist Party, must be rescinded and replaced by a provision for a multi party political system. Along with this constitutional change there should be a timetable for free elections, monitored by international observers, and held after an interim period to permit the organization of political parties and allow them to conduct election campaigns without restrictions on speech, freedom of the press, access to media and peaceful assembly.

3. Calls on Vietnamese communities in exile and governments of free and democratic countries everywhere to support by all peaceful means at their disposal the Vietnamese people in Vietnam in the struggle for freedom and democracy in their country.

4. Urges governments of democratic countries to refrain from any actions which would serve to strengthen the political position of the regime in Hanoi, a dictatorship which rules without the consent of the governed.

5. Requests the United States Government and other governments whose citizens have given their lives for the cause of freedom in Vietnam to insure that their policies toward the present regime are not forgetful of continued repression of human rights and political liberties in Vietnam, and that genuine normalization of relations cannot occur until there are clear and irreversible steps to restore freedom and democracy to the Vietnamese people.

6. Invites attention to the report of the Committee on Human Rights and Religious Freedom and its recommendations.

OPERATION PROVIDE COMFORT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. GILMAN. Mr. Speaker, following the gulf war, the world was faced with a refugee crisis when Iraqi Kurds, fearing their fate at the hands of a defeated dictator, fled to the borders of Iran and Turkey. As a response, the allies established a security zone in northern Iraq and encouraged Kurds to return to their homes. The United States, with international cooperation, organized a relief effort which became known as Operation Provide Comfort. In order to facilitate this operation, the Turkish Government agreed to station United States military forces in southern Turkey. This decision was heroic, given the possibility of Iraqi retaliation. The agreement was first extended through June 1992 with the Understanding that, because Turkey is a parliamentary democracy, additional extensions would have to be approved by Parliament.

Mr. Speaker, many of us in the Congress are pleased that our Turkish friends in Parliament voted decisively this month to extend the agreement authorizing support for Operation Provide Comfort. This vote, the most recent example of Turkey's cooperation with the West, will encourage stability in the region and give new hope to tens of thousands of people.

This reaffirmation of support for Operation Provide Comfort underscores Turkey's importance in the region. Turkey, whose cooperation was essential to the success of the international coalition during the gulf crisis, will play a crucial role in building a peaceful future. Turkey is a good role model, not just for the newly independent republics of the former Soviet Union, but for the Arab world as well. Committed to the idea of peace through greater economic cooperation and trade, Turkey recently hosted leaders of 11 nations, including those of six former Soviet republics, to sign a Black Sea economic cooperation declaration. Included in the group were Armenia and Azerbaijan, two countries at odds over Nagorno-Karabaugh.

Mr. Speaker, Turkey's decision to extend the Operation Provide Comfort agreement will give Iraqi Kurds new hope. Turkey's decisive stand is a reminder that the West can count on Turkey and that it will play an increasingly important role in regional and world affairs.

SIXTH DISTRICT SCHOOLS RECEIVE STATE TITLES OF ACADEMIC EXCELLENCE IN ATHLETICS

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. COBLE. Mr. Speaker, recently two schools from the Sixth District of North Carolina achieved State titles of academic excellence in athletics. This award is presented to the teams with the highest academic averages in our State among class 1A–4A girls' and boys' basketball teams. I am proud to congratulate these two teams who have demonstrated leadership and excellence both on and off the court.

The girls' winner is Central Davidson High School basketball team with a team academic average of 3.68. The players who achieved this tremendous feat include Charlotte Hedrick, Kim Reagan, Keesha Scott, Sandy Tysinger, Elizabeth Crook, Carrie Garner, Shelly Peters, Jacqualine Black, Mandy Everhart, Holly Lookabill, Anna Brady, and Michelle King. They are coached by head coach Danny Davis and his assistant Danny Robertson. Assistants and volunteers include Jimmy Beck, Don Palmer, and Tia Grubb. Congratulations to Principal D. Bert Wagner and all of the faculty, staff, students and fans of Central Davidson High School.

The boys' winner is the Ledford Senior High basketball squad with a team academic average of 3.47. These outstanding student athletes include Adam Craven, Ryan Christian, Brian Hege, Matt Ridge, Brett Speight, Scott Dunbar, Matt Jacobs, Steve Haskins, Scott Newton, Jason Reich, T.G. Smith, and Jason Younts. Head Coach Robert Kent and Burke Miller were aided by a number of volunteers and assistants including Scott Young, Michael Martin, Chad Bowman, Erin Smith, Angela Chamberlain, Chris Curry, and Stuart Hunter. Ledford Principal Max T. Cole and all of the faculty, staff, students and fans of Ledford Senior High School can take pride in the basketball team's accomplishment.

In fact, the entire Sixth District is proud of the young men and women who have achieved this most admirable status. Congratulations to all those involved.

THE 10TH ANNIVERSARY OF THE FREE THEATER PROJECT IN NEW YORK CITY

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. WEISS. Mr. Speaker, I would like to share with my colleagues a very special event that I will soon have the pleasure of participating in.

On July 16, 1992, I will have the privilege of introducing actors Eli Wallach and Anne Jackson who will be offering a special performance to celebrate the 10th anniversary of the Free Theater Project in New York City.

Ten years ago, Stanley Eugene Tannen founded the Free Theater Project to promote the arts, literacy, and cultural democracy. He has done so by bringing internationally renowned writers, actors, musicians, and other artists to his theater to perform free for the public. The remarkable success of his efforts have allowed thousands of people who might never have had the opportunity to attend the theater to enjoy some of the finest performances available anywhere.

The remarkable array of talent that has performed, or had its works performed, at the Free Theater Project is testament to the extraordinary success of the theater. At a time when the arts are under assault for being a luxury the Nation can do without, the Free Theater Project has demonstrated the ability of the arts to educate and enrich all of our lives.

ADELAIDE "ADA" ROSENSCHEIN CELEBRATES 100TH BIRTHDAY

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. LEVINE of California. Mr. Speaker, I rise today to honor a lifelong family friend and great American, Adelaide "Ada" Rosenschein, as she celebrates her 100th birthday on July 14, 1992.

Ada Rosenschein has been described by her friends and family as a 4-foot 9-inch dynamo, a liberated woman, a businesswoman always interested in the day's events—especially business issues. As a young woman, Ada worked at Bloomingdales in New York as a buyer of children's wear. Later, she owned and managed her own store on Madison Avenue, "Ada's Inc. . . ." From Pram to Prom. During her busy life with family and friends, she still found the time to travel to Europe on buying trips with the knowledge that her shop would have the most current in style and trends for children and teens.

Ada Naftal grew up with her two brothers, Wesley and Adrian Naftal, in New York City. She attended Hunter College and married David Rosenschein in 1917. They raised a lovely family of two children, Jane Rosenschein Lane, and Robert Rosenschein. Unfortunately, tragedy struck the Rosenschein's during World War II when Robert, a member of the Army Air Corps, did not survive a plane crash while on a test flight in the United States. In 1960, Ada lost her daughter, Jane, to cancer.

In early 1960's Ada and David moved to the west coast and set up household. Sadly, David Rosenschein passed away in 1963. In the meanwhile, Ada had an office at the California Apparel Mart in downtown Los Angeles. Here she continued her business interests as a manufacturer's representative of children's wear. Ada retired at the age of 89.

Throughout all her endeavors, Ada has enjoyed the love and support of her family, especially that of her grandchildren and great-grandchildren. They are: Patricia Lane Greene of Woodinville, WA, and husband Gary Green, parents of Gregg; Robin Lane LaBonge of Irvine, CA, and husband Denis LaBonge, parents of Lindsay and Kevin; Jack H. Lane III of Dunwoody, GA, and wife, Deborah, parents of Brent, Todd, and Chad.

I am pleased to join Ada's loving family as they celebrate the wondrous occasion of the 100th anniversary of her birth. I wholeheartedly ask my colleagues in the U.S. House of Representatives to join me in saluting this fine lady, Ada Rosenschein.

A TRIBUTE TO THE SOJOURNER COUSINS: THE FAMILY HISTORY

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. BLACKWELL. Mr. Speaker, I rise today to pay tribute to a truly remarkable family: the Sojourner Cousins. The Sojourner Cousins have delighted audiences for 13 years. They have performed many concerts and have made guest appearances locally and nationwide rendering selections that are soul-stirring and enriching old-time favorites, basic hymns, and contemporary gospel.

The Sojourner clan began in Denmark, SC, which is located south of Orangeburg, north of Bamberg, between the South and North Fork Edisto River.

Daniel Sojourner, a sharecropper put the wheels into motion when he married Cornelia Riley. The couple was united at the Jericho A.M.E. Church where Daniel served as a trustee. Since that time, Daniel and Cornelia have shared their love with 10 children: Agnas, Bunyan, Georgia, Jim, Julia, Leta, Marie, Paul, Rebecca, and Sarah Ann.

Mr. Speaker, over the years, the Sojourner Cousins have used their family reunions as outlets for exercising their musical talents. During their reunions, they engage in spiritual devotional services, thereby remembering their deceased and sick ones with prayers and gospel songs.

The Sojourner Cousins work together and assist each other at church; and they are well known for sponsoring concerts and donating the proceeds to the church members. God has truly blessed this family with the ability to sponsor benefits, and has enabled them to travel around the country utilizing their musical talents at other churches.

Presently, the Sojourner family members are researching information to complete the development of their family tree. The Sojourners are striving to collect, create, and preserve their heritage of artifacts, heirlooms, and keepsakes as they are passed from one generation to the next. The family surname of Sojourner will continue to be honored by generations yet unborn.

The Sojourner Cousins, near 25 strong, is home-based at the New Bethel A.M.E. Church in Germantown, with members at Triumph, Foster Memorial, and Vine Memorial Baptist Churches in Philadelphia.

Mr. Speaker, today, July 11, 1992, the Sojourners will celebrate their 13th Family Reunion. The Sojourner Cousins offer these valuable words of inspiration: "We love the Lord, and He's our strength. With His blessings we shall continue on praising His name in gospel songs, until God calls us home."

Mr. Speaker, it is a tremendous honor for me to present this family to my colleagues. The Sojourners have given themselves to their churches and to their community. I ask my colleagues to rise and join me in extending our best wishes and future success to the Sojourner Cousins.

MEDICAID PRESCRIPTION DRUG PRICING

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. SLATTERY. Mr. Speaker, today I am introducing legislation to address a serious problem that has developed as a result of efforts to help lower the cost of prescription drugs for State Medicaid programs.

In the last Congress, I was an original cosponsor of H.R. 5589, the Medicaid Prescription Drug Fair Access and Pricing Act of 1990. This bill was an attempt to provide States with an opportunity to design their own price negotiating plan for prescription drugs and was intended to encourage State-level Medicaid administrators to drive harder bargains with drug manufacturers. The core provisions of H.R. 5589 were included in Public Law 101–508, the Omnibus Budget Reconciliation Act of

1990 [OBRA 1990]. A specific goal was to obtain the same sharp discounts on drugs for the Medicaid Program that often were obtained by hospitals, health maintenance organizations [HMO's], long-term-care pharmacies, group purchasing organizations [GPO's], and even another Federal agency, the Department of Veterans Affairs [DVA]. Under the OBRA 1990 amendments, essentially, manufacturers were required to provide drugs to Medicaid at the best price available in the market.

Unfortunately, implementation of the OBRA 1990 provisions prompted many drug manufacturers, to significantly increase prices charged to hospitals, HMO's, and others, including DVA, who were already receiving discounts—clearly not what Congress intended nor the type of behavior the drug companies had promised. Because prices charged to these large purchasers, such as the DVA, were often the best prices offered on drugs, these manufacturers dramatically increased the prices charged to DVA in order to avoid being required to significantly lower prices charged to Medicaid customers. Some estimates place the cost of the price hikes to the DVA alone at roughly $150 million per year. These price hikes are increasing prescription drug costs to consumers at a time when health care costs are already soaring.

I believe that this is the kind of abuse that OBRA 1990 was designed to stop. I have cosponsored H.R. 2890, legislation that would solve the problems created by the OBRA amendments for the DVA, but that alone is not enough. I am offering this legislation in an attempt to address the real problem: Inappropriate pricing behavior by prescription drug manufacturers in response to the incentives created by OBRA 1990. I believe the problem lies in setting the Medicaid rebate requirements at best price levels. Manufacturers are not restricted from raising the best prices, and, as we have seen, the best prices are disappearing.

I feel one way to correct this problem would be to set the Medicaid discounts at a flat rate. Using recent budget information from the Congressional Budget Office, my legislation would establish a flat-rate discount, phased in over 4 years, for State Medicaid programs that would capture the OBRA 1990 intended savings for Medicaid. The discount rate included in my legislation is budget neutral. I would, of course, be willing to work with my colleagues to set a fixed-flat-rate discount, instead of the phased in rates, that capture the intended savings for Medicaid. Further, I am interested in obtaining similar relief from rising drug prices for community health centers and other public health service grantees, and will work with my colleagues to achieve this goal.

With the elimination of the best price from the Medicaid discount formula, large purchasers of pharmaceuticals, including the DVA, would again be able to negotiate discounts with the manufacturers based upon the volume of their purchases. Medicaid's flat discount rate would have no impact on these negotiated prices.

Mr. Speaker, I believe a flat-rate discount for the Medicaid Program is essential to reestablishing a competitive market for pharmaceuticals and restoring the negotiating position of pharmaceutical purchasers. As I indicated above, I will be pleased to work with my colleagues to develop a comprehensive solution to this pressing problem.

THE HIGHER EDUCATION ACT AMENDMENTS

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. BALLENGER. Mr. Speaker, I want to comment briefly regarding to the Higher Education Act amendments [HEA]. I supported passage of the conference report to the HEA because the legislation is important to students across the country who depend on Federal student aid; however, my support was reluctant. Specifically, I am concerned with the provision of the bill that establishes a direct loan demonstration project. First, let me explain why I supported the bill.

As approved by the House, the HEA includes provisions that will assist institutions of higher learning in establishing teacher training programs, improving library resources, and developing new education and information services programs. In addition, the bill reauthorizes valuable programs at historically black colleges and universities.

The major goal of the bill, however, is to reauthorize title IV student assistance programs—the Federal Pell Grant Program and the Federal Family Education Loan Program, and to beef up program integrity and eligibility requirements for institutions under title IV.

Primarily, the bill would simplify the needs analysis by using the same needs test for all Federal student aid programs. Under the new formula, the legislation eliminates home and family farm equity and all minimum student contributions from the needs test. Easing the needs analysis will allow more students to participate in the programs in order to achieve the goal of a college education.

As originally passed by the House Committee on Education and Labor, the bill would have made the Pell Grant Program as entitlement. I opposed this provision, and was happy to support legislation that maintained the current grant program. Under the legislation passed by the House, the maximum Pell grant is increased from the current $3,700 to $4,500 by fiscal year 1997 with the minimum grant being $400. And, the bill raises to $42,000 the maximum income a family of four may earn and still qualify for a grant—currently the maximum amount is $30,000.

The legislation also reauthorizes the Federal student loan programs and increases the maximum loan amounts for students in their second year of school or higher. Also, the bill phases of the current 5-percent loan origination fee for borrower. In addition, the legislation establishes a new unsubsidized loan program for all students, regardless of family income. The difference from the subsidized loan program would be that the student, not the Federal Government, would pay banks the interest on their loans while they are in school, and the student would be required to pay a 6.5-percent combined loan origination and insurgence fee to the Government.

I also support reforms to the program integrity provisions of the bill, part H. Part H requires each State to designate a postsecondary approving agency that would be responsible for the review and approval of institutions of higher education with the State.

Specifically, the legislation establishes a two-tier system for reviewing the eligibility of institutions. An initial review is done by the Secretary of Education based on a list of ten criteria including the institution's default rate, the amount of title IV funding it receives, and the number of student complaints. If an institution passes all of these criteria, the state takes no further action; however, should a school fail one of these, a deeper review is undertaken. Under deeper review the State judges the institution based on such criteria as the quality and content of the school's courses on programs, the adequacy of space, equipment, personnel and student support services, and enforcement of attendance and academic progress standards. Should the school not meet the second list of criteria, the state may work with the school to come into compliance or the state will disapprove the school and the institution will be terminated from participation in title IV programs.

Finally, the bill places strict requirements on eligibility under title IV for proprietary school. Specifically, to be eligible, a proprietary school can receive no more than 85 percent of its revenues from under title IV, and requires these schools to offer courses of 30 weeks on 900 clock hours in order to be eligible.

These provisions are particularly important in removing the fraud and abuse that currently plague the system. For example, in 1980, defaults represented 10 percent of the total program costs. In 1991, defaults represented 62 percent of the total costs. Further, of the total $52 billion in outstanding loans guaranteed by the Federal Government, currently, $17 billion is in default.

As stated, I have strong reservations regarding the 5-year direct loan demonstration project included in the legislation. Under the demonstration project, independent leaders would no longer participate in the program, but instead, the loans would be administered directly by the Federal Government through the Department of Education. The Secretary of Education would be responsible for accepting applications from the schools, and ensuring that an adequate number of schools participate. Under the project, 500 schools would be selected to participate; however, once selected, there is no cap on the dollar volume of the loans that could be originated. In addition, if a sufficient number of schools do not apply, the Secretary is required to designate additional institutions.

Although proponents of the program claim that the direct loan project will save Federal dollars, I am concerned that the lack of a cap on the loan volume of the participating schools could result in the Federal Treasury borrowing unknown billions of dollars in future years. In addition, I do not like the idea of the Secretary of Education drafting schools into the program that do not want to participate. And finally, I am concerned that the Department of Education will not have the necessary resources needed to administer the program. This again, could result in additional funding needs for the Department.

Again, I supported the bill because of its positive aspects. The legislation reauthorizes needed programs and increases access to these programs to members of the middle class. I am glad that as a member of the House Committee on Education and Labor I was able to pay an active role in the drafting of the bill, and look forward to its swift enactment.

INTRODUCTION OF LEGISLATION TO EXPAND THE MARTIN LUTHER KING, JR., HISTORIC SITE AND PRESERVATION DISTRICT

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. LEWIS of Georgia. Mr. Speaker, today I am introducing legislation that would expand the Martin Luther King, Jr., Historic Site and Preservation District in Atlanta, GA. Visitors from all over the world as well as residents of Atlanta come to this important historic site to understand better the legacy of Martin Luther King, Jr.

The King Historic Site is the 10th most visited national park site in the country. Last year, 2.8 million people visited the site. Visitation at the site has grown each year since its creation in 1980 and will continue to grow. Record numbers of visitors are expected to the site when Atlanta hosts the summer Olympics in 1996. During that time an estimated 100,000 to 150,000 people will visit the site each day.

Althought the site was created more than 10 years ago, it still needs some essential components including a visitors' center and a maintenance facility. Additionally, the majority of the homes on the block with Dr. King's birth home are in need of rehabilitation and the site needs adequate parking facilities.

It is imperative that we make the necessary improvements and expansion to the site before the 1996 Olympics when Atlanta, and the United States, will be under international scrutiny. The story of Martin Luther King, Jr., the civil rights movement and the history of "Sweet Auburn" Avenue must be told in its entirety. This is part of American history that we must preserve and present.

INTRODUCTION OF THE CALIFORNIA SAN ANTONIO MISSION NATIONAL HISTORIC PARK STUDY ACT OF 1992

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. PANETTA. Mr. Speaker, I rise upon the introduction of legislation to direct a park study for the Mission San Antonio de Padua in the State of California.

Mission San Antonio, founded in 1771, is well recognized as a historic site of national significance. The mission is an important component of the Juan Bautista de Anza National Historic Trail and is on the National Historic Register of Historic Places. Yet the mission is only one part of the area's historic appeal. Unlike most missions of the west, the area surrounding Mission San Antonio de Padua remains undisturbed and preserved in its original state. The surrounding area is also unique in that it has significant artifacts from all stages of California's development dating back from the settlements of the pre-Columbian Indians, to the Spanish missionaries, and the pioneers of the western expansion. Few areas in our Nation can boast such historical value and offer such an opportunity for historical research.

Furthermore, because of its undeveloped state, the area offers unparalleled opportunities for recreation and historic interpretation in a realistic setting.

The legislation directs the National Park Service to study the San Antonio Mission and surrounding historical areas to determine the suitability and feasibility of designating the area as a national historic park. In conjunction with the Friends of Historic San Antonio Mission, the National Park Service is conducting a historic landmark study of the mission for designation as a national historic landmark. The landmark study is expected to be completed early this fall. Early findings of the study strongly indicate that the mission warrants a historic landmark designation.

I would also point out that there is a great deal of support within the local community, and throughout the State of California, for the designation of a national historic park at the San Antonio Mission. The Friends of Historic San Antonio Mission have worked very hard to protect the mission and its surrounding historical sites and have made a very convincing case for designating this area as a national historic park.

Although they are an important part of the history of this country, the profound role of the Franciscan missions has gone unheralded and unrepresented in our National Park System. Sadly, Mr. Speaker, there are not many places like San Antonio Mission left in our country. It is rare that we find a centuries old operating mission preserved in its original isolated state. Congress should take advantage of this opportunity by acting to commemorate this time period of our history and protect this area through a national historic park designation. I hope my colleagues will join me in this effort by supporting this legislation. A copy of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "California San Antonio Mission National Historic Park Study Act of 1992".

SEC. 2. AUTHORIZATION OF STUDY.

(a) AUTHORIZATION.—The Secretary of the Interior shall conduct a study of area described in subsection (d) to determine its significance in illustrating and commemorating the role of pre-Colombian Indians, Franciscan Missionaries, post-mission Mexican ranchos, and pioneers of the western expansion in the development of the State of California. As part of the study, the Secretary shall provide recommendations on the suitability and feasibility of establishing the area as a unit of the National Park System.

(b) CONTENTS OF STUDY.—The study of the Secretary shall contain, but not be limited to, findings with respect to—

(1) measures for preserving and interpreting historic resources associated with the Mission San Antonio de Padua, including its architectural and cultural resources;

(2) measures for preserving and interpreting historic and prehistoric archaeological features of the area;

(3) opportunities within the area to memorialize and interpret four stages of California history, including pre-Colombian Indians, Franciscan Spanish Missionaries, post-mission Mexican ranchos, and pioneers of the western expansion; and

(4) natural and recreational values of the area.

(c) CONSULTATION.—In preparing the study under this section, the Secretary shall consult with the Friends of Historic San Antonio Mission, San Antonio Valley Historical Association, other interested historical organizations and appropriate local, State, and Federal agencies.

(d) AREA STUDIED.—The area studied pursuant to subsection (a) shall include the Mission San Antonio de Padua in California and its surrounding historic and prehistoric archeological as described in map entitled "San Antonio Historic Park District" and dated July 1992.

(e) CONGRESSIONAL REVIEW.—The Secretary shall transmit the study to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate within one year after the date on which funds are appropriated for the study.

(f) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

INTRODUCTION OF LEGISLATION REGARDING ALCOHOLIC BEVERAGE LABELING

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mrs. SCHROEDER. Mr. Speaker, today, I am pleased to introduce a very low-cost proposal that requires makers of alcoholic beverages to label each beverage container with the alcohol, other ingredients, and calories it contains. Several colleagues join me in proposing to amend the Federal Food, Drug, and Cosmetic Act to provide consumers with the information they need to use alcoholic beverages safely.

The Surgeon General, Antonia Novello, identified the need for labeling alcohol contents at a Select Committee on Children, Youth, and Families' hearing, entitled "Preventing Underage Drinking." Committee members learned that beer and malt liquor makers are not permitted to disclose the percentage of alcohol by volume, while wine and distilled spirits are required to list this information. The inconsistency dates back to a law passed in 1935. As the Surgeon General pointed out, today's consumer is vastly different from the prohibition era consumer of the 1930's, and has the right to be informed about what she or he is consuming.

To clarify the meaning of percentage of alcohol, the proposal also requires labels to include a straightforward, user friendly unit of serving size called the drink. A drink equals 0.6 ounces of alcohol—the amount usually found in one beer, or one shot of distilled spirits, or one glass of wine. We must keep in mind that children have died from overdosing on fortified wines that contain the equivalent of five shots of hard liquor in a container the size of a beer can. Failing to make the alcoholic contents of these products perfectly clear is courting disaster for our kids, as well as for adults.

In addition, the bill requires that a toll-free help line number be listed on each alcohol container. Consumers can call the number for referrals for help with a drinking problem. This much-needed service is administratively very simple and has been estimated to cost $500,000.

Last year, Congress passed legislation requiring the labeling of contents of foods. I urge my colleagues to join me in support of this next logical step toward safeguarding the health of American consumers—especially our most vulnerable teens.

SUMMARY OF ALCOHOL CONTENTS LABELING PROPOSAL

This bill amends section 403 of the Federal Food, Drug, and Cosmetic Act to require:

SECTION 1

Disclosure of alcohol content by volume in a non-promotional manner.

Disclosure of the number of drinks per container.

The statement: "If you or someone you know has a drinking problem, a call may be made to (a toll-free number established by the Secretary) for help."

That label information is located in a conspicuous place, in legible type, and offset by borders.

SECTION 2

Authorization of $500,000 for establishment of a toll-free number in FY93, and for each succeeding year.

SECTION 3

Submission of a report mandated in 1988 by Section 206 of the Alcoholic Beverage Labeling Act on the effectiveness of warning labels required at that time.

TRIBUTE TO ALEX R. MURPHY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. TRAFICANT. Mr. Speaker, I would like to pay tribute to an outstanding individual in my 17th District of Ohio. He has served the Mahoning County educational needs for over 25 years and contributed monumentally.

Mr. Murphy began his career in the education field as a teacher at Science Hill Elementary School and progressed through the administrative system to assistant principal at Hillman Junior High. Eventually, Mr. Murphy earned a position as principal at Chaney High School and, 11 years later, he was selected as principal of the Rayen High School. During his tenure at each school, Mr. Murphy made significant strides integrating the city schools as well as installing a positive approach to the field for those on staff at each school.

Mr. Murphy not only puts both feet forward in the field of education, but also finds additional feats to accomplish in the community. He is a member of the Phi Delta Kappa fraternity and trustee of the Third Baptist Church as well as recipient of the Outstanding Community Role Model Award given by the Martin Luther King Jr. Holiday Committee. In 1987, the Buckeye Lodge #73 made Mr. Murphy an honorary member.

Mr. Speaker, on July 24, 1992, the Oak Hill Athletic Club will sponsor a dinner in Mr. Murphy's honor. I send to Mr. Murphy and his good friends who speak so highly of him my best wishes and congratulations for such outstanding contributions to the field and for maintaining his position with integrity and honor.

A TRIBUTE TO THE LATE ABE P. MORRIS

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. PASTOR. Mr. Speaker, I rise before my colleagues in the U.S. House of Representatives to memorialize the late Abe P. Morris of Arizona.

Mr. Morris, an Arizonan for 40 years, was a true renaissance man. He was an outstanding copper mining engineer known for imaginative and innovative ideas, with credentials recognized worldwide. He was interested in people and concerned for their welfare. He was a friend to laborers in the mine as well as to engineers, university presidents, lawyers, bankers, and scientists. He was a benefactor of education at all levels from kindergarten to university graduate school.

Mr. Morris helped to make Arizona history by serving as the guiding force behind the building of the town of Kearny in Pinal County. In its early days, Kearny was unique among mining towns. Most mining towns got their beginnings as company towns where the mining company owned the house that the miners and their families inhabited, owned the stores in which they shopped, and paved the streets they traveled. In other words, the miner had to rely on the company to satisfy every basic human need. The town of Kearny, through the efforts of Abe Morris, succeeded in offering miners the opportunity to own homes and to enjoy all of the other opportunities of urban life.

Mr. Speaker, it is my honor to offer this belated tribute to Abe P. Morris, a great Arizonan and a great human being.

THE ALTON AREA MERGED BRANCH 309 CELEBRATES 100TH ANNIVERSARY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. COSTELLO. Mr. Speaker, I rise today to recognize the 100th anniversary of a branch of the National Association of Letter Carriers in my congressional district in Illinois. The Alton Area Merged Branch 309 will celebrate their 100th anniversary on August 22, 1992.

The Alton Branch has been dedicated in their service to the community through the past 100 years. Numerous current and former residents of southwestern Illinois greatly appreciate the activism of this organization.

Although they currently have only 127 active and retired members, the Alton Branch was able to raise over $10,000 for the Muscular Dystrophy Association. Their commitment to fundraising earned them the recognition of "No. 1 Fundraiser" in the State of Illinois.

I ask my colleagues to join me as I salute the Alton Area Merged Branch 309 on their 100th anniversary for their exceptional dedication to the community of southwestern Illinois.

NORTH AMERICAN FREE-TRADE AGREEMENT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. TORRES. Mr. Speaker, the Bush administration appears ready to notify Congress of its intent to sign a North American Free-Trade Agreement with Mexico and Canada.

Notification date, we are told, will be later this month.

We have also been told that the NAFTA will be a historic trade agreement.

Yet, bilateral trade with Mexico is already at $60 billion a year. And Mexico is our third largest trading partner.

Mr. Speaker, the NAFTA is not a trade agreement, it's an investment agreement.

The NAFTA is about the elimination of barriers to United States investment in Mexico.

Under a NAFTA U.S. firms will no longer have to worry about laws governing maximum foreign ownership which in some cases is at 49 percent. Nor will major firms worry about import licensing requirements, restrictions on sales in Mexico, or worse, the nationalization of their property.

Because Members of Congress are not permitted to review the current negotiations, I worry that the investment agreements being reached will not extend to individuals. Today, individuals choosing to invest in Mexico, face losing their investment capital due to the lack of any judicial recourse or their own unfamiliarity with Mexico's customs or laws.

Mr. Speaker, many small businesses and individual investors have been led to believe that the NAFTA will extend benefits to them. I call on my colleagues to join me in working to ensure that it does.

DEFEND THE SCOUTS

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. ROHRABACHER. Mr. Speaker, scouting in America is under attack. Leftwing organiza-

tions, pressure groups and some large corporations including Levi Strauss, Wells Fargo, and the Bank of America have joined forces to demand that the Boy Scouts lower their long-standing moral standards. The following editorial that appeared in the Orange County Register is an eloquent and forceful defense of the Scouts and I ask that it be incorporated in the RECORD:

MEMO TO THREE BANKS: BE PREPARED TO LOSE SOME ACCOUNTS

(By Harold Johnson)

Boy Scouts of America: 378; spineless San Francisco bankers: 5.

That's the lopsided score recorded on my voice-mail over the past couple of weeks. On June 19, I wrote a column about how three San Francisco firms—Wells Fargo (corporate telephone number, 415-396-3606), Bank of America (415-953-1411), and Levi Strauss (800-872-5384)—announced they were canceling future donations to the Boy Scouts because the Scouts don't allow homosexual scoutmasters. I said I was closing my own Wells Fargo accounts in protest, and I asked readers who had any comments to give me a buzz.

Well, a monsoon ensued. My line was jammed for days, and the calls are still coming. Nearly 400 so far. (If you left a message asking me to call back, and I haven't, I apologize, but now you know why.)

Most everybody who phoned is mad as H at the three wimpy companies that caved to Politically Correct pressure lobbies, suddenly announcing they couldn't accept Boy Scout policies that have been around for 80 years. (Actually, it's four companies now: First Interstate has joined the dishonorable parade). By the way, Judge Robert Frazee of Orange County, who forced a local Cub Scout pack to admit two kids who won't recite the Scout Oath's pledge to God, should take note of my phone-call tally; it suggests his next retention vote, in June '94, might not be a slam-dunk.

The ironies in the funding cutoff are exquisite. Kids are up against harrowing dangers these days—gangs, drugs, pregnancy, suicide. And how do these four corporate giants respond? By targeting the Crips or Bloods? No, by going after a really cutthroat bunch—the Boy Scouts! Seems they're determined to protect kids from Scouting and its dangerous values. All that stuff about duty, honor, reverence, and "helping other people at all times" might warp impressionable young minds, don't you know.

If you ask me, an assault on the Scouts, especially at a time when the fabric of community in this country is already fraying, is nothing short of an anti-social act. My college political-philosophy class comes to mind. There we learned about the theorists who've taught that a free society requires the cultivation of humane virtues—precisely the kind of self-discipline and regard for others that the Boy Scouts try to instill.

Now, you'd think that captains of big business, concerned about the bottom line and, by extension, about the health and prosperity of the neighborhoods where they try to turn a buck, would see the importance of groups that nurture the old verities, a catechism of personal responsibility. You'd think. But apparently not at BofA, Wells Fargo, Levi Strauss, and, now, First Interstate.

No, these companies are ahead of the rest of us in the sophistication department. Or, on the other hand, is it that they're far behind? Could it be that, staring out from ritzy homes in posh, guarded residential enclaves, these wealth execs have forgotten about the fragility of the social landscape beyond their gates? Is it arrogance or naivete that makes them think they can mock our civilizing institutions, and the traditional values such groups impart, without doing harm?

They spout a lot of platitudes, but there's nothing redeeming about what these four firms have done to the Scouts—no code of values affirmed, just pure cowardice.

They say they're against "discrimination." Yet they apply the word selectively, just broadly enough to satisfy the homosexual and other left-wing activist groups to whom they're kowtowing. If they're really against discrimination, why do at least a couple of these companies boast about supporting the Girl Scouts, who, of course, don't admit boys?

They also tell protesting callers they still give to the United Way, and that the United Way in most communities gives to the Boy Scouts. Well, that argument is the smoking evasion, proving their hypocrisy. If they have a genuine ethical problem with Scout policies, why support Scouting even indirectly? I'd have a tad more respect for them if they were at least consistent, instead of trying to have it both ways. But their funding cutoff isn't about principle, it's about absence of principle.

I called LA County Supervisor Mike Antonovich to talk about the issue, because he has helped get Scout troops off the ground in several rough neighborhoods around LA, hoping to counter the gangs. "It's very sad that good corporations would be so narrow-sighted as to miss entirely the overall societal good that groups like the Boy Scouts accomplish," he said.

Some of the people who called me weren't as measured in their comments.

An LA County sheriff's sergeant said he's "real angry," and he's urging fellow officers to beef to the offending banks and pull their accounts.

An elderly Orange County woman who took her (substantial) savings account out of Wells Fargo said she "hadn't had the enjoyment of doing something so right in a long time."

"I was somewhat shocked—I am going to close my $10,000-plus Wells Fargo account," said an Orange County man. "I've had the account for four years; I hate to close it, but it's something I have to do."

Bob French, a businessman in Stockton, is going to do more than just close his accounts with Bank of America, where he has nearly $1 million. A local Scouting leader, he'll be taking out half-page ads in area newspapers publicizing what these jelly-fish companies have done.

Where will he transfer his funds? He's not necessarily looking for a bank that gives to the Scouts, he says, because it's not the funding cutoff itself that's the real problem, it's the way the cutoff was handled—publicly, politically. Many firms shift contribution priorities from one year to the next without airing the matter to the world. But these San Francisco companies made sure to let the press know they were giving the Scouts the kiss-off, and they shouted about their ideological motivations.

In short, they attacked the Scouts through a megaphone. They had to do it this way, of course, if the were to be fully submissive to the pressure groups that were leaning on them. A public shaming of the Scouts, for the crime of holding traditional values, is what those groups want.

No other banks have done anything comparable. So every bank looks good by comparison, no matter what non-profit agencies it does or doesn't subsidize.

For my part, I switched to Union Bank, and was pleased to learn they waive service charges on checking accounts for a year if you come from Wells Fargo.

What now for the Boy Scouts? Will they buckle under the organized pressure? Doesn't look like it. "The silent majority of this country have been becoming less silent, and we believe will become quite vocal about (these) attempts to manipulate American values," said Buford Hill, Western regional director for the Boy Scouts.

July Fourth is coming up. What better time to stand with the Boy Scouts—by sharing your thoughts with the companies that are standing with the Boy Scouts' enemies?

THOMAS HUTCHINSON: A LEADER WITH VISION

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. GORDON. Mr. Speaker, our Nation was built by men and women with vision, a vision not just of how the world is but how it should be. Their leadership has made our country great, building a bright future for generations who will follow them.

Thomas Hutchinson is one of those men of vision. Mr. Hutchinson can take credit for much of the growth that made Rutherford County, TN, one of the 50 fastest growing counties in the country during the 1980's.

For example, Mr. Hutchinson recognized more than two decades that a plentiful water supply was the key to attracting new business and industry that would complement the area's strong agricultural base. He helped form the Consolidated Utility District and still serves as president of the utility, which now serves more than 15,000 customers.

His efforts to bring a reliable water supply to underserved areas was a natural extension of his service as a trustee with the Middle Tennessee Electric Membership Corp., a post he first assumed in 1962. He served as chairman of the board of directors from 1976 to 1990. He also served in a variety of posts with the Tennessee Electric Cooperative Association, which has been instrumental in bringing electricity to rural and urban areas throughout Tennessee.

While Mr. Hutchinson's leadership has provided the foundation for growth in all segments of Rutherford County's economy, his heart has remained with the farm community that has been his life since childhood. He served on the board of the Rutherford Farmers Co-Op for a dozen years. In addition, he served another 12 years as the organization's president, during which time it grew more than tenfold to a $17 million-a-year operation.

As president of the Rutherford County Farm Bureau and a member of its board for more than 20 years, he's fought for policies important to the farming industry. Today, Mr. Hutchinson still farms full time on 600 acres outside Murfreesboro, TN.

On July 25, Mr. Hutchinson will be honored by dozens of friends and business associates at a roast in Murfreesboro. I join them in

thanking Mr. Hutchinson for the contribution he has made to building a better America. He is a perfect example of how one person still can make difference.

MODIFY FUTURE STATUS ARRANGEMENT WITH PALAU

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. DE LUGO. Mr. Speaker, the distinguished chairman of the full Interior and Insular Affairs Committee, GEORGE MILLER, and I are today introducing legislation to modify the future status arrangement which has been negotiated with leaders of the remaining part of the territory that our Nation is responsible to the United Nations for developing: The western Pacific islands of Palau.

The free association arrangement has not been approved by Palau in seven referenda to date. The territory's leaders have said for over a year that their people cannot be expected to approve it unless modifications are made.

The bill that we are introducing would make the two modifications that Palau's leaders have said are essential.

One would provide that the United States could use specific areas of the islands for military purposes—rather than any area. The areas that would be available are those which are already specified for possible military use in the arrangement. They would not, however, include areas which have not been specifically identified in the current arrangement, unless further agreement with Palau is reached.

The other modification would provide that these areas could be used for 15 years—rather than 50 years. Fifteen years is the period over which Palau would be provided assistance by the United States under the current arrangement. The areas could only be used for a longer period if further agreement with Palau is reached.

Mr. Speaker, these modifications are reasonable and would not compromise vital U.S. interests. And, based on what administration officials have told Palau's leaders and the Insular and International Affairs Subcommittee about the issues involved, I believe that the administration can accept them. I note in this regard that the minority leadership of our committee joined Chairman MILLER and I in urging the administration to work out modifications based on these proposals, believing that they were worthy of serious consideration.

I am disappointed that the administration has not itself proposed modifications to the arrangement based on these proposals, apparently believing that Palauans would accept the free association arrangement as is if it did not.

But, since the administration is authorized to implement the arrangement through legislation, it is not essential that the administration propose the modifications. We can initiate them.

And, in this connection, it should be remembered that many of the terms of the current arrangement are ones that we initiated through the authorization law that I am proud to have sponsored with the support of Chairman MILLER and other Members.

Our Nation's primary obligation in Palau is to develop the territory into a self-governing status based upon the wishes of its people. There is ample evidence that they want a free association relationship containing the modifications that Chairman MILLER and I have now joined their leaders in proposing. We, in this House, have an obligation to consider and act on them as does our Government as a whole.

IRA-TYPE SAVINGS THAT WORK: INDIVIDUAL RESPONSIBILITY ACCOUNTS

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. VANDER JAGT. Mr. Speaker, recently, while holding office hours in our Muskegon district office, I had the truly good fortune to visit with Mr. Doug Kepner, of Muskegon, MI, regarding his thoughts—and a plan—for encouraging individual savings and taking advantage of the private financial markets to provide a broad range of personal financial security and opportunity.

This Congress has recently attempted to grapple with savings incentives and the need for a national economic growth program. I believe that we can all agree that, whenever possible, individuals, not Government, ought to provide for their own long-term security.

Parallel with this idea, of course, is that Government has an interest in encouraging such individual planning—both because it relieves Government of a potential burden and because such planning involves savings and investment which fuel the economic engine of the Nation.

As a member of the House Committee on Ways and Means, I am, of course, supportive of the prudent use of our tax system to provide the appropriate incentives to individuals to engage in personal planning. Doug Kepner has developed a broad-ranging approach to the use of a familiar personal savings tool, the Individual Retirement Account, to meet personal growth and financial security objectives.

A clear advantage of Mr. Kepner's plans is that they infuse capital into financial markets at the same time that they provide for personal needs. The merits of shifting a major share of certain health, education, and retirement burdens to the system of tax incentives rather than tax consumption are also clear.

Because of what I believed to be the unique nature of the range of Mr. Kepner's ideas, I asked our minority committee staff to do a brief analysis. As anticipated, it was pointed out that these ideas would lose significant amounts of revenue. However, what was not said, and what would clearly be the case, is that the medical and educational savings incentives, in addition to the unique retirement program, would save government, Federal and local, billions of dollars.

And, in addition to the savings, the programs would permit individuals to control their own destiny. Finally, of course, such an approach would permit the allocation of scarce, and growing scarcer, Government resources to those who are truly disadvantaged in programs which could offer true hope for the future.

I recommend to my colleagues' careful review the suggestions and analysis of Glen Kepner which follows. I have included, at the conclusion, the comments of staff which demonstrate both the validity of the concepts and their uniqueness. I look forward to the opportunity to explore these ideas, and to a future opportunity to use them as the basis for a true reform of Government's incentives for individual responsibility and for economic growth.

Three things I was never taught:

1. You are responsible for your own financial security.
2. You can do it!
3. Here is how you do it.

To help each individual to take charge and improve his/her financial security, I propose three new types of individual accounts:

1. IDA—Individual Development Account. This account would be designed to provide funds for the individual's education and development.

2. ISA—Individual Security Account. This account would allow the individual to build personal and family wealth. It would eventually replace the present Social Security system, but would continue to be backed up by a new system that would guarantee that the individual would come out as good as or better than now.

3. IMA—Individual Medical Account. This account would provide a way for the individual to accumulate the funds needed to pay the deductibles and co-payments not covered by insurance, especially those required by the higher-deductible, lower-cost policies. Those who are fortunate enough to not need to spend these funds on medical costs would accumulate individual and family wealth in this account. These accounts could grow to substantial amounts and could pave the way for significantly changing the role of medicare and medicaid.

These three accounts, together with retirement accounts—IRA, 401k, 403b, Keough plans, employer sponsored plans, etc.—will provide the foundation for an individually based cradle-to-grave security system. Government programs will still have to supplement for some, but hopefully not as many as now. This is not a quick fix solution, but will take time. Results and benefits will grow gradually as the individual accounts grow. Full benefits of some of these programs will come in only a few years, others will take 20 or 30 years to develop—but the real benefits will be realigned by our next and succeeding generations through the controlled and forced growth of individual and family wealth and through the firmer financial foundation that this makes for our entire country. We are talking billions and trillions of dollars in savings and investments.

IDA—INDIVIDUAL DEVELOPMENT ACCOUNT

Invest up to $2000 at birth: 6% for 20 years equal $6,400; 9% for 20 years equals $11,200; 12% for 20 years equals $19,300; and 15% for 20 years equals $32,700.

Invest up to $2000 per year for 20 years: 6% equals $74,000; 9% $102,000; 12% equals $144,000; and 15% equals $205,000.

Contributions to come from gifts, individual earnings

Contributions not tax-deductible.

Even those on welfare or other assistance would be able to invest in an IDA for each child without affecting their eligibility. (Wouldn't it be great if they would put the cigarette and beer money into an IDA instead to help break the cycle of poverty for their children?)

Adults would, of course, be expected to use their IDA to stay off of or get off of assistance.

Account grows tax-free.

Proceeds are tax-free when used for:

Education. Funds would be paid through Financial Aid department of school.

Volunteer and charitable service. Funds would be paid through church or other organization.

Spouse's or children's education.

If there is sufficient money left in account, up to $20,000 could be used, tax-free, for down payment on home, but this would affect taxable basis of home.

Proceeds could also be available for "emergencies", but only under very limited conditions.

Funds not used for above purposes could be transferred to ISA, IMA, or IRA subject to conditions.

At death:

25% to IRS

Balance to spouse's, children's, relative's IDA.

Much of this can be done now within the IRA program, but it requires an extreme amount of creativity, only a few can "get away with it legally", and proceeds are subject to a 10% penalty and are taxable when withdrawn.

The President's proposal for $25,000 in student loan guarantees would be an excellent transition to this IDA program.

ISA—INDIVIDUAL SECURITY ACCOUNT

Invest 6% of gross wages. (Funded from present Social Security contributions, individual and employer.)

Half retained by IRS or SSA in individual interest-bearing account, government securities.

Half could be transferred once/year to an individual, private account.

Encourage individuals to use equity mutual funds for their individual accounts to provide capital investment funds for the growth of the economy and to provide for the possibility/probability of higher investment return. The role of Social Security and of the government would be to insure that the individual would get at least as much as under the present program. The government would, in effect, be guaranteeing the economy. Instead of encouraging individuals to preserve capital, this would encourage them to go for growth, and with this amount of capital being continuously invested, the chances of major recession or depression are greatly reduced.

The balance of the Social Security contributions would be used for the insurance aspects of the program and for transition from the present program.

Money can be drawn out only for retirement or disability.

Retirement would be at age 65, or it could be earlier if and when the individual account reaches an amount sufficient to provide adequate lifetime income. (If you could invest 6% of your earnings at a 12% rate of return for 25 years, you could live forever from the proceeds—if you could live forever.)

Individual Security Income would be based on the higher of:

Amount determined from present Social Security formula.

Amount determined from account value.

Amount determined from future changes to Individual Security/Social Security programs.

Payments to the individual would come first from the individual account.

If/when the individual account is exhausted, Social Security would take over as insurance to continue payments at the appropriate level.

Income would be partially taxed, as at present or as determined to be appropriate. There would be no "earnings test". It would be your money in the individual account, your money that paid for the insurance part of the program.

At Death:

25% to IRS.

Balance to family IDA's and ISA's.

This program requires major legislation and major changes in thinking, but would be a true win-win program!

IMA—INDIVIDUAL MEDICAL ACCOUNT

The individual would choose own health insurance policy—this can be self-paid, employer-paid, government-subsidized, or whatever. (Tax deductible.)

The ideal policy would be a major medical policy with a high deductible, say $3000.

Deposit $2000 per year in IMA, an interest bearing account, managed and administered privately. (Tax deductible.)

Use a "Health Care Card" to pay for care. (Similar to Visa, Mastercard, etc., but prepaid.)

Insurance, government subsidy would also be channeled through health care card.

If costs exceed $2000, individual pays difference up to $3000 level. (Tax deductible.)

Funds not used can be left to accumulate for future needs or used to replace/reduce future premiums and contributions.

These "excess funds" could be invested in equity mutual funds for better growth and for better growth of the economy.

The incentive is for the individual to control and reduce own costs and to find the most cost-effective care and treatment and insurance, because what you save, you keep. For those in good health, the accumulation could be substantial.

No tax on accumulation or on funds used for medical insurance or for medical care.

At Death:

25% to IRS.

Balance to family IMA's.

Most of this could be done now except that the tax deductibility of funds depends on who pays them, and growth of the fund is usually taxable.

IRA—INDIVIDUAL RETIREMENT ACCOUNT

Optional, supplementary retirement account.

IRA, 401K, Keough plans, employer plans, etc. Plans are good now, no major changes needed.

Allow funds to be transferred to IMA without penalty or taxation.

GLEN W. KEPNER.

JUNE 1, 1992.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, June 30, 1992.

MEMORANDUM

To: The Honorable Guy Vander Jagt.
From: Paul M. Auster, Assistant Minority Tax Counsel.
Re: Correspondence of Mr. Glen Kepner.

Mr. Kepner's correspondence contains three proposals that are modeled after the current IRA provisions and are intended to assist taxpayers in the following areas—financing educational expenses, providing for their retirement by establishing an alternative to the current Social Security system, and providing financing for their medical expenses. In general, the proposals call for the establishment of an IRA type account to which contributions would be made. Contributions would be deductible only in the case of the medical account. However, earnings in all three accounts would be tax-exempt. After reviewing the applicable materials it would appear as if the tax-free income accumulation and the tax deductible contributions to only one account would, because of the amounts involved, result in a significant revenue loss. Of course, only a revenue estimate from the Treasury or Joint Committee on Taxation could verify this.

It should be noted that each proposal raises significant tax policy and technical tax issues. At this stage of discussion, a review of these issues is premature. However, a brief review of one proposal should be done here. Mr. Kepner proposes three separate accounts—an Individual Development Account, an Individual Security Account and an Individual Medical Account. Of these three, the Individual Security Account appears to be the most unique. More specifically, this account would be used to supplement and replace our current Social Security system. While the other two accounts do address legitimate areas of need—education and medical—the use of IRAs for these purposes has been attempted in numerous proposals. On the other hand, few proposals have attempted to use the IRA to replace the Social Security system. Thus, the ISA represents a new and innovative use of IRA accounts. In this regard you may be aware of the fact that Mr. Thomas has introduced H.R. 5159 which also uses the IRA to supplement and replace our current Social Security system. Thus, Mr. Kepner appears to have developed a proposal that is one of the first to use the IRA in this unique way.

In summary, Mr. Kepner's proposals raise a number of technical and tax policy issues. In addition, it appears as if the proposals would lose significant amounts of revenue. While each of his proposals seeks to provide taxpayers with additional funds to meet various needs, one account, the ISA, represents a new unique way of using IRAs to allow people to meet the financial needs of their retirement years.

Please contact me if I may be of further assistance.

A TRIBUTE TO CAPT. DONALD HENDRIX NASH, USN—FAREWELL CAPTAIN NASH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. SKELTON. Mr. Speaker, in 1969 a young man from a Navy family graduated from the U.S. Naval Academy in Annapolis, MD. That young man was Donald Hendrix Nash. Since November 1989 Captain Nash has served as the Director of House Congressional Liaison for the Secretary of the Navy. Over the past 2½ years, Capt. Don Nash has been the Navy's man to the House of Representatives. Equally important, maybe even more so, he has also been the key individual who has represented the varied views of the House of Representatives about Navy matters to the Navy leadership.

Over these past few years, I have had the opportunity to observe the performance of Captain Nash on both a formal and informal basis. In one word he is a leader—an individual who understands that the job comes first, but the people he leads come a very close second. He is intelligent, friendly, professional.

The Navy has done well to have him as Director of its House Congressional Liaison Office. The most important quality that any individual who holds that position can bring to the job is integrity. It is the essential ingredient that is necessary if good relations are to exist between the executive and legislative branches. Don Nash has helped to promote that relationship. It is not always an easy task, but his unfailing determination to foster an honest exchange between Navy leaders and Members of Congress is vitally important in helping ensure that the wheels of Government turn in a smoother fashion.

Captain Nash will leave his present position to assume command of the newest Aegis cruiser, the U.S.S. *Cape St. George.* This will be the third ship that he has commanded. From November 1979 to January 1982 he commanded the U.S.S. *Impervious,* a minesweeper. He later commanded the U.S.S. *Scott,* a guided missile destroyer, from July 1987 until October 1989. I have every reason to expect that he will perform in an outstanding fashion getting the U.S.S. *Cape St. George* ready to join the fleet.

During Captain Nash's duty at sea and challenging staff positions, he has been supported by his devoted wife Donna and his three children—Meredith, Joseph, and Anne Marie. The world little knows—and even less appreciates—the sacrifice of a Navy family. To Don's wife and children go heartfelt gratitude. I am fortunate to consider Don a friend and wish him and his family well as he prepares to go on to a new assignment.

ANDRE AGASSI WINS WIMBLEDON

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. BILBRAY. Mr. Speaker, this past weekend, an American from Las Vegas brought the glory of the Wimbledon championship back to the United States by conquering the grass courts of England. Andre Agassi took the championship this past weekend and brought the Wimbledon trophy back to the United States where it had not been since 1984.

Since his entrance into the pro ranks in 1986, Andre Agassi has taken the tennis world by storm with his style of play and his fresh breath of youth which has captured the interests of both tennis fans and sports enthusiasts worldwide. His hard hitting game has brought a new aggressiveness and athleticism to the court, pushing tennis to new levels of power and play.

Yet, this world renowned superstar remains a Vegas boy, making his home his native Las Vegas. Whether training with coaches at the University of Nevada Las Vegas, where I myself played during college, or spending time with his family, Andre remains a part of the Las Vegas community.

I can remember when Andre was just a kid and would come to my house to spend time with my daughter. To see a young boy grow into a man and achieve his life's ambition is about as satisfying a feeling as any in life. Watching him win Wimbledon was like watching my own son win. I am proud for him and for the people of Las Vegas who all consider him their son.

As I have told my colleagues many times in the past, Las Vegas is a world-class city, and now one of its jewels is shining even brighter. I ask my colleagues to join me in congratulating Andre Agassi, the new American Wimbledon champion. As we look to the U.S. Open and other upcoming tournaments, I am sure that Andre will not only make the citizens of Las Vegas proud, but all American sports fans as well.

INTERNATIONAL CENTER FOR AEROSPACE AND AVIATION TECHNOLOGIES

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. ROE. Mr. Speaker, I appreciate the opportunity to address my colleagues today on a matter of major importance to the aviation and aerospace industries in both our country and abroad.

Today, more than ever, there are compelling reasons for the United States to maintain a forward-looking position in aerospace and aviation technologies. The military importance of aerospace and aviation technology was amply demonstrated by Desert Storm. Of equal significance is the paramount role of aviation in the global economy. Commercial aviation is by far the largest contributor to U.S. exports of any industry with a net favorable balance of trade in 1990 of $30 billion. Air commerce contributes $200 billion annually to the U.S. economy, and its efficiency in moving passengers and freight is vitally important to the commercial infrastructure of our country.

United States leadership cannot, however, be taken for granted, and there is growing evidence of the difficulties of U.S. companies relying solely on U.S. resources. New initiatives are required. International cooperation in education and research can provide a fresh stimulant to U.S. industry.

Mr. Speaker, the Congress has the unique opportunity to fund such an initiative which will greatly increase international cooperation in education and research. In the past several months, the Florida Institute of Technologies in Melbourne, FL, and the University of Limerick, located near Shannon International Airport and the Shannon World Aviation Park in the Republic of Ireland, have worked hard to develop an International Center for Aerospace and Aviation Technologies in conjunction with corporate partners in each country. The Harris Corp., long a leader in air traffic control systems in the United States, and the Guinness Peat Aviation Co. in the Republic of Ireland, which is the largest commercial purchaser of United States built aircraft in the world, are to be commended for their support of this Center. Further, I understand conversations are currently underway with the Stevens Institute of Technology in my home State of New Jersey to incorporate the world-class research capabilities of the Stevens Institute into this Center, further adding to the impressive capabilities of the Florida Institute of Technology and the University of Limerick.

Mr. Speaker, several months ago I met with our colleague, the chairman of the Transportation Appropriation Subcommittee, and we had hoped to secure funding this year to further the development of this mutually beneficial venture in the legislation before us today. Apparently, the subcommittee was not able to fund the Center at this stage, but I remain confident that we will prevail this year to get this Center moving forward. Certainly today is an historic day in aviation and aerospace, given the successful and safe completion of the historic mission of the *Columbia* space shuttle. If we are to maintain the capabilities of our aerospace and aviation industries as evidenced by this shuttle mission, we must maintain both industry and university research within our country and with our friends in other countries of the world.

I remain committed to securing adequate funding for the International Center for Aerospace and Aviation Technologies [ICAAT] and look forward to working with my good friend from Florida, Chairman BILL LEHMAN and other Members of the Congress to insure this worthy endeavor moves forward.

CEDAR RIVER WATERSHED AND THE CITY OF SEATTLE

HON. JAMES A. McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. McDERMOTT. Mr. Speaker, along with my colleagues from Washington State, Representatives JOHN MILLER, JOLENE UNSOELD, and SID MORRISON, I am introducing legislation today to consolidate the city of Seattle's control over the Cedar River watershed through an exchange of lands with the U.S. Forest Service. The exchange authorized in this bill will achieve important public benefits for both the city and the United States.

The Cedar River watershed in the Mount Baker-Snoqualmie National Forest encompasses more than 100,000 acres east of Seattle and is the primary source of water for about 1.2 million people in the Seattle metropolitan area. Over the past 100 years, the city of Seattle has worked to expand its ownership of the watershed in order to gain full control over the quality of this vital resource. At present, the only other remaining owner is the U.S. Forest Service, which retains 17,000 acres of land.

For the last several decades, the city of Seattle has worked with the Forest Service to consolidate city ownership of the watershed. In 1947, the city of Seattle initiated the first of three land exchanges with the Forest Service. The third exchange was completed in 1985 after 17 years of effort and resulted in city ownership of 81 percent of the watershed.

In 1962, the Forest Service and the city signed a cooperative agreement that detailed the responsibilities and goals of each party with respect to the management of the Cedar River watershed. According to the agreement, the Forest Service's ultimate objective within the watershed is to exchange National Forest

lands therein to the city in order thereby to consolidate National Forest holdings elsewhere. Pursuant to this agreement, the city has acquired roughly 17,500 acres of land for exchange with the Forest Service. Each parcel was acquired with the knowledge and approval of the Forest Service.

Over the years, Congress has encouraged the exchange of land between the Forest Service and the city of Seattle. In 1911, Congress supported the city of Seattle's goal to consolidate its ownership of the Cedar River watershed and gave the city the right to ownership of the watershed through acquisition. Most recently, Congress reiterated its support in section 318 of the 1990 Interior appropriations bill when it endorsed the city's policy to engage in comprehensive negotiations between the city and the Forest Service to achieve land and timber exchanges.

Both the city of Seattle and the Nation will benefit from the exchange proposed in this legislation. Strict and total control over the watershed will enable the city to manage the watershed for the sole purpose of protecting water quality and avoiding treatment facilities that would require a $160-million investment. In addition, the city will manage the watershed in a manner that will contribute significantly to the preservation of biological diversity, protection and regeneration of old-growth forest ecosystems, and conservation of declining species and plants dependent on or associated with old-growth forests.

In return, the public will obtain lands outside the watershed that are better suited to long-term multiple use management. The offered lands possess important recreational, wildlife, fisheries, watershed, wilderness, and timber production values desirable for acquisition by the United States.

Disputes over the management of our natural resources have divided residents of the Pacific Northwest for several years now. I am pleased that, in this instance, environmental groups and small mill owners alike have contributed to this legislation and will support its passage. This land exchange provides an opportunity for all sides to benefit—an opportunity that the Northwest cannot afford to pass up.

TRIBUTE TO PETER J. O'CONNOR

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. CARDIN. Mr. Speaker, today I rise to pay a very special tribute to a man who has dedicated his life to saving lives. Peter J. O'Connor, who recently retired as chief of the Baltimore City Fire Department, has had a distinguished career serving his community.

Since 1954, Mr. O'Connor has dedicated his life to the Baltimore City Fire Department. During his long, distinguished career, Mr. O'Connor has received many honors for his courage, compassion, and dedication. He has been awarded the Distinguished Service Medal, the Meritorious Conduct Medal, and the Police Department Citizens Award. He has also been named the Firefighter of the Year by the Highlandtown Exchange Club.

Mr. O'Connor has also played a strong leadership role in instituting a strong fire prevention policy in Baltimore and Maryland. He was a charter appointee of the Maryland Fire Rescue Education and Training Commission and was appointed to the Governor's Emergency Management Commission. He did an outstanding job chairing the chief's council, regional planning commission and the combined charities campaign.

As chief of the Baltimore City Fire Department for 12 years, Mr. O'Connor has set a record of excellence that will be hard to match. Baltimore's transportation network coupled with our high-density population and environmental concerns have made firefighting a high-technology skill. Chief O'Connor has worked tirelessly to ensure that our department is continually up to date with new equipment and personnel training. Chief O'Connor has ensured our safety—citizens and firefighters. Those of us who are privileged to know him personally as well as professionally know what a loss his retirement is to our community.

Baltimore City is lucky to have had 38 years of Mr. O'Connor's public service. I think it will be a long time before Baltimore is graced by someone of Peter O'Connor's personal and professional qualities. Mr. Speaker, I hope that you and my colleagues will join me and the citizens of Baltimore in paying tribute to this very special public servant.

EQUAL CIVIL RIGHTS REMEDIES FOR PEOPLE WITH DISABILITIES: THE TIME HAS COME

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mrs. KENNELLY. Mr. Speaker, I would like to commend to my colleagues an article by Charles D. Goldman, Esq., that appeared recently in Horizons, a newspaper by and for people with disabilities serving the Washington, DC, metropolitan area. A copy of his article follows my statement.

As Mr. Goldman points out, the women's movement and the disabilities community share common goals and common obstacles. Although the landmark Americans with Disabilities Act [ADA] has now become law, people with disabilities who sue under the ADA are subject to caps on compensatory and punitive damage awards—the same caps to which victims of intentional discrimination on the basis of gender or religious belief are subject.

Mr. Speaker, it is by joining together to meet common ends that we can bring parity and justice to civil rights law. That is why I introduced the Equal Remedies Act, H.R. 3975, that would remove the damage limitation imposed on victims of international discrimination. I urge my colleagues to read Mr. Goldman's thought-provoking article and to cosponsor H.R. 3975.

LEGAL ACCESS: THANKS TO THE WOMEN'S MOVEMENT!

(By Charles D. Goldman, Esq.)

Christine Franklin. Barbara Kennelly. Gloria Steinem.

These are not exactly three household names in the community of persons with disabilities. But they should be as each in her own way has made a major contribution. Let me explain.

Christine Franklin is the high school student who filed an action under Title IX of the Education Amendments alleging sexual harassment in a federally funded school in Georgia. She complained of being forced to have involuntary intercourse with a teacher, who resigned on condition that all charges against him be dropped, which led the school to close its investigation. Christine Franklin persevered and filed suit. In a landmark decision the United States Supreme Court held that plaintiffs have the right to file private lawsuits to compel compliance with Title IX and, most significantly, can recover monetary damages! Franklin v. Gwinnett County, 12 S.Ct. 1028 (1992), is a major victory in support of a longstanding principle of civil rights law: where legal rights have been invaded and a federal statute provides for the general right to sue for such invasion, federal courts may use any and all available remedies, including monetary damages, to redress the wrong.

The implications of Christine Franklin's lawsuit are profund. It could lead to awards of damages under Section 504 of the Rehabilitation Act, which like Title IX, has a general right to sue for its violation. Damages and Section 504 is an issue which has never reached the United States Supreme Court. Hopefully, after Franklin, it won't have to get that far as all the courts will follow the rationale of Franklin and award damages. (Some lower courts had already awarded damages under the Rehabilitation Act but other courts have not.)

One key in the Franklin case was the absence of a congressional limitation on remedies. And that brings us to Barbara Kennelly, who is at the forefront (along with other civil rights stalwarts—men and women) in trying to reverse the congressional limitation on remedies that is in the Civil Rights Act of 1991, P.L. 102-166. Ms. Kennelly's bill, H.R. 3975, would eliminate the caps on the awards of damages that now is in effect for victims of discrimination based on sex; certain religious beliefs, or disability.

The Women's Political Caucus has been quite active in marshalling support for the bill. The consortium of Citizens with Disabilities also has been actively supporting the bill. The Bush Administration is opposed to it. There is a real possibility of an election year showdown on this bill. Give Congresswoman Kennelly credit. She is at the forefront of trying to legally empower persons with disabilities to be on the same tier as minorities and other persons protected by civil rights laws.

"Empowerment" is a concept that runs rampant through Gloria Steinem's best seller, "Revolution from Within." While this wonderful book is not a "disability" book, it is must reading because of its message for all pesons—whether or not they have a disability. Ms. Steinem explores at length concepts of self esteem and our ability to empower ourselves by creating adult selves with self-esteem. The self-esteem which "Revolution from Within" describes is epitomized in people such as Christine Franklin and Congresswoman Kennelly.

Reading "Revolution from Within" led me to reflect on the exponential empowerment that persons with disabilities experienced when the Americans with Disabilities Act was signed. There has been an unprecedented

ground swell of pride, of self esteem that began with the signing ceremony at the White House lawn.

Laws, such as ADA, the Rehabilitation Act, and Title IX of the Education Act, shaping how we view ourselves, can help us—disabled or able-bodied, female or male—empower ourselves. Laws can provide the legal fabric, which in turn gives each of us, including Christine Franklin, the right to assert our self esteemed selves to ensure vindication of our legal protections. These same laws lead to a political climate in which persons such as Barbara Kennelly can be in responsible positions to advocate for further progressive change. The self esteem and empowerment which Gloria Steinem addresses are inextricably interwoven in a mutually reinforcing paradigm with the movements for progressive legal and social change.

The women's movement does not benefit only women—or men. The women's movement benefits people—women and men, ablebodied or disabled, black or white, of whatever faith. And in this day of scrutinizing activities for their bottom line benefit, it is refreshing to recognize a movement which benefits us all.

MARIO CUOMO'S ADDRESS AT 1984 DEMOCRATIC CONVENTION

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. KOLTER. Mr. Speaker, I rise today to speak to my colleagues on the eve of the Democratic National Convention in New York, where we Democrats will nominate Gov. Bill Clinton for President. Before rushing headlong into the campaign maelstrom, and with this momentous start looming in front of us, I would ask my colleagues to pause for just a moment to reflect on past political conventions.

One of my—and many others'—most vivid memories is of Gov. Mario Cuomo's 1984 keynote address. His electrifying oratory is memorable for its eloquent description of who we Democrats are, what we stand for, our accomplishments and our goals. His near poetic speech paid tribute to the democratic principles that we all represent, and I would ask that the text of Mr. Cuomo's address be entered into the RECORD at this time:

[Official Proceedings of the 1984 Democratic National Convention]

(George R. Moscone Convention Center, San Francisco, CA, July 16–19)

KEYNOTE ADDRESS, GOV. MARIO M. CUOMO

Governor CUOMO: Thank you very much. On behalf of the great Empire State and the whole family of New York, let me thank you for the great privilege of being able to address this Convention. Please allow me to skip the stories and the poetry and the temptation to deal in nice but vague rhetoric.

Let me instead use this value opportunity to deal immediately with the questions that should determine this election and that we all know are vital to the American people.

Ten days ago, President Reagan admitted that although some people in this country seem to be doing well nowadays, others were unhappy, even worried, about themselves, their families and their futures. The President said that he didn't understand that fear. He said, "Why, this country is a shining city on a hill." And the President is right. In many ways we are "a shining city on a hill."

But the hard truth is that not everyone is sharing in this city's splendor and glory. A shining city is perhaps all the President sees from the portico of the White House and the veranda of his ranch, where everyone seems to be doing well.

But there is another city. There is another part of the shining city—the part where some people can't pay their mortgages and most young people can't afford one; where students can't afford the education they need and middle class parents watch the dreams they hold for their children evaporate.

In this part of the city there are more poor than ever, more families in trouble, more and more people who need help but can't find it. Even worse, there are elderly people who tremble in the basements of the houses there, and there are people who sleep in the city streets in the gutter where the glitter doesn't show.

There are ghettos where thousands of young people, without a job or an education, give their lives away to drug dealers every day. There is despair, Mr. President, in the faces that you don't see, in the places that you don't visit in your shining city. (Applause)

In fact, Mr. President, you ought to know that this Nation is more a "Tale of Two Cities" than it is just a "shining city on a hill." (Applause)

Maybe—maybe—Mr. President, if you visited some more places; maybe if you went to Appalachia, where some people still live in sheds; maybe if you went to Lackawanna, where thousands of unemployed steel workers wonder why we subsidize foreign steel; (Applause)—maybe, maybe, Mr. President, if you stopped in at a shelter in Chicago and spoke to the homeless there; maybe, Mr. President, if you asked the woman who had been denied the help she needed to feed her children because you said you needed the money for a tax break for a millionaire or for a missile we couldn't afford to use—maybe then you'd understand (Applause)—maybe, maybe, Mr. President.

But I'm afraid not, because the truth is, ladies and gentlemen, that this is how we were warned it would be. President Reagan told us from the very beginning that he believed in a kind of social Darwinism—survival of the fittest. Government can't do everything, we were told. So it should settle for taking care of the strong and hope that economic ambition and charity will do the rest.

Make the rich richer, and what falls from the table will be enough for the middle class and those who are trying desperately to work their way into the middle class.

You know, the Republicans called it trickle-down when Hoover tried it. Now they call it supply side. But it is the same shining city for those relative few who are lucky enough to live in its good neighborhoods. But for the people who are excluded, for the people who are locked out, all they can do is stare from a distance at that city's glimmering towers.

It is an old story. It is as old as our history. The difference between Democrats and Republicans has always been measured in courage and confidence. (Applause)

The Republicans believe that the wagon train will not make it to the frontier unless some of the old, some of the young, some of the weak are left behind by the side of the trail. (Applause)

The strong, they tell us, will inherit the land. We Democrats believe in something else. We Democrats believe that we can make it all the way with the whole family intact, and we have, more than once. (Applause)

Ever since Franklin Roosevelt lifted himself from his wheelchair to lift this Nation from it knees, wagon train after wagon train, to new frontiers of education, housing, peace, the whole family aboard, constantly reaching out to extend and enlarge that family, lifting them up into the wagon on the way, Blacks and Hispanics, and people of every ethnic group, and Native Americans—all those struggling to build their families and claim some small share of America.

For nearly 50 years, we carried them all to new levels of comfort and security and dignity, even affluence. And remember this. Some of us in this room today are here only because this Nation had that kind of confidence, and it would be wrong to forget that. (Applause).

So, here we are at this Convention to remind ourselves where we come from and to claim the future for ourselves and for our children. Today our great Democratic Party, which has saved this Nation from depression, from fascism, from racism, from corruption, is called upon to do it again—this time to save the Nation from confusion and division, from the threat of eventual fiscal disaster and, most of all, from the fear of a nuclear holocaust. (Applause)

But that's not going to be easy. Mo Udall is exactly right, it won't be easy. And in order to succeed we must answer our opponent's polished and appealing rhetoric with a more telling reasonableness and rationality. We must win this case on the merits. We must get the American public to look past the glitter, beyond the showmanship, to the reality, the hard substance of things—and we will do it not so much with speeches that sound good as with speeches that are good and sound, not so much with speeches that will bring people to their feet as with speeches that will bring people to their senses. (Applause)

We must make the American people hear our "Tale of Two Cities." We must convince them that we don't have to settle for two cities, that we can have one city, indivisible, shining for all of its people. (Applause)

Now, we will have no chance to do that if what comes out of this Convention is a babel of arguing voices. If that is what is heard throughout the campaign, dissonant sounds from all sides, we will have no chance to tell our message.

To succeed we will have to surrender some small parts of our individual interests to build a Platform that we can all stand on at once and comfortably—proudly singing out. (Applause)

We need a Plato we can all agree to, so that we can sing out the truth for the Nation to hear in chorus, its logic so clear and commanding that no slick Madison Avenue commercial, no amount of geniality, no martial music will be able to muffle the sound of the truth—and, we Democrats must unite. (Applause)

We Democrats must unite so that the entire Nation can unite, because surely the Republicans won't bring this country together. Their policies divide the Nation into the lucky and the left-out, into the royalty and the rabble.

The Republicans are willing to treat that division as victory. They would cut this Nation in half, into those temporarily better off and those worse off than before, and they would call that division "recovery." (Applause)

We should not be embarrassed, or dismayed, or chagrined if the process of unifying is difficult, even wrenching at times. Remember that unlike any other Party, we embrace men and women of every color, every creed, every orientation, every economic class.

In our family are gathered everyone from the abject poor of Essex County in New York to the enlightened affluent of the Gold Coast at both ends of the Nation and in between is the heart of our constituency—the middle class, the people not rich enough to be worry-free but not poor enough to be on welfare. (Applause)

The middle class, those people who work for a living because they have to, not because some psychiatrist told them it was a convenient way to fill the interval between birth and eternity. (Applause)

White collar and blue collar, young professionals, men and women in small business desperate for the capital and contracts that they need to prove their worth.

We speak for the minorities who have not yet entered the mainstream. We speak for ethnics who want to add their culture to the magnificent mosaic that is America. (Applause)

We speak for women who are indignant that this Nation refuses to etch into its governmental commandments the simple rule "thou shalt not sin against equality," a rule so simple—I was going to say, and I perhaps dare not, but I will—it is a commandment so simple it can be spelled in three letters: E-R-A! (Applause) (Chants of E-R-A!)

We speak for young people demanding an education and a future. (Applause)

We speak for senior citizens. We speak for senior citizens who are terrorized by the idea that their only security, their Social Security, is being threatened. (Applause)

We speak for millions of reasoning people fighting to preserve our environment from greed and from stupidity, and we speak for reasonable people who are fighting to preserve our very existence from a macho intransigence that refuses to make intelligent attempts to discuss the possibility of nuclear holocaust with our enemy. (Applause) They refuse. They refuse because they believe we can pile missiles so high that they will pierce the clouds and the sight of them will frighten our enemies into submission.

Now, we are proud of this diversity as Democrats. We are grateful for it. We don't have to manufacture it the way the Republicans will next month in Dallas by propping up mannequin delegates on the convention floor. (Applause)

But we, while we are proud of this diversity, we pay a price for it. The different people that we represent have different points of view, and sometimes they compete and even debate and even argue. That is what our primaries were all about.

But now the primaries are over and it is time, when we pick our candidates and our Platform here, to lock arms and move into this campaign together. (Applause)

If you need any more inspiration to put some small part of your own difference aside to create this consensus, then all you need to do is to reflect on what the Republican policy of divide and cajole has done to this land since 1980.

Now, the President has asked the American people to judge him on whether or not he has fulfilled the promises he made four years ago. I believe as Democrats we ought to accept that challenge, and just for a moment let us consider what he has said and what he has done.

Inflation is down since 1980, but not because of the supply-side miracle promised to us by the President. Inflation was reduced the old fashioned way, with a recession—the worst since 1932. (Applause)

Now, we could have brought inflation down that way. How did he do it? Fifty-five thousand bankruptcies; two years of massive unemployment; 200,000 farmers and ranchers forced off the land; more homeless—more homeless than at any time since the Great Depression in 1932; more hungry, in this Nation of enormous affluence, the United States of America, more hungry; more poor—most of them women; and he paid one other thing, a nearly $200 billion deficit threatening our future. (Applause)

Now, we must make the American people understand this deficit because they don't.

The President's deficit is a direct and dramatic repudiation of his promise in 1980 to balance the budget by 1983. How large is it? The deficit is the largest in the history of the universe. President Carter's last budget had a deficit less than one-third of this deficit. It is a deficit that according to the President's own fiscal advisor may grow to as much as $300 billion a year for as far as the eye can see.

And ladies and gentlemen, it is a debt so large that almost one-half of the money we collect from the personal income tax each year goes just to pay the interest. It is a mortgage on our children's futures that can be paid only in pain. And that could bring this Nation to its knees.

Now, don't take my word for it. I am a Democrat. Ask the Republican investment bankers on Wall Street what they think the chances of this recovery being permanent are. (Applause) You see, if they are not too embarrassed to tell you the truth, they will say that they are appalled and frightened by the President's deficit.

Ask them what they think of our economy now that it has been driven by the distorted value of the dollar back to its colonial condition—now we are exporting agricultural products and importing manufactured ones.

Ask those Republican investment bankers what they expect the rate of interest to be a year from now. And ask them, if they dare tell you the truth, you will learn from them what they predict for the inflation rate a year from now—because of the deficit.

Now, how important is this question of the deficit? Think about it practically: what chance would the Republican candidate have had in 1980 if he had told the American people that he intended to pay for his so-called economic recovery with bankruptcies, unemployment, more homeless, more hungry, and the largest government debt known to humankind? If he had told the voters in 1980 that truth, would American voters have signed the loan certificate for him on election day? (A chorus of noes) Of course not! That was an election won under false pretenses. It was won with smoke and mirrors and illusions, and that is the kind of recovery we have now as well. (Applause)

What about foreign policy?

They said that they would make us and the whole world safer. They say they have: by creating the largest defense budget in history—one that even they now admit is excessive; by escalating to a frenzy the nuclear arms race; by incendiary rhetoric; by refusing to discuss peace with our enemies; by the loss of 279 young Americans in Lebanon in pursuit of a plan and a policy that no one can find or describe. (Applause)

We give money to Latin American governments that murder nuns, and then we lie about it. (Applause)

We have been less than zealous in support of our only real friend, it seems to me, in the Middle East, the one democracy there, our flesh and blood ally, the state of Israel. (Applause)

Our policy, our foreign policy drifts with no real direction other than an hysterical commitment to an arms race that leads nowhere—if we are lucky—and if we are not, it could lead us into bankruptcy or war.

Of course we must have a strong defense! Of course Democrats are for a strong defense. Of course Democrats believe that there are times that we must stand and fight—and we have. Thousands of us have paid for freedom with our lives, but always, when this country has been at its best, our purposes were clear. Now they are not. Now our allies are as confused as our enemies.

Now we have no real commitment to our friends or to our ideals, not to human rights, not to the refuseniks, not to Sakharov, not to Bishop Tutu and the others struggling for freedom in South Africa. (Applause)

We have in the last few years spent more than we can afford. We have pounded our chests and made bold speeches, but we lost 279 young Americans in Lebanon, and we live behind sand bags in Washington.

How can anyone say that we are safer, stronger, or better? (Applause)

Now, that is the Republican record. That its disastrous quality is not more fully understood by the American people I can only attribute to the Presidents amiability and the failure by some to separate the salesman from the product. (Applause)

Now, it is up to us, now it is up to you and to me to make the case to America and to remind Americans that, if they are not happy with all that the President has done so far, they should consider how much worse it will be if he is left to his radical proclivities for another four years, unrestrained. (Applause) Unrestrained. (Applause)

Now, if July brings back Anne Gorsuch Burford, what can we expect of December? (Applause)

Where would another four years take us? Where would four years more take us? How much larger will the deficit be? How much deeper the cuts in programs for the struggling middle class and the poor to limit that deficit? How high will the interest rates be? How much more acid rain killing our forests and fouling our lakes?

And ladies and gentlemen, please think of this. The Nation must think of this. What kind of Supreme Court will we have? (Applause)

We must ask ourselves what kind of Court and country will be fashioned by the man who believes in having government mandate people's religion and morality; the man who believes that trees pollute the environment (Laughter); the man that believes that the laws against discrimination, against people, go too far; the man who threatens Social Security and Medicaid and help for the disabled.

How high will we pile the missiles?

How much deeper will the gulf be between us and our enemies?

And, ladies and gentlemen, will four years more make meaner the spirit of the American people?

This election will measure the record of the past four years. But more than that, it will answer the question of what kind of people we want to be.

We Democrats still have a dream. We still believe in this Nation's future, and this is our answer to the question. This is our credo:

We believe in only the government we need, but we insist on all the government we need. (Applause)

We believe in a government that is characterized by fairness and reasonableness—a reasonableness that goes beyond labels, that doesn't distort or promise to do things that we know we can't do.

We believe in a government strong enough to use words like love and compassion and smart enough to convert our noblest aspirations into practical realities. (Applause)

We believe in encouraging the talented, but we believe that while survival of the fittest may be a good working description of the process of evolution, a government of humans should elevate itself to a higher order. (Applause)

Our government, should be able to rise to the level where it can fill the gaps that are left by chance or by a wisdom we don't fully understand.

We would rather have laws written by the patron of this great city, the man called "the world's most sincere Democrat," St. Francis of Assisi, than laws written by Darwin. (Applause)

We believe, we believe as Democrats, that a society as blessed as ours, the most affluent democracy in the world's history, one that can spend trillions on instruments of destruction, ought to be able to help the middle class in its struggle; ought to be able to find work for all who can do it; room at the table; shelter for the homeless; care for the elderly and infirm; and hope for the destitute.

And we proclaim as loudly as we can, the utter insanity of nuclear proliferation and the need for a nuclear freeze, if only to affirm the simple truth that peace is better than war because life is better than death. (Standing ovation)

We believe in firm, we believe in firm but fair, law and order. We believe proudly in the union movement. (Applause)

We believe, we believe in privacy for people, openness by government. We believe in civil rights, and we believe in human rights. (Applause)

We believe in a single, we believe in a single, fundamental idea that describes better than most textbooks, and any speech that I could write, what a proper government should be. The idea of family, mutuality, the sharing of benefits and burdens for the good of all: feeling one another's pain; sharing one another's blessings reasonably, honestly, fairly—without respect to race or sex or geography or political affiliation.

We believe we must be the family of America, recognizing that at the heart of the matter we are bound one to another, that the problems of a retired school teacher in Duluth are our problems. (Applause) That the future of the child in Buffalo is our future. (Applause) That the struggle of a disabled man in Boston to survive and live decently is our struggle. (Applause) That the hunger of a women in Little Rock is our hunger. (Applause) That the failure anywhere to provide what reasonably we might, to avoid pain, is our failure. (Applause)

For 50 years, for 50 years, we Democrats created a better future for our children using traditional Democratic principles as a fixed beacon, giving us direction and purpose, but constantly innovating, adapting to new realities: Roosevelt's alphabet program; Truman's NATO and the GI Bill of Rights; Kennedy's intelligent tax incentives, and the Alliance for Progress; Johnson's civil rights; Carter's human rights, and the nearly miraculous Camp David Peace Accord. (Applause)

Democrats did it. (Applause) Democrats did it, and Democrats can do it again. We can build a future that deals with our deficit.

Remember this, that 50 years of progress under our principles never cost us what the last four years of stagnation have. (Applause) And we can deal with the deficit intelligently by shared sacrifice with all parts of the Nation's family contributing, building partnerships with the private sector, providing a sound defense without depriving ourselves of what we need to feed our children and care for our people.

We can have a future that provides for all the young of the present by marrying common sense and compassion.

We know we can, because we did it for nearly 50 years before 1980, and we can do it again if we do not forget, if we do not forget that this entire Nation has profited by these progressive principles, that they helped lift up generations to the middle class and higher, that they gave us a chance to work, to go to college, to raise a family, to own a house, to be secure in our old age, and before that, to reach heights that our own parents would not have dared dream of.

That struggle to live with dignity is the real story of the shining city, and it is a story, ladies and gentlemen, that I didn't read in a book or learn in a classroom. I saw it and lived it like many of you. I watched a small man with thick calluses on both his hands work 15 and 16 hours a day. I saw him once literally bleed from the bottoms of his feet, a man who came here uneducated, alone, unable to speak the language, who taught me all I needed to know about faith and hard work by the simple eloquence of his example. I learned about our kind of democracy from my father, and I learned about our obligation to each other from him and my mother. They asked only for a chance to work and to make the world better for their children. (Applause) And they asked to be protected in those moments when they would not be able to protect themselves.

This Nation and this Nation's government did that for them, and that they were able to build a family and live in dignity and see one of their childrendden go from behind their little grocery store in south Jamaica on the other side of the tracks where he was born, to occupy the highest seat in the greatest state in the greatest Nation in the only world we know (Applause)— is an ineffably beautiful tribute to the democratic process.

And, ladies and gentlemen, on January 20, 1985, it will happen again, only on a much, much grander scale. We will have a new President of the United States, a Democrat born not to the blood of kings, but to the blood of pioneers and immigrants. (Applause)

And we will have America's first woman Vice President. (Applause) The child of immigrants. (Applause) she will open with one magnificent stroke, a whole new frontier for the United States.

Now, it will happen. (Applause) It will happen if we make it happen, if you and I make it happen.

And I ask you now, ladies and gentlemen, brothers and sisters, for the good of all of us, or the love of this great Nation, for the family of America, for the love of God, please make this Nation remember how futures are built.

Thank you, and God bless you.

(Standing ovation)

Governor COLLINS. Thank you, Governor Cuomo. (Applause) Thank you, Governor Cuomo. (Applause).

Governor CUOMO. Let me ask you one question.

Are you ready for this campaign? (a chorus of yesses) (Applause)

Governor COLLINS. Thank you, Governor Cuomo.

Let's clear the aisles, please. Would the Sergeant-at-Arms please clear the aisles?

And now, ladies and gentlemen, let's demonstrate our support for the tradition of civil rights and the memory of Dr. Martin Luther King.

I am pleased to welcome to the podium a remarkable leader in both civil rights and education. He lives and works in the great State of Alabama. He has been in the forefront of the battles for civil and human rights.

It is my pleasure to introduce the respected educator, the Chairman of the Alabama Democratic Caucus, the Honorable Joe Reed. (Applause)

While Governor Cuomo spoke glowingly of America's better side, there were other, somber, undertones. He warned of a darker spirit slowly invading our national psyche. I often think of how prophetic that ominous description was, especially during these currently difficult economic times. When Mario Cuomo spoke of his tale of two cities he was referring to a nation slowly being divided by wealth and poverty. And let me tell you, conditions have not improved since his 1984 clarion call, they have gotten worse. The growing chasm of economic disparity in this country between rich and poor has created despair in those who have not equally shared in our bounty, a mean-spiritedness in those who have been refused justice and fair treatment, and doubt in those unable to find a job in this depressed market. None of these increasingly pervasive emotions can help this country in its recovery, nor aid us in our future achievements.

It has been these unpleasantries I have been continuously reminded of during these past months as our economic recovery has faltered. I point them out to my colleagues to let them ruminate for themselves the corrective actions this country needs to take. Let us identify the true corrosive conditions creating anguish in our family members, so we may properly eradicate them and erase these destructive thoughts from our minds. But most importantly I highlight this grave situation for those who may be President; to ask for your help, to refrain from inflicting anymore needless wounds, to heal our pain and to face the daunting task ahead. I wish that person success.

TRIBUTE TO THE REVEREND DR. RICHARD W. MOSLEY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. KILDEE. Mr. Speaker, it is an honor for me to rise before you today to recognize the lifetime accomplishments of a religious fulcrum for the community of Pontiac, MI, the Reverend Dr. Richard W. Mosley of God's Tabernacle of Truth Church. On July 11, 1992, church and community members will honor the work that he has done in the name of the Lord for over 23 years.

Dr. Mosley received an honorable discharge from the U.S. Army in 1964. He attended the Detroit College of Commerce in Macomb County, MI, Wayne State University in Detroit, and has received a doctorate of divinity. In

1969, Reverend Dr. Mosley founded God's Tabernacle of Truth Church with a seven-member congregation. Since that time, the church has grown physically and spiritually through the strength and guidance of Reverend Dr. Mosley. He has been the copastor of Wings of Truth Gospel Church since 1982. Both congregations respect and appreciate the years of dedicated work he has done for his community.

Through his church, Dr. Mosley has begun scholarship and tuition assistance programs for area youths. Moreover, Reverend Mosley provides food, medication, and eyeglasses to children from needy families. The lives of hundreds of young people in Pontiac have been touched by his good works. All this he has contributed of himself, not for public recognition and acclaim. Reverend Mosley seeks only to satisfy the Lord. His community dearly loves him and has been edified through his example. He has truly been a good shepherd of his flock in the city of Pontiac.

Mr. Speaker, it is with great pride that I ask my colleagues in the House of Representatives to join me in saluting the Reverend Dr. Richard Mosley of God's Tabernacle of Truth. Our State and our community is a better place in which to live due to his good work and shining example. A true community leader, he has devoted his life to helping others for the Lord and deserves all our respect.

TRIBUTE TO LT. ELAINE M. HOGG

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. McEWEN. Mr. Speaker, Lt. Elaine M. Hogg, U.S. Navy, has completed her tour of duty as liaison officer at the Department of the Navy's Congressional Liaison Office, U.S. House of Representatives. I would like to take this opportunity to recognize her superlative accomplishments.

Hailing from Long Island, NY, Elaine was selected for this sensitive position based on her exemplary record as a naval aviator. As a CH–46 Sea Knight helicopter pilot, serving aboard the U.S.S. *Butte,* U.S.S. *Concord,* U.S.S. *Mount Baker,* and U.S.S. *Saturn,* she transferred by vertical replenishment literally thousands of tons of critical supplies to deployed ships. She never lost her calm, even while transferring pallets of supplies to ships navigating in rough seas during the night.

During her tenure as liaison officer, she proved to be instrumental in planning and flawlessly executing numerous tasks for congressional delegations which observed naval operations around the world. Elaine has been a vital link in maintaining the flow of information between the Navy and Congress. She promptly resolved thousands of sensitive congressional inquires. Elaine could always be counted on no matter how complex the task.

Elaine is respected for both her knowledge and honesty by my colleagues on both sides of the aisle. I know that they, as well as I, wish ther "fair winds and following seas."

THE RESOLUTION TRUST CORPORATION LOSS REDUCTION AND FUNDING ACT OF 1992

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. McCOLLUM. Mr. Speaker, today I introduced a bill entitled "The Resolution Trust Corporation Loss Reduction and Funding Act of 1992." The following is a section-by-section analysis of this bill:

SECTION 1. SHORT TITLE.

The Resolution Trust Corporation Loss Reduction and Funding Act of 1992.

SEC. 2. FUNDING.

The Resolution Trust Corporation Refunding and Improvement Act of 1991 is amended to eliminate the April 1, 1992 deadline for use of appropriated funds by the Resolution Trust Corporation (RTC). This frees the remaining $17 billion which was appropriated last year but not used by the RTC by the deadline.

The Secretary of the Treasury shall provide to the RTC additional funding up to $25 billion to carry out its functions until April 1, 1993.

These appropriated funds will be reduced by the amount the Secretary determines to be the net savings achieved by the supervisory goodwill buy-back program.

SEC. 3. REDUCTION OF RTC LOSSES.

A Supervisory Goodwill Buy-Back Program is established for the purpose of reducing the amount of taxpayer funds needed by the RTC and the number of savings associations closed at taxpayer expense through buying back supervisory goodwill from savings associations that would be healthy and viable but for the goodwill they received in resolving failed savings and loans in the 1980s.

This law will not affect any litigation regarding supervisory goodwill between the United States and any savings associations ineligible for the buy-back program.

A savings association qualifies for the buyback if: (1) unless it participates in the buyback, the Office of Thrift Supervision (OTS) will close it and appoint the Resolution Trust Corporation (RTC) as conservator or receiver, (2) it has supervisory goodwill on its books, (3) the Director of OTS determines it will be viable and not fail if it participates in the buy-back, and (4) it agrees to waive all claims against the Federal Government resulting from legal changes in the treatment of goodwill since the association received the goodwill.

In buying back an association's goodwill, the Director will pay the association the replacement amount from RTC funds, and in turn, the association will reduce the amount of its supervisory goodwill by the amount of the payment. The replacement amount is the lesser of (1) the amount required to make the association adequately capitalized under all fully phased-in capital requirements, and (2) an amount determined appropriate by OTS which is at least the amount of goodwill the association then has and is at most the amount it had at the enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA).

If the buy-back brings the association into compliance with fully phased-in capital standards, then it must continue to meet those standards from that time forward. Otherwise, the OTS can establish additional capital requirements as needed to ensure that the association is taking appropriate steps to meet required capital standards.

The Director shall impose an annual assessment on an association that participates in the buy-back. The assessment is for the repayment of the entire buy-back amount and begins on the date the Director determines the association to be sufficiently viable to begin paying it. The amount of the annual assessment will be determined by the Director considering the viability and profitability of the association, the amortization period for the supervisory goodwill when it was first placed on the association's books, and the amount of the buy-back.

All amounts received in repayment of the supervisory goodwill buyback will be transferred to the Secretary of the Treasury, deposited in the general fund of the Treasury and used solely for the reduction of the national debt.

No savings association may make a capital distribution or pay dividends until its buyback funds have been repaid.

The Office of Thrift Supervision (OTS) can establish additional requirements needed to ensure the safety and soundness of qualified savings associations.

The RTC shall provide the necessary funds to implement the supervisory goodwill buyback program from the funds appropriated in this bill.

For associations which OTS has already decided to close but for which the RTC has not yet been appointed conservator or receiver, the Director will determine whether they qualify for the buy-back when this bill is enacted.

FINDING AND RECOMMENDATIONS OF THE FIRST ANNUAL MENTAL HEALTH FORUM

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Ms. NORTON. Mr. Speaker, on February 3 of this year, I hosted the First Annual Congressional Mental Health Forum, along with the Coalition for Adequate Mental Health, Alcohol and Drug Abuse Services and the Washington Foundation for Psychiatry. This focus was overdue because mental health and drug abuse problems traditionally have been kept in a dark closet, hidden like a family secret not to be mentioned in public. It is time for us to bring these important issues out of the closet into the light of day.

Most existing insurance actually discriminates against individuals with mental illness. Amazingly, despite the deep concern about drug and alcohol abuse today, insurers limit access to treatment as they do for few other conditions. The result is to force the spending of millions of dollars because treatment can be provided if at all only when the problems become so serious as to require institutional treatment.

Mental illness comes in a variety of forms that plague millions of Americans. Anxiety orders, such as phobias, panic disorders and obsessive compulsive disorders, affect nearly 26 million Americans, yet 75 percent of them never seek treatment. Depression affects 11.2 million Americans—resulting in the suicides of

more than 18 children each day and 6,000 older Americans each year. Yet 90 percent of those suffering from depression can be cured in weeks with appropriate treatment. The homeless have become a reality of daily life in our cities. Thirty-three percent of them have persistent and severe mental illness and over half suffer from either alcohol or drug addictions. Many of these people were once in State mental hospitals. Having been deinstitutionalized, they have ended up on our streets, ill-equipped and unable to function independently. These statistics reveal the widespread nature of mental illness and drug abuse. Yet individuals are not receiving the treatment they need. Why? Lack of insurance coverage, lack of access to treatment, fear of stigma of mental illness, or a combination of all these things. The narrow-minded and regressive attitude that pervades the policies of our Nation's insurance companies only exacerbates what are already crises situations for many ailing individuals.

We must develop and pass legislation to improve delivery of treatment for mental illness and to make treatment more accessible to those who need it. We must actively work to eliminate discrimination against the mentally ill, particularly in the insurance industry. As the House considers the various national health care reform proposals on the table, it is especially crucial that mental health and substance abuse issues be included on the national health care agenda. Whatever proposals are ultimately adopted must require that mental health and drug abuse problems be treated as the legitimate illnesses that they are and that those who suffer these problems are able to obtain the help they need.

I am pleased to submit for my colleagues' review the findings and recommendations from this year's Congressional Mental Health Forum. I encourage my colleagues to review this insightful summary and to take stock of these ideas as they consider the larger issue of health care reform.

FIRST ANNUAL CONGRESSIONAL MENTAL HEALTH FORUM FINDINGS AND RECOMMENDATIONS

FINDINGS

The Forum identified pervasive discrimination in the delivery of treatment services to victims of mental illness and substance addiction. Discrimination is perpetuated in coverage and benefits, by third party payers and under self-insurance schemes. Federal subsidies discriminate along with federal financing guidelines. Discrimination exists in programs such as Medicare and Medicap and extends to Health Maintenance Organizations, CHAMPUS and to virtually all federally approved or supported treatment settings.

A few examples of how such discrimination is manifested:

I. Outpatient Care and Hospitalization. Patients diagnosed with the most severe forms of mental illness or substance addiction, unlike all other patients, are not afforded treatment on the basis of medical or psychological necessity. They are limited to artificial, arbitrary and unjustified restrictions imposed by insurance companies, managed care providers and governmental agencies.

["We need the decision about treatment to be based on the condition of the patient, not on the basis of some arbitrary law or insurance contract which is not clinically based."][1]

["Where the 20 visit number comes from is a mystery. Twenty visit outpatient coverage is like adopting a rule that says all surgery must stop after one hour."]

II. More Enlightened State Policy. Policies of many states, including the District of Columbia and Maryland, require access to health care for victims of mental disease and substance addiction. These state-imposed mental illness benefits may be avoided under federal ERISA provisions. Moreover, virtually all proposals pending in Congress which purport to improve access to health care preempt these more generous state policy mandates and perpetuate discriminatory benefits.

III. Pre-Existing Conditions. A history of mental illness or substance abuse stigmatizes victims through unfair disclosure requirements and bars them from access to adequate health care unlike victims of other health problems.

["People who need treatment will not seek treatment because they are fearful of the future impact on their insurability; people diagnosed with depression cannot get life insurance."]

IV. Managed Care. Managed care including the HMO settings and utilization review strategies unjustifiably preempt medically necessary treatment of serious mental disease and substance addiction. The lack of review standards further exacerbates such discrimination.

["Accountability should be placed across the board; utilization review companies and managed care companies have to be brought out into the open. The cost to us, the patients in terms of truncated treatment, treatment aborted, treatment interfered with is enormous. Then there is the cost in terms of paperwork, of an extra-percentage of the health care dollar going to forms and to these utilization reviews."]

["Many of the most seriously ill patients cannot get care in the HMO's."]

["There are no published review standards."]

V. Cost—A Myth Used to Justify Discrimination. Is there a scientific basis supporting the premise that non-discriminatory treatment for mental illness costs proportionately more than the treatment of other illnesses? Not according to most studies. Too often one hears the argument that the reason for discriminating against the delivery of mental illness services is the cost. Somehow the cost of these services as compared with services for other illnesses, it is urged, justifies artificial caps and treatment interruptions. But there is no data supporting this premise. In fact, there is a strong scientific case that costwise, non-discriminatory treatment of mental-based disease does not inflate costs.

["By diagnosing and treating mental illness early, there is a strong likelihood that there will be less treatment of other illnesses later. Further, there is increasing recognition that treatment of mental illnesses plays a substantial role in mitigating other diseases including heart disease."]

["Studies support the notion that affording mental treatment based on "medical or psychological necessity" and without discrimination is cost effective."]

["Another aspect of this issue has to do with the reduction in more costly hospitalization by providing non-discriminatory coverage for less costly office treatment."]

VI. All Health Access Proposals Now Pending in Congress Would Perpetuate Discrimination. Without exception, every health care access proposal now pending in Congress flatly discriminates against treatment programs for victims diagnosed with mental diseases and substance addiction.

At best, these proposals provide a few outpatient visits and some hospitalization for victims of the most severe mental disorders. For mental disease, not one of the pending proposals employs a treatment access standard based upon medical psychological necessity, as they do for other medical problems.

RECOMMENDATIONS

1. All Relevant Committees of Congress as a high priority should examine the issue of health care discrimination against victims of mental illness and substance addiction, conduct hearings and otherwise employ their resources to end such discrimination.

2. Model legislation should be developed and enacted specifically to eliminate existing discrimination in the delivery of mental illness and substance abuse services.

3. Pending legislation should be amended to eliminate and correct those provisions which perpetuate discrimination in access to health care by victims of mental illness and substance addiction.

[1] Quotations in brackets are from expert testimony at the Forum proceedings which have been transcribed. Copies of transcripts are available. Contact CAMADAS—(202) 682-6270.

REFORM THE SUPERFUND LAW

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. OWENS of Utah. Mr. Speaker, I rise to introduce legislation to reform the Comprehensive Environmental Response, Compensation, and Liability Act, which is commonly known as the Superfund law.

The Superfund law is a super disappointment. This law was supposed to ensure cleanup of contaminated hazardous waste sites and to make polluters responsible for cleaning up the contamination. In practice, the Superfund law has wasted public resources while private lawyers and consultants clean up at the bank.

The Superfund law has been on the books for more than 10 years and Congress has appropriated billions of dollars for the Superfund Program. Despite the time and money that has gone into the program, only about 70 sites out of the most contaminated sites have been fully cleaned up. That's only 5 percent of the more than 1,200 Superfund sites identified by EPA as the most serious threats to public health and the environment.

A 5-percent return over a 10-year period would be unacceptable to most businesses. When the health and safety of our citizens and the protection of our environment is at stake, a 5-percent cleanup rate is not only intolerable but also a tragic failing that must be corrected.

The Superfund law was also intended to make polluters pay for the environmental damage they cause. No doubt some real polluters get caught in the Superfund liability net. But the law has also been used to force innocent parties to pay for cleanup of contaminated waste sites.

Under the Superfund law's strict liability scheme, it's been said that "no good deed

goes unpunished." The experiences of two Utah businessmen who I know personally provide graphic illustrations of how Superfund unfairly punishes individuals and businesses for wrongs they did not commit.

One of the Superfund law's victims, David Early, owns several auto service centers. Over the years, used oil from these centers was sent to Ekotech for recycling. Ekotech was licensed by the State of Utah as a recycling facility, and this company picked up used oil from Mr. Early's auto centers for that purpose. Subsequently, Ekotech ceased operations and its property was discovered to be contaminated.

Last year, the Ekotech property became a Superfund site and EPA identified Mr. Early as a party responsible for cleanup of the site. It did not matter that he did nothing illegal or negligent that caused the Ekotech site to become contaminated. All that mattered was that used oil from David Early's auto centers had ended up at the site and that Mr. Early had money and Ekotech didn't.

Nor did Mr. Early's innocence prevent EPA from treating him like a criminal. EPA told Mr. Early that if he did not contribute to the cleanup of the Ekotech site by April 30 of this year, he would face penalties of $25,000 per day. Not surprisingly, Mr. Early agreed to contribute to the Ekotech cleanup.

Another of my constituents, Kevin Steiner, now finds himself in a predicament similar to Mr. Early's. Only Mr. Steiner has the misfortune to be identified as a potentially responsible party at one of the most costly Superfund sites in the country, the Lowry landfill in Colorado. The estimated cost of cleaning up this site ranges as high as $4.5 billion. So even though the waste the Steiner Corp. sent to the Lowry landfill is a fraction of a percent of the total, the company must pay hundreds of thousands of dollars in cleanup costs.

What did the Steiner Corp. do to incur this liability? Did the company break the law? Did it dump toxic waste at the Lowry landfill? The answer to both these questions is "no."

Steiner, a linen supply company, hired licensed carriers to ship about 75,000 gallons of dirty wash water that was eventually deposited at the Lowry landfill. This waste water was a mixture of dirt, sand, lint and other by-products from Steiner's washing of textiles.

Mr. Steiner would like to fight the EPA but he cannot take the risk because, if he loses, his company could be forced to pay hundreds of millions of dollars in cleanup costs. In order to protect his rights, Mr. Steiner would have to bet the ranch and he can't afford that gamble.

Every Member of Congress has probably heard similar stories from constituents about the inherent unfairness of the Superfund law. The fact that these stories are common shows that the Superfund liability scheme must be reformed.

Congress needs to make the Superfund law fairer, so that innocent parties like Mr. Early and Mr. Steiner are not caught up in the Superfund liability net. And Congress needs to make the Superfund law work more effectively so that more than a handful of contaminated sites are cleaned up each year.

The legislation I am introducing today is designed to do just that. First, it changes the liability standard so that only real polluters pay for Superfund cleanups. Parties who violated applicable environmental laws or negligently disposed of hazardous waste would remain fully liable for cleanup. But parties who complied with all legal requirements and were not negligent in disposing of their wastes would no longer be required to pay for cleanup merely because their wastes ended up at a contaminated site.

My bill also contains provisions that would speed up cleanups at Superfund sites. Instead of spending years determining the appropriate cleanup levels before active cleanup even begins, my bill requires EPA to develop cleanup standards that would answer the "how clean is clean" question upfront, so cleanup would get underway sooner. And, to ensure that cleanup proceeds expeditiously, EPA would also establish deadlines for responsible parties to design and implement a remedy for the site.

Finally, my bill provides additional revenue to fund cleanups at Superfund sites by expanding the coverage of the corporate environmental tax currently used to provide part of the funding for Superfund cleanups. This will be a fairer means of ensuring that EPA has sufficient funding to conduct cleanups than its current practice of shaking down innocent parties like Mr. Early and Mr. Steiner and forcing them to remedy environmental problems they did not cause.

The legislation I am introducing today is itself a remedy for the deficiencies in the Superfund Program. It's time to clean up Superfund so that it can accomplish the objectives Congress intended the law to achieve.

BALANCED BUDGET AMENDMENT

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Mr. STENHOLM. Mr. Speaker, I would like to submit additional explanatory materials regarding House Joint Resolution 290, the balanced budget amendment to the Constitution, for the permanent RECORD of June 10, 1992. It is my hope that this information will make the record on the amendment complete.

The most important document is a memo answering several questions raised by Budget Committee Chairman LEON PANETTA regarding the substitute amendment that I offered on behalf of Representatives BOB SMITH, TOM CARPER, OLYMPIA SNOWE, and JIM MOODY. Chairman PANETTA and I agreed that this information would be submitted for the RECORD at the point of a colloquy between Mr. PANETTA and myself, on June 10, on the questions. I am also submitting for the RECORD several editorials by columnists George Will and Michael Kinsley, as well as information on the national debt prepared by the National Taxpayers Union.

ANSWERS TO THE "TOUGH QUESTIONS"—SUBMITTED BY CHAIRMAN LEON PANETTA ABOUT THE STENHOLM-SMITH-CARPER-SNOWE-MOODY BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

(By Congressman Charles W. Stenholm)

Is the text in the Record (of June 9, 1992) the final version?

That certainly is the intent of the principal authors, with the caveat that two errors need to be corrected that are purely typographical:

First, H.J. Res. 290, as introduced, was printed without most of the Resolving clause; this, of course, is boilerplate, and will be restored to the official text of the substitute that is sent to the desk. Obviously, there will be no surprises here.

Second, the word "principal" was misspelled in section 7. We wanted to make sure to get the final text in the Congressional Record for June 9, to make sure that our colleagues—and all other interested parties—had the maximum amount of time possible to review the amendment. This way, all members will have had two full days to review the language of the substitute before we vote on it.

I want to re-emphasize that the substitute makes no substantial changes in the joint resolution, as introduced.

SECTION 1

1. What is a "specific excess of outlays over receipts"? Is this a set amount for the entire year or does this refer to each bill that might cause a deficit?

The exact nature and amount of the "specific excess of outlays over receipts", and the legislative vehicle which will carry it into law, is going to depend on several things.

Most important of those is the final design of the legislation that will implement and enforce this amendment, which I expect the Chairman of the Budget Committee will have a pivotal role in shaping. Whether the excess to be voted on is contained in a single bill or set out piecemeal in more than one bill will be determined the way any such procedure should be, in that implementing legislation.

In general, at its parameters, this language requires Congress to vote on the specific, maximum, allowable amount of the deficit for the fiscal year in question. That excess amount needs to be approved by three-fifths of the whole number of members of both Houses and presented to the President for signature or veto. As is obvious from the context of the rest of Section 1, which addresses measuring total outlays of one fiscal year against total receipts for the same fiscal year, the excess would be approved for no more than that same fiscal year.

One additional procedure will be obvious. After a fiscal year has begun, all appropriations and any other direct spending laws for that year have been enacted, and either a balance has been planned or a deficit amount already approved, an additional exigency may raise the possibility of an additional excess. For example, a natural disaster may occur, an economic downturn may increase certain benefit payments, armed hostilities may erupt, or some other emergency may arise. At that point, Congress and the President must decide—much as they do today under the pay-as-you-go process in the 1990 Budget Enforcement Act—whether this unanticipated need should be met by rescinding other planned spending or by approving a specific, additional excess amount of outlays. The former option may be approved by a simple majority and the latter by a three-fifths majority of each House.

SECTION 2

1. The gentleman refers to the "limit on the debt held by the public." What does this mean? Does this establish a whole new test for the debt limit? What happens to debt held by trust funds?

As the Chairman of the Budget Committee knows, "* * * debt of the United States held

by the public * * * " is a widely used and understood measurement tool. The Congressional Budget Office defined "publicly held federal debt" in its 1992 Economic and Budget Outlook: Fiscal Years 1993–1997 book as "Debt issued by the federal government and held by nonfederal investors (including the Federal Reserve System)." The "debt held by the public" differs from the gross federal debt or the "public debt", in that it does not include the securities issued to government trust funds.

The amendment would establish a new statutory limit on debt held by the public which would require a three-fifth vote to increase. Congress may or may not wish to continue to set by statute a limit on the public debt. Congress may choose to include an increase in the current, statutory limit on public debt in legislation to increase the debt held by the public (which would require a three-fifths vote), or choose to continue passing increases in the public debt in separate legislation (which would require a simple majority). (A separate increase in the public debt, which would reflect primarily just trust fund surpluses in the future, would become a more ministerial, less controversial, function.)

The authors of the amendment chose to use the formulation "debt held by the public" because we did not wish to require a three-fifths vote when a trust fund surplus necessitates an increase in the public debt. In addition, common sense suggests, and CBO states, that the most appropriate benchmark to use is debt held by the public, the federal government's borrowing from all non-federal-government sources.

SECTION 3

1. The gentleman requires that "a" balanced budget be submitted "prior to each fiscal year." Could the President submit an unbalanced budget in January or February, and then wait until September 30th to submit a document that purports to be a balanced budget?

The amendment does not change existing statutory provisions establishing a deadline for submission of the President's budget. As the Chairman knows, the current statutory deadline is in February. Our amendment provides simply that Congress could not enact a statutory deadline for submission of the President's budget later than the beginning of the fiscal year.

SECTION 4

1. What is "a bill to increase revenue"? Is this a net test or a gross test?

The clear intent of the amendment is to look at the overall revenue effect of a bill. Section 4 therefore requires a net test. For a further definition, see the following question.

2. Why does the gentleman use the word "receipts" in section 1 and "revenue" in section 4? What is the difference in meaning, if any?

Our amendment uses the words "receipts" and "revenue" in exactly the same way the Constitution already does.

In Article I, Section 9, Clause 7, "Receipts" are treated as a quantitative description of money received by the Treasury in consequence of the exercise of the government's sovereign power to compel payments to the Treasury. That clause states, in part: "* * * a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

In Article I, Section, 7, "Revenue" is described as the subject of legislation enacted by Congress setting or changing tax rates, tax bases, fee structures, formulas for fines, and other such policies. That section begins: "All Bills for raising Revenue shall originate in the House of Representatives. * * *"

Our intent is that these words mean the same things in our amendment as they already do elsewhere in the Constitution.

Obviously, a "bill to increase revenue" is legislation that would make a change in law calculated on a net basis to raise more revenue than current policy at any given time.

3. What would the test be for the President's capital gains proposal, which cuts tax rates but which, according to OMB, raises revenues? Is it subject to this requirement?

This essentially represents a decision about scorekeeping and scorekeepers that would have to be resolved in implementing legislation.

4. If a single tax provision has the effect of reducing revenues in one fiscal year and raising them in another, is that provision subject to this section? Does it matter in which fiscal year the increase would occur?

The intent of the provision is to measure the revenue impact of a tax bill over the period of time most relevant for the purposes of scoring the legislation. This, too, is obviously the type of procedure best established in implementing legislation. Under current law, the five year period over which CBO scores spending and tax legislation normally would apply, except in instances in which legislation has an obvious revenue impact that will not occur until after the five year window.

SECTION 5

1. The gentleman states that the Congress may waive the provisions of this article for any fiscal year when there is a declaration of war in effect. Does this mean that this can be done by concurrent resolution, without Presidential involvement?

No. Article 1, Section 7 of the Constitution provides that "Every Order, Resolution or Vote to which the Concurrence of the Senate and the House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States" for signature or veto. Generally, this clause also has been interpreted to exempt from presentment to the President legislation passed by both Houses in concurrence that has no impact beyond the internal operations of either House, such as the committee targets set out in a budget resolution. Therefore, a Congressional waiver of the amendment during a declared war would have to be submitted to the President for his signature or veto.

2. Would the gentleman share with the House the meaning of the second sentence in this section, relating to national security?

The waiver is not a waiver for any threat to national security, but for a threat to national security caused by a military conflict. This provision would apply only to an engagement of military forces in active hostilities. Congress would be given appropriate discretion in deciding when a military conflict constituted an "imminent and serious military threat to national security" under the plain meaning of this phrase.

3. Would the "cold war" meet the test for this national security waiver? If not, why not?

The cold war clearly would not meet the requirement for a waiver under Section 5 under any reasonable interpretation of the language. As I stated in response to the previous question, the operative language in Section 5 is "military conflict", which requires that military forces be engaged in active hostilities.

4. What about Grenada, Panama, Kuwait, or the reflagging effort several years ago?

The provisions could have been waived, one fiscal year at a time, if U.S. military forces were engaged in active hostilities, as they were in Grenada, Pamama and Kuwait. In each of those instances, Congress would have had the responsibility to decide whether or not the military conflict resulted in an increase in expenditures and an imminent threat to national security significant enough to necessitate waiving the provisions of this article by a joint resolution. For example, Congress could have chosen to include a waiver of the amendment in H.J. Res. 62, the joint resolution authorizing Desert Storm, if it was the will of the House and Senate to do so.

SECTION 6

1. Does this section modify section 1, so that the requirement is not actual outlays against actual receipts, as in section 1, but estimated outlays against estimated receipts?

Section 6 clarifies that Congress has the flexibility to rely on reasonable estimates when appropriate in complying with section 1. Over the course of the year, outlays may not exceed receipts unless specifically approved under the terms of section 1. On the other hand, a temporary dip in receipts or jump in outlays need not trigger a sequester, rescission or other offsetting action it is reasonable to assume that such a "glitch" will be offset in the near-term by normal economic or budgetary fluctuations.

2. Could the legislation provide for measuring estimated receipts against actual outlays or actual receipts against estimated outlays, or must it be both estimated outlays and estimated receipts?

The provision does not require that Congress utilize estimated outlays or estimated receipts. It allows Congress the discretion to rely on estimates in, or pursuant to, implementing and enforcing legislation, where appropriate. There are certain cases in which Congress almost certainly would wish to rely on estimates, and others in which actual measurements are more appropriate. For example, under Gramm-Rudman-Hollings, a sequester would be triggered by aggregate estimates of outlays, while the sequester itself would affect actual amounts of specific outlays.

3. Whose estimates would these be?

Estimates would be determined and used pursuant to legislation passed by Congress to implement and enforce the amendment, as has been the case under the 1974 Budget Act, Gramm-Rudman-Hollings, and the 1990 Budget Enforcement Act.

Congress has various options for the procedure it may use in establishing estimates. This is an issue most appropriately addressed in implementing legislation. It is the expectation of the authors of the amendment that any implementation legislation will include a mechanism for arriving at accurate and responsible estimates.

4. What is the constitutional requirement if the Congress does not adopt the legislation contemplated in this section? Is the test then actual receipts and actual outlays?

This section creates a positive obligation on the part of Congress to enact appropriate implementing and enforcing legislation. If Congress does not pass implementing and enforcing legislation, it has made a decision by default not to utilize estimates as provided for in Section 6. In this unlikely event that there was no clarifying legislation, section 1 would provide for a test of actual receipts and outlays.

OTHER

1. The gentleman does not include a time limit on ratification, as he did in the 101st Congress version of a balanced budget amendment, in either the text of his amendment in the Record in the introduced bill. In light of the recent experience with the 27th amendment, does he intend to do so?

Yes. As noted above, the resolving clause, which includes the time limit, was inadvertently omitted from the text of the amendment as introduced. The customary 7-year limit will be included in the final text of the amendment that is offered at the desk as a substitute.

2. What does the gentleman contemplate with respect to the issue of whether the amendment gives the President impoundment authority?

The amendment does not broaden in any way the current powers of the President. Absent some other process being legislated, the President would have the same non-discretionary duty to order that no funds be disbursed from the Treasury, at the point in time when actual outlays would otherwise exceed the maximum amount allowed, just as the President has such a duty today in the event appropriations have not been enacted in time to keep programs going. This does not envision in any way any sort of discretionary impoundment power on the part of the President or courts. The President could not order that funding for certain programs be halted while allowing funding to continue for other programs.

3. What does the gentleman think the role of the court would be in enforcing the amendment?

4. Who would have standing to sue under this amendment? What about taxpayers or Members of Congress?

5. Professor Tribe of Harvard and Professor Dellinger of Duke advised the Senate Budget Committee that taxpayers probably would have standing. Do you think they are wrong? Do you think taxpayers shouldn't have standing?

6. What kinds of remedies will be available to the courts to enforce this amendment? Could they enjoin passage of legislation that would cause a deficit?

These four questions are answered completely and eloquently in a memo prepared by Joseph Morris of the Lincoln Legal Foundation. I am inserting this memo for the record. This memo accurately states both the intent and the understanding of the authors of the amendment as to how our amendment will operate in this regard.

The attachment memo concludes, ". . . It is our view that there is virtually no danger that the constitutional balanced budget amendment contemplated by H.J. Res. 290 would cede the power of the purse to a runaway judiciary. . . If ratified and made part of the Constitution, the balanced budget amendment would retain responsibility and accountability for all Federal outlays squarely to the Congress.

THE LINCOLN LEGAL FOUNDATION,
Chicago, IL, June 5, 1992.

Hon. L.F. PAYNE
House of Representatives, Washington, DC.

DEAR MR. PAYNE: On behalf of the Lincoln Legal Foundation, let me extend my thanks to you for providing this opportunity to comment on the proposed Balanced Budget Amendment outlined in H.J. Res. 290. We at the Foundation take pride in serving as advocates for the broad public interest in defending liberty, free enterprise, and the separation of powers. It is in this capacity that we have undertaken our evaluation of the proposed Amendment.

We have confined our remarks to the prospects for judicial enforcement of the Balanced Budget Amendment. Critics have charged that the Amendment will unleash an avalanche of litigation, thereby paving the way for the micro-management of budgetary policy by the federal judiciary. As defenders of the Madisonian system of checks and balances, we at the Foundation take such charges seriously and have scrutinized them in light of the relevant case law.

We begin with a brief overview of standing doctrine and its impact on the justiciability of the proposed Amendment. We than consider the political question doctrine and the barriers it creates to judicial review. We conclude with our recommendations for refining and implementing the Amendment.

I. STANDING UNDER THE BALANCED BUDGET AMENDMENT

Standing refers to a plaintiff's interest in the issue being litigated. Generally speaking, in order to have standing a plaintiff must have a direct, individualized interest in the outcome of the controversy at hand. Persons airing generalized grievances, common to the public at large, invariably lack standing.

Limitations on standing stem from two sources. Article III, Section II of the Constitution restricts the jurisdiction of the federal judiciary to "cases" and "controversies." As a result, only plaintiffs with a personal stake in the outcome of a particular case have standing to litigate. The general prohibition against advisory opinions also can be traced to Article III.

In addition to Article III restrictions, federal courts have outlined certain "prudential" restrictions on standing, premised on non-constitutional policy judgments regarding the proper role of the judiciary. Unlike Article III restrictions on standing, prudential restrictions may be altered or overridden by Congress.

Standing requirements under the proposed Balanced Budget Amendment will vary according to the type of litigant. Potential litigants fall into three categories: (1) Members of Congress, (2) Aggrieved Persons (e.g. persons whose government benefits are reduced or eliminated by operation of the Amendment), and (3) Taxpayers.

A. MEMBERS OF CONGRESS

The federal courts by and large have denied standing to members of Congress to litigate issues relating to their role as legislators.[1] Only when an executive action has deprived members of their constitutional right to vote on a legislative matter has standing been granted.[2]

Accordingly, members of Congress are unlikely to have standing under the proposed Balanced Budget Amendment, unless they can claim to have been disenfranchised in their legislative capacity. Assuming that Congress does not ignore the procedural requirements set forth in the Amendment, the potential for such disenfranchisement seems remote.

B. AGGRIEVED PERSONS

Standing also seems doubtful for persons whose government benefits or other payments from the Treasury are affected by the Balanced Budget Amendment. In order to attain standing, such persons must meet the following Article III requirements: (1) They must have sustained an actual or threatened injury; (2) Their injury must be traceable to the governmental action in question; and (3) The federal courts must be capable of redressing the injury.[3]

Assuming a plaintiff could meet the first two requirement, he still must show that the federal courts are capable of dispensing a remedy. Judicial relief could take the form of either a declaratory judgment or an injunction. A declaratory judgment, stating that Congress has acted in an unconstitutional manner, would do little to redress the plaintiff's injury. On the other hand, injunctive relief could pose a serious threat to the separation of powers.

For example, an injunction ordering Congress to reinstate funding for a particular program would substantially infringe upon Congress's legislative authority. Similarly, an injunction ordering all government agencies to reduce their expenditures by a uniform percentage—would undermine the independence of the Executive Branch. It is unlikely that the present Supreme Court would uphold a remedy that so blatantly exceeds the scope of judicial authority outlined in Article III.

C. TAXPAYERS

Taxpayers may have a better chance of attaining standing under the proposed Balanced Budget Amendment. Traditionally, the federal courts refused to recognize taxpayer standing. However, in 1968 the Warren Court held in Flast v. Cohen that a taxpayer plaintiff does have standing to challenge Congress's taxing and spending decisions if the plaintiff can establish a logical nexus between his status as a taxpayer and his legal claim.[4]

The logical nexus test consists of two distinct elements. First, the plaintiff must demonstrate that the congressional action in question was taken pursuant to the Taxing and Spending Clause of Article I, Section 8 of the Constitution. Second, the plaintiff must show that the statute in question violates a specific constitutional restraint on Congress's taxing and spending power.[5]

Taxpayers suing under the proposed Balanced Budget Amendment probably could meet both prongs of the logical nexus test.[6] In order to satisfy the first prong, potential litigants would have to tailor their complaint to challenge the unconstitutional enactment of a law by Congress (e.g. an appropriation bill), not the unconstitutional execution of a law by the Executive. Litigants could satisfy the second prong by demonstrating that the statute in question violates the Balanced Budget Amendment, an express restriction on Congress's taxing and spending power.

Even if a taxpayer satisfies Flast's logical nexus test, more recent opinions like Valley Forge suggest that the Supreme Court also would expect taxpayer plaintiffs to fulfill the

[1] *Harrison v. Bush*, 553 F. 2d 19 (D.C. Cir. 1977) (standing denied to a senator seeking declaratory and injunctive relief against the CIA for its allegedly unlawful activities).

[2] *Kennedy v. Sampson*, 511 F. 2d 430 (D.C. Cir. 1974) (standing granted to a senator challenging the constitutionality of the President's pocket veto).

[3] See, e.g., *Simon v. Eastern Kentucky Welfare Rights Organization*, 426 U.S. 26 (1976); and *Allen v. Wright*, 468 U.S. 737 (1984).

[4] *Flast v. Cohen*, 392 U.S. 83 (1968).

[5] *Valley Forge Christian College v. Citizens United for the Separation of Church and State*, 454 U.S. 464 (1982) (standing denied because an executive agency's sale of surplus federal land to a religious college was not an exercise of Congress's taxing and spending power).

[6] See Note, Article III Problems in Enforcing the Balanced Budget Amendment, 83 Columbia L. Rev. 1064, 1079–80 (1982).

Article III standing requirements. In other words, in order to have standing, a taxpayer would have to demonstrate that he has sustained an actual or threatened injury traceable to a specific congressional action.

In theory, a taxpayer could claim that excess spending in violation of the Balanced Budget Amendment will harm him by undermining the national economy or by increasing the national debt. However, a majority of the Supreme Court probably would find the connection between the excess spending and the alleged injuries too tenuous to grant standing. As a result, standing would be limited to taxpayers with concrete injuries, stemming directly from the congressional action in question.

II. THE AMENDMENT AND THE POLITICAL QUESTION DOCTRINE

Even if a litigant attained standing under the proposed Balanced Budget Amendment, a federal court could refuse to hear the case on the grounds that it raises a political question. The leading case with respect to political questions remains *Baker v. Carr*.[7] In *Baker*, the Supreme Court held that the constitutionality of a state legislative apportionment scheme did not raise a political question. In doing so, the Court identified a number of contexts in which political questions may arise.

Foremost among these are situations in which the text of the Constitution expressly commits the resolution of a particular issue to a coordinate branch of government. The Judicial Branch will refrain from adjudicating an issue in such circumstances. However, this textual constraint would not preclude judicial review of the proposed Balanced Budget Amendment, since H.J. Res. 290 does not assign responsibility for enforcing the Amendment to either the President or the Congress.

The Baker court also identified the following prudential considerations in deciding whether to invoke the political question doctrine as a bar to judicial review:[8]

(A) Is there a lack of discernable or manageable judicial standards for resolving the issue?

(B) Can the court resolve the issue without making an initial policy determination that falls outside the scope of judicial authority?

(C) Can the court resolve the issue without expressing a lack of respect for the coordinate branches of government?

(D) Will judicial intervention result in multifarious pronouncements on the same issue from different branches of government?

Each of these considerations creates an impediment to judicial review of the proposed Balanced Budget Amendment. In particular, courts may find the fiscal subject matter of the Amendment difficult to administer. For example, what happens if "estimates receipts" fall short of projections halfway through a fiscal year? On what data and accounting methods would the courts be expected to rely? Given the lack of concrete standards, apparently rudimentary determinations (e.g. When do "total outlays" exceed "estimated receipts"?) may prove beyond the competence of the judiciary.

Moreover, the potential judicial remedies for violations of the Amendment may undermine the separation of powers. As discussed above, various forms of injunctive relief almost certainly would infringe upon the prerogatives of Congress and the Executive Branch. Given the Supreme Court's structalistic adherence to the separation of powers doctrine in cases like *I.N.S. v. Chadha*[9] and *Bowsher v. Synar*,[10] it is almost impossible to imagine a majority of the justices on the present, or a future, Court jumping at the opportunity to become embroiled in a partisan wrangle over the size and scope of the federal budget. Instead, one would expect the Court to make every effort to avoid such an intrusion.

III. CONCLUSIONS

The constraints imposed by standing requirements and the political question doctrine by no means preclude judicial review of the Balanced Budget Amendment. Nevertheless, they do place substantial barriers to litigation. In light of these impediments the foundation believes that the prospects for a flood of new litigation and the specter of budgeting by judicial fiat have been greatly exaggerated.

The Amendment proposed in H.J. Res. 290 would clearly invite judicial review of any spending or taxing legislation purportedly enacted in violation of the formal requirements (e.g. a supermajority for increasing the debt limit, a full majority on recorded for a tax increase) set forth in the text. This is no different from the status quo, for even now we would expect a court to strike down an act that was somehow enrolled on the statute books without having properly cleared the requisite legislative process of votes, presentment, and the like.

What the Amendment would not do is to confer upon the judiciary an authority to substitute its own judgment as to the accuracy of the revenue estimates, the needfulness of taxes, or the prudence of a debt limit. The courts would merely police the formal aspects of the work of the political branches: Did they enact a law devoted solely to an estimate of receipts? Are all outlays held below that estimate? Were measures passed by requisite majorities voting, when required, on the record?

Sections 2 and 4 of the proposed amendment clearly invite only limited judicial scrutiny of this kind, and then only of the process, and not of the substance, by which the political branches have acted.

Section 3 seems to be purely hortatory, and probably provides no predicate at all for judicial action. Whatever the political ramifications of a failure on the part of a President to propose a balanced budget in any given year may be, there appear to be no legal implications whatsoever. No act of lawmaking depends in any constitutional sense upon the President's compliance with this requirement, let alone upon the substance that any such proposal may contain.[11]

Section 1 is the crucial text, then, but even here the boundaries of justifiability would be tightly limited. A purported enactment might be struck down by the courts if it provided for outlays of funds in excess of the level of estimated receipts established for the year in the annual estimates law, or if it called for such an excessive outlay without having been passed on a roll-call vote by the required super-majority, or if it attempted to avoid the balanced budget limit applicable to the fiscal year of its enactment by purporting to be within the limits of receipts estimated for another year, past or future.

But there is no basis in the text of Section 1 for a court to pick and choose among congressional spending decisions on any basis. That is, the proposed amendment would confer no authority on the judiciary to choose which appropriations would be satisfied from the Treasury and which would not, but only to say that once outlays had reached the level established in the estimates law then the officials of the Treasury must cease disbursing any additional funds.

Because Section 6 of the proposed amendment would define "total outlays" to "include all outlays of the United States Government except for those for repayment of debt principal", the amendment would abolish permanent indefinite appropriations, revolving funds, and the funds, such as the Judgment Fund, from which they are disbursed.[12] This would decisively prevent the courts from invading the Federal fisc in the guise of damages awards against the United States Government. Upon effectuation of this amendment, damages awards against the Government in all cases (except for repayment of debt principal) would have to be part of the outlays voted each year by Congress, and the current congressional practice of waiving the sovereign immunity of the United States on a blanket basis in the adjudication of various kinds of damages against the Government would have to end.

In short, it is our view that there is virtually no danger that the constitutional balanced budget amendment contemplated by H.J. Res. 290 would cede the power of the purse to a runaway judiciary. To the contrary, it would eliminate certain authorities that courts currently have to order the disbursement of Federal funds without appropriations. If ratified and made part of the constitution, the balanced budget amendment would return responsibility and accountability for all Federal outlays squarely to the Congress.

Sincerely yours,

JOSEPH A. MORRIS,
President and General Counsel.[13]

[7] 369 U.S. 186 (1962).

[8] *Baker v. Carr*, 369 U.S. at 217.

[9] 462 U.S. 919 (1983) (legislative veto held unconstitutional for violating the Bicameralism and Presentment Clauses of Article I Section 7).

[10] 478 U.S. 714 (1986) (Gramm-Rudman Deficit Reduction Act violated the separation of powers by placing responsibility for executive decisions in the hands of an officer who is subject to control and removal by Congress).

[11] Section 3 would confer constitutional dignity upon a practice that has evolved on an extra constitutional basis in this century, the submission of a Presidential budget each year. The practical and political wisdom of the practice is debatable, as is the wisdom of the contents of any particular budget. But the practice, even with the constitutional sanction that H.J. Res. 290 would give it, in no way derogates from the responsibility of Congress to account for the power of the purse or from the procedural rules adopted by the Framers for safeguarding the separation of powers respecting the fisc, such as the requirement that bills for raising revenue originate in the House of Representatives. The President would now have a constitutional duty to propose an annual balanced budget, but his submission would be only a proposal, and the existing ground rules of Articles I and II would continue to define the procedures by which laws are made and the separation of powers maintained.

[12] It is our view that this would also abolish other permanent indefinite appropriations arrangements and revolving funds as they now stand, including those for the Social Security, Medicare, and Civil Service Retirement Systems. They all involve "outlays" within the comprehensive meaning of Section 6, and so would all require affirmative congressional action for each year's disbursements. Congress could continue to provide that outlays be made on formulaic bases (e.g., as "formula payments"), but they would be subject to the total annual ceiling on outlays and mere qualification of an individual to receive a payment would no longer automatically work to raise the spending limit.

[13] I would like to thank Charles H. Bjork, a third-year law student at Northwestern University and a student intern at the Lincoln Legal Foundation, for his invaluable assistance in the preparation of this analysis.

FACTS ABOUT THE NATIONAL DEBT

In fiscal year 1993, interest on the National Debt is expected to total $316 billion.

This is:

the largest item in the budget (21% of all Federal spending).

more than the total revenues of the Federal government in 1976.

105% of Social Security payments.

$7,005 per family of four.

$6,077 million per week, $866 million per day, $601,218 per minute, or $10,020 per second.

27% of all Federal revenues.

61% of all individual income tax revenues.

The National Debt has now topped $3.9 trillion.

The Federal government has run deficits in 53 out of the last 61 years and 30 out of the last 31 years.

The national debt has increased 1240% since 1960, 620% since 1975, 329% since 1980 and 114% since 1985.

During the 1960's, deficits averaged $6 billion per year.

During the 1970's, deficits averaged $35 billion per year.

During the 1980's, deficits averaged $156 billion per year.

During the 1990's, deficits have averaged $296 billion per year.

It took over 200 years to accumulate our first trillion dollars in national debt. FY '91, FY '92, and FY '93 will increase the national debt with an additional $1 trillion.

[From the Washington Post, May 14, 1992]

THE LIBERAL CASE FOR A BUDGET AMENDMENT

(By Michael Kinsley)

"It is the Congress that tells the executive how to spend every dime," said President Bush, attacking "the spending habits of the Congress" at a Bush-Quayle fund-raiser the other day.

To call this hoary Republican bluff is one reason I'm for Sen. Paul Simon's balanced budget constitutional amendment. Each year, it declares, "the President shall transmit to the Congress a proposed budget * * * in which total outlays do not exceed total receipts." Neither Ronald Reagan nor George Bush has ever come close.

The amendment also would require Congress to enact a deficit-free budget, unless a three-fifths majority in both houses voted not to. Congress, terrified of the sour public mood, is near-certain to pass some kind of balanced budget amendment next month. But voting for a balanced budget amendment is not just a desperate short-term political expedient. For Democrats, it is good long-term politics.

The voters are hypocrites about federal spending: hating it in general, cherishing it in the particular. The deficit is the concrete expression of this voter hypocrisy. Politicians of both parties cater to it. But, by and large, it is Republicans who since 1980 have made this hypocrisy the central feature of American politics and Republicans who have benefited politically from it.

A balanced budget amendment, if it worked, might lead to lower spending or higher taxes or some combination. But at least it would lead to an honest debate. That would not just be hygienic. It would be helpful to the party that's been losing the dishonest debate of the past decade.

Of course, mere pastisan advantage is not a good enough reason to amend the Constitution. There are those who think that the goal of a balanced budget is neither necessary nor wise. And there are those who support the goal but doubt the means.

The argument against the desirability of a balanced budget has many byways, but the main point is the traditional Keynesian one that the stimulus of a deficit should be available during recessions: The proper goal is balance over the course of an economic cycle. Simon's three-fifths escape clause is intended to allow for deficits during bad times. If exercised promiscuously, this escape clause could make the amendment worthless. But the medicine is there if needed.

What's driven some liberals to support a balanced budget amendment, however, is the realization that deficit spending has become a medicine we Americans can't be trusted with. We use it when we're sick, then when we're healthy we just increase the dosage. When, inevitably, we get sick again, even gargantuan doses don't have their usual therapeutic effect. Even to use this drug properly in the future, we first will have to clear it out of our system.

The deficit also makes new forms of government activism nearly impossible. If liberal politics is to be anything more than a holding action ("reactionary liberalism," in Kevin Phillips's devastating phrase), the nation's deficit addiction must first be cured.

As a general rule the Constitution ought to dictate the procedures of democracy and the protection of individual rights, not specific policy outcomes. As Justice Holmes famously put it, "a constitution is not intended to embody a particular economic theory. * * * It is made for people of fundamentally differing views."

But have you read the Constitution lately? Many of its clauses address concerns that now seem trivial. See the Third Amendment, about quartering soldiers. We should only be so lucky that fiscal responsibility seems a passe issue in future years. And the balanced budget amendment, despite its name, is arguably procedural, not substantive. It doesn't mandate a balanced budget, but amends the legislative process to counteract the current bias against one.

Robert Reischauer, head of the Congressional Budget Office, calls the balanced budget amendment a "cruel hoax" on the public because—like Gramm-Rudman before it—it substitutes procedure for substance. It allows politicians to pretend they're addressing the deficit while actually putting off the painful slicing for later. (The amendment takes effect two years after ratification by the states, which also could take years.)

Reischauer is right that the amendment is a hoax on the public, which is not being told what a balanced budget would actually entail. But is it a cruel hoax? It would be if the three-fifths escape clause became a routine exercise. But if the amendment actually produced genuine fiscal discipline even four or five years down the road, it would be kind hoax, not a cruel one—sort of like enticing beloved relative into a drug treatment program.

It is cowardly, to be sure, for today's politician to support a balanced budget amendment instead of actually taking action toward a balanced budget. But that cowardice will catch up with them one way or another. They'll either have to face the music in four or five years or retire in order to avoid it. In fact, the balanced budget amendment could make that other constitutional cure-all term limits—superfluous.

[From the Washington Post, May 24, 1992]

PEDIGREE OF THE BUDGET AMENDMENT

(By George F. Will)

What's new? Not much. At least not in American political argument. Follow the thread of most current controversies back into American history, and you reach arguments from the 1790s. Today's argument about a constitutional amendment requiring a balanced budget rekindles an argument that engaged Madison and Jefferson against Hamilton, as William Niskanen knows.

As economics professor at Berkeley and UCLA before joining President Reagan's Council of Economic Advisers, Niskanen now is chairman of the Cato Institute and an advocate of "a new fiscal constitution." A balanced budget amendment would, he says, restore what was lost when America abandoned two linked understandings, one of the Constitution and one of fiscal morality.

During the nation's first 140 years, he says, government growth was restrained and budget discipline was maintained by a constitutional interpretation and an "informal rule." The interpretation was of Article I, Section 8's enumeration of Congress's powers. It said Congress could spend only to exercise powers specifically enumerated in Section 8.

Niskanen, in the Jeffersonian tradition, construes that section as empowering Congress to spend pursuant to "only 18 rather narrowly defined powers," few of which—establishing post offices and post roads, raising an army and navy—involve the potential for substantial expenditures. (President Jefferson, doubting the constitutionality of most public works spending, reluctantly signed the national road bill but urged Congress to initiate a constitutional amendment specifically authorizing such activities.) Strict constriction of Section 8's enumerated powers accorded with the informal rule" that government should borrow only during recessions and wars.

Niskanen's fidelity to the Madisonian motion of enumerated powers (one of Madison's last acts as president, was to veto a roads and canals bill on the ground that "such a power is not expressly given by the Constitution") may seem of merely antiquarian interest. History has long since settled the constitutional question in the Hamiltonians favor, with a permissive construction of the first of Section 8's clauses. That clause, which says Congress has the power to act for "the general welfare," has become a loophole large enough for Leviathan to stride through.

In 1936 the Supreme Court, stepping out of the way of the New Deal, formally interred the doctrine of enumerated powers. The court opened the way to the modern state by asserting that "the power of Congress to authorize appropriations of public money for public purposes is not limited by the direct grants of legislative power found in the Constitution."

Still, Niskanen notes that as late as the Eisenhower administration there was rhetorical deference to the doctrine of enumerated powers. Thus when creating the Interstate Highway System, Congress called the legislation the National Defense Highway Transportation Act, a title linking the project to the enumerated power to "provide for the common defense." Similarly, the federal government's first major education program, providing loans for college students, was called the National Defense Education Act.

Nowadays government, unlimited by constitutional enumeration of its proper purposes, permeates life, and there is no longer even a nod toward the old idea of limited congressional powers to spend. The dissolution of political and constitutional restraints on Congress has been a boon to legislative careerists. They have a permanent vocational incentive to borrow to finance

current expenditures, thereby pleasing current voters by passing burdens on to future voters.

Niskanen, says a balanced budget amendment would restore the constitutional values trampled since the overthrow of the strict construction of Congress's enumerated powers. The Constitution's substantive limits on the purposes for which Congress may spend, and the old political culture's "informal rule" about borrowing have both been abandoned. Therefore, Niskanen says, a balanced budget amendment, with more constraining rules on voting that affects budget totals, is a conservative means to achieve a traditional end: limited government.

There are two basic ways to limit a government that is based on popular sovereignty. One is by a constitution that authorizes government to exercise its powers by simple majority rule but enumerates only a narrow range of powers. The other way is to grant government a broad range of purposes, and all power necessary thereto, but to require super majorities for particularly important decisions. Niskanen says that because we have abandoned strict construction of enumerated powers, the correct road back to the constitutional goal of limited government is an amendment requiring votes of two-thirds of the membership of both houses of Congress to raise the debt ceiling or to impose a new tax or raise an existing one.

The intellectual pedigree of Niskanen's argument underscores the unconvincing nature of most opposition to the amendment. Many opponents simply assert that "it won't work." But, no one claims the current attempt to limit government is "working." And the most fervid opponents of the amendment (public employees organizations, lobbies for the elderly, cities and other grasping interests) are not fervid because they fear the amendment might be ineffectual. The intensity of their opposition testifies to their belief that the amendment would work too well to limit government.

Meanwhile, Democratic leaders defend the status quo. And if there is one absolute certainty in the entire budget debate, it is that the status quo is indefensible. Whatever happened to guts and tough choices?

Mr. Panetta and others say their package would be an attempt to bring realism into the debate. But is it wise to make spending decisions, including drastic cuts, after one or two weeks of closed-door, partisan discussions? Is this the leaderships idea of realism?

Of course not. It is cynical and unreasonable, designed not to effect any budget reform or spending control, but to frighten the balanced budget amendment's supporters. That brand of political gamesmanship is what got us into this fiscal mess to begin with.

The balanced budget amendment, on the other hand, is eminently reasonable. The amendment would take effect two years after ratification by the required 38 states, which itself is expected to take from two to three years. In other words. Congress would have four to five years to make rational, comprehensive budget reforms that gradually bring the budget into balance.

The amendment is, in fact, a fundamental change in fiscal policy. It would put an end to the idea that whenever the federal government cooks up a new spending program it can simply be tacked onto the deficit, imposing order and discipline on a body wholly lacking in either.

Best of all, the amendment would control spending by requiring that new programs be financed by new taxes or by cutting existing programs. Congress won't spend what it has to pay for because Congress hates to ask the American people for the money. That fact alone will act as a curb on spending.

In other words, the balanced budget amendment would require Congress to make tough choices. Messrs. Mitchell, Panetta and others claims to support making those tough choices, but cannot seem to get around to doing it in a Congress they run. Congress never will make those tough choices unless it is required to do so.

The Democratic leadership's gripes notwithstanding, the balanced budget amendment is sensible and effective. On this point, 277 members of the House of Representatives, including 118 Democrats, agree.

And so do the American people. In a 1990 poll taken nationwide, more than 75 percent of the respondents supported the balanced budget amendment.

Support is wide and deep, coming from every quarter except that occupied by the Democratic leadership.

Considering the troubles it has had, it would seem the leadership cannot afford to defend an indefensible system, to hold back progress on the nation's most threatening economic problem while the Congress and the country move ahead.

[From the Philadelphia Inquirer, Apr. 30, 1992]

THE TIME HAS ARRIVED FOR CONGRESS TO ADOPT A BALANCED-BUDGET AMENDMENT

(By George F. Will)

What House Speaker Tom Foley recently said would have sent shivers down Washington's spine, if it had one. He predicted the end of civilization, as Washington has known it. He predicted Congress this year would pass a constitutional amendment to require the federal government to balance its budget.

The unlikely Robespierre of this revolution is Illinois' mild-mannered Sen. Paul Simon, who calls himself a "pay-as-you-go" Democrat. With the patience learned in nearly four decades in politics, he has been visiting colleagues one at a time, warning that the federal government's gross interest costs, which were just $74 billion in fiscal 1980, are projected to be $315 billion in fiscal 1993, when interest—the rental of money—will be the largest federal expenditure.

Discerning conservatives know that huge deficits make big government cheap for current consumers of its services, thereby reducing resistance to the growth of government. Sentient liberals recognize that huge deficits involve regressive transfer payments. We are transferring $315 billion from taxpayers to buyers of Treasury bills—generally rich individuals and institutions—in America and places like Tokyo and Riyadh.

These are among the reasons why in 1986 the Senate cast 66 votes—just one short of the two-thirds needed—for a balanced-budget amendment. And in 1990 the House fell just seven votes short. Today, Congress is battered by scandal, by anti-incumbent fever and by the term-limits movement, and is bracing to be the villain in President Bush's campaign rhetoric. So a balanced-budget amendment is indeed likely to be sent to the states.

Will the necessary three-fourths of the states ratify it? Forty-nine of them—all but Vermont—operate under similar requirements. And a vote against the amendment looks like a vote for big government.

A balanced-budget amendment would serve Congress' institutional interests by requiring the president to propose a balanced budget, something neither Reagan nor Bush has come close to doing. Thus the amendment would end the tiresome presidential posturing—"Only Congress can spend money"—that places on Congress exclusive blame for deficits. In fact, in states as well as in Washington, executive branches generally determine the level of spending, and legislatures merely modify—and not very much—spending patterns.

Some people predict that a balanced-budget amendment would be used as an excuse for large tax increases. That is possible but, given today's taxaphobia, not likely.

Other people predict that an amendment would result in cuts in program X, or Y, or Z. Such predictions are implicit confessions that if Congress is forced to enforce priorities, then X, or Y, or Z will be deemed dispensable. When $400 billion deficits are permitted, marginal, even frivolous programs get funded because costs can be shoved onto future generations.

Anyway, it is wrong to make support for a constitutional change contingent on guesses about particular short-term policy consequences. A sufficient reason for a balanced-budget amendment is to impose, on both the legislative and executive branches, a regime of constitutionally compelled choices.

Simon's amendment has a clause permitting escape from restraint by vote of a supermajority. Sixty percent of the full membership of both Houses can vote an imbalanced budget for, say, countercyclical purposes.

An unsolved and perhaps ultimately insoluble problem for any balanced-budget amendment is enforcement. What will be the penalties for noncompliance? An unenforceable amendment is less a law than an expression of intention. No one, least of all conservatives, can equably contemplate involving courts in enforcement of such an amendment, and evasion of it would deepen public cynicism.

But at certain points, and this is one, the governed must simply presuppose a sufficiency of honor among the governors. Furthermore, elevating fiscal responsibility to the rank of a constitutional duty will heighten public scrutiny of budgeting behavior and will intensify public indignation about any disregard of the duty.

I have hitherto (July 25, 1982) argued against a balanced-budget amendment on the ground that it is wrong to constitutionalize economic policy. Since then there have been 2.9 trillion reasons for reconsidering—the 2.9 trillion dollars added to the nation's debt. My mistake was in considering deficits merely economic rather than political events. In fact, a balanced-budget amendment will do something of constitutional significance: It will protect important rights of an unrepresented group, the unborn generations that must bear the burden of the debts.

The Constitution is fundamental law that should indeed deal only with fundamental questions. But as the third president said, "The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves." Simon's amendment is, in Jefferson's language, an emphatic withdrawal of an authorization government has wrongly assumed.

SALUTE TO THE GRADUATING CLASS OF THE ACTION TO REHABILITATE COMMUNITY HOUSING TRAINING CENTER

HON. ELEANOR HOLMES NORTON
OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 1992

Ms. NORTON. Mr. Speaker, I would like to take this opportunity to apprise my colleagues of an outstanding vocational educational training program for young adults of the District of Columbia who aspire to enter the building trades industry.

On Friday, July 10, 1992, approximately 70 men and women will complete their training in two specialized skills-building programs conducted by the Action to Rehabilitate Community Housing [ARCH] Training Center. For many of the students the activities will symbolize their first completion of any educational program, and all are looking forward to rewarding futures in the building trades.

The trainees of ARCH's Mini Cycle 9 specialized training program for electrical house wiring are: Leroy P. Dade, Jr.; Donald Deans; Michael M. Ferguson; James A. Harris; Ernie O. Hines; David F. Jackson; Melody D. Lawson; Richard Marshall; Sean McLaughlin; Daniel Philson; John M. Quick; Erik E. Robert; Sean P. Ward; and Henry Williams.

Trainees completing the broader Cycle XI training program in the areas of floors, walls and ceilings, interior finishings, electrical wiring, weatherization, and maintenance are: Bernard Akinyode; John Atterbury; Melvin A. Barnwell; Marie A. Beal, Calvin Bellamy; Amida Betts; Walter Allen Beynum; Vashon Bolden; Claude B. Brooks; Shawn Brooks; Robert Brown; Thomas E. Brown; Calvin T. Buggs; Paul Carter; Roy A. Chapman; Clarence N. Cherry; Robert F. Conner; David R. Crowell; Ian Cruickshank; Roderick Davis; Lolita E. Fitzgerald; Christopher Franklin; William C. Greenfield; Gregory A. Henderson; Michael A. Hines; James Jackson; Clifton Johnson, Jr.; Michelle A. Johnson; Charles H. Jones; Reginald Jones; David E. King; Timothy P. King; Mauricio Lopez; Ray B. Louden; William A. Majette; Marsha L. McDowney; Jeffrey R. Moore; Stephen Morten; Randy Powell; Kevin M. Reed; Calvin L. Ridley; Joanne Rogers; Eugene Ross; Kenneth Saunders; Dennies L. Simmons; Arntae Smith; Ethel Smith; Paul A. Swann, Jr.; Joseph Thomas; Omar T. Thomas; Michael B. Walker; Thomasine Watkins; Derek A. West; Sandra Wilkinson; James E. Williams; Tanya C. Williams; and Leonard Yates.

ARCH is a program which operates under the Cooperative Employer Education Program [CEEP]. Since its beginning in 1986, as a joint venture of Pepco, District of Columbia Public Schools, and the District of Columbia Department of Employment Services, ARCH has had a profound effect on the lives, education, and well-being of the hundreds of students and the neighborhoods it serves.

Mr. Speaker, I ask my distinguished colleagues to join me in saluting the dedicated staff and leadership of ARCH, Mr. C. Duane Gautier, president of the board of directors, and Ms. Annette Banks-Moseley, executive director for their untiring efforts to bring economic independence to the residents of the District of Columbia.