EXTENSIONS OF REMARKS

A TRIBUTE TO THE IMMACULATE CONCEPTION CHURCH ON THEIR 100TH ANNIVERSARY

HON. WILLIAM O. LIPINSKI
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. LIPINSKI. Mr. Speaker, it is with great pride that I call attention to a significant event which just passed in Illinois' Fifth Congressional District, which I am privileged to represent, and that event was the combined 100th anniversary of the Immaculate Conception Church.

The Immaculate Conception Parish in 1984 celebrated their 70th anniversary and Msgr. Damasus A. Mozeris just completed his 30th anniversary as pastor of the Immaculate Conception Church. This church and Monsignor Mozeris have made significant contributions to the people of the south side of Chicago.

I join with the residents of the Fifth Congressional District in paying tribute to the Immaculate Conception Church and Monsignor Mozeris in their combined 100th anniversary. I would like to insert a detailed history of Monsignor Mozeris and the Immaculate Conception Parish into the CONGRESSIONAL RECORD.

IMMACULATE CONCEPTION CHURCH

Immaculate Conception Church at 44th and California Ave. was organized in 1914 as a national parish to serve 60 Lithuanian Families who lived in the Brighton Park District on the south side of Chicago.

On Sept. 10, 1914, Archbishop James E. Quigley appointed Rev. Anthony M. Briszko to establish the new parish. Since his ordination in 1911, Father Briszko had been an assistant at the nearby Lithuanian Parish of Holy Cross at 46th and Wood Str.

In July 1949, Father Briszko was named a Papal Chamberlain with the title Very Reverend Monsignor in recognition of his work in establishing the Lithuanian College in Rome. He died on Sept. 2, 1953 at the age of 69.

Very Rev. Msgr. Damasus A. Mozeris, vice officialis of the Archdiocesan Metropolitan Tribunal, was appointed pastor of Immaculate Conception parish on Nov. 5, 1953. Under his leadership, a new school and church were built.

At the time of the parish's golden jubilee, which was celebrated on Oct. 18, 1964, 1,600 families belonged to Immaculate Conception parish and 790 children were enrolled in the school. On Christmas Day 1964, parishioners worshipped for the first time in the new edifice. The offical ceremony of dedication, scheduled for April 1965, was postponed due to the death of Cardinal Meyer.

On Oct. 2, 1966, Archbishop John P. Cody blessed Immaculate Conception Church. The modern edifice, which occupies the southeast corner of 44th and California Ave., was designed by the architectural firm of Belli & Belli. According to "The New World" the theme of the ch., from the circular baptistry in front, to the graceful sweep of the nave towards the main altar is to emphasize the Liturgy, and the public and social nature of the Mass.

The national parish of I.C. now includes second and third generation Lithuanians as well as several hundred Lithuanian families who came to Chicago from Germany in 1949 and 1950. Families of Polish, Irish, Italian, German, Mexican, Slovak, English, French, and Bohemian descent also belong to the congregation.

Associate pastors of I.C. Church include Rev. Fabian P. Kireilis, Spritual Leader of Council 36 of the Knights of Lithuania and Rev. Robert Martinkus.

"April 15, 1939 was a most memorable day in my life—the day I was ordained a priest by the late George Cardinal Mundelein at St. Mary of the Lake Seminary."—V. Rev. Msgr. D. A. Mozeris.

On April 15, Msgr. Mozeris returned to St. Mary of the Lake Seminary, where he and his classmates of 25 years ago observed their Silver Jubilee in the main chapel of the seminary, thanking Almighty God for the many blessings He has bestowed upon them.

Msgr. Mozeris was born on December 11, 1915, to Joseph and Valeria Mozeris in Cicero, Illinois. He received his education in St. Anthony's grade school in Cicero and Quigley Preparatory Seminary. Then, he attended St. Mary of the Lake Seminary in Mundelein for six years, remaining an additional year for post-graduate study. From 1940 to 1942, he attended the Catholic University of Washington, D.C.

Msgr. Mozeris holds a Doctorate in Sacred Theology (S.T.D.) and a Master's degree in Canon Law (J.C.L.).

On June 29, 1942, Msgr. Mozeris was assigned to the Metropolitan Tribunal as Notary, with residence at Holy Name Cathedral. Nine years later, on April 11, 1951, he was named Vice-Officialis of the Metropolitan Tribunal of the Archdiocese of Chicago.

On November 3, 1953, he was named Papal Chamberlain, with the title of the very Reverend Monsignor.

On November 5, 1953, His Eminence Samuel Cardinal Stritch appointed Monsignor Damasus A. Mozeris as the new pastor. The 37 year old Monsignor, after ten years in Chancery Office work, took to his new task with great enthusiasm and zeal.

Recognizing the need for more classrooms to accommodate the ever increasing number of school children, he began the construction of a two story addition to the school. The new structure consisted of a kindergarten, parish hall, principal's office and five classrooms. The cornerstone was blessed by Monsignor Ignatius Albavicius, pastor of St. Anthony Church in Cicero, on October 31, 1954. Cardinal Stritch dedicated the new addition on October 16, 1955. Included in the $275,000 building program was the renovation of the old school.

The remodeling and redecoration of the church, convent and rectory completed, in January of 1962, Monsignor Mozeris initiated the campaign for the building of a new, permanent church. In this Golden Jubliee Year of Immaculate Conception B.V.M. Parish the dream of the courageous pioneers will become a reality as old and young will enter the new church to give thanks to God for His many and great blessings.

A HISTORY OF OUR PARISH—1964 TO 1984

Within the Church there have been changes. The Liturgy has changed. Mass is now celebrated in the language of the people. The laity now takes a more active part in the celebration of the Mass; we are no longer spectators, we are participants. The sacraments have been altered to allow us a fuller understanding of them as well a greater participation in them. The laity has been given an increasingly more important role in the Church. The history of our parish reflects the change and growth of the years since the Golden Jubilee. Following is a thumbnail synopsis of that history . . .

1964

The consecration of the new altar . . . Dec. 16.

The first Mass in the new church . . . Midnight Mass on Christmas.

1965

Albert Cardinal Meyer dies . . . April 9.

Archbishop J. P. Cody of New Orleans installed as Archbishop of Chicago . . . August 24.

Vatican Council II closes in Rome in December.

1966

The Lenten rules and regulations are relaxed . . . Feb.

Father Vito Mikolaitis leaves to become chaplain at the Motherhouse of the Sisters of St. Casimir . . . March.

Father Frank Kelpsas is transferred to St. Christina parish . . . May.

Father Joseph Gilbert is transferred to Holy Cross Parish . . . May.

We welcome Father Leonard Vaisvilas and Father Peter Paurazas . . . May.

Work begins in the conversion of the old church into the parish hall . . . August.

The new church is dedicated by Archbishop Cody . . . Oct. 2.

The Shrine of the Immaculate Conception in the new church is blessed . . . December.

1967

The Parish Lay Advisory Board is formed . . . Feb.

Project Renewal begins . . . March.

A call goes out to the men in the parish to become commentators and lectors . . . April.

Archbishop J. P. Cody is nominated to the college of Cardinals . . . June.

The finance committee is formed . . . July.

The entire Mass, including the Eucharist Prayer, is celebrated in English . . . Oct.

1968

The Advisory Board decides to hold the first Family Fun Festival . . . Jan.

The first Family Fun Festival is held . . . Feb. 23, 24, 25.

The net profit from the first Family Fun Festival is $10,800.52 . . . March.

The new funeral liturgy is announced . . . July.

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

Bishop Abramowicz is welcomed to Five Holy Martyrs Parish . . . July 21.

The Green Stamp Drive to Purchase a new station wagon for our Sisters begins . . . Sept.

Weekly meetings for our senior citizens begin . . . Dec.

1969

School Board is formed . . . Jan.

The Green Stamp Drive ends with enough stamps and cash to buy the Sisters not only the station wagon but also the plates . . . Jan.

The Men's Club begins to furnish the Missalettes for our Church . . . Feb.

The first School Board is elected by our parishioners . . . March.

The Sisters receive their new station wagon . . . March.

Monsignor Mozeris celebrated his 30 anniversary as a priest . . . April 15.

The Older of the Sisters of Saint Casimir celebrates its Golden Jubilee . . . April.

The newly formed School Board elects its first executive board—Evelyn Ozelis is elected president . . . June.

Father Paul Juknevicius retires from full time duties in the parish . . . June.

Father John Plankis is assigned to our parish . . . June.

The Parish Bulletin is given a new look—it takes on the present format . . . Sept. 21.

The transfer of Father Leonard Vaisvilas is announced . . . December.

1970

The Saturday Evening Mass starts . . . Jan. 17.

Other major changes in the Mass are instituted . . . Jan.

The New Rite of Baptism is introduced . . . April.

Sister Theodorette is assigned to Maria High . . . August.

Sister M. Lawrence is appointed the new school principal . . . August.

1971

The Bingo Bill is signed into law . . . August.

The first weekly bingo games are played . . . Oct. 22.

The further revised Funeral Rites are instituted . . . Oct.

1972

Cardinal Cody celebrates 25 years as a Bishop . . . July.

Organist Justas Kudirka celebrates his 45th year with our parish . . . Oct. 1.

98 men are ordained to the permanent diaconate for the first time in over 400 years . . . Dec.

1973

The Vietnam war ends.

The Immaculate Conception Mothers' Club celebrates it Silver Anniversary.

Father Peter Paurazas is transferred to St. Adrian's parish . . . June.

Father Fabian Kireilis is assigned to our parish staff . . . Sept.

1974

A campaign to increase the Sunday offering begins Willingness to Try Cards are distributed . . . Jan.

Monsignor Mozeris celebrates his 35th anniversary in the priesthood . . . April.

Father John Weisengoff celebrates his 40th anniversary in the priesthood . . . June.

The preliminary work on the installation of the air conditioning in the church begins . . . June.

The names of the first four extraordinary ministers of communion are announced . . . Nov.

1975

The Catholic Television Network is born . . . Jan.

The air-conditioning in the church is in operation . . . June.

The class of 1965 under the leadership of Barbara Pavilonis paints the mural "Bright On" on a wall next to McDonald's on Archer Ave. . . . July.

Justa Kudirka retires as our organist.

1976

Changes in the Sacrament of Penance are implemented.

Father Thomas Kasputis is assigned to our parish.

Father John Plankis is reassigned to Our Lady of Charity Parish.

1977

The Sharing program begins—our Twining parish is Providence of God.

Sister M. Lawrence is assigned to the Motherhouse of the Sisters of St. Casimir . . . June.

Sister Margaret Petcavage is assigned as our new school principal . . . July.

Father Paul Juknevicius dies . . . November.

The first communal Anointing of the Sick takes place.

The option of receiving Communion in the hand is offered to us . . . Nov.

1978

Monsignor Mozeris celebrated his 25th anniversary as pastor of our parish.

Pope Paul VI dies . . . August 6.

Cardinal Luciani is elected Pope John Paul I and lives but a month following his election.

Karol Cardinal Wojtyla is elected Pope John Paul II. He has the distinction of being the first non-Italian Pope in centuries . . . Oct.

1979

Monsignor Mozeris celebrates his 40th anniversary as a priest . . . April.

The Immaculate Conception Parish celebrates its 65th anniversary . . . Sept. 23.●

NATIONAL INDEPENDENT RETAIL GROCERS WEEK

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. CAMPBELL. Mr. Speaker, I rise today to pay tribute to the American independent retail grocer. Across this great Nation, in the largest cities and the smallest towns, they ensure the steady and uninterrupted flow of grocery products to the American consumer. These small business people raise the American free enterprise system to its highest levels, providing needed services to the communities in which they live and work.

Independent retail grocers account for 64 percent of all grocery stores in the United States and are responsible for nearly one-half of all grocery products distributed. They provide employment for over 1 million people. The independent retail grocery stores know no geographical or socioeconomic boundaries with locations as diverse as Beverly Hills, CA, the South Bronx of New York, and Spartanburg, SC.

The independent retail grocer exemplifies the small business entrepreneur, the backbone of the American free enterprise system. Usually operating one store, independent grocers tailor their businesses to serve the needs of the community where they are located. Independent retail grocers deliver the highest quality product at the least expense—unsurpassed by any other food distribution network in the world.

Mr. Speaker, I ask my colleagues in the House to join me in honoring the American independent retail grocer by cosponsoring legislation I introduced today proclaiming September 8–14, 1985, as "National Independent Retail Grocers Week."●

SUPPORT FOR AN END TO ABORTIONS

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. RUDD. Mr. Speaker, today, thousands of concerned Americans are marching from the White House, along Constitution Avenue, to the Capitol and Supreme Court to urge the passage of the human life amendment and an end to abortion in the United States.

Since the Supreme Court made abortion-on-demand national policy in 1973, more than 16 million legal abortions of unborn children have occurred.

Abortion is an obvious tragedy for our Nation and for the millions of unborn children who have been denied their right to live.

But it is no less a tragedy for mothers for whom the consequences are less obvious, but still severe. Emotional difficulties following an abortion range from bad feelings to prolonged psychiatric trauma. Fathers are denied any say in the future of their unborn children.

The time to bring an end to abortion in this country is long overdue. I join the thousands of Americans who have come to Washington today and millions of others across the Nation in urging early action on the human life amendment.●

CONGRATULATIONS TO EAGLE SCOUT JAMES B. McNICHOL III

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. DWYER of New Jersey. Mr. Speaker, I would like to take this opportunity to bring to your attention

the elevation of James B. McNichol of my district to the rank of Eagle Scout.

To achieve the rank of Eagle Scout, a Boy Scout must demonstrate leadership, integrity, and a dedication to high ideals. Jim, a resident of Edison and member of Troop 318, proved that he had these qualifies through his invaluable service to the township of Edison. He worked over 133 hours to help the township of Edison refile and move old files from its old municipal offices to its new complex to complete his Eagle Scout project.

I ask you to join me in congratulating Jim on the exceptional honor of becoming an Eagle Scout.●

EFFECT OF AMTRAK ELIMINATION ON NEW JERSEY COMMUTER SERVICE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. FLORIO. Mr. Speaker, the Reagan administration will likely be proposing the complete elimination of Federal assistance for Amtrak. This would not only result in the elimination of Amtrak and all intercity rail passenger service in the United States, but it would also have drastic effects on New Jersey rail commuters.

Many New Jersey commuters depend on Amtrak trains. For example, the Amtrak "Clocker" Service between New York and Philadelphia is heavily patronized by daily commuters. Without Amtrak, the "Clockers" would cease.

In addition, many New Jersey Transit trains, including its Northeast corridor line and its north Jersey coast line, use Amtrak's Northeast corridor. The Federal Government has spent over $2 billion to improve the corridor over the last decade. This vital infrastructure must be maintained. Currently, the corridor is used by Amtrak trains, New Jersey Transit commuter trains, other commuter operators in Philadelphia and New York, and Conrail freight trains. The high fixed costs of maintaining the corridor are currently shared by all users, but Amtrak, as the owner and dominant user of the corridor, bears the largest share of the costs. If Amtrak were eliminated, the other users would have to pick up the difference. I understand it could cost these other users about $172 million a year extra for such expenses as maintenance of way, dispatching, signaling, and station costs.

While it is difficult to allocate this cost to the various other users, the additional cost to New Jersey Transit might be about one-third of this, or about $50 to $60 million a year. This additional cost would be crippling to New Jersey Transit and the commuters who depend on it for their daily livelihood.

Of course, the administration has also been proposing the elimination of Federal operating assistance for mass transit. The proposal to eliminate Amtrak is just another indication of the administration's insensitivity to the needs of those who depend on mass transit.●

HONORING DR. KING

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. ADDABBO. Mr. Speaker, we met yesterday to inauguarate President Reagan for a second term and as he was the overwhelming choice of the American voters last November, we in the Congress wish him well in the 4 years ahead.

But as he begins his second term, it would do all of us good to note that in New York City we are celebrating the 50th anniversary of the birth of Dr. Martin Luther King.

We honor Dr. King for his unending work to promote civil rights in our Nation and we remember with sadness how an assassin's bullet ended the life of this remarkable man. For it was not only Dr. King's work on behalf of the civil rights movement that is a legacy for us today, it was his conviction that men and women of all cultures, races, and creeds must live with one another in a spirit of harmony.

Dr. King lived this example and the spirit of Dr. King's love for every human being permeates our memories of him today. It is this simple doctrine that, if followed, could end the needless arms races, the bickering between nations, and the many jealousies that afflict man today. I would hope that as President Reagan took his oath of office yesterday, the teachings of Dr. King were with him. There are many creeds that a man can take with him when he serves in public office, but loving your neighbor and assuring that all men and women get a fair chance at life is as good a way to serve the people as any I can think of.●

UKRAINIAN INDEPENDENCE DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. ANNUNZIO. Mr. Speaker, 67 years ago, on January 22, 1918, the independence of Ukraine was declared by the Ukrainian Central Rada, the Parliament of the Ukrainian people, with high hopes for a new era of national renewal dedicated to the principles of freedom, justice, and self-determination.

Sadly, these expectations were dashed by the Bolsheviks in 1920, when they reestablished Russian control over the new republic, ushering in a long and desolate period of spiritual darkness which persists today. Over the last 67 years, millions of innocent people in Ukraine have been persecuted and imprisoned by agents of the Soviet Government. Despite severe repression by the Communists, Ukrainian tradition has survived and endured, and the Ukrainians have kept alive their unwaivering belief in the ideals of liberty and representative government.

During the last year, the Soviets have been responsible for the death of four prominent Ukrainian human rights activists. Ukrainian Helsinki Group member Oleksiy Tykhy, Ukrainian writer, and journalist Valeriy Marchenko, and independent labor union movement leader Oleksiy Nikityn, all died as a direct result of being denied medical care by the Communists while in prison. Ukrainian Helsinki Group member Yuriy Lytvyn was driven to suicide in a Soviet labor camp.

The Soviets have been brutal in their systematic attempts to suppress dissent in Ukraine. Nevertheless, despite overwhelming odds, the spirit and courage of the Ukrainian people remain strong. At this point in the RECORD, I include information prepared by Americans for Human Rights in Ukraine, outlining the tragic fate of many brave individuals in the human rights movement in Ukraine who dared to stand up to the authorities.

This listing follows:

Below is a list of members of the human rights movement in Ukraine who were either murdered by the Soviet regime or were driven to suicide.

1. Yuriy Lytvyn, writer, member of the Ukrainian Helsinki Group; served previous terms as a political prisoner, 1951–53, 1955–65, 1974–77; sentenced again in 1979 to 10 years' imprisonment and 5 years' exile. Died September 5, 1984 in Labor camp No. 36–1 near Perm, the R.S.F.S.R., driven to suicide. He was 50 years old.

2. Valeriy Marchenko, writer, translator, journalist; served a previous term as a political prisoner, 1973–81; sentenced again in March 1984 to 10 years' imprisonment and 5 years' exile; was seriously ill for much of both terms. Died October 7, 1984 in a prison hospital in Leningrad at age 37.

3. Oleksiy Tykhy, teacher, founding member of the Ukrainian Helsinki Group; served a previous term as a political prisoner, 1957–64; in 1977 sentenced again to 10 years' imprisonment and 5 years' exile. Died in May 1984 in the hospital of labor camp No. 36–1 at age 57.

4. Oleksiy Nikityn, mining engineer, leader of the independent labor union movement; served a previous term as a political prisoner, 1972–76; incarcerated in a special psychiatric hospital in 1977. Died in spring 1984 at age 47, a few weeks after being released.

5. Volodymyr Ivasiuk, composer. Tortured and murdered in May 1979. He was 30 years old.

6. Volodymyr Osadchy, brother of well-known Ukrainian dissident author and former political prisoner Mykhaylo Osadchy. Murdered in April 1979 at age 33.

7. Mykhaylo Melnyk, historian, teacher, member of the Ukrainian Helsinki Group. Died in March 1979 at age 35, driven to suicide by KGB harassment.

8. Viktor Kindratyshyn, artist. Murdered in November 1979 at age 27.

9. Rostyslav Paletsky, artist. Murdered in March 1978 at age 46.

10. Alla Horska, artist. Murdered in November 1970 at age 41.

The following two Ukrainian human rights activists have become crippled for life as a result of having been denied medical care while imprisoned.

1. Yuriy Shukhevych, member of the Ukrainian Helsinki Group, son of the commander-in-chief of the Ukrainian Insurgent Army; imprisoned 1947-68, 1972-82 for his continued refusal to renounce his father. As a result of mistreatment and lack of medical care while imprisoned went totally blind. Presently serving term of exile.

2. Ivan Svitlychny, writer, literary critic; served eight-month term of imprisonment in 1965-66; released in 1984 after serving full term of 7 years' imprisonment and 5 years' exile. As a result of mistreatment and lack of medical care during imprisonment he is paralyzed.

The same tragic fate—death or total disability—awaits many other political prisoners from whom the Soviet regime withholds medical care as a means of reprisal or additional pressure. Among those whose situation is especially threatening are:

1. Anatoliy Koryagin, psychiatrist, serving a prison term;

2. Vasyl Stus, poet, imprisoned in a labor camp;

3. Zoryan Popadiuk, student activist, imprisonment in a labor camp;

4. Yuriy Badzyo, historian, imprisoned in a labor camp;

5. Mykola Rudenko, writer, head of the Ukrainian Helsinki Group, serving term in exile.

Today, Ukrainian writers, literary critics, journalists, professores students, artists, scientists, and all representatives of Ukraine society who desire to maintain their nationality, their culture, and their religion, are still periodically arrested, beaten, and tortured by Soviet authorities for their efforts to assert their Ukrainian consciousness and to resist the decades-old campaign to destroy Ukrainian self-identity. Leaders in Ukrainian society, aided and supported by Ukrainians living in freedom in other countries throughout the world, are courageously continuing their struggle to turn the precious ideals of freedom into a working everyday reality, and the Communists have been unable to completely crush the desire for liberty and human dignity in Ukraine. We in Congress should continue to support the Ukrainians in their efforts, and must condemn Soviet conduct in the strongest possible terms.

Mr. Speaker, on the 67th anniversary of Ukrainian independence, it is with pride that I pay tribute to millions of Ukrainians who are continuing their struggle to achieve the blessings of liberty in their own homeland, and I am honored to join with Americans of Ukrainian descent in the 11th Congressional District of Illinois which I represent, and all over this Nation, who continue to cherish the hope of eventual independence and a free Ukraine. The spirit of the people of Ukraine is a testimony to the fact that tyranny, no matter how brutal or oppressive, cannot conquer the soul and resolve of a nation and its people.●

TO AMEND THE STAGGERS RAIL ACT OF 1980

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. RAHALL. Mr. Speaker, today, I am reintroducing legislation I sponsored during the last Congress which would amend the Staggers Rail Act of 1980 with respect to determinations of market dominance and standards for railroad rate reasonableness.

This legislation is in response to the irresponsible manner in which the Interstate Commerce Commission has implemented provisions of the 1980 act which affect shippers of bulk commodities who are captive to a single railroad and as such, do not ship in a competitive transportation environment.

While it was our intention in the Staggers Act to provide the Nation's railroads with greater freedoms so that they may regain their financial health, this regulatory flexibility was not extended to traffic which is market dominant to the railroads. Since such traffic is without competitive transportation alternatives, the Congress charged the ICC with the responsibility of insuring that rates on this traffic are maintained at reasonable levels and that such traffic is not made to bear an undue burden in the revitalization of the railroad industry.

In essence, the Congress said that where a railroad holds monopoly power over the transportation of a commodity, the ICC must maintain jurisdiction over railroad rates to insure they are reasonable.

Under this scenario, if a shipper believes that its rates are not reasonable, that shipper must first prove its traffic is market dominant to the railroad. As defiend by both the 4R Act of 1976 and the Staggers Act of 1980, market dominance is an absence of effective competition from other carriers or modes of transportation for the transportation to which a rate applies.

If the shipper proves railroad market dominance, the ICC is to then determine whether the rate in question is reasonable. One consideration of rate reasonableness is whether the railroad is earning adequate revenues. Other factors to be used in making a reasonableness determination are contained in the so-called Long-Cannon amendment to the Staggers Act which concern the relationship of the rate to the railroad's fixed cost of service, the reasonableness of the fixed cost contribution sought from the traffic and the effect of the rate on national energy goals.

While my explanation of this procedure is simplified, I would now discuss how the ICC has interpreted and implemented provisions which we all felt would provide necessary protections to captive traffic.

The Commission in its market dominance proceeding decided to consider the presence of product and geographic competition along with intermodal and intramodal transportation competition when determining the existence of market dominance. The use of product and geographic competition is, in my view, not within the scope of the statutory definition of the term market dominance. That definition speaks only of competition from other railroads or other modes of transportation. Moreover, consideration of product and geographic competition is arbitrary because, in the case of coal movements to an electric utility, it could always be shown that the utility, with respect to product competition, could burn natural gas instead of coal, or, with respect to geographic competition, it could purchase coal from Wyoming instead of West Virginia.

As I have mentioned, a key element in determining rate reasonableness is whether the railroad is revenue adequate. The Commission's method of determining revenue adequacy leaves much to be desired as it has not found a single class I railroad to be receiving adequate revenues. This is due to a degree of accounting hocus-pocus inherent in the ICC's method of computing revenue adequacy which does not provide a realistic picture of the railroads' true financial condition. Under this method, the railroads' income is minimized while its asset base is maximized and the cost of capital to the railroad is increased.

The Commission has ignored any other consideration of rate reasonableness and has chosen to rely solely on revenue adequacy in making such a determination. As such, the danger exists that although traffic may be found to be market dominant, no matter how high the rate is, it will be found to be reasonable since the railroads are all revenue inadequate.

As part of its implementation of these matters, the ICC developed the "Coal Rate Guidelines Nationwide" which have been the subject of great concern among both shippers and consumers. As proposed by the Commis-

sion, these guidelines will lead to higher electric utility rates for consumers as well as greater costs on just about every bulk commodity moved by the railroads since the guidelines will be applied to noncoal traffic as well.

On that note, I believe what we must all realize is that this is not an issue of concern only to coal, or to the electric utility industry, or to grain or chemicals or to any of the other bulk commodities. This is a consumer issue. For it will be the consumer who will pay the price in their electricity bills of unreasonable railroad coal rates. It will be the consumer who will pay the price in their agricultural products of increased railroad grain rates. And it will be the consumer who will ultimately pay the price of these railroad rates on all other bulk commodities as well.

The legislation I am reintroducing, and which is being sponsored in the other body by the distinguished gentleman from Kentucky, WENDELL FORD, is a moderate proposal to rectify the situation I have described. It is not reregulation. It is simply an attempt to put into place the policy Congress intended in enacting the Staggers Rail Act of 1980. Following my comments, I am inserting a section-by-section analysis of this legislation.

At this point, I would like to express by appreciation to my colleagues who cosponsored this legislation during the last Congress and it is my hope they will again join in this effort. I would further commend the distinguished chairman of the Committee on Energy and Commerce, JOHN DINGELL, and the chairman of the Subcommittee on Commerce, Transportation and Tourism, JAMES FLORIO, for their interest in this most important matter. It is my intention to continue a dialog with these fine gentlemen who are certainly champions of consumer interests.

The section-by-section analysis follows:

SECTION-BY-SECTION ANALYSIS

Section 1—Rail Transportation Policy:

This section amends two of the policy statements set forth in the Interstate Commerce Act at 49 U.S.C. § 10101a which have been relied upon by the Interstate Commerce Commission as supporting its proposed new constrained market pricing ratemaking methodology. The Commission's basic philosophy in the Coal Rate Guidelines decision is that the railroads should be permitted to set rates on captive traffic on the basis of demand considerations, i.e., whatever the traffic will bear.

Section 10101a(1) presently reads as follows:

To allow, to the maximum extent possible, competition and the demand for services to establish reasonable rates for transportation by rail.

The language referring to demand for services would be deleted and the language concerning competition would be clarified so that this provision would read:

To allow, to the maximum extent possible, competition among carriers to provide transportation services to establish reasonable rates for transportation by rail.

Paragraph 6 of the rail transportation policy (§ 10101a(6)) would also be amended to make it clear that rates on captive traffic must be maintained at reasonable levels even where a carrier has not achieved adequate revenues. In other words, this amendment is intended to refute the notion that the mere fact that a carrier has "inadequate" revenues on a system-wide basis should not justify allowing the carrier to charge whatever rate it desires on an individual movement. At present, this paragraph reads as follows:

To maintain reasonable rates where there is an absence of effective competition and where rail rates provide revenues which exceed the amount necessary to maintain the rail system and to attract capital.

This language was cited by the ICC in its Coal Rate Guidelines decision as justifying the view that until a carrier has achieved revenue adequacy, it is not necessary to scrutinize closely the reasonableness of individual rates. As amended by the bill, the provision would read:

To maintain reasonable rates where there is an absence of effective competition as defined in section 10709(a).

Section 2—Standard for Rail Rates and Burden of Proof:

In the Staggers Rail Act of 1980, the rail rates standard section of the Interstate Commerce Act was amended to specify that the ICC should consider a carrier's need to achieve adequate revenues in determining the reasonableness of a rate. This was the only criterion of rate reasonableness that was set forth in the rail rate standards section of the law. The Long-Cannon rate reasonableness factors were set forth separately in another provision of the law.

The ICC has treated revenue adequacy as virtually the sole consideration in determining rate reasonableness. The Long-Cannon factors have been given lip service but have been largely ignored. Section 2 of the bill addresses this problem in three separate ways.

First, the burden of proof is imposed on a railroad to establish the reasonableness of any rail rate (assuming, of course, that the jurisdictional prerequisite of market dominance is satisfied) where the rate in question exceeds 190% of variable costs. Under present law, the burden of proof as to the reasonableness of a rate is only imposed on a carrier in investigation proceedings (i.e., a proceeding initiated before a rate becomes effective). As a practical matter, the Commission has, of late, refused to institute any investigation proceedings and there is nothing a shipper can do where the Commission refuses an investigation, because the law is very clear that such decisions are not subject to judicial review. The shipper is free to file a complaint case after the rate becomes effective, but the burden of proof on the issue of reasonableness lies with the shipper in all complaint proceedings.

This section would also make it clear that railroads have the burden of going forward with evidence responsive to the Long-Cannon criteria (set out in 49 U.S.C. § 10707a(e)(2)(C)).

This is responsive to the problem which has arisen in many cases before the Commission where the rail carriers alone possess the information necessary to address these factors relating to rate reasonableness. The railroads have refused to provide such information to shippers in discovery proceedings and the Commission has not required it to be divulged.

Finally, this section amends the law in a manner which would make it clear that although revenue adequacy is an important consideration in maximum rate determinations, the Commission must also take into account a number of other important factors. The language of this provision would greatly reduce the present emphasis on adequate revenues, and would explicitly tie revenue adequacy considerations to the Long-Cannon factors. The factors which would be added to the rail rate standards provision concern the relationship of a challenged rate to the carrier's cost of service, the reasonableness of the fixed cost contribution sought from the traffic, and the effect of the rate on attainment of national energy goals.

Section 3—Revenue Adequacy:

This provision would require the Commission to take into consideration a variety of widely-utilized indicators of financial health in addition to return on investment in determining revenue adequacy, and would refine the manner in which the Commission calculates return on investment. It would direct the Commission to calculate return based on the depreciated original cost of rail assets (as opposed to reproduction costs as the Commission has recently proposed); it would exclude deferred tax reserves from the investment base (which the Commission includes under its current approach); and would require a rulemaking proceeding for the purpose of eliminating from the railroads' investment base assets which are not used and useful in providing railroad transportation services.

Under this new provision, the Commission's revenue adequacy determinations could be expected to more closely conform with the real-world view of the financial health of the rail industry.

Section 4—Rail Cost Adjustment Factor:

The legislative history of the Staggers Act clearly reflects that Congress intended the Commission to take into consideration railroad productivity in developing its inflation index that is published on a quarterly basis. To date, however, the Commission has failed to do so, and subsection (a) of Section 5 would make it clear that the Commission must consider changes in railroad productivity in calculating the index.

The effect of taking productivity into account in calculating the index would be to measure more accurately the effects of inflation on railroad costs. Rate increases taken pursuant to the inflation index are not subject to challenge, and failing to consider productivity has yielded the railroad industry repeated, automatic, unchallengeable, profit increases under the guise of recovering increased costs due to inflation.

Section 5—Market Dominance—Exemptions:

This provision would prohibit the ICC from exempting market dominant traffic from regulation. This is responsive to the decision in the Export Coal case.

It would also make it clear that in making market dominance determinations, the Commission's analysis must be restricted to transportation competition, and cannot include consideration of geographic and product competition.

Finally, it would codify the market share and substantial investment presumptions of market dominance which were contained in the Commission's market dominance regulations, that were in force when the Staggers Act was enacted, but would require market dominance to be found (as opposed to establishing a presumption that market domi-

nance existed) if either of these tests were met.

CONGRATULATIONS TO EAGLE SCOUT SCOTT A. DANISKAS

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. DWYER of New Jersey. Mr. Speaker, I would like to take this opportunity to bring to your attention the elevation of Scott A. Daniskas of my district to the rank of Eagle Scout.

Less than 1 percent of all the boys in America achieve the rank of Eagle Scout. This high honor can only be attained if a Scout demonstrates strong leadership abilities. Scott, a resident of Edison, and a member of troop 318, has proven that he has the ability to become an Eagle Scout. To complete his Eagle Scout project, Scott organized 30 Scouts, parents, and friends to give St. Helena's Church in Edison a facelift. They removed the old white rock border from around the church and replaced it with a new rock border with a rubber edger to keep it in place. They also weeded around the church and school, in all doing over 300 hours of work.

I ask you all to join me in commending Scott in the exceptional honor of becoming an Eagle Scout.●

COMMEMORATING UKRAINIAN INDEPENDENCE

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. GUARINI. Mr. Speaker, today marks the 67th Anniversary of the Independence of the Ukraine. I am proud to join with those people of Ukrainian origin in commemorating this occasion.

While we celebrate the 67th Anniversary of the Independent Ukrainian state, we must remember that the history of this proud and fiercely independent people runs throughout history. Even in the face of brutal assaults on the religious and cultural values of the Ukrainian people by the U.S.S.R., Ukrainian culture and tradition still thrives.

As we well know, the freedom of the Ukrainian people was short lived, although the quest for freedom continues today. On January 22, 1918, the Ukrainina Central Rada in Kiev proclaimed the sovereign and independent state of the Ukrainian people. The independence of this nation gained further credence in November 1918 by the addition of western Ukraine to the new United Ukrainian Republic. However, it was not long before the numerically superior armies of Communist Russia invaded the newly independent state. The Ukrainians fought 3 long years against tremendous odds before losing their freedom to the Russians.

Since that time Ukrainians have refused to allow the flame of freedom to die. We are all aware of the efforts of the Helsinki Monitoring Group in the Ukraine and the ultimate Soviet oppression and persecution of its members during the past 2 years. The plight of these people must be addressed by the international community.

In the light of the sacrifices and struggle of Ukrainians for freedom, it is a pleasure to join with my colleagues in recognizing the quest of the Ukrainian people for their own independent nation.●

NATIONAL CHILDREN'S WEEK

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. FOWLER. Mr. Speaker, last year the Congress passed a resolution I had introduced to designate a National Children's Week in October. The needs of our Nation's 65 million children still warrant the attention of the Congress and of our communities, and today I am again introducing a resolution with 38 cosponsors to designate a National Children's Week beginning October 6, 1985. Senator QUAYLE is introducing an identical bill in the Senate.

As you may recall, in 1982 in Atlanta, a dedicated group of my constituents conducted a highly successful children's week, which brought together volunteer agencies, State and local officials, educators, and other concerned individuals to review the needs of our children and the services being provided to them in our area. The extraordinary success of this program at the local level provided the impetus to expand Children's Week to communities across the Nation. National Children's Week subsequently became law.

A guidebook outlining how communities can conduct an effective Children's Week Program was published with a grant from a foundation. This publication, and the designation of National Children's Week, have proven successful in stimulating an examination of the needs of American children and the ways in which we can ensure that future generations are provided for in a thoughtful and comprehensive way. We are making progress in better understanding and caring for our Nation's most valuable resource, and I am again proposing a National Children's Week so that we can continue this progress.

I believe this can be an extremely worthwhile effort, and I hope all my colleagues will join me in support of National Children's Week.●

A CONGRESSIONAL SALUTE TO THE LONG BEACH GRAND PRIX'S "COMMITTEE OF 300"

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. ANDERSON. Mr. Speaker, this year marks the 10th anniversary of the Long Beach Grand Prix's "Committee of 300."

The Long Beach Grand Prix, which has become one of the racing circuit's premier events, has been one of the key ingredients to bring the city of Long Beach back to life and make it a truly "International City."

Of course, a successful event such as this does not happen overnight. It takes an organized team of volunteers from the community to devote the time and energy necessary to plan and carry out the many events associated with the race.

The Committee of 300 was organized a decade ago to assist with the preparation of the race and its great success over the years is indeed a tribute to all those who have graciously devoted their valuable time to this special event.

The committee, which is an administrative arm of the Long Beach Area Chamber of Commerce, is a nonprofit organization whose sole purpose is promoting the city of Long Beach through the Long Beach Grand Prix. For the first race, the committee had a contingent of 70 members; today, it has not only reached its full membership of 300, but there is a waiting list of over 100 persons.

Although there are many, most notably Monty Sharp, Long Beach Chamber of Commerce executive, and Chris Pook, Long Beach Grand Prix Association president and founder, who have played significant roles in fostering the development of the Long Beach Grand Prix, I would like to especially congratulate each president of the Committee of 300—Jim Willingham, 1975-76, Dr. James C. Serles, 1977, Roger Jesme, 1978, Mason T. Kight, 1979, Henry Meyer, 1980, Norm Reed, 1981, Roderic Ballance, 1982, Hank Wadleigh, 1983, Chuck Davis, 1984, and John Knauf, 1985—on a terrific job.

In sum, Mr. Speaker, the Committee of 300 is the driving force behind the Long Beach Grand Prix and is responsible for it being one of southern California's most unique and successful sporting events.

My wife, Lee, joins me in congratulating and commending the Commit-

tee of 300 on a tremendous job over the past 10 years. We wish the committee continued success and we know that through its support, the Long Beach Grand Prix will remain as one of the top racing events in the world.●

FOR THE RELIEF OF HELEN J. HUDSON

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. MATSUI. Mr. Speaker, I rise today to introduce legislation for the relief of Mrs. Helen J. Hudson, an employee of the Sacramento Appeals Office of the Internal Revenue Service, which will deem her as an employee with 5 years of civilian service. I believe this extraordinary relief is necessary in order to permit Mrs. Hudson, a terminally ill cancer patient, to apply for and have approved a disability pension which would sustain her as she continues to fight for life.

Mrs. Hudson has been employed with the Internal Revenue Service since March 23, 1980. She has been a loyal and dependable employee whose performance has been exemplary. In January 1984, Mrs. Hudson was diagnosed as a terminally ill cancer patient; yet, she has continued to work as much as possible even while undergoing chemotherapy treatments. As a single parent and sole supporter of her 13-year-old son, Mrs. Hudson is dependent upon the income and medical benefits from her position with the Internal Revenue Service.

Unfortunately, Mrs. Hudson's health has continued to deteriorate and she may no longer be capable of maintaining her level of performance with the Internal Revenue Service. The Internal Revenue Service and Mrs. Hudson's coworkers have pursued all administrative measures at the county, State, and Federal levels to remedy this tragic situation, without success, and I commend their valiant efforts. Consequently, as Mrs. Hudson has exhausted her sick and annual leave, she will soom be faced without any means of financial support as she attempts to combat this evil disease for her life.

I have no doubt that Mrs. Hudson is a dedicated civil servant, deserving of this life-supporting compensation as has been demonstrated by her exemplary service to the IRS and the U.S. Navy. Mrs. Hudson meets all of the requirements for a disability retirement; yet she is being denied this compensation on the basis that she lacks 61 days of civilian service—the length of time that would fulfill the 5 years of civil service as required by the Federal Personnel regulations. Unfortunately, the medical prognosis remains that Helen may not live to complete this 5-year requirement.

It is indeed a tragedy to deny a dying woman disability retirement on the basis that she lacks less than 2 months of civil service, especially in light of the fact that she served her Government in the military for nearly 2 years. By making Helen Hudson eligible for disability retirement, we will be providing her the opportunity to enjoy the remaining months of her life at home with her son. I urge my colleagues to join me in this humanitarian effort and seek the expeditious consideration of this matter.●

DON'T CONFUSE NECESSARY EMPLOYEE BENEFITS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. HUBBARD. Mr. Speaker, I have received an excellent letter from my friend and constituent Fred Paxton, president of Paducah Newspapers, Inc., in Paducah, KY.

Fred Paxton, who is also president of WPSD-TV, the NBC station in Paducah, KY, and publisher of the Paducah Sun newspaper, writes to me regarding the proposals to change the tax treatment of so-called fringe benefits of employees.

Paxton, a former national NBC affiliates board chairman, is strongly opposed to including necessary medical insurance, short- and long-term disability programs and pension programs for retired employees in any congressional discussions about fringe benefits.

I believe my colleagues will be interested in Fred Paxton's timely comments, and his letter follows:

PADUCAH NEWSPAPERS, INC.,
Paducah, KY, December 18, 1984.

Hon. CARROLL HUBBARD,
Rayburn Office Building,
Washington, DC.

DEAR CARROLL: In discussing tax alternatives for 1985 and beyond, there is much talk about changing the treatment of so-called "fringe" benefits of employees.

If by this term they mean medical insurance, short- and long-term disability programs and pension programs for retired employees, I hope you won't consider these to be "fringe" benefits. I can assure you that our employees consider them to be necessary and vital ingredients of their lives, and that they have earned them through hard labor. We certainly agree. We provide these benefits willingly, because we think they are essential to family security and are just reward for faithful work.

It is very, very costly to maintain these programs. We ask our employees to share in some of these costs. In the medical insurance field alone, we have seen our costs increasing at the rate of approximately 50 percent a year for the past two years. Our employees sustain one-third of the premium costs, while our company shoulders the other two-thirds. It is a strain for both parties to meet 50 percent cost increases, yet who can do without medical insurance?

Please don't do anything to apply new tax burdens to these programs.

If it is your judgment that tax increases are necessary for our country, please vote to put them on our incomes, personal and corporate, where we can all see them. Please don't let your colleagues tamper with the privately-sponsored employee welfare programs which are working. Thank you for your consideration of these thoughts.

Sincerely,

FRED PAXTON, *President.*●

STATE CLEARINGHOUSES FOR MISSING CHILDREN

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. LEWIS of Florida. Mr. Speaker, today I am reintroducing legislation to amend the Missing Children's Assistance Act to provide matching grant funds—$2 million in fiscal year 1986 and $2 million in fiscal year 1987—for State law enforcement departments to set up State clearinghouses for missing children.

Each year countless numbers of children are abducted or run away. It is tragic that many of them are later found dead. And, for those children who are still missing, it is tragic that there is so little information available for law enforcement to use in locating them. Clearly, this problem is much too serious to ignore. We no longer can afford to be passive in protecting our children and simply hope that the problems of child abduction, and sexual and physical abuse will disappear.

Therefore, Mr. Speaker, the bill I am introducing today is a positive step we as Members of Congress can take to protect our children. It calls for statewide missing children clearinghouses to operate within State law enforcement agencies alone or in cooperation with other State agencies. It also encourages these State clearinghouses to educate parents, children, community agencies, and private organizations in ways to prevent abductions, to provide information to assist in locating and returning missing children; to publish a directory of State resources; to establish an in-State toll-free line to report a missing child as quickly as possible; and to act as a liaison for other public and private organizations to locate missing children.

As you may know, on June 13, 1984, the National Center for Missing and Exploited Youth opened in Washington, DC. The Center, initially funded by a grant from the Justice Department, coordinates and disseminates information to State and local law enforcement departments, public agencies and concerned parents.

While I am encouraged by the establishment of a national center, I believe

it is essential that there be a link between all levels of law enforcement—local, State and national. We must provide State and local law enforcement with a cohesive and cooperative program to handle problems related to locating missing children.

Once the child is reported missing, the first 24 hours are critical. Parents' first reaction is to call their local police; therefore, it is vital that these law enforcement officers have ready access to an information file that will provide key statistics on the missing child and access to a system that will alert law enforcement agencies statewide. With the proper telecommunications system and trained personnel, State and local law enforcement can serve as an extremely effective frontline resource in the fight to locate and save our children.

Mr. Speaker, my home State of Florida is a leader in the nationwide effort to locate missing children. In 1982, on a shoestring budget, the Florida Department of Law Enforcement established an in-State missing children information clearinghouse. Since its inception, there have been impressive communication and cooperation between law enforcement personnel, public agencies, private organizations, and parents.

Several other States have followed Florida's example and set up similar networks. They too have found that these in-State clearinghouses can work closely with private organizations, public agencies, and parents to develop a comprehensive and uniform educational program designed to instruct parents and children of possible dangers.

After viewing Florida's program first hand, I am convinced that State clearinghouses are a vital key to locating missing children and that they should be implemented in all States if we are to successfully combat this tragic problem.

Mr. Speaker, I thank all my colleagues who have already joined with me today in being original cosponsors of my bill, and I strongly encourage the other Members of this body to join with us in cosponsoring this important legislation.●

FREEZE ALL FEDERAL SPENDING

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. DORGAN of North Dakota. Mr. Speaker, I am introducing today a resolution to freeze all spending in the unified Federal budget and to speed up the date at which Social Security is moved off-budget. Implementing this resolution would begin bringing the deficits down and getting a handle on our fiscal policies.

Without a spending freeze we will be piling $200 billion a year onto our national debt. Unless we get serious about deficits, we can expect a future of high interest rates, more record trade deficits, more farm foreclosures, and construction slumps. But I believe in busting the deficit without misusing Social Security funds. President Reagan was absolutely right when he said that Social Security has "nothing to do with balancing a budget or erasing or lowering the deficit."

The right kind of budget freeze can yield handsome dividends. A flat freeze on spending could trim the deficit by nearly $30 billion in fiscal year 1986 and by about $400 billion, if pursued over the next 4 fiscal years. This will save a lot of money and cut the deficit by two-thirds.

A 1-year freeze only puts the brakes on. But it offers a fair, effective, and winnable way to start reining in our runaway deficits. The freeze I propose is also flexible, since it permits program increases wherever fully offset by cuts in other programs or revenue increases. But it is not flexible enough to let defense spending slip through the cracks. Since $300 billion defense bills account for 30 percent of the total budget, it is absolutely essential that we freeze the Pentagon's checkbook.

But we must resist the temptation to balance the budget with Social Security trust funds. That revenue represents the employee and matching contributions of future retirees—not general revenue for any program running short. We must not break the Government's contract with working people and senior citizens.

A change that I successfully included in the Social Security Amendments of 1983 already mandates that Social Security be removed from the unified budget by fiscal year 1983. My resolution simply accelerates the off-budget treatment of Social Security trust funds to fiscal year 1986.

We must tear up the Government's credit card without breaking out promises to the holders of Social Security cards.

We are long past due in acting on the budget responsibility and seriously. A few years ago a budget freeze might have seemed radical; now it seems not only practical, but the only way out. If we don't act today, it will be that much harder to act tomorrow.●

THE IDEALS OF SCOUTING ARE PERSONIFIED BY JOHN WILLIAMSON OF PERTH AMBOY, NJ

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. DWYER of New Jersey. Mr. Speaker, as you and every other Member in this Chamber is well aware, 1985 represents the 75th anniversary of the Boy Scouts of America. This is an occasion for us, and for all Americans, to reflect on the positive contributions which Scouting has made to many individuals and to the fabric of our Nation, as a whole.

Within the context of this historic occasion, I would like to direct the attention of my colleagues to an individual who has dedicated his life to Scouting. His story is a remarkable one, showing integrity and commitment of the kind rarely seen.

John Williamson is the scoutmaster of Troop No. 15 in Perth Amboy. He first became involved in Scouting after he left the Navy in 1923. He could not become involved earlier, as he grew up in the hills of central Pennsylvania where Scouting had not yet reached. His first involvement was through the Simpson Methodist Church in Perth Amboy. By 1928, he had become an Eagle Scout himself, earning 50 merit badges; far more than the minimum of 21 which is necessary for such an honor.

In his 60 years in Scouting, Mr. Williamson has had 30 of the young men under his charge become Eagle Scouts—an indication of his ability as a leader and a teacher. He describes this record as his proudest achievement in Scouting. He has traveled throughout the country in connection with his Scouting activities and has attended six Boy Scout jamborees over the years.

Mr. Speaker, John Williamson has been a great Scout, a great leader in his community, and a great American. I am proud to salute him today.●

THE HEART OF RURAL AMERICA

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. OBERSTAR. Mr. Speaker, those of us who grew up in small towns know that in each such community there are several people who are at the heart of the life of those towns. These men and women often never hold any official position in town government. They don't always own the local bank or the local grocery store.

They are the people, however, who spend a lifetime serving others in the community, whose concern for their fellow citizens helps build the bonds which make life in small towns so special.

Charlotte Harrison Oberg is one such person whose active interest in others and in her community has made life fuller and happier for her neighbors in Crosby, MN, and the surrounding area in Crow Wing County.

For over 40 years, Mrs. Oberg has written a column for the Crosby-Ironton Courier, the weekly newspaper which serves a large part of Crow Wing County. Her columns, written under the pseudonym "Dick," kept readers up to date on the comings and goings of their friends and neighbors. Her columns are an integral part of the memories which those who have lived in Crosby-Ironton carry with them to this day.

As part of this tribute to Mrs. Oberg, I would like to include for the RECORD one of Mrs. Oberg's more memorable columns. As a resident of a small city in northern Minnesota, I hope that the Members of this House—be they small-town raised or residents of the Nation's great cities—will enjoy Mrs. Oberg's column.

OLDEST MINNESOTA TEACHER RETURNS HOME—RACHEL RODERICK

On Sept. 6, 1913, a very small and very scared little girl bravely clutched her lunch bucket in one hand, a new pencil and tablet in the other, smiled a tearful goodbye to Mother and Dad then trudged down a country road for her first day in school. To say she was frightened is putting it mildly. Just imagine an only child who had never been away from Mama more than two hours facing the task of spending seven hours with 17 other kids and a strange woman.

How vividly those first few days remain in my memory and the vision of Rachel Roderick's face has always been etched in my heart. She wasn't beautiful as beauty is determined today but she had a beautiful smile and her light brown hair was always neat and pretty. She wore glasses but they didn't detract one iota from the expressiveness of her eyes. I thought she dressed beautifully, mostly in white blouses and dark skirts but today I know the most beautiful thing about her was her understanding heart. It wasn't long until I would just as soon be with teacher as Mama. (I just suddenly realized we start losing our children the first day they go to school).

Rachel played the organ we had in school and she soon discovered that I had a great love for music and when she mentioned it to my Dad he bought me an organ because I had such good marks in school. She taught me music until she left our school the year I finished the fourth grade.

Time has a way of erasing many things from our memory and I must confess I don't remember many of my grade school teachers but somehow the memory of that first teacher lingered on. Over 45 years had passed when we bought a used furniture and antique shop in Crosby. One evening when we were buying near Okassippi the lady told me her neighbor had some antiques she wished to sell. Having a few minutes to spare I stopped at the designated house and when the door opened there stood Rachel Roderick.

I found a happy, energetic woman just a shade under 80 years of age who had continued to teach rural schools until four years before. Consolidation took away her closest school which was two miles away and since she never owned a car she had to quit. Fifty-four years of her life had been teaching us readin', 'riting, and 'rithmetic.

She taught her first school in 1903-04 and during her 50 years of teaching had taught in 40 districts in Crow Wing County and one in Aitkin County. Her monthly salary started at $30 a month in 1903 and she had worked up to $235 a month in 1955-56.

How interesting it would be if one could figure out the miles she has walked in her lifetime over hill and vale, through trails only a horse used, across lakes and meadows. She tells of how the timber wolves would sometimes start following her when she was a little late getting home but swears that as long as one keeps walking and shows no fear, they never molest you.

Her record of attendance was fabulous. She hardly ever missed a day of school and once she was voted the teacher of the year, an honor she truly deserved.

In 1967 her sister, Pearl, developed cancer and Rachel was called to Thousand Oaks, California, to care for her, which she did until her demise. With the youngest brother, Ira, still there she assumed the care of the house and cooking for him until shortly before he passed away in 1973.

Then she was the last member of a family of eight children and since she had fulfilled her obligation to all her loved ones, she had a great desire to come back to Minnesota so in 1974 she returned to the area that she had given most of her life to.

At the age 93 her favorite activity is walking and she can easily walk a mile a day when weather permits.

When she returned to Minnesota many of her old pupils came to see her some from clear across the U.S. Three of the Woods family that Rachel had taught and myself spend the day together in the fall of 1975. Rachel had boarded with them when she taught their school and they remembered there were 11 people living in one room. In order to give the teacher a little privacy they hung sheets up as partitions in one small corner. All the furniture in the room was one bed. Rachel's trunk served as clothes closet, dressing table and seat to sit down to dress your feet.

One little girl had to sleep with Rachel and they all remembered that when the baby was sick, Rachel took a turn walking the floor with her at night so Mrs. Woods could get some sleep. During the visit one of the girls said, "Everybody loved Rachel." What a lovely tribute to a woman who had spent her life for the welfare of others.●

INTRODUCTION OF OCS REVENUE SHARING LEGISLATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. YOUNG of Alaska. Mr. Speaker, I am introducing today a bill that will share Outer Continental Shelf revenues with coastal States. The bill is similar to one that I introduced in the 97th Congress. The modifications that have been made reflect subsequent concerns expressed in regard to other OCS revenue sharing measures.

OCS revenue sharing is a program that has consistently been supported by the House. In the 98th Congress, we passed an OCS revenue sharing bill three times, only to see it defeated each time by opposition from the administration in the other body. I have tried to go part way in meeting the administration's concerns; I expect them to do an equal amount of compromising.

OCS revenue sharing is not a Government windfall for coastal States. Rather, it recognizes that a coastal State can be affected by activities occurring offshore. In the case of onshore mineral leasing, we provide States with Federal funds to offset any impacts resulting from exploration and development. No similar program exists with respect to coastal States and offshore development, even though the impacts can be as large or larger. Sharing of OCS revenues with coastal States—and especially with affected coastal communities—is a sound way to address this issue.

Two important points about this bill should be brought to the Members' attention. First, the bill ties shared revenue directly to OCS leasing. In the formula for sharing OCS revenue, the bill provides that 85 percent of the funds accruing to a particular State are based on the OCS activity occurring adjacent to that State. The bill is not a giveaway; it does not seek to fund Federal programs by alternative means; it simply allows States and local communities to receive funds to offset impacts that occur from OCS activity.

Second, the bill does not attempt to solve the legal questions that have come under section 8(g) of the OCS Lands Act. Under the provisions of this section, the Federal Government is required to share with a State the revenues of a common pool of oil located in both State and Federal waters. Under my bill, tracts leased within 3 miles of a State's territorial waters will not be counted in the general revenue-sharing formula. Thus, both affected States and the Federal Government are free to pursue their section 8(g) claims in the courts, as they are now doing.

I am including a section-by-section summary of the bill as introduced. I commend it to my fellow Members and ask for your support:

SECTION-BY-SECTION ANALYSIS OF THE COASTAL RESOURCE AND ECONOMIC DEVELOPMENT GRANT ACT OF 1985

SECTION 1. It is the short title, "The Coastal Resource and Economic Development Grant Act of 1985".

SEC. 2. Definitions. This section defines a "coastal state" to include the same states as the Coastal Zone Management Act. All of

the states are eligible for funds under this Act.

The Governor of a coastal state or his designee is identified as the recipient of monies from the fund as are the individual coastal communities of a coastal state.

Coastal energy facilities are identified to include coal, oil, electricity, and related equipment and facilities.

Secretary of the Treasury is identified as the Administrator of the fund.

SEC. 3. This section directs that the Secretary of the Treasury establish a Coastal Resource and Economic Development Grant Fund in the Treasury of the United States. The Fund shall be made up of three percent of annual OCS revenues, with a minimum of $150 million up to a maximum of $350 million to be deposited annually.

SEC. 4. This section directs that grants be paid to coastal states, establishes the formula for disbursement of these funds, directs how these funds are to be spent by the coastal states, and creates certain conditions and requirements for receipt and expenditure of monies by the states.

The formula for determining the amount of money a specific state may be paid is made up of two categories. First, 85 percent of revenues to be received by a state is based on leasing and production that occurs between 3 and 250 miles of a state's seaward boundary; second, 15 percent of the amount of revenues to be received by a state is based upon the amount of energy facilities located in a state's coastal zone. [The amount of OCS bonus and royalty (subsection (b)) to be received by a coastal state is based on a maximum of 2.8 percent of bonus monies for tracts leased three miles from a state's seaward boundary decreased to 50 percent of the 2.8 percent for those tracts leased at 250 miles of a state's lesed seaward boundary. The maximum royalties that may be received is 4.2 percent of total royalties from production from a tract three miles from a coastal state's seaward boundary, and is reduced to 50 percent of that for a tract 250 miles from a state's seaward boundary (Section 4(b)).]

The Secretary of the Treasury shall pay 50 percent of a state's allocation to the Governor of that coastal state, and 50 percent of the coastal state's allocation shall be paid to units of local coastal government (subsection (b)). No state may offset the payment of state funds to a coastal community that they have been receiving because they are now receiving Federal funds. In addition, a state with an approved Coastal Zone Management Plan cannot receive less than $2.5 million annually (Section 4(f)).

The payment to the Governor and to the units of local coastal governments shall be included in the revenue sharing check received currently under the "State and Local Fiscal Assistance Act of 1972" (Section 4(d)(2)). Factors for determining local communities' share of revenues utilized by that Act shall also apply to the disbursement of funds under this Act.

From the monies received by the Governor of a coastal state, one-fourth must be used for fisheries development and scientific research (Section 4(h)). In addition, the state must match (in cash or kind) one-fourth of the amount of monies paid to the Governor of a coastal state (Section 4(i)).

Funds for local coastal communities in the unorganized borough of the State of Alaska shall be paid to the Governor of that state instead of to the local communities (Section 4(h)(3)).

The Secretary of the Treasury shall ensure that states spend the monies paid under this Act for the purposes of this Act which will include but not be limited to fish and wildlife conservation, port development, flood control and navigation, erosion control, shore stabilization planning, and resource development planning. If a state spends money on other than these programs, they shall return that money to the General Fund of the Treasury or the Secretary of the Treasury may withhold that amount from next year's payment to that state (Section 4(j)).

Section 5 of the Act requires the annual appropriation of OCS revenues up to $350 million per year to be deposited in the Coastal Resource and Economic Development Grant Act Fund.

SUMMARY

This Act establishes a fund in the Treasury to share OCS revenues from bonuses and royalties with coastal states because a state and coastal community may be impacted by such energy development. For this reason, 85 percent of the monies received by a coastal state (to be divided 50 percent with the coastal communities, 50 percent with the Governor of the state) shall be based on actual OCS activity, with the larger percentage being paid for activity that occurs three miles from a state's seaward boundary and a lesser percentage being paid for activity that occurs 250 miles from a state's seaward boundary. Fifteen percent of the revenues received by a coastal state shall be determined by the amount of coastal-related energy facilities located in that state's coastal zone.

A state with an approved Coastal Zone Management Plan shall receive a minimum of $2.5 million annually, this combined with the above formula shall ensure that all coastal states (including the Great Lakes, Trust Territories, and other islands) shall receive revenues under this Act.

The Act requires a state to expend the money on fisheries development, port development, estuary management, and other economic and environmental programs, or the Secretary of the Treasury shall require them to repay those funds to the Treasury of the United States.

Any monies remaining in this fund at the end of the fiscal year, regardless of the reason, shall be returned to the General Treasury as miscellaneous receipts.

The issue of 8(g) of the Outer Continental Shelf Lands Act is left as a separate issue because the formula under Section 4(b) of this Act begins with tracts that are three miles from a state's seaward boundary. Under 8(g) of the Outer Continental Shelf Lands Act, the drainage tracts for the sharing of bonuses and royalties by the Federal Government with states are for tracts that are within three miles of a state's seaward boundary.●

YOUTH OPPORTUNITY WAGE

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. CAMPBELL. Mr. Speaker, I have reintroduced a bill today that will provide assistance for unemployed teenagers. According to the latest U.S. Department of Labor statistics, there are 8.1 million people out of work today, representing 7.2 percent of our workforce. The teenage unemployment rate is better than twice the amount at 18.8 percent, and for black teenagers, the rate is a devastating 42.1 percent. While the overall unemployment rate has dropped recently, the rate for black teenagers has grown in quantum leaps—from 10 percent in 1948 to over 42 percent today. The unemployment rate for black teenagers has declined from a high of 50 percent several years ago, but the racial disparity still exists.

A basic law of economics is that the quantity of labor demanded is inversely related to the wage rate. When a minimum wage is established at a level above the one that would be determined by market forces, employment opportunities are restricted for the least productive workers by pricing their services out of the market. The resulting higher labor costs may exceed the value of some workers' services, causing disemployment among these workers. Indeed, the minimum wage may benefit those workers who retain their jobs at the higher wage, but those who lose their jobs or are not hired at all clearly are made worse off. Some unemployed workers may seek jobs in uncovered sectors, where minimum wage laws pose no barriers to employment, but in so doing, increase the supply of labor, exerting downward pressure on wage rates in those areas. In addition, as coverage has expanded, fewer jobs have become available in uncovered sectors for displaced workers to turn to.

Surely everyone can agree that there is a serious youth unemployment problem, contributing to crime rates and growth in welfare rolls, and that something must be done. There is, indeed, one obvious step we can take to attack teenage unemployment without embarking on an expensive Government jobs program. We can enact a youth opportunity wage. This legislation would allow youths of 19 years and under to be paid at 85 percent of the minimum wage for the initial year of their employment. After this training period, such employees would be paid at least the full minimum wage.

The Federal minimum wage has been extolled as a moral effort to assure every worker a decent wage. In reality, it prices many low-skilled workers out of the job market, and hits hardest at the teenage worker who is likely to be low-skilled because of age, immaturity, and lack of job experience. Most people assume that minimum wage benefits accrue to the needy, yet the Minimum Wage Study Commission's report reveals that less than one-third of an increase in the minimum wage would go to families with pretax earnings of $10,000 or less.

A youth opportunity wage would encourage private employment, with its hopes of job permanence. In fact, studies have shown that a 15-percent wage differential would create a minimum of 100,000 jobs at the current unemployment rate. Also, contrary to the arguments of some, experience in other nations with a youth differential indicates that older workers would not be displaced. Rather, business would be encouraged to retain the marginal, entry level jobs that would otherwise be lost in times of high unemployment or as the minimum wage increases. And this initiative would not cost the taxpayers a dime. Instead, it would save money as we move young people into the productive labor force.

Mr. Speaker, America's young people are anxious and willing to work, but without a youth opportunity wage, teenagers will continue to bear the burden of high unemployment.●

THE 99TH CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 9, 1985, into the CONGRESSIONAL RECORD:

THE 99TH CONGRESS

The new Congress is underway, but the biggest issue that it faces is not new. Once again, as it has in recent years, the same question will dominate the session: can the annual deficit, now exceeding $200 billion, be reduced? The 99th Congress will have before it most of the old and familiar problems left by its predecessor. Legislators face not only the deficit, but also a pile of important bills that nearly passed last year, and a clutch of major decisions that the last Congress ducked.

The President and congressional leadership agree that reducing the deficit is the top legislative priority. They acknowledge that the deficit is harmful to the economy, and that something should be done to get federal spending under control. Such a cooperative note is not unimportant, but neither is it sufficient to assure a significant reduction in the deficit. Although the problem is easy to identify and the danger of inaction is increasingly recognized, it will be difficult to get agreement on how to go about reducing the deficit, where to cut the budget, how deep to make the cuts, and what changes, if any, should be made in the tax structure. There will be sharp clashes on military and domestic spending proposals alike.

Tax simplification, including income tax cuts financed by the elimination of many popular deductions, will be another important budget issue in the 99th Congress. Chances for real tax reform appear slim unless the President pushes hard for it. Leaders in both the House and Senate have expressed reluctance to move ahead with tax reform if it gets in the way of deficit reduction. Members of Congress believe that deficit reduction should be the first order of business, but it would be a mistake to count tax reform proposals out. After the spending fight is resolved, these proposals are almost certain to be considered.

The 98th Congress left an enormous amount of uncompleted and urgent work to the 99th Congress in areas other than the budget. Among the most important foreign affairs and defense issues facing this Congress will be money for antigovernment guerrillas in Nicaragua, continued production of the MX missile, racial segregation in South Africa, and famine elsewhere in Africa.

Although the size and structure of the defense budget probably will be the prominent defense issue this year, Congress also must act to renew or lift the ban on anti-satellite missile tests in space and decide what we should spend on anti-missile defense during the next fiscal year. The sale of weapons to Arab countries in the Mideast certainly will be controversial. Congress will favor the President's request to boost aid to Israel, which is suffering its worst economic crisis ever, and it will take up a comprehensive immigration reform bill once again.

Among the most important domestic items that the 99th Congress will consider is the farm program, including price supports, credits, and research. Also on the agenda are: restructuring rural electric and telephone loan systems, legislation on interstate banking and expanded powers for financial institutions, and proposals on deregulation of banking and reforms to prevent the growing number of bank failures. Business practices involving corporate takeovers and mergers will be studied. Congress also may consider legislation to allow retailers to charge up to five percent for credit card purchases. In transportation, Congress will consider the final sale of Conrail, raising the national speed limit to 65 miles per hour on some highways, and the release of federal highway construction money urgently needed by the states.

Action on social and educational issues will include scrutiny of college student aid and educational reforms aimed at upgrading schools, cuts in Medicare spending, reconsideration of a vetoed biomedical research bill, subsidies for medical centers in low-income or rural areas, easing drug export restrictions, and a ban on saccharin as a food additive. Certain federal nutrition programs, such as food stamps and school lunch initiatives, need to be reauthorized. The President may try to reduce or eliminate housing and community development programs and probably will try again to gain support for a plan to create tax-free enterprise zones in inner cities. Civil rights advocates will continue to press for passage of the Equal Rights Amendment, stronger civil rights laws, and legislation to end sex-based discrimination in insurance and pensions. Presidential proposals to cut federal pay and restrict eligibility for veterans' health care will not gain easy passage in Congress.

Pending activity on energy and the environment would open new natural gas generating plants, speed up building and licensing of nuclear power plants, renew the Clean Water Act, rewrite the "Superfund" toxic waste cleanup legislation, overhaul the safe drinking water law, control atmospheric pollution, and address the problem of acid rain. We will see proposals for new water projects and an attempt to regulate commercial development of coastal areas.

My guess is that President Reagan will not win many easy legislative victories this year—certainly not as many as he did in the initial year of his first term. His landslide election victory will strengthen his hand, especially in the first few months of 1985, but the signs of a blissful honeymoon with Congress are difficult to spot. He is a lame-duck President, and he faces a new independence, even feistiness, among Republican leaders. In recent days, they have taken the lead in proposing larger cuts in military spending, cancellation of the MX missile, suspension of aid to the Nicaraguan guerrillas, and alternatives to the President's anticipated budget. Many legislators in both political parties are advocating some kind of across-the-board budget freeze.

All in all, it is an agenda packed with potential problems, and it all adds up to a contentious and lively 99th Congress.●

LEGISLATION TO REFORM THE FEDERAL UNEMPLOYMENT COMPENSATION LAWS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. CONTE. Mr. Speaker, I will introduce legislation Thursday to make major reforms in the Federal unemployment compensation laws. Specifically, my legislation would liberalize entitlement to extended benefits [EB], provide less confusing rules for implementation of the Federal Supplemental Compensation [FSC] Program, and make two minor amendments to current law dealing with the treatment of unemployed individuals.

Mr. Speaker, the Congress in 1983 extended the current FSC Program until March 1985. That extension was partially in response to an administration request, and in response to the continuing problems faced by the long-term unemployed. The Congress' action, however, fails to address the fundamental problems with unemployment compensation programs in general.

There are currently two basic programs which provide extended unemployment compensation to individuals who are out of work after they exhaust their entitlement to State unemployment compensation: Extended benefits [EB] and FSC. My legislation addresses both areas.

Under present law, an individual who has exhausted his State unemployment benefits is allowed to collect an additional 13 weeks of EB if his State is "triggered on" the program. The EB Program is paid for one-half out of Federal revenues and one-half out of the State unemployment trust fund. A State is "triggered on" the EB Program if either of the following are true:

First, the insured unemployment rate [IUR] is 6 percent, or,

Second, the IUR is 5 percent, and is 20 percent higher than the same 13-week period the year before.

At the present time, only Puerto Rico pays extended benefits.

There are, however, many problems with the so-called EB trigger. One major problem is that in the event of a continued high rate of unemployment, many States begin to trigger off the program, as evidenced by the fact that only Puerto Rico is presently paying EB.

Entitlement to EB is based on a State's insured unemployment rate [IUR], which is a fraction representing the number of individuals in a State claiming State benefits divided by the number of individuals working in jobs in the State which are covered by the unemployment program. Thus, if a State has 25,000 claimants for State benefits and 500,000 employees statewide, the IUR in the State would be 5 percent. Unfortunately, as individuals begin to exhaust their entitlement to State benefits, the numerator in the fraction becomes smaller, thus lowering the IUR—even though many individuals remain unemployed. This effect is even more dramatic during a prolonged recession, where the IUR becomes an inaccurate measure of a State's unemployment rate.

Prior to 1981—specifically, prior to passage of the Omnibus Budget Reconciliation Act of 1981—the numerator in the fraction included recipients of EB, thus extending the time before which a State could trigger off EB. Returning to the prereconciliation rules, however, does not seem desirable, as a State could then theoretically never trigger off EB.

My legislation addresses both problems. It would amend the formula for determining entitlement for EB by linking payments to a new base average unemployment rate [BAUR], which would be the average of a State's IUR and total unemployment rate. For example, if a State's IUR were 3 percent and its total unemployment rate were 9 percent, its BAUR for purposes of determining eligibility for EB would be 6 percent.

As well, the triggers for determining eligibility for EB would be amended to the following:

First, the BAUR would have to equal 5.5 percent, or,

Second, the BAUR would have to equal 4.5 percent, and be 20 percent higher than the equivalent 13-week period in the previous year.

My legislation would also address the possibility of using sub-State triggers to determine eligibility for extended benefits. This would be done because a State may have an overall low unemployment rate with pockets of unemployment that greatly exceed the lower State level. Under my legislation, the Department of Labor would be required to compile unemployment statistics—both the IUR and TUR—on unemployment in counties. The report would have to be completed within 6 months of enactment. After this report is completed, the BAUR of each county would be calculated, and EB would be paid in those counties that meet the EB criteria noted above. As a general rule, an unemployed individual would be eligible for EB if the county in which he or she last worked met or exceeded the EB triggers.

My legislation would also reform the FSC Program, which will expire at the end of March. Under my legislation, the FSC Program would trigger on at any time when the national BAUR was at least 6 percent. This trigger provision would end the confusion that usually surrounds congressional attempts to extend the program. The Department of Labor would be required to calculate the national BAUR monthly after March 31, 1985, and the program would last until 3 weeks after the national BAUR dropped below 6 percent. In no case would the program last for less than 13 weeks.

Benefits under any FSC extension would be paid as follows: 14 weeks in States with a 7 percent BAUR or above; 12 weeks in States with a BAUR of 6 to 6.99 percent; 10 weeks in States with a BAUR of 5 to 5.99 percent; 8 weeks in States with a BAUR of 4 to 4.99 percent; and 6 weeks in all other States.

The bill also contains a reachback provision, so that individuals who had exhausted entitlement to FSC on or before the end of the last extension of FSC could receive additional weeks of benefits, up to a maximum of 6 weeks. Under the rules in my bill, individuals who have entitlement to FSC remaining, or have exhausted all entitlement, could receive additional weeks of benefits up to one-half of their new entitlement. In no event, however, could an individual who had entitlement remaining receive more weeks of FSC benefits after the beginning of the new program than the maximum number of basic weeks of FSC payable in the State as of that date.

In addition, the legislation also contains a guarantee against benefit reductions. Under the bill, the maximum number of FSC weeks payable in a State will not be reduced more frequently than every 3 months, and will not be reduced more than 2 weeks in any 3-week period. Qualified unemployed workers will continue to be eligible for at least the number of FSC weeks to which they were entitled at the time they first qualified for FSC, even though the maximum number of basic FSC weeks payable in the State decreases because of a reduction in the State's BAUR.

Finally, my legislation makes two minor amendments to current law. First, it allows an individual to withdraw money from his individual retirement account [IRA] before age 59½ if the individual has, in the preceding 12-month period, exhausted all rights to Federal and State unemployment compensation. Under present law, an individual generally is subject to a penalty tax of 10 percent of any distribution from an IRA. This provision is identical to a Senate provision in the Social Security Amendments of 1983, but was deleted in conference.

Second, my bill would allow States the option of denying unemployment compensation to nonprofessional employees of educational institutions during the months in which they are out of work. This provision would not require States to deny these benefits, as under current law.

Mr. Speaker, this legislation will be an important reform of the unemployment laws in our Nation. I plan to share it with the members of the Ways and Means Committee, and hope that they will consider my ideas as they begin consideration of unemployment legislation in the coming months.●

THE 67TH ANNIVERSARY OF UKRAINIAN INDEPENDENCE

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. RUDD. Mr. Speaker, today marks the 67th anniversary of the proclamation of Ukraine's independence from the Russian Empire on January 22, 1918.

Ukrainians and Americans are bound by a common respect for human rights and desire for liberty and freedom. In fact, the Ukrainian revolution was very much like our own country's revolution in 1776 in that its ultimate objective was freedom and independence from colonial subjugation—in the Ukraine's case from Communist Russia.

For 3½ years—from March 1917 to the end of 1920—the Ukrainian people struggled valiantly to preserve their hard-won independence. But surrounded by predatory and imperialist-minded neighbors, alone and unaided, they succumbed to the superior physical forces of their enemies.

Under Communist Russia, Ukrainians have suffered the most inhuman treatment and persecution:

Since the incorporation of the Ukraine into the Soviet Union in 1922, Ukrainians have been made victims of genocide through man-made famines, executions, arrests and deportations;

They have suffered systematic Russification of their language and educational system, and obliteration of the Ukrainian national identity;

Their culture has been suppressed and their history and literature have been distorted; and

Ukrainians have suffered religious persecution, economic exploitation

and destruction of their political structure.

We, therefore, mark this anniversary today both to pay tribute to those who fought and died for Ukrainian independence and to remind Americans, and those throughout the Free World, of the grave consequences of Soviet domination.

Our brothers in the Ukraine must always be able to look to the United States as a beacon of hope and support that one day they will again be free. Our dream for a free and independent Ukraine will never die.●

SOLAR ENERGY TAX CREDIT EXTENSION LEGISLATION

HON. WYCHE FOWLER, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. FOWLER. Mr. Speaker, I am planning to reintroduce legislation which would extend the business and residential tax credits for solar installations through the year 1990.

Congress first enacted solar tax credits in 1978 and present law now allows a residential solar tax credit of 40 percent for solar equipment. On the commercial end, current law permits a 15-percent credit of the total cost of the installation. These provisions are due to expire December 31, 1985.

The solar industry is very new with most of these businesses having come into existence after the 1973 oil embargo. It has made an impressive beginning in building acceptance in the marketplace against competing fuels which continue to enjoy subsidies. In addition to creating new jobs and fostering new businesses, further development of the solar industry will lessen our dependency on foreign sources of energy.

Mr. Speaker, the legislation I intend to introduce would extend what I believe is a vital tax incentive. Specifically, this measure would extend the residential solar credits through 1990. In order to reduce the revenue loss and to provide for a gradual end to the subsidy, it provides for an annual 5-percent reduction in the credit level beginning in 1986. The credit for photovoltaics would remain at 40 percent through 1990 due to special needs, but since over 95 percent of the solar residential applications are for heating and cooling, the cost to the Treasury will be minimized. There is also a $6,000 credit limitation on domestic hot water systems as another provision to reduce revenue loss.

The solar investment tax credits would be extended at their current level of 15 percent through 1990. Because of their newness and, hence, need for special incentives, photovoltaics and high temperature solar industrial process heat and electricity systems would receive a 25-percent credit through 1990.

Taken together, the provisions of this bill represent a reasonable and cost-efficient response to the dual national goals of encouraging the development of secure, alternative energy resources at affordable prices, and reducing the Federal deficit. I hope my colleagues will join me in cosponsoring and actively supporting the extension of these solar energy credits. The text of the bill follows:

H.R. —

A bill to amend the Internal Revenue Code of 1954 to extend the residential energy credit with respect to solar renewable energy source expenditures, with declining percentages of credit, through 1990, and for other purposes

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

SECTION 1. AMENDMENTS RELATING TO SOLAR RENEWABLE ENERGY SOURCE EXPENDITURES.

(a) IN GENERAL.—Paragraph (2) of section 23(b) of the Internal Revenue Code of 1954 (relating to qualified renewable energy source expenditures) is amended to read as follows:

"(2) RENEWABLE ENERGY SOURCE.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, in the case of any dwelling unit, the qualified renewable energy source expenditures are 40 percent of so much of the renewable energy source expenditures made by the taxpayer during the taxable year with respect to such unit as does not exceed $10,000.

"(B) PHASEOUT OF CREDIT FOR SOLAR PROPERTY.—

"(i) IN GENERAL.—In the case of expenditures for solar property, there shall be substituted for '40 percent' in subparagraph (A) the percentage determined in accordance with the following table:

"For taxable years beginning in:	The percentage is:
1986	35
1987	30
1988	25
1989	20
1990	15
1991 or thereafter	0.

"(ii) SOLAR PROPERTY.—For purposes of this paragraph, the term 'solar property' means property described in paragraph (5) of subsection (c) by reason of the reference to 'solar energy'.

"(iii) CERTAIN PHOTOVOLTAIC CELLS REMAIN AT 40 PERCENT CREDIT.—The percentage determined under this subparagraph shall be 40 percent for taxable years beginning before January 1, 1991, with respect to photovoltaic cells used solely for the purpose of providing electricity.

"(C) MAXIMUM CREDIT FOR SOLAR HOT WATER SYSTEMS.—The taxpayer may not take into account under this paragraph with respect to any dwelling unit more than $6,000 of renewable energy source expenditures for solar property used to provide hot water for use within such dwelling.".

(b) SOLAR HOT WATER SYSTEMS AND ACTIVE SPACE HEATING SYSTEMS MUST MEET CERTAIN ADDITIONAL STANDARDS.—

(1) IN GENERAL.—Paragraph (5) of section 23(c) of such Code (defining renewable energy source property) is amended by striking out "and" at the end of subparagraph (C), by striking out the period at the end of subparagraph (D) and inserting in lieu thereof ", and ", and by adding at the end thereof the following new subparagraph:

"(E) in the case of property described in paragraph (11)(B), which meets the requirements of paragraph (11)."

(2) ADDITIONAL REQUIREMENTS.—Subsection (c) of section 23 of such Code (relating to definitions and special rules) is amended by adding at the end thereof the following new paragraph:

"(11) ADDITIONAL REQUIREMENTS WITH RESPECT TO CERTAIN SOLAR HOT WATER AND SPACE HEATING SYSTEMS.—

"(A) IN GENERAL.—Property described in subparagraph (B) shall not be treated as renewable energy source property for purposes of this section unless such property meets such test methods and minimum standards for performance, durability, reliability, and safety—

"(i) as are certified, rated, or listed by the Solar Rating and Certification Corporation, Inc., the Air Conditioning and Refrigeration Institute, or an equivalent organization recognized as such by the Secretary, and

"(ii) as are in effect at the time of the acquisition of the property.

"(B) PROPERTY TO WHICH ADDITIONAL REQUIREMENTS APPLY.—Property is described in this subparagraph if such property—

"(i) transmits or uses solar energy for the purpose of providing—

"(I) hot water for use within a dwelling, or

"(II) active space heating for such dwelling, and

"(ii)(I) is a solar collector,

"(II) is a component of an integral collector storage system or a thermosyphon system, or

"(III) is a component of a forced circulation system the solar collector components of which do not meet the requirements of subparagraph (A).

"(C) EXCEPTION FOR OWNER-CONSTRUCTED PROPERTY.—This paragraph shall not apply to any property if the taxpayer constructs such property from components not primarily designed for use as a solar collector or as a component described in subparagraph (B)."

(c) CONFORMING AMENDMENTS.—

(1) Subsection (f) of section 23 of such Code (relating to termination) is amended by striking out "This section" and inserting in lieu thereof "Except with respect to solar property (as defined in subsection (b)(2)(B)), this section".

(2) Subparagraph (B) of section 23(b)(5) of such Code (relating to carryforward of unused credit) is amended to read as follows:

"(B) LIMITATION ON CARRYFORWARDS.—

"(i) IN GENERAL.—Except as provided in clause (ii), no amount may be carried under subparagraph (A) to any taxable year beginning after December 31, 1987.

"(ii) CERTAIN SOLAR CREDITS.—In the case of a carryforward allocable to solar property (as defined in subsection (b)(2)(B)), '1992' shall be substituted for '1987' in clause (i). For purposes of applying the preceding sentence, a carryforward shall be treated as allocable to solar property to the extent of the credit under this section allocable to such property for the taxable year in which such carryforward arose."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1985.

SEC. 2. AMENDMENTS RELATING TO ENERGY INVESTMENT CREDIT FOR SOLAR PROPERTY.

(a) INCREASE AND EXTENSION OF CREDIT FOR CERTAIN SOLAR PROPERTY.—

(1) IN GENERAL.—The table contained in subparagraph (A) of section 46(b)(2) of the Internal Revenue Code of 1954 (relating to determination of energy percentage) is amended by adding at the end thereof the following new clauses:

"(viii) Low temperature solar property.—Property described in subparagraph (F)(ii).	15 percent	Jan. 1, 1986	Dec. 31, 1990.
"(ix) Other solar property.—Solar property other than low temperature property.	25 percent	Jan. 1, 1986	Dec. 31, 1990."

(2) DEFINITIONS.—Paragraph (2) of section 46(b) of such Code is amended by adding at the end thereof the following new subparagraph:

"(F) DEFINITIONS RELATING TO SOLAR PROPERTY.—For purposes of subparagraph (A)—

"(i) SOLAR PROPERTY.—The term 'solar property' means equipment which uses solar energy—

"(I) to generate electricity,

"(II) to heat or cool (or provide hot water for use in) a structure, or

"(III) to provide solar process heat.

"(ii) LOW TEMPERATURE SOLAR PROPERTY.—

"(I) IN GENERAL.—Except as provided in subclause (II), the term 'low temperature solar property' means property which is solar property solely by reason of subparagraph (B) of section 48(l)(4).

"(II) EQUIPMENT PROVIDING HOT WATER.—Property used to provide hot water shall be treated as low temperature solar property only if such property is designed to provide hot water at not more than 300 degrees Fahrenheit."

"(b) AFFIRMATIVE COMMITMENT RULE.—Paragraph (2) of section 46(b) of such Code is amended by adding after subparagraph (f) the following new subparagraph:

"(G) AFFIRMATIVE COMMITMENT RULE FOR CERTAIN SOLAR PROPERTY.—For purposes of applying the energy percentage contained in clause (ix) of subparagraph (A) with respect to property which is part of a project with a normal construction period of 2 years or more (within the meaning of subsection (d)(2)(A)(i)), 'December 31, 1993' shall be substituted for 'December 31, 1990' if the requirements of clauses (i) and (ii) of subparagraph (C) are met with respect to such project. For purposes of the preceding sentence, subparagraph (C) shall be applied by substituting—

"(i) 'January 1, 1991' for 'January 1, 1983', and

"(ii) 'July 1, 1992' for 'January 1, 1986'."

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 1985, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1954.●

WILLIAM G. RUTLAND

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Mr. William Rutland, who is retiring after a distinguished career in the Air Force. McClellan Air Force Base, in my congressional district, has been privileged to have Bill Rutland in its service as executive assistant to the commander for the past 4 years.

Bill has spent most of his Air Force career in the logistics field, having served as the chief of three branches in the directorate of materiel management. He was most recently the deputy director of the plans and programs directorate.

Bill has not only been an asset to McClellan but has taken an active part in community life in Sacramento. He served on the Sacramento Unified School District Board of Education for several years and was its president in 1970. He is a member of several civic and fraternal organizations including Rotary International, the American Red Cross, Sacramento Children's Home Society, and the Del Oro Girl Scouts Council.

Bill has come a long way from his birthplace in Cherokee, AL. He has built an exemplary career in the Air Force step by step, through hard work and dedication to the task at hand. The Air Force Logistics Command, and McClellan Air Force Base in particular, will sorely miss him, and we wish him and his family all the best in the years to come. Thank you.●

KNOWLEDGE FOR A BETTER WORLD

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. BEREUTER. Mr. Speaker, shortly before Christmas the University of Nebraska-Lincoln held its winter commencement exercises. Featured speaker at the event was Ambassador Zhang Wenjin of the People's Republic of China.

I have had the personal privilege of meeting with Ambassador Zhang and consider him to be a very able and distinguished representative of his country. With the growing importance of the People's Republic of China to the world and our own country, I was very pleased that the Ambassador agreed to address a university audience in the heartland of America.

The day also carried with it a bit of historical significance. University officials conferred an honorary degree upon the Ambassador—the first I understand he has received.

It is with great pleasure, Mr. Speaker, that I insert the text of the Ambassador's speech in the CONGRESSIONAL RECORD:

KNOWLEDGE FOR A BETTER WORLD

Mr. Chancelor, Mr. President, Ladies and Gentleman, it is a privilege and honor for me to witness history today. This commencement is the reflection of the excellence of your university, the crystalization of the wisdom of the faculty and the boundiful reward of the loving care of the parents. But above all, my dear young friends, it is a monument to your hard work and outstanding academic achievements.

From here you will proudly go to the world out there—to claim your own place and build your own happy life. But I also see clearly on your shoulders the responsibility to create a better world—a world free from poverty, disease, social injustice and the danger of war. To prefer a plateau of prosaic safety or a terrain of peaks and valleys is your choice. But in choosing to work for the common good and a better world, you will ultimately find a sense of self-fulfillment and a meaningful way of life.

Knowledge is a vitally important tool for bringing about a better world. College education may have given you an intelligent approach to knowledge, but knowledge itself is a long, mighty river. Rough and turbulent, it only allows those brave and indefatigable to rise above the flow and reach a point where they can enjoy a full view of the horizon.

China was once leading this herioc voyage with her brilliant ancient civilization. But owning to various historical reasons, she is now lagging behind the scientifically-advanced nations such as the United States. In our current efforts to modernize China, we need to learn from you while sharing with you our own tested knowledge. With the combination of Chinese and American resources and their wisdom old and new, the two countries will gain much more strength in navigating and choosing direction. The wind is up and the current is swift. Let us join hands and press ahead in this enternal river of knowledge.

The Chinese and American peoples are so different in their values, cultures, histories and political systems, yet they are both great peoples—dynamic, hardworking and peaceloving. They came to know and like each other a long time ago.

We will never forget the thousands of Chinese laborers who came to this country more than a century ago. They mingled the sweat of their brows with that of other immigrants and, together, they built the first American transcontinental railroad. We are pleased to note that today Chinese Americans are contributing even more greatly to the various aspects of American life.

We will always remember our American friends who came to China when the hours were dark. Their warm support and kind assistance went a long way in helping us repulse foreign aggression and usher in a new era represented by the founding of the People's Republic in 1949. Later, they worked hard for Sino-American mutual understanding and normalization of relations. We are happy to find that today more Americans are engaged in a host of worthy endeavors to the benefit of both our peoples.

Sino-American mutual understanding and friendship have now reached a much higher elevation. Our exchanges and cooperation in the economic, scientific-technological and cultural fields have made big strides forward. Together, the Chinese and American people will be in a much stronger position to help make this world a better, safer place.

Young people are like the rising sun. You represent the future of the world and our important bilateral relations. To be with you, people in the most creative and vigorous stage of life, makes me feel young and energetic. I am most grateful to the University of Nebraska for its decision to confer on me an honorary degree of humane letters,

which I regard, above all, as an important gesture of your sincere friendship to the Chinese people and strong commitment to Sino-American cultural exchanges. This high honor will spur me on in exerting all my efforts for the blossoming of these important exchanges.

Across the length and breadth of our two vast countries, tens of thousands of Chinese and American students are now living and studying together. It is my sincere hope that more Nebraskan sons and daughters will go to my country for academic study and exchanges. Out of mutual understanding grows a strong bond of friendship—a friendship which has already struck root in Lincoln, across the cornhusker state and all over the land.

Sitting among you in this hall are two graduate students from the People's Republic of China, who are also going to receive their M.A. degrees today. At present, there are about 40 PRC visiting scholars and students studying on this excellent campus, and I am sure that the number will grow year by year. When they go back to China for nationbuilding, their thoughts will always be with you—marvelous people in the center of the United States. In five, ten or fifteen years time, they will come back to you for a happy reunion. Together, you will cheer for the Big Red. (Sure, the cheers will be even louder, because by then you will be reinforced by your children's voice—a new generation of Big Red fans.) Together, you will not only reminisce about your colorful college life, but also reflect on the path traversed: Have I developed to the maximum potential of my ability? Have I used my knowledge not just for my own good but for the welfare of the general public as well? Have I contributed to Sino-American friendship and, above all, to the creation of a better world? In a sense, that will be a different yet equally important commencement.

From this commencement to that one, from the pursuit of happiness to its realization, from the acquisition of tools and resources to their fine products, it is indeed a long journey. As we say in China: A thousand mile journey begins with the first step.

My dear friends, today you have taken the first step. It is a big, determined and decisive step. I wish you good luck all the way.

Thank you.●

UPPER WHITE OAK BAYOU FLOOD CONTROL ACT OF 1985

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. FIELDS. Mr. Speaker, I am today introducing, along with several of my Houston colleagues, legislation to authorize the construction of the Upper White Oak Bayou flood control project.

It's been 11 long years since the Congress last enacted a major water resources development bill and nearly 50 years since the last major revision of our Fedeal water policy laws.

During that time, we have witnessed the serious decline of our port system and the tragic suffering by individuals in hundreds of communities throughout this Nation who have been subjected to the ravages of persistent flooding. Several of these communities are located in my own congressional district.

Mr. Speaker, the people who live in central and northwest Houston, along the Upper White Oak Bayou, have made every effort to protect their homes and businesses from flooding. The Federal Government must now do its part to assist these courageous Americans who regrettably are unable to provide this badly needed flood protection.

The project authorized by this legislation has been carefully studied by both the Army Corps of Engineers and the House Public Works and Transportation Committee.

The Upper White Oak Bayou flood control plan has been enthusiastically supported by all interested parties and has been given high nationwide priority by the Army Corps of Engineers. Upon completion, this project will provide $1.50 worth of flood protection for every $1 of Federal cost.

While this Congress will undoubtedly spend a great deal of time discussing and hopefully implementing deficit reduction measures, I, nevertheless, strongly believe this project must be approved and that this Congress enact an omnibus authorization bill.

As my colleagues well know, in the last Congress, the leadership of the House Public Works and Transportation Committee labored long and hard to develop a comprehensive and cost effective water policy for this Nation.

As a result of their tireless efforts, the House of Representatives considered for the first time in a number of years an omnibus water resources development authorization bill.

Despite the fact that this vital legislation, H.R. 3678, was overwhelmingly approved on three separate occasions by the House in 1984, regrettably, the other body failed to debate this important proposal prior to its adjournment.

Nevertheless, I would like to express my deep appreciation to Chairman JIM HOWARD, Subcommittee Chairman BOB ROE, Congressman GENE SNYDER, and Congressman ARLAN STANGELAND for their personal interest and willingness to include the Upper White Oak Bayou project within H.R. 3678.

In addition, I understand this important project has been incorporated within H.R. 6, the Water Resources Conservation, Development and Infrastructure Improvement and Rehabilitation Act of 1985 introduced by Chairman HOWARD on the first day of the new 99th Congress.

It is my fervent hope that we will quickly pass this vital legislation and that each Member of the House will, as I intend to do, prevail upon Members of the other body to expeditiously move this measure.

While I cannot speak for the dozens of other projects contained within Chairman HOWARD's bill, I strongly believe that the Federal investment called for in the Upper White Oak Bayou project is clearly justified. In evaluating this or any project, we must weigh the benefits which are derived to our Nation from vital communities with thriving industry, versus regional decay caused by persistent flooding which generates unemployment, saps our tax base, and impedes economic growth.

In fact, the Federal Government will end up saving millions of dollars by providing this flood protection rather than continue the endless cycle of rebuilding communities with Federal flood insurance money. In this way, we will not only provide these individuals with long-overdue flood relief but will simultaneously preserve our precious financial resources.

At the same time, it is important to recognize that my legislation has the added benefit of creating new jobs. According to the Army Corps of Engineers, the Upper White Oak Bayou flood control project will provide jobs both directly and indirectly to more than 2,000 Houstonians.

Mr. Speaker, the Upper White Oak Bayou project is sound. It is an investment in our Nation's future. It will save taxpayers money. It will create jobs. And, it will provide flood relief to thousands of citizens who must now suffer from the personal and economic hardships of persistent flooding.

Mr. Speaker, I intend to do whatever I can this year to seek the expeditious passage by both Houses of Congress of this long-overdue legislation. I urge my colleagues to join me in this most noble endeavor.

Finally, I would like to thank Congressmen ARCHER, LELAND, ANDREWS, and DELAY for joining me as sponsors of this legislation.●

REGULATING BIOTECHNOLOGY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, January 16, 1985, into the CONGRESSIONAL RECORD:

REGULATING BIOTECHNOLOGY

Regulation of the emerging biotechnology industry is an important challenge facing the 99th Congress. Genetic engineering and other related forms of biotechnology are viewed by some as the most promising frontier since computers, offering us everything from double-size livestock to a cure for cancer. Others, frightened by the possibility that man-made organisms may wreak havoc on the environment, see biotechnology as a major menace. Yet there is general agreement among ecologists and biotechnicians alike that federal regulation of the fledgling

industry is necessary. How tightly controls should be drawn is the question.

Even the most ardent critics of genetic engineering grant that its potential is enormous. It could revolutionize many different areas of human endeavor, including pharmaceutical and chemical manufacture, hazardous waste control, and energy production. Its greatest impact may be in animal and plant agriculture. For example, growth hormones to increase meat production and new crops that resist disease or make their own fertilizer are being developed. While the market for biotechnological products is less than $100 million today, it could be worth tens of billions in the next decade.

Congress faces many issues in biotechnology, including adequate federal funding of basic research, subsidized development abroad, revisions in patent law, extensions of tax breaks for "high-tech" research and development, and the misuse of biotechnology by other countries for military purposes. Its primary preoccupation, however, is the need for regulation. In recent months, critics called for strict oversight in general and a ban on some applications of biotechnology. A federal district judge halted federally-funded biotechnological experiments in the field.

Critics express several fundamental concerns. Ecologists cannot predict with any confidence what genetically-engineered organisms will do once outside the laboratory. Could a man-made organism designed to consume oil spills run amok and begin eating its way through fuel tanks or oil lubricating machinery? They point to gypsy moths, Dutch elm disease, and killer bees as examples of those rare but devasting intances when natural organisms introduced into a new environment ran out of control. They fear that in the rush to achieve the benefits of genetic engineering, the potential side effects have been given far too little scientific scrutiny.

On the other side, proponents of genetic engineering find these worries quite exaggerated, as fanciful as some "Killer-Tomato-Devours-Cleveland" movie. They suggest that similar objections could have been raised against the discovery of fire because fire always has had the potential to escape human control. They point out that the new biotechnologies are much more precise than the traditional ways in which scientists have caused genetic alterations, such as bombardment of cells with untraviolet rays. They also stress that genetic changes in organisms occur naturally all the time, and, moreover, that any genetic modification introduced in the laboratory is much more likely to impair rather than improve an organism's capability to adapt, making it less likely to survive on its own. In addition, they note that there are many ways to contain the spread of almost any organism.

Despite such assurances, rigorous oversight is necessary. The benefits of biotechnology are likely to be huge, but we cannot overlook the risks even while most ecologists admit that the possibility of a calamity is remote. From the industry's viewpoint, federal regulation may be regarded positively. It may forestall enactment of a patchwork of conflicting state regulations. If it helps head off a highly publicized crippling incident, it certainly will be in the industry's best interest. Most important, rigorous oversight is a comfort to the American people. Many concerns have been expressed, some legitimate, some not, so a prudent federal regulatory role is bound to create the feeling that responsible work is being done in a responsible way.

Currently, the main federal control over biotechnology is a review panel set up under the National Institutes of Health to judge the safety of government-backed experiments. It has no power over the private sector, but industry usually submits its experiments for approval anyway. As the products of biotechnology get closer to the marketplace, several federal agencies are taking responsibility for ensuring that they are safe. A presidential task force on biotechnology recently concluded that regulation can be handled properly under existing law by existing agencies, primarily the Environmental Protection Agency but also the Department of Agriculture and the Food and Drug Administration. It clarified the division of responsibility among the various agencies and called for the creation of a board to ensure that the evaluation of new products is consistent from agency to agency. Congress may go beyond the task force's effort and consider some regulatory improvements when the Toxic Substances Control Act comes up for renewal this year. A comprehensive biotechnology regulation bill is expected to be introduced in Congress soon.

The regulation of biotechnology must be rigorous, but it must be carried out in an equitable, balanced, and scientific manner. We need to weigh the public interest in regulation against the industry's need to innovate and stay competitive. An unreasonable and stifling regulatory system will not halt the progress of biotechnology: it will move the industry abroad. Other countries—notably Australia, France, Japan, England and West Germany—actively support biotechnology by designating it a national goal and accommodating its growth with a favorable system of regulation and economic and legislative assistance. If our regulations are too strict and our support is too casual, this future multibillion dollar industry could shift overseas.

The regulatory debate is taking place at the outset of biotechnology's development. Increased public attention to the issue means that we can hope to conduct a thorough examination of options and find a balanced solution to the problem.●

CONTINGENCY ELECTION PLAN

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. CAMPBELL. Mr. Speaker, political pundits and constitutional scholars alike have endlessly dissected the problems associated with a Presidential election being thrown to the House. However, a glaring loophole still exists that could send our system into a tailspin.

Current law makes no provision for replacement of a candidate—Presidential or Vice Presidential—who dies or is disqualified during the 3-week period between inconclusive voting of the electoral college and balloting by the House and Senate. Although the Constitution calls on Congress to provide by law for this contingency, to date we have done nothing. A major political party could be left without a candidate. Moreover, the will of the people could be denied solely because we neglected our duty.

Section 4 of the 20th amendment calls on Congress to provide for the possibility that a candidate for President or Vice President could die or be disqualified between the inconclusive voting of the electoral college and the balloting by the House and the Senate—a period of some 3 weeks. I urge my colleagues to consider the consequences of postponing our constitutional challenge and needlessly risking the disenfranchisement of millions of Americans.

To address this gap in our election laws, I am proposing that should a candidate for President die or be disqualified between the time the electoral college deadlocks and the balloting by the House, the Vice Presidential running mate of that candidate shall be automatically elevated to consideration by the House for President. The newly elevated candidate shall then appoint a person to be considered by the Senate for Vice President. Additionally, my bill provides that should the Vice Presidential candidate die or be disqualified, the Presidential candidate shall name a replacement for consideration for Vice President by the Senate.

Mr. Speaker, the 1984 Presidential election has concluded, and the time to act is now. To do nothing until or unless the contingency arises could make the Presidency itself a tarnished prize.●

EMPLOYEE STOCK OWNERSHIP

HON. DOUGLAS H. BOSCO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. BOSCO. Mr. Speaker, in early 1981, I became involved in an effort to try to perpetuate, as an independent company, the largest airline in California. For over 6 months, I worked closely with Continental Airlines employees and their employee association to try to get legislation enacted that would eliminate a lot of redtape in the granting of permits by the corporation commissioner in California, and had we been successful, there would still be an independent Continental Airlines. One of the leading proponents of employee ownership, Dickson C. Buxton, chairman of Private Capital Corp., introduced me to all of the complex provisions of the employee stock ownership plan [ESOP], and I became convinced that an ESOP could be used to help perpetuate many types of companies in America, especially the small- and medium-sized private corporation.

Mr. Buxton also described his efforts to try to affect changes in certain provisions of the Federal estate tax law so

that the government would not unknowingly continue to force the sale of private businesses—due to the heavy estate taxes that are levied on closely held corporation stock; there is very little market for that stock.

I recently cosponsored legislation which provided for a solution to this problem. It passed as part of the 1984 tax bill, and now the closely held company itself can assume responsibility for payment of the tax through tax-deductible contributions to an employee stock ownership plan so that the stock, which would otherwise normally be acquired by some larger entity if the company were not liquidated, will be acquired by a trust for the employees who can help to continue the growth of that private business. This is now section 2210 [IRC] and it was one of four critical improvements in ESOP legislation. The other three involved a lower interest rate for ESOP loans to encourage this type of transaction, rather than a traditional leveraged buyout where ownership is concentrated; tax deductible dividends, if passed through to employees, to stimulate their interest in building the company; tax free rollover on sale of stock to an ESOP, under certain circumstances, to place the shareholder in the same position as if he had exchanged his shares with a larger company.

Mr. Buxton recently wrote an article for the ESOP Association which ties together all four of these significant improvements in ESOP regulation. In my opinion, the partial ESOP leveraged buyout is a much better solution for may owners of closely held corporation stock than the total sale of the company, usually to a larger enterprise, with the resultant loss of independence for the company and possibly jobs.

I wanted to share with my colleagues Mr. Buxton's insightful article which follows:

PARTIAL ESOP LEVERAGED BUYOUT

(By Dickson C. Buxton)

The ESOP provisions of the 1984 Tax Act (1) are specifically designed to encourage control stockholders of private corporations to consider the "ESOP alternative" to a total sale of their company. This ESOP alternative to the total leveraged buyout is far more attractive for all concerned than highly publicized total leveraged buyout transaction which results in: Concentrated ownership of corporate assets; staggering interest charges that usually result in the necessity to sell off assets; a reduction in the work force which ends the careers of many senior employees who helped build the business.

Many bankers are re-assessing their lending policy for this type of transaction. The Treasury is denied corporate income tax from many companies acquired in an LBO transaction, as the buyer usually arranges the sale to provide for a stepped-up basis in the assets (which are then depreciated all over again). This, together with the interest paid on acquisition debt, takes many LBO companies off state and federal tax rolls for many years.

The traditional LBO transaction is being carefully scrutinized by several members of Congress, as the transaction does not help our budget deficit problem at all; it exacerbates it! In addition, many LBO sales eventually cause higher unemployment through consolidation of management functions and executive terminations. In some cases, as assets are sold to meet debt reduction requirements, mass layoff of rank and file employees results.

When a plant is liquidated, the affected employees in the local community suffer, welfare costs increase and there are additions to our already bloated federal budget deficit.

The four significant ESOP provisions included in the Tax Reform Act of 1984 make a partial ESOP leveraged buyout (PELBO) a most attractive alternative to the outright sale of the company for those who have it within their power to make this choice.

The Interest Exemption provision (2) will result in an ESOP loan at approximately two-thirds of the interest rate which would otherwise be paid by the corporation—if the lender is in a marginal 46% tax bracket and is willing to pass the tax savings on to the ESOP Trustee. This, in addition to the deduction of principal payments on the loan through the ESOP contribution, allows far more leverage in the transaction and increases the price that can be paid for company shares when compared to the usual leveraged buyout transaction.

The Tax-Free Rollover provisions (3) allow deferral of capital gains tax for shareholders who re-invest in qualifying domestic corporation stock. A sale of 80% of their shares, on a tax-free basis, is in most cases the same as selling 100% of their shares in a taxable cash transaction. Plus, the shareholders will still own 20% of their original shares and can hold them for future growth.

Growth in shares which are retained by the present shareholders should accelerate, after the ESOP transaction, through Tax-Deductible Dividends on ESOP-owned stock. (4) Participants will then have quarterly reminders that their increased effectiveness translates into immediate income and growth in their ESOP accounts. This benefits all shareholders as their own shares grow at the same increased rate.

One of the new ESOP tax provisions, which we have been promoting for some time, creates the equivalent of an Estate Tax Credit for company shares transferred to the ESOP by an estate executor.(5) The ESOP trustee may pay for the shares over a 14 year period with a low interest loan from the government. The company deducts the payments of principal and interest on the loan.

Due to these new tax provisions, an ESOP, if part of a well-designed business perpetuation plan, can provide stockholders more for their shares in a PELBO than in most other transactions. For example, an ESOP bank loan for 80% of the fair market value of all shares will finance the purchase of these shares. If shareholders acquire qualified shares in other domestic corporations and develop a diversified portfolio, this will give them, after tax, as much value as they would have in an outright sale, and they would still retain 20% of their company shares, with estate liquidity provided for those shares. Employee shareholders would still have their jobs and their autonomy! Shares remaining (after the sale to the ESOP) can be sold to the ESOP upon death to help finance estate tax on non-company stock assets.

To summarize, the partial ESOP leveraged buyout (PELBO) will do the following:

Properly reward stockholders for the risks they have taken over the years.

Recognize the "sweat equity" of employees, many of whom have dedicated their lives to building the company. (Most employee stockholders, who are also in top management of private companies, feel this career risk should be rewarded.) The sale of the company to outsiders would jeopardize the careers and standard of living of many long-time dedicated employees. This causes many "control shareholders" to avoid a total sale of the company.

ESOP participation encourages employees to work harder and smarter to help their company earn the money necessary to pay off the ESOP bank loan.

A well-designed PELBO transaction should provide stock incentives for key employees to ensure continuity of management. In many cases, senior management acquire substantial blocks of stock at the outset of the transaction, paying for their shares through incentive bonus programs based upon achieving quarterly bottomline results for their divisions.

Numerous surveys provide conclusive evidence that companies which share ownership enjoy higher levels of employee productivity. (We were involved in one of the major surveys(6).) Therefore, lenders and shareholders can expect accelerated earnings after the PELBO. The government can expect tax collections will be higher.

All in all, this is a win-win-win type of transaction:

The sellers of shares get as much, in cash, after tax, if company pre-tax cash flow can support an 80% of fair market value loan to the ESOP.

The buyers (management and employee ESOP participants) are assured of continued tenure and job security if they continue to maintain profits. They will also build a capital estate for themselves.

The State and Federal governments can look forward to a continuation of at least part of the revenue collected prior to the sale of the company, with a rapid return to full participation and sharing of the tax burden as soon as acquisition debt is paid off.

The ESOP provisions of the 1984 Tax Act provide substantial inducements to "control shareholders" to investigate this PELBO alternative carefully before selling out to others in the traditional LBO transaction. All of us who are active in ESOP consulting are appreciative of the efforts of the cosponsors of the ESOP provisions of the new tax bill: Senator Russell Long, Congressmen Douglas Bosco and Charles Rangel.

FOOTNOTES

1. a. Act Section 541, adding Section 1042 IRC, tax-free sale of Employer Securities to an ESOP;

b. Act Section 542, adding Section 409(k) IRC, amending Section 116 and 3406 IRC, corporate deduction for dividends payable to ESOP participants;

c. Act Section 543, adding Section 133 IRC, partial interest exclusion for certain lenders to an ESOP;

d. Act Section 544, adding Section 2210 IRC, assumption of estate tax liability by ESOP;

2. Partial interest exclusion for lenders to ESOPs—Act Section 543, adding Section 133 IRS.

Effective for loans extended after July 18, 1984, 50% of the interest received or accrued on loans to an ESOP or an employer having an ESOP to acquire stock for the ESOP is excluded from the income of the lender.

The section applies only to banks, insurance companies and corporations actively engaged in making such loans. It is specifically inapplicable to loans between corporate members of the same controlled group or to loans between the ESOP and the employer of any employees covered by the Plan or any member of a controlled group which includes such an employer.

3. Tax-free sales of employer securities—Act Section 541, adding Section 1042 IRC.

(a) a taxpayer who elects the application of Section 1042 to sale of Section 409(e) employer securities to an ESOP (but not ordinarily a TRASOP) may avoid recognition of gain upon the sale if—

I. after the sale, the ESOP owns at least 30% of the total value of employer securities, and

II. within 15 months beginning 3 months prior to the sale, the sellor purchases qualified replacement property (corporate stock, rights to subscribe for or receive corporate stock, bonds, debentures, notes, certificates or other evidences of indebtedness in registered form or with coupons attached issued by a domestic corporation that has no more than 25% passive income for the taxable year of issuance.

(b) No portion of the shares sold under Section 1042 may be allocated by the ESOP to the seller, members of his family (under Section 267(b)(4)) or any person who holds—directly or by Section 318(a) attribution—more than 25% in value of any class of outstanding Section 409(e) employer securities.

(c) The ESOP must retain shares acquired under Section 1042 for three years, except for the statutory permissible distributions at death, disability, retirement or severance. Any disposition by the ESOP will be deemed first to be of Section 1042 shares and unless sanctioned may attract a 10% excise tax upon the Plan.

(d) Stock sold under Section 1042 may not have been acquired under an option or other right granted by the employer; not by distribution from a qualified plan and must be issued by a domestic corporation having no issue readily traded on an established securities market.

(e) Any excess of deferred gain over the cost of replacement securities is taxable currently.

4. Corporate deduction for dividends paid to ESOPs—Act Section 542, adding Section 409(k), IRC and amending Sections 116 and 3406.

A special corporate deduction, allowed for tax years beginning after July 18, 1984, is now available for dividends paid in cash to an ESOP or TRASOP and either flowed through to participants directly or through the Plan within 90 days of the close of the Plan year.

5. Assumption of estate tax liability by ESOP—Act 3544 adding Section 2210 IRC.

(a) An Executor may elect to transfer (i.e., sell) a qualifying amount of 409(e) employee securities to an ESOP in consideration of the assumption by the ESOP of the federal estate tax attributable to such securities. The election must be accompanied by a written agreement under which the Plan administrator agrees to assume the appropriate amount of estate tax and another written agreement of the (or an) employer of employees covered by the Plan guaranteeing payment of the appropriate estate tax and any statutory interest by the Plan.

(b) The qualifying amount of employer securities is securities having a value equal to the estate tax assumed. The assumed tax is limited to the lesser of the value of the securities transferred or the estate tax imposed (less statutory credits allowed) upon the taxable estate.

Statutory credits allowed are: (1) the Unified Credit and (2) credits for state death taxes, gift tax paid, foreign death tax, tax on prior transfers and taxes on remainders or reversionary interests.

Note.—The Section 2210 transfer is a sale by the estate of securities included in gross estate for a consideration paid by assumption of estate tax liability. Transfers of excess value are not subject to Section 2210, so the Executor is not relieved of liability as to them. The Section 2210 transfer is treated as a Section 4975(e) loan, so is not subject to Prohibited Transactions tax; but it is a sale and does not generate a credit against tax.

If the Executor elects tax deferral under Section 6166 (for which the estate must meet all pre-conditions, including percentage of ownership based upon the total stock-holding inclusive of the shares sold under the shelter of Section 2210), the Plan administrator also may (but need not) elect to use Section 6166.

6. Summary of results of ESOP study done for Senate Finance Committee:

In 1979 Dickson C. Buxton, Chairman of Private Capital Corporation, conducted a survey at the request of Senator Russell B. Long, Chairman of the Finance Committee of the United States Senate, to determine the effect of ESOPs on the profitability and productivity of companies that have installed them, as well as to determine whether widespread use of ESOPs would increase, rather than decrease, federal government revenues from the corporate income tax. Based upon the return of detailed data from 72 respondents, the typical (average) company (in business 27 years and having installed an ESOP more than three years prior) showed, among other matters, the following results:

	Before ESOP	After ESOP	Increase (percent)
3-yr average:			
Sales	$19,596,000	$33,780,000	+72
Pre-tax profits	$794,000	$2,039,000	+157
Taxes	$312,000	$780,000	+150
Employees	438	602	+37
Productivity:			
Sales per employee	$44,700	$56,000	+25
Profit per employee	$1,812	$3,387	+86

While this survey and the summarized information above are not conclusive or necessarily predictive of future experience, Private Capital believes that it supports the view that significant productivity improvement has been associated with employee ownership. The study, entitled "Survey by the Senate Finance Committee", was published in The Congressional Record in October 1979 and summarized in a letter from the members of the Senate Finance Committee to the Editors of The New York Times published on October 24, 1979. Reference is made to the complete study for information concerning the methodology and assumptions used, the data obtained, and other observations and conclusions reached.●

HISTORY IN THE HOUSE

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mrs. BOGGS. Mr. Speaker, yesterday, history was made when President Reagan was officially inaugurated in the rotunda of the Capitol. Likewise, a precedent was set 4 years ago when an inaugural ceremony was held for the first time on the west front of the Capitol rather than at the more traditional east front site.

In the past three ceremonies marking the assumption of authority by the Chief Magistrate of our Nation have taken place in several diverse settings, including Statuary Hall, formerly the Hall of the House of Representatives.

In the second issue of "History in the House," the Office of the Bicentennial describes the occasions when Presidents were administered the oath of office in the House Chamber. It makes for very interesting and timely reading.

The article follows:

[From the History in the House, January 1985]

PRESIDENTIAL INAUGURATIONS IN THE HOUSE CHAMBER

JOHN ADAMS

"Your dearest friend never had a more trying day than yesterday," wrote President John Adams to his wife Abigail after his inauguration as the second President of the United States in 1797. This was the first of seven inaugurations to be held in the Chamber of the House of Representatives. The Congress was meeting in Philadelphia at the time and was still three years away from its move to Washington, D.C. The inauguration of John Adams also marked the first time in American history that there was a transfer of executive power. The press marveled at the virtues of a Republic where a Chief Magistrate actually attended the inauguration of his successor. Adams himself was overshadowed in the outpouring of emotion accompanying the retirement of George Washington.

George Washington preceded Adams into the crowded Chamber to much applause. Adams sat in the elevated seat of the Speaker of the House. On his right sat the new Vice-President Thomas Jefferson, George Washington, and the Secretary of the Senate. The Speaker of the House, Jonathan Dayton, and the Clerk of the House, John Beckley, were to his left and four Justices of the Supreme Court were seated at a table in front of Adams. After his address, Adams descended from his chair and Chief Justice Oliver Ellsworth administered the oath of office. This was the first time that the Chief Justice administered the oath to a President-elect. At George Washington's first inaugural the oath was administered by Robert Livingstone, Chancellor of the State of New York, and at the second by William Cushing, an Associate Justice of the Supreme Court.

When the ceremony was over Adams sat down briefly, then rose and bowed and left the Chamber. At this point there was a

question of precedence regarding who should leave next, Washington insisting that Jefferson go ahead of him. Adams held a modest reception after the inauguration, but the main event of the day was an elaborate farewell banquet given to George Washington by the merchants of Philadelphia.

No member of Adams's family attended the inauguration, but the new President wrote his wife the next day: "A solemn scene it was, indeed, and it was made more affecting to me by the presence of the General, whose countenance was as serene and unclouded as the day. . . . In the Chamber of the House of Representatives was a multitude as great as the space would contain, and I believe scarcely a dry eye but Washington's."

James Madison

Both of James Madison's inaugurations, 1809 and 1813, took place in the House Chamber. This was particularly appropriate since Madison was the first President to have been a Member of the House, having served in the first four Congresses.

The Capitol Building in Washington was still unfinished in 1809, but the imposing Hall of Representatives, considered to be the most beautiful room in America, had been in use since 1807. This room, on the site of present-day Statuary Hall, was destroyed in 1814 when the British burned the Capitol Building.

On March 4, 1809, the Hall of the Representatives was filled to capacity and 10,000 persons had gathered outside the building in the bright sunshine. John Quincy Adams, former U.S. Senator and later to be President himself, wrote in his diary: "The House was very much crowded and its appearance very magnificent."

Outgoing President Thomas Jefferson refused to share the limelight and declined an invitation to ride in the inaugural carriage with Madison and his wife Dolley. Jefferson, accompanied by his grandson, rode to the Capitol on horseback, hitched the horse to a nearby picket fence, and once inside took an inconspicuous seat below the dais, much to the chagrin of the Committee on Arrangements.

Madison had a slight vocal disability that made his inaugural address almost inaudible to those in the House Chamber. When he finished speaking, Chief Justice John Marshall administered the oath of office. Madison then reviewed the volunteer militia assembled on the Capitol grounds and returned to his home by carriage, where refreshments were served and the guests were treated to some of Dolley Madison's famous hospitality.

At Long's Hotel that night about 400 people attended the first inaugural ball to be held in Washington.

Vice-President George Clinton, who was continuing in office, did not attend the inauguration and took the oath of office on May 22, when Congress convened.

Madison's second inaugural on March 4, 1813, was almost exactly like the 1809 ceremony. Madison even wore the same suit, which the press had praised for being one of American manufacture from the wool of domestically raised merino sheep. The Vice-President, Elbridge Gerry, took the oath in Boston rather than make a special trip to Washington for that purpose.

James Monroe

After the British burned the Capitol in 1814, the Congress held its sessions in the Old Brick Capitol, a block away on the site where the Supreme Court Building now stands. The Capital was still being rebuilt in 1817 when President-elect Monroe requested the use of this temporary House Chamber for his inauguration. But Speaker of the House Henry Clay, who was angry at Monroe for selecting John Quincy Adams instead of himself as Secretary of State, refused the request, and the ceremony was held outdoors in front of the Old Brick Capitol. Monroe's second inauguration in 1821 was scheduled to be held outdoors but heavy snow and rain forced the ceremony indoors to the newly reconstructed House Chamber (now Statuary Hall) in the Capital Building. This room was the scene of all subsequent House Chamber inaugurations. There have been no inaugurations in the present Chamber, which has been in use since 1857.

In 1821, for the first time in our nation's history, Inauguration Day, March 4, fell on a Sunday. President Monroe consulted Secretary of State John Quincy Adams, who turned to Chief Justice Marshall to decide if it was proper to begin his second term on a legal holiday. The Chief Justice determined that although the President's term expired on March 3 at midnight, he favored postponing the ceremony until Monday, March 5. The Vice-President, Daniel S. Tompkins, who was ill at home in New York City, took the oath privately on March 3 and then took the oath again on March 5.

The crowds for Monroe's second inaugural were so great that several diplomats in full dress uniforms could not get into the Chamber through the crush of people in the corridors. More than 2,000 persons were in the Chamber itself. John Quincy Adams wrote in his diary:

"The President, attired in full suit of black broadcloth of somewhat antiquated fashion, with shoe-and knee buckles, rode in a plain carriage with four horses and a single colored footman. . . . There was no escort, nor any concourses of people on the way. But on alighting at the Capitol a great crowd of people were assembled and the avenues to the hall of the house were so choked up with persons pressing for admittance that it was with the utmost difficulty that the President made his way through them into the House."

Adams recorded that the crowd was boisterous and that "loud talking and agitation in the gallery" did not stop even when the President was reading his inaugural address. For the first time at an inauguration music accompanied the ceremony as the Marine Band played during Monroe's entrance and departure.

John Quincy Adams

In 1825 John Quincy Adams, whose diaries record details of the inaugurations of Presidents before him, became President himself. The new President's father, ninety year-old former President John Adams, was not among the members of the Adams family to attend the inauguration. He remained home in Massachusetts, although some secondary accounts of the inauguration claim that he was at the ceremony. Outgoing President James Monroe established the tradition of escorting his successor to the Capitol. Unlike the boisterous crowds in 1821, the people in the galleries during John Quincy Adams's inauguration were "remarkable for their stillness and decorum" according to one local newspaper.

Perhaps no President has been more intimately connected with the House than John Quincy Adams. This ceremony in the House Chamber had a unique and poignant aspect, since it was the House of Representatives that elected Adams President. When there is no majority in the Electoral College, the Constitution provides that the election be decided by the House of Representatives. This has happened only twice, in 1800 (when Jefferson was elected) and in 1824.

After his four year presidential term, Adams served seventeen years in the House and suffered a fatal stroke in the same Chamber in which he was inaugurated. His funeral, held in this Hall that meant so much to him, was a grand yet quietly dignified tribute to one of America's greatest public servants.

Andrew Jackson

The 1829 inauguration of Andrew Jackson was the first of many to be held outdoors on the East Portico of the Capitol. In 1833 Jackson planned to use the East Portico again, but snow, freezing temperatures and high wind drove the ceremony inside to the House Chamber.

Jackson's second inaugural was a simple one. Although there was no formal procession or military escort, many citizens braved the high winds and cold to wait at the Capitol doors. For the first time the President was received at the Capitol by the mayor of Washington and members of the city council.

Jackson, who was in poor health, returned to the White House and went to bed right after the swearing-in ceremony and did not attend any receptions or balls. The Vice-President, Martin Van Buren, also took his oath of office in the House Chamber.

Millard Fillmore

The last time the House Chamber was used for a Presidential inauguration was in 1850 after the sudden death of President Zachary Taylor. Taylor had attended a hot Fourth of July ceremony connected with the building of the Washington Monument and overindulged in cherries and iced milk. That night he was attacked by cholera morbus and fever and died five days later. This was the first time a President had died while the Congress was is session. The House and Senate convened at 11 o'clock on July 10, 1850, to receive the message from Vice-President Millard Fillmore that the President had died the night before. Fillmore proposed to take his oath as President at noon that same day.

This swearing-in ceremony had none of the pomp of a regular inauguration and was conducted quickly and solemnly, befitting a nation mourning the loss of a President. The gallery was crowded when the House convened at noon. Four minutes later the Senate entered the House Chamber, accompanied by the Senate's Sergeant-at-Arms and the Secretary. The Speaker of the House presided and all rose when Millard Fillmore and his cabinet entered the Chamber, escorted by a joint committee of Representatives and Senators. The oath was administered by Judge William Cranch, Chief Justice of the District and Circuit Court of the United States. The new President left the Chamber immediately without any remarks or speeches, but he quickly sent the Congress a message mourning the death of his predecessor. The National Intelligencer, a Washington newspaper, observed, "The profound silence of so great an assemblage of deeply concerned spectators, the ceremony, so brief and so simple, yet so important

in its consequences, national, political, and personal, presented an incident and a scene altogether American."

What the Intelligencer saw as American was the theme that has been present in all of this nation's inaugurals—the open and orderly transfer of authority from one person to another, from one party to another, through almost 200 years of government under the Constitution of the United States.

TOWARD A CURE FOR NEUROFIBROMATOSIS

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. WALGREN. Mr. Speaker, today, 34 other Members of the House and I join as original cosponsors in the introduction of a bill to establish a National Commission on Neurofibromatosis. We are pleased that a similar bill is being introduced simultaneously in the Senate by Majority Leader ROBERT DOLE.

Neurofibromatosis often referred to as NF, is a genetic disorder of the central nervous system occurring in 1 out of every 3,000 births. Approximately 100,000 people in the United States today have this disease; it occurs in both sexes and in all ethnic and racial groups. Each child of an affected parent has a 50-percent chance of inheriting the gene and developing NF.

Neurofibromatosis is totally unpredictable. Manifestations usually appear in childhood or adolescence, though they can appear later in life. Children with NF can frequently be identified shortly after birth by the appearance of a number of light brown spots. NF patients may develop a number of problems including many small tumors under or on the skin, large tumors just under the skin, curvature of the spine, enlargement and deformation of bones, and tumors of the auditory and optic nerves. These problems can lead to other problems like deafness and blindness which then create severe educational, economic, and social problems.

The cause of NF is unknown. There is no cure and medical opinions on treatment vary.

I hope this bill can help bring a nationwide focus to what we are now doing, and identify what more we need to do, to find a cure for NF. The National Commission would have 2 years to assess the nature and extent of public and private research into neurofibromatosis and to develop a plan to identify the research needed to develop a cure. The Commission would be composed of 12 members, including representatives of the National Institute of Neurological and Communicative Disorders and Stroke, the Director of the National Cancer Institute, the National Institute of General Medical Sciences, the National Institute of Child Health and Development, and the Department of Education. These representatives would be joined by three scientists or health professionals, and three individuals who have experience with the disorder. This approach is modeled after the National Commission established by the Congress for Huntington's disease in 1977.

For Members who have not yet cosponsored this legislation, I would like to share a letter received by Congressman WIRTH from a mother whose baby has NF. This letter conveys a more eloquent plea for this legislation than anything we might say.

FLORISSANT, MO,
September 4, 1984.

DEAR REPRESENTATIVE WIRTH: My son is now nine months old. At birth, Matthew weighed nine pounds and thirteen ounces, and was as healthy and beautiful as we could have hoped. At four months, I began to notice several brown spots, appearing on his back and legs. At first, I simply thought he had inherited a birth mark, like the one I have on my leg. I have since learned that I have passed on to him, the genetic disorder, called Neurofibromatosis, or NF. My case is mild. My physician never noticed it, but this is not the case with Matthew. He is progressing as the "classic" NF case does. This is typical of NF. It's "hit and miss" pattern is common. Still, if my physician had been better acquainted with NF, he very likely could have alerted me before I had a baby. I love Matthew dearly, but I worry that if the NF progresses severely, he may wish that he had not been born.

When we were first told he had NF, I had no idea what it was. It has been a much neglected disease, even though it is the most common genetic disease. Someone told me it was the disease the "Elephant Man" had. I had never seen the movie, because I had heard it was so sad. Unwisely, I borrowed a book about the "Elephant Man" and saw a photo of him. You can't imagine the horror I felt for my baby. I was terrified to think of what was to become of his beautiful face and skin. He still, at nine months, is as beautiful as when he was born, but so was the "Elephant Man" until he was two years old.

My husband and I took him to the best doctors in St. Louis, and heard the same thing. There has been little research of NF, no cure, no real treatment, no prenatal test for an unborn baby. There is a 50/50 chance that I would pass it on to any future children.

This all made me angry at first. Why haven't doctors done something about this? How can they simply look at my baby and me and tell us there is nothing they can do? Why haven't they alerted the public to this terrible disease, that effects one in every 3000 people, and little is being done about it? Some 100,000 people in the United States have NF.

Now, all we can do is wait until he reaches puberty, and pray that someone will help us find a cure for NF, before the hormonal change causes it to advance rapidly. It could disfigure him so badly, that he could never lead a normal life. It could cause him to develop a tumor in a vital organ, such as the brain, and kill him. Representative Wirth, you have the power to help us. To save my child's life, or to give him a chance at life like other children. If you would please cosponsor the House Bill, H.R. 1676, which would establish a National Neurofibromatosis Commission.

The public, like I was not long ago, is almost completely ignorant of this disease, and a National Commission would help to educate the public, so that we would be able to obtain funds to find a cure, a drug that would kill the neurofibromas that wrap themselves around our nerve cells. But, the public is not alone in ignorance of this disease. Many physicians also do not know the first signs of NF. That is the experience we had. The time to find out you have a genetic disease is not when you have a baby severely affected, but before you have a child.

Before we learned of all this, I felt there was no happier person in the world, than I. I had a wonderful husband, and a beautiful, sweet baby. That's all I had ever wanted. Now, I live in fear each day, that I will look at his skin and see the NF tumors beginning to grown and ruin his life.

Please help us, Representative Wirth. You are a very influential person, being a member of the "Energy and Commerce Committee on Health and Environment". I am a proud person, but I beg you, plead with you, with all the love a mother feels for her child. Please co-sponsor this bill. Please give us and the other victims, some 700 in St. Louis alone, some ray of hope that some day there will be a cure, or a treatment for Neurofibromatosis.

Thank you for your consideration.

Sincerely,

NANCY E. YOUNGERMANN.●

MARILYN SMITH

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. LEHMAN of Florida. Mr. Speaker, Marilyn Smith was the personification of courage. Her loss was a tragedy for her community and for her friends and loving family. She was a great role model for so many people. I knew her best through her son David who interned in our office a few years ago and was a pleasure to have working with us.

The editorial from the Miami Herald that follows captures part of her spirit and the specialness of Marilyn. I join with her many friends and loved ones in remembrance and sorrow.

[From The Miami Herald, Jan. 5, 1985]

MARILYN SMITH

Not all the good die young, but enough do to give that lament real meaning. Marilyn Smith—consummate volunteer—died last week at age 48. That's too soon for the Greater Miami community to have lost her dedication and special talents.

Mrs. Smith, vice president of the Greater Miami Jewish Federation and a board member of the United Way among other duties, was that rare individual with the knack of engaging others in a cause by the sheer force of her own sincerity. Her speeches on behalf of the federation, United Way, and the Miami Opera Guild, to name a few, were compelling in their eloquent simplicity and refreshing for the absence of high-pitched emotionalism. She relied on her well-defined sense of dedication to

convey her message forcefully. It always worked. Colleagues marveled at her ability to draw the most out of others—a necessity for a leader in the volunteer field.

When people recall their first meeting with Mrs. Smith, they invariably say the same thing: "What struck me most about Marilyn when we met was the way she made me feel at home, and so welcome." She had the same gracious attitude about her work. Not long ago, Mrs. Smith wrote of her views on volunteering. The effort was not just a payment of "Jewish dues," she said. She regarded it as a "privilege, a chance to grow . . . and a perpetuation of the dreams and values of our people. . . ." That caring attitude and the results of living up to it have created a legacy that make Mrs. Smith's passing all the more poignant.●

840,000 SOCIAL SECURITY RECIPIENTS SHORTCHANGED A MONTHLY AVERAGE OF $32.50 IN FISCAL YEAR 1983

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. STARK. Mr. Speaker, I recently asked the Social Security Administration what their error rate was in underpayments to Social Security beneficiaries.

Not counting the errors which occur from the late posting of earnings records, the results are significant: In fiscal year 1983, errors resulted in the underpayment of $332 million to 840,000 recipients, a monthly average of $32.50 per recipient.

While the response shows that the error rates are relatively low, they can by very, very important to the seniors involved. And what is especially disturbing is that the level of errors seems to be rising rapidly.

The Reagan administration is talking about cutting the number of Social Security Administration employees, but until we get these error rates back down and until we get earnings records posted in a more timely manner, it is almost open robbery of the Nation's elderly to make staffing cuts in this agency.

Persons contributing to Social Security have the right to expect and to get an accurate benefit payment. Clearly, the data from Social Security shows that people must do more to protect themselves and to ensure that they get an accurate payback from SSA.

A person can check their earnings records by completing form 7004—available at local Social Security offices. The office will reply with a computer readout showing the last 3 years of earnings, plus a lump sum of total earnings since contributions began—excluding the last 3 years. By ensuring that one's earnings records are being accurately recorded, one can then check the calculation of benefits to ensure that the correct payment is being received. I believe it is important for citizens to do this. Social Security—like all the rest of us—is not infallible and an error can result in the loss of thousands of dollars of retirement income over the years.

Following is the letter from SSA detailing the underpayment sitution:

THE COMMISSIONER OF
SOCIAL SECURITY,
Baltimore, MD, December 19, 1984.

Hon. FORTNEY H. STARK,
House of Representatives,
Washington, DC.

DEAR MR. STARK: This is in further response to your inquiry concerning Title II Social Security retirement and survivors insurance underpayments. Please accept my apology for the delay in sending you a full response.

Other than underpayments due because of delayed posting to earnings records, most Title II retirement and survivors underpayments are the result of benefits being computed incorrectly or of incorrect wages or self-employment income being used. About 80 percent of these errors are administrative. In fiscal year (FY) 1983, these errors accounted for about 3.2 percent of our benefit accounts being underpaid an average of $32.50 month. The underpayment rate for FY 1982 was 2.9 percent with an average underpayment of $22.50 per month. For FY 1981, 2.2 percent of our beneficiary accounts were underpaid an average monthly amount of $23.80.

To put these error data into perspective, we can relate them to the total payment rolls for the years involved. For FY 1983, this projects to .84 million underpayment cases out of a total of 26.3 million cases in payment status. This resulted in total underpayments of $332 million in relation to total continuing payments of $144.5 billion, representing a dollar rate of less than one-quarter of 1 percent.

For FY 1982, this projects to .75 million of 25.9 million cases, for a total underpayment of $200 million,which is less than one-seventh of 1 percent of the total continuing payments of $133.6 billion. For FY 1981, the projections were .55 million of 25.2 million cases for total underpayments of $152 million, or less than one-eighth of 1 percent of the total continuing payments of $116.9 billion. We estimate that about 35 to 40 percent of these underpayments are discovered in our operational processes at a later point and repaid to the beneficiaries.

Underpayments are detected by various types of quality review, one of which is the retirement and survivors insurance payment accuracy review process. Each year, we select a small number of cases for intensive review to determine the accuracy of payments. Under this process, we examine all case data, interview the beneficiary, and verify the evidence used to establish eligibility for payment. In addition to our quality review processes, underpayments come to light when we process subsequent transactions on a case or a beneficiary may make us aware that additional payment is due. After we verify that an underpayment is due, the current benefit rates are adjusted and payment is made for all retroactive benefits.

At the beginning of 1984 we undertook a number of initiatives designed to identify the causes, and how we could prevent, both overpayments and underpayments. We found that the major cause, other than delayed posting of earnings, of underpayments is high estimates of earnings by beneficiaries. Therefore, we have taken steps to reduce underpayments from both sources, including:

"Getting more precise earnings estimates from beneficiaries (this will also help reduce overpayments);

"More timely processing of recomputations, where new earnings are used to increase benefits; and

"Preventing errors in processing earnings reports that, unless detected, can lead to large underpayments."

Although the percentage to underpayments, especially as measured in benefit amounts, is very small, we recognize that the effect on individual beneficiaries can be significant. For the reason, we are committed to continuing our efforts to reduce both underpayments and overpayments.

We hope this information is helpful to you.

Sincerely,

MARTHA A. MCSTEEN,
Acting Commissioner.●

TAXES AND THE DEFICIT

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. RUDD. Mr. Speaker, during last year's Presidential campaign Walter Mondale eagerly promised to raise taxes if elected.

On November 6, the American people soundly repudiated Mr. Mondale's tax increase—and did so by the largest electoral margin in our Nation's history.

The American people know that if taxes are raised in 1985, Congress will undoubtedly find a way to spend the additional money.

The American people would not be fooled by Mr. Mondale, and will not be fooled by Congress.

Let's take a good clear look at whether or not tax increases have helped to reduce the deficit in the last several years.

In August 1982, Congress passed the Tax Equity and Fiscal Responsibility Act [TEFRA] raising $98.3 billion over 3 years. The increase was to be accompanied by spending cuts of $3 for each $1 of new revenue. However, most of those spending cuts never materialized. In fact, we ended up with about $1.67 in additional spending for every $1 of new taxes. In fiscal year 1982, we faced a deficit of $110.6 billion. Despite the 1982 tax increase, the deficit climbed to $195.4 billion for fiscal year 1983.

In 1984, Congress cleared the so-called Deficit Reduction Act increasing taxes by $50 billion over 3 years. Instead of the deficit falling, however, it will climb to $230 billion in fiscal year 1985 according to the Office of Management and Budget's recent estimates.

Tax increases haven't reduced the deficit because spending continues to

climb—from $728.4 billion in fiscal year 1982, to $796 billion in fiscal year 1983, to an estimated $841.8 billion in fiscal year and $930.6 billion in fiscal year 1985. That is nearly a 30-percent increase since fiscal year 1982. By contrast, inflation amounted to only around 9 percent from 1982 through 1984.

The December 14 issue of National Review carried a pertinent article in which Antonio Martino, a professor on monetary theory and policy at the University of Rome, cited Italy's recent experience to drive home the warning against tax increases to cover the Federal deficit.

According to Professor Martino, Italy has a deficit of more than 11 percent of gross domestic product [GDP] in 1980. Italian officials then ordered a drastic tax increase. From 1980 to 1983, the total tax revenue increased 90 percent in nominal terms, jumping from 39.8 percent of the GDP to 47.8 percent.

In the same period, the Italian deficit increased from $19.68 billion in 1980 to $46.92 billion in 1983, a rise of 138 percent.

When allowance is made for inflation, the deficit, adjusted in real terms, increased from 11 to 16.5 of GDP, a jump of more than 51 percent. Professor Martino concluded that "when the politicians pass a tax increase, they spend it all and a good deal more." To prove his point he says, "public spending in Italy, has jumped from 48.8 percent of GDP in 1980 to a staggering 61.2 percent in 1983."

Antonio Martino, professor of monetary theory and policy at the University of Rome, has reviewed Italy's recent experience to warn against a tax increase to "cover the federal deficit." In 1980, Italy had a horrendous deficit, more than 11 per cent of gross domestic product (the equivalent of a deficit of more than $350 billion here). "The solution was a drastic increase in taxes: from 1980 to 1983 the total tax revenue increased 90 per cent in nominal terms, jumping from 39.8 per cent of the GDP to 47.8 per cent. This is a very large increase, and it was made all the more painful by the fact that there was no real GDP increase over the same period." Did that end the deficit? Of course not. "Contrary to the expectations of the deficit-cutters, the Italian deficit increased from $19.68 billion in 1980 to $46.92 billion in 1983—a 138 per cent rise. Even when inflation is taken into account, the deficit has increased in real terms by more than 51 per cent, going from 11 per cent to 16.5 per cent of GDP." The phenomenon is universal. Regardless of the deficit, when the politicians pass a tax increase they spend it all and a good deal more. Politicians love deficits, not only so they can spend more, but so they have an excuse to raise taxes. And they won't abandon these practices unless forced to. In Italy, "public spending has jumped from 48.8 per cent of GDP in 1980 to a staggering 61.2 per cent in 1983."

Tax increases did not reduce Italy's deficit. They did not reduce the U.S. deficit in 1982 or 1984.

Tax increases should be soundly rejected as the remedy for deficits in 1985. The real culprit is continued overspending on the part of Congress.●

ZUCKERT MANAGEMENT AWARD TO GEN. DEWEY K.K. LOWE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. FAZIO. Mr. Speaker, it is my privilege and pleasure today to congratulate Maj. Gen. Dewey K.K. Lowe, commander, Sacramento Air Logistics Center, McClellan Air Force Base, CA, on another career accomplishment. General Lowe has been chosen as the 1984 recipient of the Air Force's Zuckert Management Award, an honor that is well deserved in light of his proven abilities in managing Air Force programs and people.

General Lowe has been commander at SM-ALC for over 5 years and in that time has led the Sacramento center to unprecedented excellence. The center was awarded the 1983 Maintenance Effectiveness Award in the depot and aircraft maintenance categories. SM-ALC was chosen as the system program manager for the advanced technical fighter aircraft and program manager and technology center for very high-speed integrated circuits, fiber optics, and advanced composites. These programs enable the AFLC to facilitate technology transfer, influence development, and exploit technology.

Several of General Lowe's management improvements, like the commander's information network system, have been adopted commandwide. The information network system provides senior ALC managers with on-line capability to access decision support information. For example, much of the budgetary data has been automated making it available within 6 to 10 days after the end of the month instead of the usual 15 to 17 days.

As chief of the Air Force management analysis group, General Lowe led the effort that devised new contracting and manufacturing procedures and led to the establishment of the Office of Competition Advocacy within the Logistics Command in 1983. Due to this initiative, both Air Force officials and industry are significantly reducing the overpricing of spares purchases Air Forcewide.

Further examples of General Lowe's management effectiveness are too numerous to cite here. Taken together, they represent an outstanding demonstration of leadership that is truly deserving of the Zuckert Management Award.●

WALPOLE, MA, SELECTS CITIZEN OF THE YEAR

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. FRANK. Mr. Speaker, one of the things that makes an elected official very happy is when he finds himself in very solid agreement with the opinions of his constituents on an important matter. So I was delighted to learn that I am in complete agreement with the selection committee in the town of Walpole which selected Sister St. Vincent as Walpole's Citizen of the Year.

I have worked closely with Sister St. Vincent for the past several years, and she is one of those people who teaches every minute of her life, by example, what goodness, charity, and love really mean. Sister St. Vincent is justifiably one of the most beloved people in the town of Walpole for her great work among the elderly. Typically she is dividing the prize money she received between the Wrentham State School for the Retarded and a group that serves older people in the town of Walpole.

I am honored to be able to call Sister St. Vincent a friend and I congratulate the very farsighted people of Walpole who have conveyed this very well-deserved honor on her.

Mr. Speaker, I ask that the article from the the Walpole Times about Sister St. Vincent's award be printed here.

[From the Walpole Times, Dec. 13, 1984]

SISTER ST. VINCENT IS CITIZEN OF THE YEAR

(By Dave Matthews)

Sister Mary St. Vincent Stynes, a teacher and friend to hundreds of residents for the past 13 years, has been selected Walpole's 1985 Citizen of the Year, the award's selection committee announced this week.

Sister St. Vincent, a dynamo of good humor and compassion was chosen unanimously by the committee for her charitable work among Walpole's elders, volunteer work at Southwood Community Hospital and years of faithful service to retarded youngsters at the Wrentham State School.

Informed early Tuesday of her selection, the usually voluble Sister St. Vincent said. "I can't believe it. There must be somebody else."

A nun for more than 50 years, she came to Walpole in 1971 and taught fifth grade at Blessed Sacrament Elementary School until she retired from teaching in 1976.

"I haven't exactly retired," she corrected amiably. "Semi-retired," she smiled.

For the past eight years she has been a fixture at Walpole's elder housing developments, Diamond Pond Terrace and Neponset View Terrace.

"She's a marvelous sister," said Diamond Pond resident, Mary McNamara, who receives a luncheon visit each Wedensday from Sister St. Vincent. "I like her because she's for the underdog . . . She can't do enough for people."

"She brings sunshine around," said Betty Densberger, director of the Walpole Housing Authority which administers the elder housing units. "I couldn't really begin to tell you all the good she's done."

Densberger termed Sister St. Vincent "our number one social worker."

A good portion of Sister St. Vincent's day is spent in service to Walpole elders, visiting the sick, the lonely and shut-ins. According to Sr. St. Vincent, loneliness among Walpole elders is a major problem.

"They're very lonely and need companionship," she said. "I go visit them, chat with them and have 10 cups of tea a day."

Her ability to drink tea is nearly as famous as the Nike tennis shoes she often wears as she make her rounds about town on foot. Of the former, says Densberger. "We've counted up to 26 cups of tea in one day," and of the latter and its bearing on Sister St. Vincent's nickname. The Flying Nun. "She's flying around here in her Nikes."

Some of her work among Walpole elders is spiritual; she distributes Communion at home to those unable to attend Mass, but much or her work is ecumenical.

"There's nobody she ever turns away," said Densberger.

Sister St. Vincent is legendary for her ability to organize social activities—parties, luncheons, virtually any kind of fellowship. Presently she is organizing at least two Christmas parties for elders, and in years past, she would organize Yuletide caroling groups of Blessed Sacrament youngsters and travel to local nursing homes to spread holiday cheer.

As recently as Thanksgiving she collected and distributed food baskets for those in need.

Her reputation as one who knows the needs of people in need has allowed Sister St. Vincent to act as a go-between. She interacts with many civil organizations to channel help to those in need. "She brings back to us needs we don't know exist," said Densberger.

Each Friday she travels to Southwood Community Hospital where she is a trained volunteer who specializes in visiting cancer patients. "When you come out of there, you're happy you can walk on two feet," she says.

In addition, Sister St. Vincent has carried her special brand of compassion to the sick at Norwood Hospital and the old Foxboro State Hospital.

In past years Sister St. Vincent's nearly boundless energy led her to participate in the Pace for Project FACE fundraising walkathon. She also served that organization as a volunteer worker.

Born in Ireland, Sister St. Vincent came to the U.S. in 1928 and immediately entered the convent of the Sisters of St. Francis of Glen Riddle, Pa. In 1978 she celebrated her 50th anniversary as a member of that order.

She has spent most of her religious life teaching first, fifth and sixth graders in Catholic schools in Rhode Island, New Jersey and Pennsylvania.

In all she estimates she's taught about 500 children—200 in Walpole alone—all of whom she remembers with fondness. She says her teaching philosophy was based on two principles: "I always try to be fair with the children. I always try to have them trust those in authority."

As the recipient of the 1985 Willis D. McLean Citizen of the year Award, Sister St. Vincent is splitting the $500 prize which accompanies it between the Wrentham State School and a Walpole elder service organization. She hopes the latter share will be used to buy a video cassette recorder so elders can get together to watch rented movies—good movies. "I would make sure that they got the good ones," she said.

Her only secret is her age; she delights in extracting a promise not to reveal it from a nosy reporter devious enough to try and deduce it through a series of trick questions. One jump ahead, she was so charmingly evasive, the reporter couldn't remember his own age following the questioning.

Sister St. Vincent will be honored at the Walpole Chamber of Commerce Ball Feb. 9 at Bernardi's. The Citizen of the year Award is co-sponsored by the Chamber and The Walpole Times.●

UKRAINIAN INDEPENDENCE DAY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. FLORIO. Mr. Speaker, on January 22, 1918, the Ukrainian people threw off the yoke of repression and declared their independence. The formation of the Ukrainian National Republic 67 years ago signified an important step in the history of the Ukrainian people as they have long struggled to assert their identity and their beliefs and preserve their meaningful culture while under foreign domination. I would like to take this opportunity to bring this important date to the attention of my colleagues.

Although 67 years have passed since this declaration, the memory of this day still lives on in the hearts of all Ukrainians. The Ukrainian nation rose out of the ashes of the Russian and Austro-Hungarian empires in 1918 and attempted to realize the dreams of their forefathers in declaring their independence. From the first, the new nation struggled to hold on to its newfound freedom, battered by Russian armies from the east and Polish armies from the west. Despite a valiant effort, the Ukrainian National Republic was crushed by the Communist Russians in the summer of 1920, only 3 years after its formation.

Since then, the Ukrainian people have suffered 65 years of repression and persecution at the hands of Soviet aggressors. They have been imprisoned and tortured for their political and religious beliefs and the doors of their churches and schools have been closed. Furthermore, during the 1930's, the Soviet Government attempted to erase an entire culture and race with the famine of 1932-33. During this manmade famine, 7 to 10 million Ukrainians starved to death because of Stalin's cruel collectivization program which resulted in widespread famine in the Ukraine. The causes and full effects of this famine are not yet known because the Soviet Government suppressed any information about the famine. Additionally, very little public awareness about this mass tragedy exists today.

For this reason, during the 98th Congress, I, together with Senator BILL BRADLEY from New Jersey, introduced legislation (H.R. 4459, S. 2456) to establish a 15-member congressional commission to study for 2 years the causes and effects of this great famine. As we recall the memory of January 18, 1918, during this 67th anniversary, I am proud to inform my colleagues that our legislation was attached by the other body to the continuing resolution which was signed by the President on October 12, 1984. The Commission on the Ukraine Famine is currently being formed and within 2 years, not only will a governmental study be available on this famine but we will also be able to promote public awareness of this tragedy.

Despite famines and persecution, despite the curtailment of their civil liberties, and despite the injustices that they have been subjected to, the Ukrainian people continue to display courage and perseverance and have not yet given up hope that, one day, they, too, will breathe the air of freedom. We must continue to remember this momentous declaration in the hope that our remembrance of this glorious moment will lend the Ukrainian people encouragement and hope. As the famous Ukrainian poet, Taras Schevchenko, said, "Our souls will never perish, freedom knows no dying." May the hope for freedom for the Ukrainian people never die and may their quest for independence be successful.●

ABORTION: A NATIONAL TRAGEDY

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. DENNY SMITH. Mr. Speaker, today marks the 12th anniversary of the Supreme Court decisions legalizing abortion-on-demand in the United States. In solemn observance of these decisions, tens of thousands of concerned citizens have come to Washington, DC, to express their support for the right to life for all in our Nation. Many of the marchers have come great distances at their own expense, and should be commended for their efforts on behalf of the unborn.

I would like to take this opportunity to express my opposition to abortion.

In 1973, the Supreme Court went far beyond its constitutional role of judicial review, and began establishing—in effect legislating—the Government's policy on abortion. The controversial Supreme Court decisions, Roe versus Wade and Doe versus Bolton, over-

turned antiabortion statutes in all 50 States. In the 12 years since these infamous decisions, no legislature—State or Federal—has affirmed the right to an abortion.

Many constitutional scholars claim that the Justice first had to find—some say fabricate—the right to privacy in the 14th amendment in order to establish the so-called freedom to choose an abortion.

I would like to point out some of the obvious flaws in the argument justifying abortion. First, the right of privacy does not extend to all acts committed in private. Men who beat their wives usually do so in private, but no one would argue that they have a constitutional right to carry out such assaults.

Second, the freedom of choice doesn't apply to all choices made. Someone may choose to rob a bank, but he certainly doesn't have a right to that choice.

The Constitution states that our Government was established, among other reasons, to ensure justice. Therefore, the Government must move to secure and protect the rights of minorities, at times in the face of opposition from the majority. Proabortionists claim that polls show a majority of Americans favor legalized abortion. Without debating the accuracy of such polls, I would like to point out that during other eras in our Nation's history the majority have favored such things as slavery and racial segregation, which we now view as abhorrent.

As a Member of Congress, I have a constitutional obligation to protect the right to life for all Americans, regardless of their age or condition of dependency. I hold this view in light of the overwhelming medical evidence that the fetus is indeed a living human being. After all, the fetus is most assuredly alive, or an abortion wouldn't be necessary to kill it. And if it isn't human, what is it? A dog? A cow?

By resorting to Orwellian doublespeak, proabortionists have tried to discredit the humanity of the unborn child. Referring to the unborn as "tissue" or the "products of conception," they hope to hide the fact that abortion involves the taking of another human life.

The 15 million unborn children aborted since 1973 aren't the only victims of abortion, however. Women themselves have been victimized by this multibillion dollar industry. Witness the establishment of groups such as Women Exploited by Abortion [WEBA], an organization whose membership has grown by over 10,000 in less than 2 years. All of these are women who have been traumatized as a result of having an abortion.

Children, too, are among the victims. One of the slogans in the push to legalize abortion was, "Make every child a wanted child." It was said that if, by legalizing abortion, women could have only those children they wanted, we would eradicate child abuse. The past 12 years have proven just the opposite. Incidents of child abuse have risen, not declined.

The handicapped have also been the Court's victims. In the 1973 decision Roe versus Wade, Justice Blackmun set for the dangerous "meaningful life" argument. An increase in infanticide has been the result.

Just as tragic, those who espouse this quality of life mentality are telling the handicapped, the aged, and the infirm in our society that they are an inconvenience to others and are leading a life not really worth living. Such a utilitarian mentality led to the murder of 70,000 handicapped and aged individuals during the reign of Adolf Hitler.

Abortion is not merely a women's issue, as some claim. It is an issue of great concern to all Americans. That is why I support efforts to adopt a human life constitutional amendment, to affirm the right to life for all of us.

Unless the right to life is secure for all—born and unborn—it is secure for none. After all, in order to have the unalienable rights of liberty and the pursuit of happiness, one must first have life.●

FRANK O'ROURKE, ONE OF BASEBALL'S GRAND OLD TIMERS

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. RINALDO. Mr. Speaker, the New Jersey Sports Writers Association will honor Frank O'Rourke with its Hall of Fame Award for his extraordinary career as a major league baseball player, minor league manager, baseball scout, and sportsman over a period of 75 years. It is a career that included the Golden Age of Sports when Frank O'Rourke played with the great Ty Cobb, Bucky Harris, Tris Speaker, Walter "Big Train" Johnson, "Sad Sam" Rice, George Sisler, and other baseball legends.

He learned baseball on the sandlots of Elizabeth, NJ, before making his major league debut with the Boston Braves in 1912 at the age of 18.

Daily Journal sports editor Bill Kennedy wrote about Frank O'Rourke in a recent column, which I insert in the RECORD as follows:

A lot of highly complimentary things have been said about Frank O'Rourke over the years.

The Hillside resident spent 14 seasons in major league baseball, more years as a minor league field manager, and somewhere near half a century as a major league baseball scout.

The baseball playing life of Frank "Blackie" O'Rourke, as documented by the Baseball Encyclopedia, reveals that he was a .254 lifetime hitter as an infielder who played shortstop and second and third base between 1912 and 1931 for six teams—the Boston Braves, Brooklyn Robins, Washington Senators, Boston Red Sox, Detroit Tigers and St. Louis Browns.

With the Tigers in 1925 O'Rourke enjoyed the type of season which would have made him a millionaire today, batting .293 with 40 doubles, 57 RBI and scoring 88 runs. That feat was overshadowed by the fact that the immortal Ty Cobb batted .378 during that year for Detroit, but it was nonetheless a great season by any standards.

While he is not a Hall of Fame candidate as a player and never competed in a World Series, O'Rourke had a fine playing career. Twenty years elapsed between the day he played in his first major league game and the day he hung up his spikes. Not many professional players—of any era—get to stay around that long.

O'Rourke played his first major league season when he was 18, participating in 61 games for the Braves. They farmed him out after that year and after hitting .327 in consecutive campaigns for Toronto of the International League, he returned to the big leagues with the Robins, which were the forerunners of the Dodgers. He was a Robin for two years, a Senator for two seasons, with the Red Sox just one, the Tigers three and completing his career with five years as a St. Louis Brown.

After his playing career had concluded, he managed and scouted for the Cincinnati Reds for 15 years. Desiring to return to the area in which he grew up, O'Rourke was signed by the Yankees for whom he has served as a metropolitan area scout many, many seasons.

This must be O'Rourke's year for honors, because the New Jersey Sports Writers Association is going to present him with its Hall of Fame Award at its annual banquet February 3.

Acknowledging that 75 years is more than a great many people live, and a longer professional baseball career than that of three very good and durable players, it is remarkable that O'Rourke still is able to remain active in baseball. He is still seen regularly at New Jersey high school and college games, taking note of talent for consideration by the Yankees.●

DEFICIT REDUCTION ACT OF 1984

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. BLILEY. Mr. Speaker, today I am joining my colleague BUDDY ROEMER in introducing legislation to repeal an onerous requirement of our tax laws that has already begun to affect millions of tax paying Americans who use their automobiles for business.

One of the provisions of the 1984 Deficit Reduction Tax Act has caused considerable problems for taxpayers who take standard business deductions for business use of their cars. This pro-

vision was only a few pages from a tax bill that ran to almost 6,500 pages. It was overlooked by some Members, and thought by others to be insignificant when compared to the tax bill in its entirety.

While taxpayers in different areas face different headaches from this law, its requirement that individuals who take standard business deductions must substantiate their mileage by keeping a contemporaneous account of their travels is similarly burdensome to all taxpayers.

Mr. Speaker, Congressman ROEMER and I have already been joined in introducing this legislation by over 50 of our colleagues. We invite others who have heard from their constituents about this new burden to join us in repealing this new requirement.

H.R. —

A bill to repeal the new substantiation requirements for deductions attributable to business use of passenger automobiles and certain other types of personal property

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 179(b) of the Tax Reform Act of 1984 is hereby repealed and the Internal Revenue Code of 1954 shall be applied and administered as if such section (and the amendments made by such section) had not been enacted.

DEFICIT REDUCTION ACT OF 1984

D. RECORDKEEPING

Present law

The taxpayer must substantiate any travel expenses by adequate records or other evidence corroborating his own statements. These records must show the amount, time, place, and business purpose of the travel expenses.

House bill

No provision.

Senate amendment

The Senate amendment extends present law substantiation requirements to all business use of an automobile and to the other property described above (i.e., property used for transportation, entertainment and recreation property, computers, and other property listed in regulations). The Senate amendment requires the maintenance of contemporaneous records.

The Senate amendment also requires that return preparers verify that adequate contemporaneous records have been kept supporting deductions before signing returns. The provision is effective with respect to property placed in service after March 15, 1984.

Conference agreement

The conference agreement follows the Senate amendment with modifications. Thus, taxpayers are required to substantiate by adequate contemporaneous records any investment tax credit or deduction with respect to the business use of listed property, traveling expenses (including meals and lodging while away from home as well as local travel) that are trade or business expenses or expenses for the production of income, for entertainment expenses, and for gifts. If the taxpayer does not have adequate contemporaneous records, no credit or deduction is allowed with respect to that item. If, however, these records are lost due to circumstances beyond the taxpayer's control, such as in a fire, flood, or earthquake, the conferees intend that taxpayers continue to have the ability, as they do under present law, to substantiate a deduction by reasonable reconstruction of expenditures (see Treas. reg. 1.274-5(c)(5)).

The conferees expect that these records will reflect with substantial accuracy the business use of the property. The records must indicate the business purpose of the expense or use, unless the business purpose is clear from the surrounding circumstances. With respect to automobiles, logs recording the date of the trip and the mileage driven for business purposes must be kept.

The requirement of the Senate amendment that return preparers verify that adequate records supporting all of these deductions have been kept before signing the return has been deleted. In place of that requirement, a return preparer must properly and fully advise the taxpayer of these contemporaneous recordkeeping requirements and obtain written confirmation from the taxpayer certifying that adequate contemporaneous records supporting these deductions and credits exist. If the return preparer does not obtain this written certification, the preparer may not sign the return. The conferees anticipate either that the content of this certification will be specified by the Secretary or that the Secretary will prescribe a form for this certification. The conferees expect that the Secretary will amend Form 2106 or any other appropriate form to require that the taxpayer directly indicate on his return whether the required records have been kept. This could be done, for example, by providing a box to check on the return.

The conference agreement also provides that any portion of an underpayment of tax attributable to a failure to comply with these contemporaneous recordkeeping requirements is treated as due to negligence in the absence of clear and convincing evidence to the contrary. Claiming a deduction or credit without the support of the required records is also potentially fraud. This is in addition to the loss of the credit and deduction which would occur under present law.

The conferees anticipate that the Secretary will draw the attention of taxpayers to these new recordkeeping requirements in the appropriate regularly issued Internal Revenue Service publications. To accomplish this, for example, the Service could describe these new recordkeeping requirements in the section of the instructions to the 1984 Form 1040 that highlights important tax law changes.

The compliance provisions are effective with respect to taxable years beginning after 1984.●

RAGING AGAINST "STAR WARS"

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. LAGOMARSINO. Mr. Speaker, the recent announcement from Geneva that the United States and the Soviet Union are planning to initiate new arms control talks on three important aspects of nuclear weaponry competition—strategic, or intercontinental systems, intermediate range systems, and antimissile or defensive systems—is encouraging; indeed, it is a step in the right direction. Secretary of State George Shultz is to be commended for not giving in the Soviet demands for immediate and unilateral concessions by the United States as a price for their returning to the negotiating tables.

One group of the upcoming talks will deal exclusively with defensive arms. It is important for all Americans to understand where the United States is "coming from" in this branch of negotiations, and what the reasons are for the President's desire to pursue research into the technological and policy implications of pursuing a ballistic missile defense system—his strategic defense initiative [SDI]. I, for one, applaud the President's decision to study this aspect of defense, and therefore highly recommend the following Op-Ed written by two well-respected strategic analysts, Leon Sloss and Seymour Weiss, taken from the Monday, January 7, 1985, edition of the Washington Post.

[From the Washington Post, Jan. 7, 1985]

RAGING AGAINST "STAR WARS"

(By Seymour Weiss and Leon Sloss)

(Seymour Weiss is a retired ambassador and former director of the State Department's bureau of political-military affairs. Leon Sloss, a Washington consultant, is a retired director of the Arms Control and Disarmament Agency.)

How is one to explain the passionate, sometimes almost frenetic, denunciation of the president's proposal for a defense against Soviet ballistic missiles? Even the label, "Star Wars," Seems designed to denigrate, to conjure up a vision of Hollywood production, a matter for ridicule, not serious national debate. While the critics scoff, the public seems to appreciate the commonsense approach of seeking to defend ourselves. What, after all, is the sin of attempting to develop a defense against Soviet attack?

Let us acknowledge at the outset that there are aspects to the Strategic Defense Initiative (SDI) that warrant healthy skepticism. This research carries a costly price tag of $26 billion. However, by today's standards of $100 million bombers and $5 billion aircraft carriers, the SDI costs—which are to be spread over more than five years—are not unreasonable if the research effort produces results that will improve the nation's security and that of our allies. We think it can.

It is also a legitimate matter of concern that some of our allies are deeply opposed to SDI. As ones who have discussed the issue with some of our NATO partners, we are persuaded that there is much confusion and misunderstanding on their part. Past experience also suggests that these concerns may, in time, be allayed if our diplomacy is patient and skillful. Such would already appear to have been the case with Margaret Thatcher.

It is also true that the most extravagant expectations for SDI may never be fulfilled. It is not unreasonable to be skeptical about whether a perfect defense will ever be developed. The president's hope that SDI will help to make nuclear weapons disappear

from the face of the earth is surely utopian. Still, these are not ignoble goals, and at this stage neither supporters nor critics of SDI can speak with confidence about what technology and diplomacy may accomplish decades hence.

One must probe more deeply to comprehend the antagonism toward the SDI that has emerged from certain quarters. When one does, two underlying issues emerge. They have to do with nuclear strategy and arms control.

While declaring their confidence that SDI won't work, the critics, in fact, are fearful it will. At least they fear it will work well enough to call into question their preferred nuclear strategy. Most critics adhere to the school of mutual assured destruction (MAD). That emerged in the 1960s from the mind of Robert McNamara, who was then secretary of defense and is now one of the principal critics of strategic defense. His calculations convinced him that so long as millions of Russians and millions of Americans were at risk of nuclear attacks on the cities on each side, each would be deterred. In this view defenses were bad because they removed the hostages that assured deterrence. There was then, and there is now, much wrong with this thesis.

Not the least of the problems is that the Soviets never bought McNamara's strategy. They don't believe in city busting as the prime objective of nuclear strategy. Thus, it is not clear that such a threat is the one most likely to deter them. Indeed, the Soviets, despite McNamara's contrary prediction, spent massively to overcome America's lead in offensive weaponry, going well beyond any conceivable inventory justified solely in terms of the requirements for the MAD strategy. In time, many U.S. leaders came to the realization that MAD did not serve us well either, and U.S. strategy has, for more than a decade, under Democratic and Republican administrations alike, been moving away from this concept.

Since the Soviets did not believe in the MAD strategy, they refused to rely solely on offensive nuclear capabilities and in addition deployed impressive defenses. They have more than 10,000 ground-to-air defensive missiles and thousands of fighter aircraft to protect against our bombers. We have none of the former and pitifully few of the latter. They have deployed ballistic missile defense in the Moscow area that provides defense to their central government and party apparatus and to two-thirds of the heavily industrialized western U.S.S.R. They have an impressive civil defense system, which has concentrated on defending key government and industrial people. They have continued to harden and make mobile their ballistic missiles and command centers. As Defense Secretary Casper Weinberger recently pointed out, they have spent more on strategic defense than on strategic offense since the signing of the ABM Treaty.

In fact, the Soviets built their forces to support the strategy they have held to consistently, based not on targeting U.S. cities but the U.S. military establishment. As a result, they are today capable in a first strike (and their doctrine has always emphasized the importance of surprise) of reducing the U.S. retaliatory force to a relatively small fraction of its nominal strength. Thus, we could be left with a force that, while having some countermilitary capability, was most suitable for attacking Soviet cities, even though our own cities had not yet been attacked by the Soviets—an unenviable choice for any president. Under the circumstances, we might find our strategy, having failed to deter, would leave him with unbelievably stark alternatives: suicide or surrender. Even if such a foreboding scenario seems unlikely, its prospect casts dark shadows that can influence peacetime and crisis actions well short of nuclear war.

Why is it not a good idea to seek alternatives that avoid such a stark choice? Is it not worth a considerable effort to see whether some degree of defense might help ensure deterrence? If deterrence could fail, why shouldn't we try to protect ourselves as best we can? Must we accept for all time a strategy based on the threat of killing millions of innocent people—a strategy Catholic bishops have rightly denounced as immoral? Critics of SDI have no good answers.

The opponents of SDI have a second worry. They fear it would complicate arms control negotiations with the Soviets. One might have thought that the barren results of the past two decades of arms control negotiations would have given rise to second thoughts to those who would have us rely so heavily on them for our security. They are most concerned about protecting the "jewel in the crown" of arms control, the ABM Treaty of 1972.

When the treaty was signed, the United States dismantled its one system and sharply cut back on research and development, even though these were permitted. The Soviets have proceeded to complete a nationwide radar net; to complete deployment of the one permitted system; to create a production base that would permit rapid expansion of conventional but advanced ABM capabilities; and to conduct extensive research in precisely those advanced technologies that would be encompassed by the SDI program. They have fully exploited the possibilities permitted by the treaty while we have not, and most observers are satisfied they have actually violated the treaty limits, most notably in deploying a large radar at Krasnoyarsk.

Apologists for the treaty hesitate to acknowledge these realities. The Soviets, being realists, are unlikely to permit any arms control agreement to stand in the way of advancing Soviet interests, in most cases at the direct expense of the West. Indeed, the Soviets' recent initiative to draw the Reagan administration into new arms control discussion clearly appears to be based upon a desire to kill off SDI while leaving them as free a hand as possible to pursue their own ballistic missile defense and antisatellite efforts. Any objective review of arms control history will demonstrate this to be vintage Soviet arms control strategy.

Still, critics of SDI hang fast to the belief that they can talk the Soviets into adopting a mutually suicidal strategy, while engaging in arms control efforts that, to succeed, would require the Soviets to abandon not merely some weaponry of which they may be fond, but their most fundamental political objectives. For Soviet exploitation of military power—the one thing the Soviets are good at developing—is not just some minor aberration in otherwise reasonable behavior. The Soviets develop that power because they require it for purposes of political intimidation and, should that fail, for actual employment as they pursue their goal of a world pliant to Soviet views.

Under these circumstances, it is folly for us to place our security solely or even primarily on arms control. The notion that the Soviets through arms control negotiations are likely to abandon hard-won military advantages over the West is about as naive as was the 1960s prediction that they would not even try to match our nuclear capabilities.

As we have suggested, the current defense debate is not just about the president's Strategic Defense Initiative. It is about more fundamental issues: How can we best prevent nuclear war? How ought we to deal with the Soviet Union in a continuing adversarial relationship? How do U.S. nuclear strategy and arms control concepts fit into and support nuclear war deterrence and prevent the expansion of Soviet influence?

No one side in our internal debates has a monopoly on wisdom, and one wishes the critics of the president's SDI program would cease acting as if they did. Would it not be reasonable to see whether this research effort can come up with capabilities that may promise the West a safer, more promising future than total reliance on the threat of mutual destruction?

Even though the research may be only partially successful, as Weinberger has recently suggested, if we can develop and deploy defensive systems with capabilities more modest than a perfect defense, might that not be very valuable in strengthening deterrence? Even if defenses initially provided protection of valuable military assets such as land based ICBMs, bombers and command-and-control centers, might that not be preferable to proliferating generation after generation of new offensive weapons systems? Even if an imperfect defense could save "only" tens of millions of lives, is there not some merit in such a defense?

Finally, if we are successful in developing increasingly capable defenses against Soviet nuclear attack, might not this induce the Soviets to adopt a more forthcoming position on arms control? We cannot with confidence answer these questions positively. The prospects are not without merit, however, and it is to these issues that the 1985 defense debate should turn if it is to contribute to making the nation and its allies more secure.●

FAIR VOTING HOURS ACT

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. WYDEN. Mr. Speaker and colleagues, today I am introducing the Fair Voting Hours Act of 1985.

The purpose of this bill is direct. It establishes uniform voting hours nationwide so that all voters have the opportunity to cast their ballots in a Presidential election year before media projections of the results are made. Under my legislation, voters in Portland, ME, and in Portland, OR, will go to the voter's booth knowing exactly as much about the eventual outcome of a Presidential election.

As my colleagues know, the use of exit polls to project the results of elections is chipping away at the credibility of the electoral process. Research shows that some of our citizens are being dissuaded from voting in Presidential elections because they hear projections of the results before the

polls close in their State. How many voters have been so discouraged is a subject open to debate. But what is not debatable is the fact that some citizens are discouraged from voting and that this obstacle to electoral participation is a barrier that we are capable of removing.

In recent months, there has been growing concern about this problem. Last fall, I wrote to President Reagan and Democratic candidate Walter Mondale asking both to pledge that they would make no statements on election night until polls closed in the West. Both men responded affirmatively to my request within a week, and both honored their pledges on November 6, 1984.

Last week, the House Elections Task Force announced that ABC, CBS, and NBC agreed to not use exit polling data to project or characterize election results in a State until the polls close in that State. The networks' agreement has paved the way for Congress to pass a uniform poll closing act. Such a law will be a perfect complement to the important pledge just made by the networks.

The key to a workable poll closing statute is to make it fair and simple to administer. I believe the legislation that I am introducing will do just that.

Under my bill, the voting booths would open at 8 a.m. eastern time and close at 11 p.m. eastern time. On the west coast, the voting day would begin at 5 a.m. and end at 8 p.m.

My legislation requires that on the east coast polls stay open 3 hours later than normal and on the west coast, polls open 3 hours earlier than normal. I have been told by local and State election officials that such a change in voting hours is practical and manageable.

My plan does not require the additional expense nor administrative hassles of proposals to adopt Sunday voting or 24-hour voting. With my plan we can keep the basic structure of the election systems in the various States and still address the issue at hand.

I have always said that to deal with this issue properly we need a two part package. The first part has to be the agreement of the networks to not characterize or broadcast results before the polls close in a State. The second part is a fair and simple national poll closing hours statute. We are now half the way to putting this package in place.

Several of my constituents have recently pointed out that all Americans watch the Super Bowl and learn who won at the same time. I think that is the way it should be for Presidential elections, too.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, beginning with the year 1988, presidential general elections shall be held, with respect to the continental United States, during the period beginning at 8:00 o'clock ante meridiem, eastern standard time, and ending at 11:00 o'clock post meridiem, eastern standard time, on the Tuesday next after the first Monday in November and all polling places for such election in the continental United States shall be open for that entire period.

SEC. 2. As used in this Act, the term—

(1) "continental United States" means the States of the United States (other than Alaska and Hawaii) and the District of Columbia; and

(2) "presidential general election" means the election for electors of President and Vice President.●

REPEAL VEHICLE LOGGING REQUIREMENTS OF TAX REFORM ACT OF 1984

HON. GLENN ENGLISH

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. ENGLISH. Mr. Speaker, today I am introducing legislation to repeal and lift off the recently implemented passenger vehicle logging requirements which have fallen like axed timber onto American taxpayers.

Section 179 of the Tax Reform Act of 1984 imposes and offensive burden upon thousands and thousands of American taxpayers. In order to verify that a vehicle is not owned primarily for personal use, drivers operating business vehicles must now fill out extensive driving records each time they operate such a vehicle. This is the so-called contemporaneous record keeping requirement. What this boils down to is that the Government is basically requiring certain taxpayers to hand over to the IRS an itemized listing of how an individual spends his day. I am afraid that this law could ultimately itself become a vehicle to drive Government surveillance into American private lives.

I am hearing from taxpayers throughout Oklahoma's Sixth District who adamantly object to these personally offensive restrictions. Not only is the requirement a serious threat to privacy, it also clearly contradicts efforts to simplify tax provisions and efforts to reduce paperwork.

I voted against passage of this measure, and I feel the best solution how is to repeal the measure before further damage is done. Consequently, I am introducing legislation to repeal subsection (b) and amendments thereto of section 179 of the Tax Reform Act of 1984. The text of this repeal legislation follows:

H.R. —

Be it enacted by the Senate and house of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 179 of the Tax Reform Act of 1984 (relating to contemporaneous recordkeeping requirements and other compliance provisions) and the amendments made by such subsection are hereby repealed.

(b) The Internal Revenue Code of 1954 shall be applied as if such subsection (b) (and the amendments made by such subsection) had never been enacted.●

A TRIBUTE TO DETECTIVE RICHARD WELLS

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. MRAZEK. Mr. Speaker, true dedication and valor are qualities that are found in very few people. Long Islanders, however, do not have to look very far to find a man who exemplifies these qualities. Detective Richard Wells of the Nassau County Police Department has dedicated much of his life to protecting our community, and for that we express our gratitude. It is a privilege to bring the accomplishments of Detective Wells to the attention of my colleagues in the U.S. House of Representatives.

Most recently, Detective Wells was honored by his peers in the Nassau County Police Department Detectives' Association as Detective of the Year at a gala "Law Enforcement Night" in Great Neck, NY, on October 26. I was pleased to meet Detective Wells on this occasion and to express my personal thanks to him for his ongoing contributions to protecting the safety of Nassau County residents.

As a uniformed patrolman and a detective, Detective Wells has received countless words of praise from residents of Nassau County whom he has personally helped over the years. In performing his functions as a law enforcement officer, whether it be comforting a victim in distress, recovering stolen property, or solving homicide cases, Detective Wells has consistently exhibited true professionalism, sincerity, and compassion. On several occasions, he has been commended for his work by Samuel J. Rozzi, the Nassau County Police Commissioner, and Denis Dillon, the Nassau County District Attorney.

Perhaps his greatest triumph thus far as a law enforcement officer involved his tireless efforts to solve a murder case which had remained unsolved for 6 years. On the night of March 9, 1975, Ralph Porcelli was murdered in a robbery attempt outside Roosevelt Raceway after cashing in winnings of $1,800. After years of relentless investigating, Detective Wells was able to close the case in 1981 and finally bring those who committed the crime to justice.

In a touching letter to Detective Wells, the family of Ralph Porcelli expressed its gratitude for all he had done on the family's behalf. Mr. Speaker, I would like to take this opportunity to share with my colleagues excerpts of that letter:

Dear Detective Wells: Words will never be sufficient to express the gratitude that we, the family of Ralph D. Porcelli feel for you. . . .

Your compassionate treatment of all of us during the early stages of your investigation is something that we will never forget. . . .

As time dimmed our hopes, your resolution never seemed to waver in spite of what appeared to be an insurmountable passage of years. Please be assured that all the arduous, painstaking, repetitious and selfless work that you have put in will never be considered "routine" by us. . . .

Richie, we all wish you continued success in your career and every happiness in your personal life. The words are not enough, but thank you.

Mr. Speaker, Richie Wells is truly an exemplary law enforcement officer whose efforts on behalf of the people of Nassau County should serve as a fine example to those who have dedicated themselves to serving the public. I ask my colleagues to join me in paying tribute to this very special man.●

INTRODUCTION OF LEGISLATION MAKING PENSION RIGHTS OF RETIREES A MANDATORY TOPIC OF BARGAINING

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. CONTE. Mr. Speaker, on January 3, I introduced legislation which would protect the rights of retirees in collective bargaining agreements. This legislation, which has been introduced in past Congresses, has never advanced beyond the hearing stages.

Mr. Speaker, in 1971, the Supreme Court ruled in Allied Chemical and Alkali Workers of America, Local Union No. 1 against Pittsburgh Plate Glass Company Chemical Division that retirees' benefits are not, under the meaning of section 8 of the National Labor Relations Act, a mandatory subject of bargaining. The Court's decision overturned an earlier decision by the National Labor Relations Board, which held that the benefits of already retired employees were a mandatory subject of bargaining as terms and conditions of employment of the retirees themselves. The NLRB ruled, in general, that an employer's midterm unilateral modification of such benefits constituted an unfair labor practice.

The legislation which I have introduced would adopt the view of the NLRB and thus overturn the Supreme Court's decision. Section 8 of the National Labor Relations Act requires as a mandatory subject of bargaining, terms and conditions of employment. Under the Supreme Court's decision, the rights of retirees—including pension and health benefits, are apparently not included in terms and conditions of employment even though the NLRB held that the benefits of already retired employees vitally affects the terms and conditions of current employment.

H.R. 309 would make bargaining with respect to retirement benefits for retired employees a mandatory subject of bargaining. In addition, it is illegal to make unilateral changes in an area considered to be a mandatory subject of bargaining. Without my legislation, conditions affecting retired employees can be altered unilaterally by labor or management.

I believe that this legislation is necessary to protect the rights of retired employees who, in many cases, helped build the company for which they worked. To that extent, they should be able to share in the future successes of that company. Retired employees often live on fixed incomes in an inflationary economy. The cost of living has risen steadily in recent years and the cost of hospitalization has more than doubled in some parts of the country. Yet pension and hospitalization benefits under collective bargaining agreements have tended to lag behind costs in part because the adjustment of these benefits remains a permissive rather than a mandatory subject of bargaining. Absent legal compulsion, some employers and unions have voluntarily continued their practice of bargaining with regard to retirees' benefits, but others have taken the opportunity to stop serious bargaining in this area as well as to make unilateral changes in retirees' benefits.

Mr. Speaker, in years past, the Education and Labor Committee has held hearings on legislation similar to this. I would urge that this legislation go beyond the hearing stage and to a markup by the full committee. I urge support for this legislation.●

JORDAN'S STANDING IN THE INTERNATIONAL COMMUNITY

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. COELHO. Mr. Speaker, I would like to draw attention to a December 28 Reuters dispatch from Jordan.

According to the news account, the Jordanian Government has approved death sentences for 15 of its citizens. Their crime? Selling their property on the West Bank of Israel to Israelis. Jordanian law forbids the sale of property to Israelis, and the penalty for such high treason, as it's called, is death.

Jordan is supposedly one of the moderate Arab States in the Middle East, but this type of inhumane treatment of its people is, in my view, inexcusable. I can only imagine that it will hurt Jordan's standing in the international community.

JORDAN DOOMS 15 FOR SELLING TO ISRAELIS

AMMAN, JORDAN, December 28 (Reuters).—The Jordanian Government has approved death sentences for 15 people convicted of selling their property on the Israeli-occupied West Bank to Israelis, the official Jordanian press agency reported today.

It said the 15 had been sentenced in absentia by a special court. It did not specify their present whereabouts.

Jordanian law forbids the sale of property in the occupied territories to the Israeli "enemies," with such action considered high treason and punishable by death.

The court voided the sales and ordered the confiscation of the defendants' property, the press agency said. It said the Cabinet approved the sentences on Thursday.

The defendants, including two women, were from the occupied West Bank areas of Tulkarm, Ramallah and Bethlehem, the agency said, although it did not give their nationalities. The West Bank was ruled by Jordan until the Israelis captured it in 1967.●

THE 19TH ANNIVERSARY OF THE SIGNING OF THE CUBAN EXILES' DECLARATION OF FREEDOM

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. FASCELL. Mr. Speaker, 19 years ago, on January 23, 1966, a group of heroic Cuban exiles met together in Key West, FL, to sign a declaration of freedom. This document was a manifestation of their firm commitment to the principles of democracy, individual liberty, and human rights, which had been denied to the Cuban people under the brutal totalitarian rule of Fidel Castro, as well as their desire that free and democratic institutions, which would guarantee these rights, would one day be reestablished in their homeland.

The thirst for freedom and opportunity, which forced these brave people to flee their beloved homeland and make new lives in exile, has motivated the members of the Cuban community to achieve success and prominence in the United States. Their contributions to their adopted country have been considerable, not the least of which has been their unwavering dedication to the democratic principles upon which our country was founded.

As we mark this anniversary, I ask that our colleagues reflect for a

moment upon the idealism and hope that is embodied in this declaration of a courageous people who chose the hardships of exile in order that they might live in freedom.

The text of the declaration of freedom follows:

DECLARATION OF FREEDOM

In the City of Key West, Monroe County, State of Florida, United States of America, we, the Cuban exiles in the United States, in the name of God Almighty, and speaking both for ourselves and the oppressed people in Cuba, the Martyr Island, do say:

That on January 1, 1959, the slavery yoke that came from Europe and was extinguished in Cuba at the end of the 19th century , was resumed.

That those responsible for this high treason to our Fatherland and to our People are just a score of traitors who, usurpating the Government of the Country, have been acting as mercenary agents for the Sino/Soviet imperialism, and have surrendered to that imperialism our Freedom and our Dignity, also betraying the American Hemisphere.

That as a consequence of this high treason, those who are usurpating the Power in Cuba (as they were never elected by the People), are imposing a regime of bloodshed, terror and hate without any respect or consideration to the dignity of the human being or the most elementary human rights.

That in their hunger for power, these traitors, following the pattern of totalitarian regimes, are trying, within Cuba, to separate the Family, which is the cornerstone of actual society, and at the same time, are poisoning the minds of the Cuban children and youth, in their hopes of extending the length of time for this abominable system.

That the rule of the Law has been wiped out in Cuba, and it has been replaced by the evil will of this score of traitors, who are acting under orders from their master, the Sino/Soviet imperialists.

In view of the aforegoing, we declare:

First: That the actual Cuban regime is guilty of high treason to our Fatherland and to the ideas of the Freedom Revolution which was started on October 10, 1868.

Second: That this score of traitors who have committed treason against our Fatherland, in case they survive the downfall of their regime, will have to respond, even with their lives before the Ordinary Courts of Justice of Cuba.

Third: That as the Nobel Cuban People will not ever surrender, because that Nation was not born to be slaves, we, the Cuban People, hereby make the present declaration of freedom.

We hereby swear before God Almighty to fight constantly, until death comes to us to free Cuba from Communism.

The fundamentals of this Revolution for Freedom are.

First: God Almighty, above all things, in Whom we believe as the essence of Life.

Second: The Fatherland, with all of its laws, traditions, customs and history as a spiritual value, only surpassed by the concept of God.

Third: The Family, as the cornerstone of the Human Society.

Fourth: Human Rights, for each and every citizen, regardless of race or creed.

Fifth: The Law, as the foundation for the proper development of the Human Society.

Sixth: Democratic Government, with its three independent branches: Legislative, Executive, and Judicial.

Seventh: Representative Democracy, through the exercise of Universal Suffrage, Periodically, Free and Secretive, as the expression of Popular Sovereignty.

Eighth: Freedom of Worship, Freedom of Teaching, Freedom of the Press and Free Enterprise.

Ninth: Private Property and Ownership, as the basic expression of Liberty.

Tenth: The improvement of living conditions for both rural and city working masses, with the just and necessary measures, keeping in mind the legitimate interests of both Labor and Capital.

Eleventh: the derogation and eradication of anything which is opposed to the political and religious fundamentals aforementioned and specifically, the abolition of Communism and any other form of totalitarian manifestation.

Signed and sealed in Key West, Florida, on the 23d day of January, 1966.●

THE VETERANS' ADMINISTRATION ADJUDICATION PROCEDURE AND JUDICIAL REVIEW ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. LaFALCE. Mr. Speaker, today I am proud to join the gentleman from California, Mr. EDWARDS, and 87 of our colleagues in introducing the Veterans' Administration Adjudication Procedure and Judicial Review Act. This bill will correct one of the most glaring inequities in the laws of the United States, the denial of the right to press legal claims for veterans' benefits in a court of law.

This denial is a serious infringement on the rights of a class of citizens to whom we should owe a special debt of gratitude. Our veterans have served us well, protecting us and our laws, yet they are denied the protections of our laws which the rest of us enjoy. We in Congress are powerfully obligated to restore their right to full legal equality.

The Veterans' Administration Adjudication Procedure and Judicial Review Act will correct the half-century-old inequity by allowing veterans the same right to judicial review of decisions of the VA that other citizens enjoy in appealing the decisions of virtually every other court and administrative agency of the Federal Government. The right of judicial review was codified for all other Americans by the Administrative Procedures Act of 1946, but veterans were unfairly and arbitrarily excluded from the act's protection.

Our bill also corrects another offense against veterans' rights. Under another antiquated and grossly unfair statute, veterans are prohibited by law from obtaining services of legal counsel worth more than $10. This outdated law effectively prevents veterans from independently pressing their lawful claims against the VA. No other group of Americans is systematically deprived of access to legal protection. Veterans surely deserve more from the Government they have so faithfully defended.

The Veterans' Administration is unique among the courts and administrative agencies of our Government in the finality of its decisions. Judicial review and legal counsel might be unnecessary for veterans if the VA, unlike every other court and administrative agency in the land, never erred in its decisions. Unfortunately, the VA sometimes does err. When it errs against itself, though, it has the right to seek legal redress against individual veterans, and to spend any amount of money for legal counsel in pressing its claim. Only when the error favors the VA, and aggrieves the individual veteran, do the rusty shackles of old laws prevent the error's correction in a court of justice.

The small number of citizens against whom these old laws discriminate in no way mitigates the magnitude of their injustice. We must affirm the fundamental values of equal rights and due process, and in fairness restore the protection of basic legal rights to those whose military service has helped to protect the rights of all other Americans.

Mr. Speaker, the Veterans' Administration Adjudication Procedure and Judicial Review Act will affirm our values and restore to veterans their proper rights. For the sake of fairness, I look forward to early consideration and passage of this important bill.●

A TRIBUTE TO THOMAS LEDERER

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. MRAZEK. Mr. Speaker, I rise today to pay tribute to Thomas Lederer, who while still a young man, has become one of the most respected citizens of New York's Third Congressional District. I am proud to call Tom my good friend and to bring his many contributions to our local community, the town of Huntington, to the attention of my colleagues in the U.S. House of Representatives.

A life-long resident of Huntington, Tom has worked tirelessly for many years to help make the town a better place to live for his family, friends, and all of its residents. For this, he deserves our sincere gratitude.

In addition to his full-time position as general manager and corporate vice president of Sportique Motors, Ltd., a local Jaguar-Peugeot dealership, Tom is an accomplished writer. He has served as a reporter for Huntington's

primary local paper, The Long Islander, since 1962, has been its sports editor and has written a host of its major feature articles. Tom is also presently a news correspondent for the New York Times and writes feature stories of particular interest to Long Islanders for the paper's Long Island Weekly section.

An avid and competitive sportsman, Tom has been a long-time volunteer commissioner of Huntington's softball league. In fact, he wrote the league's charter, rules and policies and has worked closely with the town's recreational department to ensure the success of the league and maintain a sense of fair play throughout the softball season. My own experience has confirmed that this is truly one of the most thankless tasks in Huntington.

In 1983, Tom developed the idea of a road race to benefit the Huntington Food Council. During the past 2 years, Tom has served as race director of the annual Sportique-Peugeot Food for Friends Five-Mile Foot Race. The race has been an enormously popular event and more importantly, has raised many needed funds to provide food for Suffolk County's disadvantaged population.

Most recently, Tom organized the Huntington Station Merchant's Association. This civic group was put together in an attempt to improve living and business conditions in the area. The association has already made significant strides toward this goal.

Tom is an active member of the Huntington Chamber of Commerce, the New York State Auto Dealers Association, the Press Club of Long Island as well as the Huntington Station Merchants Association.

Mr. Speaker, too often we overlook the accomplishments of people who simply strive to be citizens in the best sense of the word; men and women who spend hundreds of hours of their time not for personal advancement or gain, but rather for the basic good of their fellow citizens.

Mr. Speaker, I join with the family and friends of Tom Lederer in paying tribute to this outstanding citizen and only hope that his fine example of civic involvement will inspire others in my district and throughout the Nation.●

UKRAINIAN INDEPENDENCE DAY

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. BROOMFIELD. Mr. Speaker, January 22, 1985, marks the 66th anniversary of Ukraine's proclamation of independence, and the 65th anniversary of the Proclamation of the Act of Union, whereby all Ukrainian lands were unified in one state. We are all too painfully aware of the brief time Ukrainians knew independence prior to the brutal Soviet annexation of their homeland in 1920. Since that fateful year, the Soviet occupation has unleashed virtual torrent of harsh repression and death. Soviet authorities have persecuted and imprisoned millions of innocent people over this period and during the early 1930's Stalin imposed an artificial famine on Ukraine which took the lives of between 7 and 10 million people.

The Soviet Union today continues to deny basic human rights to Ukrainians and its policy toward this conquered land and its captive people is brutal and relentless. In spite of this, the traditions, culture, and national character of the Ukrainian people live on both in their native land, and in the hearts of Ukrainians everywhere.

The Ukrainian American community is actively involved in maintaining the rich cultural identity of Ukraine and it is important on this occasion to commend it for its worthy efforts. Its clear voice in support of the aspirations of the Ukrainian people serves as a powerful moral booster for the 5 million Ukrainians still living under Soviet occupation.

Let there be no doubt that those of us in the Congress will not allow the continuing struggle of the Ukrainian people to be forgotten. The lengthy nature of the list of sovereign states that have fallen victim to Soviet aggression since 1920 will not in any way diffuse attention given to the plight of Ukraine. The methods and objectives of the Soviet Union have changed little since the invasion of Ukraine in 1920. But, nor has the determination of the Ukrainian people wavered during the time. On the occasion of this anniversary, let everyone be reminded of the injustice which is still visited upon the Ukrainian people, and of the need to continue the vital struggle to achieve a world free of captive nations.●

THE 99TH CONGRESS AND THE CONGRESSIONAL CALL TO CONSCIENCE FOR SOVIET JEWRY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. LEVIN of Michigan. Mr. Speaker, as the 99th Congress assembles to begin the challenge of addressing an unprecedented deficit and an uncertain economy, we, as its Members, will also face issues which concern all of humanity—the rights of fellow human beings around the world. The people of these United States share a special relationship with the peoples of the Earth, and, thereby, bear a special responsibility as well.

We are a Nation of immigrants from every corner of the Earth. We have been enriched by the cultures of the world, and strengthened by the commitment of these individuals to a free and just society. Our society does not easily turn its back to suffering and injustice at home or abroad.

The Congressional Call to Conscience for Soviet Jewry, devotes itself to bearing witness for individuals who are unjustly persecuted by their Government. Soviet Jews live in a state where the Government actively promotes anti-Semitism. Made unwelcome in their own country, many Soviet Jews have no alternative but to choose to leave the land of their birth. It is an outrage that once they have declared their intention to leave, they are then held captive and harassed by that same Soviet Government.

The Congressional Call to Conscience gives us a mechanism by which we, as Members of Congress, can continually bring attention to the plight of individuals trapped in this abusive cycle. We can tell the world their names and their stories. If their own Government will not hear them, the rest of the world will.

Last year, 148 Members of this body joined Congressman LARRY COUGHLIN, Chairman of the Congressional Call to Conscience for Soviet Jewry, in focusing attention on the plight of Soviet Jewry and Soviet refuseniks. Americans and the world have heard some of their names and know a little of their stories. They are individuals who share the same ideals and aspirations which Americans share—the desire to live in peace with their fellow beings, pursuing a better life for their children and contributing to the welfare of society with their God-given talents.

I know that all Americans appreciate the leadership of Congressman COUGHLIN and his predecessor Congressman TIM WIRTH on this issue. Numerous Americans have devoted countless hours to helping Soviet Jewry as well. They should know that we in the Congress also respect and welcome their individual and collective efforts on behalf of Soviet Jewry. The Union of Councils for Soviet Jewry has over the years been an outstanding leader in this regard.

This year, the Members of the 99th Congress have already responded enthusiastically to the effort to keep the issue of Soviet Jewry and the right of emigration from the Soviet Union before the court of world opinion. I would urge all of my colleagues to join the Congressional Call to Conscience for Soviet Jewry so that not a single legislative day may pass without the mention of one of these victims.●

NATIONAL CHILD PASSENGER SAFETY AWARENESS DAY

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. GEJDENSON. Mr. Speaker, over the years significant steps have been taken to expand the use of a product that has been proven to save children's lives, child restraints in motor vehicles. Forty-nine States and the Distict of Columbia have enacted some type of law requiring children to be placed in a safety seat while in a car. Congress has passed laws to provide monetary incentives for States in this regard and to establish a National Child Passenger Safety Awareness Day to increase public awareness regarding the lifesaving value of child restraints. These positive actions have been successful in expanding the use of safety seats and promoting the widely accepted and statistically proven fact that safety restraint devices reduce child fatalities and crippling injuries from motor vehicle accidents.

There is, however, an important area that has not yet been addressed. State laws do not require car rental companies to provide their customers with safety seats and in some States temporary vehicles are exempt from child restraint laws. While some of the larger agencies do furnish a limited number of seats at certain locations, not all companies do, and a driver is not always guaranteed this service. I feel that if virtually every State in the country has recognized the value of establishing child restraint laws, it seems both logical and consistent that these devices should be used in rented cars and thus, readily available from rental agencies.

Mr. Speaker, in an effort to close the gap in present law I am today reintroducing a bill to require motor vehicle rental companies to provide child restraint systems in rented motor vehicles to all travelers who need this service. This measure is important if we are to provide across the board protection for our young people while traveling in automobiles. My bill has been endorsed by Physicians for Automotive Safety, the American Academy of Pediatrics, Independent Insurance Agents, and the Consumer's Union.

As the parent of two small children, I have become increasingly sensitive to the statistics that demonstrate the need to protect my youngsters by using safety seats whenever they travel with me and feel that a rented car should be no exception. The statistics are staggering and point out that automobile accidents are the No. 1 cause of child mortality. For instance, more children under the age of 5 are killed or crippled in automobile accidents than by the seven common childhood diseases; automobile accidents are the major cause of epilepsy; and between the years 1978–82 3,400 children were killed and 250,000 were injured in automobile accidents. The truly tragic fact is that studies show that 90 percent of these injuries and deaths are preventable by the simple and correct use of child safety seats.

The bill I am reintroducing today is consistent with laws already in place that are intended to achieve universal usage of child safety seats in order to protect children—our most precious resource—from unnecessary harm. I urge my colleagues to join with me to in this truly worthwhile and lifesaving effort to further advance the use of child safety seats.●

FREEZE ALL SPENDING—INCLUDING SOCIAL SECURITY COLA'S AND DEFENSE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. PORTER. Mr. Speaker, I recently informed the Republican leadership that I cannot and will not support the position that exempts Social Security cost-of-living increases from consideration as we address the budget deficit. In fact, I'm absolutely amazed that anyone believes that the deficit can be addressed in any meaningful way without freezing cost-of-living increases and defense spending, or even worse, that deficits don't really matter.

The gallons of red ink that drench our books not only pose a grave danger to continued economic growth, but also put a crushing and unfair burden on our children. It is astonishing to realize that a child born in 1985 may have to pay as much as $10,000 in extra taxes, over a lifetime, just to meet the interest payment on this year's Federal budget deficit. If we don't act to control the deficit today, tomorrow it will destroy the opportunity and upward economic mobility that have always been the hallmark and genius of our economic system.

Accordingly, I will support a freeze on all spending programs next year—including defense and all Government cost-of-living adjustments, including Social Security. There is simply no other way to address the huge Federal deficit projected for the next 5 years and beyond.

Fairness dictates that all elements of our society share in the burden of solving this problem. In my discussions with hundreds of Americans, rich and poor, young and old, black and white, I have yet to find one who would not sacrifice if all others would also. If our leadership in Congress and the White House can find the courage to do what is right and necessary, I know the American people will respond as they have always responded in crisis.

I know my position risks retribution by special interests. But we can't continue to serve every special interest at the expense of a strong and dynamic economy that serves us all. The American people understand this. In fact, this was the exact message of the 1984 election: Americans are looking for courage and leadership in their elected officials.

It is time to stop the political gamesmanship and posturing that have dominated Washington for so long and get on with governing the country fairly and for the benefit of the American people as a whole. That includes our children and generations to come, who will bear the burdens or enjoy the benefits of the policies we set now.●

IN TRIBUTE TO FRANK DIAS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. MATSUI. Mr. Speaker, I would like to share with my colleagues a few thoughts about a man whose outstanding career is surpassed only by his sacrificial service to the community. This special American is Frank Dias.

Frank Dias has served with the California Department of Motor Vehicles since 1948. He began as a laborer and was promoted through the ranks to his current position as manager of the central inquiry unit. Because of his exceptional dedication and service on the job, he has received letters of commendation from the FBI, the Department of Justice, and several police departments.

But today I wish to recognize Frank Dias for more than his efforts as manager of the central inquiry unit. I wish to recognize his outstanding dedication to the Sacramento community and to the Portuguese-American community in this area.

Mr. Speaker, through the dedication and efforts of Frank Dias, through his radio program "Portuguese Echoes", and through his ability to convince people of the need to give, he has helped raise more than $150,000 in voluntary contributions for worthwhile charitable causes. These funds have gone to aid earthquake victims in the Azores after the 1973 disaster that left thousands homeless and have been used to feed people who would have otherwise gone hungry. They were used to provide water to a mountain village in the Azores where hundreds of families lived but water remained miles away.

Frank Dias has also used his radio broadcast to find jobs for non-English speaking people and has interceded with authorities to help ill people from the Azores who want to come to the United States for proper medical attention. Frank Dias is truly a special ambassador for the United States.

Mr. Speaker, Frank Dias' retirement this December will be a loss to the California Department of Motor Vehicles. But I am sure he will continue to take on, as he has done in the past, the fight for the needy. The Sacramento community and our Nation can only benefit from outstanding citizens like Frank Dias.●

OMNIBUS BUDGET RECONCILIATION ACT TO BE REVITALIZED AND EXTENDED

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mrs. SCHROEDER. Mr. Speaker, today I am introducing a bill to revitalize and extend the authority for agency Inspectors General and the President to pay cash awards to employees whose disclosures of fraud, waste, or mismanagement result in cost savings to the Government.

Last year, both Houses passed H.R. 5646, a bill very similar to the one I am introducing today. H.R. 5646 failed to become law because objection was heard to a unanimous consent request in the House of Representatives to accepting the Senate amendment in the final moments of the 98th Congress.

The bill I introduce today does not contain the Senate amendment which was found objectionable.

The cash awards program was established by section 1703 of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) and authorized for a 3-year test period which expired on September 30, 1984. This new legislation extends until September 30, 1988, the cash awards program so as to provide needed time to more fully assess its value and effectiveness. The bill requires the General Accounting Office [GAO] to issue a report prior to March 16, 1987, containing recommendations on whether the awards program should be continued. In addition, the bill responds to a request of the Department of Defense that the Inspector General of DOD be permitted the authority to grant cash awards to members of the military services who make cost savings disclosures. Last fall, the Committee on Armed Services, the Department of Defense, and the Committee on Post Office and Civil Service worked together to develop an amendment to title 10, United States Code, which establishes the program for the military while protecting the chain of command.

The administration has said that it supports a 3-year extension of the cost savings awards program. I hope Congress will move quickly to adopt this important legislation.●

RED BARBER—"THE VOICE OF THE DODGERS"

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. SOLARZ. Mr. Speaker, Today I want to honor a man who, for millions of Americans, will always be remembered as "The Voice of the Dodgers." That man is Red Barber. As one who represents a district in Brooklyn, I can say that from 1939 to 1954, Red Barber was for us, "The Voice of Brooklyn."

Red Barber has been on the air for 54 of radio's 60 year history. His professional career began in 1934 as an announcer for the Cincinnati Reds. After 5 years with the Reds, Mr. Barber moved to New York, where he broadcast Brooklyn Dodger games for the next 15 seasons.

During this time Barber acquainted the locals with such homey expressions as "sitting in the catbird seat." And anyone who remembers the "ol' Redhead" can't forget that when Barber says the bases are F.O.B. that meant the bases were "full of Brooklyns". Mr. Barber was a poet in the broadcasting booth. He put "rhubarb" into the baseball vocabulary, and had teams and players tearing up the "peapatch." He could make a 10-to-1 game interesting with his little insights and his little truisms about the players.

My constituents are extremely proud of this man, about whom one of the worst things ever said was that Red Barber was too fair! This fairness was tested in 1947, when Branch Rickey broke the color line in baseball and in American sports, by hiring Jackie Robinson. Barber says he was determined to report what he saw. Robinson would do the rest. Jackie Robinson was obviously satisfied with Barber's ability to report fairly. On June 30, 1984, the American Sportscasters Association voted Red Barber into the Hall of Fame. Rachel Robinson, Jackie Robinson's widow, accepted Barber's award.

In his years as a sportscaster Barber covered 13 World Series, 4 All-Star baseball games, 1 Sugar Bowl, and 5 NFL championship football classics. His career included a number of firsts. He broadcast the first night game in baseball history. Later he worked baseball's first televised game and covered games at Ebbets field during the 1940's and early 1950's when the Dodgers were first carving out a special place in the hearts and minds of baseball fans everywhere. Such a career leaves a man in demand!

Today, Mr. Barber makes his home in Tallahassee, FL—though we in Brooklyn, still count him as one of our own. He is currently working on his seventh book. And he has returned to his origins, performing on radio before a third generation of listeners. Mr. Barber says of his present radio program, "We're turning the clock back to the early days of radio, with its immediacy, spontaneity and excitement." It would be true excitement if we could hear a few seconds of his call to Cookie Lavegetto breaking up Bill Beven's no-hitter in the 1947 World Series: "Well, I'll be a suck-egg mule," but even without it, Red Barber is still in the "catbird seat."●

OUTSTANDING WORKING WOMEN

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mrs. KENNELLY. Mr. Speaker, I would like to call the attention of my colleagues to 10 special women who have been recognized by Glamour magazine as the "Outstanding Young Working Women of 1985." These 10 extraordinary young women provide excellent examples of the great strides women have made in entering a wide range of career fields.

I am most pleased to note that a woman from my own congressional district was chosen by Glamour magazine as one of these outstanding working women. Evelyn Horn of Hartford, CT, is the only woman in New England who directs a correctional facility for men that has over 500 inmates. As warden of the Hartford Correctional Center, Evelyn oversees a $5 million budget, supervises over 150 employees and evaluates the prison's custodial and rehabilitative programs. In addition to her professional responsibilities, Evelyn serves on the board of a local women-in-crisis center and actively promotes community participation in prison programs.

I would also like to share with you the names, careers, and residences of the other nine women recognized by Glamour for their achievements:

Judith Berger, President of MD Resources, Inc., Miami, Florida;

Maria Correa-Freire, Research Assistant Professor, Department of Biochemistry, University of Tennessee, Knoxville, Tennessee, currently a Congressional Science Fellow in Congressman Norman Mineta's office;

Marie Farrell-Donaldson, Auditor General, City of Detroit, Detroit, Michigan;

Donna Jean Hrinak, Chief of Political Section, United States Consulate General, Sao Paulo, Brazil;

Michelle Hughes Koehler, Airborne Military Intelligence Officer, United States Army, Fort Bragg, North Carolina;

Denise Marcil, President of Denise Marcil Literary Agency, Inc., New York City, New York;

Cynthia Pharr, President of Pharr Fox Communications, Dallas, Texas;

Lisa Ann Rogers, Advertising Manager, Vail Associates, Inc., Vail, Colorado; and

Merrie Spaeth, Special Assistant to the President, The White House, Washington, D.C.●

PAPERWORK REDUCTION ACT OF 1985

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. ROTH. Mr. Speaker, yesterday I introduced legislation to eliminate a new paperwork requirement that was imposed pursuant to the Tax Reform Act of 1984.

One provision of the 1984 act attempts to restrict tax avoidance that is based upon the deduction of vehicle expenses when such expenses are not truly related to business use. This new provision requires taxpayers to keep adequate contemporaneous records in order to receive routine business deductions. My bill would repeal that provision. While we all want to ensure that everyone pays their fair share of taxes, the provision is neither realistic nor workable.

The Internal Revenue Service recently proposed regulations to enforce this recordkeeping requirement. The IRS would require the taxpayer keep excessively detailed vehicle logs in order to receive formerly routine deductions. All of this information must be recorded at or near the time the property was used.

In an attempt to reduce the deficit, Congress has sought various ways to enforce stricter compliance with tax laws. The law, however, can go too far. The requirement for compliance can become too burdensome and, eventually, counterproductive. I believe Congress unwittingly created such a burden last year, and we should, therefore, undo the potential damage caused by the IRS.

My bill simply repeals section 179(b) of the Tax Reform Act of 1984. The law would revert back to what it was before the enactment of last year's tax bill.

Enactment of the legislation would not relieve taxpayers of reasonable recordkeeping responsibilities. Repeal of this particular section means that taxpayers would be required to maintain adequate records or sufficient corroborating evidence to document claimed deductions, just as they did before.

I do not want to perpetuate a tax loophole or promote tax evasion. I simply want to protect taxpayers from an unreasonable requirement to keep excruciatingly detailed logs of mileage, times, dates, and purpose of travel.

It is unfair to burden with unnecessary paperwork businessmen and farmers and other taxpayers who routinely use vehicles for business purposes. It is unfair to turn productive businesspeople into unproductive bookkeepers for the IRS. It is unfair for them to spend even more time coping with Government redtape. Companies that faithfully follow these regulations have no time to do anything else. This country cannot afford these types of senseless regulations.

I do not believe Congress intended to create an unreasonable paperwork burden on those who use vehicles for farming and business purposes. I believe that rather than go back and clarify our intent so there is no chance the IRS will misunderstand it, we would be better off restoring the previous law.●

LIMIT RETROACTIVE TAX RULINGS

HON. ED ZSCHAU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. ZSCHAU. Mr. Speaker, today I am introducing H.R. 625, a bill to protect taxpayers against the Internal Revenue Service applying retroactively administrative and judicial rulings that would have an unfavorable impact. This is the same bill that I introduced in the 98th Congress.

Our legal system has traditionally determined the legality of an action based on the laws that are in effect at the time of the particular action. In contrast, the IRS has enforced its rulings retroactively. Even when a taxpayer files a tax return that is accurate and conforms exactly to the existing instructions, the IRS has applied subsequent regulations reflecting later court decisions or a change in an administrative ruling that requires taxpayers to pay additional taxes. This has happened even in those cases when the taxpayer has received written advice from the IRS confirming the accuracy of the original tax treatment.

I believe such actions are wrong and unfair. But that's what can happen as the tax law stands today. For example, two of my constituents took a deduction for certain educational expenses in 1977. The form 1040 instructions at the time stated clearly that the particular deduction was allowed. Then, in 1980, new IRS regulations were written which reversed that instruction. When my constituents were audited in 1981, the IRS recomputed their 1977 taxes using the new instruction and demanded several thousand dollars in additional taxes. Since I introduced the bill in the 98th Congress, similar examples have come to my attention.

Mr. Speaker, H.R. 625, would modify section 7806 of the Internal Revenue Code of 1954 that covers the retroactive application of tax law. This change would prevent the IRS from applying to the detriment of a taxpayer any administrative or judicial interpretation of a provision in the tax law or regulations made subsequent to the time that the taxpayer had relied on that provision to compute his or her taxes. My bill would not modify the authority of the IRS to dispute returns that relied on tax instructions in an unreasonable manner, nor would it eliminate the authority to apply tax law changes in a retroactive manner. I do not believe that the complete elimination of such authority is warranted or desirable. For instance, there may be cases when taxpayers can recover overpayments of taxes through retroactive remedies.

Mr. Speaker, I hope that my colleagues will join me in supporting H.R. 625. At a time when we are seeking ways to reform the Tax Code, we should also look for ways to make its implementation fairer. H.R. 625 would do so.

The text of my bill follows:

H.R. 625

A bill to amend the Internal Revenue Code of 1954 to allow taxpayers to disregard certain retroactive administrative and judicial interpretations of such Code

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

SECTION 1. CERTAIN RETROACTIVE ADMINISTRATIVE AND JUDICIAL INTERPRETATIONS OF 1954 CODE MAY BE DISREGARDED.

(a) IN GENERAL.—Section 7806 of the Internal Revenue Code of 1954 (relating to construction of title) is amended by redesignating subsections (a) and (b) as subsections (b) and (c), respectively, and by inserting before subsection (b) (as so redesignated) the following new subsection:

"(a) CERTAIN RETROACTIVE INTERPRETATIONS MAY BE DISREGARDED.—

"(1) IN GENERAL.—For purposes of this title, if—

"(A) the taxpayer's treatment of any tax item has a reasonable basis in law as of the date such item is properly taken into account under the method of accounting used by taxpayer for purposes of this title, and

"(B) the taxpayer filed a return or other wise relied on such reasonable basis with respect to such item,

the taxpayer may disregard any administrative or judicial interpretation announced after such date.

"(2) SPECIAL RULES.—

"(A) ACTS OF CONGRESS.—Nothing in paragraph (1) shall be construed to apply to any judicial or administrative interpretation carrying out any Act of Congress which applies retroactively to such date.

"(B) ADMINISTRATIVE AND JUDICIAL INTERPRETATIONS.—For purposes of paragraph (1)—

"(i) any published position of the Internal Revenue Service shall be treated as an administrative interpretation, and

"(ii) a judicial interpretation may be disregarded whether or not the taxpayer is a party in the case decided.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) PUBLISHED POSITION.—

"(i) IN GENERAL.—The term 'published position' means—

"(I) any regulation or ruling of the Internal Revenue Service,

"(II) any instruction for filing a return, or other publication, of the Internal Revenue Service, and

"(III) any other document of the Internal Revenue Service which can be acquired under section 552 of title 5, United States Code.

"(ii) EXCEPTIONS.—Such term does not include—

"(I) any position which is in proposed form, and

"(II) any written determination which may not be used or cited as precedent under section 6110(j)(3).

"(B) TAX ITEM.—The term 'tax item' means any item which is required to be, or may be, taken into account in determining any liability for tax under this title."

"(b) EFFECTIVE DATE.—The amendments made by this section shall apply to administrative and judicial interpretations announced after the date of the enactment of this Act.●

H.R. 50 "PORT DEVELOPMENT ACT OF 1985"

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Ms. MIKULSKI. Mr. Speaker, on the opening day of this 99th session of Congress, I introduced H.R. 50, the Port Development Act of 1985. This bill is being cosponsored by every Member of the Maryland delegation. We introduced it early because we feel we've waited 15 years for the money to dredge our harbor and we didn't want to wait another day in our efforts to finally get this project approved. The Port Development Act of 1985 provides a uniform basis for future sharing between the Federal Government and deep-draft commercial ports of the costs of constructing and maintaining port projects and providing necessary port-related services.

In 1970, Congress authorized a 50-foot channel for the Port of Baltimore. Fifteen years later, our port and our citizens are still waiting for the first bucket of deep dredging. We must act, and we must act now. This bill will bring Baltimore closer to that day when we can compete in imports and exports.

Baltimore is one example of the national need for this legislation. The national interest requires the promotion, operation, maintenance, and development of a viable and competitive domestic marine transportation system. The recent technological improvements in vessel construction and cargo handling—with the objective of increasing productivity, efficiency, energy conservation, and marine transportation—are reflected in the use of larger, deeper draft vessels. It, therefore, is necessary for increased capital investments and operating expenditures by the Federal Government and commercial ports for navigation improvements, the expansion of port facilities, and the extension of necessary port-related services.

The time has come for Congress to act to save the ports of this Nation. If we are to remain competitive in the world market, we must act now. The Port of Baltimore knows all too well the price of congressional inaction. The Port Development Act 1985 addresses the real need for port development. I encourage my colleagues to join me in this effort.●

MILITARY APPRECIATION DAY

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. BADHAM. Mr. Speaker, all across this land citizens of the United States of America appreciate the sacrifices of those among us who serve their country in time of war and peace. With this in mind, I would like to call the attention of this honorable body to an event in the 40th Congressional District on February 9, 1985.

This special occasion is known as Military Appreciation Day, and the citizens of my district in Orange County, CA, have banded together to honor a number of outstanding young men and women who have served their country well in peacetime and several others who have received the Nation's highest honor for wartime service, the Congressional Medal of Honor.

Honored at this event will be the Sailor of the Year, Marine of the Year, Coast Guardsman of the Year, and Airman of the Year. At least four recipients of the Medal of Honor will be present for recognition of their selfless service in wartime.

The Newport Harbor Post No. 291 of the American Legion is responsible for this superb civic effort for our veterans and men and women in uniform. Elected public officials throughout Orange County are joining me in this salute to our men and women, plus top-rank commanders of military units which are based in the area in and around the 40th District.

As a member of the House Armed Services Committee, who has spent countless hours visiting military installations at home and around the world, talking to our people in uniform, I have the utmost respect and admiration for those who have chosen to serve their country in our Nation's armed services.

I salute Newport Beach American Legion Post No. 291 for its efforts in bringing our Nation's service men and women and our past heros together on February 9.●

LONG BEACH CITY COUNCILMAN JAMES H. WILSON

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. ANDERSON. Mr. Speaker, the U.S. Congress is only one of many elected bodies in this country that is beginning a new legislative year this month, and I would like to pay a tribute to a member of one of those other legislative bodies, Long Beach City Councilman James H. Wilson. He will be 57 years old on January 30 and is beginning his 15th year of continuous service to the citizens of Long Beach, including two terms in the demanding position of vice mayor.

Jim Wilson was first elected to the city council in 1970 to serve the remaining 2 years of a retiring councilman's term, and was reelected in 1972 to a full 4-year term. He was subsequently reelected to the council in 1976 and in 1980, and served with such distinction that, in this last election, he received an overwhelming mandate to continue representing the residents of the sixth councilmanic district for another 4 years.

Jim is an exceptionally capable spokesman for the people of Long Beach, and it is always a pleasure to see him in Washington. Whether it be an airport noise problem, more Federal funding for low-income housing, medical needs of the elderly, or any other issue involving the legislative and executive branches of the Federal Government, his is always well prepared, forceful in his presentation, and makes his points clearly and concisely.

Councilman Wilson has been a resident of Long Beach for 40 years and has been one of our community's most active citizens in both local and national organizations. He is actively involved in both the League of California Cities and the National League of Cities, and is a past president of the Southern California Association of Governments and of the National Association of Regional Councils. On the local level, he has served on the board of directors for the Boy Scouts, United Way, NAACP, and St. Mary's Hospital. He is currently a member of the faculty of the black studies department at

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California State University at Long Beach.

My wife Lee joins me in wishing him a very happy birthday, and all the best in the years ahead to him, his wife Audry, their children Cynthia and Ronnie, and their four grandchildren.●

EXEMPT AGRICULTURAL VEHICLES FROM DEFICIT REDUCTION ACT OF 1984

HON. WEBB FRANKLIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. FRANKLIN. Mr. Speaker, today, I am introducing legislation that would exempt agricultural vehicles from the burdensome and unnecessary paperwork that the Deficit Reduction Act of 1984 now requires. While I applaud reasonable legislative efforts that are made to reduce the deficit and close certain unfair loopholes that now exist in our tax laws, I certainly do not believe that the present record keeping requirements for our farmers is the answers. This IRS regulation was printed in the October 24, 1984, Federal Register.

For example, one of the provisions in the regulation requires each user of a farm vehicle, such as a pick-up truck, to keep an excessively detailed log, or other similar record for each use of that vehicle. Farmers need less paperwork not more, their main interests should be focused on crop production not on needless and detailed record-keeping and filing.

I understand that Senator JAMES ABDNOR has recently introduced legislation similar to mine, and I support his efforts to eliminate this unnecessary regulatory requirement that has been imposed on our farmers.

I believe in proper accounting for farm business purposes but this new regulation is inefficient, time consuming, and burdensome to those hard working men and women on our Nation's farms. Therefore, I am introducing this bill which will exempt any vehicle primarily used for farming purposes from this new IRS regulation.●

MULE APPRECIATION DAY

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. COOPER. Mr. Speaker, on October 26, the American mule will be 200 years old.

That's right. George Washington, the Father of our Country, started the whole thing himself when he received two full-blooded jacks from King Charles III of Spain. The mules bred by George began a long tradition of service to our Nation in both peacetime and war. Mules have served us in agriculture, mining, transportation, and other endeavors.

Since mules have been such an important part in the building of this country of ours, we shouldn't let this historic bicentennial go by. I am introducing a resolution designating October 26, 1985, as "Mule Appreciation Day." Please join in recognizing the contributions of these strong and sturdy denizens of our land by cosponsoring this resolution.●

REPEAL OF CONTEMPORANEOUS RECORDS PROVISION OF 1984 TAX LAW

HON. W.G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. HEFNER. Mr. Speaker, numerous provisions of the 1984 Deficit Reduction Act were not considered in the House when tax legislation was debated but were added by the Senate and adopted later by the conference. In a bill so voluminous as this, it is not surprising that onerous requirements slipped through without adequate consideration on the part of Members as to their impact.

One provision which is causing a great deal of concern in my district, and I am sure elsewhere across the Nation, is the requirement for on-the-spot records to be kept on the use of mixed-use property such as vehicles. While I have no specific quarrel with the requirement that business use of automobiles, and so forth, constitute 50 percent or more for business purposes in order to be eligible for the investment tax credit and the accelerated cost recovery tax deductions, I do not believe that Congress intended the extremely burdensome paperwork requirements imposed by the section of the new tax law which mandates contemporaneous record keeping.

Our aim should be to simplify the Tax Code and to make compliance less costly for small businesses and farmers. Yet this provision places the greatest burden on this group and will require many of them to add new personnel to keep these records. Farmers who employ unskilled labor will be particularly burdened. Many of these employees drive pickup trucks associated with the farming operations; yet many of them are not able to keep the required records adequately. Many business operations make it absolutely essential for their service personnel to be on call and thus these employees must have access to the company vehicles at all times.

Mr. Speaker, I believe it is imperative that we repeal this section of last year's tax bill immediately, and I am introducing legislation that will return the Tax Code to its original status with respect to the mixed business and personal use of business-owned property. I urge the House Ways and Means Committee to give this matter prompt and favorable attention.●

CONGRESSIONAL CALL TO CONSCIENCE

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. WORTLEY. Mr. Speaker, once again it is time to participate in the congressional call to conscience on behalf of our Jewish brothers and sisters in the Soviet Union. It is a time for solidarity. A time to let Soviet Jews know that we have not forgotten.

Since the late 1970's, there has been a virtual cutoff of Soviet Jewish emigration. At the same time, there has been an enormous increase in anti-Semitic propaganda. Jewish cultural, educational, and employment opportunities have lessened. Soviet authorities interfere with the free flow of mail. If the Soviets refuse to abide by the precepts on human rights laid down in the Helsinki accords for their Jewish citizens, they will refuse to honor the basic human rights of their other citizens.

The U.S. Congress has the same message for those struggling for human rights everywhere but particularly for those struggling within the Soviet Union, you are not forgotten and you will not be forgotten.

For the past several years, cynics have said that congressional pressure on the Soviets to improve their human rights record is meaningless. I disagree.

Members of Congress, acting on behalf of the American people, must not let the Soviets' human rights violations to go unnoticed. We have an obligation to call the world's attention to Soviet violations of international agreements it purports to subscribe.

As Federal legislators our voices will be heard. We can call attention to the real heroes in the Soviet Union, the refuseniks and prisoners of conscience who have paid such a great price for what we in the United States take for granted.

The names of Shcharansky, Nudel, Slepak, and Lerner will be remembered for good, long after those of their oppressors have passed into oblivion; 40 years ago, Franklin Roosevelt said:

> We have learned that we cannot live alone, at peace; that our own well-being is dependent on the well-being of other nations, far away. We have learned that we must live as men, and not as ostriches, nor

as dogs in the manger. We have learned to be citizens of the world, members of the human community.

We have learned that lesson well. When the Soviet Union learns that lesson, human rights will be assured.●

CABRILLO CIVIC CLUBS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. COELHO. Mr. Speaker, I would like to take this opportunity to recognize the 50th anniversary of the Cabrillo Civic Clubs of California and the contributions which the club has made to communities throughout the State.

The Cabrillo Club is an important club to Portuguese-Americans. Not only does it enable the Portuguese-American to understand his heritage and be proud of it, but it also encourages the Portuguese-American to become actively involved in his community and local organizations. The club as a whole has been responsible for donating many hours of service to local hospitals and community programs as well as raising hundreds of thousands of dollars for the Cancer Society, Heart Fund, Polio Foundation, and many other worthy causes.

One of the objectives of the Cabrillo Club had been to promote better education among the youth by establishing a college scholarship fund. Students of Portuguese descent with outstanding academic qualifications and who otherwise cannot afford to attend college are awarded scholarships.

The Cabrillo Club has served to be an important organization for Portuguese-Americans. Not only has it provided a link to their past, but it has encouraged them to be an active part of the future. I would like to congratulate the membership of the Cabrillo Club for 50 years of outstanding service.●

TRIBUTE TO LYLE HALL

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. BERMAN. Mr. Speaker, I rise to pay tribute to a close friend and a valuable member of our community, Mr. Lyle Hall. From his appointment to the Los Angeles City Fire Department in 1962 to the present, he has distinguished himself by his consummate professionalism and his dedication to duty.

In 1971 he was elected to the United Firefighters Negotiating Team where he established the first memorandum of understanding between the city of Los Angeles and the UFLAC. In 1973 he was again appointed to the negotiating team. In 1974 he was elected to the UFLAC executive board. In 1976 he was appointed State representative for the International Association of Firefighters.

Aside from his dedication to his profession and his professional association, his career has been marked by instances of exceptional bravery. He has been awarded both the Fire Department Medal of Valor and the California State Firemen's Association Award of Valor.

It is our loss that he has chosen not to run for reelection this year, but we take heart in knowing that his counsel, his wisdom, and his experience is always available to his friends and colleagues in Los Angeles.●

TRIBUTE TO VAN DER AA BUS LINES, INC.

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. RUSSO. Mr. Speaker, I would like to take a moment to commend a company in my congressional district that is celebrating 60 years in the school transportation business on January 19 this year. Their success demonstrates what is possible in our country with hard work and good service.

Van Der Aa Bus Lines, Inc., was started in 1925 by Mike Van Der Aa with one school bus; expanded to a three-bus operation by 1940 and a seven-bus operation by 1950. In 1960, the company had grown to a 15-bus operation serving 12 schools. The company made its first acquisition of another bus company in 1962 with the purchase of DuPage Motor Coach, Inc., and has since acquired six additional companies. John G. Van Der Aa became a partner in the business in 1962 and his brother, Terry, in 1973. John and Terry purchased the entire bus operation in 1973, and at this time Mike and Kate Van Der Aa retired.

The orginal Van Der Aa Bros. school coach business has expanded from a family-operated, one-bus company in 1925 to a multicompany organization with 1,000 buses and over 1,100 employees. I know my colleagues join with me in commending this fine company on the occasion of their 60th anniversary.●

MAJ. GEN. CARL D. WALLACE, 10 YEARS AS ADJUTANT GENERAL

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. BONER of Tennessee. Mr. Speaker, the great State of Tennessee is proud to acknowledge the making of Volunteer State history. Maj. Gen. Carl D. Wallace, State adjutant general of the Tennessee National Guard, has served in that capacity for the last 10 years, longer than any other adjutant general.

He celebrated that honor on Wednesday, January 16, 1985.

Born in Stewart County, TN, Carl D. Wallace attended Austin Peay University and the University of Tennessee. He was on active duty in the Armed Forces from 1950 to 1954 and served in Korea with the 45th Infantry Division. He began his National Guard service in 1955, commanded several units and was the Guard's Command Information Officer before his appointment as adjutant general in 1975. He was appointed again by Gov. Lamar Alexander in 1979 and 1983.

A career journalist, Major General Wallace is on military leave as editor of the Lebanon Democrat in Lebanon, TN.

He leads more than 18,000 full-time and volunteer citizen-soldiers and oversees a budget of more than $200 million as he administers the Air Guard, Army Guard, Bureau of War Records, and the Tennessee Emergency Management Agency.

Known for his outgoing personality and award winning smile, General Wallace is recognized statewide for the outstanding job and leadership in keeping Tennessee's first line of reserve fit and able and ready to respond at a moment's notice.

His abilities aren't just known within the State's boundaries. Major General Wallace has also received the Legion of Merit Award, one of the highest that can be presented during peacetime.

It was presented by Lt. Gen. Charles P. Graham, commander of the 2d U.S. Army.

The people of the Fifth Congressional District of Tennessee applaud General Wallace for his service and dedication and wish him only the best in the years to come.●

JOHN F. HENNING, CALIFORNIA LABOR LEADER, HONORED

HON. MERVYN DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 22, 1985

● Mr. DYMALLY. Mr. Speaker, it is my honor to call to the attention of my colleagues in the U.S. House of Representatives, a man who through many long years of dedicated service to laborers in California has earned their enduring respect, admiration and love. That man is John F. Henning. Before some members of this great body were born, John Henning was already at work bringing fair treatment

and decent pay to the laborers of California. Way back in 1949, John became research director of the California State Federation of Labor, AFL-CIO. At the same time he served as administration assistant to Neil Haggerty, then secretary-treasurer of the California AFL-CIO.

Those first 10 years he spent in organized labor were anything but unnoticed. His work earned him such regard that he was appointed director of the California State Department of Industrial Relations in 1959—a post in which he distinguished himself. His expertise was so highly regarded in fact that in 1962 he was asked to assume the coveted post of U.S. Under Secretary of Labor. For 6 years he served with honor in that position.

He worked so well with disparate groups and was so adept at reconciling differences that his natural diplomatic tendencies became obvious to President Johnson who made his Ambassador to New Zealand. Clearly, though, John Henning's first love was and is the American worker. In 1970 John surrendered his ambassadorship to become executive secretary-treasurer of the California Labor Federation, AFL-CIO. California and California workers have been the better for John's decision to return to their service. For 15 years now John Henning's name has been synonymous with organized labor. As the executive officer of a labor organization boasting almost 2 million of California's workers as members, it is an understatement to say that John has played a key role in seeing that California laborers receive their fair share of the wealth of a State which would be the 10th most prosperous nation in the world were it to exist independently of the United States.

John represents the best America has to offer. He has given of himself in every way imaginable: As an advocate for laborers, as a civil servant and as an official representative of our Nation. But I would like to emphasize to my colleagues that John has not been content with the activities of what might be called his working life. He has sought to lend his talents to the shaping of young minds by serving in his spare time in some very important leadership roles in higher education. Most prominently, perhaps, he has been a member of the board of regents of the University of California—which I regard as the premiere public institution of higher education in the United States—since 1977. He has also had a long and warm relationship with his own alma mater, St. Mary's College in Moraga, CA. He has served as president of that institution's alumni association and has been a member of its board of trustees. A grateful St. Mary's recognized his contributions to the institution with an honorary doctor of laws degree, one of several he has received. As if that were not enough, he has also served as a member of the board of regents of Lone Mountain College in San Francisco.

At the end of this month John Henning's life of spectacular achievement is to be honored by those to whom he has given so much. This year, the Third Annual California Laborer's Salute Dinner will be a tribute to John F. Henning. I consider it a high honor to join the AFL-CIO in their tribute to one of this Nation's outstanding citizens. John, thank God you were born a Californian.●