

# EXTENSIONS OF REMARKS

## CONSUMER AUTOMOBILE LEASING ACT OF 1996

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. LaFALCE. Mr. Speaker, I am today introducing legislation to provide consumers with the information they need to make informed decisions about automobile leases. My bill, the consumer Automobile Leasing Act of 1996 would update and strengthen current Federal requirements for automobile lease disclosure and advertising under chapter 5 of the Truth in Lending Act.

Automobile leasing is a growing phenomenon that is supplanting traditional new car sales and dominating automobile advertising. It is the automobile industry's answer to the growing affordability gap between rising new car prices and stagnating family incomes.

A decade ago consumer leases represented less than 5 percent of all new car transactions. Today, more than 30 percent of all new automobile transactions involve leases. By the year 2000, some auto industry experts predict, leases will constitute over half of all new car transactions and a significant portion of used care transactions.

This rapid growth in automobile leases has generated a concomitant increase in lease advertising. The Center for consumer Affairs at the University of Wisconsin reported last year that its 6-year study of advertising in the Milwaukee market showed that lease advertising had grown from a relatively infrequent occurrence to the most commonly advertised consumer transaction in that market. Automobile leases now figure as prominently as, if not more prominently than, traditional automobile sales transactions in advertising in the Washington, DC market and in my congressional district in western New York. Leasing clearly has become a reasonable alternative to buying a new automobile not just for luxury car buyers, but also for middle-class families, for retirees on fixed incomes and even for college students. And lease advertising now seeks to appeal to all these markets.

Automobile leases can be beneficial for consumers, particularly in providing more manageable monthly automobile payments and lower maintenance costs. Unfortunately, it is often very difficult for consumers to understand the terms of auto leases and to know whether they actually save money with a lease. As the National Center for Study of Responsive Law commented to the Federal Reserve board last year, current lease promotions may deceive consumers into believing that they are getting a better deal with a lease than a credit purchase, when this may not be true.

### I. THE NATURE OF THE PROBLEM

Part of the problem comes from the complexity of lease transactions. As a special task force of the State attorneys general reported to the Federal Reserve Board in November,

most consumers are not yet familiar with lease transactions. The task force cited the way in which the automobile industry has chosen to structure lease transactions, both the terms used and their application in contracts and advertising, as making leases far more complex than the traditional sales situation. This complexity creates enormous opportunity for misrepresentation and abuse.

Problems also stem from inadequacies in current laws and regulations governing lease disclosure and advertising, particularly at the Federal level. The Consumer Leasing Act was enacted as chapter 5 of the Truth in Lending Act in 1976, long before Congress could have anticipated the current upsurge in automobile leases. Federal regulations governing lease disclosure and advertising have not been revised or updated in any significant way since their issuance by the Federal Reserve Board in 1981. This creates serious problems even on technical grounds. The dollar amount of the leases covered by the act, for example, is inadequate and will permit increasing numbers of auto leases to escape Federal regulation. Civil penalties under the act also are woefully inadequate to deter violations by automobile dealers and leasing companies when viewed in comparison to potential profits.

The inadequacies of current law and regulation present additional problems in practice. These laws and regulations offer no consistent standards governing clear and conspicuous disclosure for either lease contracts or advertising. They permit disclosure far too late, usually at the time a lease is signed, and sometimes even after a vehicle has been ordered and the consumer has paid a deposit or other fee. They offer no clear standards for nontraditional advertising, for example, in commercial mailings, toll-free telephone numbers or on the Internet. They permit lease advertising to mix terms and costs of leases and installment credit sales, which may easily confuse and mislead consumers. And they permit so-called come-on promotions that have little relevance to the terms actually offered to consumers or the vehicle models actually available.

One of the most serious omissions of current regulations is the lack of any requirement to disclose the annual interest rate implicit in lease transactions. The lease interest rate has been described by State Attorneys General, the Consumer Federal of America, the American Association of Retired Persons [AARP] and other organizations as the critical factor in the lease equation. Together with the lease term, the capitalized cost of the automobile and the vehicle residual value, it is one of the four variables that determine the consumer's monthly lease payment. To allow leasing companies to hide one of these key variables, as most now do, the attorneys general commented, is to invite abuse. Not requiring disclosure of a lease interest rate, they noted, is tantamount to the hiding of valuable information from consumers.

In Canada, lease annual interest rates will soon be a required disclosure item in all provinces. A national working group of provincial

and Federal officials recently agreed that lessors should be required to disclose a lease rate as an annual percentage rate. Last July, the National Conference of Commissioners on Uniform State Laws released a study urging uniform State consumer leasing laws and recommending required disclosure of lease interest rates to allow comparison shopping by consumers. This same requirement is needed in Federal law. Without disclosure of a lease rate, according to the consumer Federation, consumers have no way of computing the real cost of a lease.

All of these problems in automobile leasing are compounded by lease documents that hide critical disclosures among technical lease terms and that confuse consumers with legal jargon, imprecise terms and byzantine payment and penalty formulas. Key consumer information such as the price of the leased automobile, is not clearly disclosed or is hidden in broader cost amounts. Fees paid as part of the vehicle capitalized cost or the payment required at lease signing may not be identified and itemized. And major costs after the lease is signed, such as vehicle delivery charges and lease-end disposition fees, are obscured or hidden to such a degree that the Federal Trade Commission says many consumers are unaware of their existence.

But it is in the area of lease advertising that, in my view, the problems and abuses of current automobile leasing are most evident. You only have to turn on the television or open the advertising sections of any local and regional newspaper to find advertisements that routinely feature deceptively low monthly lease rates or other attractive aspects of a lease while obscuring or omitting required information about the costs and restrictions of the lease; scroll consumer information quickly across the television screen or in mouse sized type in print advertisements to make it difficult for consumers to see or read; highlight no or zero downpayment amounts without stating the substantial charges and fees a consumer may actually have to pay upon signing the lease; and combine disclosure for numerous vehicle models in confusing tiny print or mix the payment amounts, downpayments, interest rates, and other items for leases with those of credit installment transactions.

The Federal Trade Commission summarized these problems earlier this year in detailed comments to the Federal Reserve Board:

Many lease advertisements today may fall short of the "clear and conspicuous" standard. Currently many television and some print advertisements boldly promote certain attractive lease terms and regulate the required lease disclosure to fine print or a location that is both inconspicuous and barely visible. Some television advertisements use background music or flashing images that further obscure the required disclosures. Television advertisements may also flash the disclosures on the screen for only two or three seconds or scroll so quickly that consumers are unable to read this important information.

These common practices make it extremely difficult for consumers to understand the terms

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

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

of advertised leases and virtually impossible for consumers to make knowledgeable comparisons between lease offerings. In their comments last year, the attorneys general expressed concern that automobile lease advertisements have, for several years, generally failed to adequately disclose material information consumers need to make informed decisions. The Federal Trade Commission echoed this sentiment, stating that current misleading advertisements may significantly hinder comparison lease shopping, in direct contradiction of the purposes of the Consumer Leasing Act.

Clearly, current lease advertising provides no standardized format or uniform disclosures to permit consumers to make an intelligent and informed choice between leasing and buying an automobile or even to make comparisons among comparable leases offered by different dealers.

Given the confusion created by lease advertising and the complexity of the leases themselves, it is not surprising that reports of deceptive or abusing leasing practices are increasing. The State attorneys general report a dramatic increase in the number of consumer leasing complaints received by our offices. Local consumer affairs agencies in areas as diverse as San Jose, CA; Montgomery County, MD; and Penellas County, FL, all have reported auto leasing as the area in which consumer complaints have increased most significantly in recent years. Public agencies and consumer organizations all point to the inadequacy of information available to consumers, as well as growing pressures on auto dealers to maximize profits through leasing, as creating an enormous potential for abuse of consumers and as emphasizing the need for increased consumer protection.

#### II. OVERVIEW OF THE LEGISLATION

The legislation I am introducing today offers a comprehensive approach to the problems of automobile lease disclosure both in lease documents and in advertising. Indeed, the bill is the first legislation, that I am aware of, to propose comprehensive revision of the Consumer Leasing Act since the act was passed 20 years ago.

In general terms, the legislation amends the Consumer Leasing Act to implement many of the changes in lease disclosure and advertising recommended last year by the attorneys general task force. It incorporates technical changes requested by the Federal Reserve Board. It seeks to apply to all forms of lease advertising recent Federal Trade Commission standards for clear and conspicuous disclosure, as well as the FTC's proposed equal prominence standard for lease advertising. And it proposes required disclosure of a lease interest rate and other changes to enhance lease disclosure and advertising advocated by the Consumer Federation and other consumer organizations.

More specifically, my legislation would modify and update the disclosure requirements in current law to provide consumers with more visible, more complete, and more relevant information in lease documents about the terms and costs of auto leases. It would create a special requirement for automobile leases, modeled on proposals recently implemented by the leasing subsidiary of Ford Motor Co., that require the highlighted disclosure of key consumer costs and consumer notices or warnings at the beginning of the lease document. And it requires that consumers receive

required disclosure before the lease signing in situations where an automobile must be ordered and the consumer is required to pay a deposit or incurs any other form of financial or legal obligation.

However, it is in the area of lease advertising that my legislation would make the most far-reaching changes. It clarifies the clear and conspicuous disclosure requirement in current law by incorporating the more specific reasonably understandable standards used by the Federal Trade Commission in the 900 number rule and in other industry advertising orders. It extends disclosure requirements to advertisements on the Internet. It requires all lease advertisements to disclose a lease rate computed as an annual percentage rate. It requires that disclosures in foreign language advertisements be made in the language primarily used in the advertisement. And it would permit television advertisers to use the alternative toll-free telephone disclosure option in current law for radio advertisements and clarify disclosure standards for toll-free telephone advertising.

The bill also addresses the more abusive advertising practices that are clearly intended to confuse or deceive consumers. It would prohibit lease advertisers from claiming that no down payment is required when, in fact, significant fees and charges are required to be paid at lease signing. It requires that transactions be clearly identified as a lease at least as prominently as any featured lease term or payment. It would prohibit the mixing of the terms of leases and installment credit transactions in the same advertisement. And it would prevent lessors from advertising lease terms that are offered only to select consumers or advertising lease terms for vehicle models they do not have in sufficient quantities to meet reasonably anticipated consumer demand.

Finally, the bill introduces a new initiative for print advertisements which would move auto lease advertising toward a uniform pricing approach that encourages comparison shopping by consumers. The proposal creates a special lease box requirement for printed lease advertisements that simplifies the disclosures required for lessors, makes disclosures more visible and understandable to consumers and provides greater uniformity in terminology and cost disclosures. It would make disclosed costs more relevant to lease terms offered to consumers by requiring that advertised costs represent average costs of comparable vehicles leased by the advertising dealer with option packages most commonly requested by consumers. And it would require that key factors used to calculate monthly lease payments—the lease terms, vehicle residual value, and excess mileage limits—be standardized to reflect standard industry practices in order to minimize their manipulation to produce artificially low monthly payment amounts in lease advertisements.

The proposal would standardize the information disclosed for comparable automobile models and highlight actual differences in vehicle capitalized costs, up front payments and lease interest rates among advertised lease options. The bill acknowledges that this is only one approach to introducing uniform pricing and disclosure to automobile leasing. It directs the Federal Reserve Board to study additional or alternative approaches for standardizing the terms and cost disclosures of auto leases and

to propose appropriate initiatives that would permit more direct comparison of the base costs of competing lease transactions.

Mr. Speaker, in all these provisions I have tried to incorporate proposals that balance the consumers right to know all relevant information about the terms and costs of automobile leases with the need to minimize the burdens of disclosure for automobile dealers and advertisers. I have also sought to incorporate the best ideas of public agencies and consumer organizations that have studied the problems of consumer leasing, as well as the recommendations of the automobile leasing industry. I do not claim that the proposals in my bill are the only solutions to the problems addressed, nor even necessarily the best approaches. But I believe they will help us to begin a necessary dialog on this important issue.

#### III. CONCLUSION

My purpose in this bill is to encourage broader understanding of the growing importance of automobile leasing, of the increasing problems in leasing practices and lease advertising, and of the various solutions that are being discussed by public officials in this country and in Canada. And my intent is to encourage as comprehensive a debate as possible in Congress on the complex and timely consumer issues raised by automobile leasing.

My legislation also responds to changes in current auto leasing requirements that were incorporated by the majority in last year's bank regulatory relief legislation. A broad manager's amendment put forward during full committee consideration of this legislation struck some of the more positive initiatives proposed in earlier legislation by Mr. BERUTER. The amendment replaced these initiatives with provisions designed to create a safe harbor for disclosures made by auto lessors and to limit significantly the civil liability of automobile leasing companies for false disclosures relating to numerous key disclosures for consumers, including descriptions of the property to be leased, additional fees and charges, lease-end liabilities and purchase options. These changes were proposed without congressional hearings and were approved without any oral or written presentation or discussion.

The growing importance of automobile leasing requires that changes in lease disclosure and advertising be given broad and careful consideration by Congress and not become just another hidden giveaway to special interests. In adopting the original Consumer Leasing Act 20 years ago, Congress recognized that applying any lesser standard than full and complete disclosure to automobile leasing is an invitation to abuse and deception. The same considerations should govern what we do today.

The legislation I am introducing simply requires that consumers be given full information about lease transactions in a manner which is understandable and which allows them to make intelligent purchasing decisions. The experiences of the State attorneys general, local consumer affairs offices and consumer organizations suggest that current relations and the methods used by lessors to comply with them, to quote the attorneys general statement, often make it impossible for consumers to make such decisions.

I urge the Congress to initiate broad hearings designed to incorporate all points of view

on issues related to automobile leasing, and I urge my colleagues to give careful consideration to the changes and initiatives proposed in this legislation.

JUSTICE STEPHEN BREYER'S  
ADDRESS FOR THE 1995 DAYS OF  
REMEMBRANCE CEREMONY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. LANTOS. Mr. Speaker, on April 16, Members of Congress, members of the diplomatic corps and hundreds of survivors of the Holocaust and their friends gathered here in the Capitol Rotunda for the Days of Remembrance ceremony. The U.S. Holocaust Memorial Council was established by Congress to preserve the memory of the horrors of the Holocaust. I commend the Council and the members of the Days of Remembrance Committee, chaired by my good friend Benjamin Meed, for their vigilant and genuine adherence to their extraordinarily important task.

One of the first acts of the committee was to establish the Days of Remembrance ceremony to mirror similar ceremonies held in Israel and throughout our Nation and the World. This year, the Days of Remembrance ceremony centered on the 50th anniversary of the Nuremberg trials. The ceremony was a reminder of the difficult process of first coping and their healing that all survivors and process of first coping and then healing that all survivors and their families and loved ones had to endure.

At this ceremony I was touched by the especially poignant words of Associate Justice Stephen Breyer. Throughout his life he has committed himself to the guidance of education and the principal of justice. These were the principles that he chose to speak of, so eloquently, during the ceremony.

Therefore, it was befitting that a leader from the highest court of our land address the ceremony commemorating the triumph of justice over barbarity. Justice Breyer stands as a symbol of our country's fervent commitment to the rule of law. His remarks commemorating the 50th anniversary of the Nuremberg Trials will endure as a tribute to those who championed the forces of justice, compassion and equality in an environment where those same qualities were callously disregarded. I ask by colleagues to join me congratulating Justice Breyer on his excellent speech; may its wonderful and inspirational message find its way into the hearts and minds of individuals around the world.

CRIMES AGAINST HUMANITY, NUREMBERG, 1946

(By Stephen Breyer, Associate Supreme Court Justice)

The law of the United States sets aside today, Yom Hashoah, as a Day of Remembrance—of the Holocaust. On Yom Hashoah 1996, we recall that fifty years ago another member of the Court on which I sit, Justice Robert Jackson, joined representatives of other nations, as a prosecutor, at Nuremberg. That city, Jackson said, though chosen for the trial because of its comparatively well-functioned physical facilities, was then "in terrible shape, there being no telephone communications, the streets full of rubble, with some twenty thousand dead bodies re-

ported to be still in it and the smell of death hovering over it, no public transportation of any kind, no shops, no commerce, no lights, the water system in bad shape." The courthouse had been "damaged." Its courtroom was "not large." Over one door was "an hour glass." Over another was "a large plaque of the Ten Commandments"—a sole survivor. In the dock 21 leaders of Hitler's Thousand Year Reich faced prosecution.

Justice Jackson described the Nuremberg Trial as "the most important trial that could be imagined." He described his own work there as the most important "experience of my life," "infinitely more important than my work on the Supreme Court, or . . . anything that I did as Attorney General." This afternoon, speaking to you as an American Jew, a judge, a Member of the Supreme Court, I should like briefly to explain why I think that he was right.

First, as a lawyer, Robert Jackson understood the importance of collecting evidence. Collecting evidence? one might respond. What need to collect evidence in a city where, only twenty years before, the law itself, in the form of Nuremberg Decrees, had segregated Jews into Ghettos, placed them in forced labor, expelled them from their professions, expropriated their property, and forbid them all cultural life, press, theater, and schools. What need to collect evidence with the death camps that followed themselves opened to a world, which finally might see. "Evidence," one might then have exclaimed. "Just open your eyes and look around you."

But the Torah tells us, There grew up a generation that "knew not Joseph." That is the danger. And Jackson was determined to compile a record that would not leave that, or any other future generation with the slightest doubt. "We must establish incredible events by credible evidence," he said. And, he realized that, for this purpose, the prosecution's 33 live witnesses were of secondary importance. Rather, the prosecutors built what Jackson called "a drab case," which did not "appeal to the press" or the public, but it was an irrefutable case. It was built of documents of the defendants "own making," the "authenticity of which" could not be, and was not "challenged." The prosecutors brought to Nuremberg 100,000 captured German documents; they examined millions of feet of captured moving picture film; they produced 25,000 captured still photographs, "together with Hitler's personal photographer who took most of them." The prosecutors decided not to ask any defendant to testify against another defendant, lest anyone believe that one defendant's hope for leniency led him to exaggerate another's crimes. But they permitted each defendant to call witnesses, to testify in his own behalf, to make an additional statement not under oath, and to present documentary evidence. The very point was to say to these defendants: What have you to say when faced with our case—a case that you, not we, have made, resting on your own words and confessed deeds? What is your response? The answer, after more than 10 months and 17,000 transcript pages, was, in respect to nineteen of the defendants, that there was no answer. There was no response. There was nothing to say. As a result, the evidence is there, in Jackson's words, "with such authenticity and in such detail that there can be no responsible denial of these crimes in the future and no tradition of martyrdom of the Nazi leaders can arise among informed people." Future generations need only open their eyes and read.

Second, as a judge, Robert Jackson understood the value of precedent—what Cardozo called "the power of the beaten path." He hoped to create a precedent that, he said,

would make "explicit and unambiguous" what previously had been "implicit" in the law, "that to persecute, oppress, or do violence to individuals or minorities on political, racial, or religious grounds . . . is an international crime . . . for the commission [of which] . . . individuals are responsible" and can be punished. He hoped to forge from the victorious nations' several different legal systems a single workable system that, in this instance, would serve as the voice of human decency. He hoped to create a "model of forensic fairness" that even a defeated nation would perceive as fair.

Did he succeed? At the least, three-quarters of the German nation at the time said they found the trial "fair" and "just." More importantly, there is cause for optimism about the larger objectives. Consider how concern for the protection of basic human liberties grew dramatically in the United States, in Europe, and then further abroad, in the half century after World War II. Consider the development of what is now a near consensus that legal institutions—written constitutions, bills of rights, fair procedures, an independent judiciary—should play a role, sometimes an important role, in the protection of human liberty. Consider that, today, a half century after Nuremberg (and history does not count fifty years as long), nations feel that they cannot simply ignore the most barbarous acts of other nations; nor, for that matter, as recent events show, can those who commit those acts ignore the ever more real possibility that they will be held accountable and brought to justice under law. We are drawn to follow a path once beaten.

Third, as a human being, Jackson believed that the Nuremberg trials represented a human effort to fulfill a basic human aspiration—"humanity's aspiration to do justice." He enunciated this effort in his opening statement to the Tribunal. He began: "The wrongs which we seek to condemn and punish have been so calculated, so malignant and so devastating, that civilization cannot tolerate being ignored because it cannot survive their being repeated. That four nations flushed with victory and stung with injury, stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of the law is one of the most significant tributes that Power ever has paid to Reason."

To understand the significance of this statement, it is important to understand what it is not. Nuremberg does not purport to be humanity's answer to the cataclysmic events the opening statement goes on to describe. A visit to the Holocaust Museum (or, for some, to the corridors of memory) makes clear that not even Jackson's fine sentences, eloquent though they are, can compensate for the events that provoked them. But, that is only because, against the background of what did occur, almost any human statement would ring hollow. A museum visit leads many, including myself, to react, not with words, but with silence. We think: There are no words. There is no compensating deed. There can be no vengeance. Nor is any happy ending possible. We emerge deeply depressed about the potential for evil that human beings possess.

It is at this point, perhaps, that Nuremberg can help, for it reminds us that the Holocaust story is not the whole story; it reminds us of those human aspirations that remain a cause for optimism. It reminds us that after barbarism came a call for reasoned justice.

To end the Holocaust story with a fair trial, an emblem of that justice, is to remind the listener of what Aeschylus wrote twenty-five hundred years ago, in his "Eumenides"—where Justice overcoming the avenging furies, humanity's barbaric selves, promises Athens that her seat, the seat of Justice,

"shall be a wall, a bulwark of salvation, wide as your land, as your imperial state; none mightier in the habitable world." It is to repair the Book of Deuteronomy's injunction to the Jewish People: "Justice, justice shall you pursue."

And if I emphasize the role of Nuremberg in a story of the Holocaust, that is not simply because Justice Jackson himself hoped that the trial "would commend itself to posterity." Rather, it is because our role—the role of almost all of us—today in relation to the Holocaust is not simply to learn from it, but also to tell and to retell it, ourselves, to our children and to future generations. Those who were lost said, "Remember us." To do that, to remember and to repeat the story is to preserve the past, it is to learn from the past, it is to instruct and to warn the future. It is to help that future, by leading them to understand the very worst of which human nature is capable. But, it is also to tell that small part of the story that will also remind them of one human virtue—humanity's "aspiration to do justice." It is to help us say, with the Psalmist, "Righteousness and Justice are the foundations of Your Throne."

TRIBUTE TO THE DIAMOND JUBILEE OF THE VILLAGE OF EDGERTON'S HOMECOMING

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and bring to the attention of my colleagues an important event being held in Edgerton, Ohio, June 19–22. The Village of Edgerton will be celebrating the 75th Diamond Anniversary of the community's homecoming. This annual summer festival is a time for friends and neighbors to get together and honor their community spirit.

A true railroad city, Edgerton was surveyed in 1854 where the proposed Michigan Southern and Northern Indiana Railroad crossed the St. Joseph River. Named after former newspaper editor, Ohio State Senator and U.S. Congressman Alfred P. Edgerton, the city grew quickly. By the end of the Civil War there were two general stores, three saloons, a grocery, hotel, produce dealer, harness shop, house painter, four carpenters, two blacksmiths, and a wagon maker. Through the years, the occupations have changed but the sense of pride in community has remained.

This pride is manifested every summer through the village's homecoming. Throughout its history, Edgerton has been blessed by their enthusiasm and volunteer labor for its many projects. Anniversaries are a time to reflect upon a steadfast tradition of service, they are also a time to look toward new horizons. The residents of Edgerton have made it their responsibility to serve those in need by keeping pace with the ever increasing challenges facing mankind. This summer's celebration honors that heritage.

I ask my colleagues to join me today in recognizing Edgerton's Diamond Anniversary Homecoming and encouraging the residents to continue to set the standard for community involvement in Ohio.

TRIBUTE TO MEND

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Meeting Each Need With Dignity [MEND], which this year celebrates its 25th anniversary of service to the northeast San Fernando valley. With its efforts to provide comprehensive health, educational and employment services, MEND has played an invaluable role in the community. Today it serves as many as 13,000 people per month.

That total is indicative of MEND's growth and success in a quarter-century of operation. As recently as 1987, MEND had a client base of 2,000 people per month. With the increase in population in the area over the past decade, plus cuts in government funding, MEND has been forced to respond to a situation that approached crisis proportions.

In addition to providing general services, the agency offers food, clothing and English-language classes. I cannot imagine what life would be like for the poor, sick, elderly, and aspiring citizens in the northeast valley without the presence of MEND.

Last year MEND expanded its facilities, adding a waiting room, classroom, computer lab, separate medical and dental treatment rooms, a pharmacy, food warehouse and sorting room for clothes. I was particularly impressed that this \$1 million expansion was funded entirely by private sources.

MEND has come a long way since its opening in 1971, when Catholic and Protestant church members worked out of their own garages distributing donated food and clothing to poor people in the northeast San Fernando valley.

I ask my colleagues to join me today in saluting MEND, an organization that has done so much for so many over the past 25 years. Its dedication to the community and desire to help is a shining example for us all.

IN HONOR OF JOSE JOSE: A DISTINGUISHED MUSICIAN AND INDIVIDUAL

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. MENENDEZ. Mr. Speaker, I rise today to pay special tribute to Jose Jose, a remarkable individual who has distinguished himself by his enormous contribution to Latino music and the Hispanic community. He will be honored during a performance at Radio City Music Hall on May 24, 1996.

Born in Mexico as Jose Romulo Sosa Ortiz, Jose Jose was destined to become a renowned international celebrity. The son of a tenor for the Mexican National Opera Company, Jose Esquivel, and a concert pianist, Margarita Ortiz, Jose Jose's talent and interest in music were influenced by the success of his parents.

During the 1950's, Jose Jose's talent began to emerge. He joined the school choir and began performing at local festivals, and important social and sporting events. Upon learning

to play the guitar in the early 1960's, he formed a trio along with his cousin and a close friend. Jose Jose's first record received little recognition but he persevered on in his musical career. He began performing at prominent nightclubs like the Tropicana, EL Farolito and Peria Negra, and was soon offered a record deal with RCA Records. Soon after, in 1969, Jose Jose struck it big throughout the Hispanic community with his first hit song, "La Nave Del Olvido." Following the overwhelming success of this single, his career reached heights beyond his dreams.

The sudden success catapulted the singer to international stardom. Throughout the 70's and 80's, he toured major cities in the United States, Puerto Rico, Guatemala, Costa Rica, Brazil and Argentina, and made numerous television appearances performing such renowned hits as "La Nave Del Olvido," "Secretos," "Lagrimas," "40 y 20," "Gavilan O Paloma," and "El Triste." Today Jose Jose serves as an example of self-determination and hard work. His voice has touched the lives of so many and will continue to echo throughout the international community for many years to come.

It is an honor to have such an outstanding entertainer visit the 13th District and to perform at Radio City Music Hall. I ask my colleagues to join me in honoring Jose Jose, an entertainer for the ages.

THE NOVALIC FOUNDATION OF CROATIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. LANTOS. Mr. Speaker, this Chamber has heard many statements on the horrors that the recent wars on the territory of the former Yugoslavia visited on the peoples of that region. While no side remained blameless in these conflicts, in fact, all sides committed unspeakable crimes, it was certainly the Serb aggressors who showed the world degrees of inhumane cruelty, of barbarism that some of us had hoped would never be used again as tools to settle questions of territory or dominance.

I was one of the Members here who made many of the statements I just referred to as I followed these events closely and felt very strongly about them. Nonetheless, just the other day I was reminded again quite powerfully of the excesses of perverse cruelty in these wars. I was presented with a photo album of some of the churches of Eastern Croatia, the region that is still under Serb occupation. These pictures reminded me that this was not just a political and ethnic war, but it was also a war against culture and religion. The Serb invaders purposefully targeted the churches of the Croat and Hungarian ethnic communities in that region, shelling them with ferocity and great precision. About 67 churches lie partly or fully in ruin in or around the still occupied territories.

Not all news coming from that region is bad, however. These photos of the destroyed churches were presented to me in my office by a remarkable individual, Mr. Antun Novalic, a businessman from the town of Osijek, Croatia, right across a river from the occupied territories. In this area where the wounds of ethnic hatred are still festering, Mr. Novalic has

established a foundation with his own money, dedicated to rebuilding those churches regardless of the creed or ethnicity of the congregations. His plans also include the restoration of the old Jewish cemetery in the village of Vorosmart, an ancient Hungarian settlement in Croatia going back over a millennium. The cemetery suffered no war damage, but it suffered vandalism during the invasion and is generally in a neglected state.

Mr. Novalic was not asking for money in this country, as he told me he wanted to establish a record of accomplishment using his own funds before he would ask for others to contribute. He was here to seek moral support and to inform Americans who care about the fate of that region of the objectives of the Novalic Foundation.

Mr. Speaker, I commend Mr. Novalic for his noble idea and wish every success for his foundation. I wanted my colleagues to know that for every act of destruction, of seeding hatred, someone, somewhere is working selflessly on construction, on restoring ethnic harmony and tolerance. I hope the United States will remain allied to such people and give their efforts all reasonable support.

MACOMB COUNTY BIKE PATH:  
SHOWING THE POWER OF PART-  
NERSHIPS

HON. DAVID E. BONIOR  
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES  
*Thursday, May 23, 1996*

Mr. BONIOR. Mr. Speaker, at a time when people all across America are looking for new ways to work together for the betterment of our communities, I want to call the attention of my colleagues to a project in my Congressional District that is a shining example of the power of partnerships.

A few years ago, I and others in our area worked together to establish the Macomb Bike/Hike Path. The idea behind the bike path was a simple one—to give people in Clinton Township a recreational resource to use and enjoy. The establishment of the bike path was a community effort, one which brought together the Federal Government, county government, and our neighbors to work together for a common goal.

Simply put, the Macomb Bike Path has been a tremendous success. It is heavily used by joggers, dog walkers, and many others who value it as an important recreational resource. And while many people use the bike path, until last year it was just that—an asphalt path running through a sparse tract of land.

Last year, however, Detroit Edison, as part of their ongoing efforts to improve our environment, agreed to contract with Cal Fleming Landscaping and Metropolitan Forestry Consultants to plant 114 trees along an empty stretch of the Macomb Bike Path. These trees, which are valued at \$20,000, include some of the most beautiful kind imaginable, including green ash, red oak, red and amur maples, and flowering crabapple trees.

This donation has gone a long way toward enriching and beautifying the bike path for our community and its residents. On one of my recent trips back home to Michigan, I walked the newly-renovated path and marveled at the beauty of the newly blooming trees.

Also helping out in our efforts to improve the path and care for these trees is the Macomb County Road Commission, the Boy Scouts of America Troop #157, the Bearing Burners Auto Club, the Lake Pointe Nursing Center, the Tree People Community Group, and the Inter-County Drainage Board.

Mr. Speaker, many people worked together to make this project a reality, but I want to give special recognition to several people from Detroit Edison and their contractors: Peggy A. Sorvala, John A. Cretti, Ronald L. McIntyre, Roberta C. Urbani, Paul Stricher, Cal Fleming Landscaping and David Breedlove.

I also would like to recognize Detroit Edison Chairman John Lobbia for his leadership in making projects like this one a reality.

The contributions of these men and women are a shining example of public service. They are truly people who promote and act on the values of our community and have a genuine concern for the people they serve. Their work on the Macomb Bike/Hike Path is an excellent example of what can be accomplished when government, citizens and private industry work together.

PERSONAL EXPLANATION

HON. ELIOT L. ENGEL  
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES  
*Thursday, May 23, 1996*

Mr. ENGEL. Mr. Speaker, on the evening of May 22, 1996, I was recorded in the affirmative for rollcall vote 190. I should have been recorded in the negative.

PERSONAL EXPLANATION

HON. JIM BUNN  
OF OREGON

IN THE HOUSE OF REPRESENTATIVES  
*Thursday, May 23, 1996*

Mr. BUNN of Oregon. Mr. Speaker, due to a thunderstorm, my plane was approximately 2 hours late arriving at National Airport on May 21, 1996. Because of this delay, I was unable to cast my vote on vote numbers 180, 181, and 182.

Had I been present, I would have voted yea on vote 180, nay on vote 181, and yea on vote 182. I ask unanimous consent to have these votes entered into the RECORD at the appropriate place.

SALUTE TO REV. DR. REPSIE M.  
WARREN OF PHILADELPHIA

HON. THOMAS M. FOGLIETTA  
OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES  
*Thursday, May 23, 1996*

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay special tribute to Rev. Dr. Repsie M. Warren, founder and pastor of the Society for Helping Church to congratulate her on her many years of service to the Philadelphia community.

Reverend Warren, educated at Elizabeth City State University, Philadelphia Antioch University, Philadelphia Lutheran Theological

Seminary, and New York Theological Seminary, began her tenure with the Society for Helping Church over 20 years ago. Rev. Warren established the Society for Helping Church in 1976, and the Society for Helping, Inc., a Social Service Agency for the deaf and hearing impaired, in 1977, where she serves as executive director. Reverend Warran has dedicated her life to improving the plight of the people within the Philadelphia community.

Reverend Warren is also an outstanding educator. Since her retirement from teaching in the Philadelphia Public School System, she has become an activist concerned about quality education. Reverend Warren has played a vital role in many programs in the Philadelphia community as the vice chair of the Black Clergy of Philadelphia & Vicinity, Inc. and vice president of the Southeastern Region of One Church One Child. Reverend Warren has been active in religious and community projects, holding memberships in various organizations for community enrichment.

I hope my colleagues will join me today in congratulating Rev. Dr. Repsie M. Warren for her many years of service with Society for Helping Church and the Philadelphia community. I wish the Reverend Warren and the Society for Helping Church the very best as they continue their service to the Philadelphia community.

INTRODUCTION OF ADMINISTRATION'S  
RETIREMENT PROTECTION ACT

HON. SAM GIBBONS  
OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES  
*Thursday, May 23, 1996*

Mr. GIBBONS. Mr. Speaker, this bill we are introducing today is a good bill. It contains many provisions that will accomplish positive results in our retirement system. It will increase the number of families and individuals who can contribute to their retirement savings through an IRA by approximately 20 million. In addition, it will make retirement benefits available to approximately 10 million small businesses and their employees.

There has been growing concern about the adequacy of the pool of retirement savings available for our aging baby-boom generation. Some studies have indicated that the members of this group are saving at only one-third the rate they will need to retire at a standard of living which is similar to their current standard. This legislation certainly will expand the opportunity for these workers to increase their retirement savings. Also, younger workers could begin saving for retirement at an earlier age under the optional waiver of the initial waiting period for qualification to participate in their employer's plan.

In addition, the simplified 401(k) plan small businesses would be able to offer to their employees under this bill would allow many part-time workers to set aside retirement funds. Under this provision, any worker who makes at least \$5,000 for 2 consecutive years would be eligible. This would include many women who are in the work force on a part-time basis because of family responsibilities. Also, a great number of workers maintain part-time hours at some point in their careers for different reasons. This bill would allow them to

continue to save for retirement. This is a major step in the right direction. I applaud this effort.

Last year, the Republicans included a provision in their Balanced Budget Act which would have allowed employers to raid the retirement funds of their employees. President Clinton specifically mentioned that provision, among others, including Medicare and welfare, as a reason for vetoing the bill. This bill contains provisions that are designed to deter employers from engaging in such behavior. This emphasizes our strong commitment to protect and preserve the pensions of hard-working individuals.

Another good feature of this bill is the provision that would ensure that workers of companies which go out of business or workers who left an employer many years earlier would be able to collect their retirement benefits from these employers through the Pension Benefit Corporation [PBGC]. PBGC will act as a clearinghouse for the terminated plans of these employers. This will help many of our workers who otherwise may have no other way of collecting these funds. This provision will have a very positive impact on many workers at a time when they need it most. I strongly support this effort.

I have always supported portability in our pension system. I am very pleased to see that the administration will be taking additional steps to improve the ability of an employee to take his or her retirement account to a subsequent employer. I welcome this effort.

In conclusion, I reiterate my support for this bill, and I look forward to working toward making its goals become reality.

TRIBUTE TO ALBERTUS MAGNUS  
COLLEGE ON ITS 70TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Ms. DeLAURO. Mr. Speaker: It is with great pleasure that I rise today to salute Albertus Magnus College on its 70th Anniversary.

Albertus Magnus was founded in 1925 by the Dominican Sisters of St. Mary of the Springs, Columbus, Ohio. It was the first Catholic residential liberal arts college for women in New England.

The College has established a tradition of setting precedents in educational innovation. The New Dimensions Program was established in 1994 and enables students to work and maintain family commitments while obtaining a degree in business administration in only two years. The Tri-Session Plan was implemented in 1993 and allows students to complete their degree program in three years by attending three sessions per academic year instead of two. Although the program is intense and academically rigorous, students are able to save valuable time and money. The program has been cited by leading educators as model to control the ever-rising cost of a college education. These are only two examples of the College's mission to make a liberal arts education both intellectually challenging and accessible.

Throughout all the changes and reforms, Albertus Magnus has remained steadfast in its commitment to the pursuit of knowledge and

the liberal arts. Albertus Magnus is dedicated to guiding undergraduates on their academic and intellectual journey. The College strives to provide students with the tools to build their own paradigm for understanding and interpreting the world. Students are taught to engage in the analytical process as they try to understand and then question traditional schools of thought. Graduates of Albertus Magnus leave with the knowledge that life is a journey and that they must never cease to question and explore what they believe to be true.

I am pleased to wish Albertus Magnus congratulations on the 70th Anniversary. I am confident that under the strong leadership of President Julia McNamara the College will move into the 21st century at the forefront of education.

PERSONAL EXPLANATION

HON. HELEN CHENOWETH

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mrs. CHENOWETH. Mr. Speaker, on Thursday, May 16 and Wednesday May 21, I was unavoidably detained and missed rollcall votes 176 and 184.

Had I been here, I would have voted "no" on rollcall 176, and "yes" on rollcall 184.

I ask unanimous consent to have my statement appear in the appropriate place in the record.

TRIBUTE TO DR. IAN EDWARDS

HON. GREG GANSKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. GANSKE. Mr. Speaker, I would like to bring your attention to the recent travels of Dr. Ian Edwards, president of Toastmasters International.

Dr. Edwards' trip in early May was the first ever presidential visit to the Toastmasters National Capitol District 27. He was elected president of Toastmasters International in 1995 and has been a Toastmaster for over 18 years.

Dr. Edwards and his family currently live in west Des Moines, IA and I am pleased to have such an accomplished public speaker in my district.

THE DATABASE INVESTMENT AND  
INTELLECTUAL PROPERTY  
ANTIPIRACY ACT OF 1996

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. MOORHEAD. Mr. Speaker, I rise to introduce the Database Investment and Intellectual Property Antipiracy Act of 1996, a bill to encourage continued investment in the production and distribution of valuable new databases.

Electronic databases, and other compilations of factual material, are absolutely indis-

pensable to the American economy on the verge of the new century. These information products put a wealth of data at the fingertips of business people, professionals, scientists, scholars, and consumers, and enable them to retrieve from this haystack of information the specific factual needle that they need to solve a particular economic, research, or educational problem. Whether they focus on financial, scientific, legal, medical, bibliographic, news, or other information, databases are an essential tool for improving productivity, advancing education and training, and creating a more informed citizenry. They are also the linchpin of a dynamic commercial information industry in the United States.

Developing, compiling, distributing, and maintaining commercially significant databases requires substantial investments of time, personnel, and money. Information companies must dedicate massive resources to gathering and verifying factual material, presenting it in a user-friendly way, and keeping it current and useful to customers. U.S. firms have been the world leaders in this field. They have brought to market a wide range of valuable databases that meet the information needs of businesses, professionals, researchers, and consumers worldwide. But several recent legal and technological developments threaten to cast a pall over this progress, by eroding the incentives for the continued investment needed to maintain and build upon the U.S. lead in world markets for electronic information resources.

Here in the United States, the 1991 Supreme Court decision in *Fiest Publications v. Rural Telephone Service Co.* marked a tougher attitude toward claims of copyright in databases. While reaffirming that most—although not all—commercially significant databases satisfy the "originality" requirement for protection under copyright, the Court emphasized that this protection is "necessarily thin." Several subsequent lower court decisions have underscored that copyright cannot stop a competitor from lifting massive amounts of factual material from a copyrighted database to use as the basis for its own competing product. Database producers are concerned that some of these cases may also cast doubt on the ability of a database proprietor to use contractual provisions to protect against unfair competition from such "free riders."

In Europe, a 6-year legislative process culminated earlier this year in the issuance of a European Union Directive on Legal Protection of Databases. Among other things, the Directive creates a new, non-copyright form of legal protection for databases, to supplement copyright. But it denies this new protection to U.S.-originated databases unless the United States is found to offer "comparable" protection to European databases. When fully implemented in 1998, the European Directive could place U.S. firms at an enormous competitive disadvantage throughout the entire European market.

At the World Intellectual Property Organization, a growing international consensus supports development of a new international treaty on noncopyright protection for databases, with the possibility of action as early as December 1996. Indeed, this week in Geneva, U.S. negotiators are putting forward a draft for such an international instrument.

In cyberspace, technological developments represent a threat as well as an opportunity

for databases, just as for other kinds of works. Copying factual material from a database, and rearranging it to form a competing information product—just the kind of behavior that copyright protection may not effectively prevent—is cheaper and easier than ever, through digital technology that is now in widespread use.

When all these factors are added together, the bottom line is clear: it is time to consider new federal legislation to protect database developers against piracy and unfair competition, and thus encourage continued investment in the production and distribution of valuable commercial databases. Such legislation could improve the market climate for databases in the United States; ensure protection for U.S. databases abroad on an equitable basis; place the United States on the leading edge of an emerging international consensus; and provide a balanced and measured response to the new challenges of cyberspace. The bill I introduce today aims to advance these goals.

While copyright, on the Federal level, and the State contract law underlying licensing agreements, remain essential tools for protecting the enormous investment in databases from the threat of unfair competition, there are gaps in the protection that can best be filled by a new Federal statute. The Database Investment and Intellectual Property Antipiracy Act would prohibit the misappropriation of valuable commercial databases by unscrupulous competitors who grab data collected by others, repackaging it, and market a product that threatens competitive injury to the original database. This new Federal protection is modeled in part on the Lanham Act, which already makes similar kinds of unfair competition a civil wrong under Federal law. It also draws on some of the positive elements of the European directive, and is intended to be fully consistent with the draft international treaty language being put forward by our negotiators in Geneva. Importantly, this bill maintains existing protections for databases afforded by copyright and contract rights. It is intended to supplement these legal rights, not replace them.

The Database Investment and Intellectual Property Antipiracy Act is a balanced proposal. It is aimed at actual or threatened competitive injury from misappropriation of databases or their contents, not at non-competitive uses. The bill contains specific exemptions for use of insubstantial portions of databases for any purpose. The bill specifically allows innovators to create their own databases independently, as a result of their own work and investment, as opposed to "free riding" on the work and investment of others. Our goal is to stimulate the creation of even more databases, and to encourage even more competition among them. The bill avoids conferring any monopoly on facts, or taking any other steps that might be inconsistent with these goals.

Some sections of this bill are modeled closely on the non-copyright provisions of H.R. 2441, the NII Copyright Protection Act of 1995, as introduced last fall. As these provisions in the NII legislation are refined and improved in the legislative process, I anticipate that conforming changes would be made to the corresponding provisions of the Database Investment and Intellectual Property Antipiracy Act as well.

This legislation provides the starting point for legislative activity on an important and complex subject. I look forward to hearing the

suggestions and reactions for interested parties, and of my colleagues, in the near future, and to working with the Administration to strengthen protections for U.S. databases both at home and around the world.

#### TRIBUTE TO RUTH NUSSBAUM

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. BERMAN. Mr. Speaker, I am honored today to pay tribute to my good friend Ruth Nussbaum, who was a fervent supporter of Israel even before the founding of the country in 1948. She has worked tirelessly and dedicated much of her life to Israel and the Jewish people. Ruth is a dear friend of my uncle, Jack Shapiro and I have often heard him speak of her with great affection and respect. Jack and his late wife, my aunt Dora had tremendous admiration for the work done by Ruth and her late husband, Rabbi Max Nussbaum.

Born in Berlin, Ruth and her family emigrated to the United States from Germany in 1940, as Hitler's plans for the Jews became clear. They settled first in Oklahoma, where Max was rabbi at Temple Beth Ahava, and then moved to Los Angeles in September 1942. Soon after arriving in Los Angeles Max became rabbi at Temple Israel of Hollywood, and Ruth settled into a lifetime of activism.

From her first year in America, she enlisted in efforts to save European Jews from the Nazis. Her goal was getting the Jews to Palestine. After World War II, she became involved in the movement to lift immigration limitations in Palestine, and the establishment of Israel as an independent nation.

Following the death of Rabbi Nussbaum in 1974, Ruth increased her activities on behalf of Israel. She served for many years as Zionist affairs and program chair for the Los Angeles Chapter of Hadassah, and was chair of Israel Bonds' Women's Division and Advisory Council. In 1977 she was a founding member of the Association of Reform Zionists of America [ARZA], the Zionist affiliate of the Union of American Hebrew Congregations.

Ruth has visited Israel at least 20 times, attending missions, serving as a delegate to the World Zionist Congress and visiting her nieces and nephews. In this way she combines love for her family with love for her people.

I ask my colleagues to join me today in honoring Ruth Nussbaum, a woman whose selflessness and dedication is a shining example for us all. I am proud to be her friend.

#### THE HONORABLE SID YATES AT THE DAYS OF REMEMBRANCE CEREMONY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. LANTOS. Mr. Speaker, on April 16, Members of Congress, members of the Diplomatic Corps and hundreds of survivors of the Holocaust and their friends gathered here in the Capitol Rotunda for the National Days of Remembrance commemoration. The United

States Holocaust Memorial Council was established by Congress to preserve the memory of the victims of the Holocaust. I commend the Council and the members of the Days of Remembrance Committee, chaired by my good friend Benjamin Meed, for their vigilant and genuine adherence to their extraordinarily important task.

One of the first acts of the Council was to establish the annual Days of Remembrance commemoration to mirror similar observances held in Israel and throughout our nation and elsewhere in the world. This year, the commemoration centered on the 50th anniversary of the Nuremberg trials. The observance was a reminder of the difficult process of first coping and then healing that all survivors and their families and loved ones had to endure.

Our senior colleague, SID YATES, who himself served with distinction in the Navy in World War II, delivered a very poignant speech at the ceremony. I was so moved by his powerful speech that I invite my colleagues to take a moment to read his remarks.

THE DAYS OF REMEMBRANCE CANDLE LIGHTING CEREMONY

(By Sidney R. Yates)

"The first to perish were the children," said poet Yitzshak Katzenelson, himself a victim of the Nazis, and a witness to their destruction.

French author, Francois Mauriac who lived in occupied France said: "Nothing I have seen during these somber years left so deep a mark upon me as those hundreds, of Jewish children standing in Austerlitz station."

15,000 children were sent to Terezin concentration camp. Only 100 survived. Jiri Weil writes of these children: "Only the drawings and the poems—that is all that is left of these children, for their ashes have long since sifted across the fields around Auschwitz."

How could any person—kill innocent children—not 1 or 20 or 100—but 1.5 million children were exterminated by the Nazis.

We cannot forget the insane butchery of our young. We mourn for them—for their mothers and fathers and brothers and sisters—and we mourn for ourselves, for having lost them.

Today as we light the candles we will honor members of the staff who prosecuted the German leaders at The Nuremberg Trials for crimes unprecedented in human history. Unprecedented, yes, and also unspeakable.

As these candles are lighted we remember the victims of Nazi viciousness.

As we light these candles we will be remembering the children whose lives were snuffed out.

There is no punishment adequate for the crimes against the children. There is only our memory to keep them alive—forever.

We will Remember the Children.

#### ABERCROMBIE GUILD OF CHRIST HOSPITAL HONORED FOR 120 YEARS OF CONTINUOUS SERVICE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to the Abercrombie Guild of Christ Hospital for 120 years of service to the residents of Jersey City. A special ceremony to celebrate the guild's accomplishments will be held at the Liberty Science Center on May 23, 1996.

Formerly called the ladies' Hospital Guild, the organization we honor today was formed in 1874 by a group of 20 women. They began by making clothing for the sick children in the hospital. As the needs of the hospital changed, so did the guild. In 1887, the daisy ward, a pediatrics ward, was established in the hospital. Since then, the guild has devoted much of its time and efforts to creating a comfortable environment for the children in this ward. Through the years, the guild has strived to make the lives of the patients and the hospital community a little better.

The guild was incorporated and named after one of the founders and presidents of Christ Hospital, Rev. Richard Mason Abercrombie. As a corporation, the guild is devoted to securing money and supplies for the hospital with special care given to the children's ward, of which Christ Hospital is particularly proud. The funds donated and bequeathed to the guild greatly benefit these children. The moneys are used to provide the children with the medical attention needed.

The Guild also provides a number of other valuable services, including a monthly news letter known as the Daisy and a burial fund that is administered by the burial committee. The burial fund provides a final resting place for impoverished patients who have died in the hospital. In addition, the chapel committee, which provides Holy Communion and other religious services, and the sewing committee, which provides made and mended clothing, are the most commonly known features of the guild.

I ask my colleagues to rise and join me in honoring the Abercrombie Guild. The services and help the guild has provided the children and patients of Christ Hospital are truly extraordinary.

---

#### HONORING GRATIOT PARK UNITED METHODIST CHURCH

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to the men and women of the Gratiot Park United Methodist Church in Port Huron, MI. This Sunday, I and many others from Michigan's Bluewater area will gather at the church to dedicate a marker celebrating the importance of that structure in the history of our community and our State.

The origins of the Gratiot Park United Methodist congregation can be traced back to the time of the construction of Fort Gratiot in 1814, and the early days of the church are tied to the growth of the fort.

Records of the time show that circuit riders regularly traveled through the wilderness to preach at Fort Gratiot. Accounts also indicate that the early congregation survived a devastating cholera outbreak in 1832 that nearly wiped out the entire territory.

In 1859, the Reverend A.E. Ketchum established a Methodist class at the Fort Gratiot Mission. Brothers ventured to remote areas of Michigan seeking new members for the community.

The site of today's Gratiot Park United Methodist Church was first surveyed in 1834, and changed ownership several times before

being purchased in trust for the church in July 1866.

In 1968, the church was formally renamed the Gratiot Park United Methodist Church.

The Bluewater area is far different today than it was in the times of Fort Gratiot. Where once pioneers struggled to settle the land, today Port Huron is a thriving city and a growing center of commerce. But despite decades of change, the Gratiot Park United Methodist Church still stands as a part of our community and part of the lives of our people.

It has seen the deep divisions created by the Civil War and witnessed the inventions of Thomas Edison.

It has stood through the dawn of the Grant Trunk Railroad and the boom of the shipping and lumber industries and the growth of Port Huron.

And through it all, the church and its congregation have stood as a source of strength and fellowship for the people of our area.

Mr. Speaker, the marker that the Michigan Historical Center has affixed to this structure is a fitting tribute to the Gratiot Park United Methodist Church and a source of great pride for the entire Port Huron community.

I hope that my colleagues will join me in recognizing this important designation.

---

#### PERSONAL EXPLANATION

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. ENGEL. Mr. Speaker, I was unavoidably absent from rollcall vote 191 due to emergency dental work. Had I been present, I would have voted in the affirmative.

---

#### SMALL BUSINESS JOB PROTECTION ACT OF 1996

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 22, 1996*

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak in support of H.R. 3448 and to not only lend my support for it, but to also discuss how this legislation is a textbook example of opportunity missed. Mr. Speaker, while this bill makes several important changes to the current law in areas such as pensions, equipment investment, and educational tax-deductions, there are other changes not included which could have made it much better legislation and much better for the American people.

One of the most important issues this bill addresses is that of employee pensions. Under this legislation, employees of tax-exempt organizations, will for the first time, be eligible for 401(k) plans. In addition, firms with less than 100 workers would be permitted to set aside pension funds for workers without satisfying many of the complex reporting standards they must now meet for contributions to 401(k) plans. Finally, Mr. Speaker, this bill addresses the needs of union workers such as construction workers who frequently change jobs. This legislation corrects prob-

lems for small businesses and their employees which are long overdue. Now, those who were previously unable to take advantage of retirement options solely due to their occupation can now.

Mr. Speaker, this bill also provides tax incentives for businesses to hire employees on welfare, high-risk youth, qualified veterans or qualified summer youth employees. I have spoken a great deal on this floor about summer jobs and while I am extremely opposed to Republican efforts to eliminate the Summer Jobs Program, I am pleased that this provision was included. I am gratified to see that the majority party recognizes the fact that these populations sometimes need assistance in obtaining work and I believe that the work opportunity tax credit is one more method by which we can give honest people a chance at a job.

While these are good initiatives, this bill does not go far enough. The legislation will allow individuals to deduct up to \$5,250 per year for employer-provided educational assistance for undergraduate tuition, but what about graduate education? Do not people who pursue advanced degrees deserve the same opportunity? This indeed seems like a case of education bigotry. During committee markup of this bill, my Democratic colleague, Mr. LEVIN tried to address this issue with an amendment to include graduate education. After initially agreeing to the amendment, the Republican Members changed their vote to defeat it.

Also missing from this bill are pension provisions contained within the Gephardt-Daschle proposal which would improve the bill even further by allowing penalty-free IRA withdrawals for education and training, first home purchases, major medical expenses, and during long-term unemployment.

Mr. Chairman, this bill is good and I support it, but it could be and deserves to be better than it is.

---

#### SMALL BUSINESS PERSON OF THE YEAR

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. STUPAK. Mr. Speaker, it is an honor for me to bring to the attention of this body and the nation an individual who has truly made a difference in his local area and who, along the way, has helped so many others. Mr. Paul R. Argall, President of PCBM Management Company, Inc., in Ishpeming, Michigan began with a dream, a goal, an idea and has molded that into one of the most successful business operations in the Upper Peninsula of Michigan. For his efforts, Mr. Argall has been named Michigan Small Business Person of the Year by the United States Small Business Administration, a honor well deserved.

Mr. Argall first distinguished himself as a Certified Public Accountant, opening his own firm in 1978. Realizing that his home town of Ishpeming, like other small communities in the Upper Peninsula, was on an economic decline, Paul moved forward in 1984 by establishing PCBM Management Company that formed the foundation for a dream that he believed would not just provide jobs for so many local residents, but would be the primary source of economic development for the area.

The goal was to build a village within the city that would include various businesses to support local tourism. Following the acquisition in 1987 of some 35 acres of land along US-41, the first of what would be many new small businesses began with the Pamida Discount Center, a 40,000 square foot department store that created 50 new jobs. A fifty room hotel and 165 seat restaurant was then added in 1989 and the Country Village Plaza began to take shape. Since then, many new businesses have opened including other restaurants, grocery stores, a bowling center, banks, laundromats, bookstores and many other shops.

PCBM Management itself has grown considerably, as well, to now six subsidiaries and is recognized in the area a leading real estate development company. The company has grown to over 120 employees who oversee annual sales of nearly \$3.5 million and in 1994 made the Inc. 500 as well as the Michigan private 100, a list of the state's fastest growing companies. Further, in 1995, PCBM was recognized by the Michigan Jobs Commission for its long standing commitment to Michigan and to Ishpeming.

As good as this company is, it was the foresight of and guidance by Paul Argall that has provided the foundation for its growth. A strong family man, an active member of his church and other charitable organizations, Paul deserves not just the title of Small Business Person of the Year, but the thanks of so many people in the Ishpeming area.

Mr. Speaker, on behalf of the Ishpeming area, the Upper Peninsula and the entire state of Michigan, I congratulate Mr. Paul Argall and PCBM Management Company on a job well done.

---

#### RECOGNIZING JAMES R. NUNES

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. BAKER of California. Mr. Speaker, for more than three decades, James R. Nunes has served as an officer of the law. Since 1979, he has been chief of the Pleasant Hill, CA Police Department in my home district. Now, after 37 years as a police officer, first with the military and then with three different cities, he is retiring from the force.

Throughout his career, Chief Nunes has worked to make our streets safer, our communities stronger, and our children's future brighter. He knows the meaning of long nights, hard work, and personal sacrifice. His many community activities further reflect his commitment to the citizens of the East Bay, and are indicative of his devotion to the building of a better society.

Those who work for public safety know that a secure society does not come cheaply. It is the product of vigilance, perseverance, and foresight. These are the qualities that have typified Chief Nunes' service. It is my sincere hope that Chief Nunes will enjoy a well-deserved retirement from the force. His contributions have been both formidable and enduring, and I know all of my colleagues will join me in wishing him every good thing in the days ahead.

#### MEMORIAL DAY 1996—ANOTHER VIEWPOINT

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 23, 1996

Mr. FILNER. Mr. Speaker, I rise to place into the CONGRESSIONAL RECORD the following thoughts by Robert Sniffen, a U.S. Navy veteran who has served as a veteran's advocate for the past 27 years. He has held veteran-related positions in the U.S. Department of Labor and in the Center administration. He has also served as the national service and legislative director of AMVETS. Currently, Mr. Sniffen is chairman of the board for San Diego Veterans' Service, a southern California non-profit organization dedicated to the needs and concerns of California's veterans.

Memorial Day will soon signal the traditional salute to pay homage, tribute, and honor to our nation's men and women who have made the ultimate sacrifices on behalf of the freedoms we all enjoy. Beautiful, emotion charged ceremonies, largely attended by veterans and their families, will be encapsulated into micro-second broadcast news clips and short print articles including photos for public consumption.

For those who deal daily with the survivors of military service, Memorial Day is also an appropriate date on which to inform and educate the public as to the status of the needs, issues, and concerns of veterans who have survived military service.

To date, potential legislation is floating upward in Congress to establish a Commission to evaluate programs of the federal government that assist members of the armed forces and veterans in readjusting to civilian life. It will be known as the "Commission on Service Members and Veterans Transition Assistance". Of the hundreds of pages of veteran legislation introduced before Congress, this "Commission on Veterans" is the most vital. Veteran organizations and veteran advocates must hold both presidential candidates responsible for obtaining such a commitment, before the November elections. Veterans must demand action now, or this landmark legislation will never see the light of day.

If fully enacted, the Commission will conduct a bottom-up review of programs intended to assist veterans. Veteran advocates view this potential landmark legislation as a G.I. Bill of Rights review, as well as the reading of the fine print that violates the Sacred Government Contract made with each military inductee. Those who support veteran entitlements should contact their Congressional representatives and seek their support in creating this new Commission, which will evaluate and upgrade the earned entitlements of our military personnel and our veterans.

Across America, our military personnel and veterans are disproportionately suffering the ill effects of military down-sizing, base closures, industry collapses in the defense and aerospace industries, and corporate down-sizing to increase profits. Military families and veterans are receiving food stamps; homeless veterans continue to roam the streets they fought to protect; thousands of fully qualified veterans are grossly disadvantaged economically, facing the ravages of unemployment and under-employment. Still others are shut out of the market place due to lack of re-training. There is little call for infantry or weapons skills in the high-tech information era. Training and re-training veterans must be a top priority.

Meanwhile, only three million of the twenty-eight million living veterans actually access medical treatment from the veterans medical system. Budget and deficit reductions and streamlining of the VA programs through reorganization will adversely impact senior veterans, whose numbers will grow as rapidly as their current and future medical needs explode.

While most veterans are successful and arise each day to run America, some veterans need help to reintegrate into a civilian society, as well as to overcome adverse economic factors.

Thousands, currently in the military, are shifted daily from the military pay line, to the unemployment line, becoming a family "at risk" who, then, may soon become the "new" homeless.

Veterans are being told by the Washington beancounters and Congress that veterans must sustain their share of budget cuts. It is believed that most Americans would agree that our veterans "paid in full" at the entry and exit doors of military service.

As the American public makes way for the beaches, mountains, and resorts on Memorial Day, veterans and their families will pause to salute our fallen heroes. Veteran organizations and their leaders will ensure that the tributes occur as their solemn duty. It is these Americans who will give appropriate thought to the survivors and non-survivors. All Americans should give greater reflection to questioning our nation's commitment, to those who have contributed most to America's ongoing survival.

Many this Memorial Day will be asking, "Why has the contract with America's veterans been broken?" "How do we reinstate adequate programs for veterans in a country that now seems to approve the popular notion of budget cuts, even at great expense to those who served, survived, and now, more than ever, need our help?"

America is Number One, Thanks to Veterans, and other governmental agency slogans, such as Putting Veterans First are again singing, "When Johnny Comes Marching Home," while the budget cut "ax murderers" blindly cut veterans' programs.

Thus, wherever one finds themselves this Memorial Day, these are thoughts worth considering—and acting upon. As Memorial Day proceeds, veterans not active in a veteran's organization may wish to consider membership in a group of their choice, and thought should be given as to methods of citizen support for veteran programs, i.e., through volunteer participation, assistance with monetary needs for local veteran organizations that serve veterans, and letting the appropriate political leaders know that veteran programs should be the first saved—and the last cut—in current and future budget considerations.

We need to remember those men and women who are in eminent danger in Bosnia, Korea, Liberia and other potential conflict sites for future veterans that will need to be honored at future Memorial Day ceremonies.

Amidst the flood of broadcast and newspaper media of the business world's "tribute" to another holiday sales/marketing opportunity, American needs to "refocus" its moral compass, directly upon those political leaders and candidates, to determine who will recognize and reverse the governmental failures over the many years before the next veteran-related holiday arrives in November of this year.

Memorial Day 1996 is, indeed, an excellent occasion to remind ourselves that this year we should salute our fallen dead and also pay a living tribute to those who did survive—only to return at a time when most Americans had lost respect and support for those who make democracy possible, worldwide and locally.

Thoughts, ideas, suggestions, and rejoinders that "Freedom is not Free" is designed to provoke countrymen to take positive addition to reverse the demise of the importance of protecting, rather than slashing costs—that are the aftermath of this Memorial Day \* \* \* and future Memorial Days to come.

Let us all utilize this sacred, heartfelt day of tribute as the starting point in reinitiating dedication to keeping our commitments to veterans and their families, by insisting that government revitalize, not kill veteran's programs, as Memorial Day 1996 approaches.

The very future of America may depend upon these veteran-related issues.

REPEALING THE 4.3 CENT  
GASOLINE TAX

HON. TOM A. COBURN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 23, 1996*

Mr. COBURN. Mr. Speaker, due to circumstances beyond my control, I was not physically able to cast my vote for H.R. 3415, which repealed the 4.3 cent gasoline tax implemented in 1993. At this time, I would like to take this opportunity to submit my opinion on this issue for the record.

Tax relief—in order to be truly effective—must do two things. First, it must be meaningful relief; people must be able to reap the benefits of Congress' actions. Second, it must be paid for with real dollars, not with creative bookkeeping or irresponsible offsets.

I am committed to tax relief. The American people are overburdened with federal, state,

and local taxes but don't see the returns for their investment. In fact, May 7, just two weeks ago, marked "National Tax Freedom Day" where people stopped handing over their paycheck to Uncle Sam and started working for themselves. Clearly, tax relief is important, necessary, and well deserved.

I do not support the 1993 decision to raise gasoline taxes 4.3 cents a gallon to finance irresponsible government spending. Dollars collected from fuel taxes should be spent only on infrastructure, not on pet projects or wasteful, duplicative federal programs. It stand to reason that ideally, the gas tax should be repealed.

But it troubles me that tax relief—in this case, repealing the gas tax—has become a political football. I do not believe people will truly benefit from this token gesture. I question the timing of the gas tax repeal: if gas taxes were too high, why didn't Congress attempt to repeal them six months ago, when the price of gasoline was at an all-time low? I find it curious that this issue has only been addressed during an election year . . . and if repeal of the tax is truly necessary, then why is it temporary? Shouldn't tax relief last beyond the 1996 elections? And how are we planning to address the loss of revenue to the federal treasury? Auctioning the spectrum is neither a real nor a responsible option. The criteria for tax cuts—meaningful relief which is paid for—have not been met.

While I disagree with H.R. 3415, I am also opposed to the Administration's "solution." Selling 12 million barrels of oil from the Strategic Petroleum Reserve won't lower gasoline prices—in fact, it will COST the American taxpayers \$144 million dollars. The President's

response to rising gasoline prices is politically motivated as well. This is a superficial, cosmetic action which will do nothing to truly lower gasoline prices.

Furthermore, I strongly believe that neither Congress nor the President should be in the business of regulating gasoline prices, just like the federal government should not regulate the price of other commodities like wheat, corn, or sugar. Instead, the market should be allowed to function. History shows that fuel prices traditionally rise in the spring but fall and level out after a few weeks. 1996 is no different. Already, consumers are watching prices go down, although not as quickly as they might like.

Mr. Speaker, had I been able to cast my vote on this piece of legislation, I would have voted "no." I cannot support a politically motivated tax cut which will not significantly aid the American consumer. This is a tax cut package tied up with pretty ribbons—but when the taxpayers open it, they see an empty box, not the true savings Congress has promised.

I feel this is another example of election-year politics, not genuine reform. I want to tell the people of Oklahoma's second district that Congress reduced their tax burden, but I want them to be able to see the difference in their bankbook at the end of the month. I cannot vote for a gimmick which makes politicians look good but doesn't actually help the people who put them in office. I don't believe that temporarily repealing the 1993 gasoline tax will do much to lift the tax burden from the shoulders of the American people; therefore I cannot support it.