EXTENSIONS OF REMARKS

MY HAT'S OFF TO THE WILD BUNCH

HON. PATRICIA SCHROEDER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mrs. SCHROEDER. Mr. Speaker, I rise today to salute the efforts of "The Wild Bunch," a group of people dedicated to rescuing wild horses and burros which might otherwise be slaughtered. They work long, hard hours for little pay and little recognition. So that everyone may know of their hard efforts, I have inserted the following article printed by the Empire magazine of the Denver Post.

THE WILD BUNCH
(By Stephen Singular)

Snow has been falling this June morning on a ranch in the South Park area of Colorado. Eight men and women and one child have been trying for ninety minutes to catch a black mare named Mariah in a large corral. The adults are tired and cold and frustrated, but they don't know much about quitting.

The ranch is where the National Organization of Wild American Horses (NOWAH) keeps some of the burros and horses that the U.S. military or the Bureau of Land Management has ordered removed from its land. In 1981, 648 wild burros on the China Lake Naval Weapons Center in California were deemed a nuisance and a safety hazard by the Navy and were shot to death. This action motivated NOWAH, the Fund for Animals, and the American Humane Association to develop a plan for removing the remaining four thousand to six thousand burros from China Lake and finding them permanent homes. Eleven hundred wild horses also were roaming the weapons center, which lacks the vegetation to support such a large population. NOWAH and the Fund for Animals have become involved in rescuing 680 of the creatures, taking them off the land and finding people to adopt them. The groups also work with the Navy to manage the herd that has stayed at the center.

The corral at the ranch is divided by a fence. Suddenly, Mariah charges it, ramming it with her forelegs and knocking over a red-headed woman who had been leaning against the fenceboards. Brenda Bainbridge jumps up quickly, scowls with determination at the horse, and says, "I'll get that sonbitch if he comes near me."

The men and women in the corral make up the core of NOWAH, whose headquarters is in Bailey. If they weren't willing to feed and care for these difficult and sometimes dangerous creatures, the Navy could kill them or sell them to slaughterhouses, where they would be turned into dog food. In the past, large numbers of wild horses have been shipped abroad and eaten by Europeans. Most of the wild horses and burros remaining in the West are on BLM land. Since the early 1970s, the BLM has been subject to more stringent laws than the military and has been prevented from selling horses outright for slaughter. But there is an amendment before the U.S. Congress that would allow the selling of "excess" horses living on government land to begin again. Groups like NOWAH think that the wild animals should be turned into pets, not pet food.

NOWAH has a nationwide membership in the thousands (yearly dues are $18), but the bulk of the work is done by the people who are trying to get hold of Mariah this morning. They want to use her and a couple of other horses to round up thirty burros to send to Parker, Colorado, for adoption. It is midweek, but the NOWAH members have taken time off from work to find the burros a home. Barbara Edgar, the secretary and sole paid employee of the organization, estimates that each of the folks in the corral devotes about twenty hours a week to NOWAH, which is $15,000 in debt. Although the group is a couple of months late on the thousand-dollar-a-month rent they pay for this ranch, the landlord has been patient. One of their biggest financial backers, a woman in Denver, sends NOWAH thirty dollars a month.

Barbara hasn't been paid for nine weeks, either. "Sometimes," she says, "you suffer from burn-out doing this. Our kids complain that we don't have time for them because of the work with the animals. So you stop and question your priorities." And then, she adds, you keep working with the critters, no matter how mad they make you, just for the privilege of keeping these symbols of the Old West at home on the open range.

When they arrived at the ranch this morning, Mariah was running in a pasture near the corral, leading a pack of horses across the snow-covered terrain, their manes and tails flying. From a distance they looked like they were in the backstretch at the Kentucky Derby. Hearing their hooves rumble the earth is a thrill. Mariah, once wild, was broken several years ago. On this cold morning, that hardly matters: When the weather changes and she gets with a group of wild horses, she has as much hell left in her nine-year-old body as any of them.

Tom Edgar, Mariah's owner and Barbara's husband, spent the first thirty minutes this morning chasing the horse on foot. Then Ron Zaidlicz, the president of NOWAH, and Dick Nichols, whose finger was broken by a burro a few days before, saddled their mounts and herded Mariah and her pack into the corral. Now, with Mariah surrounded by fence, it looks as if the chase is over and Tom can just walk up and get her on a lead rope. But the mare is still full of beans.

Brenda Bainbridge leads her three-year-old daughter, Chantelle, to a corner of the corral, wipes her hands on her worn chaps, and walks back toward the horse, fierce concentation in her eyes. A small woman with confident movements, Brenda has won many riding awards and knows her way around a horse. Chantelle, wrapped in a pink coat, shivers as she watches from the corner and cries for her mother.

They form a semicircle around Mariah and back her into a corner of the corral. The other horses have drifted several yards away, all of them breathing hard after running behind this mare for the past hour and a half. The men and women close in tighter, talking to Mariah, reaching out with their hands, almost close enough to touch her. She snorts, bucks, and suddenly breaks through the human barrier. Bodies turn to the side to keep from being trampled. The men and women chase Mariah as she and three wild horses run straight toward the far fence, backing Chantelle farther into the corner. They pin her against the wall of a shed, the girl's pink coat disappearing behind the legs of the huge, pawing animals.

"Oh!" Zaidlicz yells, momentarily frozen. "The little one!"

The adults had forgotten that the child was in the corral with them. There is a moment of silent terror; everyone is afraid to move. But these are horse people and know that animals react badly to fear. First Brenda and then the others walk toward the horses as if nothing were wrong. They talk to them, gently and calmly, trying to get Mariah's attention. The mare whinnies, stomps her leg, then turns and leads the other horses away from Chantelle, who is swept up by her mother and taken to safety.

A few minutes later Mariah is tricked into running into a stall, where the adults are finally able to put a rope on her. She is saddled, the men climb aboard their horses, and ride off to round up the burros. They had gathered at 7 a.m., it is now 10:30, and the work they had come to do is about to begin. It will go on through much of the afternoon. The following Saturday, they will spend another day finding families for the burros in Parker. In the past couple of years, they have run between 2,500 and 3,000 animals through this ranch, trying to get them a home. The animals they can't immediately place stay at the ranch. A lot of people like to talk about the need for preserving wildlife; some of them give money to this cause. But dealing with fiery horses and bull-headed burros is hard work. Last April a horse fell on Art Clarke, one of the men standing near the corral, and broke his pelvis. Zaidlicz recently was bitten by a burro. "You ain't been bit," he says, "until you been bit by a burro." Tom Edgar doesn't ride enough to stay in shape, and his stride shows it.

None of them minds the labor or injuries very much. (For relaxation, this bunch goes to Cheyenne and races bucking horses they borrow from the rodeo.) They have the kind of quiet satisfaction, the sense of humor, and the general lightness of spirit that come from doing something you don't have to do, or aren't paid for doing. It comes from doing something more.

"It's a lot of work," says Tom Edgar, who works for AT&T in Denver, "but it gets in your blood. Sometimes I think Barbara and I are crazy, having grandkids and doing this. We've thought of getting out, but what can you do?"

"Everyone," says Zaidlicz, a veterinarian who treats only horses, burros, and mules,

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

"would like to do this full time, but you can't make a living at it."

"All you have to do is give a damn," says Dick Nichols, a mechanic for Frontier Airlines. "Your job becomes an avocation and the animals become a full-time job. If our organization goes down the tubes, I don't know who will pick up up where we left off. They'd have to go back to shootin' 'em."

In the early 1800s, there were an estimated two million wild horses in the West. Their ancestors, which had come to America with Columbus and subsequent explorers, were from choice Andalusian breeding stock, the elite of the Spanish equine world. Over time many escaped and became mustangs (from the Spanish mesteños), forming free-roaming herds on the plains. Burros also came across the ocean; some of them escaped from Western miners, breeding into wild herds. As the land was settled, the horses began to be used for labor—in front of plows or behind cattle—and the number of mustangs fell dramatically. When trucks and tractors began to appear, the animals were turned out to pasture and wild herds began to form again. They grew until the 1930s, when the domestic pet industry took off and Spot had to be fed. In 1934, 100,000 wild horses were rounded up by mustangers and put into cans.

This solution not only solved the dog food problem but also kept horses from competing with ranch cattle for open range. This range land often was government property, leased to ranchers who had no use for wild horses; they thought of them not as descendants of an noble and ancient breed but as many nags hurting their business. By the early 1950s, only about 17,000 mustangs and burros still were running wild in the West.

While driving to work one morning about three decades ago, Velma Johnston, a Reno, Nevada, secretary, saw a truck jammed with bloody wild horses being taken to a rendering plant. She pulled off the road and vomited. That was the beginning of a crusade that in 1959 would result in a piece of legislation designed to prevent mustangers from using planes and trucks in roundups and from poisoning watering holes. By that time, Johnston had become well-known as Wild Horse Annie—her horse-protection group is called Wild Horse Organized Assistance, or WHOA!—and the bill was commonly referred to as the Wild Horse Annie Act. In 1971, after intense lobbying by Annie and her cohorts, Congress passed a second bill, which placed wild horses and burros living on federal land under the ownership of the federal government. The bill also prohibited the government from selling wild horses or even their carcasses.

Under the law, the BLM was to devise a long-term plan to keep the number of wild horses and burros at around 17,000. But while the agency was devising its plan and conducting research, the herds expanded. By 1980, the BLM estimated that 64,000 wild horses and burros were back on the range. (Herd numbers are bitterly contested by horse-protection people, who contend that the BLM inflates the figures to justify killing more animals.) These large herds upset not only ranchers but some environmentalists as well. In certain areas in the West, like California's Death Valley National Monument, burros live on an ecologically fragile landscape. Too many free-roaming animals could destroy the place.

To reduce the herds, the BLM developed an adoption program. For $25 to $140, depending on transportation costs, you could adopt a wild horse or burro from their various centers in Wyoming, Nevada and other western states. The program was reasonably priced, the idea was a novelty, and the recession of the late seventies had not yet hit. In some places, there were long waiting lists of families wanting to adopt. Since 1972, the BLM has found homes for 1,464 horses in Colorado alone. NOWAH, which has no financial connections with the BLM, has worked with the agency to place some of these animals.

In 1979, the BLM provided most of the financing for the National Academy of Sciences to undertake a series of studies on the issue of these wild animals in the West. The research was divided among several universities and took a couple of years to complete. Frederic Wagner, associate dean of the College of Natural Resources at Utah State University in Logan, chaired the committee that oversaw this research. Two of the studies' most controversial questions concerned getting an accurate count of the wild animals and determining if they do, as ranchers charge, compete with cattle and overgraze some areas.

"We found that, depending on the terrain, the BLM was undercounting the number of animals," says Wagner. "There are, in fact, more burros and wild horses than their methods had shown. In some places, especially where there is heavy vegetation, the undercount is substantial."

On the other hand, Wagner says, "We asked the BLM to show us areas of serious overuse by horses and burros. We weren't shown any. If they exist, we didn't see them."

At the time of the research, Wagner concluded that a kind of delicate balance finally had been achieved among the ranchers, animal protectionists, environmentalists, and the government in this longstanding range war. "Our general view," he says, "was that horse and burro management was reasonably in hand. Everything was working smoothly until 1980."

By 1980, if people still had an extra hundred dollars, many were deciding that they didn't want to put it into a wild horse. One of President Reagan's first acts in office was to cut the BLM's funds for managing wild horses and burros by about 20 percent. To make up for this lost money, the BLM raised its adoption prices. A horse that could have gone for as little as $25 in the seventies suddenly had a flat adoption fee of $200. The idea was not only to bring in more money, but also to keep slaughterhouses from taking large numbers of animals that were up for adoption. As a result of the fee rise, demand for the animals almost dried up, but the BLM kept rounding up "excess" horses and burros to keep them off the open range. Then the agency was faced with the prospect of feeding the animals indefinitely. By next month, 3,000 animals will be living in government corrals at a feed cost of $150,000 a month.

By 1983 the BLM had lowered the adoption prices, to $125 for a horse and $75 for a burro. More of the animals were being adopted, but the problems hadn't been solved. Rumors flourished that the BLM would have to kill the animals that it couldn't find homes for. Humane groups across the country threatened to sue the government if it began putting down horses and burros. A moratorium on the destruction of healthy animals was declared by the BLM.

In 1983, Sens. James McClure of Idaho, Malcolm Wallop of Wyoming, and Mark Hatfield of Oregon fashioned an amendment to the Wild Horse Act, which would allow the BLM to auction off animals (primarily old horses) the agency couldn't find homes for. An auction could only take place after the horses and burros had been offered without charge to "appropriate animal protection entities." The BLM, which supports the amendment, estimates that this would mean selling 10 percent of the creatures they round up each year, or about 700 animals. Protectionist groups contend that they simply don't have the resources to handle large numbers of the horses and burros, and that the BLM could end up selling as many as 3,500 animals a year. Passage of the amendment, they believe, would reopen the way for widespread use of horses for pet—or human—food. The legislation is pending in the Senate.

"We are the number one antagonist against the amendment," says Lois Mast, president of the Humane Federation of Wyoming. "The passage of it would mean the elimination of three thousand wild horses in our state. Our position is that there is an alternative to killing the horses. Sterilizing the animals and turning them loose again is a lot cheaper than rounding them up and feeding them. We'd also like to see a prairie park system, where the horses and burros would be free to roam. Humane organizations just don't have the resources to handle all these animals. The responsibility for this belongs not to the humane societies but to the whole public.

"We were amazed at the support we got for the horses from senators in the East. They said, 'Look at what has happened to our wildlife heritage in the East. Don't let that happen in the West.'"

"There are now 60,300 animals out there," says John Boyles, chief of the BLM's division of wild horses and burros in Washington. "To castrate the herds, you would have to round up and physically handle half of these animals. The cost of that would be prohibitive, plus all the stress that comes from running and capturing the animals. Horses also have a harem structure. One stallion mates with six or eight females. That makes it even more complex. Sterilization is not really a feasible alternative, once you get down and examine it.

"If Congress passed the amendment, it would give us a mechanism for disposing of animals we can't find homes for. And we could use the money that comes from selling them to help the horses that we will continue to manage. If the bill doesn't pass, we will have to go ahead with the destruction program which the law says we can use for excess animals. You have to control the animals and you do that by removing them."

Under the 1971 law, the BLM's goal was to maintain a herd of around 17,000 animals. They have raised that target in the past few years to 25,000. This means that by 1990, when the BLM hopes to have carried out its long-term wild horse and burro plans, 35,000 more animals must be removed from the range.

The thought dismays some horse-protection people, most of whom remain unwavering in their belief that the BLM has inflated the number of animals roaming freely in the West. They also think that the horses and burros should be left to run where they please, an essential part of what the West still has to offer.

At the NOWAH ranch, some burros have been separated from the horses and herded into a corral; thirty of the best ones are being selected for the trip to Parker. For

the most part, farmers and ranchers want nothing to do with the animals. They most often end up in the Denver suburbs of Lakewood, Arvada, or Castle Rock, where they become pets for people with an acre of land or maybe just an open back yard. Ron Zaidlicz says that most of the people who compete in the unusual sport of running with a burro in tow have gotten their animals from adoption programs.

NOWAH and the Fund for Animals are the only non-government national organizations that take large numbers of horses and burros and attempt to find homes for them. NOWAH has plans to ship packs to Kansas and Michigan. Seventeen people in Parker are committed to adopting one of these burros each, at $85 a head, but NOWAH will take twice that many to town. When people see the critters, they tend to want one. Unbroken horses are harder to farm out.

"We got involved with NOWAH after we got a burro," says Tom Edgar, standing inside the corral and watching the animals. "They're like big babies. When I come home at night, our burro sees me get out of the car and starts braying."

Edgar, Ron Zaidlicz, and Myron Morrow, who has a drywall business in Bailey, are in a holding pen, deciding which burros go to Parker and which return to the pasture. Ron is the group's founder and leader, and he has the final say on the fate of each animal. The others acknowledge that he is the only one among them who doesn't get weary of this work. Some of them admit that if it weren't for Ron's enthusiasm, the program might not go on.

Art Clarke, who is still recovering from his broken pelvis, is gingerly riding his horse and herding inside the corral. Art's wife Diana, Barbara Edgar, and Brenda Bainbridge are gathered near the gate, making sure that the culled burros find their way back out to pasture. All the men have beards or mustaches and rough hands; they joke about who will be the next one to be badly hurt. The women don't find much humor in that.

"You better let a woman do that!" Diana calls, when the men have trouble getting a burro into one of the pens. She is small, with dark hair and bright, mischievous eyes. The men and women carry on a steady banter about which sex can best handle a horse and make a burro behave.

"Ahh," Dick Nichols says, waving his hand at her.

The women smile at each other and finish their cigarettes. Diana and Brenda mount up and ride into the corral, cutting their horses around the burros with authority. With more people working, the tedious task of separating the animals goes more smoothly. The sun has come out with a surprising rush of warmth; except for the distant snow-covered pastures, it could be midsummer in the mountains.

Barbara stands near the gatepost and lights another smoke. She and Tom moved out West from Chicago fourteen years ago. "When I was growing up in Chicago, I never thought when I got to be a grandmother I'd be involved with wild horses in Colorado," she says, smiling at a handsome jack that doesn't want to do what the folks in the corral think it should. Male burros are called "jacks"; females are "jennies." But if somebody doesn't do something, they'll end killing them again. That's what keeps me going. That, or letters I get in the office, where people say they love having a pet. With the fellas, part of what they like is the chance to come out and play cowboy."

The work is nearing an end. Ron and Dick drift over and, in the time-honored tradition of ranch hands taking a rest, lean against the fence, staring at the animals and talking. They complain mostly about dollars and the govenment, another rural tradition.

"We're good at handling burros and horses," Ron says. "The only real problem is money."

"You don't see any financiers here," Dick says. "We're lousy beggars. We don't have the technique yet."

"Prior to the Reagan administration," says Ron, "the government just went along with the programs. Now they're not interested in solving the problems but in eliminating the animals. I don't believe there's an overabundance of wild animals. You could drive through Nevada all day and never see a wild horse. The government's acting like people in Nevada are eating horses."

Zaidlicz is asked what the proper management role for the government should be. He also mentions castration but adds that there does need to be a small reduction plan, especially for the older horses that no one wants. He thinks that if the BLM gave away the animals, the agency could get rid of them more easily and wouldn't have to feed them indefinitely; things would come out about the same financially.

"It's almost like a self-destruction problem," Dick says. "When the government was having the most problems with money, they raised their prices and made it worse. We're not down on the government. It's not that. It's just very frustrating."

Zaidlicz would like to see a BLM adoption center near Bailey, similar to the ones at Rock Springs, Wyoming, and Omaha, Nebraska. NOWAH has experience handling the animals and Zaidlicz feels that they could work closely with the BLM and find homes for a large number of the horses and burros. Thus far, the BLM hasn't gone for the idea.

Recently, though, the agency offered Zaidlicz an alternative. In the past, NOWAH has had to pay the adoption fees before bringing the animals to the ranch and trying to find them a home—and getting their investment back. In mid-July the BLM told Zaidlicz the agency had 2,500 "excess" animals that NOWAH could have for just the cost of transportation to Colorado. Zaidlicz is accepting the offer, a few animals at a time. He asked the BLM for financial support in this endeavor but wasn't successful.

"They would rather see us do it with our own funds," he says. "But it is the first time they have really looked to us for help."

Like the Edgars, Zaidlicz is from Chicago. After veterinary school, he decided to come West because he was fascinated by wild horses. He wanted a government job working with the beasts; when he couldn't find one, he started NOWAH. "I didn't think it would go this far," he says. Zaidlicz is a handsome man who looks like more than a weekend cowboy. You have the feeling that he is proud of that bruise on his arm, where the burro bit him.

"We used to get rid of sixty or seventy animals a week," he says, "but now it's slowed down. The novelty's worn off. The pressure's on us to take another 2,500 burros this winter. We'll take all we can. If we don't take them, they'll go to auction."

Nearby, a burro that has been culled from the herd is braying loudly, insistently. Burros have been called "desert canaries," but there is nothing birdlike about their song. It grabs you, shoots right into your flesh.

"BLM land," Zaidlicz is saying, "is public land the cattlemen and sheepherders want to use to make money. The politicians in Washington represent these people. It all comes down to politics and money. The cattle and sheep people have votes and the horses and burros don't."

The burro is braying again. It's a terrible sound, really, because it's so desperate, the cry of a creature that more than anything in the world seems to want to tell you what it thinks and feels about its existence. The burro keeps on braying, with more and more determination and fury. If the beast could talk, you know exactly what it would tell you about finding a home.●

THE NEED FOR MEDICARE REFORM IN 1985

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. DOWNEY of New York. Mr. Speaker, next year we will be celebrating the 20th anniversary of the enactment of medicare legislation and that is truly cause for celebration. With the enactment of medicare, we as a nation built a new structure on the foundation of the social security system which had been created three decades earlier. We built a structure that was a concrete sign of our commitment to our senior citizens to provide them with a secure future in their retirement years.

Next year, Congress will face a considerably more difficult task than simply celebrating the inauguration of one of our most important social programs. For the fact is, Mr. Speaker, there are serious problems undermining the structure which was created 20 years ago. These problems are most clearly seen in what has been called the financing crisis of the medicare system.

The financing crisis can be viewed from two perspectives: that of the system as a whole, and that of the elderly beneficiaries. In terms of the medicare system, we have seen that health care costs have been doubling every 5 years. This is a cost escalation that clearly cannot be maintained in the future. At the present time, medicare and medicaid represent a sizeable share of the Federal budget; in fiscal year 1984, medicare and medicaid cost $82 billion, or about 10 percent of the budget, and by fiscal year 1989, the cost of the two programs is projected to increase by 45 percent to $135 billion. The effect of this increase on the Federal budget deficit is clear to see. Although it is not as readily apparent, there will be a serious effect on the working population whose payroll taxes fund the medicare program. The workers of this country cannot afford

to have these taxes increased any further.

From the perspective of the elderly beneficiaries of medicare, we can also see a sharp increase in the costs they pay for health care. The Select Committee on Aging, of which I am a member, reports that at present the average elderly person pays out of his or her own pocket $1,500 per year for health care, despite the existence of medicare. This represents a 122 percent increase over the past 6 years. Elderly Americans are now using about 15 percent of their annual income to meet their health care needs, and by the year 2000, that share is projected to be 19 percent.

The Select Committee on Aging points out that this means that the elderly will be using more of their income on health care than they were before medicare was enacted. This is a burden which few can afford to bear. The elderly face pressure from three directions: reductions in their medicare and medicaid benefits, the overall increase in health care costs and the strain that this places on their budgets for food and shelter.

The cost increases affect the elderly beneficiaries in a number of ways. Certain types of health services are not presently covered by medicare, therefore, the cost of these services has to be met by the individual. In the past years, the premiums beneficiaries pay have increased dramatically. Furthermore, the deductibles have also increased, as has the coinsurance portion of the program. Added to these aspects of the program itself is the increase in physicians' fees above the usual and customary base which medicare uses to determine reimbursement. Many people see this as the single greatest problem facing medicare beneficiaries.

Mr. Speaker, it is clear that Congress will have much to consider when it begins the task of solving the medicare system's financial problems. I think that we must be receptive to various approaches and I hope that we do not close off any options for improvement. The most obvious approach is to improve the health of the population in general by paying greater attention to preventive medicine and reducing the incidence of illness in the entire population. Besides being a worthy goal in itself, a more healthy population would reduce the strain on the system's resources. Another approach would be to increase the supply of alternative health services where they are appropriate. By providing recourse to a wide variety of health care services, medicare may be able to hold down costs.

Since its inception, medicare has been searching for ways to improve administrative controls and this approach has met with some success. We need to explore further administrative savings and encourage broader planning to reduce costs. Recently, a great deal of attention has been given to stimulating greater cost consciousness on the part of medicare beneficiaries, by establishing a voucher system. Although this approach has been controversial, we need to explore it further, and see whether it can be modified so that it suits the needs of our elderly citizens. Finally, physicians and hospitals must be encouraged more to hold down their own costs; several attempts to reduce costs in this way have been tried. We must continue to look for an effective cost containment program.

Mr. Speaker, this seems like an overwhelming task, but I am sure that we are capable of meeting the challenge. I am confident that this Nation can provide our elderly citizens with first rate health care at a price that they can afford and which will not place an even greater strain on the Federal budget.●

NO FIRST USE OF NUCLEAR WEAPONS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. WEISS. Mr. Speaker, as the superpowers continue to prepare for war and as tensions between them escalate, a bold initiative to bridge the differences between the United States and the Soviet Union is needed now more than ever. The United States renunication of the first use of nuclear weapons would be such an initiative.

To reduce the likelihood of nuclear holocaust and to encourage arms reductions by both the United States and the Soviet Union, I have introduced House Joint Resolution 393, which calls upon our Government to renounce the first use of nuclear weapons.

The following is testimony I presented on this subject to the House Foreign Affairs Committee for a hearing on current arms control issues:

STATEMENT OF REPRESENTATIVE TED WEISS BEFORE HOUSE FOREIGN AFFAIRS COMMITTEE JULY 25, 1984

I would like to commend Chairman Dante Fascell and the House Foreign Affairs Committee for holding today's hearing on arms control policy.

I am presenting testimony today on an issue I have been concerned with for many years—adoption by the United States of a pledge to renounce the first use of nuclear weapons. In the 98th Congress, I have introduced House Joint Resolution 393, which calls upon our government to adopt such a policy. Joining me in cosponsoring H.J. Res. 393 are 46 of our colleagues in the House.

August 6 of this year will mark the 39th anniversary of the first use of the atomic bomb. In one short moment, Hiroshima was reduced to ashes and at least 100,000 lives were lost. As a 19-year-old in the U.S. Army, I had the chance to visit Hiroshima before it was rebuilt and to witness the terrible destruction. Imagine that devastation spread worldwide; that is the direction in which we seem determined to head.

As tensions between the two global superpowers continue to escalate during the Reagan Administration, it is more essential than ever that the United States formally renounce the first use of nuclear weapons.

The Soviets renounced first use in June 1982. A mutual no first use pledge would reduce fears of nuclear war on both sides and could break the current stalemate in arms control talks and superpower relations.

Since the late 1940s, the United States and our NATO allies have based their common defense on the declared strategy of initiating nuclear war if our conventional—or non-nuclear—forces should be threatened with defeat.

The crude atomic bombs of the 1940s have been followed by many thousands of sophisticated and highly destructive warheads. U.S. nuclear monopoly has been replaced by nuclear parity between the superpowers. Yet, the Western deterrent to Soviet aggression has remained nuclear-based. Every Western nuclear strategy has been based on U.S willingness to be the first to use nuclear weapons to defend Europe.

Though morally questionable, the first use of nuclear weapons may have been militarily feasible at the time when it was adopted and when our adversary did not possess nuclear weapons to any significant extent. But now that the superpowers' nuclear arsenals are essentially equivalent, first use by either side will inevitably call for a nuclear reply and will escalate until total nuclear war is unleashed.

Former President Jimmy Carter and his defense secretary, Harold Brown, questioned whether a nuclear exchange could remain limited. In July 1977, President Carter expressed this doubt when he said: ". . . the first use of atomic weapons might very well lead to a rapid and uncontrolled escalation in the use of even more powerful weapons with possibly a worldwide holocaust resulting."

McGeorge Bundy, George Kennan, Robert McNamara and Gerard Smith—four former officials who helped shape U.S. nuclear policy—have stated without equivocation that the "only clearly definable firebreak against the worldwide disaster of general nuclear war is the one that stands between all other kinds of conflict and any use whatsoever of nuclear weapons." Field Marshal Lord Carver, former chief of the British Defense Staff, dismisses first use as "either a bluff or a suicide pact."

Undaunted, we still maintain a first use policy. Proponents argue that the threat of first use remains an effective deterrent to Soviet aggression while strengthening the Atlantic alliance. They add it would be too costly for NATO to achieve parity with the Warsaw Pact's conventional forces.

The evidence disputes these arguments, however. During the late 1940s, America's nuclear monopoly did not prevent the Soviets from consolidating their control over Eastern Europe. Nor did it deter the Soviet Union from attempting to cut off West Berlin's life-line in 1948.

The likely results of a first strike by the United States should hardly be reassuring to our European allies. Now that the Soviets have a sufficient number of warheads to destroy America as a functioning society, there is substantial doubt in both the East

and West that the U.S. would "trade Boston to defend Bonn."

Even a limited nuclear exchange would probably mean the devastation of Europe. Each superpower would refrain from attacking the other's homeland to allow an opportunity to prevent the conflict from escalating to a global war. If the U.S. were to respond to Soviet aggression with nuclear weapons, presumably, they would be launched against targets in Eastern Europe. The Soviets would respond by launching their nuclear weapons against Western Europe.

To reassure our NATO allies, the U.S. decided to deploy Pershing 2 and ground-launched cruise missiles in Western Europe. But the deployment has proven to be more of a problem than the ailment it sought to cure. Massive public demonstrations in Western Europe against the deployment has shown that nuclear deterrence frightens more than it assures. Furthermore, Denmark's refusal to deploy cruise missiles on its soil poses an additional threat to NATO unity.

Finally, the cost of strengthening NATO's conventional deterrence would amount to less than $100 billion over a period of six years, according to one estimate, an expense the allies could reasonably handle.

The most promising—and economical—way of achieving conventional balance is through arms control. Since 1973, NATO and the Warsaw Pact have been engaged in such an effort at the Mutual and Balanced Force Reduction (MBFR) talks in Vienna. An agreement in Vienna could include limits on the number of Soviet forces and an annual quota on ground and air inspections to increase advance warning of possible mobilization for attack. Such an accord would stabilize the East-West military confrontation in Europe and reduce the possibility that the confrontation could lead to war.

By shifting from a nuclear to a conventional deterrent, NATO would not abandon its survivable second strike nuclear capability. Under this revised strategy, nuclear weapons would only deter the use of nuclear weapons by the Soviet Union.

A no first use policy would strengthen the internal health of the Atlantic Alliance. By raising the nuclear threshold, it could help ease tensions with the Soviet Union and open the path to serious reduction of nuclear weapons by both superpowers.

Nuclear weapons have not been used since 1945. To insure that nuclear weapons will never be used again, we must recognize that it makes no sense to hold these weapons for any other purpose than for the prevention of their use.●

SUPERFUND: THE JOB IS NOT COMPLETE

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. HARKIN. Mr. Speaker, in 1980 Congress created a $1.6 billion Superfund to clean up the Nation's worst abandoned hazardous waste sites. Nearly 4 years into the 5-year program, only six sites have been cleaned up. A significant reason for this abominable record is the reign of Anne Burford as the Administrator of EPA. Mrs. Burford slashed the Agency's budget and drove away many dedicated environmental experts. It is tragic that these actions have done such a disservice to the American people, who care so strongly about the dangers of hazardous wastes.

The mismanagement of the Superfund Program under Mrs. Burford was scandalous, and I am somewhat reassured that there is at least a more positive tone at EPA under Administrator William Ruckelshaus. But it is clear that better management alone is not enough. The magnitude of the problem is much greater than previously believed. The current $1.6 billion Superfund is sufficient to clean up less than 10 percent of the sites EPA expects will qualify for cleanup. EPA estimates that when the 17,000 sites now known to exist throughout the country are evaluated, the current National Priority List of Superfund sites will increase from 546 to 2,200. Furthermore, EPA estimates total cleanup costs of from $8 billion to $16 billion, while the General Accounting Office puts the cost at $26 billion and the Office of Technology Assessment says that costs could run as high as $40 billion.

We have before us H.R. 5640, an extension of the Superfund Program to increase the size of the fund to $10.2 billion over 5 years and provide badly needed rejuvenation to the program. I urge my colleagues to vote for H.R. 5640, and I also urge you to take a few minutes to read the following article from Outdoor America, the magazine of the Izaak Walton League. The article clearly lays out the critical importance of the hazardous waste problem and the urgency of strengthening and significantly expanding the Superfund Program.

FULFILLING THE PROMISE OF SUPERFUND

(By Marchant Wentworth)

The John Swift Co. went out of business in 1972. But it left its own kind of legacy. Before going under, the company buried decaying valves contaminated with carbon tetrachloride near its Canton, Conn., factory and at the town dump. To make some extra money, the company also invited truckers for miles around to toss their chemical discards down a sluiceway out back. Five years later, traces of two powerful industrial solvents that are known carcinogens—carbon tetrachloride and trichloroethylene—began showing up in nearby wells. Local health officals, concerned about the possible threat to public health, searched for those responsible for the dumping to get help paying for the growing cost of cleanup. But they were unable to locate any of the officials of the defunct company.

In 1974, Ventron, a New Jersey chemical company, decided that rather than meet federal pollution standards, it would simply close down. When an unsuspecting realtor bought the property for $90,000 an acre and began to tear down the buildings, he ran into big trouble. Wetting down the buildings for demolition, he discovered mercury—lots of it. Mercury vapor from chemical production had gathered on the ceilings and walls of the building. Now, years later, this mercury poured forth in silver steams from the timbers in concentrations of over 120,000 parts per million (ppm)—more than 760 times the amount the Environmental Protection Agency says is a lethal dose. For its part, Ventron disclaimed any responsibility for the mess and wants the state of New Jersey to pay for the cleanup.

An investigation of the corporate records revealed that Ventron was a subsidiary of Velsicol, a Chicago-based chemical and pesticide manufacturer that had a sordid history all its own. In 1964, Velsicol created a pesticide dump in Toone, Tenn. Three years and 250,000 drums of waste later, the neighbors' well water started to smell like chemicals. Finally, in 1972, after five years of complaints, the state ordered Velsicol's leaking dump closed. Unfortunately, closing the dump did nothing to help the water. In March 1978, the U.S. EPA found that the well water contained over 2,400 times the amount of carbon tetrachloride considered safe. Tragically, no one took the trouble to tell the residents about the threat to their health. It wasn't until six months later, while attending a congressional hearing in Washington, D.C., that they learned the water they'd been drinking for years could be giving them cancer.

The Superfund legislation originally held the promise of beginning to put an end to these chemical horror stories. Enacted in 1980, the legislation established a $1.6 billion fund to pay for the cleanup of abandoned hazardous waste dumps around the country. But now, four years later, the promise of Superfund has been sadly unfulfilled. Bureaucratic delays, cutbacks in enforcement and charges of political favoritism have seriously undermined the Superfund program.

The original idea behind Superfund was simple. Create a special federal trust fund from a tax on the chemical industry to pay for cleanup of abandoned hazardous waste sites. Then link this fund with strong legal authority that would not only enable EPA to recover damages from those parties responsible for the dumping but would also encourage present hazardous waste handlers to clean up their act to avoid dumping lawsuits. The result was supposed to be a short-lived program to enable EPA to act quickly to protect human health and the environment from chemical abuse.

But the program ran into problems right from the start. The National Contingency Plan, a set of key regulations intended to guide the program, was delayed. Only after the Environmental Defense Fund sued EPA was the agency forced to finally release the needed regulations—more than 18 months after the date originally mandated by the legislation. In February 1981, the Reagan administration proposed a $50 million cut in the Superfund program. Later that same year, EPA Administrator Anne Gorsuch disbanded the agency's Office of Enforcement and ordered the regional offices to cease issuing orders for the cleanup of hazardous waste sites unless they received approval from Washington. Finally, allegations of political tampering with the program led to the resignations of Superfund head Rita Lavelle and then Gorsuch herself and further set the Superfund program off course.

One result of this confusion is that during the four years since enactment of Superfund, EPA has completed cleanup of only six hazardous waste dumpsites. During this same period, in an effort to downplay the extent of the problem, EPA was slow to investigate the existence of new dumps. Now

it appears that the number of dangerous dumps is even greater than EPA originally thought.

In March 1979, EPA estimated that there could be 1,200 to 2,000 dumps leaking chemicals into our soil and water. However, five years later, EPA Administrator William Ruckelshaus admitted to Congress that there could be between 17,000 and 22,000 dumps around the country that could pose problems for human health and the environment—over 10 times the original estimate.

The full magnitude of the problem is still unclear. So far, EPA has evaluated only 7,100 of these sites to determine which chemicals are present and what sort of threat they pose to the surrounding environment. The condition of the rest remains unknown.

But what is clear is that the present Superfund is completely inadequate to deal with the new dimensions of the problem. Of the 7,100 sites that have been evaluated, 2,200 were found to be in need of urgent attention. Yet, under the present legislation, only 546 sites are eligible to receive Superfund dollars. And, to date, cleanup has begun on only 315 of them. As a result, it could take decades to decontaminate our nation's abandoned dumpsites.

As if the problem weren't bad enough, critics charge that EPA's weak regulations may be actually multiplying the number of leaking dumpsites around the country—sites that an already overloaded Superfund eventually will be forced to deal with.

Superfund was originally intended to be only one part of the nation's hazardous waste management policy to clean up old abandoned dumps. To control and reform present waste management practices. Congress enacted the Resource Conservation and Recovery Act (RCRA) in 1976 which, for the first time established what was supposed to be a "cradle-to-grave" system to track and monitor hazardous waste during each step of its journey. Each landfill and treatment facility was to receive a federal permit after passing rigorous standards that would prevent the dangerous leaking dumps of the past. In addition, those who generate and haul hazardous waste were required to report what chemicals they handled and where they disposed of them.

Here again, delays in producing regulations, efforts to weaken existing regulations and poor enforcement combined to cripple the program. For example, consistently low funding levels and mismanagement resulted in delays in releasing the crucial regulations governing the operations of landfills. To deal with the huge backlog of permit applications from landfill operators, EPA developed weak "interim" permits that had numerous loopholes. In addition, EPA loosened the regulations requiring landfill operators to monitor their sites to warn of any leakage from the facility. This meant that if a leak occurred, no one would know until after the contamination had already become apparent. Adding another regulatory insult to environmental injury, the agency, in February 1982, under pressure from industry, lifted the regulatory ban on liquids in landfills. In the three weeks before the ban was reinstated due to public pressure, an estimated 220,000 gallons of poisonous liquids were poured into landfills, many of which were already known to leak.

In February 1984, the Congressional Office of Technology Assessment was asked by Congress to analyze the effectiveness of EPA's regulatory program. Their report confirmed conservationists' fears when they said: "RCRA groundwater protection standards are not likely to prevent land disposal sites from becoming uncontrolled sites that will require cleanup under Superfund."

To further compound EPA's difficulty in managing hazardous waste, the nation's output of toxic waste appears to be growing rapidly. According to one estimate, after World War II, the United States produced about 1 billion pounds of hazardous waste each year. By 1980, EPA estimated that the amount of toxic waste generated each year had jumped to 80 billion pounds. By 1983, EPA acknowledged that even this figure was too low; according to the agency's best estimate, the nation's annual hazardous generation was 320 billion pounds—four times the earlier number.

Legislation introduced in Congress should go a long way toward correcting some of the abuses of the past. A growing coalition in the House, led by past Superfund champion Rep. James Florio (D-N.J.), has introduced a new version of Superfund—H.R. 5640—which would boost the money in the fund from the present $1.6 billion to $9.0 billion over a five-year period. In addition, the legislation would strengthen the liability sections of the act, regulate leaking underground storage tanks and place EPA on a strict clean-up schedule.

The bill was approved unanimously in Rep. Florio's Commerce, Transportation and Tourism Subcommittee on May 26. In an unusual move, Speaker Thomas P. "Tip" O'Neil forged an effective compromise between the other congressional committees that have an interest in Superfund. This will enable legislation to be considered on the House floor in early August—just weeks before the Republican convention. Supporters hope that this tactic will keep the issue in the public eye and encourage House Republicans to take a strong stand on the issue. On the Senate side, the chairman of the Senate Committee on Environment and Public Works and "father" of the original Superfund, Sen. Robert Stafford (R-Vt.), has vowed to have a Superfund measure through his committee and approved by the Senate this year. The result could be that Superfund could arrive on President Reagan's desk before the election.

On the regulatory side of things, an improved Resource Conservation and Recovery Act was approved by an overwhelming majority in the House earlier this year. A similarly strengthened measure was approved by the Senate Environment Committee and was awaiting action on the floor of the Senate at press time. These bills would toughen groundwater protection requirements and tighten standards on burning hazardous waste. Most observers believe that bill could come before the President by the end of the summer.

But even this new legislation will not really attack the central problem: the need to phase out landfills entirely. Because land disposal has been cheap in the past, American industries have been slow to realize the benefits of reducing and recycling the waste they produce. Now, with the real price of land disposal becoming apparent, there are signs that basic attitudes are beginning to change. The 3M Corp., for example, has been operating its "3P" Program (Profit from Pollution Prevention) since 1975. Through product reformulation, equipment redesign and chemical recovery, the company has eliminated 75,000 tons of air pollutants, 500 million gallons of polluted waste water and 2,900 tons of sludge per year. The company estimates that it has saved more than $20 million during the first three years of operation. Similarly, other companies are exploring waste treatment processes that detoxify wastes and solidify them so they're less likely to migrate into water supplies.

In the end, it is clear that the real solutions will come not from Washington but from those fundamental changes in the way we dispose of our hazardous waste. Until we discover how to encourage these changes, we may be trapped into a costly and perpetual clean-up campaign.●

FISH CANCER EPIDEMIC

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. HERTEL of Michigan. Mr. Speaker, there is a sinister phenomenon which is lurking at the periphery of our knowledge of the environment. This phenomenon has been described as an epidemic of cancer in fish. In numerous regions of the country the incidence of tumors and cancers in lower animals is abnormally high. Ordinarily lower animals such as fish, frogs, snakes, and invertebrates do get cancer, but that incidence is usually low, less than 1 percent. In many areas where the problem has been observed, the fish cancer rates approach 100 percent.

Preliminary indications show a strong correlation between these fish cancer epidemics and chemical contamination of the environment. The fish are sentinels warning us about dangerous carcinogens present in our environment. Let me emphasize that there is absolutely no proof that eating contaminated fish causes harm to humans. However, there are indications that other species have been affected. A study conducted in Wisconsin's Green Bay area has shown that cormorants, birds which feed on the area's chemically contaminated fish, have developed a rate of birth defects 50 times higher than comparable bird populations.

There are a lot of important questions this problem poses. It has the experts baffled and creates serious policy questions. On September 21, 1983, the Subcommittee on Fisheries, Wildlife Conservation, and the Environment conducted a hearing on this matter. I salute the chairman for his interest in this subject. The testimony of the experts of the hearing was indeed disturbing and I recommend it, particularly the insight of Dr. John Harshbarger of the Smithsonian Institution and Dr. John Black of the Roswell Park Memorial Institute in Buffalo, NY.

This hearing has literally raised more questions than it answered. No one is quite sure what to do about this situation. One thing is certain, the

problem of epidemic rates of cancer in fish is not decreasing. Every available indicator shows this problem is increasing in the incidence rates, the number of sites, and the types of species. The measure I am introducing today is a first step to address the myriad of questions this epidemic poses.

Finally I would like to personally thank three individuals who brought this matter to my attention and literally the attention of the Nation. Bo Vito, Steve Kay, and Ted Turner of the Cable News Network have done a truly outstanding service to the Nation and their sustained interest has resulted in increased awareness of the problem, in both the scientific community and among policymakers.

Besides the broadcast media, there has been considerable coverage of this fish cancer epidemic in the print media. I have produced a number of these articles which clearly delineate the scope and magnitude of this problem.

[From Newsweek Magazine Feb. 20, 1984, U.S. Edition]

A CANCER EPIDEMIC IN FISH

(By Sharon Begley, Mary Hager, and John Carey)

On the surface, the nation's waters look better than ever. Twelve years into the Clean Water Act, noxious bubbles are the exception rather than the rule, and fish have returned to once polluted waters. But all is not well. Hints of a cancer "epidemic" in fish are emerging from New York harbor, Puget Sound and waters in between, and biological sleuths are rounding up the usual suspects: "There's fairly good evidence that chemicals in the water are the cause," says biologist John Harshbarger of the Smithsonian Institution. The extent of the problem is unknown: many polluted waters, such as San Francisco Bay and the Mississippi delta, have not been investigated. The suspicion, according to Paul C. Baumann of the U.S. Fish and Wildlife Service, is that fish in these waters are also succumbing to chemicals.

Water pollution didn't start yesterday, and neither did cancer in fish. In the mid 1970s scientists noted unusually high rates of tumors in fish from Michigan's Torch Lake and New York's Hudson River, for instance. "But no one cared," says David Leddy of Michigan Technological University. "It was considered an oddity, but that's as for as it went." Now the spark of scientific interest is catching fire and more biologists are seeking—and finding—worrisome cancer rates in fish from just about every polluted body of water they examine. The most seriously affected fish feed on the bottom, where chemicals concentrate and enter the animals' food chain. At recent congressional hearings, researchers reported on six species of fish from five bodies of water that have alarming cancer rates:

In the Hudson, William Dey and Thomas Peck of Ecological Analysts Inc., find that more than 80 percent of the Atlantic tomcod older than two years have liver tumors.

Fully 30 percent of the bullheads in New York's Buffalo River have skin or liver tumors, reports John Black of Roswell Park Memorial Institute; so do nearly 80 percent of the bullheads that reach the age of three in Ohio's Black RIver, according to Baumann.

In the inner harbor of Everett, Wash., more than two-thirds of the English sole were found to have seriously damaged, often cancerous, livers. In other parts of Puget Sound and its tributaries, sediments contain more than 360 kinds of automatic hydrocarbons, industrial chemicals that include known human carcinogens. The closer that flatfish such as rock sole live to the source of such contaminants, the higher their cancer rate, reports Donald Malins of Scattle's Northwest and Alaska Fisheries Center.

In Michigan's 2,660-acre Torch Lake, some 25 percent of which is filled with tailings from a nearby copper mine, every sauger caught has a liver tumor, as do many walleyed pike, finds David Leddy. And the once plentiful sauger is now so rare that "you can go your whole life without seeing one," he says.

Because such findings, however alarming, are circumstantial at best, scientists have traded in their sampling nets for test tubes to determine unambiguously whether the many carcinogens in water—rather than a virus, for instance—are behind the cancers. In one experiment, John Black scooped up sediments from the Buffalo River and extracted and concentrated the chemicals. He then either painted fishes' skin with the mixture or fed it to them. The painted bullheads developed tumors like those of wild fish after a year; 8 of 10 bullheads fed the chemicals suffered damaged livers including tumors.

Stress: Still, the data do not necessarily mean that, with fish succumbing to cancer, man is next. In the Hudson, for instance, Dey finds that striped bass do not get tumors as the tomcod do, suggesting that other factors—stress or a genetic predisposition, for instance—are at work. Nevertheless, lab experiments show that cancers strike fish in the same organs—and often after exposure to the same chemical—as they do mammals. A "cancer census" by the National Cancer Institute suggests that such similarities hold outside the labs, too. Rates of human cancer near highly polluted sites—including those with diseased fish—often rise above the national average. "This probably means that humans in those areas are exposed to many of the same carcinogens that fish are exposed to," says Harshbarger.

And people will keep being exposed. Many pollutants dumped into waters over the years settle to the bottom, where they are nearly impossible to remove. Waiting for nature to deposit more sediment and literally cover up the problem may be the only feasible solution. Although major commercial fisheries, regularly take fish from the ocean and do not seem to be affected, consumers have little way of knowing where a fish came from—and eating fillets from contaminated waters is not recommended. Because fish concentrate pollutants such as PCB's in their tissues, eating a one-pound fish from Lake Ontario is equivalent to drinking as much as 1.5 million quarts of that polluted water. Nor are government regulators exactly playing white knights—although the Environmental Protection Agency is under court order to set effluent standards for toxic substances from industry, only two-thirds of them have been issued. The contaminated waters and cancer stricken fish will be around for a while, it seems, and if the fish are trying to tell us something, as scientists believe, one can only hope that their message is not that of the silent canary in the coal mine.

FISHING FOR TROUBLE

A CANCER EPIDEMIC IN FISH IS WARNING US: "YOU MAY BE NEXT"

(By Virginia Morell)

During the early 1970s, Ron Sonstegard, a biologist at Canada's McMaster University, took a series of fishing trips across the Great Lakes Basin. Using a large boat fitted with commercial fishing gear, he and his crew sailed from Lake Superior through lakes Michigan, Huron, Erie and Ontario into the St. Lawrence river. Like any other fisherman, he rose at dawn, set his nets for each day's catch, then trawled the waters and sweated with his crew to haul in the harvest. But Sonstegard was not interested so much in the quantity as the quality of his catch: specifically, how many of the fish he netted were suffering from tumors, how many were dying from cancer?

What he found dismayed him. He examined thousands of bottom-dwelling fish from the lakes and their tributaries, and discovered that every species was afflicted with tumors, many of them malignant. Tumors swelled the gonads of carp; skin lesions and tumorus growths festered on suckers; grotesque tumors covered the mouths and heads of bullheads.

The incidence of tumors and cancers struck Sonstegard as abnormally high. It has been known for some time that lower animals—fish, snakes, frogs, lizards, invertebrates—do get cancer. The incidence of the disease in these animals, however, is usually quite low—far less than one percent of the population in most species. Cancer and precancerous tumors in Sonstegard's catches so exceeded this range (in some varieties of carp, for example, 100 percent of the male fish over six years had gonadal tumors and were sterile) that the disease could be considered epidemic.

To confirm his suspicion that the gonadal tumors resulted from environmental pollutants, Sonstegard examined museum and university collections of fish. In specimens collected prior to 1940, gonadal tumors and cancers were nonexistent. "It made sense that the fish caught before 1940 were cancer free, as it has only been in the postwar era that we have introduced a host of chemicals—DDT, PCB, dioxin, industrial wastes, herbicides, pesticides—into the environment," he says. "It would appear that as the number of chemicals in the waterways increased, so did the frequency of tumors in the fish. In essence, the fish are like sentinels sending out an early warning about the presence of dangerous carcinogens in the environment."

Sonstegard is not the only biologist to discover such a major outbreak of tumors in fish. Nor are the Great Lakes the only bodies of water harboring increased numbers of the diseased animals. In the last decade, biologists sampling waterways across North America and in industrialized areas overseas found similar problems (see map of U.S. sites on page 43):

John Black of the Roswell Park Memorial Institute in Buffalo, New York, discovered that bullheads in the Buffalo River, which drains into Lake Erie, suffered from high rates of liver cancer. Worse, all the sauger (a pike-perch) in Torch Lake, Michigan, had also developed the disease. Other scientists reported that 90 percent of the tomcod in

New York's Hudson River were similarly afflicted.

On the Black River, just west of Cleveland, Paul Baumann of the U.S. Fish and Wildlife Service found 30 percent of the brown bullheads infected with liver tumors. In fish more than two years of age, the total reached 80 percent when microscopically discovered cancerous and pre-cancerous liver conditions were included.

In the waters of Puget Sound, near Seattle and Tacoma, Donald Malins, working at the National Oceanic and Atmospheric Administration laboratories, discovered that more than 70 percent of the bottom-dwelling English sole and some of the flounder suffered from serious liver diseases, and 12 percent had malignant liver tumors.

Like Sonstegard, these researchers are certain that environmental pollutants explain the cancers. "Hundreds and possibly thousands of lethal chemicals have been dumped and still seep into Tacoma's Commencement Bay," says Malins. "Wherever we find high rates of these pollutants in the bottom sediments, we also find fish with high rates of tumors. The evidence linking the two is very solid."

This is not the first time that fish have alerted people to potential health problems. In the early 1960s, a worldwide epidemic of liver cancer occurred in hatchery-raised rainbow trout. Scientists investigating the epidemic discovered that a mold growing on peanuts used in trout food produced aflatoxins—one of the most potent carcinogens yet found. Aflatoxins—which grow on improperly stored or damaged grains and are linked to human liver cancers—have since been controlled by the Food and Drug Administration.

Until the trout episode, few scientists considered fish as models for what may happen to people exposed to carcinogens. Fish, so the thinking went, inhabit a very different environment, are extremely mobile and are not mammals. Very little was known about their pathology, as compared to an animal like the laboratory rat. "But cancers are generalized responses that are exhibited by many lower animals, some as primitive as flatworms," says John Harshbarger, director of the Smithsonian Institution's Registry of Tumors in Lower Animals. The registry was created in 1966, shortly after the lesson of the aflatoxins. Scientists worldwide send tumor-ridden fish, frogs, salamanders, slugs and snakes to the registry for examination and classification.

In the last ten years, Harshbarger has noted a growing interest among scientists from heavily industrialized countries in the increasing frequency of liver tumors and other liver ailments in fish. Fish, like people and other mammals, are sensitive to liver diseases because they use their livers to metabolize and eliminate toxic chemicals which have invaded their systems.

Saying exactly which pollutants are responsible for the tumors, however, presents a problem. The great number and variety of chemicals (hydrocarbons, organic waste materials) fouling the sites makes it nearly impossible to establish specific cause-and-effect relationships. For example, more than 30,000 chemical compounds are produced in the Great Lakes Basin, and hundreds of new compounds are added each year. In addition, surface runoff from agricultural, industrial and urban sites further contaminates these lakes and their tributaries.

Statistically, the link between chemical wastes and the fish cancers appears to be indisputable. When Paul Baumann discovered grossly cancer-ridden fish in Ohio's Black River, he also found river sediments heavy with coal tar, creosote and other chemicals produced as by-products of steel manufacturing. Just upstream from the greatest incidence of afflicted fish, near the town of Lorain, sits a U.S. Steel Corporation steel and coking plant. The connection between the fish cancers and the steel mill seemed probable, and U.S. Steel (while never admitting that the chemicals were theirs) offered to dredge 1,600 feet of river bottom and place the sludge in a landfill on its property.

But statistics alone have seldom forced an industry to clean up its act. In an effort to silence critics skeptical of a relationship between pollutants in the Buffalo River and the fish cancers he was documenting, researcher John Black painted sediments from the river bottom on a laboratory colony of brown bullheads. "I knew that polynuclear aromatic hydrocarbons [PAH—waste products from the manufacturing of such products as steel and synfuels] were numerous in the river, and that they had already been linked with skin cancers in man and other mammals. So every day we would take the fish out of the water tanks and paint them with the sediments. Within 12 months, all of the surviving fish had pronounced neoplasms—small nodules that are a first indication of cancer."

Black also painted the same polluted sediments on mice, causing skin cancer almost immediately in these animals. In another test, he fed a colony of bullheads a diet contaminated with bottom sediment extracts, which produced liver lesions. "The fish in the river are in the first line of insult—they are constantly exposed to these chemicals," explains Black. "They absorb them through their skin and gills, ingest them through the food chain and come into direct contact with the polluted sediments. They are like the caged canaries used by early coal miners to warn of the unseen hazards of methane gas. The fish are warning us about the hazards of their environment."

It is, however, unclear what specific hazards humans face from these carcinogens. Obviously, a recreational fisherman who reels in a grossly deformed or tumor-laden fish is certain to be unhappy with his catch. Unfortunately, the cancers and thus the chemicals in the fish are often not apparent. Living in such heavily polluted waters, the fish become reservoirs of deadly toxins, carrying the chemicals in their fatty tissues. But does eating the fish or swimming in or drinking from the polluted waterways cause cancer in people? Some scientists give a definite yes, pointing to cancer maps issued by the National Cancer Institute in 1973. In five of the countries where the occurrence of fish tumors is exceedingly high, the human mortality rate from all cancers is higher than the U.S. average.

Yet, according to Dr. Richard Adamson, Director of Cancer Cause and Prevention at the National Cancer Institute, it is impossible to draw a one-to-one correlation between the two sets of statistics. "Is there any meaning in it?" he asks rhetorically. "No one knows. Personally, I would not eat any fish that I knew came from those areas. It would also be prudent not to draw on those lakes and rivers for a water supply, or to swim in them. I do think the fish are useful as early and reliable indicators of carcinogens in the environment, and their high rates of cancer are a cause for concern. But you cannot extrapolate from their incidences of cancer to those in human populations; there are too many variables involved."

In Canada, where Sonstegard has done most of his work, the population along the Great Lakes shore is relatively small and shows no signs of abnormally high cancer rates. But the fish he caught those first summers of his research have continued to haunt him. "I am not an alarmist," he says. "My work is just part of ongoing toxicology studies. But I wanted to know what these pollutants might ultimately mean to our drinking water supplies, and how they might affect people who were eating the fish."

A clue came from his work with salmon from the Great Lakes. Although tumors were not apparent in many of these salmon, they were heavily afflicted with other liver, thyroid and reproductive problems. Nearly 100 percent of the coho salmon Sonstegard sampled in Lake Erie had goiters. They also lacked secondary sex characteristics, were unusually small and had to be repeatedly stocked as 75 percent of their embryos died.

Sonstegard fed coho slamon from the Great Lakes to laboratory rats. Within two months, the rats had developed the same liver, thyroid and reproductive problems as the fish. "We may know very little about the pathology of fish as it relates to humans; but we do know a great deal about man and rats. So we can understand the rat's response to eating the fish. But what do we say to the people who are eating the fish? They are participating in a major experiment that none of us could ever ethically conduct."

Sonstegard has calculated that the amount of toxic chemicals encountered in eating a single one-pound fish from Lake Ontario is equivalent to drinking 1.5 million liters (400,000 gallons) of the lake's water. Many families of fishermen include the fish as a regular part of their diet. Sonstegard has turned his attention to these families and has just initiated a study to monitor their health. "It has really come full circle," he observes. "We went from studying the effects of the pollutants on the fish to the effects of the fish on man, and all because of what we have done to the fish in the first place. It is the fish's response that has alerted us to our own danger."

[From Omni, May 1984]

CANCER FISH

LIFE

(By Peter J. Ognibene)

Outwardly, they looked like regular saugers and walleyes, the usual catch of the day from Torch Lake, on Michigan's Upper Peninsula. But inside they were carrying the heritage of a careless industrial society; their internal organs were riddled with tumors. In some of them, the liver—reddish tan in a healthy fish—had turned a strange, pale yellow. The anglers who fished Torch Lake may have suspected they were looking at more than a few sick fish, but they could not have known what scientists now fear; that those fish were just a few of many, the first ominous signs of a massive epidemic threatening our rivers and lakes.

Although the Michigan Department of Public Health warned people not to eat the fish, and reporter Barbra Swift of the Daily Mining Gazette, in nearby Houghton, wrote extensively about Torch Lake, it was not until Cable News Network correspondent Bob Vito filed the story that it was brought to national attention.

"I was having a cup of coffee in a small town up there," explains Vito, "and I started talking to one of the local fishermen about another story I was working on. He nodded and said, 'Well, if you really want a big story, just walk to that lake over there: The fish all have cancer.' "

Although the cancer epidemic among fish in Torch Lake came as news to the nation, it was an old story to John C. Harshbarger, director of the Smithsonian Institution's Registry of Tumors in Lower Animals. Harshbarger had first been alerted to the problem in 1973, when a graduate student in Houghton sent him fish specimens from Torch Lake. "We didn't just wake up one day and say, 'Aha! This is what's happening,' " Harshbarger remarks. "We've been building a database over the years."

After extensive research Harshbarger and three colleagues published their findings in the October 1982 issue of The Journal of the National Cancer Institute. That information, coupled with recent experimental efforts, such as those conducted by John J. Black, a coauthor of the Torch Lake study, leave little doubt that chemical carcinogens are to blame for the tumors.

A senior cancer-research specialist at the Roswell Park Institute, in Buffalo, New York, Black traced the source of tumors in bullheads in the Buffalo River. He condensed sediment from the riverbed and painted the extract on the skin of laboratory fish. He also administrated the same extract to mice. Cancerous lesions appeared on both species.

"Fish are in the first line of insult," says Black. "They are prisoners of their environment and may be constantly exposed to pollutants, often at relatively high concentrations."

Though widespread, fish cancer is not a uniform phenomenon nationwide. It is most prevalent in waters that receive heavy doses of such industrial chemicals as the aromatic hydrocarbons derived from coal, petroleum, and other fossil fuels. Three prominent examples:

In Seattle's Duwamish River, 25 percent of the English sole and starry flounder have liver cancer.

In the Black River, near Lorain, Ohio, almost every brown bullhead older than three years has liver tumors.

In New York's Hudson River, tomcod have the biggest and worst-looking liver cancers of fish at any of the locations," says Harshbarger.

This mass of evidence led Representative John B. Breaux, the Louisiana Democrat who chairs the House subcommittee on fisheries, to remark at a congressional hearing last fall: "What we are witnessing, whether we recognize it or not, is a natural population—a natural biological indicator, if you will—that is trying to show us there is something very, very wrong with the environment."

Already the carcinogens that have been detected in fish appear to be working their way up the food chain, particularly in areas with heavy industrial runoff, such as Wisconsin's Lower Fox River, some 200 miles south of Torch Lake.

The Lower Fox, which begins at Lake Winnebago and empties into Green Bay, carries a higher percentage of effluence from pulp and paper mills than any other river in the United States. In 1977 the federal government outlawed the use of polychlorinated biphenyls, or PCBs, in the manufacturing of paper and other products. But although PCB levels in the Lower Fox are steadily decreasing, the problem remains because these deadly chemicals become more concentrated as they ascend the food chain. "A human would have to drink Great Lakes water for about one thousand years," says Black, "to equal the amount of PCB that is in a one-pound serving of a fish contaminated with PCB at five parts per million."

The Wisconsin Division of Health has explicitly warned children and women of childbearing age not to eat anything taken from the Lower Fox or Green Bay. That warning may reduce some of the danger facing local citizens, but it can do nothing for the cormorants and other fish-eating birds that depend on those waters. Once nearly wiped out by the now-banned pesticide DDT, these birds had been making a comeback along the river and bay. Now they are starting to suffer from the effects of PCBs and other toxic chemicals. According to a joint federal/state study published last summer birth defects and other abnormalities among these birds run 50 times greater than normal.

In spite of the warning posed by these sentinels, the Reagan administration has all but dumped the problem onto the states. To make matters worse, it also has been trying to cut or even terminate funding for the laboratories that have taken the lead in studying fish cancer. Legislation being prepared by Representative Dennis M. Hertel, a Michigan Democrat, would compel the government to take a more active role in eliminating this deadly pollution. It would not be the first time the government took heed of a warning.

When scientists traced cancer in hatchery trout to aflatoxins produced by a peanut mold in the fish food, the FDA established standards for aflatoxins in such human foods as peanut butter. "Today, aflatoxins are recognized as extremely potent carcinogens," says Harshbarger. "The FDA standards have undoubtedly prevented many human cancers."●

HONORING OLYMPIC GOLD MEDAL WINNER STEVE FRASER FROM ANN ARBOR, MI

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. PURSELL. Mr. Speaker, on August 2, I made a floor statement honoring Steve Fraser, from Ann Arbor, MI, for being the first American to win an Olympic Gold Medal in Greco-Roman wrestling. Today, I would like to expand that statement by entering in the RECORD an article from the Detroit News on August 3, which further states what a fine athlete Steve Fraser is. His dedication to achieving his Olympic goals is an example for all of us. The article follows:

[From the Detroit News, Aug. 3, 1984]

ANCIENT GOALS TURN TO GOLD FOR WRESTLER FRASER

(By Jerry Green)

ANAHEIM, CA.—Wrestler Steve Fraser set his Olympic goals long ago, and those goals turned into gold—Olympic gold.

Fraser, the sheriff's deputy from Ann Arbor, won the gold medal in Greco-Roman wrestling Tuesday night, a sport that dates back to the original Olympic Games of ancient Greece.

It was the first time an American had won any medal in this sport, dominated in the other Games by the Soviets, Bulgarians, Greeks and Turks.

Fraser defeated Ilie Matei of Romania in the 90-kilo—198 pounds—classification in a very tight match at the Anaheim Convention Center. Then amid chants of "USA, USA, USA," Fraser walked around the area taking a champion's tribute from the fans.

"I don't know what it's done for the country," Fraser said moments later. "I'm just happy to be part of it. We've been ready for it for quite a time. We needed a push.

"I'm just thrilled to be the first medal winner. I set my goals a long time ago. Olympic goals. I feel that all the struggles and rough training and sacrifices have been worth it."

The score of this six-minute final match was 1-1. But Fraser was awarded the victory and the gold because the rules say the last man scoring a point is the winner if the points are even. Fraser took Matei down 41 seconds before the end of the match for his point. Matei had scored a point in the first round.

Greco-Roman wrestling, which the Egyptians actually invented, is a sport that isn't well-known in America. It differs from freestyle wrestling in that the combatants cannot grab an opponent below the waist. They are forbidden to use the leg holds of other wrestlers, so the wrestlers grapple high, without tackling, bumping shoulders, trying to grab arms and legs to drop the opponent.

"I took him down with a headlock," said Fraser, "and came around behind."

Fraser is 31 years old and a graduate of the University of Michigan. He has been wrestling since he was in the eighth grade in Hazel Park, across the line from his boyhood hometown of Ferndale.

A coach grabbed a headlock on him at school.

"Frank Stagg at Webb Junior High," Fraser said with the Olympic gold medal dangling around his neck. "He put a sleephold on me and said, 'You're going to practice.' With the hold he had on me, I had to go."

Fraser has been wrestling ever since.

It has been tough to keep going in Greco-Roman wrestling. Fraser toils in the community work program of the Washtenaw County Sheriff's Department.●

SALUTING THE 71ST NATIONAL CONVENTION OF THE KNIGHTS OF LITHUANIA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. LIPINSKI. Mr. Speaker, I would like to take note of the fact the 71st National Convention of the Knights of Lithuania, hosted by Council 36 of Chicago, will take place at the Hilton Hotel in Chicago from August 22 through 26, 1984.

The Knights of Lithuania, a national organization, adheres to Catholic philosophy and precepts, furthering among its members a deeper under-

standing and fervent practice of the Catholic faith. The Knights urge its members to practice responsible American citizenship, participation in public affairs, and to exercise their rights of good citizenship at election time. It fosters growth in Lithuanian ethnic community awareness and encourages active participation in Lithuanian community affairs.

Further goals of the Knights include the ideal of instilling in its members an attachment to Lithuania, the land of their ancestors and a knowledge, appreciation, and love of the Lithuanian language, customs, and culture. The Knights of Lithuania promotes educational and cultural advancement among its members and all Lithuanians. Its goal remains to unit the Lithuanian youth living in the United States, and encourage the preservation of Lithuanian culture and to always seek freedom for the people of Lithuania.

I would like to highlight the attendees of the coming convention. National officers attending the convention are: Rev. Anthony Jurgelaitis, spiritual adviser, Providence, RI; Loretta Stukas, president, Watchung, NJ; Elsie Kosmisky, first vice president, Frackville, PA; Elinor Sluzas, second vice president, Dayton, OH; Frank Petrauskas, third vice president, Syracuse, NY; Nancy Miro, recording secretary, Bridgeport, CT; Helen Skudra, financial secretary, Highland, ID; Alphonse Trainis, treasurer, Fairfield, CT; Anthony Radzevich, trustee, Amsterdam, NY; Paul Binkis, Jr., trustee, Chicago, IL; John Narusis, legal adviser, Crystal Lake, IL.

National committee chairmen include: Dr. Jack J. Stukas, Lithuanian affairs, Watchung, NJ; Anna Klizas Wargo, Lithuanian cultural, St. Clair, PA; Magdalena Smailis, ritual, Dearborn Heights, MI; William Piacentini, scholarship, Cranston, RI; Longinas Svelnis, archives, Needham, MA; Mary Ann Lapera, public relations, Plymouth Meeting, PA; Dr. Algirdas Budreckis, Lithuanian language promotion, Quincy, MA; and Frances Petkus, Lithuanian Catholic religious aid coordinator, Dayton, OH.

Aldona Ryan, Centerville, OH, is editor-in-chief of VYTIS, the official publication of the Knights of Lithuania, published monthly.

District presidents attending are: Algerd Brazis, Justice, IL; Mid-American District; Thomas Bruzga, DuBois, PA, Mid-Central District; Albert Jaritis, South Boston, MA, New England District; and Larry Janonis, Bronx, NY, Mid-Atlantic District.

The convention committee members are: The Honorable Josephine Dauzvardis, consul general of Lithuania in Chicago, honorary chairwoman; John L. Paukstis, chairman, Chicago, IL; Ann Marie Kassel, cochairperson, Downers Grove, IL; Mary F. Kincius, cochairperson, Chicago, IL; Bruce Neberieza, cochairperson, Chicago, IL; and Evelyn Ozelis, cochairperson, Chicago, IL.

Other committee members include: Scottie Zukas, secretary, Chicago, IL; Edward Valskis, treasurer, Chicago, IL; Lucille Kilkus, juniors program, Chicago, IL; Ann Marie Kassel, registration, Downers Grove, IL; Ruth Kazlauskas, publicity, Chicago, IL; Stanley Pieza, special events, North Judson, ID; Ausra Padalino, preconvention activities coordinator, Chicago, IL; Ralph Gaking, Sportsman Park chairman, Chicago, IL; Mary Kincius, Chicago tour chairperson, Chicago, IL; Denise Vaikutis, dinner/theatre party chairperson, LaGrange, IL; Vincent Samaska, golf outing chairman, Chicago, IL; Ona Naureckas, cultural room chairman, Lemont, IL; Loretta Gestautas, evening at St. George's chairperson, Chicago, IL; Faustas Strolia, cultural evening cochairperson, Oak Forest, IL; Frank Zapolis, Evergreen Park, IL; Sabina Klatt, Chicago, IL; John L. Paukstis, convention banquet chairman, Chicago, IL; David Gaidas, farewell luncheon chairman, Chicago, IL; Frank Svelnis, transportation coordinator, Oak Lawn, IL; Theresa Balciunas, decorations committee, Kenosha, WI; and Jerome Jankus, sergeant at arms, Chicago, IL.

I welcome all convention attendees to my home city of Chicago and wish to all a pleasant and productive visit. I would like to introduce into today's CONGRESSIONAL RECORD an article which traces the history of the Lithuanians.

OUR HISTORY IN BRIEF

(By Aldona Ryan)

There have been Lithuanians in America from almost the beginning of its history. A few Lithuanians served in the Army under George Washington. During the Civil War, there were quite a few Lithuanians in the Union Army.

Great numbers of Lithuanians arrived in the United States around 1863 after the insurrection against the Czar. In the early 1900's there was another surge of Lithuanian immigrants.

These people were hardworking laborers who loved their newfound freedom. They prospered and their communities grew. They remembered their homeland and they dreamed of restoring full freedom to Lithuania and its people.

They built churches and formed societies and progressed in their ways. But, as they grew older, they began to worry about the future of their Lithuanian children in America.

So it was that, on April 9, 1912, a society known as "The Hope of the Lithuanians" held a meeting at Orchard Lake, Michigan to discuss and make plans for organizing their young people. Many more meetings were held.

The same year (1912) the American Lithuanian Roman Catholic Alliance held their convention in Boston. A flag maker from Lawrence, Mass, was one of the delegates. He was Mykolas Norkunas. He had black, curly hair, hazel eyes and a forceful manner. Another delegate was Stasys Bugnavicius of Lewinstown, Maine. These two men made an appeal to the convention which resulted in action. The Alliance would begin the task of organizing the Lithuanian youth in the United States.

Norkunas immediately began a campaign by publishing appeals. Every Lithuanian newspaper in the country carried the news. Again, many more meetings were held.

On April 27, 1913, a "constituting convention" was held in the parish hall in Lawrence, Mass. A constitution and By-Laws were proposed by Norkunas, Bugnavicius and Father Jusaitis. They decided to call the new group "The Lithuanian Falcons" and they elected the first slate of officers with Norkunas as president. Then it was agreed to refer their actions to the Lithuanian Roman Catholic Alliance of America for approval.

At the convention of the Alliance that summer in 1913, the Rev. Father Kaupas pointed out that the historic symbol of Lithuania was the knight and therefore very suitable for a youth organization. The name "The Lithuanian Falcons" was dropped and the new society became "The Knights of Lithuania." They decided that their theme would be "For God and Country".

In the first year of its existence, twelve councils were formed with a membership of 700. Among the students who were active leaders of the Knights of Lithuania at that time were such notables as Ignas Sakalas, Aleksandras Aleksis, Leonard Simutis and Peter Dauzvardis.

In July of 1914, the second convention was held in Brockton, Mass. Father Gustaitis, a noted poet and author, revealed he was writing the words of a Knights of Lithuania anthem. That year it was decided to use the colors of the Lithuanian flag—red, green and yellow—as the colors of their official flag. It was also decided to establish a youth section in the daily newspaper DRAUGAS for communication purposes.

A system of degrees was established whereby hard work would result in official merit. President Norkunas was the first recipient of an Honorary Degree.

The organization grew by leaps and bounds. When the third convention assembled in July 1915 in St. George's Church in Chicago, there were forty delegates representing a membership of 3000.

The official anthem with words by Father Gustaitis and music composed by Professor Aleksis was adopted.

An official magazine called the VYTIS was established. Leonard Simutis was named its manager. By 1917, VYTIS had reached a circulation of 4000.

The 1918 convention was held in Cleveland, Ohio. More than seventy delegates attended.

By 1921, there were 102 councils and over 5000 members. The largest and most active group was C-25 in Cleveland. By-laws for Junior Departments were written that year—60 years ago.

Then, the national organization became cumbersome and the councils were divided into districts.

During the years of its existence, the Knights of Lithuania sponsored thousands of activities. They gave countless causes hard-earned funds. They paid for the printing of books. They established choirs and drama groups and dance groups. They were interested in all facets of their heritage and traditions. They studied the history of Lithuania and the Lithuanian language.

They were supreme in letterwriting campaigns for the freedom of Lithuania and its people. Many Lithuanian writers and poets got their beginnings in VYTIS magazine. Junior and Senior councils were established.

At this time, councils now exist from New England to Florida to California. The realization that our future is in our youth is still of great importance.●

A NEW BRACERO PROGRAM

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. FRANK. Mr. Speaker, when the House debated the Mazzoli immigration bill earlier this year I argued strenuously against the adoption of the guest worker amendment. In my view this amendment undermines the entire logic of the bill. The amendment would legalize precisely the situation this bill seeks to remedy, in which a large work force in this country is made up of what are essentially second-class citizens.

The Bureau for Social Science Research has prepared what seems to me an excellent analysis of the amendment, comparing it to the discredited bracero program of the fifties. I ask that it be made a part of the RECORD, and I would ask my colleagues to carefully consider the implications of such a guest worker program. I hope to see the House pass a conference report which contains no such provision.

PANETTA AMENDMENT: A NEW BRACERO PROGRAM

The Panetta amendment in the House version of the Simpson-Mazzoli bill is the latest in a long series of strategems by Western growers to ensure a continuing supply of foreign workers—legal or illegal. Faced with the possibility of losing their illegal aliens, proponents of the amendment would recreate a watered-down version of the ill-fated "Bracero" program of the Fifties.

Its purpose is the same—to provide agricultural growers with an assured supply of foreign labor. The source of labor, Mexican "braceros," is the same although we now use a more tasteful term, "guest workers," to describe them. And the consequences of the proposed legislation are likely to be the same or worse.

Before embracing a new "bracero" program, it may be instructive to review the findings of a blue-ribbon panel appointed by then Secretary of Labor, James T. Mitchell to assess the experiences under the old Mexican farm labor program (P.L. 78). The Panel found that the first objective of the legislation—to obtain foreign workers to meet the needs of U.S. growers had been met. In 1958, over 400,000 "braceros" had been brought in. However, the second objective—to assure that domestic workers would not be adversely affected—was not realized. Indeed, it was felt that the two goals were inherently contradictory.

More specifically, the Panel found that despite intensive efforts by the Department of Labor to prevent adverse effects, domestic workers had been displaced; users of Mexican nationals made only token efforts to obtain U.S. workers. Wage levels were lower than would have prevailed in the absence of foreign labor; studies showed that wages paid to domestic workers by growers who used "braceros" was significantly lower than those paid by non-users

Now, twenty years after its demise, the consensus is that the "bracero" program hurt U.S. farm workers and failed to protect adequately the Mexican nationals. In the face of this, the Panetta amendment proposes to re-create a much weaker "look-alike" program that does not afford even the limited protections of the old "bracero" program. For Mexican nationals, these provisions included a written contract that stipulated the "bracero's" wages and working conditions; a minimum period of employment; free transportation, insurance and housing which met government standards; and meals at reasonable cost. Employers using Mexican nationals were required to offer equivalent benefits to domestic workers. It was also necessary for the Department of Labor to certify that there was a shortage of domestic labor and that the use of foreign labor would not adversely affect U.S. workers. The Panetta amendment is either silent on all of these counts, addresses them in general and ambiguous terms or provides for inferior conditions. By comparison, the old "bracero" program was a workers' utopia.

Supporters of the amendment maintain that their proposal is superior to the "bracero" program because it would permit the guest workers, if dissatisfied, to seek other farm employment—or even join a union. Picture, if you can, a foreign worker, unfamiliar with our language and laws, bargaining with managers of corporate farms and growers' associations. As for joining a union, he has only to remember that entry into U.S. was at the behest of his employer and that visas are available first to persons by name on the employer's petition. Under these circumstances, the probability of a dissatisfied guest being invited back is close to zero.

Central to the implementation of a foreign worker program, is the issue of the availability of domestic labor. Before the importation spigot can be turned on, a determination that U.S. workers are not available is required. However, the supply of labor is not a fixed condition ("inelastic" is the economists' term). It responds to incentives and disincentives. In this context, it is not difficult for growers to see to it that the number of domestic workers is inadequate.

It is asserted that U.S. workers will not accept hot, tiring field work; yet many do. Agriculture is not the only industry involving arduous, unpleasant tasks. Sanitation workers collect garbage in all kinds of weather. Foundry workers attend blast furnaces. The great equalizer is wages and conditions of employment. The Department of Labor Panel concluded that shortages of domestic labor could be eliminated if satisfactory wages and working conditions were offered and if the farm labor market operated on a more rational basis. However, with the escape hatch provided by the Panetta amendment, it is unlikely that growers will offer the conditions necessary to attract domestic workers or retain newly legalized aliens.

With the Panetta amendment, we would have an immigration bill that attempts to prevent the displacement of U.S workers by stemming the flow of illegal aliens through our permeable border, while admitting a new crop of foreign guests that will crowd out employment opportunities for domestic workers and newly legalized aliens. When one door is shut, another is opened. If the same ingenuity were used to develop a rational farm labor market based on a domestic labor supply, there would be no need for imported labor.

Like P.L. 78, the Panetta amendment puts the government in a no-win situation. To the degree that it is successful in providing alien labor, it jeopardizes the interests of U.S. workers. If the past is any guide, it is not difficult to predict the consequences of such a policy.●

THE POPULATION CRISIS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. OTTINGER. Mr. Speaker, I recently testified before the Subcommittee on Census and Population of the Post Office and Civil Service Committee on H.R. 2491, the Global Resources, Environment, and Population Act of 1983, which I introduced on April 12, 1983. It is critically important that we develop a population policy in this country in relation to our environment and resources. In light of the recent pronouncements by certain members of the U.S. delegation at the World Population Conference in Mexico City, that population explosions are not necessarily a problem for developing nations, I would like to share my comments on this subject with my colleagues.

No problem is more fundamental to society than restraining the burgeoning growth of world population. Global population is expected to rise from 4.7 billion today to at least 6.4 billion by the close of the century. Over 90 percent of this increase will occur in the less developed countries. By the year 2000, 8 of every 10 people will live in those countries, most of them in congested urban areas. As I am sure you are aware, the World Bank earlier this month released a world development report in which it was projected that global population figures will double—to 10 billion—by the year 2050. Most of this dramatic increase will come in developing Third World nations. The report correctly concludes that if measures are not enacted to address this increase in world population, the economic development of these nations, as a result, the economies of all nations, will be stifled.

Sadly, as the gravity of these problems grow, so does the reticence of the Reagan administration and Congress to face them with the necessary diligence and energy. It is our task here to form the alliances needed to address this fundamental threat to world stability.

The bleak prospects abroad should not blind us to our own domestic prob-

lems resulting from a lack of foresight regarding demographic changes and population growth. While our birth rate has dropped, the American population continues—and will continue—to grow. Today's population of 236 million will reach at least 260 million by the turn of the century. At the present growth rate of 1 percent, the United States will add the equivalent of a new California every decade and a new Washington, DC, each year. Such growth will force decisions over the use of our own resources. It will complicate already controversial choices over the quality of our environment. Yet it will reduce the number of alternatives available to us.

We have already experienced many of these difficult problems: Our parks system is overcrowded; the Adirondack lakes in my own home State of New York have been left lifeless by acid rain and other pollutants; asbestos workers and coal miners are among those who have died prematurely because of pollution where they work. Urban industrial centers in the North have shown a steady decline in employment and population with no vehicle in place to accommodate these changes. The Sun Belt States have witnessed a tremendous influx of population and development, yet have not adequately prepared to meet these new challenges.

Demographic changes may be as damaging as sheer growth. The rising population in the Southwest strains scarce water resources. The steady aging of the population forces changes in the character and distribution of many services. The unanticipated influx of immigrants taxes the capacities of host communities, and pits new arrivals against established residents.

Last year, I introduced H.R. 2491, the Global Resources, Environment and Population Act. Forty of my colleagues have joined to cosponsor this legislation. H.R. 2941 addresses the overwhelming impact that population growth and demographic changes have in shaping our Nation, our economy, our programs and policies, and our resources. H.R. 2491, would establish a Federal commission which, for the first time, would be charged to:

Give our National Government the capacity to more accurately forecast and effectively respond to short- and long-term trends in the relationship between population, resources, and the environment;

Establish a national population policy with the goal of population stabilization by voluntary means; and

Provide for interagency efforts to collect, monitor, and coordinate demographic information and analysis, and to integrate this knowledge into programs and policies at all levels of Government.

It is important to note what this legislation does not do. This bill does not mandate intrusive proposals for population control. It does not become involved in controversial birth control issues. It does, however, reaffirm the basic right to all individuals to decide family planning issues freely and responsibly.

The purpose of this legislation is not new. In 1938, Congress first recognized the value of a national population policy of stabilization. The National Resources Subcommittee on Population Problems recommended in its report to President Franklin D. Roosevelt that appropriate legislative and administrative actions be taken to shape broad national policies regarding our population problems and that transition from an increasing to a stationary or decreasing population may on the whole be a benefit to the life of the Nation. That was almost 50 years ago.

In 1972, the National Commission on Population growth and the American future recommended that organizational changes be undertaken to improve the Federal Government's capacity to develop and implement population-related programs, and to evaluate the interaction between public policies, programs, and population trends.

In 1974, the United Nations declared World Population Year, and the United States joined with other countries in endorsing the World Population Plan of Action, a formal agreement calling for each nation to adopt its own population policy. The United States still has not honored this commitment, despite the fact that we urge population stabilization on underdeveloped countries and help pay for its implementation with our taxpayers' dollars. America clearly has a policy of "Do what I say—not what I do." For American diplomacy to succeed in these troubled times, it must acquire credibility by showing that the United States is prepared to tackle at home those problems we ask others to address abroad.

More recently, the House Select Committee on Population did a fine job of bringing out the ramifications of population impacts on our Nation's foreign policies. The committee recommended that Congress consider mechanisms for improving the ability of the Federal Government to develop alternative policies and programs to plan for future population change and to assess the short-term costs and benefits of each.

And so, it must be said that although the substance of my proposal sounds familiar, the urgency for taking action remains.

In 1980, the President's Council on Environment Quality [CEQ] and the U.S. Department of State released the "Global 2000 Report." This report was the result of a 3-year interagency study of U.S. Government projections of United States and world population, resources, and environment. It concluded that a continuation of then current trends would lead to a world in the year 2000 that would be more crowded, more polluted, less stable ecologically, and more vulnerable to disruption than the world we live in now.

The follow-up report, "Global Future: Time to Act," in 1981 proposed a series of specific actions to meet the problems described in the earlier report. To improve the U.S. capacity to respond to global resource, environmental, and population issues, the report recommended that the responsibility for developing and coordinating U.S. policy on these issues be centralized in one agency, preferably in the Executive Office of the President. The report further states:

> Coordinated development of policy is absolutely essential. All the pieces must be evaluated and brought together in a coherent whole—a job attempted in this report for the first round, but one that must be continued, expanded, and made a permanent, high priority part of Government operations.

Ignoring population growth and change will not stop these forces from reshaping our lives and our children's futures. Only conscious efforts at every level of Government to understand them and plan ahead will make a difference. To persist in overlooking the many ways in which demographic changes affect the allocation of resources, goods, and services is to risk their waste and ineffectual distribution in times of mounting scarcity.

I urge my colleagues to support this legislation, if we are to have a future for our children and grandchildren.●

HISTORY TRIED TO HIDE THEIR RESCUE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, today I hosted an informal morning coffee in the Capitol that provided Members of Congress with an opportunity to meet with and pay tribute to some of our war heroes from World War II; 40 years ago today, a mission sparkplugged by the OSS evacuated by air some 250 downed American airmen who were being hidden in the mountains of Yugoslavia by the Chetnik forces of Gen. Draza Mihailovich. Not only did we gather to commemorate this historic event, but also to honor a forgotten hero that risked his life to save the lives of more than 500 American servicemen.

In April of this year, I sponsored a bipartisan bill, H.R. 5396, that called for the establishment of a monument

in Washington, DC, in recognition of the role that General Mihailovich played in saving the lives of more than 500 of these airmen. This much needed legislation still requires additional cosponsors.

I urge every patriot to read the following article by David Martin and Thomas K. Ford, Jr., that describes the dramatic airlift operation and the role that General Mihailovich played in saving American lives.

HISTORY TRIED TO HIDE THEIR RESCUE: HOW 432 U.S. AIRMEN ELUDED AXIS

For a number of veterans of the Office of Strategic Services and the U.S. Army Air Force, today is a very special anniversary marking their rescue 40 years ago in "Operation Halyard."

Some 250 American airmen who had been shot down over Yugoslavia on their way back from raids on Axis oil installations and communications in Romania were evacuated by three waves of C-47s from a makeshift airfield only 80 miles from Belgrade, in what was probably the largest and most daring operation of its kind anywhere in Axis-occupied Europe during the whole of World War II.

Through this and subsequent evacuations from secret airfields in the heart of Axis-occupied Yugoslavia, the Halyard mission accounted for 432 airmen rescued and returned to combat duty. (The OSS forces were a forerunner of this country's Central Intelligence Agency.)

The airmen who were evacuated had been saved from the Axis by the forces of Gen. Draza Mihailovich, the Yugoslav resistance leader who had initially been supported by Britain and the United States, but who had been abandoned in early 1944 in favor of Marshal Tito and his communist partisans.

The central facts about the rescue were not made public at the time, even though security played no role once the Halyard team had completed its mission.

On March 29, 1948, President Harry S. Truman, on the recommendation of Gen. Dwight D. Eisenhower, awarded the Legion of Merit in the Degree of Chief Commander to Gen. Mihailovich in recognition of his services to the Allied cause. Among other things, President Truman's citation said of Gen. Mihailovich: "Through the undaunted efforts of his troops, many United States airmen were rescued and returned safely to friendly control."

But for the first and only time in American history, the award of the Legion of Merit was classified and kept secret. The facts about it were not made public until Rep. Edward J. Derwinski of Illinois intervened in 1967—almost 20 years later—to oblige the State Department to make public the text of President Truman's citation.

In 1974, the airmen petitioned Congress for permission to erect a monument on public land by way of expressing their gratitude to the man who had saved their lives. Legislation to this end has been introduced in every session of Congress since. It has had as many as 90 co-sponsors in the House. Hearings have been held on it, and it twice has passed the Senate by voice vote. It has been approved by the AFL-CIO, by the convention of the American Legion, and by the Senate Rules Committee. But each time it has been flagged down by the Department of State, with the argument that the Yugoslav communist government might not like it. The rescued airmen, whose ranks are becoming thinner with each passing year, persist in their effort because they feel they owe an inescapable moral debt to Gen. Mihailovich.

The story of the rescue of the American airmen is well worth telling for many reasons—not the least of which is that its telling will end the virtual blackout on the story which has resulted from our sensitivities about the feelings of the Tito and post-Tito governments. Beyond this, it is an inspiring story of how American persistence and American ingenuity finally prevailed against seemingly hopeless obstacles.

During the war there were two competitive resistance movements in Yugoslavia—the "Chetnik" movement led by Gen. Mihailovich, a gifted officer of the Royal Yugoslav Army, and the "Partisan" movement, led by Josip Broz Tito, who had been a leader of the communist underground in Yugoslavia during the '30s.

The British and the American initially supported Gen. Mihailovich. But in late 1943, Prime Minister Churchill, on the basis of the biased and inaccurate intelligence, and against the recommendations of all the 40-odd British and American officers who had been attached to Gen. Mihailovich, decided to withdraw support from him and throw Britain's full support to the communist forces led by Marshal Tito.

The justification put out at the time was that the Partisans were fighting the Germans, whereas the Chetniks were allegedly collaborating with them. President Roosevelt, with considerable reluctance, went along with this decision because it had been agreed that Mr. Churchill would have prime say in all matters related to the Balkans.

At the time the rescued airmen were evacuated from Yugoslavia, Gen. Mihailovich had been receiving no support from the Allies for months, while the Partisan forces had been receiving massive shipments of arms and ammunition which they were using for repeated attacks against the Chetnik positions. The policy of abandoning Gen. Mihailovich and the charges of collaboration with the enemy simply wouldn't have made sense if the press had published the story of the rescue of 432 American airmen by the forces of Gen. Mihailovich.

This, one of the tightest censorships of World War II was imposed, in both Britain and America.

The Ploesti oil complex in Romania was Hitler's most important source of oil during the World War II. Shortly after the Allies installed themselves in Italy in the fall of 1943, they embarked on a sustained campaign of bombing directed against Ploesti. During the first part of 1944, many hundreds of Allied sorties were flown from Italian bases against the Ploesti fields, The casualties were heavy. Since the route home led across Serbia (Yugoslavia's largest state), and since Serbia were solidly under the control of Gen. Mihailovich until the entry of the Soviet Red Army in September 1944, hundreds of American airmen who were forced to bail out over Yugoslavia found themselves being picked up by the Chetniks. In this way they became eyewitnesses to one of the most bitterly disputed issues of World War II: was Gen. Mihailovich a collaborator, and should we have abandoned him? The airmen formed some very strong opinions on this matter.

It might be argued that what one or two or three or four airmen observed in Yugoslavia during a brief sojourn with Chetnik forces would not disprove the charge that there was widespread collaboration between the Chetniks and the Germans. But when 500 American airmen drop in unexpectedly on Chetnik forces all through Yugoslavia; when many of them are rescued in pitched battles with the Germans; when sources of Chetnik villages are executed in public reprisals by the Germans because of their failure to turn over American airmen who had parachuted to safety, when all of the airmen praise the sacrificial efforts made by the Chetniks in rescuing them, caring for them, concealing them, and giving them medical treatment if they were wounded; when they report that they were given complete freedom of movement during sojourns in Chetnik territory which sometimes lasted four to six months, that they witnessed countless clashes between German and Chetnik forces and saw absolutely no evidence of collaboration—all of this testimony creates an intelligence mosaic so panoramic and so detailed that its validity is beyond any reasonable challenge.

The overwhelming majority of the airmen who were evacuated from Gen. Mihailovich's territory had nothing but praise for the attention the Chetniks lavished on them. William T. Emmett, the Air Force Intelligence officer responsible for interviewing rescued airmen who were evacuated from Chetnik-held territory, told a commission of inquiry of New York in June 1946 that of more than 200 rescued airmen he debriefed not a single one reported an instance of airmen being turned over to the Germans of maltreatment or of collaboration between the Chetniks and the Germans.

When the tail end of the British mission was evacuted from Yugosalavia on May 31, 1943, Capt. George Musulin, the last of the American liaison officers with Gen. Mihailovich, was evacuated with them, as well as some 40 Ameircan airmen who had been forced down at various points in Yugoslavia and assembled at the makeshift airfield near Pranjani.

Shortly after this evacuation, the British, whose radio link was still receiving Gen. Mihailovich's transmissions, began to get message after message informing them that the Chetniks had rescued many American airmen and urging that arrangements be made to evacuate them by air. However, for some reason, these messages were never passed on to the 15th Air Force, as Gen. Mihailovich had requested. Impatient over failure to receive a reply to the messages transmitted via the British radio link, Gen. Mihailovich in early July began to send messages directly to Yugoslav Ambassador Constantin Fotitch, in Washington.

These messages, which were sent in the clear—uncoded—were picked up by RCA and delivered to Mr. Fotitch, who paid for them at the rate of 16 cents a word. Several of the telegrams contained long lists of names and serial numbers of rescued airmen, and included messages to their families. The longest, received on Aug. 4, conveyed messages from more than 100 airmen. Sometimes Ambassador Fotitch would notify the airmen's families that their sons were safe in Yugoslavia 48 hours after they were shot down.

This was the only "service" of its kind that existed in any occupied country during World War II.

By mid-July, despite British objections, the decision had been made to send in an Air Crew Rescue Unit, under the command of Capt. Musulin. (He was told that, because of the strongly negative British attitude, the matter had been bucked all the way up to the president, and that it was Mr. Roose-

velt personally who made the decision to send in the Air Crew Rescue Unit.) But when the unit sought to go into Yugoslavia, it encountered a whole series of exasperating delays.

Five successive sorties, attempted on the basis of arrangements made by the British radio link, ended in failure. For some mysterious reason, the target area always seemed to elude them.

Capt. Musulin stops short of using the word "sabotage" in speaking about his seven unsuccessful efforts to take the Air Crew Rescue Unit into Yugoslavia when the British radio link was handling communications. But he could not help feeling that "something was rotten in Denmark," and that the failure had more than a little to do with the pro-Tito bias of the clique of British officers who were running Yugoslav operations.

A message finally sent via an "all American" link led to the successful launching of the Halyard Mission.

On Aug. 2, 1944, using the new all American link, the Halyard mission carried out a successful sortie—on the first attempt. Apart from Capt. Musulin, the other two members of the Halyard mission team were Michael Rajacich, who had joined OSS for hazardous duty after being told he was too old to be drafted, and Arthur Jibilian, a featherweight radio operator recruited from the Navy, who had seen earlier service in Yugoslavia on the Partisan side. They parachuted into the area designated through the "All-American" radio link, and hardly were they out of their harnesses when the peasant woman on whose property they had landed came charging up. Not stopping to notice her chicken coop, which had been demolished when the trio landed, she bestowed repeated kisses on the Americans, called them "liberators"—she apparently thought it was part of a parachute invasion—and insisted they have something to eat. Capt. Musulin gave her 15,000 dinars—about $10—to cover the cost of her chicken coop, and she directed them to the nearby Chetnik unit.

The trio set off along the road in the direction indicated by the old woman, and around a bend they ran bang into a group of Chetniks. There were cheers and more kisses. Some of the Chetniks who knew Capt. Musulin from his previous stay with Gen. Mihailovich actually wept for joy; although Capt. Musulin emphasized that they were to attach no diplomatic significance to his arrival, the Chetniks could not help believing that it meant the return of Allied backing.

Some of the American airmen almost wept for joy, too. They informed the mission that there were roughly 250 airmen in the district, of whom 26 were sick and wounded. The Chetnik peasants had been wonderful to them. The airmen told the mission how the peasants had given them their own beds, and had themselves slept on the floor; and how they had insisted on the airmen eating first while they themselves ate what was left.

But despite the kindness of the peasants, all of the airmen were fed up with waiting. They knew that the Chetniks had been sending out repeated signals, and they had not been able to understand why the Allied authorities had not acted sooner.

That day the mission held a council of war with a committee of several airmen and representatives of the Chetnik command. The airmen were divided into six groups of 40 to 50 men, each quartered in a separate village, each under the command of its own officer, to minimize the danger if the Germans were to stage a surprise attack.

Each group was assigned to a definite wave of aircraft: they were not to report to the field until shortly before the assigned wave was due.

Chetnik officers who participated in the evacuation operation are divided on why the Germans failed to attack. Some felt the Germans had a fairly good idea of what was going on but were too dispirited at that time to attack an army of 10,000 determined Chetniks. Others felt that the extraordinary security measures taken by the Chetniks completely baffled German intelligence.

The first evacuation was scheduled for the night of Aug. 9. At 11 o'clock the first wave of four C-47s arrived. The ground crew flashed the letters of the day. The aircraft flashed back. The gooseneck flares, improvised out of oil cans, were lit. And the aircraft came in.

The C-47s took off half an hour later. Before they did, the airmen who were being evacuated bade goodbye to those who had rescued them and cared for them. They took off their shoes, they took off their jackets and some of them even their socks and their shirts, and left them with their benefactors. The planes took off to the cheers of the assembled peasants.

At 8 o'clock the next morning, a wave of six C-47s came in with a fighter cover of 20 P-51s.

Half an hour later, another flight of C-47s with a fighter cover of 20, came in for the balance of the airmen. When the roll call for the last aircraft was taken, one airman was missing. The C-47 was just taxiing up for the takeoff, when the missing airman came stumbling onto the field. He had been overindulging in rakia, the potent Serbian plum brandy.

Capt. Nick Lalich, who came in on the first aircraft on the night of Aug. 9, took over as commanding officer of the Halyard Mission when Capt. Musulin returned to Italy under orders on the evening of Aug. 26. With every passing day, new batches of rescued airmen kept arriving at Pranjani. One week after the big evacuation of Aug. 9-10, there was another small evacuation. Gen. Mihailovich arrived at Pranjani on Aug. 20, and helped plan subsequent evacuations. On the nights of Aug. 26 and 27, another 58 American airmen were evacuated.

In exchange for the more than 300 American airmen turned over by Gen. Mihailovich up to the end of August, the Chetniks received 1½ tons of medical supplies—one-half of an aircraft load. In certain British and American circles at Bari, there was much opposition to sending in even this small quantity.

In early September the Partisan "Serb Lika Brigade" broke through on Gen. Mihailovich's weak southern flank, bypassing the German garrisons at Visegrad, Uzice, and Pozhega, and made straight for the Chetnik headquarters at Pranjani. On Sept. 9, Gen. Mihailovich broke camp and moved northward through the region of Semberija to Bosnia.

On Sept. 17 the Air Crew Rescue Unit evacuated 20-odd American airmen from an airstrip near Koceljevo, on the Valjevo-Shabac highway. While a battle between Partisans and Chetniks was raging no more than four miles away, two DC-3s came in with a cover of six fighters, and took off the American airmen.

The mission traveled with Gen. Mihailovich up into East Bosnia, where they established contact with his commanders, Pop Sava and Pop Milosh. Towards the end of October another evacuation of American airmen took place from an airstrip at Boljanich, eight miles east of Doboy, under the projection of the troops of Pop Sava and Pop Milosh.

Continuing his travels to Chetnick headquarters, Capt. Lalich picked up another nine airmen near Visegrad, seven more airmen, all of whom were injured, near Srendnje, 20 kilometers north of Sarajevo and a few other points, Capt. Lalich, with the 24 airmen he had accumulated by that time, decided to return to the airstrip at Boljanich.

On Dec. 10, the day before they left Srednje for Boljanich, the villagers staged a big dance in honor of Gen. Mihailovich and the Americans. People came from as far as Sarajevo to attend the celebration. Gen Mihailovich made a speech and led the kolo. The following day Gen. Mihailovich and Capt. Lalich shook hands for the last time. To the amazement of all the Americans, Gen. Mihailovich appeared optimistic.

"The Allies have made a mistake," he said. "But some day they will come back to us."

Before he made this statement, Gen Mihailovich had refused an Amercian offer to be evacuated to safety in Italy—because he considered it a compelling moral duty to remain with his people.

Gen. Mihailovich headed south into the Sandijak, and Capt. Lalich, with his wounded airman on horses, headed north for Boljanich under Chetnik escort. The final evacuation took place from Boljanich airstrip on Dec. 27. At that time reports had arrived of the rescue of several groups of airmen in other parts of Serbia. In the view of the diplomatic impossibility of continuing evalcuations from Chetnik territory, the Chetnik command agreed to forward these airmen to Partisan units.

What happened to Gen. Mihailovich after he collaborated with the Americans in arranging the evacuation of the 432 rescued airmen?

The Red Army had entered Yugoslavia from Bulgaria at the end of September. The Mihailovich forces collaborated with the Red Army in the capture of a number of major centers—but it soon became apparent that the communist forces, both Soviet and Yugoslav, were committed to destruction of the Chetnik army. In hit merciless pincer onslaught, the Chetniks suffered fearful casualties.

Gen. Mihailovich and some of his unit held out in the mountains of Yugoslavia for another year and a half, but the odds were hopelessly against them. On March 25, 1946, the Belgrade press proudly announced that Gen. Mihailovich had been captured. On June 10, 1946, he was brought to trial.

After a typical Moscow show trial which excluded all evidence for the defense and whose blatant unfairness was editorially condemned by every major paper in the Free World, Gen. Mihailovich was executed on July 15.

When the news of Gen. Mihailovich's capture appeared in the press, the American airmen who had been rescued by him established contact with each other and organized a "National Committee of American Airmen to Aid Gen. Mihailovich and the Serbian People." The airmen made a commitment to present the truth as they saw it. In late April 1946, a delegation of 23 airmen representing the national organization flew to Washington in a specially chartered

plane which they baptized for the occasion "Mission for Mihailovich."

In meetings with Under-Secretary of State Dean Acheson, as well as several score senators and representatives, they urged that the United States intercede on behalf of Gen. Mihailovich and asked that they be permitted to testify as witnesses for the defense. When the Belgrade government rejected the State Department's request that the airmen be permitted to testify, the airmen sought to have their evidence transmitted to the Yugoslav court by presenting it to the "Commission of Inquiry in the Case of Draza Mihailovich," a body consisting of four of the nation's most distinguished jurists.

The 600 pages of sworn testimony taken by the commission were transmitted to Gen. Mihailovich's counsel by the Department of State—but the court refused to accept the evidence, on the ground that there was so much evidence of Gen. Mihailovich's guilt that there was no point in taking any evidence for the defense!

Some of the American airmen who were rescued proposed at the time that a monument to Gen. Mihailovich be erected in Washington in gratitude for his having saved the lives of 500 American airmen. Time passed—and nothing seemed to have come of the idea.

Thirty years later the surviving airmen organized themselves into the "National Committee of American Airmen Rescued by Gen. Mihailovich" and petitioned Congress for permission to erect such a memorial on public ground.

Forty years later they are still waiting.●

APPEAL RIGHTS OF VETERANS

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. KOSTMAYER. Mr. Speaker, one of the major veterans issues confronting the Congress has been the question of granting veterans appeal rights in the Federal court system.

For some reason, the law continues to treat veterans as second-class citizens and denies veterans and their spouses who have lost disability or other claims with the Veterans' Administration the right to take their cases to court. This is one of the most critical rights afforded citizens in our country, and it is a right granted claimants in other areas, most prominently those appealing Social Security disability claims.

Our goal should be to ensure the most equitable consideration of claims filed by veterans. It is for this reason that I have cosponsored legislation that would accomplish this goal by giving the veteran access to the Federal court system, and through that, a fresh look at his claim.

I am pleased to inform my colleagues, Mr. Speaker, that the American Legion, Department of Pennsylvania at its convention in Hershey, PA, last month approved a resolution supporting judicial review and urging the Congress to approve the legislation which I have cosponsored. The Senate has already approved a similar bill (S. 636).

Mr. Speaker, veterans who have fought to protect the constitutional rights of every American are being denied the basic right to due process when dealing with the Veterans' Administration. I urge along with the Pennsylvania American Legion the termination of this dual system of justice, and a guarantee to all veterans of the same rights and privileges enjoyed by all Americans when dealing with other agencies of government.

Mr. Speaker, I ask that the Pennsylvania Legion's resolution be reprinted at this point in the RECORD.

RESOLUTION

Whereas: Under interpretation of existing law, there is no redress of claims by any veteran in the Courts of the United States and this interpretation has been reiterated in a recent Federal Court decision denying rights of Viet Nam veterans to access to the Federal Courts on actions against the United States for disabilities deemed to have occurred by exposure to Agent Orange; and

Whereas: Existing law does not afford any veteran judicial review from a decision of the Veterans Administration denying benefits to any veteran inasmuch as the determination by the Veterans Administration is conclusive both as to law and fact and thus a veteran has no access to the Court for redress of an error made by the Veterans Administration; and

Whereas: Despite the good faith deemed to exist in the Veterans Administration in making decisions as to claims of veterans there can be no doubt that there are errors made by the Veterans Administration and that the providing for judicial review will provide some basis for the correcting of injustices that may be accorded because of mistakes made; and

Whereas: It is deemed that the view that veteran's benefits are mere gratuities and that veterans have no interest in or right to such benefit is not a tenable position; and

Whereas: Justice and equity demand that the claims of veterans be considered with compassion, fairness and efficiency and that all veterans are entitled to receive from their government every benefit and service to which they may be entitled under law; and

Whereas: The United States Senate unanimously has passed and sent to the House a bill in the form of Senate Bill 636 by amending and adding the same to House Bill 2936 which would provide limited judicial review for those veterans aggrieved by an adverse decisioin of the Veterans Administration; and

Whereas: Similar legislation is pending in the House of Representatives; and

Whereas: It is deemed that the scope of review as embodied in S-636 will go a long way toward bringing about fundamental fairness to veteran claimants in providing limited access to Courts for judicial review and said Bill fairly meets any objections expressed against the according of such rights; now, therefore be it

Resolved: That The American Legion, Department of Pennsylvania, in regular convention assembled in Hershey, Pa., July 11-14, 1984, that:

FIRST: The American Legion, Department of Pennsylvania, support the enactment of legislation for limited judicial review as is embodied in Senate Bill S-636 and as reported to the United States Senate Bill S-636 and as reported to the United States Senate in Report No. 98-130 and that The American Legion, Department of Pennsylvania, recommend to the national organization for adoption at the National Convention in Salt Lake City, Utah, September 3, 4, 5, 1984, a resolution supporting judicial review.●

UNJUSTIFIED ATTACK ON RIGHT OF CONGRESS TO LEGISLATE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. FRANK. Mr. Speaker, while we were in recess last month, a very unjustified attack on the right of the Congress to legislate came from the Administrative Office of the U.S. Courts. This attack took the form of a unilateral determination by the Office that part of an act of Congress was unconstitutional, and therefore could be ignored.

The Chairman of the House Committee on the Judiciary, the gentleman from New Jersey [Mr. RODINO], acted to vindicate the prerogatives of Congress in a forceful letter to Chief Justice Burger. The Chairman's vigorous efforts put an end to this particular defiance of congressional will, and the Congress is indebted to him for that.

Mr. Speaker, I believe that the letter sent by the Chairman of the Judiciary Committee, Mr. RODINE, to Chief Justice Burger, is an excellent exposition of the functioning of the separate branches in our system, and I ask that it be printed here.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 12, 1984.

Hon. WARREN E. BURGER,
Chief Justice of the United States, Supreme Court of the United States, Washington, DC.

DEAR MR. CHIEF JUSTICE: I am in receipt today of a most disturbing letter from Mr. William F. Foley, Director of the Administrative Office of the United States Courts, concerning the "Bankruptcy Amendments and Federal Judgeship Act of 1984" (H.R. 5174), which was signed into law on July 10, 1984 by the President. Mr. Foley's letter encloses a July 11 Administrative Office memorandum advising all federal judges that the extension and transition provisions of this law, which were designed by the Congress, on an emergency basis, to insure the orderly and continuing function of the nation's bankruptcy system, will not be obeyed by the Administrative Office, and he directs federal judges not to follow these provisions of the new statute.

Contrary to express sections of the new law, Mr. Foley advises in his memorandum that current bankruptcy judges will not be paid, that the jurisdictional sections of the extension provisions will not be followed,

and that magistrates will be appointed to handle bankruptcy cases.

I have privately communicated to you and the rest of the Judicial Conference on prior occasions my concerns about the separation of powers problems created by certain, albeit well-meaning, but institutionally inappropriate pronouncements on the part of the Administrative Office of the United States Courts.

Institutionally, this matter is particularly troublesome to me. The validity of this provision of the new statute, and several other provisions, including that which establishes a new bankruptcy court system, will probably be challenged in the federal courts, and ultimately, reviewed by the Supreme Court.

While the legal issue posed by this and other provisions of the statute are serious ones, I have grave reservations about the appropriateness of the Administrative Office issuing a specific directive to disobey a federal law and what amounts to an advisory constitutional opinion regarding a matter that will come before the federal judiciary for decision. Given the Administrative Office's role as an arm of the Judicial Conference, the advisory opinion and directive raise considerable doubt in the public's perception about the chances of receiving an impartial adjudication on the merits of this issue in the federal courts. Much confusion is created since the Director of the Administrative Office is appointed by the Supreme Court and operates "under the supervision and direction of the Judicial Conference of the United States" (28 U.S.C. § 604).

Until such time as they may be judicially declared invalid, legislative enactments must be followed not only by the citizens of this country, but also its public officials. Failure to do so is a failure to obey the law, and on the part of a public official, is also failure to obey an oath of office.

The statutory function of the Administrative Office is the performance of purely clerical duties, such as gathering caseload statistics and supervising administrative matters relating to the clerks' offices and other clerical and administrative personnel of the courts. The Administrative Office has no authority to render a judicial decision challenging Congress' legislative authority. Arguable constitutional issues are to be determined under appropriate judicial procedures upon being raised by a proper party in an adversary case under our judicial system, and certainly may not be decided by the Administrative Office whose duties, pursuant to statute, are purely ministerial ones.

Moreover, Congress did not enact the extension provisions without thought or research. Case law indicated that the provisions could be constitutionally permissible on an emergency basis. Furthermore, under the separation of powers principles and comity among the separate branches of government, an act performed by the legislative or executive department is presumed in proper exercise of authority conferred by the Constitution. The Administrative Office's actions in disobedience of the legislatively enacted scheme has served and serves only to create additional turmoil, which is precisely what the extension provisions were intended by the Congress to avoid.

As Chairman of the House Committee on the Judiciary, who has spent a lifetime defending the independence of our federal judicial branch, I intend to be no less vigorous in defense of the perogative of the legislative branch of government.

I want to impart to you the gravity and seriousness with which I view these actions and I believe the Judicial Conference should immediately inform the Administrative Office of the United States Courts of its duties, which are the same as all of our citizens, to obey the laws as enacted.

It may be necessary to hold hearings in this matter in fulfillment of our legislative oversight responsibility over the statutes creating both the Administrative Office and the Judicial Conference, and I would like your assurance that all documentation concerning the decision leading to the Administrative Office's memoranda be preserved.

Sincerely,

PETER W. RODINO, JR.,
Chairman.●

HAS LABOR LAW FAILED?

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. EDWARDS of California. Mr. Speaker, I am please to insert in the RECORD today the testimony which Mr. William B. Gould, professor of law at Stanford University, presented at joint hearings of the Subcommittee on Labor-Management Relations and the Subcommittee on Manpower and Housing. Professor Gould has done extensive research on American labor law, and I know that my colleagues will find his comments both interesting and enlightening.

HAS FEDERAL LABOR LAW FAILED?

(By William B. Gould, Charles A Beardsley Professor of Law, Stanford Law School, Stanford, CA)

The National Labor Relations Act, at least as defined by the National Labor Relations Board and sometimes the Supreme Court, has hardly made good upon its promises during this past half century of its existence. Evidence for this proposition mounts continuously—and it does so in a number of areas of the law.

The first major area relates to recognition disputes. Ever since 1935 the statute has promoted the concept of free collective bargaining between employees and representatives of their own choosing and employers. The second problem area relates to the fact that the collective bargaining process is intended by statute to be wide open and robust and free of governmental interference or any kind of dictates by outsiders. But in both respects the approach undertaken by the Board and the courts in interpreting the statute not only leaves much to be desired but hardly makes good upon the policies which the statute purports to incorporate.

Although I am of the view that public policy which supports the existence of trade unionism and the collective bargaining process is good and sound—I confess that my attitudes toward both existing law and policy matters have been influenced by this judgment there are many forms of trade union behavior with which I disagree vehemently. In this connection, I have expressed my views of the unlawfulness and undesirability of work stoppages in breach of collective bargaining agreements and the need for effective remedies to deal with such,[1] not only in the United States but in other industrialized countries.[2] Similarly, while viewing trade union representations as desirable for all of our nation's people and supporting the political coalition of minorities and unions, I have condemned the frequently irresponsible and unlawful behavior of the labor movement in the employment discrimination arena.[3]

Finally, it is by no means clear that labor law reform, even where it is legitimately needed, will expand the scope of union representation of the workforce. I recognize that this is a difficult admission for a labor lawyer to make. At this time, I am disinclined to accept the view that the present decline of organized labor is primarily attributable to the labor market and the rate of unemployment. After all, we have witnessed a steady decline during a 31 year period in which the economy has experienced many rises and falls. The shift of jobs into the unorganized terrain of white collar and professional employees and the emergency of new high tech industries in my part of the nation in particular, however, seems to have presented new challenges which have caught the labor movement unaware or in an excessively self-satisfied state. Some of labor's difficulties are attributable to these factors.

But the fact is that union bashing appears to be in style politically in 1984 and there has been an inevitable spillover of some of these attitudes into administrative and judicial decisions. It is to these matters which I address myself now.

Nowhere is this point more vividly demonstrated than in the area relating to representation or recognition disputes. The NLRA through Section 9 provides a preferred method for the resolution of such disputes, i.e., the secret ballot box election conducted by the Board itself. The difficulty is that all too frequently employer campaigns, sometimes involving unlawful coercion, intimidation and unlawful promises of benefit, make it impossible to conduct a valid election in which employee free choice can be realized. Over the past five years the Board and the courts have struggled with the question of whether a bargaining order can be issued which would compel the employer to bargain with the union in the absence of a finding that the union possessed a majority of the authorization cards. All too frequently the union is not able to accumulate a majority in the appropriate unit because the employer's unfair labor practices are so successful that the organizational campaign is nipped in the bud long before the majority status can be evidenced in any sense of the words.

My concern with the line of cases that have emerged in this area takes two forms. The first is that a majority of the new Reagan Board, and now the Court of Appeals for the District of Columbia as well, has taken an unduly narrow and restrictive view of the statute and concluded that nonmajority bargaining orders are inconsistent with the statutory scheme. Second, what-

[1] E.g. Could, On Labor Injunctions Pending Arbitration: Recasting Buffalo Forge, 30 Stanford L. Rev. 533 (1978); Gould, On Labor Injunctions, Unions and the Judges; The Boys Market Case, 1970 Supreme Court Review 215.

[2] Could, Taft-Hartley Comes to Great Britain: Observations on the Industrial Relations Act of 1971, 81 Yale L.J. 1421 (1972).

[3] Gould, Black Workers in White Unions: Job Discrimination in the United States (1977).

ever the outcome of this particular debate, the purposes of the statute are not likely to be realized. That is to say, even if the courts ultimately agree with my view of the statute and the view expounded in the dissenting opinions of Judge Wald and Board Member Zimmerman, the result will not be appreciably different. For a lengthy unfair labor practice proceeding and judicial review of the Board's bargaining order will ensue over the questions of (1) whether the unfair labor practices are sufficiently "pervasive" or "outrageous," so as to warrant the order and (2) whether the union has enough authorization cards so that it can be said that it is sufficiently close to majority status to presume that majority status could have been obtained in the absence of illegality. The answers to these questions are often likely to be uncertain and thus to induce litigation and delay during which the union institutional and bargaining viability is dissipated.

The legal debate here stems from *NLRB v. Gissel* 395 U.S. 575 (1969) where the Court, seemingly was approval, noted a first category of unfair labor practices which could be characterized as "outrageous" or "Pervasive" and which could warrant a bargaining order without a finding of a need for inquiry into majority status on the basis of authorization cards for other evidence. Hedging initially when confronted with the issue in 1979, two years later a majority of the Board ultimately took the position that a bargaining order could be warranted under the statute in Conair Corp. 261 NLRB No. 178 (1982) and explicitly authorized a nonmajority bargaining order approach in certain cases. The Board had been of the view that such cases can be identified on the basis of the unfair labor practices gravity, extent, timing and constant repetition, although it has been noted that recidivism is not a prerequisite for a nonmajority status bargaining order. Said the Board in Conair:

"Of paramount significance . . . is the fact that, but for Respondent's unlawful conduct, its employees would have an opportunity to express openly their opinions about unionism and to resolve the representation debate by making a free and uncoerced majority choice in a Board-conducted election. Respondent, by the massive and numerous violations above, has destroyed any opportunity for free and open debate of the representation question. Our dissenting colleagues' attempt to cloak their tolerance of Respondent's actions in a defense of majoritarian principle. We reject that masquerade."

In a 2-1 vote the Court of Appeals reversed the Board in Conair. Said Judge Ginsberg for the majority:

"Nonmajority bargaining orders pose this dilemma: if the Board lacks authority to issue them, employers who offend the law most egregiously will escape the most stringent remedy in the NLRB's arsenal; if the Board has the authority and exercises it to sanction patent and incessant employer unfair labor practices, employees may be saddled for a prolonged period with the union not enjoying majority support. Absent a card majority the Board cannot estimate with any degree of reliability how the employees would have responded in a free election. . . .

. . . We recognize the appeal of the position that a nonmajority bargaining order may be the only potentially effective means to check an employer's unlawful conduct designed to nip a union's organizing campaign in the bud. Nevertheless, we believe that the statutory gap we face is too deep for an agency of court to fill. A fundamental policy choice is at stake: Is it ever appropriate to substitute an agency's 'big (even if good) brother' judgment for a majority of employee's expressed choice of a bargaining representative? That basic decision, we believe, should be left to Congress, as the organ of government accountable to the people for establishing the main lines of our national labor relations policy."

A majority of the Board in Gourmet Foods, Inc. 270 NLRB No. 113 (1982) has taken much the same view. The Board's view now is that a nonmajority bargaining order is not within its remedial discretion and that inevitably the Board's inquiry into whether a "reasonable possibility" or "a reasonable basis" exist to believe that majority status would have been obtained involves excessive guesswork and speculation. Moreover, this Board seriously questioned whether such an order would be an effective remedy, in the sense that it could permit employees to combat the "lingering effects of massive unfair labor practices."

I am of the view that the dissenting rationale articulated by Judge Wald for the Court of Appeals of the District of Columbia and Member Zimmerman of the NLRB is the more persuasive of the two sides of the debate. But the fact is that the Board's opinion in *Gourmet Foods* in particular raises concerns to which Congress ought to properly adjust itself. Would such an order combat lingering unfair labor practices and establish an ongoing relationship? In my judgment, this ought to be the overriding focus of any remedy devised under our national labor law. Viewed from this vantage point, I rather doubt that the nonmajority bargaining order will be as effective as its proponents may contend. I take this position for a number of reasons, some of which have been alluded to by the new Board majority itself—but not because employee interest in the union, as demonstrated through authorization cards rather than elections, will undercut the union's viability, as the majority in *Gourmet Foods* seems to suggest.

In the first place, the vagueness about the standards are bound to produce litigation—particularly as they relate to the circumstances under which authorization cards are sufficiently close to a majority to engage in the condemned speculation. This in turn produces delay not only because of the relatively lengthy duration of unfair labor practice proceedings compared to the handling of representation matters, but also because of the judicial review of administrative orders. I quite agree with Professor Weiler's view that the American labor law approach to the recognition issue is fundamentally flawed inasmuch as it proceeds upon the assumption that a political process environment for the resolution of recognition issues can adequately test employee free choice in the industrial context in a manner similar to political elections.[4] The subordinate and unequal position in which most employees find themselves renders the political analogy irrelevant. Contrary to the Reagan Board's assumptions expressed in *Gourmet Foods*, the assessement of employee support, whether it takes place under authorization cards or secret ballot box election, will always necessarily be imperfect. A labor law aimed at promoting collective bargaining and its growth must opt for procedures which are the least conducive to manipulation by the new breed of sophisticated anti-union consultants.

But even when authorization cards are used, as Professor Weiler advocates, my belief is that this will simply advance the time when anti-union employer propaganda is used to an earlier stage of the campaign. In any event, the long delay involved with judicial review of unfair labor practice proceedings, based upon cards or refusals to bargain after certification, will undermine union solidarity and cohesiveness and make it unlikely that the union will be viable. For the wrong reasons therefore, the Board's *Gourmet Foods* opinion is right to assume the "lingering effects of unfair labor practices" will remain intact.

The answer to this problem, it seems to me, is to be found in a number of areas. In the first place, Board orders ought to be self-enforcing in the absence of a showing by the employer that a stay is necessary in order to avoid irreparable harm. This would mean that employees would be reinstated, bargaining would take place, and further employer anti-union conduct would risk contempt penalties, while the matter is being litigated on appeal. This is similar in some aspects to proposals advanced seven years ago in 1977 at the time of the debate about the Labor Reform Bill and its passage by the House of Representatives.

It is interesting to note that both Canada and Japan, with their own unfair labor practice systems, have taken this approach. As Professor Weiler has argued, it may be that the larger percentage of the work force represented by the unions in Canada is attributable to these kinds of differences in the labor law. As I have written elsewhere, the Japanese, with their own statutory scheme of unfair labor practices imposed in large part by the MacArthur Occupation, have devised something thus far alien to American labor law and more effective than what our own system offers.[5] This is the enforcement of administrative orders while the matter is being appealed.

The Japanese have had the same problem with administrative delays with their own Labor Relations Commission that we have had with our Labor Board. But both the Canadians and the Japanese have recognized that the collective bargaining process simply cannot flourish while lengthy appeals are pending in the courts. For some reason America is thus far unable to accept this proposition.

I am not certain that dealing with the matter of judicial review is enough, however. The Supreme Court has interpreted the National Labor Relations Act and its Taft-Hartley amendments to preclude the imposition of contract terms by the Board even when an unlawful refusal of the bargain has been found and where there is a need for the imposition of some or all of the terms that would go into a collective bargaining agreement so as to give the union viability of which employer illegality has deprived it.[6] The Board has rejected the "make whole" approach propounded by the unions in Excello [7] which, while articulated in the

[4] See Weiler, *Promises to Keep: Securing Workers' Rights to Self-Organization Under the NLRA* 96 Harv. L. Rev. 1769 (1983).

[5] It is interesting to note that Japanese administrative orders provide for back pay pending judicial review. See W. Gould, *Japan's Reshaping of American Labor Law*, pp. 84–89 (1984).

[6] *H.K. Porter Co. v. NLRB*, 397 U.S. 99 (1970).

[7] 185 NLRB 107 (1970), Reserved and remanded to the Board *sub nom*, International Union, *UAW v. NLRB*, 449 F.2d 1046 (D.C. Cir. 1971).

form of a rationale for compensation, was put forward as a vehicle to make collective bargaining flourish.

The "first contract arbitration" approach where the agency imposes a contract upon a fledgling union employer relationship when it goes through collective bargaining unsuccessfully the first time, has been tried in British Columbia. The difficulty appears to be that, frequently, the second time the same problems arise with the employers who have violated the statute the first time around. No contract is negotiated. This seems like an exercise in futility unless the process is carried one step further. That is to say, where unlawful employer conduct has made the negotiation of an agreement unlikely or remote, it may be that the Board should have discretion to impose some or all contract terms which would make the collective bargaining process flourish, whether it is the first, second or third time around. In contrast to the "make whole" remedy, the Board should have discretion to impose terms which are unrelated to compensation, i.e., checkoff, union security clauses and grievance arbitration machinery where such are deemed vital to an effective and constructive relationship between labor and management.

After all, the primary concern of the law ought to be to devise the procedures and remedies which make it likely that collective bargaining and harmonious labor-management relations will flourish. If a union cannot negotiate a contract regardless of the speed with which employees are reinstated and bargaining orders imposed, this bodes poorly for the environment where the statute is designed to produce respect for the statute itself. Adherence to our hostility towards governmental interference in the collective bargaining process becomes somewhat absurd when the policy means that there will be no collective bargaining process.

This brings me to the second major concern that I have with the administration of the National Labor Relations Act today. For while the Act and the Board and Court decisions extol the virtues of the process and the automony which the parties ought to have in resolving their own problems, the fact of the matter is that Supreme Court interpretations of the Act—interpretations which I regard as erroneous under existing law—have undermined the very autonomy which the statute purports to promote. Here I have in mind in particular the Supreme Court's decision of three years ago dealing with the duty to bargain over partial closures, *First National Maintenance v. NLRB.*[8]

It is to be recalled that the Court held in that case that partial closures of businesses were not a mandatory subject of bargaining within the meaning of the Act and that therefore at least in the circumstances of that case, the employer's unilateral action was lawful. Earlier the Board had stressed the fact that employees and employers have an investment of sorts in the business—the employee through "years of his working life, accumulating seniority, accruing pension rights, and developing skills that may or may not be salable to another employer."[9] Indeed the Court itself, in *Ford Motor Co. v. NLRB* 441 U.S. 448 (1979), had held that employers were obligated to bargain with unions about cafeteria food prices that would be charged to workers. Thus it would have seemed in a situation where the workers' very jobs were at stake the matter would have been bargainable at the very least. This is particularly true in light of Supreme Court procedures,[10] in addition to the *H. K. Porter* admonition against governmental interference through the imposition of contract terms which, collectively encourage the bargaining process to work its way as a matter of public policy.

But the Court, by a 7-2 vote, was not to allow recognition of the same policy in this case. While the Court in *First National Maintenance* recognized that partial closures would have a "direct impact on employment, since jobs were inexorably eliminated by the termination," the management "focus" was upon the profitability of a business venture which was "wholly apart from the employment relationship." Thus management prerogatives overrode any right to bargain about jobs.

The Court was able to find that the benefit for the employees and their interest in employment and the labor-mangement relationship did not outweigh the "burden" that bargaining would impose upon the employer. This was so because of the employer's interest in speed, flexibility and secrecy. The decision can be criticized on a number of grounds and I have done so.[11]

In *Otis Elevator Company II* 269 NLRB No. 162 (1984) the Reagan Board has extended the holding of nonbargainability in *First National Maintenance.*[12] In the former case a relocation not prompted by labor cost considerations which triggered layoffs was not within the scope of bargaining, said the Board, regardless of ". . . its effect on employees [or on] . . . a union's ability to offer alternatives." What is significant here and in *First National Maintenance* is that a statute concerned with promoting a dialogue through collective bargaining resulted in no bargaining as interpreted by the Court—simply unilateral imposition of management's position. The idea appears to be that mature labor-management relationships which seem at least consonant with the purposes of the statue are deemed to be inadequate or inappropriate for the problem in dispute. This has been decided for the parties by the Court and the Board themselves. In my judgment, the opinions are hardly reconcilable with labor law policy. The opinions are grounded on abstract notions about management prerogatives which have sometimes woven their way into other earlier Court decisions—but which are in no way recognized by the statute itself.

Another example of this approach is the Court's recent decision in *NLRB* v. *Bildisco & Bildisco* —— U.S. —— (Feb. 22, 1984 [13] Here the majority of the Court, over Justice Brennan's strong dissent, concluded that a collective bargaining agreement cannot be enforced against an employer that has petitioned for bankruptcy. As Justice Brennan noted in dissent, there is no provision of the bankruptcy code which provides that an employer may terminate its collective bargaining agreement under such circumstances. And on the contrary, there is an explicit provision in the National Labor Relations Act itself, section 8(d), which obligates an employer not to terminate or modify the agreement. Thus *Bildisco* ignored both the policy of autonomous self-regulation through collective bargaining and, indeed, the explicit language of the state itself.

What is all the more perilous about the Court's decisions in *First National Maintenance* and *Bildisco* is that they deprive workers and their unions of the collective bargaining process and the fruits thereof precisely at a time when job security interests are most vital. Moreover, the erosioin of job security interest has been facilitated by the Reagan Board again in *Milwaukee Spring Division II* 268 NLRB No. 87. (1984) where relocatiion of work to non-union facilities has been deemed to be consistent with the NLRA.

The fact there will be litigation about the meaning of *First National Maintenance* and indeed *Bildisco* for years to come highlights a third deficiency of labor law which has proved particularly troublesome in this country. As I have previously written, "the court of appeals have frequently made it difficult for employees who seek to improve their working conditions through protest and concerned activities to known when their conduct falls within the protection of the statute and when it does not. This is because the courts have insisted that more than one employee be involved in the concerted activity as a prerequisite for finding that it is concerted and thus protected under the Act. To some extent Justice Brennan's opinion for the majority in *NLRB* v. *City Disposal System, Inc.*, —— U.S. —— (March 21, 1984) has undercut this position by its conclusion "that [it] does [not] appear that Congress intended to have this general protection withdrawn in situations in which a single employee, acting alone, participates in an internal aspect of a collective process." The Court's *City Disposal* opinion may also have undercut part of the Reagan Board's reasoning in the recent *Meyers Industries, Inc* 268 NLRB No. 73 (1984) decision which reversed previous authority protecting a single employee's against conditions of employment which are designed to benefit all employees. In *Meyers Industries,* the Board stated that it would require that the activity be engaged in "with or on the authority of other employees, and not solely by and on behalf of the employee himself."

Whatever the impact of City Disposal Systems, a narrow reading of the law is both pernicious and ludicrous. The average workers (let alone their lawyers), particularly those not represented by a union and without the benefits of collective bargaining, will have no way to protest under a statute which protects self-help. Is the worker's activity to be protected if the evidence can be introduced before administrative law judge to the effect that the employee contracted others and had discussions with others? Should the employee's testimony to the effect that he was seeking to benefit himself and not others be dispositive or in any way relevant? Affirmative answers to these ques-

[8] 452 U.S. 656 (1981).

[9] *Ozark Trailers Inc.* 161 NLRB 561 (1966).

[10] *American Ship Building Co. v. NLRB* 380 U.S. 300 (1965); *NLRB v. Insurance Agents International Union* 361 U.S. 477 (1960); *NLRB v. American National Insurance Co.* 343 U.S. 395 (1952).

[11] "Gould, *The Supreme Court's Labor and Employment Docket in the 1980 Term: Justice Brennan's Term* 53 University of Colorado L. Rev. 1, 6-18 (1981).

[12] Cf. Bob's *Big Boy Family Restaurants* 264 NLRB No. 178 (1982).

[13] Gould, *Recent Developments Under the National Labor Relations Act: The Board and the Circuit Courts* 14 University of California, Davis L. Rev. 497 (1981). See generally Cox, *The right to Engage in Concerted Activities,* 26 Indiana L.J. 319 (1951).

tions impose an obligation upon average workers to engage in lawyer-like pleadings and behavior. This hardly seems to be consistent with the idea of labor law designed to eliminate the inequality in bargaining power to which the Court referred just a few months ago in *City Disposal* and a process designated to put lay people at ease.

CONCLUSION

American labor law has failed to implement basic policy objectives enshrined in the NLRA itself. The Reagan Board has made this situation go from bad to worse. Its rejection of nonmajority bargaining orders, though the statute does not prohibit them (and its policies encouraging collective bargaining actually promote them!) is vivid and dramatic testimony for this proposition.

But the Act is in need of amendments as it relates to representation disputes. Congress should take the lead in enacting a law which provides for expeditious judicial review and the selective imposition of contract terms where the duty to bargain in good faith is not met and a contract is not bargained voluntarily.

In the job security arena, the Court's opinions involving plant closures and bankruptcy are the principal villains. Congress seems interested in the bankruptcy issue in a broader context than labor disputes. It should also reverse the Court on plant closures. If the NLRA sanctioned collective bargaining under such circumstances, the impetus for plant closure legislation and consequent inflexible notice requirements would diminish.

And finally, under a statute designed to protect workers who speak up in protest against working conditions with or without a union, is it not the ultimate irony to require workers to plead their involvement with other employees in order to obtain the statute's protection? Perhaps Justice Brennan's City Disposal opinion declaring single employee protest to be within the ambit of the statute has made such approaches relics of the past. The coming months of Board and judicial activity will determine whether Congressional action is necessary here.

It is necessary elsewhere. In the arena of recognition and job security, labor law has failed us increasingly with each passing year—yea, even each month in 1984. It is hardly radical ideology to say that Congress ought to amend the statute so as to make it comport with the idea of dialogue and not monologue.

Surely the Republic will be more wisely served if labor and capital are encouraged to coexit peaceably. The present tread, I fear, is in the opposite direction.●

SOVIET JEWRY LEGAL ADVOCACY CENTER

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thurdsay, August 9, 1984

● Mr. FRANK. Mr. Speaker, the Soviet Jewry Legal Advocacy Center in Boston does important work defending the rights of refuseniks in the U.S.S.R. I would like to enter into the RECORD the excellent legal brief which Donna Artz, the legal director, prepared on behalf of Alexander Yakir.

It speaks for itself:

PROSECUTION OF ALEXANDER YAKIR

I. INTRODUCTION

This brief in behalf of Alexander Yakir, a citizen of the State of Israel, residing at Profsoyuznaya ul. 96-5-35, Moscow, U.S.S.R. 117485, seeks to prevent his prosecution, conviction and sentencing by demonstrating that the charge of draft evasion has been selectively and improperly applied to him in retaliation for the repeated application for emigration visas sought by Alexander and his family.

II. STATEMENT OF FACTS

Alexander Yakir and his parents Yevgeny and Rimma first appled to emigrate in October 1973. They are probably the only refuseniks denied visas to emigrate because of their family name. Alexander's paternal grandfather and great uncle, Maurice and Iona Yakir, were Soviet military generals executed during the Stalinist purge of 1937. Alexander's paternal grandmother, Isabella Yakir, was deported to Siberia for twenty years of hard labor for being the wife of "an enemy of the people." His maternal grandfather also perished in one of the Stalinist purges. It was not until Khrushchev's "secret speech" about Stalin's crimes that Yevgeny and Rimma Yakir were permitted to live in Moscow and receive their doctorates in mechanical engineering and mathematical-computer engineering, respectively. Alexander, their only child, was born on October 15, 1956.

The official reason given by OVIR for the rpeated refusal of the Yakirs' visas is the so-called "secret classification" of Rimma's work, which she had left in June, 1973. (In 1979 her Institute informed her that it had not in any way obstructed her emigration.)

Alexander received his university engineering degree in June, 1977. In April of that year he became a citizen of Israel and applied himself, without his parents, for an exit visa, which was soon thereafter denied. In 1981, Alexander was accepted for admission as a transfer student by Brandeis University in Waltham, Massachusetts, to which he had applied in order to study Hebrew, Jewish studies and computer science. Since the time in which he became eligible for conscription, at age 18, he has not attempted to evade the military authorities. After finishing higher educational training, he worked as an elevator operator, lifeguard, and archaeological assistant (being unable, as a refusenik, to find work as an engineer).

In the late 1970's, the Yakir family became well-known refuseniks with many friends and supporters in the West, including Senators Dole, Eagleton, Gradison, Metzenbaum and DeConcini.

On June 18, 1984, Alexander was arrested. His father Yevgeny, prohibited from visiting his son in a Moscow jail, was informed that Alexander's case would be transferred to a court at the end of June for initiation of criminal proceedings against Alexander for violation of Article 80 of the R.S.F.S.R. Criminal Code.

If Alexander, the grandson of Maurice Yakir, is convicted and sentenced to prison, he will be at least the fifth Yakir in less than fifty years to be persecuted by Soviet authorities because of his religion.

III. LEGAL ARGUMENT

A. CRIMINAL CODE ARTICLE 80 CANNOT BE APPLIED TO ALEXANDER YAKIR

The prosecution will attempt to prove that at and/or up to the time of his arrest in June, 1984, Alexander Yakir had violated Article 80 of the R.S.F.S.R. Criminal Code, which in paragraph 1 punishes evasion of regular calls to active military service by a term of one to three years imprisonment, and in paragraph 2 applies the more serious punishment of one to five years imprisonment for evasion by e.g. forgery or "any other deception," without defining "Deception."

Neither of these paragraphs of Article 80 can properly be applied to Alexander Yakir, for the reasons discussed below.

1. Only Soviet citizens are obligated to serve in the U.S.S.R. armed forces

Article 63 of the Constitution of the U.S.S.R. states that military service in the ranks of the Armed Forces of the U.S.S.R. is an honorable duty of Soviet Citizens. Articles 1, 2 and 3 of the U.S.S.R. Law on Universal Military Service (1967) similarly refer to military service as the duty and obligation of "U.S.S.R. citizens." It is a basic premise of the military systems of most if not all nations that only persons who are citizens of that nation are required to serve in the national armed forces.

Alexander Yakir first applied to emigrate to Israel with his family in 1973. In 1977 he applied by himself because in that year he became a citizen of the State of Israel.

The U.S.S.R. Law on Universal Military Service makes no provision for conscription of persons of dual or foreign citizenship. The U.S.S.R. Law on U.S.S.R. Citizenship (1978) does provide, in Article 17, for renunciation of Soviet citizenship. Although that law refuses in Article 8 to recognize dual citizenship, such as dual Soviet and Israeli citizenship, dual citizenship was a recognized concept in Soviet law in 1967, at the time of the enactment of the military law See Chkheidze, "The Course of International Law" (Nuka Publishing House, 1967). Therefore, because there is no provision for conscription of dual citizens in the 1967 Law on Universal Military Service, the duty is not applicable to persons who claim dual or foreign citizenship.

Since 1977, when he became an Israeli citizen, Alexander Yakir has no longer been subject to the Soviet draft.

2. Only persons aged 18-27 are subject to the Soviet draft

Article 10 of the U.S.S.R. Law on Universal Military Service requires call-up for active duty of male citizens who are 18 years old. The maximum age is 26, or up to the time a male citizen turns 27. This upper limit is set by Article 37, which provides that draftees with deferments "as well as those who for various reasons were not drafted into the U.S.S.R. Armed Forces within the established periods, are to be called up for active duty before they turn 27."

Alexander Yakir turned 27 on October 15, 1983 and therefore has not since that date been liable for active duty.

3. Persons eligible for an educational deferment are not evading the draft

Article 35(a) of the U.S.S.R. Law on Universal Military Service provides that draft deferments for continuation of education are granted to students in daytime (non-correspondence) higher schools such as universities. In 1981, Alexander Yakir applied for and was accepted to continue his education at Brandeis University in Waltham, Massachusetts. He has sought to emigrate from the U.S.S.R. for that purpose. Because he is eligible for an educational deferment, he has not evaded active military call-up.

4. The limitations period applicable to Criminal Code Article 80 has lapsed

Article 80 of the R.S. F.S.R. Criminal Code provides for terms of one to three, and one to five years, depending on the severity of the violation. Article 48 of the same Code provides periods of limitations for instituting criminal proceedings, stating in relevant part:

. . . (2) three years from the day of committing a crime for which, under the present Code, deprivation of freedom of not more than two years . . . may be assigned

. . . (5) five years from the day of commiting a crime for which, under the present Code, deprivation of freedom for a term not exceeding five years may be assigned . . .

The prosecution cannot prove that Alexander Yakir has violated paragraph 2 of Article 80, which provides for a term not exceeding five years. Even if it could prove such a violation, criminal proceedings under that paragraph (and, similarly, paragraph 1, if it could prove such a violation) cannot now be instituted against Alexander Yakir.

Alexander Yakir first became eligible for the draft when he turned 18 on October 15, 1974, over nine years ago. Even if the prosecution argues that he became eligible for the draft when he received his university degree in June 1977, that was seven years ago. The limitations period applicable to both paragraphs of Article 80 has therefore lapsed.

B. THE PROSECUTION CANNOT PROVE THE ELEMENTS OF CRIMINAL CODE ARTICLE 80 WERE VIOLATED BY ALEXANDER YAKIR

Alexander Yakir cannot be convicted of draft evasion because Article 80 cannot be applied to him, as shown above. Moreover, in order to convict a person subject to Article 80, the prosecution must prove that:

(a) a regular call to active military service has been made to the individual;

(b) the individual has evaded that call; and

(c) the individual has intentionally (or negligently) evaded the call.

Elements (a) and (b) are based on the language of Article 80 of the R.S.F.S.R. Criminal Code (see note 1). Element (c) is based on Articles 3 and 8 of the same Code, which provide that persons are subject to criminal responsibility and punishment only if they intentionally commit a socially dangerous act, that is: if the person who commits it is conscious of the socially dangerous character of his action or omission to act, forsees it socially dangerous consequences, and desires those consequences or consciously permits them to occur. (Article 8).

Alexander Yakir has not intended to evade the draft. He has not been in hiding since either 1974 or 1977. He has not intended, foreseen or desired to commit a socially dangerous act. His only intention has been to emigrate from the U.S.S.R. to study in the United States and/or reside permanently in Israel.

Moreover, Yakir considers himself an Israeli citizen. He believes that military conscription is not applicable to persons of dual or foreign citizenship. Consequently, he had no subjective intent to violate Article 80. Thus, the prosecution cannot prove that he has violated Article 80.

IV. CONCLUSION

Because Criminal Code Article 80 does not apply to Alexander Yakir and violation of that Article cannot be proven against him, he should be released from imprisonment and not brought to trial. His arrest, and his trial, conviction and sentencing if they take place, are evidence of the retaliation against Alexander and his parents by Soviet authorities. The selection of this 28 year old youth for prosecution is undoubtedly due to his exercise of his rights under international law to emigrate and to change his nationality. See the Universal Declaration of Human Rights, Articles 2 and 15(2); the International Covenant on Civil and Political Rights, Article 12(2); and the Helsinki Final Act. Like his family members Maurice, Iona and Isabella Yakir, Alexander Yakir has been selected for persecution by Soviet authorities, to be made an example of for other Soviet Jews.

For the reasons stated herein, Alexander Yakir should be released from imprisonment and, with his parents Yevgeny and Rimma Yakir, granted an exit visa.●

JOHN HYZNY RECEIVES THE PATRIOT OF THE YEAR AWARD

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. LIPINSKI. Mr. Speaker, on June 22d, John Hyzny was awarded the Nick Fryziuk Patriot of the Year Award in the Fifth Congressional District of Illinois. The Patriot of the Year Award is presented to the individual or individuals whose sense of Americanism and patriotism have been exhibited through years of dedication and service in the community.

Mr. Hyzny, who is a lifelong resident of the Southwest Side, has been a strong proponent in the belief that individuals should take an active part in civic and community affairs.

John serves on several committees which are dedicated to making the neighborhood a better place to live. He has always extended his personal help and the use of his facilities to the many organizations of his community.

Mr. Hyzny has received other awards before the Patriot of the Year Award, including the Ray McDonald Community Achievement Award, for his efforts in behalf of charitable and other worthy endeavors. I was extremely proud to award the Nick Fryziuk Patriot of the Year Award to John Hyzny.

I know I join the residents of the Fifth Congressional District in paying tribute to John Hyzny for his work, and I would like to introduce into today's CONGRESSIONAL RECORD a newspaper article honoring John Hyzny upon his receipt of the Nick Fryziuk Patriot of the Year Award.

[From the Midway Sentinel, June 1984]

BISHOP ABRAMOWICZ AND JOHN HYZNY TO BE HONORED AT LUNCHEON

Congressman William O. Lipinski has announced that Bishop Alfred Abramowicz and John Hzyny will be honored at this year's Patriot of the Year Luncheon to be held at 12 noon on June 22 at the Rhine V.F.W. Post, 5858 Archer Ave.

According to Lipinski, this luncheon will serve to recognize and honor two outstanding individuals for their dedication and devotion to community, civic and humanitarian endeavors.

Two distinct and coveted awards will be presented at this year's luncheon. John Hzyny, as a resident of the 23rd Ward community, will receive the "Nick Fryziuk Patriot of the Year Award" while Bishop Abramowicz will be honored with the "Stanley Piekarz Minuteman of the Year Award."

Bishop Abramowicz who was ordained a priest in 1943 and named Auxiliary Bishop of Chicago in 1968 has played an integral role in the number of humanitarian programs throughout the community, most notably the food and medical supply drive for the citizens of Poland. He is also co-chairman for the National Committee of the "National Czestochowa Trust Appeal" and is currently serving on a commission investigating the refugee problems in Thailand and Africa.

John Hyzny, who is a lifelong resident of the Southwest side, has been an active member of the Midway Kiwanis Club, Lech Walesa Triangle Committee, Vittum Park Civic League and various other neighborhood organizations. During the past year, Johnny, as chairman of the "Have a Heart for Keith" committee, has been raising funds to help defray the costs of a heart transplant needed by Keith Stanislawski, a 12 year old Chicago Lawn boy who is suffering from cardiac myopathy, a virus that causes deterioration of the heart muscles. Keith recently received his new heart on May 23 and is currently recovering in a Pittsburgh hospital.

Anyone interested in attending the awards luncheon is asked to call Jim Laski at 767-1720 no later than June 19. The price of the luncheon is $8 and can be paid in advance or at the door.●

REAGAN'S POWER PLAN IS JUST SACRILEGIOUS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. LEVINE of California. Mr. Speaker, in a recent column, William Safire exposed the contradictory nature of the administration's position on the equal access legislation approved by Congress.

It has always been this administration's position that local school boards should be making the decisions about the administration of our public schools. Yet, as Mr. Safire—an outspoken defender of this administration's policies—points out, this so-called equal access bill will instead "lead to a major flow of power to the Federal Government, and a loss of local control of schools by neighborhood parents."

Mr. Safire goes on to say, "Sold as 'pro-religion,' the anything-goes-after-school bill is anti-family, anti-neighborhood, anti-values."

I commend Mr. Safire's column to my colleagues. It is a compelling and cogent argument that Congress should

reconsider its approval of this dangerous bill.

[From the New York Times, Monday, July 30, 1984]

REAGAN'S POWER PLAY IS JUST SACRILEGIOUS

(By William Safire)

At the urging of President Reagan, Congress has passed a law that strips local school boards of the right to bar far-out religious cults, Communists, black-power separatists and the Ku Klux Klan from using public school facilities after school hours.

Under this startling "equal access" act, the government in Washington—and not the neighborhood school board—assumes the right to dictate the use of facilities built with the funds of local taxpayers.

Can this power-grab by Washington be what Reagan intended when he endorsed the equal-access legislation put forward by the religious right advocating the use of schools for religious clubs?

Hardly. In his zeal to "return God to the classroom," the president bought the notion that religion could be an extracurricular activity, like drama clubs and bands. He was not troubled that this would transfer some religious observance away from the neighborhood church and into the school; worse, he was unconcerned about the consequences of his undermining of local power.

As Stuart Taylor Jr. of the New York Times has noticed, it could lead to a major flow of power to the federal government, and a loss of local control of schools by neighborhood parents. Congress could not open classrooms to use by religious groups without equal access to all religions, from Moonies to sexologists; it could not rip away local ability to bar religious groups without extending such protection to political groups, and many of those groups, from Trotskyites to neo-Nazis, will be obnoxious to local taxpayers.

Some civil libertarians are pleased at this federal dictation to localities to open school facilities to all; I'm one libertarian who believes that locally elected school boards should continue to be free to decide whether schoolrooms are to be used by teachers to educate students or used by students to radicalize one another.

This is the most unthinking decision of the Reagan election campaign, second in stupidity only to the denial of post-candidacy Secret Service protection to Jesse Jackson. Reagan's Washington-knows-best school power-grab is an abandonment of a central conservative principle: that in a diverse society, power to govern in everyday matters is best left to the elected officials closest to the people.

In years past, Washington has taken away the rights of states to set the voting age—that, at least, was done by the 26th Amendment, ratified by three-fourths of the states. More recently, Reagan signed a bill to penalize states that dare to vary from Congress' idea of what the drinking age should be; states that cling to their constitutional authority now lose federal highway funds.

Such centralization of power was long a liberal Democratic habit. Sometimes a national sense of justice must override local preference, as in civil rights, but we should have learned that any imposition of the "national will" on localities is a wrenching act that should be limited to what cannot be achieved after years of persuasion.

Good causes make bad law: The hope for the religious inspiration of youth, no less than the fear of the drunken driver, should not be permitted to nationalize our federal system.

That system, Reagan has forgotten, respects diversity and encourages local control. In both the local-access and drinking-age cases, the president has put the popularity of the "national" cause (religion and sobriety) ahead of the principle of letting states and neighborhoods make their own decisions. Populism has triumphed over conservatism.

Liberals who have yearned for an activist president now see how uncheckable activism can erode the separation of church and state. The religious right, which embraced such unconservative activism to get its foot in the door of public schools now sees how it has kicked the door down to permit the Atheists Club, the Pot & Booze Society—not to mention the Ronald Reagan Gay Rights Marching Band—to use school facilities in defiance of local wishes.

The bill now on the president's desk for signature—legislation he called for, his Department of Education lobbied for, and his campaign ads have been touting as part of his personal platform—is an unprincipled abomination.

Sold as "pro-religion," the any thing-goes-after-school bill is anti-family, anti-neighborhood, anti-values. He should admit his mistake and back off.●

THE LYNCHBURG HERITAGE TRAIL

HON. JAMES R. (JIM) OLIN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. OLIN. Mr. Speaker, the Lynchburg Heritage Trail, was created by Don Harris, Scoutmaster, Boy Scout Troop 19; his wife, Carole, the Central District Scouting coordinator; and Floyd Andrus, Assistant Scoutmaster, Troop 19. These leaders of Troop 19, who collectively have been involved as adult leaders in Scouting for about 64 years, were searching for a way to introduce the members of their troop to the history of the city of Lynchburg. What began as a troop project, however, became a project of much greater significance when it was endorsed by the Blue Ridge Mountain Council, Boy Scouts of America, as part of the historic, wilderness and heritage trail concept. National recognition was bestowed on the trail when it was declared a fourth place winner—there were over 300 entries—in the 1983 Colgate-Palmolive "Help Young America" contest. Widespread community support resulted in a Lynchburg City Council proclamation designating November 19, 1983, as "The Lynchburg Heritage Trail Day."

One of the biggest problems faced by Don, Carole, and Floyd was deciding which sites to include on the trail. Their objective was to acquaint interested persons and groups with as much of Lynchburg's heritage as possible in a minimum hiking distance. What evolved was a 10-mile trail winding through the city. Those who hike its entire length are exposed to the broad spectrum of Lynchburg's past.

Lynchburg's history officially began in 1757 when John Lynch began operating a ferry across the James River. A town grew up and prospered along the river and on the hills overlooking Lynch's ferry. In 1786 the Virginia General Assembly granted Lynch a charter for the town, and a 45-acre tract was divided into half-acre lots.

Appropriately enough, the Lynchburg Heritage Trail begins at the South River Meeting House. Lynch and others prominent in the early history of the city were Quakers. John Lynch donated the land on which the South River Meeting House now stands for the erection of a church building. The first log building was erected in 1757. The stone structure, now standing, was completed in 1798.

Time does not permit me to elaborate on the 52 sites whose history has been carefully researched for trail hikers. Some of the most familiar are the Old Courthouse (1855), part of the Lynchburg Museum System; Point of Honor (1806), built by Patrick Henry's personal physician and also part of the Lynchburg Museum System; the Western Hotel (1815), where Thomas Jefferson is reported to have been a frequent guest; the Miller-Claytor House (1890), reportedly the spot where Thomas Jefferson ate a tomato, then called a love apple, to prove it was nonpoisonous; the Academy of Music (1905) and the home of Anne Spencer, the internationally renowed poet.

Thanks to the generosity of Mr. George T. Stewart and First Colony Life Insurance Co., a detailed brochure has been produced which provides hikers with the history surrounding these and other less well-known sites. Scouters who can satisfactorily answer a specified number of questions qualify for the Lynchburg Heritage Trail Medal. Whether you are a Scout, working to earn a medal, or an individual interested in the history of Lynchburg, a hike along the trail will make you agree with Thomas Jefferson that Lynchburg is a most interesting spot.

Lynchburg, known by many as the City of Seven Hills, is now preparing for the official celebration of its bicentennial in 1986. It is very fitting that the creators of the Lynchburg Heritage Trail have dedicated the trail to Lynchburg's bicentennial with the hope of inspiring and instructing "both young and old with fact, not fancy and * * * to intrigue perhaps a few into investigating further our heritage in community, State, Nation, and world."

I commend Don and Carole Harris and Floyd Andrus for their dedication to a most worthwhile project and for the superlative manner in which the

project moved from conception to completion. Since the trail was introduced in April 1982, over 300 hikers have been exposed to the rich heritage of the city of Lynchburg. The bicentennial celebration in 1986 will be enhanced by the existence of the trail.●

WHY THE ACLU IS GAMBLING WITH ROE

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. TAUKE. Mr. Speaker, yesterday, the Washington Times ran the following article by Steven Valentine regarding the American Civil Liberties Union's [ACLU] suit filed against three significant changes in the State of Illinois' abortion statute. Mr. Valentine offers an interesting perspective, and I commend this essay to the attention of my colleagues.

WHY THE ACLU IS GAMBLING WITH ROE

The American Civil Liberties Union has filed a lawsuit in Chicago that demonstrates dramatically the extremes to which the pro-abortion movement seeks to push the U.S. Supreme Court's 1973 Roe vs. Wade decision. But the ACLU case, Keith vs. Daley, may also turn out to be the means by which Roe vs. Wade is significantly restricted, or even reversed, by the court.

Overriding the veto of Gov. James Thompson, the Illinois General Assembly recently enacted three significant changes in its abortion law.

First, under the new statute, physicians who abort unborn children who may be viable must use the procedure that is safest for both the mother and the child.

Second, doctors must tell expectant mothers who seek abortions about the availability of medication to relieve the pain that the viable unborn child may feel during the operation. And third, the new law prohibits abortionists from performing sex-selection abortions.

None of the three amendments to the Illinois abortion law violates the Supreme Court's Roe v. Wade ruling. After all, Roe says that women have a right to abort (empty from their wombs) unborn children, not to ensure that they will die in the process. And the humane act of at least relieving the pain of the unborn as they are aborted does not prevent women from having abortions. Finally, Roe gave women the right to decide whether to give birth to a child, not what kind of child.

Yet the ACLU believed so strongly that these Illinois amendments threaten Roe vs. Wade that it found five local abortionist physicians to bring a lawsuit in federal court seeking to have the offending provisions declared unconstitutional. Why?

The "viability" issue is a gravely serious problem for the abortion industry. Not only is the point in pregnancy at which the unborn child would be "viable" outside the mother's womb getting earlier as technology advances, but by definition a "viable" unborn child who is only aborted (emptied from the womb) might live. Until recently, most late-term pregnancies have been ended by fetal expulsion procedures that sometimes result in live births. To avoid this "unwanted" outcome, abortionists lately have been turning to a relatively new method of abortion by which the unborn child is dismembered by a knife while inside the womb, then removed part by part.

The new post-viability provision of the Illinois law, then, is designed effectively to prohibit this grotesque, feticidal method of abortion. Taken in conjunction with earlier viability, the prospect of losing this abortion method scares pro-abortion doctors, and hence their compatriots at the ACLU. They want the federal courts to say that *Roe vs. Wade* really means not only a right to an abortion, but a right to a dead child, too.

Fetal pain is an aspect of the abortion issue that President Reagan has done much to bring before the public. Almost any objective observer who looked at the medical facts would agree that, at least at some point in gestation, the unborn child is capable of feeling pain. And any of the methods of abortion now in prevalent use, therefore, may cause incalculable pain to the unborn children who are the targets. Recognizing these facts, and the reality that abortion is legal by direction of the Supreme Court, the Illinois General Assembly took a humane step. It provided that doctors must show the same humane consideration toward doomed unborn children that is asked for dogs and cats who are "put to sleep."

The fetal pain issue, too, scares the abortion industry and its friends at the ACLU. It tends to humanize the unborn child. Perhaps worse yet, from their perspective, requiring doctors to tell expectant mothers that their babies might feel excruciating pain when they are aborted might lead to a sharp drop in the number of abortions. Thus, by its lawsuit, the ACLU seeks to have the federal courts say that *Roe vs. Wade* forbids Illinois to invade the "privacy" of the "physician-patient relationship" by trying to alleviate fetal pain.

Information released recently by the National Academy of Sciences indicates that as many as 60,000 newborn Chinese girls are killed each year because their parents prefer boys. The shocking NAS report describes in gory detail the methods by which baby girls are killed. For example, some expectant Chinese parents keep a water bucket by the maternity bed in which to drown the little girls as soon as they are born.

Sex-selective abortion in America is the moral equivalent of sex-selective infanticide in China. Amniocentesis, and other prenatal genetic screening procedures, are becoming more widely used each year as parents seek to avoid the births of "defective" children. Virtually all these tests have to be undertaken quite late in pregnancy, and the wait for the results is usually several weeks. A by-product of amniocentesis, as well as most of these other tests, is revelation of the sex of the unborn child. Thus, even if the child is genetically "normal," the mother can choose a late-term, extremely painful (for the child) abortion if she finds that the child is not of the desired sex. Every known barometer of the practice indicates that, by an overwhelming margin, it is the female unborn babies who get aborted.

No known studies indicate how widespread the practice of sex-selective abortion is in America. But it is significant enough to be discussed and debated in the legal and medical journals. Obviously the Illinois General Assembly is convinced that it is a problem. And the abortion industry, with the ACLU by its side, is worried about the implications of the Illinois ban on sex-selective abortion.

But it is not sex-selective abortion per se that is the problem for the pro-abortion side. It is two other considerations.

First, if *Roe vs. Wade* is to be the pure, unencumbered right to abortion (and feticide) that they seek, then no state legislature is to be permitted to presume to tell any woman which are legitimate reasons for having an abortion.

Second, and perhaps more important, if the sex-selection statute in Illinois is upheld in the federal courts, then it will be established that *Roe vs. Wade* does not mean that women have the right to choose which kinds of unborn children should be permitted to live until their natural birth.

In short, might the next step for states like Illinois be to ban genetic abortions where tests show that the unborn child has Down's syndrome, spina bifida, or some other malady? That is what may really scare the abortion industry and the ACLU.

Thus, in *Keith* vs. *Daley*, the abortionists and the ACLU seek to preserve and expand the *Roe* vs. *Wade* "right to an abortion." But the new Illinois law is a state statute. And if the U.S. District Court strikes it down (it already has issued a temporary restraining order), then Illinois has a right of appeal to the U.S. Court of Appeals for the Seventh Circuit and ultimately to the U.S. Supreme Court.

By the time the case reaches the Supreme Court, is argued, briefed, and considered. President Reagan's re-election, coupled with vacancies on the high bench, might provide the margin by which it could be used to reverse *Roe* vs. *Wade* altogether. Five of the six pro-*Roe* Justices are now older than 75. And two of the three anti-*Roe* are under 60.

Even if the composition of the court when *Keith* vs. *Daley* reaches it is not such that *Roe* vs. *Wade* can be reversed, it will provide a means by which to win significant restrictions on the abortion "right." Do a majority of the Justices really mean to say that *Roe* vs. *Wade* means a right to feticide? An effective right to cause the unborn child pain as it is aborted? A right to sex-selection abortion?

Thanks to the new ACLU lawsuit, we may find out.●

AN EDITORIAL VIEWPOINT ON THE ADMINISTRATION'S POPULATION CONTROL EFFORTS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. BEREUTER. Mr. Speaker, yesterday's editorial in the Omaha World Herald has a message for all of us—and sends a strong message to the White House. The editorial addresses the administration's effort to link its opposition to abortion with U.S. policy of supporting international family planning. In one word, the World Herald thinks that policy is: "Wrong."

As a Member of Congress who is also morally opposed to abortion, I find myself in agreement with the views of the editorialist. I insert the text of the editorial in the RECORD.

[From Omaha World Herald, Aug. 8, 1984]

REAGAN POLICY THREATENS POPULATION CONTROL EFFORTS

The Reagan administration is wrong in attempting to link its opposition to abortion with the U.S. policy of supporting international family planning efforts. The new policy should be reconsidered.

In previous years, the United States was a strong and responsible supporter of family planning around the world, and it has contributed generously to programs for population control in Third World countries.

Now, however, the United States has adopted a position that could reduce family planning services in some of the most heavily populated parts of the world.

If Reagan had merely cut off funds used directly for abortion, that would have been one thing. There is precedent for restricting the use of U.S. tax funds to finance abortions. And abortion is "a very minor issue in the totality of population discussions," said Rafael Salas, executive director of the United Nations Fund for Population Activities.

But the new policy is so broad that it could make it harder for people to get other family planning services in some countries where they are needed the worst. Countries that promote abortion could lose U.S. family planning aid unless the abortion programs were handled through a separate account. Private agencies that perform or promote abortions would receive no family planning aid.

The U.S. policy was announced just before the start of the U.N. International Conference on Population in Mexico City. In the past, the United States has taken a leadership role at such conferences.

This time, U.S. delegates are spending more time fending off criticism and defending the Reagan position in the face of fearsome projections of what could happen if the birthrate is not stabilized.

The administration's threat to hold international family planning assistance hostage as a statement against abortion is deplorable. And, if it means fewer family planning services for people in overpopulated Third World countries, it also would be tragic.●

THE OBSTETRIC CARE INFORMATION ACT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. BIAGGI. Mr. Speaker, today I am introducing legislation that would provide all women of childbearing age the right to have access to information about obstetric care that could have potentially harmful effects upon their own health as well as their children.

This bill, the Obstetric Care Information Act, requires that States, as a condition of receipt of maternal and child health funds provided under title V of the Social Security Act, assure that women have access to this kind of obstetric information. This bill further requires the Food and Drug Administration to disseminate information on potentially harmful obstetric drugs and devices for pregnant women and their children.

Mr. Speaker, since the end of World War II, increasing numbers of obstetricians are using a wide range of obstetric drugs before and during the birth of children. Many valid questions have been raised as to the necessity and risks of administering these drugs to pregnant women. There have been a number of cases where children whose mothers were treated with selected obstetric drugs were born with mental disabilities. While in many instances, the use of certain types of drugs are necessary during pregnancy, the potential risk involved to both the mother and the newborn in taking these drugs should warrant both caution and close consideration on the part of parents and doctors alike.

A 1979 report by the General Accounting Office which examined this problem revealed that Federal attention on the impact of current obstetric practices has been limited. One of the more disturbing elements of the GAO report was that since the early 1960's, several obstetric drugs, such as sparteine sulfate, had been reported as having adverse effects on newborns. Yet, it was not until 1979 that action was taken by the FDA to remove this drug from the market.

The GAO also pointed out an April 1977 case of a child that was delivered by elective induction who had suffered brain damage. This damage more than likely could be traced to the use of injected Pitocin during elective induction of labor. After this case was brought to the attention of the FDA, they convened their Fertility and Maternal Health Drugs Advisory Committee, which recommended the labeling of two common obstetric drugs, Pitocin and Syntocinon, for possible harmful effects. This recommendation was, in fact, implemented,

The tremendous lag time, as typified by the FDA action in this matter, illustrates the problem. Clearly, warning labels are not enough. My bill would go one step further by providing women with more comprehensive information so that they can make intelligent and informed choices about both obstetric drugs and procedures that may have serious consequences for their future and the future of their children. In reviewing this information, many parents will realize that certain procedures and drugs are unnecessary and there are alternative procedures available to them to assure a healthy and risk-free pregnancy.

For the benefit of my colleagues, I am inserting the text of the Obstetric Care Information Act into the RECORD and urge them to join me in supporting this important legislative initiative.

H.R. 6129

A bill to amend title V of the Social Security Act to require States to provide women during and after pregnancy with access to their medical records and current information on obstetrical procedures and to amend the Federal Food, Drug, and Cosmetic Act to require the dissemination of information on the effects and risks of drugs and devices on the health of pregnant and parturient women and of prospective and developing children.

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Obstetric Care Information Act".

ACCESS OF PREGNANT AND POST PARTUM WOMEN TO THEIR (AND THEIR INFANTS') MEDICAL RECORDS AND PROVISION OF CURRENT INFORMATION REGARDING OBSTETRICALLY-RELATED DRUGS AND PROCEDURES

SEC. 2. (a) Section 505(2) of the Social Security Act (42 U.S.C. 705(2)) is amended (1) by striking out "and" at the end of subparagraph (D), (2) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof a semicolon, and (3) by inserting after subparagraph (E) the following new subparagraphs:

"(F) the State has a law under which any health care practitioner or provider of services (as defined in section 1861(u)) who furnishes health services in the State to a woman during pregnancy or parturition must provide the woman, upon her request, with—

"(i) the opportunity to inspect and copy any medical records with the practitioner or provider maintains relating to the condition or treatment of the woman and her infant during the pregnancy, parturition, and post partum, and

"(ii) a reasonable explanation of any portion of such medical record which is not comprehensible to a layperson,

and under which there are appropriate procedures (as determined by the Secretary) to ensure the provision of the opportunity for inspection and explanation specified in clauses (i) and (ii); and

"(G) the State has a law under which any health care practitioner or provider of services (as defined in section 1861(u)) in the State who performs a medical procedure on, or administers a drug or medical device to, a woman during pregnancy or parturition must (except under emergency and other extraordinary circumstances established by the Secretary)—

"(i) inform the woman, before performing the procedure or administering the drug or device, of the side effects, risks, contraindications, and effectiveness, with respect to the health of the woman and of her prospective children, of the procedure, of not performing the procedure or administering the drug or device, and of performing other medically recognized procedures (and of administering other drugs or devices) instead of the procedure, drug, or device involved, and

"(ii) after being so informed, receive her consent to the perfomance of the procedure or administration of the drug or device.".

(b)(1) Except as otherwise provided in paragraph (2), the amendments made by the subsection (a) shall apply to allotments to States for fiscal years beginning with fiscal year 1986.

(2) In the case of any State which the Secretary of Health and Human Services determines requires State legislation in order to provide the assurances described in subparagraphs (F) and (G) of section 505(2) of the Social Security Act, such assurances shall not be required until the first fiscal year beginning after the date of the first regular session of the State legislature that begins after the date of the enactment of this Act.

INFORMATION FOR PREGNANT WOMEN ON SIDE EFFECTS, RISKS, CONTRAINDICATIONS, AND EFFECTIVENESS OF DRUGS AND DEVICES

SEC. 3. (a) Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding after paragraph (t) the following new paragraph:

"(u)(1) If it is a drug or device distributed or offered for sale in any State and intended for the use of any woman during pregnancy or parturition, unless its label or a written insert accompanying the drug bears an explanation, meeting guidelines established by the Secretary under subparagraph (2), of the side effects, risks, contraindications, and effectiveness of the drug or device on the health of women during pregnancy and parturition and on the health of prospective and developing children.

"(2) The Secretary shall, by regulation, establish guidelines with respect to the explanation of the side effects, risks, contraindications, and effectiveness of drugs and devices intended for the use of women during pregnancy or parturition.".

(b)(1) Subparagraph (1) of section 503(u) of the Federal Food, Drug, and Cosmetic Act (added by subsection (a) of this section) shall only apply to drugs distributed in commerce on or after the first day of the sixth month beginning after the date of the enactment of this Act.

(2) The Secretary of Health and Human Services shall establish the guidelines required under section 503(u)(2) of the Federal Food, Drug, and Cosmetic Act (added by subsection (a) of this section) not later than the first day of the third month beginning after the date of the enactment of this Act.●

TOXICS AND MINORITIES: THE SPREADING DANGER

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. CONYERS. Mr. Speaker, hazardous substances, both in the workplace and in our communities, impact disproportionately on blacks and other minorities, a condition clearly reflected in their disparate disease and death rates.

These dangers, however, are not confined to minorities and indeed threaten this country's human and environmental health as well as its economic viability.

Currently, there are more than 22,000 hazardous waste sits which pose grave dangers to human health. It may cost as much as $40 billion to clean up these ticking time bombs.

There is a common misconception that the safeguarding of occupational and environmental health is incompatible with economic growth. This belief is contradicted by the experiences in countries such as Japan, Sweden, and West Germany as well as the United States. The Japanese Government, for instance, estimates that 20 percent of its economic growth since the recession in 1974 is attributable to technologies mandated by envionmental regulation.

The old adage that an "ounce of prevention is worth a pound of cure" is eminently applicable. Congress must now begin to create a system of financial incentives for the abatement of inherently hazardous technologies and the development of newer safer technologies.

In a recent article, published in USA Today magazine, I go into these matters further.

The article follows:

DEALING WITH OCCUPATIONAL AND ENVIRONMENTAL DANGERS

(By John Conyers, Jr.)

("In a recent Justice Department survey, the public rated industries responsible for polluting the air, water, food, and workplaces with chemicals which will cause cancer and other life-threatening diseases to be as reprehensible as murderers and rapists.")

Through the 1950's, much of the sociological literature on poverty attributed the economic plight of blacks and other minorities to what it said was inherent laziness and intellectual inferiority. This deflected attention from the virtually insurmountable walls of segregation which blocked social and economic mobility. Today, the same thinking is used to explain away discrepancies in health, particularly in cancer and mortality rates.

The over-all rate of increase in cancer among blacks is twice that of whites; the disparity is as much as 15-fold with some of the more dangerous cancers, including cancer of the colon and rectum. Hypertension kills blacks 15 times more frequently than whites. In the workplace, blacks have a 37% higher risk of occupationally induced disease and a 20% higher death rate from occupationally related diseases.

Just as in the 1950's, blacks today are being told that their problems are largely self-inflicted, that their poor health is a manifestation of immoderate lifestyle habits. Such blame-the-victim strategies—which receive tacit, if not explicit, support from the current policies of the American Cancer Society and the National Cancer Institute—serve to divert attention from the fact that blacks are the targets of a disproportionate toxic threat both in the workplace, where they are assigned the dirtiest and most hazardous jobs, and in their homes, which tend to be situated in the most polluted communities.

The comparative statistics on environmental and occupational factors are chilling. Black children in the inner city suffer from lead poisoning, a primary cause of learning disability, at a rate five times that of white children. DDT contamination of black Americans is some three times greater than that of white Americans. In June, 1983, the General Accounting Office (GAO) found that 75% of hazardous waste sites studied were situated in predominantly black communities. Steel industry studies have shown that black coke plant workers have twice the expected cancer-death rate and eight times the expected lung cancer rate. This disparity is explainable by job patterns: 89% of black workers labor at the coke ovens—the most hazardous part of the industry—as compared with only 32% of their white coworkers. In the laundry and dry-cleaning industry, blacks' death rate from all causes is double that of whites. Other industries in which blacks incur highly disproportionate rates of chronic disease and death include rubber, chromate, petrochemical, and mining.

Coupled with the disproportionate exposure to toxics in the workplace and environment is a significantly lower survival rate from cancer among black Americans, a reflection of the second-class health care available to ethnic minorities in the U.S.

The Reagan Administration has displayed remarkable insensitivity to the health concerns of blacks, quite apart from more general public health concerns. Since taking office, the Administration has successfully developed a strategy for dealing with laws that it does not like. Rather than going to Congress to repeal the health and safety mandates that it opposes, the Administration blocks enforcement of existing laws by dismantling the Federal regulatory apparatus while inviting excessive and often behind-the-scenes influence from those industries it supposedly regulates.

In the Occupational Safety and Health Administration (OSHA), for example, where the chief administrator was recruited from a top executive position in a firm with repeated OSHA violations, citations for workplace violations have fallen 49% since the last year of the Carter Administration, follow-up inspections by 55%, and fines by 77%. OSHA also has attempted to block the adoption of standards for use of 116 suspect carcinogens, despite documentation of the need to do so by their own scientists. Regulations for one of these substances, ethylene oxide—a carcinogen which has induced a multitude of miscarriages in hospital workers—were withdrawn after an ex parte meeting between the manufacturers and OSHA officials.

More recently, OSHA has preempted state initiatives for meaningful right-to-know laws, replacing them with Federal standards more protective of alleged trade-industry secrets than of worker health from undisclosed hazards. The Reaganite philosophy of returning powers to the states applies only when convenient.

At the Environmental Protection Agency (EPA), massive public and Congressional outcry toppled the Burford administration, whose penchant for taking polluters to lunch, rather than to court, had become standard operating procedure. Even today, despite modest improvements under the Ruckelshaus administration, thousands of hazardous waste violaters go unchecked, lead still remains in gasoline, and problems of contamination of the nation's food with EDB (ethylene dibromide) are resolved by protecting particular economic interests, rather than public health interests.

THE SPREADING DANGER

Although the impact of the failure to control hazardous runaway technologies is most acutely reflected in the disproportionate disease and death rates of black Americans, the spreading danger of uncontrolled toxics in our air, water, food, and workplaces will eventually heed no boundaries.

It only takes one gallon of industrial solvent to contaminate 20,000,000 gallons of drinking water. Yet, of the 230,000,000,000

pounds of dangerous waste generated each year, at least 90% is disposed of improperly and unsafely, since very few of the 50,000 hazardous waste sites in this country are monitored to any degree.

A recent GAO survey of six industrial states discovered that four of every five major waste-water dischargers have been violating pollution control standards during a period in which EPA enforcements activity dropped 40%. Americans certainly would not tolerate a fatal jumbo-jet crash every single day for an entire year, yet over 100,000 workers die each year from preventable ocupationally induced cancer and other diseases. Inaction is complicity.

The most effective strategy by which the Reagan Administraiton and industry have sold the massive regulatory rollback has been to charge that overburdensome environmental and occupational safety and health regulations have stunted the economy, created unemployment, and triggered hyperinflation. Such propositions are not only self-serving, but wrong.

Apart from protecting lives and the inhabitability of communities, health and safety regulations in the U.S., as in numerous other countries, have spurred far greater economic benefits than losses. These benefits accrue from the "technology forcing" effects of regulation, including process and product substitution; reuse recovery and recycling technologies; appropriate disposal technologies; and improved efficiency resulting from industrial process revamping.

As documented in Richard Grossman and Richard Kazis' *Fear At Work: Job Blackmail, Labor, and the Environment*, more than 100,000 jobs have been created as a result of clean air laws and more than 200,000 jobs from clean water regulations. Had the Reagan EPA maintained compliance timetables, more than 520,000 jobs would have been created through sundry pollution abatement technologies. By contrast, since 1971, fewer than 3,000 workers a year have lost their jobs due to health and safety regulations, and, in most instances, job loss occurred in industries which were technologically obsolete and uncompetitive. Past studies by the Council of Environmental Quality have shown that health and safety regulations have reduced unemployment by 0.4% and increased the GNP by at least $9,300,000,000.

The experiences of Japan and Sweden are also illustrative. During its recession in 1974, Japan employed stringent pollution control legislation to boost construction and engineering and hence restimulate the economy; 20% of its economic growth since that time is attributable to environmental regulation. Sweden used similar measures in 1970 when faced with economic recession. The government introduced strict pollution control legislation and offered industries cash grants of up to 75% for the purchase of pollution abatement technologies. Japan and Sweden are now major exporters of pollution control equipment and technological know-how.

Ciba-Geigy, a Swiss chemical company, with little capital investment, reduced up to 50% of its pollution effluent and saved an estimated $400,000 a year. By revamping its manufacturing process, closing efficiency loopholes, and recycling its water and solvents, it has saved not only money, but energy as well.

Moreover, the short-term economic benefits of regulation derived from new technological stimulation do not take into account the avoidance of massive, but delayed, costs of future disease and environmental degradation. Take hazardous waste as an example. In February, 1983, the EPA conservatively estimated the clean-up costs for 22,000 priority hazardous waste sites would be $16,000,000,000. The total national bill for dealing with the hazardous waste problem is $40,000,000,000, minimally. Michigan estimates that it will need $70,000,000 just to determine the extent of groundwater contamination. Proper disposal of chemicals dumped in Love Canal in the first instance would have cost less than $2,000,000, as contrasted with the anticipated costs in terms of cleanup, relocation, and medical fees of more than $100,000,000. Residents have filed suits for more than $2,000,000,000 in damages. By and large, these extraordinary costs, which exclude the costs of pain, suffering, and medical fees (*i.e.*, 200,000 environmental and occupational induced cancers annually at an average medical cost of $25,000 for each cancer), have impacted disproportionately on minorities and the working classes.

WHERE DO WE GO FROM HERE?

We have become a society highly reliant on technologies which have developed faster than our social means to control the threats they pose to our very existence. The regulatory decisionmaking process has, particularly under the Reagan Administration, become vested in the hands of a small, but very powerful, segment of our society—a network of industries with a limited ethos of responsibility, one in which virtually all results are measured on the annual balance sheet.

In a recent Justice Department survey, the public rated industries responsible for polluting the air, water, food, and workplaces with chemicals which will cause cancer and other life-threatening diseases to be as reprehensible as murderers and rapists. Congress must now respond to this groundswell of concern, first by reasserting its aggressive oversight role to ensure that, minimally, existing health and safety laws are being enforced despite the Administration's lack of understanding of the need to do so. The same problems which were exposed in the EPA, currently faster in OSHA and other Federal regulatory agencies. Vigorous Congressional investigation is long overdue.

Congress must also begin to bolster regulations with a system of market pressures and financial incentives in the form of tax breaks and cash grants to firms investing in occupational and environmental pollution abatement technologies. This can be coupled with financial disincentives for the continued use of inherently hazardous processes and products. Enacting pollution-victim compensation legislation which would provide individuals living in polluted communities with special relief when medical examiners determine that their cause of illness may be pollution-related would be one important method. Revenues for this compensation system could be raised through taxation of pollution sources forcing industries to internalize the costs of pollution which they have traditionally imposed on their workers and communities. If it can be demonstrated that the illness has been caused by a specific company, that company must pay the cost of compensation. Pollution-source taxation should also be further developed to increase funding for pollution cleanup under the now clearly inadequate superfund law. In the incidence of foreseeable illness or death resulting from exposure to substances where inherent dangers were suppressed, severe criminal penalties should be imposed. This could be facilitated through Congressional passage of white-collar crime legislation.

For every hazardous product and process in existence today, there is potentially a safer alternative. A comprehensive system of financial incentives and financial/criminal disincentives, together with a coalition of labor, minorities, environmentalists, and concerned citizens, can act as the catalyst for the ushering in of a new generation of technologies which will stimulate the economy and protect our health.●

ON SOCIAL SECURITY COST-OF-LIVING INCREASES

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. PORTER. Mr. Speaker, I commend to my colleagues a recent editorial in the Chicago Tribune on the recent proposed cost-of-living increases for social security retirement:

[From the Chicago Tribune, Aug. 5, 1984]

SOCIAL SECURITY POLITICS

It's not as blatant as the vote-buying schemes that pockmark Chicago's history. It will cost mega-times more. And it's not likely to work. But it's no coincidence that President Reagan and members of Congress are tripping all over each other in their haste to increase Social Security payments to senior citizens—who vote in larger proportion than other groups—just before the election.

That little something extra the politicians plan to give the elderly is going to cost about $5 billion next year. And unlike the penny-ante Chicago-style handouts, it's going to keep on costing year after year, if most members of Congress have their way.

The problem for the politicians is that the elderly who might feel moved to thank their benefactors in the way they like best—in the election booth—might not be quite sure whom to thank. That's a mistake in strategy a Chicago pol would never make.

President Reagan nabbed the first headline. In his press conference last week, he said he would ask Congress to guarantee Social Security recipients a cost-of-living raise, even if they are not entitled to one by current law. Social Security rules now provide increases only when the inflation rate is over 3 percent a year; it is now projected to be about 2.8 percent. Mr. Reagan's move was obviously intended to counter Democrat charges that he would cut back Social Security and Medicare if re-elected.

But members of Congress also want to make political points with the elderly. Two days after President Reagan's announcement, before his administration could submit a proposal to Congress, the Senate voted 86 to 3 to waive the 3-percent threshold and guarantee a raise in Social Security benefits. The House is expected to do the same shortly. But members of Congrsss want to be sure they get credit for the move. Rep. Jim Wright (D., Tex.) held a news conference to protest that the President knew Congress intended to grant the increase and tried to make it seem like his idea.

While the politicians are scrambling to take credit for increasing benefits, what they aren't saying is that their actions will also increase Social Security taxes for at least 7 million to 8 million workers. Current law says that any time benefits go up, so must the base wage rate on which Social Security taxes are calculated. Unlike the increase in benefits, which is figured on the cost of living, the boost in wage rate is based on the growth in average wages.

Without an increase in benefits, the maximum wage on which Social Security taxes are levied would remain at $37,800 for 1985. Although the amount it will jump with a benefit increase isn't fixed as yet, it is expected to be about 4 percent, bringing the maximum to an estimated $39,300. Figuring in the tax increase already scheduled for next year, that means the maximum Social Security tax paid by top wage-earners would jump from $2,532 this year to about $2,770, an increase of more than 9 percent.

About 40 million people now get Social Security benefits. The increase will mean about $21 more a month for the average retired couple who now receive $700, and $13 more for the average single person who gets $430. The politicians, of course, are counting on their gratitude at the polls exceeding the wrath of the wage-earners who will be forced to ante up because of the largess—if the recipients can decide who really merits their thanks.

But Social Security—and particularly its companion program Medicare—are still held together by baling wire, string and wishful thinking. Those who really care about the elderly would serve them best by avoiding political actions that put the system in further jeopardy.●

WHY GUARDING AGAINST THE IMPROBABLE MAKES SENSE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. LEVINE of California. Mr. Speaker, the Los Angeles Times recently published a compelling analysis of the need to retain existing worst case analysis.

Worst case analysis is used to anticipate and prepare for unexpected and unintended environmental disasters. Worst case analysis helped prepare us to deal with such disasters or near disasters as the Santa Barbara oilspill, the Torrey Canyon oilspill, and Three Mile Island.

Yet, the Council on Environmental Quality, under pressure from the Reagan administration, is now seeking to change the protections afforded by these worse case studies.

I commend Mr. Yost's article to my colleagues. It is an important article about the administration's latest assault on our environment.

WHY GUARDING AGAINST THE IMPROBABLE MAKES SENSE

(By Nicholas C. Yost)

President Reagan's Council on Environmental Quality is considering measures that could diminish the protection given the public by existing requirements for "worst-case" analyses of actions with potentially catastrophic consequences. Under present law, when the federal government prepares environmental-impact statements on its major proposals, it must look at what could happen in a worst-case situation. The removal of these protections would be both unwise and possibly illegal.

Many of the major environmental calamities in relatively recent times have involved the unintended, and indeed improbable, consequences of technology. Offshore drilling was not supposed to cause the costly 1969 oil spill in the Santa Barbara Channel. The supertanker Torrey Canyon was not supposed to spill thousands of gallons of crude oil off the coasts of the British Isles. Three Mile Island was not supposed to be the site of the worst commercial nuclear accident in our history. The Love Canal was not supposed to poison peoples' homes. But all occurred.

Worse-case analysis is the analytical method used to anticipate and forestall such improbable but potentially severe consequences. The full range of potential effects is examined, including the worst possible ones, with the probability or improbability of their occurrence in mind. What would happen if the San Onofre nuclear plant melted down or if a tanker laden with liquefied naturual gas foundered off Point Conception? What implication would a major earthquake have for a toxic-disposal site? These are the sorts of questions that worse-case analysis addresses.

The council's existing regulations, which apply to all federal agencies, specify that for actions having the potential for severe ecological consequences the agency must undertake a worst-case analysis as part of the environmental-impact statement required by the National Environmental Policy Act.

The basic rationale is simple—if any agency would like to do something that might have severe consequences, it must at least determine the worst that might happen before it plunges ahead. The agency is not barred from proceeding, but it must do so aware of the possible consequences, and with the public informed—not an unreasonable requirement.

The Administration initially proposed to limit worst-case analyses to situations in which near-catastrophic effects appear probable. But if probability were made a prerequisite for such analysis the worst-case requirement would be gutted. It is precisely for this improbable but potentially catastrophic situation that worst-case analysis is needed. If a catastrophic effect is probable, such as a 60% chance that a nuclear installation would melt down within 10 years, nobody in his right mind would dream of going forward. It is where the potential effect is improbable but catastrophic that worst-case analysis is needed. Faced with congressional and public criticism, the President's council has now backed away from its initial proposal, but continues its commitment to changing existing protections.

An alert public must continue to insist on adequate means of worst-case analysis. We do not site nuclear power plants in downtown Washington or Los Angeles, not because of what *will* happen but because of what *could* happen. The safety record of nuclear power plants has, after all, not been a bad one in terms of actual health effects. Nobody, as the nuclear industry is fond of saying, died at Three Mile Island. Nevertheless, we would all, I suspect, be leery about putting a nuclear power plant in the middle of a city. Because the potential for catastrophic effect, however improbable, deters the reasonable person from assuming a risk that can be avoided by remote siting.

Administration spokespersons term worst-case analyses remote or speculative. It would be more useful to distinguish between two kinds of remote consequences. There are some kinds of environmental effects that are of tangential concern. For instance, a proposal that produces noise on a remote and uninhabited isle does have an environmental effect, but who cares? No one is disturbed. The courts have quite properly exercised a "rule of reason" and deferred to the judgment of the agency involved not to bother with this sort of remote effect.

Quite different from that sort of remote effect is the type of situation that applies in worst-case situations with potentially catastrophic consequences in which complete and public analysis is necessary. Once informed, both the public and government decision-makers can act to protect against the catastrophic contingency.

Reagan's Council on Environmental Quality should abandon its ill-advised effort to tamper with this proven and useful means of alerting and protecting the public.

(Nicholas C. Yost, senior attorney with the Washington office of the Los Angeles' Center for Law in the Public Interest, was general counsel for the Council on Environmental Quality in the Carter Administration.)●

A CONGRESSIONAL SALUTE TO MARINELAND, ON ITS 30TH ANNIVERSARY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. ANDERSON. Mr. Speaker, 1984 marks the 30th anniversary of Marineland, CA's first aquatic theme park. As one who has enjoyed Marineland for all of these three decades, I would like to take this opportunity to commend and congratulate all of those who over the years have helped make this such a special place.

Located in Rancho Palos Verdes, Marineland first opened its doors on August 28, 1954. Today, it is recognized as not only one of California's prime tourist attractions but also as one of the world's finest facilities in the area of animal husbandry and research.

This year, Marineland will house over 4,000 mammals and fish. Many of these are included in various sea shows which offer viewers not only a fascinating, but also educational look at aquatic life.

For instance, the Dolphin Community Petting Pool gives everyone the chance to play ball, hand-feed and even listen to dolphin chatter below the water surface with the aid of underwater hydrophones.

Or, you could be one of only a few to get a handshake or a kiss from their killer whales, Orky and Corky. Orky,

who weights 7 tons, and Corky, who weighs 4 tons, are the only breeding killer whales in captivity.

Another unique feature at Marineland is their "Baja Reef." This is the world's only swim-through aquarium. Swimmers are supplied with a swim suit, diver's wetsuit, snorkel, fins and mask for only a small fee. You can be sure that those who take advantage of this attraction will never forget this experience of swimming side-by-side with over 1,000 tropical fish and sharks.

Simply put, Mr. Speaker, Marineland is one of those magical places which many only dream about. With each visit, my family and I gain greater knowledge and a better understanding of marine life.

My wife, Lee, joins me in congratulating Marineland's fine staff on this special occasion. We know that Marineland will continue to provide its guests with the utmost in hospitality and entertainment in the years to come.●

DESTROYING MYTHS ABOUT FAMILY VIOLENCES

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. PATTERSON. Mr. Speaker, there is a major epidemic sweeping our Nation. It affects rich and poor, young and old, public figure and private citizen alike. It is called family violence. We must examine the scope of this disease, treat it and contain it. Family violence must not be allowed to threaten the lives of future generations.

Every year, millions become victims of some form of intrafamily violence. Reported cases involve spouse, elder, child and sibling. For many, family violence has become an everyday reality. To them, it is no surprise that 65 percent of reported homicides involve family members.

Family violence is not a distinction shared only by lower economic classes. It does not confine itself to individuals without education, nor is it a trait unique to ethnic minorities. It is endemic to the whole of our society.

Those who cite statistics that family violence is common among poor minority families forget that these groups are far more likely to notify social service agencies or the police for help than their wealthy counterparts. A battered woman from a wealthy family can afford to hide her wounds in the care of a private physician and to seek shelter in a secluded hotel. The abused poor, on the other hand, rely on whatever free clinics and emergency shelters are available.

In 1983, it is estimated that over 2 million spouses were physically abused. While it is suspected that only 1 in 10 cases was actually reported, it is a well-known fact that most victims are women. According to FBI reports, a woman is battered every 18 seconds in the United States.

Wife assault is so pervasive that one-half of all wives experience some form of spouse-inflicted violence during their marriage. One shocking study by the National Commission on Causes and Prevention of Violence revealed that one-fifth of all Americans approve of slapping one's spouse on "appropriate occasions." Surprising to some, approval of this practice increases with income and education.

It is also no secret that child abuse knows no socioeconomic boundaries. It afflicts even the best of families. Last year, over 1 million child abuse and neglect reports were processed by child protective service agencies nationwide. From 1976, when information first became available, until 1982, there was a 123-percent increase in the number of cases reported.

So startling are the facts about child abuse that we shudder to think of ways to remove the pain from the lives of its young victims. We know that the most frequently reported form of child maltreatment is neglect which in combination with other abuses accounts for 63 percent of all reported cases. We are shocked by estimates that 1 in 4 girls and at least 1 in 10 boys are victims of sexual abuse. When we learn that the average age of abused children is only 7 and in 85 percent of all cases the perpetrators are the child's biological parents, we realize we must act.

Like in cases of child neglect, senior citizens often face peril in the home. While our seniors can expect to enjoy a long life, sadly, many have become the victims of elder abuse. Last year, over 600,000 cases were reported—the average victim being a 75-year-old woman in frail health. Astonishingly, we learn that 84 percent of elder abusers are relatives.

It is no wonder that police are reluctant to intervene in family disputes; 25 percent of police fatalities and 40 percent of police injuries occur while investigating domestic quarrels. A Chicago study concluded that police receive more calls involving family conflict than for any other criminal incident, including murders, rapes, nonfamily assaults, robberies and muggings combined.

Experts may disagree on statistics about domestic violence, but they agree that physical, emotional, and sexual abuse are eroding the strength of the family and the fiber of society. Yet, in our great and compassionate country, we have 3,000 shelters for the humane treatment of animals but only 700 shelters for battered women and children.

Clearly, it is time for us to declare an end to family violence. We must garner the support of each and every community to help families escape the torment associated with battery and abuse. With House passage of H.R. 1904, the child abuse and protection amendments, we have designated funds for family counseling and protective services and for more emergency shelters to achieve this goal. But our efforts remain an ineffective gesture unless the Senate acts quickly to forward our resolve.

As much as I believe we must mold Federal policy to eradicate the fear and solitude associated with domestic violence, I do not believe we can accomplish this goal without help. I am pleased that in many parts of the country, private and public sector organizations are helping. In conjunction with the private sector, four major police departments have developed successful domestic intervention programs. Each has had marked results in reducing the recurrence of family violence and in avoiding injury to police officers. Largely a result of new education techniques, these programs are models for broader application.

In Newark, NJ, for example, the police department now includes sociological and psychological study of family violence and intervention procedures in its academy curriculum. It has also given a new emphasis to calls for help in family crises. Once regarded as the least important of all incoming calls, today, domestic trouble calls are given top priority. Now, police officers not only inform victims of their rights, but carefully explain available legal alternatives.

Since 1980, other innovative approaches have been tried. In my home State of California, and in 16 others, a Children's Trust Fund has been established. This special fund is used to finance State and local child abuse prevention programs which were historically unavailable to families. In 1983, the California Children's Trust Fund collected over $4 million from a small surcharge on birth certificates and a voluntary income tax check-off. Revenues collected were used to promote healthy family relationships by establishing programs to educate adults about their role as parents and to teach children how to recognize the difference between the signs of affection and the warnings of abuse.

We all know that treatment for victims of family violence is costly. But the human toll is even greater. Psychiatric care for one abused, emotionally disturbed child costs over $100,000 a year. The deep-rooted effects are even more difficult to measure, for abused children often become delinquent teenagers and abusive adults. In over 50 percent of child abuse cases, adult-

inflictors were themselves abused as children. Thus, continues the vicious cycle in heartbreaking proportions.

We must break this cycle. We can no longer condone this violence which tears our families apart and weakens our society. We must set a clear national policy of protection and care for children, spouses, parents, and seniors; whether they suffer abuse in the home or assault on the street. I urge my colleagues to join me in this difficult, but critical endeavor.●

SALUTE TO U.S. OLYMPIANS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. PACKARD. Mr. Speaker, Americans have been viewing historic activities in recent days during the XXIII Olympic games being staged in Los Angeles. American athletes are reaching new heights with superhuman efforts and perfect scores.

Amidst this tremendous pride in our country, we should pause for a moment to fully appreciate what our athletes are accomplishing on the playing fields and auditoriums in these modern Olympics.

While our young men and women, like Steve Hegg of Dana Point who won a gold medal in cycling, have recorded golden achievements in many areas of competition, I would like to commend these young athletes from my 43d Congressional District in California, specifically those swimmers on our U.S. team who are also members of the world-famous Mission Viejo Natadores.

One young man in particular, Greg Louganis, has distinguished himself in these Olympics games. Greg, at the age of 24, has achieved unequaled status in the diving world. In the recent 3-meter diving preliminaries, he scored five perfect scores of 10. In the finals, held last night, Greg came back to score four more perfect scores on his way to a gold medal.

And we expect even greater achievements from this young man before the diving competitions have been completed.

Greg Louganis is just one member of an outstanding swimming program in Mission Viejo, yet he is representative of the world-class quality that the people of the 43d District have come to expect from their athletes, especially the Natadores.

That expectation is due, in part, to the excellent record these athletes have achieved, including many world championships for the past decade. But our respect for these athletes goes even further than just medals or championship titles.

Our respect, as the elected leaders of this Nation, centers around the spirit of these young men and women. They do not just represent the community of Mission Viejo or the 43d District or even California. They represent America, and our respect comes from their abilities to represent the ideals and spirit of America.●

SUPPORT FOR CONGRESSMAN BROOKS' BILL TO REGULATE ARMOR-PIERCING AMMUNITION

HON. FREDERICK C. BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. BOUCHER. Mr. Speaker, I rise today in strong support of H.R. 5845, as introduced by the gentleman from Texas [Mr. BROOKS] and cosponsored by more than 200 Members of the House of Representatives with the support from Members of the leadership on both sides of the aisle. H.R. 5845, the Law Enforcement Officers Protection Act of 1984 would regulate the manufacture and importation of armor-piercing ammunition.

This legislation is the product of more that 3 years of work by the U.S. Treasury and Justice Departments and has the support of all major police fraternal organizations and sportsmen's groups.

Moreover, it is my understanding that the companion bill in the other body, as introduced by Senator THURMOND, S. 2766, has more than 90 sponsors. Mr. Speaker, H.R. 5845 and S. 2766 have wide bipartisan support in both Houses and should be brought to the floor of the House for prompt passage in the form of H.R. 5845.

Unfortunately, recent developments threaten to undo the delicate balance that has been struck on this most controversial issue. The full Judiciary Committee reported out H.R. 6067, which includes a number of controversial provisions.

Mr. Speaker, very shortly the Members of this body will be presented with a choice. The gentleman from Texas [Mr. BROOKS] has stated that he intends to offer his bill, H.R. 5845, as a substitute to H.R. 6067, if and when H.R. 6067 reaches the floor.

I endorse the approach of the gentleman from Texas, and I intend to support H.R. 5845 as the best vehicle for providing the protections needed by our Nation's law enforcement community while not infringing on the rights of law-abiding gun owners and sportsmen.●

GIVING SENIORS A CUSHION AGAINST INFLATION

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. PATTERSON. Mr. Speaker, over the past 4 years, older Americans have unjustly been the target of our most difficult budget decisions. Whatever we have done to keep President Reagan's cuts from going into effect, we have not always been successful. Now we find ourselves on a merry-go-round of promises, and it is hard to figure out who has really been on the side of our seniors all along.

A few weeks ago, the President said he thought seniors deserved to receive a social security cost-of-living adjustment, whether inflation was below the 3 percent trigger amount or not. This is a welcome pronouncement.

This is an entirely different tune than the one President Reagan sang at the budget negotiating table early in 1983, in 1982, and in 1981. In the midst of our Social Security financing rescue efforts, it was President Reagan who insisted that seniors forfeit their cost-of-living increase, give up their minimum benefit and succumb to rigorous review to determine eligibility for disability benefits.

But, I agree with the President this time. I believe our seniors deserve a cost-of-living increase this year and every year. I have held consistently to this view since long before I was elected to Congress in 1974.

Many of our House colleagues share my belief. Through diligence we dispelled the rumors which frightened seniors into believing that Social Security was going down the tubes and the only way to save it was to take the bread off the meal tables of our seniors. Even confronting the most pessimistic of predictions, we haven't changed our minds to gain popularity. We have held steadfast to our responsibility of improving the livelihood of senior citizens.

This week, the House passed legislation to provide Federal funds for the Older Americans Act well above the President's request. In spite of his objections, local communities will continue to provide nutrition services, transportation, legal advice, and job opportunities for senior citizens. This was the mandate of the first White House Conference on the Aging almost 20 years ago, and it continues to be our objective today.

Seniors on a fixed income have a tough time, and it is up to us to help give them a cushion against inflation. This was the promise Congress made in 1972 when the annual cost-of-living increase was first passed. Now and for tomorrow, we must keep this promise

and amend Federal law so that even when inflation is not so high as to worry wage earners, but high enough to scare seniors trying to make ends meet, seniors do not come up short.

As a cosponsor of H.R. 6019, I urge rapid action to give Social Security recipients a cost-of-living increase this year. I am delighted that the Ways and Means Committee will be holding hearings to pursue this issue with the Social Security Administration in early September. Like many of our colleagues who have not flip-flopped in our commitment to seniors, nor looked at them to solve our budget deficit problems, I want to give seniors a raise this year. Let's work together to achieve this goal.●

TRIBUTE TO VICKI ROPER

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. LEVINE of California. Mr. Speaker, I rise to bring to the attention of my colleagues the unique accomplishments of a distinguished teacher, Vicki Roper. Vicki was recently named Teacher of the Year in the State of Idaho, for 1983–84.

While I have never before risen on the floor to bring to the attention of my colleagues the recognition of a recipient of an award given by an institution in Idaho, which is somewhat removed from my congressional district, I take this opportunity because I have known Vicki for approximately 17 years and have always felt that she is an extraordinary human being.

A newspaper article in the Idaho Education Association Reporter, February 1984, aptly summarizes much of Vicki's personality and skill and I ask unanimous consent to insert a copy of that article at this point.

The article follows:

IDAHO TEACHER OF THE YEAR RECOGNIZED

(By Terry Gilbert, IEA Region 4 Director)

The first thing one notices about Vicki Roper, Idaho's Teacher of the Year for 1983–84, is her smile. Warm. Caring.

And, then as the Wendell special education teacher speaks, one notices her hands. They talk, too. She uses signing with her students, and how her hands represent the teacher. Reaching out. Communicating with her fingers.

One might look at Vicki Roper in her classroom, her dark brown hair neatly combed, her room alive with color, and think one is looking at the stereotypical Idaho teacher.

The impression is misleading.

First, Vicki's interest in becoming a teacher was born in another culture, even though she is a Twin Falls native. After graduating from Twin Falls High School in 1967, she enrolled at Harvard. Then through Project Friendship, she found herself in Peru teaching blind students and Peruvian girls in a Catholic reformatory, her first experience with children limited by nature or circumstances.

"The little blind Indian kids spoke Quechua. I spoke Spanish. Yet because they were blind, they were very sensitive and open to learning. My interactions with those blind students told me I liked working with children. I enjoyed the quality of communication with them. There was a lot of nonverbal communication," she said, expressively gesturing with her hands.

"I feel I'm more effective now. If I really do have values, I must demonstrate them in my own backyard to my own children," she said referring to her students.

Vicki's first value in her life and teaching is honesty. "The kids can smell a rat faster than anyone," she observes. "I have to take inventory of myself every day. Sometimes I must be brutally, painfully honest with myself."

But Vicki's sense of self-honesty did not come easily. After her schooling at Harvard, she enrolled at the University of Idaho to take education courses. She comments that Terry Armstrong of the education department there chewed tobacco. "So did I," she said with a broad smile.

Still with the U of I program, she student taught in Portland, Ore, with potential dropouts, students limited once again.

"We were helping them learn responsibility," which Vicki identifies as another major value in her teaching. At the same time, she admits she was working through her own life with no real sense of direction in those early years.

With her special education students now, she teaches a strong sense of reponsibility. "Responsibility for herself," she says seated below a clearly printed class instruction sheet which lists simple straightforward rules. However, if her students violate a rule ("Follow instruction"), they must stand against the classroom wall for one minute.

"I've had to stand against the wall myself for breaking classroom rules—three times, one already this year," she says smiling.

Her story is interrupted when five of her students come through the door from music class. They gather around her to tell her of their experience. She looks at each one intently as he or she speaks. Undivided attention. Finally she points out it is time to catch the bus so they file out waving and saying goodbye to their teacher.

"A good teacher is a model, especially here, but everywhere. I model the behavior I want."

Vicki's sense of values in life and teaching have deeply impressed her aide, 28-year-old Kathy McDevitt. "The thing that really comes across in Vicki's room is the positive classroom atmosphere. There are a lot of smiles in this room and good feelings."

Kathy continues, "There are so many things taught in school like confidence, in tackling a problem. Relationships, How to get along in the world. Liking yourself. Those are things Vicki does."

"I have learned from Vicki myself. Especially techniques in getting through to people. If something is not working, she has taught me to change my approach," Kathy said.

To submit material for the teacher of the year award, Vicki had to write her philosophy of teaching. She recounts some of that philosophy. "A good teacher must have the ability to respond," she says. "She shouldn't meet students with a lot of preconceptions or misconceptions that try to assess each teaching interaction with a focus on what that student's doing right now. What part are they doing right so I can praise them?"

"I think I was guilty in the past of doing the opposite, yet the things I knew to be good involved being positive."

Vicki believes in basic skills. "Basic skills need to be mastered, almost overlearned," she said. Her room, with splashes of color, tidy bulletin boards, and orderly desks each with an Idaho potato bank in the upper left hand corner, reveals her philosophy that to acquire basic skills, one needs the proper setting.

But basic skills encompass more than reading, writing, and arithmetic for her. "Maybe that's why I like special education," she said, "because it is legitimate for me to work on social skills, communication skills here."

"If people are unable to communicate in a positive way with human beings, it doesn't matter if they can add and subtract."

"Following instructions, accepting feedback, disagreeing appropriately . . . these are basic skills, too," she said.

Then the conversation slips back to Vicki Roper, as a human, a developing human. "In the old days, I remember taking a personality profile where I scored high in being self-reliant. I was too proud then to rely on others. I wanted to look good, to be perfect. I wouldn't risk trying."

"Now I know I don't have to be perfect. I'm not too proud to ask for help, I rely on other people and a higher power," she commented.

"Life is really exciting for me. There is so much variety and so many challenges in teaching special education. Anything and everything kids need to learn, we help them."

"If teaching is not fun for the teacher, teaching is the worst job in the world," she said. "I can't forget teaching is fun. I have to laugh with my students."

So, when one gets to know Vicki Roper as more than Idaho's Teacher of the Year, one is struck in a positive way by her humaneness.

One senses that Vicki Roper has met her personal crucibles and emerged strong, creative, resourceful and very positive. And, one feels that eight special education students are fortunate, indeed, to have her as their teacher.●

A CONGRESSIONAL SALUTE TO CAPT. WILLIAM W. EDEL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. ANDERSON. Mr. Speaker, Capt. William W. Edel, who served his country with distinction as a naval chaplain in both world wars, celebrated his 90th birthday this year on March 16.

Captain Edel, a painter, poet, playwright, and designer, designed the Mariner's Cross, a golden cross overlying a compass rose. This emblem with the addition of the "Tablets of Law" is now the official emblem of the Chaplain Corps.

He stressed ecumenism during his 30 years of active duty and designed the three-way altar—three separate altars; Catholic, Protestant, and Jewish,

which can be swiveled on a vertical axle in seconds—first used at the Sampson Naval Training Station in New York during World War II. He also designed a chapel complex at the naval station in Norfolk, VA, which comprises a Protestant chapel and a Catholic chapel connected by the chaplain's offices—the first time Catholic and Protestant chapels were built on the same property. In 1944, at Sampson Naval Training Center, he held world communion Sunday services, serving 7,500 communicants with the help of 18 chaplains and 20 clergymen.

Between the wars Captain Edel served in China and in the Samoan Islands, where he was superintendent of education to the Government of American Samoa. When he left Samoa he was presented with the treasured Kaval bowl, in which the treaty that transferred the Manua Islands to the United States was ratified, by the islands' high chief. Returning to Samoa in 1978, the retired chaplain gave the bowl to the museum at Pago Pago, where it occupies the place of honor.

Captain Edel retired from the Navy in 1946 to assume the presidency of his alma mater, Dickinson College. He guided Dickinson through the vast post-war expansion until his second retirement in 1959. Upon his retirement a professional chair in the humanities was endowed and named for him. Apparently finding retirement too quiet, he again offered to serve his country, accepting a special appointment in the U.S. State Department.

My wife Lee and I join with William Edel's wife Joscelyne, his son Guy Nixon, and daughters Edna Louise McWhorter, Mary Virginia Denman and Wilma McGrath, his grandchildren and great-grandchildren in wishing him many more years of fruitful and pleasant retirement after serving his country so well.●

PLANS TO TOUR DALLAS ASSASSINATION SITES ASSAILED

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. FEIGHAN. Mr. Speaker, 21 years ago, President John Fitzgerald Kennedy was assassinated while driving in a motorcade in Dallas, TX. This year, the Republican National Convention will meet in the same city. I am appalled by the announcement that officially sponsored tours of sites linked with Lee Harvey Oswald and the assassination of President Kennedy will be given every day of the GOP Convention. A reservation form describes the sights that will be enjoyed by those who sign up for the $15 Kennedy tours. The motorcade route from Love Field to Dealy Plaza will be retraced, and then tour participants will drive on to Parkland Memorial Hospital—the emergency entrance. Other highlights include the assassin's home, the roominghouse where he lived, and the Texas Theater where Oswald shot the police officer.

These jaunts are totally tasteless and coldhearted. They should have no place at a national party convention. The frivolous nature of the tours is emphasized by its place on the schedule below the trip to Southfork Ranch. On that trip, delegates who fork over $16 will be able to loll on the chaise lounge where the Ewing family sun bathes or sit in the chair where J.R. commands the breakfast table.

The memory of President Kennedy's tragic death deserves better than this. I cannot help but be saddened by the scheduling of this daily exercise in grand guignol at the Republican Convention. I can only hope that party officials will have the good sense and taste to remove their official seal of approval, or, better still, cancel these gruesome tours.●

MARY LOU RETTON

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. FIELDS. Mr. Speaker, with the 1984 Summer Olympic Games about to successfully conclude, I feel it's time to reflect upon the many exciting and memorable athletic performances that took place in Los Angeles during the last 2 weeks.

While our Olympic team will long be remembered as one of our best, the accomplishments of a few of our athletes were both historic and unforgettable.

One of those unforgettable performances was given by an extraordinarily talented and vivacious young lady from Fairmont, WV—Mary Lou Retton.

While West Virginia is home for this very talented gymnast, I am proud that for the last 2 years Mary Lou lived and trained under the guidance of her coach Bela Karolyi in Houston, TX.

We Houstonians are pleased to have "adopted" Mary Lou and take great pride in her historic accomplishments.

Up until a week ago, no American woman had ever won an individual gymnastic medal of any kind.

Today, all America and the World knows that Mary Lou Retton is the Olympic gold medal winner in the women's individual all-around gymnastic championship.

In addition to this medal, Mary Lou won a silver medal in the vault, bronze medals in the uneven bars and in floor exercise and placed fourth in the balance beam. These efforts represent a remarkable achievement for a truly remarkable young lady.

As the sponsor of the Olympic Checkoff Act, I have had the opportunity and privilege to meet a number of our outstanding Olympic athletes.

I look forward to the chance to meet Mary Lou Retton to congratulate her not only on her outstanding athletic achievements but for representing the United States with such distinction.

I am sure all Americans would join with me in wishing one of our newest Olympic heroes—Mary Lou Retton—the very best in the future. We look forward to many more thrilling performances in the years ahead.●

CHILD WELFARE LEGISLATION

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. CAMPBELL. Mr. Speaker, I am introducing legislation today on behalf of the administration which provides for an extension of two provisions of the Adoption Assistance and Child Welfare Amendments of 1980 (Public Law 96-272) which expire on September 30, 1984. The first provision, which would be extended for 1 year under the bill, provides States the flexibility to transfer funds allocated to them for foster care under title IV-E to use for child welfare services under title IV-B of the Social Security Act. The intent as written in present law is to encourage the use of Federal funds for preventive services and for family unification.

The second provision of the bill provides for a 1-year extension of the authority for States to claim Federal matching funds for children who are placed in foster care under a voluntary placement provision.

Both of these provisions are included in the 1980 child welfare and foster care legislation which was intended to be an incentive to encourage States to improve services to children and families. This would continue the practice of current law allowing the States of claim matching funds for children placed in foster care under voluntary placement agreements and to transfer title IV-E foster care funds to child welfare services.●

SALUTE TO BIRMINGHAM MALL MILERS

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. ERDREICH. Mr. Speaker, on Saturday, August 18, more than 1,000

people will gather in Birmingham, AL, to observe their first anniversary of having spent the past year working to achieve and maintain good health. These people, many of whom are elderly, are known as the "Mall Milers," and have walked around the 1-mile interior of Birmingham's Eastwood Mall for 1 year.

We all know the importance of regular exercise to our health. Indeed, this is certainly a form of preventive medicine that can be effective for everyone's health

The "Mall Milers" have been promoted by Eastwood Mall, the East End Memorial Hospital and Health Centers, and a store operated by the hospital that is possibly the only one of its kind in the Nation that is dedicated to health and wellness. In addition to offering a variety of health maintenance items, the Wellness Store is also involved in promoting personal health and encouraging changes in life habits to maintain that health.

East End Memorial Hospital and Eastwood Mall sponsor the "Mall Milers," offering free tee-shirts to those competing 25 miles around the mall. The Wellness Store has posted charts to enable walkers to log their miles and record their progress, and also offers registration forms for health education classes sponsored by East End Memorial Hospital and free health literature on a variety of general health and wellness topics.

I would like to commend East End Memorial Hospital for its involvement in encouraging these wellness activities, and also Eastwood Mall, for proving its inside perimeter as a sheltered exercise track for the "Mall Milers." We all salute the "Mall Milers," who, through their efforts to get healthy and stay healthy, have given new meaning to the saying "an ounce of prevention is worth a pound of cure."●

PLIGHT OF SOVIET JEWS

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. SIKORSKI. Mr. Speaker, as a participant in the Union of Councils for Soviet Jews Call to Conscience Vigil, I would like to call to your attention the plight of Tashpulat and Lelia Katanov, and their two sons Igor, age 15, and German, age 12. Thank you for this opportunity to speak on their behalf.

The Katanov family, like so many other Soviet Jews trying to leave the Soviet Union, are classified as refuseniks. The term refusenik is an international word which describes a Soviet Jew who, having been consistently refused permission to emigrate to Israel, is harassed by the KGB, usually dismissed from work, and lives in fear of arrest and trumped-up charges which could result in imprisonment.

Tashpulat first applied for a visa to emigrate to Israel on June 28, 1979, but was refused permission on August 25, 1979. Both Tashpulat, technician, and Lelia, economist, were immediately fired from their jobs, cutting them off from their sole source of income. When Tashpulat applied for a second time, he was once again denied permission to emigrate, without reason or explanation from Soviet authorities.

The Katanov family suffers from another dilemma. As with all Jewish refusenik families, there is concern that as Igor (age 15) gets close to finishing high school, he will become eligible for the military draft. If he refuses to serve, he could be imprisoned for up to 3 years. However, after being in the military for the required term, he could then be detained indefinitely on the grounds of knowing military secrets.

I need not remind you of the horror stories that have befallen Soviet Jews seeking to emigrate. As Members of the U.S. House of Representatives, we must raise our voices in support of the plight of the Katanov family and other refuseniks who have been denied their fundamental freedoms.●

LEGISLATION TO PROVIDE A GOLD MEDAL TO JAN SCRUGGS, PRESIDENT OF THE VIETNAM VETERANS MEMORIAL FUND

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mrs. VUCANOVICH. Mr. Speaker, today, I am honored to offer this bill which acknowledges the efforts of a determined man, who helped raise a monument dedicated to those who gave their lives, those who served and returned, and those who remain missing in action as a result of the Vietnam war.

On behalf of the friends of his mother, Louise Scruggs, who lives in the great State of Nevada, I am proud to introduce this bill. My fellow colleagues, it is my sincere hope that you will join me in honoring Mr. Jan C. Scruggs with a Congressional Gold Medal recognizing him for his work as president of the Vietnam Veterans Memorial Fund.

As a result of Mr. Scrugg's effort, today, the Vietnam War Memorial stands as a tribute to those who served in Vietnam. Their sacrifices remain uncalculable, and the Vietnam War Memorial is but a small extension of our gratitude. Without the memorial, though, something essential would be missing, especially to the many families, friends, and loved ones affected by the war. Jan Scruggs fully understood this as he set about raising the funds and collecting the talent necessary to honor his fellow Vietnam veterans.

By recognizing Mr. Scruggs for his accomplishment we not only express our appreciation for a job well done, but we help reinforce the belief that one person can indeed make a difference. Jan C. Scruggs took a personal conviction, and with the help of many other devoted individuals, made the Vietnam War Memorial a reality.

I hope that my fellow colleagues will join with me on this important legislation.●

ADVENTURE IN SCIENCE PROGRAM

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. BARNES. Mr. Speaker, I would like to call to your attention to the excellent work being done by Adventure in Science, a nonprofit, all-volunteer educational group which is aimed at increasing the mathematical and scientific knowledge of elementary and secondary school students. I am proud to have an organization of such devotion to the education of today's youth in my district of Montgomery County, MD.

The program was started some 25 years ago in the basement of Mr. Ralph Nash. Mr. Nash's deep concern over what he believed to be an inadequate level of scientific education in the schools, initiated a program that has since helped numerous children gain needed knowledge. Mr. Nash says the key to teaching is listening to the students. He believes that learning is accomplished through participation and bases his instruction on this principle.

Adventure in Science's approach is a healthy combination of brief explanations, group discussions and individually paced work for each student. The students gain a thorough understanding of ideas by conducting simple experiments. It is this kind of hands on experience that creates a memorable impact.

In today's world of high technology it is important for young people to build and maintain a storehouse of scientific knowledge in order to contribute to and shape the progress of this great Nation in the future. The Adventure in Science program should stand as a paradigm for similar efforts to stimulate the scientific curiosity of children who will become the technological leaders of tomorrow.●

SHIP TO BE NAMED AFTER MEDAL OF HONOR WINNER EUGENE OBREGON

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. TORRES. Mr. Speaker, on September 8, the Marine Corps will be christening a ship in honor of Eugene Obregon, a Medal of Honor winner from my district. This honor is very fitting for a man whose military career, although brief, was distinguished in every respect. The memory of Eugene Obregon has lived on because he demonstrated his bravery in the highest possible manner; he died in action while saving another man's life.

Eugene Obregon entered the Marines in September 1948, when the Korean war was only 2 years old. After serving a year at Camp Pendleton and Yermo with high honors, he was transferred to Korea. Several months later, Obregon distinguished himself in a battle in which another marine, Bert Johnson, fell wounded. As enemy troops advanced, Obregon placed his own body in front of Johnson's and fired Johnson's carbine. Obregon fired until he was killed by enemy fire but because of his bravery, Johnson survived.

In addition to the Medal of Honor, Obregon received the Korean Service Medal and National Defense Medal posthumously. Parks in East Los Angeles were named after him. In 1966, Obregon School opened in Pico Rivera.

Obregon's mother, Mrs. Henrietta Obregon of Pico Rivera has been overwhelmed with pride as her son has received many posthumous honors. The naming of the ship has made all the awards much more meaningful.

The ship, which is being built by the Waterman Steamship Corp. in San Diego, will be 1 of 13 named after deceased Medal of Honor winners. The ship will be used to carry equipment and supplies for a marine amphibious brigade that will be positioned at different locations in the world in order to respond rapidly to global contingencies.

This christening keeps alive the memory of a man of whom we should all be proud. This honor commemorates a man who gave his life for his fellow marines and for his country. May this christening be a lasting memorial for Eugene Obregon, a man who had a brief but a most distinguished military career.●

EDWARD FEIGHAN COMMENDS HARRIET WEISMAN

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. FEIGHAN. Mr. Speaker, Mrs. Harriet Weisman, a registered nurse with the Veterans' Administration Medical Center in Brecksville, OH, has received a $3,000 cash award given to Federal employess for disclosing wasteful practices in the Veterans' Administration Home Oxygen Program. Her persistence in pointing out abuses resulted in audits disclosing $670,000 in program costs that could be avoided at 11 VA facilities through better management practices and procedures.

Mr. Speaker, Mrs. Weisman had to overcome some obstacles before her suggestions were accepted on a VA-wide basis. When she and two fellow coworkers suggested improvements in the Home Oxygen Program at the Brecksville medical facility, they each received a small cash award. However, the central office disapproved the suggestion for VA-wide application. Mrs. Weisman persisted in her effort, and refused to take "no" for an answer. She wrote to President Reagan and other officials in the administration urging them to take appropriate action on her cost-saving suggestions. This determination paid off when attention was finally focused on the program.

Mr. Speaker, my distinguished colleague, Congresswoman SCHROEDER, has introduced H.R. 5646, a bill to extend the awards program indefinitely. On August 7, 1984, Mr. Frank S. Sato, Inspector General, Veterans' Administration, testified before the Subcommittee on Civil Service in support of that legislation. Mrs. Weisman accompanied Mr. Sato in support of H.R. 5646. This program should be continued so that others like Mrs. Weisman will be able to follow her example. I am pleased to commend her for her efforts.●

SUPERFUND RESPONSE

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. KOSTMAYER. Mr. Speaker, I would like to address a point that is gaining increased importance as the Superfund program matures. Specifically, I am concerned with the quality of treatment, storage and disposal facilities [TSD] used for onsite and offsite Superfund response actions. Such TSD's should be required to have final RCRA permits; interim status facilities are not adequate.

It makes no sense at all to simply move wastes around in a game of musical dumps. Requiring full RCRA permits for Superfund response actions not only makes good environmental sense, it also would promote cooperation on the part of responsible parties. They would have the greatest possible assurance that they would pay once for a response action and not be subject to subsequent cost recovery liability because wastes were not treated, stored, or disposed of in the manner required by RCRA—which represents the state of the art in TSD methodology.

Such an assurance will also promote public acceptability of Superfund response actions. People need to know that a problem has been solved and not simply held in abeyance or moved around.

Mr. Speaker, for the sake of discussion, I would like to have printed in the RECORD an amendment that would accomplish this objective. I recognize that the amendment's effect and operation would raise different considerations for onsite versus off-site Superfund operations and for removal versus remedial responses, and I believe these considerations may need to be explored. The amendment to H.R. 5640 follows:

Not later than six months after enactment of this Act all treatment, storage and disposal of hazardous waste pursuant to a response action taken under authority of this Act shall only be done at a treatment, storage and disposal facility which has received a permit pursuant to section 3005(c) of the Resource Conservation and Recovery Act.

More fundamental, perhaps, is the sad fact that EPA has not progressed very far in implementing RCRA even though Congress gave it the responsibility to do so 8 long years ago. I understand EPA has to date approved only one or two facilities under RCRA. Thus, we in Congress are effectively hamstrung from requiring Superfund responses to be handled at RCRA facilities because EPA has failed to ensure that enough landfills exist that meet the standards of section 3005(c).

EPA must do better. The problem of Superfund response is just one more good reason why.●

DORAN FAMILY COMMENDED FOR HONORABLE SERVICE

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. RIDGE. Mr. Speaker, today I wish to commend the Doran family of New Castle, PA, which is part of the 21st Congressional District. Seven of eight Doran brothers served their

country in World War II, and one of those brothers also served in Korea.

Francis, David, Robert, John, Regis, Edward, and William Doran are to be commended for their honorable service to their country. Three of the brothers were injured during their tour of duty, Regis aboard a ship in the Pacific, Robert in a tank accident, and Francis shortly before the war ended. Regis also survived the sinking of two ships. Francis and John took part in the valiant D-day invasion of France.

The Doran family deserves recognition for patriotism, and I am proud to represent them in the U.S. House of Representatives.●

TRIBUTE TO ENGINE & LADDER CO. 52

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. WEISS. Mr. Speaker, when Engine & Ladder Co. 52 first began fighting fires in the Bronx, its resources were a steam fire engine, a ladder truck, several teams of horses and a crew of 12.

Now 45 firefighters strong and equipped with more up-to-date tools of the trade, Engine & Ladder Co. 52 will celebrate its 100th anniversary on August 26, 1984. Throughout the years of changing personnel and technology, this team of first responders has served its community well and with distinction.

I have the privilege of representing the community to which these firefighters belong. Engine & Ladder Co. 52, housed in a building on the site of the original firehouse, is a special group of individuals. The evidence is in their actions.

It was their idea to make the 100th anniversay celebration a neighborhood affair. Among the activities the members have planned are a centennial run, a parade, a fire prevention essay and poster contest, firehouse tours, and the establishment of a minimuseum.

Engine & Ladder Co. 52's character is revealed in another gesture. The net proceeds of all contributions to support these celebration activities have been pledged to the New York Firefighters Burn Center, the Widows and Orphan Fund, and the Kingsdale Volunteer Ambulance Corps.

Committed, dedicated, professional, brave. These are words easily attributable to firefighters all over. But they seem especially appropriate for this Bronx fire company.

I am proud to join with my collegues in Congress and with the members of the community in extending hearty congratulations to the firefighters of Engine & Ladder Co. 52 on the historical occasion of their 100th anniversary.●

INTERNATIONAL DEBT

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. BONKER. Mr. Speaker, yesterday, Mr. Paul Volcker, chairman of the Federal Reserve System, testified before the House Foreign Affairs Committee, which is conducting a series of hearings on problems of the international debt.

He concluded by stating there are grounds for encouragement, noting that "the record and the prospects do not justify a sense of despair," but neither is there a basis for complacency. The FRS Chairman said what others have shared with the committee: "The threat to international financial stability remains real."

Yesterday morning's Washington Post carried an editorial on the same subject with the observation that some debtor nations are "coping routinely with their debts." The difference, according to the editorial, is the fiscal policies and economic growth occurring in Asia and certain Eastern bloc countries which helped to avert a crisis that has been all too common in Latin American countries.

The editorial is a timely reminder that not all debtor nations are experiencing a crisis, and I include it in the RECORD for the benefit of my colleagues.

The editorial follows:

DEBTORS WHO AREN'T IN TROUBLE

Foreign debts threaten the stability of a number of developing countries—but by no means a majority of them. The countries that are coping routinely with their debts, and see no risk of collapsing under them, are more typical of the Third World. Here in the United States the scale of some of the Latin American debts has generated sweeping proposals for global renegotiation and general reform of the international financial system. Before you join that crusade, you might want to consider the long list of countries that aren't in trouble.

South Korea, to take a conspicuous example, owes as much money as Argentina does. But unlike Argentina, it does not go through near-defaults and last-minute rescues as each quarterly payment comes due. Its ability to pay is not a topic of constant anxious speculation among other governments. One reason is that the South Korean government moved rapidly and decisively in 1980, when the price of oil soared, to adjust to that new reality. The generals then running Argentina did not. Instead, as the costs of delay mounted, they turned their attention to the Falkland Islands.

Fast reactions make a difference. Indonesia is, like Mexico, a major exporter of oil. When the price of oil started to drop in 1981, Indonesia promptly shifted policy in response. Mexico, approaching a presidential election, did not—chiefly because the incumbent wanted to step off the stage in a blaze of prosperity and leave the consequences to his successor. He didn't quite make it.

India has a pretty substantial foreign debt, for a country in which the per capita economic output is $260 a year. But it has generally relied on sources such as the World Bank that lend for long periods at fixed rates. Unlike Brazil, it made little use of commercial bank loans at floating rates. When the United States started squeezing its money supply to fight inflation, the interest rate on Brazil's debt shot up over 15 percent a year. India's never reached 5 percent.

The pattern of dangerously high debt payments is not general and worldwide. It is now limited to a rather small group of countries—the richest and most rapidly industrializing Latin American economies. They had ready access to commercial bank credit, as poorer countries did not. For political reasons they were apprehensive about foreign investment in their factories and resources, and they turned instead to the banks for capital.

These countries are exceedingly important to the United States and to the world. They are the vanguard of formerly undeveloped countries moving toward high productivity and high standards of living. Americans have every reason to give them support as they recover their financial balance. But Mexico's situation is different from Brazil's and Brazil's is very different from Argentina's. Each is a special case. The idea of a world debt crisis suppressing all Third World economies alike is, fortunately, a myth.●

TRIBUTE TO REAR ADM. EDWARD A. RODGERS

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 10, 1984

● Mr. McKERNAN. Mr. Speaker, I rise today to recognize Rear Adm. Edward A. Rodgers, who retires this year after two decades as superintendent of the Maine Maritime Academy. In the years since assuming command, he has distinguished himself through his commitment to excellence and service to the State Maritime Academy system. He leaves his successor, Rear Adm. Sayre A. Swarztrauber, with an institution he can be proud to lead.

The Maine Maritime Academy is recognized today as one of this Nation's leading maritime training institutions, a reputation which is, to a large extent, due to the tireless efforts of Admiral Rodgers. Since 1964, he has been instrumental in the physical expansion of the academy and in the development of a curriculum which continues to superbly prepare academy graduates to face the challenges as officers in the U.S. merchant marine.

Mr. Speaker, Admiral Rodgers' service, however, has not been limited to the Maine Maritime Academy. He has served as president of the Higher Education Council of Maine, president of

the Educational Conference Board of Maine, and as a member of both the Committee on Continuing Education and the American Association of State Colleges and Universities. His outstanding leadership and service have helped assure quality higher education for future generations.

I believe that the most critical factor, the key to our maritime strength, is the caliber of our maritime manpower. The Federal/State maritime training partnership established by Congress represents one of the most effective ways to ensure the strength of our merchant marine. Through the leadership of Admiral Rodgers, this partnership remains close and mutually beneficial. His unstinting efforts have truly earned him the distinction as the dean of superintendents of the State Maritime Academy school system.

As a Representative from the State of Maine and as a member of the Merchant Marine and Fisheries Committee, I would like to take this opportunity to congratulate him for his many years of service and to wish him "fair winds and following seas" on the course which lies ahead.●

PRIME MINISTER ADAMS AND THE CBI

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. DYMALLY. Mr. Speaker, I would like to insert into the CONGRESSIONAL RECORD the text of the news story, dated August 7, 1984, detailing the views of Prime Minister Tom Adams of Barbados on the Caribbean Basin Initiative. Prime Minister Adams, formerly a strong supporter of the CBI, now takes a different view. The quote follows:

Barbados Prime Minister Tom Adams has warned the United States that its apparent policy of trying to impose its will on the Caribbean could end up with America alienating its friends in the region.

The Nation newspaper (of Barbados) today said that Adams criticized the United States for its policy on the convention tax in the Caribbean Basin Initiative (CBI), a Washington-sponsored trade and aid agreement, and for its attitude toward stalemated double taxation negotiations with Barbados.

. . . Adams told the 39th annual meeting of the American Bar Association in Chicago that the ambivalence displayed in the taxation treaty negotiations was reflected in other policies and it could end up diluting the potentialities of the CBI.

Adams, himself a lawyer, was particularly critical of the demand which the United States is making on Caribbean countries to exchange information on business activities of Americans in the region before those countries could benefit from the convention tax.

He charged that the United States was threatening to cut off trade preferences if the Caribbean did not agree to exchanges of information, "in a manner unknown to our laws and alien in some cases to our constitutions."

Such action, he said, would "only serve to alienate friends in the Caribbean."●

THE 125TH ANNIVERSARY OF OIL DISCOVERY IN PENNSYLVANIA BY "COLONEL" EDWIN L. DRAKE

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. RIDGE. Mr. Speaker, today, I draw the attention of my colleagues to the 125th anniversary of an event that dramatically affected the course of our Nation's history. Without realizing the impact the event would have on our Nation and the world, "Colonel" Edwin L. Drake struck oil after drilling the first oil well on August 27, 1859. The farmland which produced the first dependable source of oil is located one-half mile south of Titusville, PA, now part of the 21st Congressional District.

Drilling the first oil well took more than a year to complete, since the work was suspended during the winter months. In the days of the Pennsylvania Rock Oil Co., the benefits of oil as an energy and as a lubricant were not known. Crude oil had been collected as it bubbled up from streams, but it was Colonel Drake who first had the revolutionary idea of using some of the drilling techniques which had been developed for retrieving salt.

One Saturday in August, the men suspended their activity at a depth of 69 feet from the surface and went home with no thought of any major accomplishment. But a man who had followed their progress happened to be passing by and saw that oil was floating in the top of the pipe. He immediately sent a boy to run and spread the news. At that time, there had been no way to ensure a continuous supply of oil, so the discovery marked the birth of the oil industry.

Edwin Drake persisted despite difficulties which he encountered and even though he could not have perceived the importance of his actions. Oil carried us through the industrial revolution and the industrial boom, and at this point in our history, we are apparently standing on the edge of a new information era. Although we are now experiencing an uncertainty about what lies ahead for our basic industries, we can be confident about our ability to deal with these difficulties as we have faced many others throughout our history. We have moved far beyond solving the problems that Edwin Drake encountered in 1859, but his ingenuity and persistence still serve as an example for us in 1984.●

WASTEFUL YEAR-END SPENDING

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. GORE. Mr. Speaker, today I am here to offer a solution to a problem that has been haunting this Government and the taxpayers that must bear the burden of wasteful spending and the huge deficit it produces. The orderly budgetary process of this Government is being crippled by wasteful year-end spending by Federal programs and agencies. Billions of dollars are being spent on unnecessary projects and purchases during the end of every fiscal year. Federal agencies have been operating under a use-it-or-lose-it policy which reflects a fear that their budget will be cut the following year unless all funds are expended.

This practice could not be more clearly illustrated than by a recent hearing of my Science and Technology Subcommittee on Investigations and Oversight on management practices within the Federal Emergency Management Agency. We discovered that FEMA spent 50 percent of it's entire appropriation in the last quarter of fiscal year 1982. In fiscal year 1983 FEMA spent 70 percent of its appropriations in the last quarter. More alarming, however, was the dubious purpose of this wreckless year-end spree. We discovered that the Associate Director of FEMA spent appropriated money for a number of personal items, including two leased automobiles and a renovation of a dormitory into a personal residence at the FEMA training center in Emmitsburg, MD, that cost the taxpayers approximately $366,000.

Mr. Speaker, this is only one example of what has become an all to frequent practice by agencies throughout the Federal Government.

The legislation that I am introducing addresses the problem in a realistic manner. The main feature of my proposal limits spending to 25 percent of the total appropriation in the last quarter of any fiscal year. To ensure this, the bill would have general applicability to all obligational authority available and planned for use in a fiscal year, thereby basing the limitation on the agencies, financial plans for each fiscal year and covering all uses, not just contractual services. It would allow the Director of the Office of Management and Budget to authorize exceptions to avoid serious disruption to the execution of a program, thereby allowing some executive flexibility; but it would require that all departures from the obligations be reported to Congress.

Personal attention and vigorous management policies of the OMB to

Federal agencies have not been enough. Prevention of waste and inefficiency in Federal programs must be a top priority of this Congress. It is our obligation as elected representatives of this country to institute controls which eliminate waste. This bill is a sound step in that direction.

H.R. 6131

A bill to require that not more than one-fourth of the budget authority of any department or agency of the executive branch may be obligated during the last quarter of a fiscal year

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1512 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(e)(1) In exercising his apportionment authority under this section, the Director of the Office of Management and Budget shall assure that not more than 25 percent of the total budget authority available to and planned for use by each agency for each such fiscal year may be obligated during the last three calendar months of each fiscal year. Upon his determination that full compliance with the requirements of this paragraph would seriously disrupt the execution of any agency program, the Director may authorize such departures from these requirements as are necessary to avoid the disruption.

"(2) The Director shall keep the Congress fully informed of actions taken pursuant to paragraph (1) for each covered fiscal year. The Director shall also report to the Congress all departures from the percentage requirements of paragraph (1), as authorized therein, and the reasons for such departures.

"(3) Any reserves established or other actions taken in connection with the apportionment process solely for the purpose of satisfying the requirements of paragraph (1) shall be exempt from subsection (c)(1) of this section and from sections 1012(a) and 1013(a) of the Impoundment Control Act of 1974. Nothing herein affects the authority of the Comptroller General under section 1015 of the Impoundment Control Act to report a reserve or deferral to the Congress if he concludes that the exemption provision of this subparagraph is not applicable.".●

SEARCH AND RESCUE SATELLITES SAVING LIVES AROUND THE GLOBE

HON. HAROLD L. VOLKMER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. VOLKMER. Mr. Speaker, I would like to tell you about a satellite program that this Nation participates in with the Soviet Union, which reportedly is responsible for saving the lives of as many as 233 people worldwide. These satellites are capable of detecting distress signals emitted from emergency locations at sea, in the air, or in the wilderness.

The International Search and Rescue Satellite-Aided Tracking [SARSAT] Program, in which the United States has one satellite and the Soviet Union has two, has saved the lives of eight people since May of this year.

Let me highlight the recent incidents. On February 2, six fishermen had abandoned their 23-foot fishing boat during high winds and damaging waves. They emitted a distress signal, which was detected at the Toulouse, France, Mission Control Center, and a search plane was dispatched. The plane was able to locate the fishermen within 4½ miles of where their ship had sunk, very close to the location predicted by the Mission Control Center.

On March 30, the satellites detected signals from a 25-foot sailboat off the coast of Monterey. Airliners passing overhead verified the signals, which were emitted from an emergency positioning-indicating radio beacon, and the Coast Guard was thus able to locate the sailboat, rescuing a lone passenger.

A third incident occurred on May 19 in the Atlantic Ocean off the Azores. One sailor was rescued from a 19-foot disabled Canadian vessel.

In all three instances, signals were detected by both the United States and Soviet satellites. These instances illustrate the value and importance of the International Search and Rescue Satellite Program as a peaceful use of outer space. The SARSAT Program is just one example of the benefits that accrue to us and to the whole world from our Civilian Space Program.●

20 YEARS AFTER THE CIVIL RIGHTS ACT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. RANGEL. Mr. Speaker, I rise to remind my colleagues that 1984 is the 20th anniversary of the Civil Rights Act of 1964.

After generations of hardship and struggle, black Americans were finally accorded full citizenship rights with the full support of President Lyndon B. Johnson. As a people and as a nation, we were made worthy of our constitutional ideals by that stroke of a pen. Millions of black Americans had marched and sat in during years of sacrifice prior to that moment 20 years ago.

Mr. Speaker, I offer the attached article from the Knoxville Journal for inclusion into the CONGRESSIONAL RECORD.

TWO DECADES AGO, BLACKS STOOD TALL AS THE NATION'S SEGREGATION LAWS FELL

(By Matt Nauman)

The Rev. W.T. Crutcher remembers the sit-in at Walgreen's lunch counter more than two decades ago.

"The waiters refused to serve us. They cut the lights out at the lunch counter and shut it down," Mr. Crutcher recalled Friday. "Of course, we stayed there."

It was like that back in 1960.

Knoxville College students and others staged sitdowns at Gay Street lunch counters. While blacks sat quietly, either reading or doing homework, white workers quickly posted "Temporarily Closed" signs.

It was 20 years ago this month that President Lyndon Johnson signed the most comprehensive civil rights bill since Reconstruction.

"We've have come now to a kind of testing," Johnson told Americans listening to radio or watching television.

"We must not fail."

Roy Wilkins then executive secretary of the National Association for the Advancement of Colored People, called that 1964 legislation "the Magna Carta of human rights."

America was a turbulent, changing nation in the early 1960s.

A storybook presidency ended in assassination. Men were suddenly flying in space. The United States had entered the war in Vietnam.

Black Americans, who demanded the same rights as white Americans, were opposed by the likes of Lester Maddox, George Wallace and Bull Connor.

"I'll use ax handles. I'll use guns, my fists, my customers—this property belongs to me," Maddox said after he used a pistol to chase away three blacks who pulled into the parking lot of his Atlanta restaurant.

That was on July 3, 1964—less than two days after Johnson's signature turned the 1964 Civil Rights Act from a controversial piece of legislation to the law of the land.

Knoxville avoided the bloody violence that stained much of the South.

Mr. Crutcher thinks a supportive community and strong mayor deserve the credit for relative calm of civil rights protests in Knoxville.

John J. Duncan Jr. was Knoxville's mayor at the time. He's now the area's congressman.

"He gave us all protection," Mr. Crutcher said. "That was the reason there was no violence. He told us to let him know we were going to sit in and he'd have police there. That was unusual for the South."

Knoxville was making progress before 1964. In fact, Duncan was given the Citizenship Award of the Knoxville Roundtable of National Conference of Christians and Jews in 1962 for his work for integration.

Duncan flew to New York in 1960 with Dr. James A. Colston, then president of Knoxville College, two KC students and representatives of the Chamber of Commerce to discuss desegregation of chain store lunchrooms with store officials.

Duncan also was one of the founding members of Committee for Peaceful and Orderly Desegregation, a group of Knoxville business, church and political leaders formed in May 1963.

Though there were sit-ins and protest marches, desegregation went rather smoothly here.

"We got through rather nicely here. There were a lot of personal threats, but no overt acts," Mr. Crutcher said, "Finally, we had to boycott the downtown stores. That was the straw that broke the camel's back."

The boycott succeeded as two or three businesses a day decided to change policy, Mr. Crutcher said.

After the passage of the Civil Rights Act in 1964, more doors opened for blacks in Knoxville.

"Even after we got the lunch counters open, we still had the theaters and hospitals," Mr. Crutcher said. "The Civil Rights Act helped us in that right."

Earlier this week, Atlanta Mayor Andrew Young described his city thusly: "It's not a segregated town. It's just not an integrated town."

That true for much of the rest of the nation.

Blacks and whites work together and go to school together. But generally the two races don't live together, socialize together or worship together.

"You're always going to have that," Mr. Crutcher said. "But it's so much different, so much improved from what it was."

"As far as athletics, you have far more integration now than they've ever been. And I don't know any of the white churches that would not except a black member today. And vice versa. Most people just go where they're comfortable."

Looking back, the pastor of Mount Olive Baptist Church for the past 49 years is pleased with what has been accomplished.

"We figured it was just something we had to do," Mr. Crutcher said. "Conditions are improving, though never enough."●

ASSOCIATION FOR RETARDED CITIZENS-SOUTHWEST

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. DYMALLY. Mr. Speaker, I would like to express my deep appreciation and congratulations to the Association for Retarded Citizens-Southwest for its impeccable humanitarian efforts in assisting and improving the lives of the mentally retarded in the southwest portion of Los Angeles County.

Since its incorporation on November 2, 1959, the association has provided critical educational, job-training, social, and recreational benefits and activities to mentally retarded individuals throughout the vast South Bay communities. The association has offered many programs and established numerous centers to see that these programs are carried out. For example, the Association for Retarded Citizens recently established a work training center called Southwest Industries, which has given mentally retarded young adults the opportunity to earn money, develop work skills, and mature both socially and emotionally in a working environment. In addition, the association has constructed work activity centers in both Gardena and Rancho Palos Verdes which have provided training to the severely mentally retarded in day-to-day living, arts and crafts, fine and gross motor exercises, and adaptive and physical education. Finally, the association has provided residential services to the mentally retarded and has offered leisure time activities such as a bowling league, the friendship dance, and adult social club, various field trips, and the South Bay area Special Olympics.

The indefatigable efforts of the Association for Retarded Citizens-Southwest is possibly unsurpassed by any other similar association. Its commitment is clearly expressed in the following statement that it submitted to me: "As advocates for all mentally retarded citizens, ARC-Southwest believes that all people have the right to pursue a full life, the right to become a productive part of the community, and the right to share in meaningful daily experiences."

In closing, I wish to say that I cannot think of a more commendable endeavor than assisting the less fortunate. I thank the Association for Retarded Citizens for giving retarded citizens a chance to become an integral and valuable part of our society. The humanitarian zeal of the organization merits the congratulations and respect of Congress and the American people. I hope that the association's dedicated personnel continue their outstanding service to the mentally retarded in the future.●

WHY THE ACLU IS GAMBLING WITH ROE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. SMITH of New Jersey. Mr. Speaker, I am pleased to share with my colleagues an article published in the Washington Times today entitled, "Why the ACLU is Gambling with Roe." This article is, in my opinion, one of the most succinct, informative, and revealing statements on the subject of legalized abortion and the effect it now has on the unborn child—an aspect of abortion which the President himself has brought before the American people. Mr. Speaker, the Illinois General Assembly, mentioned in the article for its recent reforms in that State's abortion law, is to be applauded for its courageous steps toward protecting the rights and interests of our unborn children. I wish to call to the attention of every Member of this body and every citizen of the United States the poignant message contained in this most commendable piece of journalism. Please, read this article. It is particularly necessary that we in Congress, responsible for shaping this Nation's laws, are aware of the situation confronting millions of the defenseless unborn.

[From the Washington Times, Aug. 8, 1984]

WHY THE ACLU IS GAMBLING WITH ROE

(By Steven R. Valentine)

The American Civil Liberties Union has filed a lawsuit in Chicago that demonstrates dramatically the extremes to which the pro-abortion movement seeks to push the U.S. Supreme Court's 1973 *Roe vs. Wade* decision. But the ACLU case, *Keith vs. Daley*, may also turn out to be the means by which *Roe vs. Wade* is significantly restricted, or even reversed by the court.

Overriding the veto of Gov. James Thompson, the Illinois General Assembly recently enacted three significant changes in its abortion law.

First, under the new statute, physicians who abort unborn children who may be viable must use the procedure that is safest for both the mother *and* the child.

Second, doctors must tell expectant mothers who seek abortions about the availability of medication to relieve the pain that the viable unborn child may feel during the operation. And third, the new law prohibits abortionists from performing sex-selection abortions.

None of the three amendments to the Illinois abortion law violates the Supreme Court's *Roe vs. Wade* ruling. After all, *Roe* says that women have a right to *abort* (empty from their wombs) unborn children, not to ensure that they will die in the process. And the humane act of at least relieving the pain of the unborn as they are aborted does not prevent women from having abortions. Finally, *Roe* gave women the right to decide whether to give birth to a child, not *what kind* of child.

Yet the ACLU believed so strongly that these Illinois amendments threaten *Roe vs. Wade* that it found five local abortionist physicians to bring a lawsuit in federal court seeking to have the offending provisions declared unconstitutional. Why?

The "viability" issue is a gravely serious problem for the abortion industry. Not only is the point in pregnancy at which the unborn child would be "viable" outside the mother's womb getting earlier as technology advances, but by definition a "viable" unborn child who is only aborted (emptied from the womb) might live. Until recently, most late-term pregnancies have been ended by fetal expulsion procedures that sometimes result in live births. To avoid this "unwanted" outcome, abortionists lately have been turning to a relatively new method of abortion by which the unborn child is dismembered by a knife while inside the womb, then removed part by part.

The new post-viability provision of the Illinois law, then, is designed effectively to prohibit this grotesque, feticidal method of abortion. Taken in conjunction with earlier viability, the prospect of losing this abortion method scares pro-abortion doctors, and hence their compatriots at the ACLU. They want the federal courts to say that *Roe vs. Wade* really means not only a right to an abortion, but a right to a dead child, too.

Fetal pain is an aspect of the abortion issue that President Reagan has done much to bring before the public. Almost any objective observer who looked at the medical facts would agree that, at least at some point in gestation, the unborn child is capable of feeling pain. And any of the methods of abortion now in prevalent use, therefore, may cause incalculable pain to the unborn children who are the targets. Recognizing these facts, and the reality that abortion is legal by direction of the Supreme Court, the Illinois General Assembly took a humane step. It provided that doctors must show the same humane consideration toward doomed unborn children that is asked for dogs and cats who are "put to sleep."

The fetal pain issue, too, scares the abortion industry and its friends at the ACLU. It

tends to humanize the unborn child. Perhaps worse yet, from their perspective, requiring doctors to tell expectant mothers that their babies might feel excruciating pain when they are aborted might lead to a sharp drop in the number of abortions. Thus, by its lawsuit, the ACLU seeks to have the federal courts say that Roe vs. Wade forbids Illinois to invade the "privacy" of the "physician-patient relationship" by trying to alleviate fetal pain.

Information released recently by the National Academy of Sciences indicates that as many as 60,000 newborn Chinese girls are killed each year because their parents prefer boys. The shocking NAS report describes in gory detail the methods by which baby girls are killed. For example, some expectant Chinese parents keep a water bucket by the maternity bed in which to drown the little girls as soon as they are born.

Sex-selective abortion in America is the moral equivalent of sex-selective infanticide in China. Amniocentesis, and other prenatal genetic screening procedures, are becoming more widely used each year as parents seek to avoid the births of "defective" children Virtually all these tests have to be undertaken quite late in pregnancy, and the wait for the results is usually several weeks. A by product of amniocentesis, as well as most of these other tests, is revelation of the sex of the unborn child. Thus, even if the child is genetically "normal," the mother can choose a late-term, extremely painful (for the child) abortion if she finds that the child is not of the desired sex. Every known barometer of the practice indicates that, by an overwhelming margin, it is the female unborn babies who get aborted.

No known studies indicate how widespread the practice of sex-selective abortion is in America. But it is significant enough to be discussed and debated in the legal and medical journals. Obviously the Illinois General Assembly is convinced that it is a problem. And the abortion industry, with the ACLU by its side, is worried about the implications of the Illinois ban on sex-selective abortion.

But it is not sex-selective abortion per se that is the problem for the pro-abortion side. It is two other considerations.

First, if Roe vs. Wade is to be the pure, unencumbered right to abortion (and feticide) that they seek, then no state legislature is to be permitted to presume to tell any woman which are legitimate reasons for having an abortion.

Second, and perhaps more important, if the sex-selective statute in Illinois is upheld in the federal courts, then it will be established that Roe vs. Wade does not mean that women have the right to choose which kinds of unborn children should be permitted to live until their natural birth.

In short, might the next step for states like Illinois be to ban genetic abortions where tests show that the unborn child has Down's syndrome, spina bifida, or some other malady? That is what may really scare the abortion industry and the ACLU.

Thus, in Keith vs. Daley, the abortionists and the ACLU seek to preserve and expand the Roe vs. Wade "right to an abortion." But the new Illinois law is a state statute. And if the U.S. District Court strikes it down (it already has issued a temporary restraining order), then Illinois has a right of appeal to the U.S. Court of Appeals for the Seventh Circuit, and, ultimately, to the U.S. Supreme Court.

By the time the case reaches the Supreme Court, is argued, briefed, and considered, President Reagan's re-election, coupled with vacancies on the high bench, might provide the margin by which it could be used to reverse Roe vs. Wade altogether. Five of the six pro-Roe Justices are now older than 75. And two of the three anti-Roe are under 60.

Even if the composition of the court when Keith vs. Daley reaches it is not such that Roe vs Wade can be reversed, it will provide a means by which to win significant restrictions on the abortion "right." Do a majority of the Justices really mean to say that Roe vs. Wade means a right to feticide? An effective right to cause the unborn child pain as it is aborted? A right to sex-selective abortion?

Thanks to the new ACLU lawsuit, we may find out.●

TRIBUTE TO ERNEST L. CUTTING II

HON. JUDD GREGG

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. GREGG. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues an incredible man, a man who, despite considerable adversity, has displayed courage and vitality that we all should admire.

Ernest L. Cutting II has served the town of Sunapee, NH, in a variety of ways for many years and has earned the respect of its citizens. I believe you will agree with me that his accomplishments are truly outstanding when you consider Ernie's story.

Before I share his entire story with you, let me take a moment and highlight Ernie's activities. For 23 years he worked for the George Smith Construction Co., installing much of the water and sewer pipe in Sunapee. As superintendent of the town's water and sewer department, he had responsibility for the entire system and knew every detail.

Mr. Cutting currently serves as a selectman from Sunapee. Town government is highly valued in New Hampshire and the responsibilities entrusted to the men and women who hold his office are many. Although financial reimbursement is minimal and the job is technically designated part time, there never seems to be enough hours in the day to handle all the problems from potholes to police cars. The job can be discouraging, as it can be a thankless job. It can also be exhausting, yet consider the fact that Ernie Cutting has served for 18 years, 40 hours a week, despite a variety of illnesses.

Diabetes claimed Ernie's eyesight. Subsequently, he suffered kidney failure and lived on with the aid of a dialysis machine. In 1976 he underwent a successful kidney transplant. Then a problem developed in his legs that resulted in amputation. This condition did not stop Ernie, for he learned to walk with two prosthetic legs. Most recently, while in the hospital for a stomach and ear ailment, another setback occurred, a heart attack. With each illness Ernie found a way to compensate: Blindness sharpened his hearing and concentration, lessened mobility increased his determination. People seek him out for advice and, during his recent hospital stay, he continued to help administer the town while on his back in bed.

Mr. Cutting is home now and I hope you will join me in saluting Ernest L. Cutting II for his unswerving dedication and determination. He certainly is a shining example, especially, to those of us in public service.●

THE BROADCAST STATION OWNERSHIP ACT OF 1984

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. LELAND. Mr. Speaker, I am today introducing, in conjunction with Mr. DINGELL, chairman of the Energy and Commerce Committee, and Mr. WIRTH, chairman of the Subcommittee on Telecommunications, Consumer Protection and Finance, the Broadcast Station Ownership Act of 1984. This legislation is intended to promote competition in the broadcasting industry, preserve diversity of viewpoints by assuring diversity of ownership of broadcast properties and promote opportunities for ownership by small businesses and minorities of broadcast properties.

In 1953, the Federal Communications Commission [FCC] adopted a multiple broadcast station ownership rule, the 7-7-7 rule, limiting the number of radio and television stations any one entity may own to seven AM radio stations, seven FM radio stations, and seven television stations, no more than five of which can be VHF. The rules were intended to "promote diversification . . . of program and service viewpoints as well as to prevent any undue concentration of economic power contrary to the public interest."

The FCC's proposed elimination of the 7-7-7 rule has been the subject of extensive and well-founded criticism. If carried out, the elimination of the rule would seriously undermine the Commission's historic commitment to ensuring diversity of ownership. Such a change would have a devastating impact on the level of ownership of broadcast properties by small businesses and minorities. The elimination of ownership limits would encourage the three major networks and other large broadcast companies to expand their ownership interests greatly. The consolidation of station ownership into fewer hands would work to reverse the

diversity of viewpoints the 7-7-7 rule has fostered.

The Broadcast Station Ownership Act of 1984 codifies restrictions on ownership of multiple broadcast stations. It is fair and balanced legislation. It reflects the changed circumstances that have occurred in the 31 years since the Commission first adopted the 7-7-7 rule, but preserves this Nation's historic commitment to diversity of ownership of broadcasting properties.

Under the legislation, television station ownership would be limited by a market reach index. Television station ownership would be allowed in any combination of stations that reaches a maximum of 30 percent of the Nation's households. No more than 25 percent of this reach could be through ownership of VHF television stations.

The legislation also includes a flexible numerical ownership limit for both television and radio. The numerical limit is based on a point system that assigns a value to a broadcast station based on the size of the market the station serves. An individual or group owner would be prohibited from owning multiple stations with a combined value of more than 100 points. The 100-point limitation would apply separately to each of the three broadcast media; i.e. 100 points for television, 100 points for AM stations and 100 points for FM stations. Television ownership would be subject to an "either/or" test. Ownership of additional television stations would be prohibited when an owner reaches the audience penetration threshold or the numerical limit, whichever is reached first. For radio, because of the difficulty of determining audience reach, only the numerical limit, not the percentage reach measure, would apply.

Under the point system, ownership of a broadcast station in 1 of the 10 largest markets would be valued at 10 points, stations in markets 11-20 would be valued at 9 points, and stations in markets 21-50 would be valued at 8 points. Ownership of a broadcast station in the smallest markets, below market 50, would be valued at 7 points.

The point system would allow for an increase from the existing seven-station limitation. Theoretically, an individual or group owner could own a television, AM radio, and FM radio station in each of the 10 largest markets. The legislation also would permit ownershihp of up to 14 television, 14 AM radio and 14 FM radio if the stations in question were in smaller markets. Thus, the legislation effectively creates a sliding multiple ownership limit of from 10 to 14 stations. For example, a broadcaster could own 11 stations, with 5 in the top 10 markets, 3 in markets 11-20, 2 in markets 21-50, and 1 in a market below 50.

The combination of a market reach cap in conjunction with a flexible numerical limit relieves many of the problems associated with a strict numerical limit. There is something inherently irrational about equating ownership of a television station in New York City, the Nation's largest television market, with ownership of a station in Glendive, MT, the Nation's smallest. This legislation moves away from that approach, and allows owners greater flexibility in purchasing broadcast properties.

One major problem portended by the proposed elimination of the rule is the threat of a significant increase in purchase prices for broadcast stations, particularly those in major markets. Such a price increase would be particularly significant for minorities because prices for broadcast facilities in the large urban areas, where most minorities reside, are already prohibitive for all but a few minority owned corporations.

In an effort to increase the level of minority ownership of broadcast properties, the legislation also provides an incentive for investments in minority owned and controlled broadcast stations. Where an individual or group owns a 49-percent or less interest in a station or stations owned by a minority or members of a minority group, the ceiling limit for television audience penetration would be raised 5 percent (creating a maximum ceiling of 35 percent penetration) and the numerical limitation would be raised by 20 points (to 120 points).

Under this provision, no owner would be penalized for not investing in a minority controlled station or compelled to invest in a minority controlled corporation. Investors would, however, be given a substantial incentive to voluntarily invest in ventures with minority group members.

Mr. Speaker, the Broadcast Station Ownership Act represents a thoughtful and moderate approach to a complex issue. I urge my colleagues to support this legislation.●

CENTENNIAL CELEBRATION OF BIKUR CHOLIM-SHEVETH ACHIM

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. MORRISON of Connecticut. Mr. Speaker, it gives me great pleasure to recognize the centennial celebration of a synagogue in New Haven, CT, Bikur Cholim-Sheveth Achim. Bikur Cholim-Sheveth Achim was formed from two separate synagogues, Bikur Cholim and Sheveth Achim, each of which was independently established in New Haven in 1884.

After 1884, as the Jewish population in New Haven rose, both congregations thrived and attracted many new members. Each synagogue developed congregations marked by a sense of community and religious devotion. Bikur Cholim, an orthodox congregation, had a lively membership and an excellent religious school. Sheveth Achim, a chasidic synagogue, was a leader of the New Haven Jewish community. After the Depression, however, membeship in both synagogues began to decline. Because of inadequate funds, social and economic dislocation, and family migration, the two congregations considered the possibility of merging.

Negotiators from both synagogues completed the merger in 1949, with an agreement to use the chasidic service in the new synagogue, but to list the orthodox congregation first in the new name. Since the amalgamation, Bikur Cholim-Sheveth Achim has enjoyed a wide membership and has played a prominent role in the New Haven Jewish community. Its various organizations and religious school, including a Hebrew high school, have helped maintain it as a center of Jewish activity in New Haven.

I am delighted to be able to congratulate the president, Dr. David Fisher, and all the members of Bikur Cholim-Sheveth Achim on the occasion of the 100th anniversary of the founding of their synagogue.●

CRITICAL ISSUES FOR CONGRESSIONAL ACTION

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. HUBBARD. Mr. Speaker, I have received the excellent July 30 letter to me from my constituent, Harold R. Toney, Jr., a certified public accountant in Madisonville, KY. Harold Toney has written to me regarding his need to communicate his thoughts about some of the important economic issues that are facing America. These issues require congressional action, Mr. Speaker, and are the cause of great concern to Harold Toney and countless others across the Nation.

I believe my colleagues will be interested in his timely comments about the recommendations of the President's private sector survey on cost control—the Grace Commission—the need to lower the Federal deficit, and the wasteful spending of our taxpayers' dollars.

I would like to share Harold Toney's letter, which follows:

JULY 30, 1984.

Hon. CARROLL HUBBARD,
Madisonville, KY.

DEAR SIR: Let me open this correspondence by saying that I sincerely appreciate the opportunity to communicate with you. I am 33 years old, married with one child, a

certified public accountant, and consider myself a representation of middle income America. I have recently felt the need to communicate with you regarding some of the economic issues facing our nation.

As I study the reports I receive from the media concerning the federal budget deficit, inadequate control over defense contract spending, Mr. W. R. Grace's study and evaluation of the efficiency of the federal government, and the apparent failing of the social security system, I am extremely concerned. Some of these issues have been around a long time and I have sat back and not expressed any opinion at all. I have never written you before. Myself and many other Americans through our own fault have left the job totally up to you and the other members of Congress. Our expressions and opinions were made when we went to the polls to vote. I do not feel that voting is enough. I feel that the ideas and opinions conveyed to you in this letter, if any, represent the vast majority of middle income Americans.

Upon examining the issues of the aforementioned paragraph, I find it difficult to entirely separate them with regard to finding possible solutions. Let me say that I do not have the solutions, only the opinion of middle income Americans on what we think should be done.

I feel that there is an overwhelming lack of concern regarding the federal budget deficit by members of Congress. After all, the federal government does possess the power to print money. I do not blame the federal government entirely for this situation. I mostly blame the people of this country for allowing themselves to become so dependent upon social support. I understand that social programs account for a tremendous portion of our national budget. Social services have gotten totally out of control in this country. Too many people have come to rely on social security as their primary source of retirement income. What are the answers? Then there is the trade off between increasing taxes or cutting spending or both.

President Reagan has gained much popularity over the past 3½ years because he did manage to get a tax decrease through Congress. I feel for the first time in history someone has realized that tax decreases encourage people to work harder, earn more money, work more efficiently, spend more money which stimulates economic growth and provides more jobs, and last but not least, expect less from their federal government. Spending cuts and governmental waste must first be dealt with before any consideration of a tax increase. Mr. Grace's study and evalution of government efficiency should receive a close examination and an appropriate implementation as soon as possible. The defense budget is probably not too high but effective cost controls are inadequate. I assume that Mr. Grace's report contains this. I believe that Mr. Reagan was totally justified in having the study done. I do not believe that the members of Congress are independent enough to always vote the way that they would like to.

Our troubled social security system must be made solvent. If there must be a tax increase, the increase should be restricted to the social security fund but only in equal dollar cuts of spending from that fund. Programs must be cut to a reasonable level if our system is to service its original intention, supplemental retirement income. I was amazed to learn the number of federal social programs available to Americans. I ask you, Is this what Congress intended for a system to become? I know this is not a popular issue because you would probably lose votes either way you voted if a major piece of legislation were introduced on this subject. I have a deep respect for the senior citizens of this country. I do not believe it is their portion of benefits that has the system in financial trouble. The endless list of additional programs which never had appropriations in the beginning are the root of the problem.

There is much more that I would like to say but I will not concentrate your thoughts on more issues at this time. I would appreciate the opportunity to communicate with you in more detail concerning these issues or on other issues affecting the people of this great nation.

Sincerely,

HAROLD R. TONEY, Jr.,
Certified Public Accountant.●

POSTAL NEGOTIATIONS IMPASSE

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. FOGLIETTA. Mr. Speaker, I would like to call the attention of the House to a recent action by the U.S. Postal Service that offends and disappoints me.

As Members may know, the USPS and the postal employees' Joint Bargaining Committee have been at an impasse in their contract negotiations. This is an unfortunate and difficult situation, but we have mechanisms for handling it. Under the Postal Reorganization Act of 1970, when the parties have reached an impasse, there is a 45-day factfinding period, during which recommendations may be issued to both sides to encourage an agreement. If, however, an agreement has not been reached within 90 days after the expiration of the current contract, an arbitration panel is appointed. This panel has 45 days to issue its binding award.

Unfortunately, the Postal Service has chosen to bypass this objective, deliberative, and equitable process to unilaterally impose its last offer—a 23-percent pay reduction—as the pay scale for employees hired after August 4 of this year. This unprecedented action raises several issues:

It may very well be against the law. Our colleague, WILLIAM FORD, chairman of the Post Office and Civil Service Committee, in a letter to Postmaster General Bolger stated, "the unilateral changes * * * are illegal under the Postal Reorganization Act." It is his interpretation of the law that, when an impasse occurs, the status quo remains in effect until an agreement has been reached, or the binding arbitration process is complete.

Beyond the legal question is that of the Postal Service's intentions. It is clear to me that the Postal Service, by unilaterally implementing an issue that is the subject of negotiations, is not bargaining in good faith.

In fact, the Postal Service is undermining the collective bargaining system. In the private sector, if an impasse of this sort is reached, management has the right to impose its final offer unilaterally. This is balanced, however, by labor's right to strike. The postal unions, representing public employees, cannot strike. Similarly, the Postal Service does not have the right to implement its offer, and that is why the dispute resolution mechanisms contained in the law are so fundamental to the collective bargaining process. The Postal Service has ignored these important procedures.

Additionally, we cannot miss the understandably devastating effect this action has on employee morale. The ridiculousness of expecting employees whose wage rates differ by 23 percent to work side by side as an efficient, productive workforce is exceeded only by that of expecting postal employees to trust the Postal Service to bargain in good faith again.

Mr. Speaker, the kindest thing I can say about this action on the part of the Postal Service is that it is shortsighted. What it really is, however, is arrogant, antiworker, and un-American. It is probably illegal, undoubtedly unfair, and unavoidably damaging to everyone's best interests. I stand with postal employees across the Nation, particularly those in my city of Philadelphia, and with other concerned Members of Congress, in calling upon the Postal Service to reconsider this ill-advised action.●

THE BROADCAST STATION OWNERSHIP ACT OF 1984

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. WIRTH. Mr. Speaker, today, I am introducing, along with my colleague Congressman LELAND, the "Broadcast Station Ownership Act of 1984." This legislation is in response to the misguided action taken 2 weeks ago by the Federal Communications Commission in its repeal of the so-called 7-7-7 rule, which limited the number of radio and television stations any one entity could own to seven AM radio, seven FM radio, and seven television stations (no more than five of which could be VHF).

The FCC replaced this rule with a short term, transitional limit on broadcast station ownership which permits an entity to own up to 12 AM, 12 FM, and 12 TV stations. Moreover, after 1990 under the FCC's new rule, broadcast station owners would be al-

lowed to own an unlimited number of broadcast outlets.

Our legislation represents the type of approach that the Congress established an expert agency—the FCC—to develop. It is unfortunate that in its effort to reform and overhaul an outdated and arbitrary rule, the FCC has come up with an equally arbitrary rule that ignores the need to have a long term policy on multiple ownership of broadcast properties in effect. The approach this legislation embodies is by no means perfect, but it incorporates the concepts that are needed to achieve a balanced multiple ownership policy. I hope and trust that the FCC will carefully consider the framework and policies of this legislation as it reconsiders its multiple ownership rule decision.

I want to commend my good friend and colleague MICKEY LELAND for his help in devising this legislation. I also want to thank the gentleman from Texas for the energy that he has continued to devote to the critical issue of diversity of ownership of broadcast stations in this country, with a particular eye on ensuring that minority ownership of broadcast outlets is fostered and encouraged.

I have long been supportive of liberalizing the FCC's multiple ownership rules. In fact, the Commission's plan to liberalize the broadcast multiple ownership rules was one of the few areas in which I was in philosophical agreement with a mass media policy initiative of the present Commission. I share FCC Chairman Fowler's belief that the number 7 was an arbitrary one, and that reform of the multiple ownership rules was necessary and appropriate to encourage greater competition and diversity in the television program marketplace.

Where I differ from the Commission, however, is with the way in which the Commission went about modifying the 7-7-7 rule. Instead of developing a long term, objective policy, the FCC's new 12-12-12 rule with a 6 year sunset is a short term transitional approach which is as equally arbitrary as the rule it is intended to replace.

Most disturbing is the Commission's acceptance of a very faulty premise—that there is no need for multiple ownership rules, and all that is necessary is a short term, "quick fix" before the issue of broadcast concentration is left totally to the marketplace. In addition, it is pure folly to suggest that 6 years from now the total absence of national ownership rules will not result in a problem of excessive ownership concentrations. The notion that broadcast ownership rules will not be needed after the year 1990 is irresponsible and unsupportable. Allowing broadcast companies to expand their audience base is an important goal, but this must only be done in the context of maintaining the Nation's diverse ownership base.

In my role as Chairman of the Subcommittee on Telecommunications, I am dedicated to furthering the first amendment goal of ensuring that the American public has access to as many information and programming sources as possible. The major obstacle to program competition and diversity that we have traditionally faced is the dominance of the three commercial television networks. If other broadcast group owners, such as Metromedia, Cox or Westinghouse, are ever to compete effectively with the television networks in the production and distribution of programming, they must be allowed to expand their audience base through the acquisition of additional stations.

Broadcast station group owners will then have an audience which would provide a cushion and guaranteed reach which would give these group owners the ability and incentive to become far more heavily involved in the development, production and distribution of programming. Thus, it is not simply the number of stations owned which is relevant, but for purposes of both fostering program diversity and in limiting station concentration, it is audience reach which is a far more relevant measure than the mere number of stations owned where no consideration is given to the size of the market in which the stations are located. I believe this policy of fostering group owner station growth can be put forth without the need to establish different ownership rules for different broadcast companies.

At the same time, however, I share Congressman LELAND's concern that since the liberalizing of the multiple ownership rules could well result in an increased demand for stations, the rush to purchase more stations could artificially inflate the cost of stations. The effect of this disturbs me since it could put the acquisition of media outlets beyond the reach of minoirty entrepreneurs. Any multiple ownership policy must balance these two competing goals—the need for fostering diversity through group owner growth without undermining diversity by depriving minorities of ownership opportunities.

Thus, it is important that any concentration rule based on audience reach be coupled with a numerical cap so that broadcast acquisitions do not become so frenzied as to freeze out minority station owners from further developing. Without a numerical cap, it would be possible for a single company to own 50 or more small and medium market stations while still reaching less than 25 percent of the Nation's households. It is in the small and midsize markets that opportunities for increased minority ownership are probably greatest. It is also imperative that any ownership policy contain explicit incentives for increasing minority participation in the broadcast industry. Our legislation achieves this by permitting established broadcast companies to exceed the ownership limits if those additional stations involve joint ventures with minority group members.

In response to the Commission's ill-conceived decision, the legislation Congressman LELAND and I are introducing today, establishes a long-term policy that combines measurements of audience reach coupled with a numerical cap that is based on a market-size index. We believe this bill represents a proper balance between promoting diversity through increased program competition and furthering diversity through preventing excessive concentration and increasing minority participation in the program marketplace.

Our legislation has four goals:

One, to promote opportunities for ownership by minorities and small businesses of broadcast properties in their local area; two, to preserve diversity of broadcast station ownership in order to assure diversity of viewpoints; three, to promote greater competition in the production and distribution of broadcast programming; and four, to establish objective standards for limiting concentrations in ownership of broadcast properties.

This legislation will allow any broadcast company to reach up to 30 percent of the Nation through ownership of television stations. A group owner would be limited to reaching 25 percent of the Nation's population through ownership of VHS television stations.

Since the concept of audience reach of radio stations is very different and harder to approximate, this approach deals with radio in a different manner by only applying the index based on the market size that a station is located in to establish a limit on the number of stations that can be owned. The index places a flexible numerical cap on the ownership of both radio and television stations. The numerical cap limit is based on a point system that assigns a value to a broadcast station based on the size of the market that station serves. No entity could own a combination of stations with a point value in excess of 100 points. Depending on the market size in which the stations were located, a group owner could acquire from 10 to 14 stations.●

TRAGEDY IN MEXICO

HON. HAROLD L. VOLKMER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. VOLKMER. Mr. Speaker, I rise today to express to the House my outrage over the events surrounding a tragic accident which involved a young couple from the State of Missouri while they were honeymooning in the country of Mexico. Michael Willison and his bride of 2 days were honeymooning in Cancun on July 2 when she was killed in a traffic accident. The two had gone riding in a motorized surreylike vehicle and were struck from the rear by a water truck. For an hour before help arrived Michael sat by the side of the road, holding his bride's body in his arms.

In subsequent days Michael was held by police, charged with driving carelessly and sued for damages. Mexican authorites decreed without benefit of trial that $5,000 had to be paid for damages, and later added another $1,000 in truck driver's lawyer's fees, $300 to a travel agency for handling the money transactions, plus additional money demanded by a Mexican hotel. The families of the young couple had to spend more than $20,000 to get the groom and his bride's body out of Mexico.

During the Willison's ordeal, the American consul for Cancun was either unavailable or no help at all to the family. In fact, the consul gave the impression of supporting the Mexicans' position.

Mr. Speaker, Americans should be made aware that tragedies like this can happen to them if they plan a trip to Mexico. I have written my complaints to our Secretary of State, the Mexican Ambassador as well as the President of Mexico. I hope an incident such as this never happens again, but Americans should be aware of the plight they may face.●

COOPERATIVE EFFORTS CONSERVE WATER RESOURCES

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. IRELAND. Mr. Speaker, conserving our natural resources is a No. 1 priority. In a State such as Florida, where water is at a premium, we are always seeking new and inexpensive methods of preserving and utilizing our water supply to the maximum extent possible.

I would like to alert my colleagues to the work being done in Manatee County, in Florida's 10th Congressional District, by a group of engineers, planners and environmental scientists known as CH2M Hill. This firm has designed a drinking water management system now operating in Manatee County, FL, that is a prime example of how the highest quality engineering services can create real savings for the public.

Funded as a cooperative effort between the Manatee County Utilities Department and the Southwest Florida Water Management district, the Manatee project has received national attention for the significant contribution it is making toward conserving water and keeping down the cost of basic public services. The award winning design constitutes a great stride in supplementing water supplies in water-short areas.

The Manatee system will meet peak water demands that are 15 million gallons per day above the 54-million-gallon-per-day capacity of the county's existing local water supply and treatment facilities. The natural storage capacity of aquifers that underlie existing treatment plants is used to hold excess treated water during periods of low demand. The stored water displaces poor quality water already present in the aquifers. When the stored water is needed during high-demand, emergency or drought conditions, it is pumped back up through the same well and pipeline facilities without placing additional demands on the water treatment capacity of the existing plant.

The cost of the additional water is 20 percent below the current cost of water and less than half that of other water supply alternatives.

Although natural conditions in Manatee County are especially suited for aquifer storage and recovery, they are not unique to the area. This concept has widespread possibilities for expanding municipal water supplies at low cost in many water-short areas in the United States and abroad. In other locations, the concept may also have value for prevention of saltwater intrusion.

Mr. Speaker, I would like to commend Manatee County for the progressive leadership role it has taken to preserve and protect its water supply. It is an example to be duplicated in other parts of the country.●

IN MEMORY OF COMDR. RICHARD C. NELSON

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. EDGAR. Mr. Speaker, today, August 9, 1984, Navy Comdr. Richard C. Nelson will be laid to rest with full military honors at Arlington National Cemetery; 16 years ago, on March 6, 1968, the Navy A6A aircraft he was piloting disappeared from radar screens over North Vietnam. It was not until last month that the Government of Vietnam finally returned his remains, identified just last week, that his family and friends could even begin to end the decade and a half ordeal of waiting and wondering.

Commander Nelson was born July 12, 1941, in Upper Darby, PA. He attended Altoona High School, Altoona, PA, and graduated from Duke University in 1963 with a bachelor of science degree in engineering. A participant in the Naval Reserve Officers Training Program at Duke, he received his commission upon graduation and served aboard the U.S.S. *Kitty Hawk* from January 1966 until his disappearance in March 1968. We welcome him home at last.

Mr. Speaker, it is at times such as these that all of us in the Congress, but particularly those of us who serve on the House Veterans' Affairs Committee, realize once again that the legacies of the Vietnam war are still with us. Commander Nelson has finally returned home. We salute his courage and his sacrifice. He can now rest in peace at Arlington with the thousands who served before and with him in the service of his country.

But our hearts must still go out to the families of nearly 2,500 Armed Forces personnel still listed as missing in action or unaccounted for in Southeast Asia. We must express our strong admiration for their courage, their faith, and sacrifice, but we must also express our strong determination to exert any pressure to demand that the Government of Vietnam provide a swift and full accounting of those still missing.

We must ensure that the ordeal experienced by Richard Nelson's parents, his family, and friends is not prolonged or aggravated for all those who continue to wait unfairly for word of their loved ones. This is a simple humanitarian issue; an issue which needs to be resolved as soon and as completely as possible.●

EQUAL ACCESS BILL

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. OTTINGER. Mr. Speaker, on July 25 the House approved H.R. 5345, the so-called equal access bill. This legislation raises a number of serious practical and constitutional questions and may, in fact, cause more problems than it was intended to solve.

I find it ironic that the same administration which has promised to get the Federal Government off our backs, has pushed through Congress

the ultimate intrusion of the Federal Government into strictly local affairs. In approving this legislation, Congress portends to be better qualified to determine what activities have a rightful place in public schools than the locally elected school boards and appointed administrators throughout the country.

Moreover, this legislation establishes a dangerous precedent which may result in the prohibition of any extracurricular activity in our public high schools. Since the local school boards will have no authority to restrict the use of their schools by religious and other organizations, the only option available to them may be to restrict all extracurricular activity on school grounds. This legislation leaves local administrators no discretionary authority to prohibit the meeting of antisocial groups or pernicious mind control cults. In order to avoid religious controversy, the result could well be that school administrators will shut down all but a few carefully designated school-sponsored activities. Many meaningful student extracurricular activities will be told that they cannot use school facilities, in all likelihood terminating them. This legislation will, ironically, limit the ability of students to meet far more than before its enactment.

Finally, there is the matter of the separation of church and state. For the first time in our history, Federal law will license, indeed encourage, religious activity in our public high schools. Under any definition, this is Government sponsorship of religion. Yet under the Constitution, which has so carefully guided our Nation for nearly two centuries, there has been a careful delineation between the role of our schoolroom and the purpose of our religious institutions. Our Founding Fathers repeatedly stressed the importance of the separation of church and State, and for good reason—it is simply inappropriate to allow religious practices to invade the public classroom. There are various appropriate places for supervised religious expression, including the home, the church, the synagogue; but the public school is not one of them. Whether a religious meeting is student-initiated or not, it has no place in a public school.

The argument here is not over freedom of religion or diversity; we all believe in that and, in fact, the free pursuit of these beliefs is a tenet of the Constitution. The argument with which we are now dealing is the utilization of locally controlled public school facilities. This legislation is an unwarranted Federal instrusion into the local control of education, is unwise as a matter of educational policy, and above all, is unconstitutional.●

TRIBUTE TO LEON FORNAL

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. BORSKI. Mr. Speaker, it is my honor to rise and pay tribute to a man of outstanding character and achievement; 25 years ago today, Leon Fornal began a radio career that has brought joy and entertainment to millions of people. To his listeners in the Polish-American communities throughout New Jersey, Pennsylvania, Delaware, and New York, Leon Fornal has earned the reputation as Polonia's best and most popular radio personality.

Through his program at WTTM radio, Leon Fornal has brought happiness and hope to those who are alone; he has brought news and information about the activities of the Polish-American community in the Delaware Valley to those who take pride in their Polish-American heritage; and for all Americans, he has made strong the traditional values of family unity, community responsibility, and public service.

Whenever a new entertainment group or band sought to reach out to the listening public, Leon Fornal was there to help them gain recognition. Whenever a group of individuals sought to raise funds for a worthy cause, Leon Fornal would contribute his time and expertise. Whenever he can, Leon Fornal brings people in his audience in touch with each other; and we are all better for it.

He has brought news of more weddings, christenings, reunions, town meetings, organizational functions, dances, and good times than any radio announcer in his area. And in times of difficulty and sadness Leon Fornal has been kind, considerate, and compassionate to those in need.

Leon Fornal is a good and decent man who, through his hard work and talent, makes better the lives of each person he meets, personally or over the air waves. In his own right, Leon Fornal is a great American. In the House of Representatives of the United States of America, this RECORD pays honor to him. His friends and many listeners will, however, bless him in a more simple, and perhaps touching way; with a warm smile and a sincere Sto Lat.●

BANKRUPTCY JUDGES IN ILLINOIS

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. DANIEL B. CRANE. Mr. Speaker, on July 11, 1984, Congress passed and the President signed an act relating to bankruptcy amendments. The act provided for several amendments concerning the method of the appointment of bankruptcy judges, their jurisdiction, and the number of bankruptcy judges. Section 152 of that act provided for only two full-time bankruptcy judges in the central district of Illinois. For the reasons set forth below I have introduced legislation to amend this act to provide for three full-time bankruptcy judge positions in the central district.

The central district of Illinois covers an area roughly from Rock Island in the northwest to Quincy in the southwest; from Paris in the southeast to Kankakee in the northeast. At the present time the Danville division covers 11 counties, being Kankakee, Iroquois, Livingston, Ford, Vermilion, Champaign, Piatt, Edgar, Douglas, Coles, and Moultrie. There has been a bankruptcy office staffed by a bankruptcy judge in Danville since 1920. This office serves approximately 480,000 people in these 11 counties. It provides eight positions, including the bankruptcy judge, with a total payroll of approximately $200,000.

In 1980 the court handled 1,169 bankruptcy petitions, in 1981—943, in 1982—1,036, in 1983—1,094, and has handled 550 to date in 1984. In addition during this period of time the court has handled approximately 950 adversary proceedings. In 1983 over 18,000 creditors were listed in the cases filed. Because this district is approximately 220 miles wide, it would be an extreme inconvenience to both debtors and creditors to have to transact many bankruptcy matters in Springfield or Peoria in the event there is no longer a sitting judge in Danville to service the eastern end of the district.

Prior to passage of the act there was a full-time bankruptcy position in Springfield and Peoria with the Danville office being staffed by a part-time bankruptcy judge. In April 1982, the administrative offices for the U.S. courts, bankruptcy division, surveyed the caseload for the Danville division and recommended that this position be upgraded to full time. This recommendation was concurred with by the judicial council for the seventh circuit court of appeals. The Federal Judicial Conference, based upon these recommendations and the U.S. district court for the central district of Illinois, on

September 22, 1983, ordered the part-time bankruptcy judge position at Danville be converted to full-time status and directed that this change become effective as soon as possible.

In order to complete the conversion it was necessary that additional money be appropriated by way of the supplemental appropriations bill for fiscal year 1984. Those moneys were provided for but the supplemental appropriations bill was not approved prior to the new bankruptcy bill being approved. The tentative budget for fiscal year 1985, effective October 1, 1984, provides for the full-time position to be implemented at Danville.

For these reasons I think it is important that section 152 of the new bankruptcy Code be amended to provide for three full-time bankruptcy positions in the central district of Illinois.●

NATIONAL HISTORICALLY BLACK COLLEGES WEEK

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. CAMPBELL. Mr. Speaker, today I take great pleasure in announcing to this body that I have again introduced a resolution which would commemorate the efforts and accomplishments of our Nation's historically black colleges and universities. I have been joined by my colleagues HAROLD FORD and KATIE HALL in the introduction of this resolution, House Joint Resolution 637, and already many Members have contacted me to express their support and cosponsorship.

As many of you know, last year a resolution was approved by Congress and signed by the President which designated September 26, 1983, as "National Historically Black Colleges Day." Last year, the presidents of many of the 103 black colleges and universities met here in Washington for workshops, ceremonies, and a reception at the White House with the President and the Vice President. The event was successful and rewarding for all of us who were involved, and I received many favorable comments from the participants.

Those of you who are familiar with the rich heritage of our Nation's black colleges and universities know that they grant more than 30,000 degrees each year in every field of study. History attests to the fact that numerous prominent scholars, educators, businessmen, and professionals were graduates of one or another of these fine schools. Through the speedy passage of this resolution, we can again express our support and thanks for the goals and accomplishments of these institutions.

This year, we are requesting that the week of September 23, 1984, be designated "National Historically Black Colleges Week." A companion resolution has been introduced in the Senate, and was reported out of the Senate Judiciary Committee today. It is my hope that the Members of the House will join me in quickly adopting this resolution.

Furthermore, I am proud to give special recognition to the six historically black post-secondary institutions in my State, South Carolina. They are: Allen University, Benedict College, Claflin College, South Carolina State College, Morris College, and Voorhees College. These schools have been an integral part of the history that we wish to commemorate through the adoption of this resolution.●

KEEPING HISTORY CLEAN

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. PICKLE. Mr. Speaker, the House has passed legislation that will establish the National Archives as an independent agency. I endorse this long-needed reform which will protect the historical records of our Government, which ultimately belong to the American people, from partisan politics.

The wisdom of this move is particularly poignant for us today, because 10 years ago today, the event which led to this action stunned the Nation—that being President Nixon's resignation from the Presidency.

Prior to Watergate, it was assumed that a President's papers belonged to the President himself. Soon after leaving office, Mr. Nixon began negotiations with GSA Chief Arthur F. Sampson, a man he appointed, to take control over his Presidential records, including the infamous Watergate tapes that toppled his Presidency.

Fortunately, Congress intervened and prevented Mr. Nixon from taking control of what amounts to the historical record of his doomed Presidency. But even though Congress was able to head off this deal, it showed us the error of leaving important Government records under the control of an agency directed by a partisan political appointee.

The House bill removes the National Archives from under the direction of the GSA, making it an independent agency and making its directors nonpartisan in nature. This is how it should be.

Mr. Speaker, the affairs of state are inevitably influenced by partisan politics, as it should be, but the historical record, by which this great Nation will be judged, should not.●

TRIBUTE TO SAINT RENE GOUPIL

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. LIPINSKI. Mr. Speaker, I would like to take this time to pay a special tribute to Saint Rene Goupil, one of the eight North American martyrs of 1642.

In his youth, Goupil entered the Jesuit novitiate at Paris with the intention of studying for the priesthood. After a few months, however, he had to leave the novitiate due to ill health. Goupil seems to have studied medicine and in 1640 he left France for Canada, working as a surgeon.

Goupil then accompanied Father Isaac Jogues on his return trip to the Huron mission. On August 1, 1642, the party left Three Rivers and the next day they were ambushed and captured by the Iroquois. Most of the party were killed but Jogues and Goupil were kept as slaves. For some time the men were badly tortured and constantly surrounded by the threat of death.

On September 29, the feast of St. Michael, Goupil was killed in the village of Ossernenon, near what is now Auriesville, NY. An Indian hatcheted him to death because an old man had seen him making the sign of the cross over his grandchild. On the journey to Ossernenon Goupil had pronounced the vows of the Society of Jesus.

Goupil is honored by the Catholic Church as a martyr for the Christian faith. After prolonged investigation his beatification, together with that of seven other Jesuits, took place on June 21, 1925. He was canonized by Pope Pius XI on June 29, 1930.

I am extremely honored to tell you of a very special parish located in Chicago. This is the St. Rene Church, named in Goupil's honor. This parish was founded in the summer of 1959, and therefore is celebrating its 25th anniversary this year. I am sure that my colleagues join me in paying tribute to Saint Rene and congratulating St. Rene's pastor, Father Ed Surges as well as his associate, Father Lou Palazzola and the entire St. Rene parish family on their very special anniversary. I would also like to congratulate Father Edward Flannery, who was with St. Rene for many years as their first pastor, on his many years of service at St. Rene. It is with great pleasure that I join the many friends of St. Rene in wishing them a joyous anniversary celebration and a bright future.●

CLARIFICATION OF SECTION 2632 OF THE DEFICIT REDUCTION ACT OF 1984, PUBLIC LAW 98-369

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. ROSTENKOWSKI. Mr. Speaker, it has come to my attention that the statement of managers accompanying the conference report on the Deficit Reduction Act of 1984 fails to make clear the full understanding of the conferees regarding the amendments to the Social Security Act made by section 2632. That section amends the so-called lump-sum rule in the AFDC Program. Subsection (a) makes various substantive amendments; subsection (b), however, is intended merely to clarify the original intent of the Congress as to the applicability of the lump-sum provision. That provision has been interpreted by some courts to apply only to AFDC families having earned income at the time they receive a lump-sum payment. The amendments made by section 2632(b) of the Deficit Reduction Act are intended to clarify that this provision was always intended to apply to all families, not just those with earned income.●

ROWING FOR GOLD

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. McKERNAN. Mr. Speaker, the attention of the sports world has focused in recent days on the outstanding achievement of Maine's Joan Benoit. The fact that Joan overcame medical problems to win the Olympic gold medal in the women's marathon was inspirational to us all. I am just as honored today to bring my colleagues' attention to the Olympic achievement of another of Maine's residents, Harriet Morris Metcalf.

A member of the women's Olympic eight-oar rowing team, Harriet, known as Holly, helped the United States win the gold medal on August 4. The U.S. team's dramatic win over the Romanians was all the more exciting because it marked the first time the United States has won the gold medal in women's rowing.

A resident of Arrowsic, in Maine's First District, which I represent, Holly is a shining example of an individual striving for excellence. At 5 feet 7 inches, Holly is the smallest member of the women's Olympic rowing team. After graduating in 1981 from Mount Holyoke College, where she was captain of the women's crew team, Holly made the U.S. National team, making up in strength the advantage that other members had in reach.

Holly has had a meteoric rise in crew, having taken up the sport during her college years. She currently is crew coach at her alma mater. In college, Holly displayed wide interests, majoring in English and minoring in music; she excelled as an alto vocalist. Holly's mother, Joan E. Richardson of Arrowsic, best sums up her daughter's special talents and interests with her description of Holly as having "the body of an athlete and the mind of a poet."

It is in recognition of both her achievements, and those of the entire U.S. women's rowing team in winning the gold medal, that I ask my colleagues to join me in congratulating Harriet Metcalf.●

UNILATERAL ACTION BY POSTAL SERVICE

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. FAZIO. Mr. Speaker, action taken in recent days by the U.S. Postal Service is cause for concern by Members of Congress. Just before the recent contract negotiations broke down on July 21, the Postal Service announced its decision to unilaterally implement a 23-percent pay cut for new hires and impose further reductions in sick leave and other benefits, effective August 4. This action calls into question the Postal Service's faithfulness to the 1970 Postal Reorganization Act and its commitment to achieving fair levels of compensation and benefits for postal employees.

In passing the Postal Reorganization Act in 1970, the Congress, recognizing that postal workers do not have the right to strike, set up a dispute resolution mechanism to enable the parties to bargain with significant leverage. Implementation of a differential pay system by the Postal Service causes the Congress to question the Postal Service's commitment to the collective bargaining process set forth in the 1970 act. It appears that the Postal Service gave up on the factfinding and arbitration procedures before they had a chance to work.

Apart from the legality of the Postal Service's action, the negative impact this decision will surely have on employee morale and performance casts doubt on the management decisions of the Postal Service. In setting up a two-tier pay system where employees' wages differ by 23 percent it is only reasonable to expect that productivity will suffer. All postal workers—both longtime employees and new hires—will be hurt should this new pay plan become permanent.

I urge the Postal Service to reconsider its action. If it does not the consequences could prove to be permanently damaging for our postal employees and for the operations of the U.S. Postal Service.●

TRIBUTE TO PAT STODGHILL FROM THE POETRY SOCIETY OF TEXAS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. RALPH M. HALL. Mr. Speaker, I would like to join with the Poetry Society of Texas in paying tribute to Pat Stodghill of Rockwell, TX, for giving unceasingly and unselfishly of herself and her talent to the society and to poetry in a world that is decreasing in number of poets. Pat Stodghill was recently honored by the Poetry Society of Texas at Southern Methodist University for her creative contributions.

She was the only woman to serve as the president of the Poetry Society of Texas, which has 32 chapters throughout the United States.

No one has done any more for the society or for poetry in the State of Texas than Pat Stodghill. She was appointed poet laureate of Texas in 1978 and was winner of the first annual Nortex Book Publication Award with her book entitled Mirrored Images.

She has won over 50 poetry contests and has had her work published in numerous local and national publications. She is also a member of the international "Who's Who in Poetry." For many years her poems have shown themselves to be the product of a talented and inspired craftsperson. She presently serves as treasurer of the National Federation of Poetry Societies, Inc., an organization consisting of 40 State poetry societies.

On this, a year of achievement for American women, it is very fitting to highlight not only Pat Stodghill's professional recognition—but also to point out that she has maintained a home, has, with her husband Don, a very successful attorney, nurtured and guided their two children, Sheri and Steven, through their formative years. Steven has just completed a stay here in Washington, DC, as an intern in my office—and has returned to the University of Texas law school. Sheri, the editor of her high school newspaper, will surely give us the benefit of her services as an intern in the years ahead.

So—as Steven departs Washington, DC, I think it is a proper time to recognize a great woman—one who broke barriers in her own quiet and intensive manner—and yet found to maintain the bedrock of the Stodghill family.●

TRIBUTE TO RICKOVER SCIENCE INSTITUTE RECIPIENTS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. WOLF. Mr. Speaker, the first annual summer session of the Rickover Science Institute is now ongoing at the Xerox International Training Center—July 8 through August 17. It is the only summer educational program for the gifted youth of its kind. The program is unique in that it provides theoretical training with practical experience which is accomplished by individual hands on research projects with Government agencies, academic institutions, and private corporations in the Washington, DC, area.

Two of the sixty students selected for the Rickover Science Institute are residents of the 10th Congressional District. I wish to congratulate Patti Ming Gulbis of Herndon, VA, and Daniel J. Blum of Vienna, VA, on their achievement. Their selection to attend this highly competitive program reflects great credit not only on their outstanding ability but also on the 10th Congressional District. I am pleased to offer my congratulations and encouragement to these outstanding students.●

APTA HONORS DAVID WEILER

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. GEKAS. Mr. Speaker, I would like to recognize a gentleman residing in my district, Mr. David Weiler of Harrisburg, for an honor bestowed upon him by the American Physical Therapy Association at their annual conference in Las Vegas.

Mr. Weiler received the Lucy Blair Service Award for "exceptional contributions" to the profession of physical therapy. He has developed Pennsylvania's scoliosis screening program and is a former executive director of the Camp Hill chapter of United Cerebral Palsy. Mr. Weiler, now a consultant for the Pennsylvania Department of Health, also was a physical therapy consultant for the Cumberland County school system.

The APTA is a national professional organization representing 37,000 physical therapists, physical therapist assistants, and students. Citizens of Pennsylvania and the 17th Congressional District are privileged to have such a dedicated professional.●

ENDING ONE FORM OF DOUBLE DIPPING

HON. BARBER B. CONABLE JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. CONABLE. Mr. Speaker, I have today submitted a modest bill to deal with one aspect of double dipping in our Government retirement programs which has recently come to my attention. My proposal would eliminate current provisions which permit crediting of military service time for both military and civil service retirement pensions under certain conditions. This double credit is now allowed to military reservists in many categories; my proposal would retain the provision only for those who incur disability in their service.

All of us are acutely aware of the crisis conditions which are rapidly approaching for our Government retirement programs. Both the civilian and military systems have unfunded liabilities exceeding $500 billion. Government payments to the civil service retirement system are exceeding $20 billion annually, more than four times the contributions of employees; cost of military retirement programs is $17 billion with no contributions from service members. There are increasing reports of retirees' pension payments now exceeding the salaries they received at the time of retirement, or even the current salaries for their former positions.

It is clear that a comprehensive overhaul of the systems is a necessity if public support for them can be expected to continue. An opportunity for reasonable revisions is approaching when the civil service system must be integrated with social security as required by the Social Security Amendments of 1983.

The revision I have introduced today is one of those which should be included. Whatever the justification for this double-dipping incentive might have been in another period, the civil service retirement system cannot bear these excesses in today's deficit conditions. Congress had better recognize this without further equivocation and restructure the Government retirement systems on an equitable, but realistic basis.●

TROPICANA BENEFITS SPECIAL OLYMPICS

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. IRELAND. Mr. Speaker, I'd like to share with my colleagues news of an event, of particular significance, to be held in Bradenton, FL, September 29, 1984. Beatrice Co., Inc., and its Tropicana Products is sponsoring a 5-mile race, to start and finish in downtown Bradenton, for the benefit of the Special Olympics.

The race, open to all runners, is the fifth in Beatrice's six-city Race America series and includes a one-half mile "fun-run" for Special Olympians preceding each 5-mile race. Entry fees from Bradenton and other Race America events will be donated to the Special Olympics.

The Special Olympics programs, conducted by some 450,000 volunteers, are in more than 20,000 communities in every State in the United States and more than 50 foreign countries. More than a million mentally retarded individuals participate in year-round activities in 16 sports, culminating every 4 years in international summer and winter Special Olympics games.

The special emphasis on the opening "fun runs" will provide a great opportunity for Special Olympians to demonstrate their sports skills. In addition, the entry fee for the 5-mile race, contributed by the general public, will help to provide increased training for these brave men and women athletes throughout the world.

Tropicana, a 38-year-old Bradenton-based company, is the world's largest producer of 100 percent pure ready-to-serve orange juice. It is an established member of the Bradenton commuity and its efforts on behalf of the Special Olympics further demonstrates its commitment to opportunities for our most special citizens.●

A TRIBUTE TO STATE TROOPER BENNY COX

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. ALEXANDER. Mr. Speaker, I rise today to pay tribute to Arkansas State Trooper Benny Cox of Paragould, on receiving the 1984 Trooper of the Year Award.

To those who know Benny, I am sure that it comes as no surprise to learn of his recent honor. He was nominated for the award after rescuing a man from an attempted suicide while working with the Little Rock State Police troop. The Cox family has shown a strong and abiding commitment to the enforcement of law and order in Arkansas. Some 20 years ago, Officer Cox witnessed the death of his father, a State trooper, who was gunned down while in the line of duty. And today, both Benny and his sister work for our State police department.

Ninety-five percent of crime occurs at the State and local levels. It is our State and local officials who face life-

threatening situations while policing our streets. Officer Cox and his fellow 465 officers do a tremendous job of ensuring the safety of our great State. It is certainly a comfort to know that we have men like Benny Cox protecting our citizenry.●

PERSONAL EXPLANATION

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. GEKAS. Mr. Speaker, yesterday, August 8, the House of Representatives voted, in rollcall No. 352, on Senate amendment No. 87 to H.R. 5712, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1985. Due to an unavoidable conflict related to my work on sentencing guidelines legislation before the Judiciary Committee I was unable to reach the floor in time to cast my vote on the amendment.●

SPLINTERED GROUPS THREATEN FUTURE OF U.S. ECONOMY

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. DERRICK. Mr. Speaker, we need to take a renewed interest in industry. It has long been the backbone of this Nation. Mr. Blair Rice, vice president of a textile mill in the Third District of South Carolina, which I serve, has written an article outlining the need to work in a spirit of unity for the best interest of all industry.

This definitive piece, printed in the Anderson [SC] Independent-Mail, is worthy of my colleagues' attention:

Today our domestic economy remains weak and unemployment unacceptably high. The monetary medicine administered to cure inflation has enfeebled many industrial businesses.

The agricultural sector of our economy by far the most productive in the world, has been under similar stress.

There is also a dangerous myth being advanced these days. It is that our society is moving to a service economy, and that we should not be so concerned about a decline in the manufacturing industry.

But without a strong agricultural and industrial base, who would be served? Its strength is a prerequisite for achieving our goals in national defense, developing new high technology industries, and providing educational opportunities and necessary health and social services.

We now live in an age of competition—not merely among companies—but among entire national economies.

What must be done? We must come to view our industrial success as a national success and look at our industry and its plants and laboratories as both national and private assets.

The road is a short one. It is vital that a sustained long-term commitment must be made.

The realities of international competition demand that we encourage research and development and engineering work pointed toward better manufacturing methods and more advanced products of the highest quality.

Our policy should encourage both exports and overseas investments that enhance our international competitiveness and benefit our balance of trade. Regulatory actions must sensibly weigh costs against benefits.

We must encourage communication and cooperation among industrial research laboratories and those in our universities, colleges, technical schools and at every level of our educational process.

And finally, it should be our policy to depend wherever possible on the private sector in pursuing industrial goals.

These are times of exceptional challenge. Yet every generation has faced an impressive list of challenges.

Fifty-two years ago the United States found itself in what one historian called "the cruelest year of the Great Depression."

There was reason enough to be discouraged in 1932. U.S. stocks were worth about 11 percent of their 1929 value.

General Motors stock dropped to 8 percent of its precrash value. More than 5,000 banks failed and the gross national product sank from a high of $104 billion to $41 billion.

By most estimates, 15 to 17 million people were out of work. Fortune magazine estimated that 34 million men, women, and children were without any income.

In Detroit, depression gave way to anger as car sales fell and a quarter of a million people became unemployed. The mood turned ugly. When President Hoover came to campaign, a near-riot broke out and he had to be protected by mounted police.

The Depression and its human consequences illustrate two points:

First, even in the United States, the social fabric can become frayed in periods of economic distress. And second, the health of great industries cannot be taken for granted.

For more than 20 years we have heard much about the so-called post-industrial society.

The term has not served us well, because it has been misinterpreted as meaning that the industrial underpinnings of our economy can be taken for granted.

Public policies have stressed consumption at the expense of investment.

As a result we have invested in inadequately in the modernization and growth of our industries.

Somewhere along the line, we lost sight of the fact that social programs and improved living standards are attainable only in a highly productive and competitive economy.

Today three-tenths of the cars and one-fifth of the clothing bought by Americans are foreign made. Both at home and abroad the United States is beginning to lose market position in such sophisticated industries as machine tools and electronics.

But this brings us to a point closely related to the need for new partnerships with one deserving emphasis.

If we are determined to get our industrial machine back in good working order, we must redefine our notion of leadership.

The United States has become an intensely adversarial democracy in which each group speaks for its own interests, narrow as they may be. The differences are compromised in the political process.

In economic debates, the outcome is the result of political expediency.

Whenever Congress debates major legislation affecting industry, business, consumer groups and labor unions, each has its own way on a few points. But no group takes full responsibility for the final package.

In the end, no one wins because the legislation does not reflect the Nation's long-range interest.

Today we need to build a strong bipartisan consensus on industrial policy.

That will require thoughtful leadership from every sector in our society. We must keep in mind the lessons of the Great Depression—that social and economic progress are interconnected and that the health of our basic industries must never be taken for granted.

Winston Churchill had some words on the subject. He said, "Some see private enterprise as a predatory target to be shot. Others as a cow to be milked. But few are those who see it as a sturdy horse pulling the wagon."

The sturdy horse of American industry has helped pull this Nation forward with remarkable success for more than two centuries. New technology holds promise for further economic growth in the future—perhaps in areas that we cannot even imagine.

But progress in this country depends on a revitalized industrial base, and we must work together toward that end.●

ELSIE VICKERY, CONGRESSIONAL PUBLIC SERVICE AWARD RECIPIENT—SAN MATEO

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. LANTOS. Mr. Speaker, I am delighted to announce to the House that Mrs. Elsie Vickery has been named to receive the Congressional Public Service Award for San Mateo. Mrs. Vickery was selected for this award by the San Mateo Public Service Advisory Committee chaired by Mr. J. Hart Clinton, the publisher of the San Mateo Times. The committee considered many good people, but has singled out Elsie Vickery for special recognition.

In November 1977, at the dedication of the Health and Human Services Building in Washington, DC, that was named after him, former Vice President and Senator Hubert H. Humphrey said:

The moral test of Government is how that Government treats those who are in the dawn of life, the children; those who are in the twilight of live, the elderly; and those who are in the shadows of life—the sick, the needy, and the handicapped.

Mr. Speaker, Elsie Vickery exemplifies the kind of morality that ought to distinguish our society in the care of our needy. She has been a leader in the care of the handicapped through

her selfless and devoted work with Poplar Center—San Mateo County's oldest health/service organization which this year celebrates its 60th anniversary. The center helps the developmentally disabled, from newborn infants to adults, as well as their families.

Mrs. Vickery began as a volunteer for Poplar Center in 1963, serving as a member of the auxiliary and working on fund-raising projects. She was then elected to the center's board of directors, where served as treasurer for 6 years. In 1972 she was appointed executive director. When she assumed leadership of Poplar Center, the operating budget was $100,000 with 87 clients in two programs. Up to 90 percent of the budget was from the Community Chest (later the United States). Today, thanks to her vigorous and inspired leadership, the budget is $2 million and the agency is self-supporting, leaving more United Crusade funds available to other agencies. The Poplar Center now serves 400 clients with 10 different programs for the developmentally disabled and mentally retarded.

The Poplar Center seeks to help individuals and their families cope with their disability and make them productive, happy people. The culinary/baker and landscaping programs help clients find places in private industry. Its transportation program serves 200 people daily and helps eight other agencies. The success of Mrs. Vickery's leadership is evident by its need to expand. The center now has a waiting list of individuals and families anxious to use its services.

Mrs. Vickery's next project is to reestablish Poplar Farm. An earlier farm had been a successful and unique project which brought together the mentally retarded, mentally ill, and other disabled people into wholesome productive effort. A farm in Half Moon Bay was discontinued 2 years ago when severe winter storms ruined crops and the farm became a financial drain on the center. Mrs. Vickery is now seeking a 10 acre or larger site on the peninsula to reestablish the farm.

Elsie is a lifelong resident of the peninsula and has deep roots here. She graduated from Burlingame High School, where she was president of her class. Her mother, Alice Beeman, was vice president and dean of girls for Burlingame High School, and her great-grandmother was the first white woman to enter Yosemite Valley.

Her own comments on her remarkable record of volunteer service are typically modest:

I suppose I have done the things I have done in life because no one told me as a little girl that women didn't do these things. I have been remarkably fortunate and consider myself one of the luckiest women in the world to be able to work here at Poplar Center, to be able to do a little bit to expand the opportunities and the lives of our fine clients and their families.

Mr. Speaker, such remarkable examples of service should inspire and move all of us. Elsie Vickery honors us by accepting the Congressional Public Service Award.●

FOR THE RELIEF OF WILANA LERNER

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. BIAGGI. Mr. Speaker, yesterday, I introduced a private bill for the relief of Wilana Lerner, a constituent of mine, who was employed by the U.S. Customs Service for some 6 years.

Mrs. Lerner was forced to retire when she contracted thrombophlebitis of the right leg, which rendered her unable to work. Prior to submitting her resignation, she sought the advise and counsel of the personnel officer at her employing agency regarding her entitlement to receive both disability and retirement. She was informed that she was not entitled to disability. Accepting this information, as most would, she merely filed a claim for retirement.

Subsequent to receiving this information, she was informed by a friend who was employed in another Government personnel office that she was in fact entitled. She proceeded to file a claim but was denied because more than the required 1-year period had elapsed and she was too late.

Mrs. Lerner then contacted my office and we instituted an investigation of the case and were advised in letters from the Office of Personnel Management that she, in fact, would have been entitled to disability based on the merits. Mrs. Lerner pursued every possible administrative remedy available and in each case was turned down because of the late filing.

My decision to sponsor this legislation has two motivations. The first, of course, is to help Mrs. Lerner receive all that she is entitled to. The second and somewhat larger issue is to use this legislative vehicle to focus attention on the responsibilities which those individuals who advise Federal employees on their rights and benefits must exercise. I equate this to the fiduciary responsibilities which individuals have who manage private pension plans and notify individuals of their rights. It is a somewhat hazy area at the present time, but I believe there must be a higher standard exercised by these individuals, especially when their recommendations have such an impact on the lives of individuals.

At this point in the RECORD I wish to print the text of my bill for the relief of Wilana Lerner:

H.R. 6141

A bill for the relief of Wilana Lerner

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Wilana Lerner, of Bronx, New York, shall be considered to have filed an application for disability retirement annuity under section 8337 of title 5, United States Code, within the period described in subsection (b) of such section. Wilana Lerner would have filed such application within such period if a United States Customs Service personnel officer had not incorrectly informed her that she was not eligible for such annuity.

(b) Any entitlement of Wilana Lerner to disability retirement annuity under section 8337 of title 5, United States Code, shall be without regard to the last sentence of section 8342(a) of such title.

SEC. 2. Upon a determination that Wilana Lerner is entitled to disability retirement annuity under section 8337 of title 5, United States Code, by reason of this Act, the Director of the Office of Personnel Management shall certify to the Secretary of the Treasury the aggregate amount of the annuity payment that Wilana Lerner would have received if she has been receiving such annuity for the period beginning on March 9, 1971, and ending on the date of the commencement of the period covered by the first monthly annuity payment pursuant to this Act. The Secretary of the Treasury shall pay such amount to Wilana Lerner from funds contained in the Civil Service Retirement and Disability Fund.

SEC. 3. It shall be unlawful for any amount exceeding 10 percent of the payment referred to in section 2 to be paid to, delivered to, or received by any agent or attorney for services rendered in connection with such payment. Any person who violates this section shall be fined not more than $1,000.●

SURVEY RESULTS OF THE 33D CONGRESSIONAL DISTRICT OF CALIFORNIA

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. DREIER of California. Mr. Speaker, last April I distributed a survey to my constituents in the 33d Congressional District of California, asking their views on budget priorities and strategies for reducing the Federal deficit. Given the current tax debate between Walter Mondale and President Reagan, I would like to share the results of the survey with my colleagues in Congress and the feelings of my constituents on this issue.

The questions and results are as follows:

1. What do you think is the best way to reduce the deficit?

a. Reduce spending—64 percent.

b. Raise taxes—3 percent.

c. Freeze spending across the board—14 percent.

d. Combine tax increases with spending cuts—17 percent.

e. No action is needed—1 percent.

2. In which areas should spending be cut?
a. Defense—36 percent.
b. Domestic programs—58 percent.
c. Foreign aid—75 percent.
d. No cuts should be made—2 percent.
3. Almost 50 percent of the Federal budget is devoted to "entitlements," programs that receive automatic spending increases based on formulas specified by law. Which, if any, of the following entitlements should be curtailed?
a. Farm price supports—68 percent.
b. Medicare—21 percent.
c. Federal retirement programs—65 percent.
d. Unemployment benefits—33 percent.
e. Veterans pensions—22 percent.
f. Food stamps—61 percent.
g. No cuts should be made—5 percent.
4. What steps, if any, should be taken to increase revenue?
a. Raise personal income taxes—10 percent.
b. Raise corporate taxes—33 percent.
c. Repeal indexing of income tax rates—15 percent.
d. No new taxes should be enacted—51 percent.
5. Should Congress give the President a line-item veto?
Yes: 83 percent.
No: 13 percent.
No response: 4 percent.

It is becoming increasingly obvious that excessive Government spending is directly responsible for the massive Federal budget deficit we have incurred over the years, and my constituents have come to recognize this fact. I also believe these results reflect the common views of the American public as a whole.

Increased taxes will not relieve the explosive growth in the Federal budget. Congress cannot continue to force the American taxpayer to foot the bill for needless programs and wasteful Government inefficiency. Federal spending, $196 billion in 1970, has ballooned to a whopping $854 billion this fiscal year, almost a quarter of the gross national product.

Mr. Mondale has stated that only the rich will be affected by his proposed tax increase. If this is so, he clearly has no plan for dramatically reducing the deficit, because of all personal taxable income, 75 percent lies below the $20,000 taxable income bracket, while only 3 percent of taxable income comes from those earning above $75,000. It is obvious as to who would be affected by a tax increase.

It is time for Congress to recognize that the long-term interests of our Nation are in serious jeopardy, and that token gestures which deceive the American people—that is the deficit reduction package—are only harmful to economic growth and prosperity.

My constituents have recognized that the deficit must be reduced, but they categorically reject tax increases as a means of bringing the budget into balance. We can, and must reduce Federal spending and encourage fiscal responsibility on the part of Congress, rather than continuing the tax-and-spend policies of the past.●

TRIBUTE TO MR. GERALD D. PERA, RECIPIENT OF THE 1984 HALF MOON BAY PUBLIC SERVICE AWARD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. LANTOS. Mr. Speaker, I welcome this opportunity to pay tribute to the recipient of the Half Moon Bay Congressional Public Award, Mr. Gerald D. Pera.

Mr. Pera holds an extraordinarily distinguished record of service to his community, and I would like to share with you today a few of his remarkable achievements. He has been active in many areas of public philanthropy, and has given generously of both his time and his money to benefit those around him.

He has been a lifelong supporter of the Boy Scout movement of America, and continues to work long hours on their behalf. As both a Scout and Cubmaster he has helped guide generations of Half Moon Bay students toward the values and high standards of which the Boy Scouts of America can be so proud. Now, as a representative of the scouting movement, he sits on the executive board of the San Mateo County Council, and other parts of the Bay Area are now benefiting from his extensive experience.

Mr. Pera's deepfelt commitment to the youth of the area has also been evident in his long-term association with Our Lady of the Pillar Church in Half Moon Bay which has been fortunate enough to have Mr. Pera among her worshippers for many years. From 1968 to 1988 he served as a lay preacher, and in 1978 he assumed responsibility for coordinating the altar boy program. From 1961 until 1968 Mr. Pera dedicated his efforts to the local Catholic Youth Organization Team Club.

Mr. Pera has also been widely active in civic affairs: In 1970, he was elected as councilman for Half Moon Bay, and later served as mayor. He takes his responsibilities to his community with great seriousness—and provides an excellent role model for those around him. In 1972 he cochaired the committee to raise funds to build the Half Moon Bay High School swimming pool—a project which met with complete success, largely through his dedication. From 1970 to 1974 Mr. Pera represented Half Moon Bay at the League of California Cities, and in 1981 he was selected as an executive fellow to Gov. Edmund G. Brown.

Together with his wife, Eva and their children, Jerry, Tony, and David, Gerald is an admired and respected member of the community. For over 25 years Gerald has given generously of his skills and talents to the gain of all around him. I congratulate Half Moon Bay Public Service Advisory Committee on their outstanding choice, and am delighted that Gerald's achievements have been recognized in this manner.●

RAIL SAFETY

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Ms. MIKULSKI. Mr. Speaker, the recent series of Amtrak accidents, some resulting in fatalities, has highlighted the importance of rail safety for our Nation's intricate rail system and demonstrates what can happen if we fail to insist on the highest possible standards of rail safety.

Over the years, Amtrak's safety record has generally been good but, in recent months we have read too many reports about yet another accident involving an Amtrak train. I was pleased to see that our colleague from New Jersey, JAMES J. FLORIO, chairman of the Commerce, Transportation, and Tourism Subcommittee, of which I am a member, spoke out on the important need for an effective Federal rail safety programs enforcement, in my hometown newspaper, the Baltimore Sun.

In his article, Mr. FLORIO makes several timely recommendations concerning our rail safety programs. Mr. Speaker, as Mr. FLORIO points out, we must remember the importance of vigilance to promote safety and we must remember to learn from the tragedies of the past to prevent tragedies in the future. I commend the article to the attention of our colleagues:

WHAT CAN WE DO ABOUT RAIL SAFETY?

(By James J. Florio)

The recent series of Amtrak accidents has highlighted the importance of rail safety. While the overall rail safety record has improved over the last several years, continued vigilance is essential. The Amtrak accidents show what can happen if we fail to insist on the highest standards of safety.

Amtrak was established in 1971 to take over rail passenger service from the freight railroads. Over the years, Amtrak's safety record has generally been good. According to the Federal Railroad Administration, between 1976 and 1980 there were .06 passenger fatalities per 100 million passenger miles on rail passenger trains, compared with .04 on scheduled domestic airliners and 1.32 on passenger autos and taxis. Clearly, rail travel has been considerably safer than the auto.

Over the last several months, however, this record has been blemished. On November 12, 1983, an Amtrak train derailed outside of Marshall, Texas. Four people died. In the middle of March, an Amtrak train hit

a truck in Montana, killing the driver. Recently, an Amtrak train derailed near Philadelphia.

The month of July has been particularly tragic. On July 4, two people were killed in a parked truck when it was hit by an Amtrak train in South Carolina. On July 7, Amtrak's Montrealer derailed in Vermont after a washout, killing five. July 11 saw an Amtrak train hit a diesel-fuel truck in South Carolina, killing the engineer and the truck driver. On Monday, two Amtrak trains collided head-on in Queens, killing one. And on Thursday, one person died when an Amtrak train collided with a pickup truck—the third train-truck grade-crossing accident in South Carolina this month.

There have also been several freight train accidents in the past few months, some involving fatalities as well.

All these accidents are different. Some of the passenger train accidents occurred on lines owned by private freight railroads, over which Amtrak operates outsdie of the Northeast Corridor. Others, such as the recent collision in Queens, occurred on Amtrak's own line.

Some of the accidents may be hard for Amtrak or a private railroad to prevent. For example, grade-crossing accidents often occur because drivers of motor vehicles attempt to beat the train. By the time the train engineer sees the vehicle, is is usually to late. Of course, the consequences of such a tragic accident are far worse when the motor vehicle is a fuel truck.

Other accidents could more easily be prevented by the railroad. The lessons of these accidents must not be forgotten. Steps must be taken to ensure that similar accidents do not happen in the future.

What should Amtrak and the private freight railroads do? Better inspection procedures are necessary, particularly in response to changes in weather conditions. The accidents in Philadelphia (due to blistering heat) and Vermont (due to heavy rain) might have been prevented. While railroads are less affected by weather than the airlines, changes can wreak havoc with any form of transportation.

Better communication is also important. Head-on collisions such as the one in New York may be caused by computer failure—a missed or improper signal.

Drug or alcohol use has also been implicated in several recent rail accidents. We must insure that there are programs to prevent the use of drugs or alcohol in railroad operations and to assist employees with these problems.

But the railroads alone cannot prevent all accidents. Drivers must be taught not to try to beat the train at grade crossings. Existing education efforts, such as Operation Livesaver, coordinated by the National Safety Council with assistance by Amtrak and the freight railroads, must be promoted and expanded.

Grade-crossing protection must be improved, with safety devices at these crossings reliably inspected and maintained. Perhaps consideration should be given to encouraging trucks—particularly those carrying hazardous materials—to use more overpasses and underpasses and fewer grade crossings.

Obviously, even the best efforts will not prevent all accidents. But trains should be designed so passengers can survive an accident. To some extent, this is already done. When a plane crashes, there may be few survivors, if any; when a train crashes, there are usually many injuries, but only a few fatalities. But better crash protection could prevent even those fatalities.

Finally, the federal and state rail safety inspection and enforcement programs must be maintained and improved. There are now 427 safety inspectors; 325 work directly for the Federal Railroad Administration (FRA), and the other 102 work for various states.

These state inspection programs have been certified by the FRA as qualified to inspect for violations of federal safety laws and regulations. The state inspectors are a vital part of the national inspection corps.

In recognition of this, the federal government pays half of the cost of the state inspectors, realizing that their presence is necessary. Furthermore, if the states did not pay the other half of the cost, the federal government would be forced to pay that also.

Unfortunately, the administration has proposed eliminating the federal funding for these state inspectors. If federal funding is eliminated, the inspectors will be, too; rail safety will decline, and rail passengers will be the victims.

Fortunately, Congress has resisted this ill-advised proposal and has continued to maintain at least the existing number of safety inspectors. Budget cuts should not be made at the expense of rail safety.

The recent Amtrak accidents have been a tragedy. We must remember the importance of vigilance to promote safety. And we must remember to learn from the tragedies of the past to prevent tragedies in the future.●

THE BEST ENERGY POLICY FOR CONSUMERS

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. BROYHILL. Mr. Speaker, we all want to provide consumers with the energy they need at the lowest possible price. The debate between the Republican Party and the Democratic Party is what policy will produce this desired result. The Democratic Party favors the regulation of energy production and the control of markets. The Republican Party favors the deregulation of energy producers and competition in energy markets.

Which policy is best for consumers? I think my colleagues will find instructive the views of an Oklahoma oilman published in the Wall Street Journal of August 7, 1984, and I ask that it be printed in the RECORD at this point:

AN OILMAN LOOKS KINDLY ON MONDALE

(By Bill Dutcher)

As an independent oil and natural gas producer, I strongly supported Ronald Reagan in 1980. But this time around, I'm going with Walter Mondale. Why? Because I've learned, through painful experience, that the most likely result of any political act is the opposite of what was intended.

Like most independent oilmen, I supported Mr. Reagan even though I was prospering under the bureaucratic regulations of the Carter-Mondale administration. We were lured by Mr. Reagan's promises of tax cuts and free markets. He delivered on most of his promises, and it turned out to be a classic case of "be careful what you wish for because you just may get it."

Mr. Reagan decontrolled the price of domestic crude oil and quit subsidizing oil imports through the so-called "entitlements" program for domestic refiners. These steps contributed to the drop in world oil prices, which caused fuel oil prices and, ultimately, natural gas prices to decline. He also cut the marginal tax rates on ordinary income from 70% to 50%, thereby drying up a major source of tax-shelter dollars that had been flowing into public drilling funds. For many independent oilmen, the results were disastrous.

Perhaps the most striking example of the political backfire phenonmenon occurred in the market for deep natural gas. President Carter's Natural Gas Policy Act, a compromise bill patched together after nearly two years of bitter legislative infighting, deregulated the price of deep natural gas, on the logical (if you are a regulator) premise that it costs more to drill deeper. The new law created a spot market for deep-gas, subject neither to price controls nor the windfall-profits tax.

From 1979 through 1982, billions of dollars poured into the search for deep gas. Gas-hungry interstate pipelines gradually bid up the price to $9 per thousand cubic feet (mcf) as they were able to average in its costs with their lower costs for price-controlled gas. But as Mr. Reagan's free-market policies took hold, a gas surplus developed and the bottom dropped out of the deep-gas market. Today, the price of deep gas is below $3 per mcf, when the pipelines buy any at all.

The bankruptcy courts in Oklahoma City are logjammed with the hundreds of independent gas exploration and service companies that borrowed heavily as they raced to get in on the deep-gas boom. Most of the $2 billion in oil and gas loans originated by Penn Square Bank were directed into the deep-gas frenzy. Long since gone bad, these loans were a major factor in the demise of Seattle First National Bank and in the pending nationalization of Continental Illinois, two upstream banks that purchased a majority of the Penn Square loans.

During the freewheeling boom times, Oklahoma City became a major source of campaign funds for the 1980 Reagan campaign. Most of the money Mr. Reagan raised from the independent oilmen there was, directly or indirectly, borrowed from Penn Square. This didn't prevent the administration from allowing Penn Square to go down the tubes, even though the failing bank took a lot of Reagan supporters down with it. (I found it almost humorous when the Republican Finance Committee recently dispatched an official to Oklahoma City to find out why most of the committee's financial support there had seemingly evaporated.)

If Mr. Reagan continues in office, all I can see is more competition for producers and lower prices for consumers. Since I've decided to vote my pocketbook, my first choice would be a politician in the mold of Ted Kennedy, one who would be more blatantly anti-oil, pro-consumer. In short, I's like to vote for a politician who would truly set out to do me in.

But I guess I'll have to settle for Mr. Mondale. While Fritz seems to be moving to the political center recently, I am confident that, once in office, his true liberal colors will show through and he will set out to punish the oil industry for its current and past sins. While screaming "don't throw me

in that briar patch," I will be studying his proposed new regulations carefully, looking for the loopholes that will allow me once again to prosper in the oil and gas business.●

LET US NOT REWARD POLAND YET

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. BIAGGI. Mr. Speaker, in the August 8 Washington Post the syndicated columinst William F. Buckley wrote a column entitled "Is Poland More Free Today?" It focuses on the very timely issue of whether the United States should further lift the sanctions imposed against the Government of Poland after they declared martial law.

This issue has taken new prominence due to the decision several weeks ago by Polish Government officials to provide amnesty for certain political prisoners. Yet as Buckley points out in his column not only is this a conditional form of amnesty—it is also only partial amnesty for while it provides freedom for about 650 prisoners it does nothing for another 1,500.

The point of Buckley's column is one I concur in fully, is let us not move too quickly to lift an additional sanctions beyond those just announced by the President. The oppressive nature of martial law still exists—and while there are improvements on the horizon it is too early to tell if they will in fact produce real results and benefits for the Polish people.

At this point in the RECORD I wish to insert the Buckley column:

IS POLAND MORE FREE TODAY?

It is expected that the president will soon rule on the readmission of Poland into the world of the International Monetary Fund. Already it is forecast that Poland will reenter the world of American's most-favored nations. MFN treatment by the United States means that no import taxes will be levied at a rate higher than is levied against the lowest-taxed country: the most favored nation. Enter on the scene (my scene) an American with close relatives in Poland, one of whom has just emigrated, who maintains intimate ties with Poles in America and abroad. The exchange is best summarized in a question-and-answer exchange.

Q. Hasn't the government of Gen. Jaruzelski made concrete concessions toward human rights, for instance, by releasing the political prisoners?

A. The release of 650 political prisoners is a *trompe l'oeil* done on a grand canvas. For one thing, what about the political prisoners he has not released? Another 1,500 at least. For another, don't we realize that it is an old trick of Jaruzelski to release on Monday and reimprison on Thursday, if he is in the mood to do it? But more striking than this is the kind of existence the released prisoners go on to lead. They are watched. They are regulated. They are detained, they are beaten up and tortured. They become lifelong victims in a prison without walls, without legal protections. The whole idea of freedom for 650 Poles is a chimera.

Q. But isn't it true that since the lifting of martial law, life in Poland is freer?

A. It would be difficult to find a Pole who saw a significant difference between life then and life now. To the extent that there is any freedom left in Poland, it is the freedom that is given to those who submit, who give up hope. There are continuing detentions, and these take place with special force 48 hours before any scheduled demonstration. There are disappearances, there is kidnapping. The great objective is to encourage the emigration of Solidarity leaders. To encourage the emigration of all of Solidarity would hardly be feasible, inasmuch as there were 14 million members of the organization, and though it is proscribed, its members still feel themselves attached to the organization.

Q. But doesn't economic aid and the credit that would flow to Poland if the Reagan administration OKs the proposals mean help for the Polish people?

A. That is the crowning misunderstanding of American policy. The Polish people receive exactly the level of economic help the Soviet Union wants them to have. Aid that will come in now—credit, machinery, the rest of it—will go to producing wealth that will be consumed by Poland's Soviet overlords, plus the reigning janissaries in Warsaw and elsewhere.

Q. Why don't we hear, then, from more Poles that they oppose loosening the economic sanctions imposed by President Reagan?

A. For one thing because it is dangerous publicly to oppose, in a slave state, the positions of the rulers. But many Poles run that danger. Zbigniew Bujak, a top leader of underground Solidarity, has strenously argued against a diminution of sanctions. His position reflects the overwhelming sentiment in Poland. We are reminded that the demonstrations, when the pope was in Poland, and the monthly commemorations of Solidarity's suppression are continuing testimony to the resistance movement's vitality.

Q. Why is it that the human rights division of the State Department has not reported more intensively on the Polish situation?

A. We have no explanation for that, no understanding of its relative neglect.

Q. What alternative is there?

A. All aid to Poland should be channeled through charitable organizations, most particularly, in Poland, the church. In that way the people, not the Soviet-run government, are helped.

Q. What would be the result of loosening economic restrictions?

A. You Americans run a great danger. The ties, psychic and emotional, currently felt between the Polish people and the American people are based on their conviction that the Americans are consistent allies. If they crumble now, the word will go out that American domestic politics, and all the empty talk about reconciliation and detente, have subverted America's principal commitment, which is to make it tough on slave masters who rule sadistically over a people longing to be free.●

IMRE REVITSKY—UNSUNG SAVIOR OF WORLD WAR II

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. LANTOS. Mr. Speaker, in 1981 Congress honored the memory of Raoul Wallenberg, the valiant Swedish diplomat who saved thousands of Jewish lives from Nazi tyranny in Hungary during World War II, by bestowing honorary American citizenship upon him. This remarkable distinction was a fitting tribute to a man who courageously confronted the deadly efficiency of the Nazi roundup squads to save the last remnants of European Jewry in the final months of the war.

The heroism of Raoul Wallenberg is truly unique. Yet, new information indicates that Wallenberg was not alone in his effort to redeem life in an incredible period of darkness. I speak of the actions of Imre Revitsky, in many ways an unlikely man who would become known as a "righteous gentile" for his actions in behalf of Hungarian Jews.

Revitsky was the commander of a forced labor camp for the Nazis in a section of Hungary which is now Romania. Although such camps earned a deserved reputation for their brutality and astronomical death rates, Revitsky actually fashioned his camp into a way station for opportunity. At great risk to his own life, this special man openly disobeyed Nazi orders about treatment of his prisoners. Rather than ship the Jewish inmates to death camps, Revitsky worked to slip large numbers of the prisoners to the Hungarian underground where they were spirited to freedom.

Nazi commanders finally uncovered Revitsky's "underground railroad" and imprisoned him in 1945. When the Nazi grip on Hungary was broken later that same year, Revitsky was gratefully received by hundreds of Jews who remembered his courageous acts in their behalf.

Imre Revitsky died in 1957, but the contribution of this daring and resourceful man has not been forgotten. Yad Vashem, the International Holocaust Memorial in Jerusalem, paid solemn tribute to this servant of the purest human ideals. Revitsky's tombstone offers a fitting and simple tribute to his efforts in World War II in the name of decency:

Here rests a righteous gentile who in World War II risked his life to save thousands of Jews from extinction.

Revitsky's son Adam, is presently at work on a book exploring his father's incredible life. As part of his research Adam Revitsky has contacted hundreds of people who survived the Holo-

caust because of the efforts of his father. The warmth and emotion of those meetings must be truly inspiring to Adam Revitsky, as I believe his book will inspire many people throughout the world who will be exposed for the first time to the good works of Imre Revitsky.

Santayana wrote: "Those who do not remember history are doomed to repeat it." At the same time, I believe it is just as important for mankind to remember those brave figures who have held honor and humanity dearer than their own lives, and have been willing to give their full measure to save their fellow man. Imre Revitsky is just such a man.●

REAGAN RAISES NEW OBSTACLE TO HOUSE BILL ON IMMIGRATION

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. EDWARDS of California. Mr. Speaker, I want to call to the attention of my colleagues an article which appeared in the the New York Times on Thursday, August 9. The article examines the administration's latest objections to the House-passed immigration reform bill.

Many of us here in the House have been concerned that enactment of the Simpson-Mazzoli bill would result in discrimination against legal resident aliens and citizens of Hispanic descent. Although the administration has repeatedly stated that our concerns are unfounded, we now find the antidiscrimination provisions of the House bill attacked by the administration for going too far in protecting the rights of legal aliens and Hispanic workers. I think this article should demonstrate to my colleagues the administration's lack of commitment to protecting the civil rights of persons legally in this country who might encounter discrimination as a result of the immigration bill's provisions. It is obvious this administration attaches a low priority to civil rights concerns, not only for resident aliens but for American citizens as well:

REAGAN RAISES NEW OBSTACLE TO HOUSE BILL ON IMMIGRATION

(By Robert Pear)

WASHINGTON, August 8.—The Reagan Administration has raised a new objection to the House version of a comprehensive immigration bill, saying it goes too far in protecting the rights of legal aliens and Hispanic workers.

Senator Alan K. Simpson, a Wyoming Republican who is the chief sponsor of the Senate bill, said Attorney General William French Smith had objected to a provision of the House bill that would, for the first time, prohibit employers from discriminating against legal aliens in hiring or recruiting workers.

Representative Barney Frank, a Massachusetts Democrat who proposed this section of the bill, said it was "a thoughtful and very practical scheme to protect potential victims of discrimination." Hispanic groups contend that such discrimination is likely to arise from another section of the bill that forbids employers to hire illegal aliens and penalizes those who knowingly do so.

The administration's objection creates a new obstacle for the immigration bill, which is already in trouble because of opposition from Hispanic groups and many Democrats, including Walter F. Mondale, the party's Presidential nominee.

A NEW BUREAUCRATIC ENTITY

Administration officials contend that the House bill would create a costly, unnecessary bureaucratic entity within the Justice Department to investigate complaints of job discrimination.

In June the House approved Mr. Frank's proposal by an overwhelming margin, 404 to 9, with 150 Republicans supporting it. The House then passed the entire immigration bill by a narrow margin, 216 to 211. The Senate passed a similar bill but, by a vote of 59 to 29, rejected the sort of remedies for discrimination approved by the House.

On Tuesday the Senate asked for a House-Senate conference to reconcile differences between the two bills. The Senate appointed seven conferees, and the Speaker of the House, Thomas P. O'Neill Jr., said he would try to appoint the House conferees by Thursday.

William Bradford Reynolds, Assistant Attoney General for civil rights, expressed "serious reservations" about the antidiscrimination provision, saying it "charts an unprecedented course in civil rights law."

A PREFERENCE FOR CITIZENS

Mr. Reynolds said the existing statutes enforced by his office did not prohibit "discrimination in hiring on the basis of alienage." Further, he said, "It is understandable that some private employers might prefer to provide employment for United States citizens rather than for citizens of other countries who come here to work."

Lobbyists for business organizations, including the National Association of Manufacturers and the Chamber of Commerce of the United States, expressed similar concerns.

In 1980, the last year for which the Immigration and Naturalization Service has complete data, there were 5.4 million legal aliens in the United States, including 4.5 million permanent resident aliens. Permanent resident aliens have most of the rights of citizens except the right to vote.

The House bill would create a new enforcement apparatus within the Justice Department to investigate complaints of employment discrimination based on either national origin or "alienage." Employers who violated the ban on discrimination would be subject to civil penalties of up to "$4,000 for each individual discriminated against." That is twice the maximum penalty that could be imposed on employers who knowingly hired illegal aliens.

An employer accused of discrimination would be entitled to a hearing before an administrative law judge working for a new Justice Department agency known as the United States Immigration Board. The board could award back pay to victims of discrimination and could order employers to "cease and desist" from discriminatory hiring practices.

Individual employees could file complaints directly with the board if the agency's special counsel failed to do so after an investigation lasting 30 days.

Title VI of the Civil Rights Act of 1964 forbids employers to discriminate on the basis of race, color, religion, sex or national origin. But it does not cover employers with fewer than 15 employees. And the Supreme Court has held that "nothing in the act makes it illegal to discriminate on the basis of citizenship or alienage."

The House bill, with Mr. Frank's proposal, would cover employers with four or more employees.

Representative Peter W. Rodino, Jr., a New Jersey Democrat who is chairman of the House Judiciary Committee, assured his colleagues that he would fight to preserve the safeguards against discrimination.

But aides to Senator Simpson said that on this issue he tended to agree with the Administration and opposed the idea of creating a new legal remedy, or "private right of action," for employees charging discrimination.

However, the measure drew support from many conservatives, including Representative Steve Bartlett, a Texas Republican, who said, "What the Frank amendment does is to state specifically and categorically that discrimination will not be tolerated."

In a speech to a Hispanic group last month, Vice President Bush said President Reagan "will not sign any legislation that would permit employers to discriminate against Hispanics or anyone else."●

HAITI'S DUVALIER MAKES PROMISES, BUT NO IMPROVEMENTS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. DELLUMS. Mr. Speaker, The Haitian Government, under the authoritarian rule of Jean-Claude Duvalier, continues to repress the rights of its people and denies most basic freedoms. Recently, Haitians have taken to the streets not only to demonstrate against food shortages, but to finally air long-repressed grievances aimed at a government that has no concept of human or civil rights. The U.S. Government has certified that Haiti is making a concerted effort to improve its human rights situation twice in the past 7 months. Despite recent Duvalier promises to loosen his stranglehold on Haitians, the abuses continue uninterrupted.

I would like to present to my colleagues a report concerning the recent disturbances throughout Haiti, prepared by Christine Link, a research associate of the Council on Hemispheric Affairs, an authoritiative body that performs a valuable service by monitoring all aspects of U.S.-Latin American relations. I hope that COHA's findings serve to remind members of this body that, contrary to State Department certification and Duvalier promises, respect for human rights by

the Government of Haiti remains a distant goal for this nation of over 5 million people.

HAITI'S DUVALIER MAKES PROMISES, BUT NO IMPROVEMENTS

(By Christine Link)

By all accounts the largest demonstration in Haiti's history, occurring May 29 in Cap-Haitien could be taken as a signal that the people of Haiti want President-for-Life Jean-Claude Duvalier to act on the promises he made five months ago to loosen his stranglehold on the country's political parties and press and to comply with an avowed willingness to curb government excesses and human rights abuses. Many observers interpreted the series of public disturbances in major Haitian cities in late May as a message from a no longer cowed citizenry to Duvalier that the time has come to end his democratic posturing and submit the draft for regulating the operation of political parties which he proposed May 9.

Understandably, few Haitian specialists in the U.S. were optimistic about Duvalier's proposed relaxation scheme, and the events which followed proved that their skepticism was in order.

"Down with Duvalier," "Down with misery," read the placards carried by some Haitian protestors during the May 29 Cap-Haitien demonstration. Meanwhile, soldiers killed at least three people in that city when a mob stormed a CARE warehouse, protesting against corruption in the food distribution system.

The unrest, which was to spread throughout the country, began in mid-May in Bombardopolis following the arrest of a Haitian citizen by soldiers. One week later, a similar incident occurred in Gonaives when a pregnant woman was beaten, sparking rioting which spread to Cap-Haitien.

The day after the May 29 Cap-Haitien food riot, the Duvalier government abruptly announced the firing of five cabinet ministers, although none of those terminated could be linked to the alleged illegal selling of food provided by CARE. The only minister to be dismissed from the government's "inner circle" was Alix Cineas, Minister of Public Works, and one of the five ministers of state.

During the two days of riots which rocked Gonaives, the government dispatched Cineas to the city in an attempt to quiet the situation. But Cineas came back to Port-au-Prince and reported the deep opposition to the Duvalier regime which he witnessed and heard among the demonstrators. Duvalier acted immediately by firing Cineas from his Minister of Public Works position.

"Given the unrest generally, and even within the regime itself, it is not surprising that there was a cabinet shape-up," said Steve Horblitt, staff aide to Rep. Walter Fauntroy (D-D.C.). "But the food riots are only at the surface of a problem which goes much deeper," according to this veteran and highly regard Haiti watcher. Even though Duvalier initiated the token cabinet shuffle, it is still business as usual in Haiti. All political activity and pamphleteering is banned until Duvalier submits the necessary legislation to the National Assembly. This move could be delayed until the body reconvenes in April 1985, leaving the future of the reform legislation in limbo.

But now, some forces within the regime are blaming much of the recent violence on Duvalier's announcements of alleged progressive measures, claiming the President's pledges gave Haiti's usually passive populace the idea that they could do anything and not be punished. According to a June 13 Washington Post story, Duvalier wrote a series of letters in March ordering the Volunteers for National Security and the Army to stay out of civil and police affairs, adding that beatings and torture were "strictly forbidden" in Haitian jails.

Those close to Duvalier remain divided over whether to press ahead for political concessions, or continue the historic policy of stifling freedoms. At present, it appears that the latter forces are prevailing. On June 18, the Haitian secret police detained without explanation Haiti's most influential independent editors. Gregoire Eugene, leader of Haiti's Social Christian party and editor of the magazine "Fraternite" was taken from his home in Port-au-Prince and detained at the interrogation prison, the Casernes Dessalines for two days. His printing press was also seized, as was the latest issue of his magazine. Dieudonne Fardin, editor of the weekly "Le Petit Samedi Soir" was released after questioning, but Pierre Robert Auguste, editor of the weekly paper "L'Information" had his right arm broken during questioning. Neither "L'Information" nor "Fraternite" have been allowed to publish since then. The movement of Sylvio Claude, leader of Haiti's Christian Democrat party has also been severely limited since the secret police raided his house July 4, forcing him once again into hiding. Recent copies of his periodical "La Conviction" were also seized.

This past May, the U.S. House of Representatives signalled its dissatisfaction with the Duvalier regime by tacking on several conditions to the $48 million fiscal 1985 assistance package it authorized for Haiti. In order for Haiti to receive this aid, the U.S. President must certify early next year that the Duvalier government is "making a concerted and significant effort to improve the human rights situation by implementing the political reforms which are essential to the development of democracy in Haiti, including the establishment of political parties, free elections and freedom of the press." Congressional black Caucus members Walter Fauntroy (D.-D.C.) and Julian C. Dixon (D-Calif.) have also directly communicated to President Duvalier their alarm over the repressive treatment of the press and the further deterioration in the human rights situation.

In its May 14 report on human rights in Haiti, the State Department routinely found that the Duvalier regime was making progress towards greater freedoms for Haitians. But recent incidents have proven the emptiness of Duvalier's promises and the difficulties with the State Department certification. Nonetheless, the use of foreign assistance has been one of the few tools available to the U.S. when trying to prod the Duvailer government into beginning a democratization of Haiti. The question should not be whether to cut economic aid entirely, but rather, how much of a cut is needed, and where, before the Duvalier government will loosen its grip, since cutting off aid entirely would only further injure already impoverished Haitians. As Gregoire Eugene reiterated:

"The economic situation here (Haiti) is so difficult that the government needs foreign help. If the aid is made contingent on respect for human rights, individual freedoms, the government will be obliged to allow the functioning of political parties. The government has no choice if it wants more aid."

Clearly, a more careful monitoring of where U.S. develpment assistance ends up is necessary since there are questions as to the actual impact of the aid on the average Haitian, given the well established role of corruption in every fact of public life in the nation. Increased pressure must also be placed on the State Department to take a more active and visible role on human rights issues in Haiti. Without constant monitoring and pressure, there is no way of pushing the Duvalier government to institute and sustain much needed reforms.●

MRS. BIRDIE GREEN, PUBLIC SERVICE AWARD RECIPIENT—MENLO PARK

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. LANTOS. Mr. Speaker, I am delighted to announce that the Congressional Public Service Advisory Committee for Menlo Park has named Mrs. Birdie Green as the recipient of the 1984 Congressional Public Award for Menlo Park.

Mrs. Green was born in 1913 in Newellton, LA, and moved to Menlo Park, CA, in 1946 at the end of World War II. She went to work at the veteran's hospital near her home, leaving only to care for her sister-in-law and bring up her granddaughter who has recently graduated from high school.

Mr. and Mrs. Green have lived for over 30 years in the same house in Menlo Park, and throughout that period Birdie has given generously of her time and energy to diverse worthwhile causes. Local elementary and high schools, as well as seniors, have benefited from her energy and enthusiasm for the community. From 1972 to the present she has worked on nutrition programs for the elderly at the Onetta Harris Center. Recently, she participated in the demanding task of reactivating the community's home owner's association, and is now serving as its vice president. She has also volunteered with the Menlo Park Police Department where she served on the Citizens' Advisory Commission.

Mrs. Green's contributions have made Menlo Park a better and friendlier community for all those who live there. I am proud to have a person of her standing and quality living in my district—she attracts admiration and respect from all around her.

Mr. Speaker, it is my great privilege to honor Mrs. Birdie Green with the 1984 Congressional Public Service Award for Half Moon Bay. She is an active and contributing person, and shares her talents and skills generously with those around her. I commend the Menlo Park Public Service Award Advisory Committee for their choice.●

U.S. POLICY AND HAITIAN REFUGEES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. TOWNS. Mr. Speaker, I would like to bring to the attention of my colleagues in Congress, an article they may have missed last month in the Washington Post, as many of us were out of Washington for much of July.

The past few months have seen us examine and debate policy and questions concerning immigration, both legal and illegal. All too often however, we include in our discussions other foreigners who try to come to the United States, not for economic reasons, but for refuge. They seek our shores in fear for their very lives. We need to look more closely at how we treat refugees and those in need of asylum. Sometimes we do them a great injustice as in the case of the Haitians described by Roger Winter, director of the U.S. Committee for Refugees in the following article:

BOAT PEOPLE CLOSE TO HOME

THE FAILURE OF U.S. POLICY ON HAITIAN REFUGEES

Sometimes a definition of success can be mystifying.

I am thinking of the U.S. immigration official who attempted to sound positive following the June drownings of at least 12 Haitians whose boat was stopped in its journey to America. The arrest, part of the administration's "interdiction policy," which is designed to block the flow of boats on the high seas, went awry after frightened Haitians ran to one side of their vessel, capsizing it. The upset pitched an unknown number into the sea, as well as a federal employee whose body has never been recovered.

Despite this tragedy, however, the official reportedly labeled interdiction, the policy that led to the accident, a "success." According to him, such an assessment was valid because interdiction had stemmed Haitian boat flows to U.S. shores.

A callous judgment? Clearly so. But, perhaps more to the point, it is also wrong. In fact, a look at what has actually been occurring since the administration started interdiction nearly three years ago shows it to be a failure and a terrible precedent for the rest of the world.

Take, for example, a measure that the cost-cutting White House should understand—money. According to the government sources, the bill for interdiction is $25 million annually for the Coast Guard alone. If one adjusts that figure to account for the time that the policy has been in effect, and then divides it by the number of Haitians who have been stopped so far—1,900—one is left with a cost of $36,000 per apprehension. An underestimate that does not account for some other federal expenses, the amount is nonetheless high enough to appear peculiar for an administration that prides itself on frugality and supports immigration reform legislation that is short of implementation funds.

Then there is the question of the policy's effectiveness. True, the large boat flows of 1980 have not returned under interdiction, but that year was clearly exceptional, and the Haitian government had not begun its own U.S.-encouraged interdiction policy.

Furthermore, Haitian boat flows are actually on the rise. Two years ago, for example, about 20 Haitians were stopped. In 1983, the figure nearly doubled. And so far this year, those interdicted have totaled well over 1,000.

According to private sources in Florida, the upswing may stem from a variety of factors, including worsening drought conditions in Haiti and a reawakened interest on the part of local Haitian officials to assist in boat departures for gain. Diverse though they are, such observations generally illustrate how irrelevant U.S. interdiction may be to the actual size of boat flows from Haiti.

Of all of the numbers that are associated with interdiction, however, perhaps none is more compelling than the fact that not one stopped Haitian has yet to be found worthy of asylum by American immigration authorities.

Perhaps this fact should not be surprising. The product of a presidential proclamation, the entire interdiction program conflicts with the letter and spirit of law—specifically, the Refugee Act of 1980. That legislation provides asylum applicants with the right to be heard individually, with counsel and due process. Such recourse does not exist on the high seas, especially when asylum claimants are confronted by armed men in uniform who do not speak their language.

Actually, what is available to the Haitians who run into U.S. Coast Guard cutters is not exactly known, since the details of interdiction proceedings are unavailable. These circumstances hardly reflect the intentions of the Refugee Act's authors, who sought fair and open procedures for potential recipients of asylum. Nor are they compatible with U.S. obligations under the 1967 U.N. Protocol on the Status of Refugees.

Another indicator that interdiction is no "success" is Haiti itself. In a February report, the Lawyers Committee for International Human Rights found it to be a land where political opponents of the ruling regime are jailed and where there is "a climate of fear in which the democratic process has little meaning." Those assessments echo ones drawn by our own federal courts, which have heard Haitian asylum litigation.

Yet, it is to Haiti that American officials dispatch the interdicted, largely rebuffing them as "economic migrants." At the least, such a label is questionable especially when applied to all boat passengers, but even if it were true, Haitians would not be seeking a better living, but simply a living. Per capita annual income in Haiti is $300, the lowest in the Caribbean.

The U.S. interdiction policy is an ineffective and unrealistic tool that is costing our nation dearly in several respects—financially, legally, and spiritually among others.

The right thing to do would be to treat Haitian refugees with a sense of fairness and compassion in accordance with the spirit of U.S. and international law. As vexing as such an approach may be, it is also in keeping with what this nation is supposed to be about.●

TO HAVE OR NOT TO HAVE

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. ROWLAND. Mr. Speaker, I have the honor of sharing the same State with the first woman president of the American College of Obstetricians & Gynecologists. Dr. Luella Klein of Atlanta, GA, was inaugurated as the 35th president of this medical association this May in San Francisco. Her remarks at that time were informative in a subject area where all too often misinformation may be the rule more than the exception.

At this point, I am pleased to include Dr. Klein's statement to the American College of Obstetricians and Gynecologists. While birth control is a sensitive issue, facts and other pertinent information are necessary for informed decisions to be made by all concerned.

The statement follows:

TO HAVE OR NOT TO HAVE A PREGNANCY

UNINTENDED PREGNANCY AND THE RISKS/SAFETY OF BIRTH CONTROL METHODS

To have or not to have a pregnancy—one would think that that is one of the important questions in a woman's life. Today it is an available conscious choice for a woman in the United States. But the reality is that unintended pregnancy predominates.

Unintended and unwanted pregnancies are a national problem warranting national attention according to the New York Times.

The Guttamacher Institute reports in its 1983 publication, Making Choices—Evaluating the Health Risks and Benefits of Birth Control Methods, that more than half of all the pregnancies occurring in the United States today are unintended, either unwanted or ill timed, occurring before the woman wants a child.

There were more than six million pregnancies in the United States during 1980, 3.3 million of which were reported as unintended. This is a very high rate of ill-timed and unwanted pregnancies for an industrial western nation. About half of these 3.3 million unintended pregnancies were terminated by legal abortion.

Of the 55 million U.S. women of reproductive age, about 36 million face the problem of preventing an unintended pregnancy each year. Women spend all but a few of their reproductive years trying to prevent pregnancy.

A fertile sexually active woman using no contraception would on the average face 14 births or 31 abortions during her reproductive lifetime—a mind boggling disruption to her life in this period of hoped for independence and equality for women and in an era of the disappearing economic value of children.

Of the 36 million sexually active U.S. women wishing to prevent pregnancy, about 90 percent of couples use some form of contraception at least some of the time. Sterilization is presently the most relied on method of pregnancy prevention, followed by the pill and condoms.

There is a wide gap between Americans' fertility aspirations and outcome, much of it

apparently due to ineffective and episodic contraception. There is much fear, doubt, and confusion in women's minds about the risks and safety of presently available contraceptives.

While effective oral and intrauterine contraceptives have been available since 1960 and 1965, obstetricians and gynecologists have failed to speak clearly and consistently about their safety compared with the risk of pregnancy while using no method of birth control, that is, comparing the risk of the method with the risk of pregnancy. The complications cited for use of birth control pills and IUD's are heart attack, stroke, cancer, ectopic pregnancy, and fatal infection. Some of these are described in great detail in package inserts. It is not surprising that fear and confusion result. Each media flurry publicizing reports of such fearful complications results in a plummet in the use of that contraceptive method. During the recent decade, the levels of use of pills and IUD's went up and down like a roller coaster in association with media reports of adverse findings accompanying their use.

Never have so many known so much about a pill but been unable to put its risk and safety in perspective.

Our since sincere reporting of adverse side effects and complications has invoked the law of unintended consequences. It has resulted in a decrease in the use of birth control pills and an increase in unwanted pregnancy. This is not an excuse for the failure to develop safe, more convenient methods of birth control nor a plea to conceal the risks of the various contraceptive methods, but to put the risks in clear perspective. What do we mean by safe? Safe as compared with what? And for which women?

More than three million women in the United States are at risk of unintended pregnancy each year because of fear of complications of birth control methods: not complications, but fear of complications. Yet these same women have little fear of the risk of using no method of contraception and the mortality due to the resultant pregnancies. At the American Board of Obstetrics and Gynecology examinations, candidates do not know the statistical risk of death from oral contraceptive use. Nor do they know the comparison of this risk with that of the U.S. maternal death rate due to obstetric causes or compared with other risks of daily life.

We are a nation of risk takers—from smoking to unbuckled seat belts, from jay walking to driving under the influence, from EDB to the Diablo Canyon nuclear plant built on a fault on the earth's surface, from bacon and eggs to obesity—from personal habits to national policy, we take risks dangerous to our life, health, and well being.

American women risk pregnancy in the same risk-taking spirit. Sexually active women risk pregnancy without contraception, or use methods ineffectively or irregularly. It seems difficult for a woman to perceive the benefits of contraceptive use and the safety of not being pregnant.

More women are saved from death by birth control pills and IUD's than die of their complications.

The annual risk of death associated with any contraceptive method is much smaller than other risks we take in daily life.

There are about 500 pill related deaths annually among 10 million pill users—about 5 deaths for each 100,000 users. Most of these are among pill users 40 and older or pill users age 35 and older who smoke. There are about 30 deaths each year among the 2.3 million IUD users giving a rate of 1.3 deaths per 100,000 users. Maternal mortality from obstetric causes is about 10 per 100,000 births, and maternal mortality from all causes is probably nearly twice this. The mortality risk from driving a car is about 19 per 100,000 drivers per year and from smoking a pack of cigarettes a day, 1 in 200 smokers 500 deaths for each 100,000 smokers. More women die in automobile accidents annually than die of pill related complications. The pill and IUD are clearly safer than many daily risks.

The noncontraceptive benefits of the pill have been widely underpublicized. Its protective effect against menstrual disorders, ectopic pregnancy, benign breast disease, anemia, and ovarian cysts and its protection against cancer of the ovary and endometrium have been overshadowed by publicity about the occurence of heart attack, stroke, thromboembolism, liver tumors, and deep vein thrombosis. There is presently no valid evidence that oral contraceptives cause breast cancer.

Deaths due to oral contraceptives would be markedly decreased if older pill users who smoke adopted other methods or underwent sterilization (an estimated drop from 500 to 70 annual deaths if no pill user smoked, and no one over 35 used the pill) or about 7.5 deaths for each 1 million non smoking pill users. (0.7/100,000).

Unintended pregnancy among teenage women is a significant problem in the United States. We have a higher rate of births to teenagers than almost all of the developed countries. In fact, ours is among the world's highest, much of it out of wedlock.

An unintended birth to a teenage woman who has not completed high school often initiates a series of failures—failure to remain in school and become self-supporting, failure to complete the functions of adolescence, such as choosing a vocation, developing a self-identity and a sexual identity, and failure to establish a stable family and limit family size.

Women who begin childbearing in their teens have more children closer together, have more unwanted births, complete fewer years of education, have less marital stability, less economic well being and are more often on welfare, as well as having less healthy infants and children.

Few teenagers desire or plan a pregnancy. Unintended pregnancy is the most common reason for girls to drop out of school, and the birth of a child often initiates a cycle of poverty and welfare dependency which disadvantages the woman and her children for a lifetime. A younger teenager is likely to have a second unplanned pregnancy, with all its attendant problems, while still in her teens.

More than half of teenagers are sexually active (more boys than girls). More than five million teenage women are at risk of pregnancy. About 1.2 million teenage women in the U.S. become pregnant each year. We estimate that four in ten young U.S. women will conceive while in their teens, more than 80 percent unintentionally. In some states, more than half of out-of-wedlock births are to adolescent women. As expected, teens are the least consistent and most unsuccessful contraceptors, and unintended pregnancy is frequent.

Young people do not create the sexual climate in which they live. We sell most things in this country with sexual advertising from automobiles to kitchen cleansers and floor wax. Television features instant intimacy and rock music is preoccupied with sex and sexuality; but these titillating messages are not spiked with sexual responsibility or messages about pregnancy prevention.

Television pervades our lives, but there is a conspiracy of silence concerning pregnancy prevention in the media.

Laxatives and vaginal and rectal products are widely advertised but there is not one word about contraceptives. We need to abolish the taboos that prevent mentioning birth control. We need the help of mass media, especially television, to convey respectability and social approval to contraceptives and the discussion of pregnancy prevention. Nothing would impact on the public and teenagers more effectively.

Barring teenage patients from obtaining birth control services by using restrictive regulations and practices and restricting funding to public family planning programs is counterproductive. Cutting birth control programs under the fiction of promoting the family will not reduce sexual activity among teens, it will only increase unwanted pregnancy among the most vulnerable and least equipped to deal with it.

Prevention of unintended birth is clearly cost effective.

Birth control services cost much less than obstetric care and welfare dependency, and reduce the psychologic costs of unplanned pregnancy for a woman. If teenagers and minorities, both men and women, believe that jobs and self-supporting roles are not realistically available to them, we will continue to have unintended out-of-wedlock pregnancies. Teens often believe that pregnancy and motherhood provide a socially acceptable adult role and proof of femininity and maturity. Our public health and welfare policies are responsible for some of the problems of unintended pregnancy and out of wedlock births. These public policy problems are not amendable to medical solutions.

Adolescent women did not cause these problems and cannot be expected to provide solutions to health care and societal problems.

We owe our teenagers honest sex education at home and in school. We owe them excellent, easily available birth control services if they are sexually active so that teenage women may maintain control of their reproductive lives and, therefore, retain control of other aspects of their lives.

I have sometimes been critical of the request for abortion by women using no birth control or ineffective episodic birth control at the time of a conception. However, we cannot expect perfection in contraceptive use any more than we expect perfection in other aspects of life. Planning for contraceptive use is about as well carried out as planning for other aspects of living. Oral contraceptive pill taking is at least as good as antihypertensive medication pill taking. However, we usually blame women for unintended pregnancy and assume that they are solely responsible for the prevention of pregnancy. We need to stop blaming the victims of unintended pregnancy.

We also need to keep contraceptive effectiveness and failure rates clearly in mind. Oral contraceptives properly used are thought to have about a 1 percent failure rate. Among 10 million perfect pill users a 1 per cent failure rate results in 100,000 unintended pregnancies each year. Among less than perfect users many more unintended pregnancies would occur with ordinary use. Each 1 percent less effectiveness among 10 million users results in 100,000 more unin-

tended pregnancies. For contraceptives with the usual effectiveness rates of 90 to 95%, this is 500,000 to 1,000,000 unintended pregnancies for each 10 million contraceptors. Christopher Teitze of the Population Council estimates that among proven fertile patients the utilization of abortion for unintended pregnancies in a 10 year period would be 20 to 70 abortions per 100 pill users, and 100 to 300 abortions for each 100 women relying on other less effective methods over a ten year period. This is a sobering estimate indeed for the need for abortion for contraceptive failure and a cause for careful consideration of our attitude toward abortion and repeated abortion.

The problem of 3.3 million unintended pregnancies in the United States each year needs to be brought to public attention and to the attention of every Fellow of the American College of Obstetricians and Gynecologist.

We need to provide clear, unambiguous statements to our patients based on scientific and epidemiologic data of the risks and benefits of contraceptive methods compared with the risks of pregnancy and other every day activities.

We need to dispel the myth that contraception is more dangerous than pregnancy, except in older smokers on the pill, so that women will not reject effective contraceptives because of fear and confusion about their safety.

Few things change a woman's life as much as an unintended pregnancy. Prevention of unintended pregnancy would do much to improve the life of our patients. As physicians we need to communicate effectively about contraceptive methods. We as Fellows of A.C.O.G. owe our patients no less.●

TRIBUTE TO MAJ. GEN. FRANCIS S. GREENLIEF

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. MONTGOMERY. Mr. Speaker, I rise to give recognition to a man who is truly a legend in his own time. Maj. Gen. Francis S. Greenlief (USA, retired), a man who is respected and admired by all who have had the privilege of knowing him, has recently retired as the executive vice president of the National Guard Association of the United States [NGAUS]. He has established a long and most distinguished military and civilian career. During this illustrious career, General Greenlief has accomplished many milestones and received many honors which reflect the dedicated service he has given our Nation.

His National Guard career is that of one who truly came up through the ranks. That career began in 1940 as a private with the Nebraska National Guard. After several enlisted promotions and graduation from officer candidate school, he served on active duty during World War II as commanding officer of Company L, 134th Infantry, participating in the Normandy, Northern France, Rhineland and Ardennes campaigns.

Upon returning to the Nebraska National Guard, he eventually became the acting assistant adjutant general and division chief of staff. In 1960, he was assigned to the National Guard Bureau as the executive officer of the Army division. Within the Bureau, he continued to perform in the most outstanding manner and, in 1971, was appointed by the President to the position of Chief of the National Guard Bureau.

I would also like to take note of his aviation accomplishments. While in his early fifties, General Greenlief entered training in rotary and fixed-wing aircraft earning the Army aviator's wings. The Francis S. Greenlief Award for excellence in Army Aviation was established in recognition of his efforts to establish a tradition of superior performance within the Army Guard's aviation programs.

After retirement as the Chief of the National Guard Bureau in 1974, General Greenlief accepted a position on the staff of NGAUS. He was appointed executive vice president of the association in 1975, a position which he has held until his recent retirement in July of this year. In this position, he has continued his record of service in promoting Guard and Reserve Forces as integral parts of the Nation's total force. Perhaps more than any other one individual, he is responsible for the increases in equipment and the much improved state of readiness of these forces.

Mr. Speaker, I feel privileged to have had the opportunity to work with this patriotic soldier through the years. I have respected his character and leadership qualities and have often sought his counsel. I take this oppportunity to salute a great soldier and statesman, to thank him for all he has done for this Nation, and to wish he and his family the best of everything in their future endeavors.●

IDB LIMITATION SHOULD BE REVISED

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. LaFALCE. Mr. Speaker, in April of this year I told my colleagues on the floor of the House that I planned to support legislation limiting the use of industrial development bonds [IDB's] because I would be doing the taxpayers of my State a disservice unless I urged an end to the runaway growth in private purpose bonds. I was and remain convinced that excess utilization of IDB authority throughout the Nation is having the unintended effect of pushing up the level of interest rates on all tax-exempt bond issues, and I support the concept of strict limits on IDB growth.

One of my arguments, however, for restricting IDB growth was that IDB's no longer provided a single locality with additional leverage to attract business. In other words, IDB's were no longer a competitive instrument because the authority to issue them was so broad that no single jurisdiction could gain an advantage in using them to attract business.

Unfortunately, that argument no longer holds true. As a result of the last minute negotiations to come up with a conference report on the Deficit Reduction Act of 1984, it is now possible for some localities to exercise a tremendous advantage in their use of IDB's. A new proposal agreed on by the conference committee allows States to issue IDB's in amounts up to $150 per capita, or to a total of $200 million—whichever is higher.

The practical effect of this change is that States with smaller populations have substantially higher caps on their IDB authority. Measured on a per capita base, my own State of New York faces a $150 per person limit while the residents of Alaska can see an expenditure of $417 per person on private purpose bonds. The fortunate few in Wyoming can see their State and local governments attract businesses to the tune of $389 per person in the State, and those in Vermont have a similar opportunity with a $381 per capita limit. In fact, 13 States, the District of Columbia and the American territories are, under the $200 million alternative limit, privileged with regard to the utilization of IDB's.

In order to equalize the limitation on IDB authority, I am introducing a bill which would have the effect of eliminating the $200 million alternative. Adoption of this legislation would mean that, beginning January 1, 1985, all States would be subject to the $150 per capita limitation. A single cap would simply ensure that the taxpayers in all States are treated equally.

Mr. Speaker, the text of my bill follows:

H.R. —

A bill to amend the Internal Revenue Code of 1954 with respect to the limitation on the amount of private activity bonds which may be issued in a State

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subparagraph (A) of section 103(n)(4) of the Internal Revenue Code of 1954 (relating to State ceiling) is amended to read as follows:

"(A) IN GENERAL.—The State ceiling applicable to any State for any calendar year shall be an amount equal to $150 multiplied by the State's population."

(b) The amendment made by subsection (a) shall apply to calendar year 1985 and subsequent calendar years.●

CHURCH-STATE RELATIONS IN NICARAGUA

HON. JAMES L. OBERSTAR
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. OBERSTAR. Mr. Speaker, Central America is the most volatile region in this hemisphere. It is a flashpoint where an escalation of hostilities could very well involve U.S. forces directly in the fighting. To reduce this risk, we must impose tighter restraint on current operations in that region, both overt and covert, which are aimed at destabilizing the Sandinista government in Nicaragua.

The Reagan administration has urged Congress to approve more aid to the Contra rebels. It has attempted to justify more aid on the basis of the need to interdict the flow of arms from Nicaragua to the rebels in El Salvador. In a further effort to gain support for such policies, the administration has pointed to the alleged persecution of the Catholic Church in Nicaragua.

In addition to disguising the real intent of the covert aid to the Contras, the administration has used a double standard in its analysis of the relationship of the Catholic Church with the Governments of Guatemala, El Salvador, and Nicaragua. The administration has widely publicized the problems between the Catholic Church hierarchy and the Sandinista government in Nicaragua while virtually ignoring the repression of the Catholic Church in Guatemala and El Salvador, where almost 30 priests have been killed during the past 3 years.

Kris A. Lewett, a research associate with the Washington-based Council on Hemisphere Affairs [COHA], has written a clear-thinking article on the complex issue of church-state relations in Nicaragua. The article was published in a recent issue of COHA's biweekly publication, the Washington Report on the Hemisphere.

I commend the article to my colleagues:

CHURCH-STATE RELATIONS HIT NEW LOW IN NICARAGUA

Simmering tensions between an important segment of the Nicaraguan Catholic hierarchy and the Sandinista government flared July 9 with the expulsion of 10 foreign priests charged with planning "to provoke a confrontation" between church and state. In rapid fashion, international repercussions in Rome and Washington produced an escalation of vitriol between the archbishop of Managua, Miguel Obando y Bravo, and the Interior Ministry.

U.S. Bishop James W. Malone, president of the National Conference of Catholic Bishops, was quick to condemn the expulsion order, but asserted that the Sandinista act in no way weakened the U.S. bishops' opposition to the CIA-sponsored covert war currently being waged against the Nicaragua government. On Aug. 1, the New York Times carried a front page story indicating that the Nicaraguan archbishop saw himself as the leader of the internal opposition to the Sandinista regime and that "he made clear that he hoped the Sandinistas could be removed from power if they did not moderate their policies." These revelations arose out of a memorandum prepared by a W.R. Grace Corporation executive who had met with Obando during his May visit to New York. It should be recalled that Peter Grace, chairman of that corporation, had been a major force in this country pushing for the economic strangulation of the government of Salvador Allende in Chile, and an early supporter of the Pinochet dictatorship in that country.

According to the Times account, Obando's New York disclosures indicated "that his opposition to the Sandinista government is more intense and focused than he made known in Managua."

The explusions of the ten foreign priests were the most serious incident yet in the rift between Obando and the Sandinista leadership. Many observers trace the latest wave of animosities to the April 22 pastoral letter of the Nicaraguan bishops' conference, entitled "On Reconciliation." The document called for government negotiations with the CIA-backed contra rebels and included sharp barbs aimed at the Sandinistas. "It is not honest always to justify internal agression and violence by the aggression which comes from the outside," the pastoral declared.

While some ecclesiastical outsiders note that several of Nicaragua's bishops, including episcopal conference president Bishop Pablo Vega, were not informed—at Obando's behest—of the document's promulgation, the primate archbishop of Nicaragua gained at least the appearance of monolithic church opposition to the Sandinistas. No bishop could be expected to show public dissension with Obando after the fact, one church official noted.

But the letter was not entirely welcomed by Nicaraguan priests and faithful. Some critics cited the document's failure to mention U.S. covert support for the contras. The Nicaraguan Jesuit community, in a statement responding to the letter, noted that "a pastoral letter like the present one, during times of national aggression . . . is at this time in danger of breaking a fragile equilibrium."

Junta Coordinator Daniel Ortega Saavedra was predictably harsher in his indictment. The bishops, he said, are a "minority that wants to sell out the country." He also charged that the pastoral letter was "conceived, calculated and structured by the CIS."

"We do not doubt that some of the bishops have received orientation at the U.S. Embassy in Managua," Ortega said. In fact, Obando has admitted that the church has in the past received funding from the U.S. government, but denied that this is currently taking place.

While the church document lamented the divisions besetting Nicaraguan society, and called for a "true fraternal reconciliation," no mention was made of existing divisions within the local church. According to church observers, for example, Vega is far more conciliatory to the Sandinistas than Obando, and among Nicaragua's nine bishops, those favoring the Obando line oscillate, depending on the issue at hand, from three to five.

The pastoral itself provides internal evidence of intra-church divisions among the laity in criticizing the so-called "popular church"—an amorphous network of peasant and worker Christian base communities and clergymen with a liberation theology orientation—for having "forsaken ecclesiastical unity." Foreign Minister Miguel D'Escoto, a Maryknoll priest, and Culture Minister Ernesto Cardenal have histories of links to the popular church and remain a thorn in Obando's side, according to church officials. To date, however, both have shunned involvement in the dispute.

SANDINISTA CAMPAIGN

For their part, the Sandinistas may have helped spark the recent confrontation with Obando. The priests' expulsion comes on the heels of a prolonged government media campaign to discredit the traditional Catholic Church hierarchy by sensationalizing alleged church ties to former dictator Anastasio Somoza. Barricada, the official Sandinista paper, published a series of photographs showing various Nicaraguan bishops with the late Somoza, and accompanying stories suggested that they were maintaining links with exiled Somocistas in Florida.

Father Luis Amado Pena, who had been accused by the Sandinistas on June 20 of being an "active collaborator" with the U.S.-backed contras and was the object of the July 9 march preceding the expulsions, stated that the charges against him were merely "a publicity ploy." But a "captured counterrevolutionary" presented by the Sandinistas, Pedro Hernan Espinoza, known as "El Pez" (The Fish), recently charged Pena with attempting to organize in Managua an "internal front" for the rebel Nicaraguan Democratic Force (NDF), based in Honduras. Sandinista officials held a press conference June 20 to level the accusations and show two films purportedly showing Pena conducting an arms transfer with rebel agents. The priest is under house arrest in a seminary seven miles outside of Managua, while the government completes its investigation.

Obando stated that "the government, with these accusations against our priests, intends to eliminate the Catholic Church in order to implant the so-called "popular church."

By all comments, the July 9 marchers from Monte Tabor Church in the capital walked half a mile to Pena's seminary in a protest that was free of incident. Prior to the event, Obando made a point of publicly emphasizing the non-political nature of the protest, describing it as "a pilgrimage of solidarity and support for Father Pena."

The 10 priests expelled included four Spaniards, two Italians, two Costa Ricans, one Panamanian and one Canadian, all of whom worked in Managua. Nearly two-thirds of Central American priests are foreign. The Ministry of Migration and Aliens accused the ten of "carrying out an intense political effort against the government" and "violating the laws of the land."●

CAUTION SIGNAL ON CONRAIL SALE

HON. BOB EDGAR
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. EDGAR. Mr. Speaker, over the past 2 weeks I and 17 of my colleagues have attempted to highlight the rush

to judgment on the part of the Department of Transportation to sell Conrail. We have attempted to bring the attention of this body, and particularly the Subcommittee on Commerce, Transportation and Tourisms of the Energy and Commerce Committee, to the limited time available over the next several months to consider the many ramification of the sale.

In the spirit of adding to this debate, I am inserting into the RECORD a copy of a recent letter I wrote to the editors of the Wall Street Journal outlining our objections to the sale now.

I continue to welcome any comments from my colleagues concerning this important matter affecting not only communities in the Northeast and Midwest but all whose taxes and concessions have gone to bring Conrail to the profitable position it is in today.

The article follows:

[From the Wall Street Journal, Aug. 8, 1984]

CAUTION SIGNAL ON CONRAIL SALE

So it's a "Hole in the Wall Gang" in Congress trying to scuttle the sale of Conrail (editorial of July 31)? I thought it was more like a sheriff trying to keep order in a crowd queuing for a fire sale.

The bipartisan group of 19 members of Congress from the Northeast and Midwest who called for a one-year moratorium on the proposed sale is not necessarily against the privatizing of Conrail. All we are asking is: Why all the rush? Conrail, under the able leadership of L. Stanley Crane, with an accommodating tax structure and concessions by Conrail employees, is in an extremely strong cash position, projected at about $800 million this year. Further, there seems to be nothing on the horizon to indicate that this situation will reverse itself over the next year. Unless it's of course a rise in interest rates, which might influence bidders who are trying to make a leveraged buyout of the railroad. (If this is the case the moratorium will have at the very least saved the communities Conrail serves from being the target of "paper enterpreneurialism," to use a Reichian term.)

Congress has few legislative windows over the next two months to consider all the many, not-insignificant ramifications of the sale, for example: on jobs and competition as a result of a competitor eventually consolidating lines; on communities because of the possible dumping of unprofitable parts of the line after the sale; and on the eventual financial capacity of the buyer to carry on the momentum of the last several years after privatization occurs.

This nation has invested over $7 billion in Conrail to make it profitable. Now that it is, let's get the best possible deal we can for it. Time is on our side. Let's not give Conrail away at bargain basement prices. The moratorium will give us that time.●

COMMITTEE RATIOS UNDER GOP AND DEMOCRATIC MAJORITIES

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. WILLIAMS of Montana. Mr. Speaker, the committee ratios under GOP and Democratic majorities I referred to in my remarks earlier today are as follows:

COMMITTEE RATIOS UNDER GOP AND DEMOCRATIC MAJORITIES

	GOP majorities						Democratic 98th		
	80th Congress (1947): 245 Republicans; 188 Democrats; Ratio: 56.6 percent			83d Congress (1953): 221 Republicans; 211 Democrats; Ratio: 51.2 percent			98th Congress (1983): 274 Democrats; [2] 166 Republicans; Ratio: 62.3 percent		
	GOP (percent)	Ratio	Excess (percent)	GOP (percent)	Ratio	Excess (percent)	Democrat (percent)	Ratio	Excess (percent)
Key committees:									
Appropriations	58.1	25/18	+1.5	60.0	30/20	+8.8	63.2	36/21	+0.9
Rules	66.7	8/4	+10.1	66.7	8/4	+15.5	69.2	9/4	+6.9
Ways and Means	60.0	15/10	+3.4	60.0	15/10	+8.8	65.7	23/12	+3.4
Key committee average			+5.0			+11.0			+3.7
Other committees:									
Agriculture	58.6	17/12	+2.0	53.1	17/15	+1.9	63.4	26/15	+1.1
Armed Services	57.1	20/15	+.5	52.8	19/17	+1.6	63.6	28/16	+1.3
Banking	59.3	16/11	+2.7	55.2	16/13	+4.0	63.0	29/17	+.7
Budget [1]							64.5	20/11	+2.2
District of Columbia	56.0	14/11	−.6	52.0	13/12	+.8	63.6	7/4	+1.3
Education and Labor	60.0	15/10	+3.4	55.6	15/12	+4.4	62.9	22/13	+.6
Energy and Commerce	59.3	16/11	−2.7	54.8	17/14	+3.6	64.3	27/15	+2.0
Foreign Affairs	56.0	14/11	−.6	55.2	16/13	+4.0	64.9	24/13	+2.6
Government Operations	60.0	15/10	+3.4	53.3	16/14	+2.1	64.1	25/14	+1.8
House Administration	56.0	14/11	−.6	56.5	13/10	+5.3	63.2	12/7	+.9
Interior	57.1	16/12	+.5	55.6	15/12	+4.4	64.1	25/14	+1.8
Judiciary	55.6	15/12	−1.0	53.3	16/14	+2.1	64.5	20/11	+2.2
Merchant Marine	56.0	14/11	−.6	50.0	14/14	−1.2	64.1	25/14	+1.8
Post Office and Civil Service	60.0	15/10	+3.4	52.0	13/12	+.8	62.5	15/9	+.2
Public Works	59.3	16/11	+2.7	55.2	16/13	+4.0	62.5	30/18	+.2
Science [1]							63.4	26/15	+1.1
Small Business [1]							63.4	26/15	+1.1
Veterans Affairs	59.3	16/11	+2.7	53.8	14/12	+2.6	63.6	21/12	+1.3
Other committee average			+1.4			+2.7			+1.3

[1] Committee did not exist in 80th and 83d Congresses. [2] Includes Delegates in House totals but not on committee ratios.

EXAMPLE: WAYS AND MEANS COMMITTEE

In the 98th Congress, the Democratic Party won 62.3% of all House seats, but took 65.7% of the seats on the Ways and Means Committee, or only 3.4% more than the Democratic House percentage.

Compare this with the actions of the Republican Party. When last the Republicans controlled the House (the 83rd Congress, in 1953) their percentage of total House membership was 51.2%. Nevertheless, Republicans claimed 60% of the seats on Ways and Means. This was 8.8% more than their House percentage—more than twice the excess percentage taken by the Democratic Party in this 98th Congress.

In reality, those who are now crying "Unfair" were more than twice as "unfair" when last they organized the House.

What we have done is not to be "unfair" to the Republicans, but rather to assure that the Democratic Party has working control of certain key committees in this Congress—control without which the House majority, be it Democrat or Republican, simply could not function.

EXAMPLE: RULES COMMITTEE

In the 98th Congress, the Democratic Party won 62.3% of all House seats, but took 69.2% of the seats on the Rules Committee, or 6.9% more than the Democratic House percentage.

What did the Republican Party do when it organized the Rules Committee? In the 80th Congress (1947), the Republican membership on the Rules Committee exceeded their House percentage by 10.1%, compared to our 6.9% in the 98th Congress. And, in the Republican 83rd Congress, Republican membership on Rules exceeded their House percentage by 15.5%.●

PATRIOTIC SONG SING-A-THON IN TURLOCK, CA

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. COELHO. Mr. Speaker, I proudly call the attention of my colleagues to a group of elementary school students in Turlock, CA.

In this day when many fear that the youth of America have lost their sense of patriotism, a special group of young Americans from a small town in the heart of California gathered to raise their voices in national pride this past spring for 72 hours, 33 seconds. These children sang praises for the good ol' U.S.A. in Turlock's First Annual Patriotic Song Sing-A-Thon. Every hour both the National Anthem and the Pledge of Allegiance were either sung or recited, with multitudes of other patriotic songs and hymns. These continuous salutations were combined with red, white, and blue banners and waving flags—leaving no onlooker the slightest fear of fading national pride.

At the end of the event, when voices were weary but spirits still high, the Turlock City Council officially designated April 13-16 as "Patriotic Song Sing-A-Thon Days." Press coverage that followed brought phone calls and letters of support from the world over. In fact, five other American grade schools have decided to join in the celebration next year with plans to hold official patriotic song sing-a-thons in their home towns. It surely was a success.

Sometimes it is to the children that we must look for reminders of the most important things. As we celebrate in our victories at the Olympic games and unite in our patriotic display, I thought it would be appropriate to share the lyrics to the song which these children composed for the sing-a-thon:

FREEDOM'S WAY—U.S.A.

We survived some trying times which we knew were bad,
And we managed to endure those times we knew were sad.
When times became fruitful, we all became cheerful,
And we knew everybody was glad.
In a country that began with the rich and poor,
These two extremes we still have, we know for sure.
Where a person can progress or he can just let it pass,
And his fate will have to endure.

(Refrain)

Beautified by the touch of God is our land,
Mountains, valleys, waters, desert sand.
Out God given gifts here for us to behold,
We must protect them more carefully than gold.
Our progress is visible for the whole world to see.
This country is grand and all our people are free.
Any freedom worth having is worth working for—
And we must work harder than ever before!
If our goals are high and we want to reach the top,
It will take all our efforts, everything we've got!
We have been making progress in almost every way,
America is here to stay!

(Refrain)

Beautified by the touch of God is our land,
Mountains, valleys, waters, desert sand.
Our God given gifts here for us to behold,
We must protect them more carefully than gold.●

FUNDS AVAILABILITY ACT OF 1984

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. LAFALCE. Mr. Speaker, currently pending before the House Banking Committee are several bills designed to require that the Nation's banks and thrifts to stop taking advantage of their customers by playing what has become known as the "float game." Not all depository institutions play the game, which entails refusing customers access to their deposits for up to 3 weeks, but those that do are making millions in interest earnings at their customers' expense. Here's how the "float game" can work:

A customer deposits a check in his or her account, and after giving the check a couple of days to clear, begins to pay household bills by making use of the amount deposited. To the shock of the customer, the checks written to cover those bills begin to bounce, resulting in embarrasing situations and, in many cases, a charge levied by the bank on the consumer for a check written against "unavailable funds." The shocked customer soon learns that the cause of the seemingly uncontrollable chain of events is the policy of the bank to let checks "float" for time periods ranging from several days to several weeks before crediting the customers account (the phrase "float" is borrowed from the term "floating account," which is where the bank keeps track of checks awaiting clearance).

The reason for floating the customers funds is that soon after a check enters the nationwide clearing system run by the Federal Reserve banks, the bank in which the check has been deposited receives a "provisional credit" from the Fed. While the "provisional credit" does not ensure that as the check completes its route through the processing system it will not ultimately bounce, it does give the bank the authority to make use of the funds until they are utilized by the depositor. Thus a finalized incentive exists for banks to inform the depositor that his or her funds will be unavailable until the bank gets final word that a check has cleared. Some banks have policies of letting checks float for as long as 22 days—far longer than it takes a check to clear through the processing system. That kind of float temporarily gives the banks the use of cost-free funds, on which banks can make millions, but at the expense of the consumer.

Today, Mr. Speaker, I am introducing the "Funds Availability Act of 1984," a bill mandating that the Federal Reserve implement regulations to abolish the float game by establishing a reasonable period of time within which a depository institution shall permit a banking customor to draw on an item deposited in the customers account. In addition, the bill requires institutions to notify their customers in writing of the time limitations applicable to their accounts and to post such notification in a conspicuous place at each branch of the institution.

While I have cosponsored legislation currently before the House Banking Committee which would mandate a specific number of days for allowing customers to draw on deposits of different types (3 days for a local check, 4 days for an in-State but non-local check, and so forth, I believe that the complexity of the check clearance system (which handles 3.5 billion pieces of paper per year) requires the kind of understanding and flexibility in regulation that the Federal Reserve can provide. In asking that the managers of the check clearance system work with the participants (banks and thrifts) in designing consumer protection regulations, I believe that we can accomplish the goal of speeding the check-clearing process without increasing the liability of the banks or their regulators for stolen, forged, or uncollectible checks.

My own State of New York, with California, adopted the first float limiting laws in the Nation, took the tack of requiring the State banking regulator to design appropriate regulations to limit unreasonable delays in crediting consumers with their deposits. The reasonableness of such an approach is exampled by a decision in New York to give thrift institutions an additional day for check clearance because of their reliance on somewhat slower correspondent banking relationships for processing deposited checks.

I believe that the Federal Reserve, with its expertise in the mechanics of the check-clearing system, should be required by Congress to act against the float game for the benefit of consumers nationwide. My bill, the text of which follows, would accomplish that goal.

H.R. —

A bill to require the Board of Governors of the Federal Reserve System to impose limitations on the number of days a depository institution may restrict the availability of funds which are deposited by check

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Funds Availability Act".

PURPOSE

SEC. 2. It is the purpose of this Act to provide all retail banking customers with the ability to draw against items deposited for collection with any depository institution located in the United States within a reasonable period of time.

REGULATIONS

SEC. 3. (a) The Board of Governors of the Federal Reserve System shall promulgate regulations to establish a reasonable period of time within which a depository institution shall permit a retail banking customer to draw on an item which has been received for deposit in such customer's account.

(b) The Board is authorized to collect from depository institutions such information as may be required by the Board for purposes of promulgating the regulations required by this section.

(c) If special circumstances are involved, a depository institution and a retail banking customer may agree in writing to a greater period of time than the period of time specified in regulations promulgated pursuant to this section for the drawing against items received for deposit in such customer's account, except that such agreement shall not be contained on a preprinted form and the use of such agreements shall not be a usual or regular business practice of such depository institution.

NOTIFICATION TO CUSTOMERS

SEC. 4. The regulations promulgated under this Act shall require each depository institution—

(1) to notify each of its retail banking customers, in writing, of the applicable time limitations on the right to draw on items received for deposit in such customer's account; and

(2) to keep posted in a conspicuous place to each branch of such depository institution, a notice which substantially sets forth the generally applicable time limitation relating to the rights of the customers of such depository institution to draw on items deposited in their accounts.

DEFINITIONS

SEC. 5. For purposes of this Act—

(1) the term "Board" means the Board of Governors of the Federal Reserve System; and

(2) the term "depository institution" shall have the same meaning given such term in clauses (i) through (vi) of section 19(b)(1)(A) of the Federal Reserve Act.

EFFECTIVE DATE

SEC. 6. This Act shall take effect on the date of the enactment of this Act.●

OVERSEAS TEACHERS ACT

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Ms. OAKAR. Mr. Speaker, today I am introducing the Overseas Teachers Act of 1984—a modest proposal to help ensure that we attract and retain superior teachers in the overseas school system in order to guarantee the finest possible education for the children of the members of our Armed Forces and civilian employees serving abroad.

This Federal public school system is responsible for the education of 140,000 American children living abroad. They are the sons and daughters of our servicemen and women who contribute so much to the defense of our country, and who deserve nothing less than the best education for their children. It is important that our military families be able to stay together, with the children assured of a quality public school education regardless of where they are stationed around the world.

Mr. Speaker, of the more than 7,000 teachers in the system, approximately 30 percent are the spouses of military members stationed overseas. While such temporary employment is a boon to the service family, the competition these spouses face is limited or nonexistent and, on occasion, a position may even be tailored to the applicant, rather than to the needs of the students. This reality, which we are not attempting to change, underscores the need to recruit and retain career teachers of the highest caliber.

Most of us would view the prospect of living in Japan, Okinawa, Korea, the Philippines, Italy, Panama, Bermuda, Norway, Germany, or Holland—to name but a few of the locations of the over 270 schools—with the excitement of children visiting Disneyland—faraway places with faraway names, castles, and knights of old.

In some of these countries, however, the realities of life are far less pleasant for our overseas personnel due to the high cost-of-living and modest salaries paid them. Many of the employees also encounter substandard housing, language difficulties, cultural adjustments, poor medical facilities, and less sophisticated communication systems. We sometimes forget that Americans have the world's highest standard of living.

Teachers in our Federal system spend their careers overseas; there are no stateside positions for them. From meetings with these teachers and their association representatives, I have tried to identify those problem areas where the Department of Defense could act administratively and those where legislation is required.

The most common complaint of career teachers in the overseas system is the denial of transfers. Most teachers would be willing to experience difficult living conditions for a year or two if they had reasonable expectations of moving to another less demanding assignment. The inadequate housing, nonpotable water, and crowded classrooms are more tolerable if the prospect of better surrounding and working conditions are foreseeable.

Mr. Speaker, my bill proposes that teachers be permitted to compete for vacancies, thus ensuring a healthy and reasonable movement within the system by those wishing to transfer.

Normally, teachers hired overseas with no travel or household benefits such as military spouses leave the program within a few years; nevertheless, there are still several hundred locally hired teachers who have stayed—without benefits—in the system after their original tour. Prior to 1972, these teachers received by administrative action the same benefits as stateside hires. My bill requires that these teachers, after 1 year, receive the same benefits as teachers hired in the United States as long as they are of the caliber the system demands.

My bill also establishes a basic school year which is the average length of the school jurisdictions in the United States used to determine overseas salaries, a school day of 7 hours, and standard class sizes—all measures long overdue.

Mr. Speaker, presently, teachers in the overseas system are paid on the basis of a survey of school jurisdictions of 100,000 or more population conducted annually by the Department of Defense. Aligning teachers' pay to school jurisdictions of 100,000 or more students will reflect more accurately the size of the overseas system and reduce the number of jurisdictions required to be surveyed from 170 to under 30.

Currently, teachers begin the school year in August receiving last year's pay pending completion and implementation of the survey which does not now occur until the following June. Besides the savings in time and money to the Government resulting from an abbreviated survey, it is also hoped that teachers would receive their proper salary during the school year.

This bill permits a 1-year sabbatical to be given to upgrade the skills of teachers after 7 years in the system; provides for maximum household shipment as allowed for by statute, and requires that if, because of Government delay, teachers arrive overseas after the start of the school year, they be paid as if they had started the school on time.

The most innovative section of this bill, however, provides a long-needed

career ladder for these teachers. Over the past several years, there has been an increased emphasis on excellence in education. An analysis of various reports on the state of education in this country leads to one inescapable conclusion—all things being equal, teachers make the difference. We are trying to keep outstanding teachers in the overseas classrooms by offering them substantial pay increases as they progress professionally.

Today, a teacher must leave the profession or become an administrator in the system to move up the financial ladder. My proposal establishes five pay levels, based on service in the sysem. I invite suggestions from the Department of Defense, and especially the Department of Education, concerning additional qualifications and duties for each level consistent with the basic premise that the teacher remain primarily in the classroom.

Finally, Mr. Speaker, over 80 percent of our overseas teachers are women it is fitting that the Federal Government recognize the true worth of the teaching profession by establishing within that profession the means to attain reasonable financial rewards consistent with the contribution teachers make to our society.

We ask so much of our armed service members and their families: They suffer frequent dislocations and family separations. They are the true servants of the public—volunteers from every part of America dedicated to the freedom of our great republic. I urge my colleagues to join me in supporting this legislation to help ensure that their children continue to have the best public school education possible.●

ARMY RECEIVES INITIAL PRODUCTION DIVADS

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. NICHOLS. Mr. Speaker, Mr. Robert P. Ropelewski recently contributed a most informative article to the Aviation Week & Space Technology magazine, regarding the Sergeant York division air defense [Divad] antiaircraft gun system.

The U.S. Army has accepted the first seven production units and has successfully test fired the first of three against air borne target drones at Fort Bliss, TX.

The Divad system is expected to provide improved reliability, mobility, greater effective range, and increased kill probability over the existing weapons systems.

Mr. Speaker I insert the text of this article in today's CONGRESSIONAL RECORD:

[From Aviation Week & Space Technology, July 23, 1984]

ARMY RECEIVES INITIAL PRODUCTION DIVADS

(By Robert R. Ropelewski)

SAN JUAN CAPISTRANO, CA.—U.S. Army has accepted the first seven production units of the Sgt. York division air defense (Divad) antiaircraft gun system from Ford Aerospace & Communications Corp., and has successfully test fired the first of these against airborne target drones at Ft. Bliss, TX.

Redesign work during the development stage to reduce weight, improve reliability and decrease costs led to a slippage of about six months in the assembly and integration of initial production units, according to program officials. Ford Aerospace was scheduled to deliver the first production unit to the Army last October, but that delivery was not accomplished until Mar. 13 of this year.

Ford and the Army have put together a recovery plan that is expected to get the program back on schedule by early 1986.

In the meantime, a three-week series of special tests is scheduled to begin this week at Ft. Bliss to provide Defense Dept. officials with sufficient performance data to determine whether release of Fiscal 1984 production funding is warranted. Normally that decision would have been made on the basis of operational tests, but these have been deferred until late this year because of the delays in initial production.

This Aviation Week & Space Technology editor had the opportunity to operate an early production version of the Divad system against a low-flying, maneuvering helicopter recently at the Ford Aerospace test range near here. Although some minor discrepancies arose, the system clearly showed a capability to rapidly acquire and track the target helicopter even when the aircraft was masked by the surrounding hilly terrain for all but a few seconds.

The Divad system, named after World War I Congressional Medal of Honor recipient Sgt. Alvin C. York, is expected to provide improved reliability and mobility, greater effective range, and increased kill probability over the General Electric Vulcan 20 mm. air defense gun system now in use by the Army for short-range air defense.

Ford Aerospace has been awarded two production contracts so far comprising 146 Divad gun systems. Ultimately, the total buy is expected to reach 618 units for the U.S. Army, with additional orders anticipated from the National Guard and from other North Atlantic Treaty Organization forces.

The Army anticipates fielding the first operational Divad units in 1985 to replace the earlier-generation Vulcan gun systems in the air defense battalions of the service's armored and mechanized divisions, in Corps air defense artillery groups and in armored cavalry units. Typically, a 36-gun battalion will support each of the Army's heavy divisions.

The gun system is used with the Ford Aerospace Chaparral and the General Dynamics Stinger surface-to-air missile systems for short-range, low-altitude air defense of Army ground units. The Divad system will provide the service with a night/adverse weather defense capability, which the Vulcan gun system does not have.

RAPID REACTION

The Sgt. York is a self-propelled, reaction system consisting of two radar-rapid directed 40-mm. Bofors L/70 cannons in a turret mounted on an M48 tank chassis. The radar and computerized fire control system provide automatic target acquisition and tracking, identification friend or foe (IFF), threat prioritization, selection of ammunition type and burst schedule, and lead angle computations.

The two-man gun crew, composed of a gunner and squad leader, can take manual control of the system at any time and aim the guns optically, if necessary. A third crewman drives the vehicle.

In combat, the Sergeant York will be armed with two types of ammunition—a proximity fused round for aerial targets at longer ranges and a high explosive delay round for aircraft at closer distances and for light armored vehicles and other ground targets. A less-complex and less-expensive practice round will be used for training.

In all of these cases, a linkless feed system is used to feed the shells to the two 40-mm. guns from four separate magazines. The magazines have a total combined capacity of 502 rounds, which can be fired at a rate of 300 rounds per min. per gun.

A Litton inertial reference unit is incorporated in the system to stabilize the weapon sighting subsystems and allow firing while the 60-ton vehicle is moving.

The radar used in the Divad system is a derivative of the Westinghouse AN/APG-66 radar developed for the U.S. Air Force/General Dynamics F-16 fighter The fully coherent, low pulse repetition frequency (PRF), pulse Doppler radar operates in X-band and can simultaneously detect and tract pop-up or hovering helicopters, fixed-wing aircraft and missiles.

About 85% of the components used in the Divad radar are common to those of the APG-66, according to Westinghouse. One of the chief differences is the use of separate search and track antennas on the Sergeant York gun system. These antennas can be stowed in recesses at the rear of the turret, and an armored covering over each of the stowed antennas is intended to provide some limited protection if the vehicle comes under attack.

A Hughes 500 helicopter was used as the simulated hostile aircraft for the Aviation Week demonstration of the Divad system. The Model 500 is one of the quicker and more agile helicopters in service today, and this, combined with the small size of the aircraft, made it a challenging target for the Sergeant York.

TEST RANGE

In addition, the Ford Aerospace test range is located in a rugged coastal mountain area that provided the helicopter pilot with ample opportunities for terrain masking. A variety of scenarios was simulated by the helicopter, from direct attacks on the Divad vehicle to attacks on other friendly units within the field of view of the Divad.

Army specifications laid down for the Divad in the mid-1970s were based on maneuvering, high-performance fixed-wing ground attack aircraft as the primary threat. Armed helicopters and ground targets were also on the threat list, but with lower priorities.

However, the subsequent evolution of a powerful Soviet attack helicopter force—specifically, the Mil Mi-24 Hind series of attack helicopters—resulted in a reversal of priorities, with pop-up and hovering armed helicopters now considered the highest-priority threat.

Program officials estimate that helicopters will constitute 60% of the Divad's tar-

gets in combat. They said this same reversal of priorities is now occurring among potential export customers for the Sgt. York system.

I occupied the gunner's seat in the Divad's turret for the Aviation Week demonstration of the system, to the left of Ford Aerospace test specialist Bill T. Idom, who acted as the squad leader for the demonstration. The vehicle was maintained in a fixed position on the side of a hill for the 1.5 hr. exercise.

DUAL CONTROLS

Both the gunner and the squad leader are provided with nearly identical yoke-type controls with two separate control grips on each yoke. The hand grips house all of the switches needed to control the radar, optical sight, laser ranging and guns. Although gun firing is automatic when the automatic radar mode is engaged, a crewmember must squeeze a trigger on his right hand grip to consent to the firing.

Additional controls are located on a panel in front of each crewman. At the center of the same panel, between the two crewmembers, is a combat situation radar display which presents radar data in a simple plan position indicator (PPI) format.

Radar returns are digitally processed to remove clutter prior to presentation on the combat situation display. Only actual targets are displayed, and these are presented with appropriate symbols representing missiles, fixed-wing aircraft, helicopters or ground targets.

Additionally, the two highest priority targets are identified with one or two dots, respectively, inside the target symbol. Targets outside the effective range of the guns are identified with smaller symbols.

Friendly aircraft are shown as small circles on the display. Other symbology provides information on the line of sight of the guns, vehicle hull direction, optical sight (periscope) direction, and reference position to north. These latter symbols remain relatively unobtrusive at the outer perimeter of the circular display.

TUBINE POWER

Primary power source for all of the subsystems associated with the Divad gun system is a Garrett turbine power unit installed at the rear of the M48 chassis. The main engine of the vehicle itself does not have to be operating, although it too can serve as a power source in the event of a failure of the Garrett turbine.

From a cold start, only a few steps are required to engage a target in the automatic radar mode. On his control panel, Idom started the turbine generator and moved his master power switch to the "on" position. With the radar mode selector knob on the same panel, he erected the radar antennas and then turned the knob to the automatic mode position. He then simulated depressing the trigger on his right hand control grip, which in an actual combat situation would have given the system the authority to fire on any threats detected by the radar.

In several runs made by the target helicopter with the Divad system in this mode, the radar was able to detect the aircraft as it approached from behind the surrounding hills even before the helicopter could be detected through the optical sight. A helicopter symbol appeared on the combat situation display showing the range, bearing and direction of movement of the target, and the turret slewed rapidly to point the guns in the direction of the target. Range, altitude, bearing and speed of the target also appeared in digital readouts at the upper left corner of the display.

In cases where the helicopter was simulating attacks on locations offset from the Divad vehicle itself, the Divad radar would track the aircraft as it passed between hills, then stop when it went behind another hill, then quickly acquire it again as it reemerged.

Because of a software anomaly in the interface between the radar and the fire control system, the turret periodically jerked unexpectedly in one direction or the other, interrupting the tracking of the target. The abrupt stops and starts made it rather uncomfortable inside the turret. They also made it difficult to keep my eye up to the optical sight for visual tracking of the target.

This was a relatively inconsequential problem, since optical tracking is not a requirement when the system is in the automatic radar tracking mode. A software modification has since been introduced to eliminate this problem.

The turret has a slew rate of 90 deg./sec., and from the inside it gives one the impression that it reaches that rate almost instantaneously. On several occasions, I found myself slamming into the bulkhead on my left or swaying sharply toward Idom on my right as the turret abruptly started or stopped. I was unaware at the time that a seat harness was available to help prevent such buffeting.

With the system in the automatic mode, the status of the engagement could be observed either on the radar combat situation display or through the optical sight. Three small circular lights positioned side-by-side in the upper field of view of the sight showed the status of key subsystems.

The left light illuminated when the radar was actually tracking the target. When the radar temporarily lost the target, the light began to blink. The center light illuminated when the fire control computer had reached a solution and was ready to fire. A solid center light indicated the target was within range for a high kill probability, while the light blinked to indicate that although a solution had been reached, the target was outside the range for a high kill probability.

The third light, on the far right within the sight, indicated that the Divad's laser ranger was tracking the target and providing range information to the fire control computer. A button on the left control grip initiates laser ranging, but we did not use the laser during this demonstration because of danger to the helicopter pilot's eyesight.

A noteworthy aspect of the radar during this phase of the demonstration was its ability to detect the helicopter simply from the rotation of its rotor. On several occasions, the helicopter hovered behind nearby hills, then popped up to simulate a missile attack. In these instances, the radar seemed to be able to detect the target and slew the guns toward it at the first detection of rotor blade movement, even before the helicopter fuselage itself had cleared the top of the masking terrain.

The Divad radar provides hemispherical coverage for a full 360 deg. in azimuth and from −10 to 85 deg. in elevation. It is capable of tracking and classifying multiple targets simultaneously, and can display up to 16 of these on the combat situation display. On two occasions when our helicopter target was either out of sight or was tracking outbound before beginning another engagement, the radar detected other targets and rapidly and unexpectedly slewed the turret and guns to track the targets.

In one case, the target was a low-flying high-speed aircraft that was too far away for observers outside the vehicle to identify. They speculated, however, that it was a fighter from the El Toro Marine Corps Air Station located several miles away.

In the second instance, the system acquired and quickly began tracking an Air Force/Lockheed C-141 transport aircraft that appeared to be maneuvering for an approach to the El Toro air station. Although the C-141 was well beyond the normal detection and firing range of the Divad, the size of the aircraft was such that the Westinghouse radar was able to easily acquire and track it.

A switch on the left hand control grip allows either crewmember to command the radar to terminate tracking of a particular target. Pushing the switch upward gives a simple breakoff command, while pushing the switch downward classifies the target as a friend.

I pushed downward on the switch, and the diamond-shaped symbol representing an enemy or unidentified fixed-wing aircraft on the combat situation display changed to a small circle, the symbol for a friendly aircraft. The radar immediately stopped tracking the C-141, but continued to search for other targets and continued to display the C-141's position on the combat situation display.

There were no false targets encountered on the radar during our demonstration despite the extensive ground clutter around the test site. Clutter itself did not seem to be a problem, even though most of the demonstration involved tracking the target helicopter at low levels through the surrounding hills.

In addition to the automatic radar mode, the Divad system can also be operated manually using the optical sight to detect and track targets. With Idom coaching, I conducted several engagements with the target helicopter in the manual mode.

For this mode, I depressed a switch on the right-hand control grip to slave the guns to the optical sight. Using a thumb switch at the top center of the right grip, I was then able to slew the sight, turret and guns right, left, up and down to acquire and track the target.

The thumb switch is pressure sensitive, and higher pressures caused the sight, turret and guns to move at a faster rate, while reduced pressure slowed the rate of movement. It took little practice to become accustomed to this, and it was soon possible to track the target helicopter very accurately even when it was maneuvering aggressively at short ranges from the Divad.

For some of these engagements, Idom served in the role of the squad leader to acquire the target on the radar combat situation display, designate the target, then hand it off to me to track and engage. This is expected to be the procedure used by operational crews.

Had these been actual combat engagements, we would have had a choice of using either proximity-fuzed rounds or point-detonating high explosive shells against our targets. Program officials anticipate that in combat operations, the Sergeant York will be armed with proximity-fuzed shells in two of its four magazines and high-explosive rounds in the remaining two magazines.

Generally, the selection of one type of ammunition or the other will be accomplished automatically, based on the nature of the target.

At longer ranges, the proximity-fuzed rounds would normally be used because they do not have to hit the aerial target to

damage or down the aircraft. The fragmentation pattern of these shells creates a hazard envelope that can be as much as 40 times larger than the profile of the target itself at long range.

The high explosive rounds would be used for aerial targets at shorter ranges as well as for ground targets. Use of the Divad against ground targets can be anticipated for the later phases of a war, program officials said, when air superiority has been established and there is no longer a significant antiaircraft requirement.

Additional improvements and new applications are already under study for the Divad system.

Westinghouse, in a program funded by the Defense Dept., is developing a programmable signal processor aimed at providing faster and greater processing capability, and a dual mode transmitter providing higher average power. These are modular plug-in units that could be retrofitted to the Sergent York if enemy targets become smaller in cross section or if greater detection range and reduced reaction time are required in the future.

Program officials at Ford Aerospace are studying a system of platoon data netting wherein one surveillance unit would supply information to several different Divad firing units. This would eliminate the need for each individual unit to be operating and transmitting, thereby reducting its vulnerability to antiradiation weapons.●

IS FIDEL READY TO DEAL?

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. SMITH of Florida. Mr. Speaker, I want to bring to the attention of the House an excellent article on the problems associated with normalizing ties with the Castro government. Written by Prof. Jaime Suchlicki, director of the Institute of Inter-American Studies at the University of Miami's School of International Studies, the analysis deserves to be read by everybody interested in American foreign policy toward the Caribbean and Latin America:

[From the Miami Herald, Aug. 5, 1984]

IS FIDEL READY TO DEAL?

(By Jaime Suchlicki)

Fidel Castro's recent statement that Cuba is willing to negotiate with the United States comes at a time when the more pro-Soviet, anti-American and internationalist elements within the Cuban government have achieved greater power. Members of the Council of State and ministers such as Raul Castro, Ramiro Valdes and Guillermo Garcia would probably oppose any rapprochement with the United States that could undermine revolutionary commitments abroad and ideological purity at home.

This is not to say that Fidel's power has been weakened or that if he is seriously interested in improving relations with the United States others will not follow. On the contrary, despite significant institutionalization over the past decade, Fidel's power remains supreme. What is ironic and makes Fidel's statement less credible is that it comes at a time of increased ideological militancy and continuous commitment to violence and revolution.

If we are to understand Fidel's message, we must realize that Cuba is unwilling to exchange its international role for normalization of relations with the United States. For the past two decades Cuba, under the protective umbrella of the Soviet Union, has played a great power role in Africa, Latin America and the Middle East, has led the nonaligned movement and has supported violent revolution in three continents—a role totally out of proportion to Cuba's size and resources and at the expense of the Cuban people. It is unlikely that a profoundly anti-American, megalomaniac and cunning leader like Fidel will abandon world center stage to become simply another friendly authoritarian/paternalistic caudillo relegated to an insignificant tropical island.

The Cuban leadership sees its support for revolution as an integral and critical part of Cuba's foreign policy. Helping leftist insurgents throughout the world is a revolutionary commitment that ensures that these allies will come to Cuba'a aid in times of need. But more importantly, worldwide revolution directed against the United States and its supporters weakens the United States, the principal enemy of the Cuban revolution, diverts its attention and resources and ultimately restrains its policies and actions against the island. This in turn ensures the survival of the Cuban revolution and its present leadership, the most important objective of Cuba's foreign policy.

The Sandinista victory in Nicaragua and the establishment, albeit temporarily, of a Marxist regime in Grenada are Cuba's most important revolutionary achievements in the Western Hemisphere. Although the overthrow of the Somoza regime in Nicaragua was as much the result of internal opposition as of external aid, Cuba can claim a joint effort with Venezuela and Panama in bringing down the Somoza dynasty. Cuba can also claim the vindication of the Cuban line that has emphasized for years the need for violence and particularly guerrilla warfare to attain power in Latin America.

Solidarity with the Soviet Union remains another vital element of Cuba's foreign policy. To an American journalist who visited the island recently and questioned Cuba's loyalty to the Soviets Fidel replied: "I am no Sadat." For the foreseeable future Cuba's policies and actions to the international arena will continue to operate in the larger framework of Soviet objectives. Fidel will pursue his own policies as long as they do not conflict with those of the Soviets.

Uncomfortable as he may feel in the embrace of the Russian bear, Fidel's options are limited. Although relations with China have improved from their 1967 low, the Chinese seem unable or unwilling to take Cuba on as an expensive client. Fidel's support of Moscow's policies are decried as "revisionist" and his denunciations of Mao in the late 1960s are still remembered with bitterness by the Chinese.

Increased commercial ties with Western Europe and Japan would be a healthy development from Cuba's standpoint. Yet, the ability of these countries to absorb the island's sugar exports is limited, and Cuba has a large Western debt and scant cash reserves with which to buy European and Japanese goods. Its heavy economic commitment to the Soviet Union and the East European countries is an additional deterrent to broadening the range of trading partners, while U.S. pressures on Western allies tend to limit their willingness to trade with Cuba.

All of this might enhance the desire of the Castro regime to reduce its reliance on the Soviet Union and find some sort of accommodation with the United States. Rapprochement with the United States could lead to a loosening of the embargo and even access to an important and proximate market. It could also improve Cuba's security position and provide Fidel with leverage in his dealings with the Soviet Union. U.S. recognition would mean an important psychological victory for Castro. In Latin America it would be interpreted as a defeat for "Yankee imperialism" and as an acceptance of the Castro regime as a permanent, albeit irritating, phenomenon in the Caribbean.

A move in this direction, however, would pose some major problems for the Kremlin. The Soviets may not be averse to some amelioration in Cuba-U.S. tensions, especially if this results in reducing Cuba's heavy demands for Soviet aid. The Kremlin might be fearful, however, that ties with the West could foster increasing independence in the Soviet bloc and lead to progressive internal liberalization, as the results of the West German efforts to establish diplomatic and trade relations with Eastern Europe have shown.

Although Cuba is not as critical to the Soviet Union as Eastern Europe, a resumption of relations with the United States and a significant weakening in Soviet-Cuban ties could be seen as leading to the eventual subverting of the revolution and the renunciation of membership in the "Socialist camp." Moscow would view Cuba's possible defection as a blow to its prestige and as damaging to the Soviet power posture *vis-a-vis* the United States.

Relations with the United States would be fraught with danger and uncertainties for the Cuban leadership. It would require a loosening of Cuba's military ties with the Soviet Union, the complete abandonment of support for violent revolutions in Latin America and the withdrawal of Cuban troops from Africa and other parts of the world—three conditions Fidel is not willing to accept. He perceives these requirements as an attempt by the United States to deny Cuba its right to play a great power role, to isolate the revolution and to strenghten anti-Castro forces within the island, thus posing a severe threat to the stability of his regime. Moreover, the embargo engenders in Cuba a sort of siege mentality that facilities the mobilization of the population and justifies the government's constant demands for more work and sacrifices, while at the same time providing a ready-made excuse for economic failures. The close ties of the Cuban economy to the Soviet Union would prevent a rapid reorientation toward the United States, even if this were politically feasible.

Fidel, therefore, does not appear able or willing to offer meaningful concessions. Statements of intention or meaningless tactical concessions are no substitutes for substantive policy changes. Fidel's political style and ideology and his apprehensions about U.S. motivations make him more prone to deviate to the left than to the right of the Soviet Union line. His awareness of Cuba's vulnerability is reinforced by the hostile activities of Cuban refugees. Commitment to violent revolution and solidarity with the Soviet bloc are cornerstones of his foreign policy. Preservation of a radical position is felt to be necessary for the defense of the revolution and to encourage the anti-U.S. struggle world-wide.●

HARASSMENT OF SOVIET PEACE GROUP CONTINUES

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. YOUNG of Florida. Mr. Speaker, freedom of speech is one of our Nation's most sacred liberties and nowhere is this constitutional right more evident than here in our Nation's Capital where demonstrations frequently are held in front of the White House and on the steps of the Capitol.

This contrasts sharply with the Soviet capital of Moscow where public demonstrations against Government policy are illegal. Soviet police even disband private group meetings.

Such are the differences between our Nation, dedicated to preserving peace and individual freedoms throughout the world, and the Soviet Union, which is determined to disrupt world peace in its continuing efforts to expand its influence and Communist doctrine. Peace runs contrary to Soviet expansionist policies which rely on turmoil, fear, and propaganda to destabilize nations in Central America, Africa, Asia, and Eastern Europe. Propaganda and scare tactics also are domestic tools of control for Soviet leaders.

Such was the case yesterday when Soviet police arrested 50 members of a peace group in Moscow as they arrived for a meeting in a private apartment. The Group To Establish Trust Between the USA and USSR is an organization of Soviet citizens which advocates better relations between the two world powers. It is one of the few surviving groups which continues to challenge Soviet policies. The rest have been disbanded by Soviet authorities.

Of those arrested yesterday, it is reported that at least two of the group's leaders would be sent to Soviet psychiatric hospitals. Others may be punished as members in the past who were imprisoned, sent into internal exile, or confined to mental hospitals. Two group members were arrested in June for circulating a petition in Moscow urging talks between President Reagan and Soviet President Chernenko. They were sentenced to 15 days in prison for "hooliganism."

Despite the image the Soviets attempt to portray through their propaganda and disinformation network, their lack of regard for peace within their nation and abroad should be of concern to those people in our Nation who are so determined to trust the Soviet leaders. Those same people should read today's United Press International account of the arrests in Moscow, which is just one of a growing list of actions indicative of the Soviets disdain for peace.

SOVIETS ROUND UP MEMBERS OF PACIFIST GROUP

(By Louise Branson)

Moscow.—Soviet authorities arrested some 50 members of a peace group that has called for a U.S.-Soviet summit and told at least two of the pacifists they would be sent to a psychiatric hospital, a member of the group says.

The arrests, seen as part of an ongoing Soviet crackdown on dissidents, came as the group arrived for a meeting at an apartment in central Moscow Wednesday, said group member Vladimir Brodsky, who was among those arrested.

"They included members of the group and others, mostly young people, who came along to get acquainted with it," he said.

The unsanctioned organization, known as the Group to Establish Trust Between the U.S.A. and the U.S.S.R., aims to establish better understanding between the two superpowers. It has been a frequent target of police and KGB harassment since it was founded two years ago.

The organization is equally critical of both countries and is one of the few groups that continues to express open dissent in the Soviet Union. Others have been disbanded with many of their members exiled or sent to prison.

Brodsky said at least two of those taken into police custody Wednesday, Kiril Popov and Alexander Rybchenko, were told they would be sent to a psychiatric hospital.

He said those arrested were taken to different police stations throughout the Soviet capital and some were released after questioning. Brodsky said he did not know how many were still detained.

The core members of the grass-roots group number about 16. Some of its members have been jailed, sent into internal exile or confined to mental hospitals.

Several members were recently sentenced to 15 days in prison for "hooliganism" after they were arrested while collecting signatures on the street urging a meeting between U.S. and Soviet leaders.

Brodsky said in the past few weeks harassment of the group had been stepped up in line with an apparent Soviet crackdown on dissidents including physicist Andrei Sakharov and his wife, Yelena Bonner.

No reliable information had been provided by authorities on Sakharov since he disappeared from his home in Gorky May 7, five days after reportedly beginning a hunger strike to pressure authorities into granting his wife permission to travel to the West for medical treatment.

Mrs. Bonner reportedly is to stand trial on charges of anti-Soviet slander.

The crackdown on dissidents also has included the arrest of a human rights activist when she met with two American diplomats and a reported tightening of restrictions on imprisoned physicist Anatoly Shcharansky.●

THE INTERNATIONAL MONETARY FUND

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. PAUL. Mr. Speaker, yesterday's Wall Street Journal published a letter by Henry Hazlitt, one of America's foremost economists, on the International Monetary Fund and the Bretton Woods Conference of 1944 that created that organization.

The occasion for the letter is the chorus of calls for a new Bretton Woods as the solution to our money troubles. But the IMF, as Dr. Hazlitt points out, was a failure from the beginning. During the 1950's and 1960's, the United States lost over 400 million ounces of gold; the number of currency devaluations totaled in the thousands, and our domestic prices more than doubled. This is hardly, as Dr. Hazlitt makes clear, the golden age that some in Congress and in the media would like us to think. Worse still, these same people are selling Bretton Woods and the IMF as a return to gold. Nothing could be further from the truth.

John Maynard Keynes, the British representative to the Bretton Woods Conference, even boasted that it set up the exact opposite of a gold standard. Yet today we see all the beneficial effects of a gold standard attributed to Bretton Woods. Such a misreading of history cannot go uncorrected.

There is a footnote to this debate that needs to be noted. Back in 1944 Henry Hazlitt was a columnist and editorialist for the New York Times. He warned at the time that the IMF agreements were designed to make resort to inflation easy, smooth, and above all respectable. Hazlitt was clearheaded enough 40 years ago to understand what Bretton Woods would mean. It is a tragedy that some of our 1984 sages, even after the fact, cannot tell what was wrong with Bretton Woods.

The letter follows:

BRETTON WOODS DESERVED THE AX

On June 22, 1982, the Journal departed from its usually excellent economic compent by publishing the editorial "Bring Back Bretton Woods." Then in the July 11, 1984, editorial "Fix What Broke," you regrettably returned to that theme.

The truth is that the Bretton Woods, system, concocted in a meeting of 40 nations in July 1944 under the leadership of John Maynard Keynes of Britain and Harry Dexter White of the U.S., was inherently unsound. It deliberately encouraged inflation.

Even before the delegates met, a provision was drafted allowing all members to make a uniform slash in the gold value of their currencies at any time, provided every member country having 10% or more of the aggregate quotas approved. There was also a provision allowing any country to reduce the par value of its currency whenever necessary to correct "a fundamental disequilibrium." The International Monetary Fund was forbidden to reject such a proposal. "Fundamental disequilibrium" was not defined. No limit was put on the number of these reductions of parity provided they were individually 10% or less. The fund was specifically not permitted to reject a requested reduction in the par value of any country's currency "because of the domestic, social or political policies" of that country.

The Bretton Woods system certainly did not set up a form of the gold standard. Its most influential framer, Keynes, specifically boasted in England that it set up "the exact opposite of a gold standard." Certainly it did not deserve to be called even a gold-exchange standard. An appropriate title might be a compulsory dollar-exchange system. For while most of the member countries continued inflating their currencies at different rates, their inflations were concealed because the U.S. had committed itself to accepting their purchases of dollars at a ficticious "parity" for their own currencies. This forced a huge imported inflation on the U.S.

This jerry-built system did not wait to break down, as the Journal suggests, until Aug. 15, 1971, when the Nixon administration suspended the convertibility of the dollar into gold. The breakdown began long before that.

When Britain intered the IMF, for example, it devalued the pound from $4.86 to $4.03. In September 1949 it devalued again to $2.80. That touched off 25 devaluations of other currencies within a single week. By 1967, there was hardly one of the fund's hundred and more member currencies, except the dollar, that had not been devalued at least once. And then, on Nov. 18, 1967, a further devaluation of the pound from $2.80 to $2.40 immediately touched off still more devaluations of other currencies.

Such are a few of the episodes in the inflationary 27-year period, 1944, to 1971, that the Journal now looks back upon through a haze of nostalgia—and forgetfulness. Between 1944 and 1971 our Consumer Price Index increased 130%.

The Journal blames Richard Nixon's abandonment of gold convertibility on his own pursuit of inflationary domestic policies. Nixon must take part of the blame. But that blame must be shared by Congress and by every administration from Franklin D. Roosevelt's on. Far more important, however, the 1971 collapse was brought about by the tremendous imported inflation made inevitable by Bretton Woods, which compelled the U.S. Treasury for 26 years to accept and pay out dollars or gold for all member currencies at a fictitious par for their own monetary unit.

The Journal wants to resume this system. It calls for "fixed exchange rates"—not, as under a gold standard, by each nation choosing the value of its own currency unit in a weight of gold, and keeping its own gold reserve to maintain that value, but by fixing its value in terms of the currency of an "nth nation"—meaning the U.S. This would be a return to precisely the Bretton Woods system that forced an enormous imported inflation upon us before, and broke down by undermining the dollar, as it would again.

All the fine results desired by the Journal were previously brought about by the international gold standard, in which each nation tied its own currency, not to a "price," but to a weight of gold. It made that currency convertible on demand into the weight of gold, and maintained its own gold reserves to keep that commitment. This tied every gold-standard currency to every other, and in effect brought about the "one-money world" that the Journal calls "the ideal international monetary arrangement." We could bring back that world only by returning, country by individual country, if no international agreement could be obtained, to the gold standard.—HENRY HAZLITT.●

A TRIBUTE TO MARVIN L. GARRETT, JR., UPON HIS RETIREMENT

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. BROOMFIELD. Mr. Speaker, our Government and our country lost a Spartan warrior in the fight against international terrorism with the recent retirement of Marvin L. Garrett, Deputy Assistant Secretary of State for Security in the Department of State.

After finishing his military service in World War II and graduating from Washington University, Marv joined the Civil Service Commission in 1952 as an investigator and later worked with the Food and Drug Administration. He was then appointed in 1966 as a Special Agent with the Department of State. A few years later, Marv was assigned as the Regional Security Officer at the American Embassy in Rio de Janeiro. While working there, the Ambassador was kidnaped and Marv distinguished himself in gaining the Ambassador's release.

He then served in Bonn and at the end of his tour was transferred to Saigon. There, Marv faced another formidable challenge. He was the Embassy security officer when our Embassy was evacuated in 1975 and received a real baptism of fire during those harrowing days.

After a brief tour in the Department of State, he became the Office of Security's Regional Security Supervisor in Beirut and was responsible for the overall supervision of all Department of State security personnel in the Middle East. After commendable service in Beirut and Karachi, Marv became Associate Director of Security for all of Africa. While posted in Nairobi, he was required to spend nearly all of his time on the road in order to properly supervise the Department's security officers on that huge continent.

In 1978, he again returned to Washington as the Assistant Director for Operations. He was appointed the Acting Director of Security in 1981 and later served as the Deputy Assistant Secretary of State for Security from 1982 until this year.

Marv retired from the Department with over 30 years of productive security-related experience behind him. He was the first professional security officer to attain the rank of Director of the Office of Security.

His record is truly an impressive one. He served in difficult and dangerous climes and in arduous positions which would have exhausted the average man. He logged incredible quantities of time in the air and days on the road from the tropical heat of West Africa to the deserts of Arabia. He knew the trauma of evacuating a large Embassy in a war zone as well as the satisfaction of being chosen to direct the Office of Security, one of the Department of State's largest elements in the fight against international terrorism and the protection of Embassy personnel and facilities overseas. He took on the burden of command when terrorist activities directed at Americans overseas reached new levels of intensity and frequency. To show our Government's appreciation of Marv's yeoman service, the Department of State honored him on two occasions with the coveted Meritorious Honor Award for his exemplary efforts in both Rio de Janeiro and in Saigon.

Marv also served as the Department's representative on the Interdepartmental Committee for Internal Security and the Security Committee for the National Foreign Intelligence Board.

His contribution to America could be described as service above self. Those who worked with him both in the field and in Washington admired and respected him for his dedication, his energy and his commitment to the goal of providing the most secure environment possible for Americans serving in our Embassies and consulates overseas.

He demonstrated leadership to those who worked for him and showed unwaivering loyalty to his team. When the seas became rough, he was a steady hand on the tiller. He stayed the course and fought long and hard for a security program which would best support America's security interests overseas. Anyone who knew and worked for Marv are proud of him and what he stands for as a dedicated and patriotic American. His years of experience, superior judgment and expertise will be greatly missed by the Department. He has given much to America and will always be remembered for his unselfish contributions.

I want to wish him and his lovely wife, Donna, good luck in their new pursuits and a pleasant retirement in Hilton Head.●

SHUNNING A LATIN FRIEND

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. FOGLIETTA. Mr. Speaker, I am today enclosing for the RECORD an article which appeared on the op-ed page of the New York Times on August 1. The subject of the article is Uruguay, a nation which was once the finest example of democracy in South America, but which is today ruled by the military.

Mr. Speaker, Uruguay claims to be moving swiftly toward restoring civilian, democratic rule. Elections are scheduled for the end of November. Congress and the administration must be willing to extend their full support to Uruguay if Uruguay is willing to insure that fully democratic elections, with the participation of all the people, are held.

There are clear signs of progress in Uruguay. The Government has indicated that it will free many of the political prisoners now in detention. Unfortunately, however, as things now stand, the nominee of one of the nation's two largest parties, the blancos, will view those elections from jail. Wilson Ferriera A-dunate was arrested upon his return to Uruguay from exile for crimes against the nation. His crime was criticizing the military dictatorship which has taken over in 1973.

Mr. Speaker, I am deeply concerned that our own Government has taken so passive a role in speaking out over the detention of Mr. Ferriera. While the Times article perhaps lays too much blame at the State Department's door, I believe this Government has an obligation to speak out on Mr. Ferriera's behalf. Uruguay cannot have democratic elections when the leader of its largest party is in prison. And the United States should not support the actions of a government which has seen fit to lock up its most popular politician.

Congress must carefully review Mr. Ferriera's status when it returns in September. If the current conditions in Uruguay have not changed, I believe Congress will have to take action to voice its disapproval over Mr. Ferriera's status, and over the inaction of our own Government.

THE U.S. HINDERS CHANGE IN URUGUAY

(By Max Holland and Kai Bird)

WASHINGTON.—If a return to democracy is on the agenda in quite a few Latin American countries, the transition from military rule is not always made easier by Ronald Reagan's State Department. Uruguay is a case in point.

Last week the Uruguayan military regime finally recognized the right of several minority political parties to participate in next November's presidential election. But for six weeks now, the leading presidential candidate, Wilson Ferriera Aldunate, and his son Juan Raul have been sitting in prison. After 4,006 days in exile, they had come home to participate in the restoration of democracy in their country. The military Government greeted them with the largest military mobilization Uruguay has seen in this century, and Mr. Ferriera was charged with four offenses against the state, which could bring him a 30-year sentence.

The international response to their arrest was swift but for one critical exception—the State Department. Judged even by the standards of the Reagan Administration, the absence of an official reproach was stunning. Not a word has been heard from our mission in Uruguay. Indeed, when a delegation of United States lawyers arrived recently to discuss the imprisonment, Ambassador Thomas Aranda Jr. was unavailable. The only official response was a routine "press guidance" issued two days after the arrest, expressing confidence in the Uruguayan judicial system.

Why is the State Department content to see Wilson Ferriera—a man with impeccable democratic credentials, who rightfully should be part of any transition to democracy—languish in jail? The fact is that Mr. Ferriera has not always been willing to follow United States prescriptions for Uruguay. Most important, in the 1970's, he defied the State Department and diplomatic orthodoxy by taking his case to Congress and the American people. His public rebuke of United States policy created ill-will in the State Department—feelings that have only gotten worse under the Reagan Administration.

Mr. Ferriera, the candidate of the Blanco Party, was the leading votegetter in 1971, the year of the last presidential election before the military takeover in 1973. Forced to flee for their lives, father and son launched a vigorous campaign in Western capitals, working with sympathetic legislators to press the Uruguayan military junta for a return to political legitimacy.

In the fall of 1976, Mr. Ferriera was the first of many political exiles to testify before the House subcommittee on human rights, headed by former Representative Don Fraser, Democrat of Minnesota. Mr. Ferriera complained about a United States "policy clearly conducted to lose friends" and bemoaned the fact that the very nation that had defined his democratic ideals was now supporting the enemies of those ideals.

Today, the State Department makes little secret of its resentment of Mr. Ferriera. Thus, in early July, when a church delegation visited Elliot Abrams, the Assistant Secretary of State for Humanitarian Affairs, to press for the Ferrieras' release, he explained that the department was not intervening because it did not "want to be seen as partial" in the electoral process, nor "do anything to upset the democratic transition." Richard H. Melton, the Deputy Chief of Mission in Montevideo, even criticized Mr. Wilson's return as a "complicating" factor in the elections.

Last fall, when it became apparent that elections were inevitable, the State Department moved smartly behind Julio M. Sanguinetti, the nominee of the Colorado Party. His way was paid to Washington, where he held top-level meetings with Administration officials, and when he returned to Montevideo, Ambassador Aranda scheduled frequent and very public meetings with him.

More than anything, the department is leery that a truly open electoral process might result in the election of Mr. Ferriera, whose popularity is now enhanced by the mystique of exile. It is known to be pressing Mr. Sanguinetti's party to remain in the election despite the proscription barring Mr. Ferriera.

The State Department has made it clear that it would like Mr. Sanguinetti to release Mr. Ferriera after the elections, giving him his freedom but having denied him the presidency. If the department prevails, one of the "crimes" for which Mr. Ferriera will be excused is his testimony before the House of Representatives.

In fact, the State Department is committed not to Uruguayan democracy but only to elections won by its favored candidate. To achieve this, the department is willing to see the most popular Uruguayan politician, a proven democrat, languish in prison.●

A BILL TO RESTRICT FRAUDULENT HEALTH SPA PRACTICES

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. ANDREWS of Texas. Mr. Speaker, today I am introducing a bill to restrict fraudulent, misleading, deceptive, and unscrupulous practices in the health spa industry.

The bill follows:

H.R. —

A bill to restrict fraudulent, misleading, deceptive, and unscrupulous practices in the health spa industry

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

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. (a) This Act may be cited as the "Health Spa Consumer Protection Act".

(b) The table of contents for this Act follows:

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the health spa industry is a multimillion dollar industry nationwide, health spas are located in nearly every city, town, and other political subdivision within the United States, and millions of Americans hold memberships in health spas in expectation of improving their physical and psychological health;

(2) a significant number of owners and operators of health spas engage in fraudulent, misleading, deceptive, and unscrupulous practices, including—

(A) permanent closure or relocation of health spas without providing alternative facilities for members to use and without fully refunding membership fees allocable to facilities and service not provided,

(B) use of unfair and deceptive advertising that promises membership benefits that the owners and operators cannot and do not provide,

(C) inadequate capitalization of health spas and improper use of membership fees, and

(D) false and fraudulent claims of affiliations with interstate health spa franchises;

(3) such practices use commerce and the instrumentalities of commerce to perpetuate unlawful and improper methods of competition, and such practices interfere with the free and fair execution of contracts among the people of the several States; and

(4) most States have failed to enact consumer protection laws to curb abuses in the

health spa industry, and it is likely that some owners and operators will incorporate health spas solely or principally within such States in order to avoid regulation.

(b) It is the purpose of this Act to protect the public from fraudulent, misleading, unscrupulous, and deceptive practices in the health spa industry, to promote the free and fair execution of contracts within such industry, and to prevent fraudulent and other unlawful uses of the instrumentalities of commerce by owners and operators in such industry.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) the term "affiliate" means any organization which substantially controls, or is substantially controlled by, the management or policies of any covered health spa;

(2) the term "buyer" means any person who purchases a membership in a health spa;

(3) the term "covered health spa" means any health spa which the buyer may use and enjoy under any membership contract;

(4) the term "disability" means any physical or mental condition of the buyer which prevents the buyer from using and enjoying the facilities and services of any covered health spa for a period of 30 days or more in a manner substantially similar to the use and enjoyment promised to the buyer under the terms of the membership contract;

(5) the term "executed" means signed by the buyer and the seller;

(6) the term "health spa" means any facility which provides services designed to improve the physical condition of the user through techniques such as exercise and weight reduction, and includes racquet clubs, exercise centers, weight reduction centers, aerobic exercise centers, dance studios, and martial arts and self-defense studios;

(7) the term "membership contract" means—

(A) any written agreement between a buyer and a seller which entitles the buyer to use and enjoy health spa services specified in the agreement and includes any renewal of such contract, or

(B) any prepayment membership contract defined in paragraph (9);

(8) the term "membership fees" means any amounts paid by the buyer in connection with any membership contract;

(9) the term "prepayment membership contract" means any written agreement between a buyer and a seller which requires the buyer to pay membership fees before any covered health spa commences operation;

(10) the term "seller" means any owner or operator of any health spa;

(11) the term "services" means—

(A) any program for the use of any equipment, physical structure, or other tangible property which any covered health spa provides to its members, including suanas, weight-lifting equipment, showers, and jogging tracks, and

(B) any weight reduction program, exercise program, counseling program, or similar program which any covered health spa provides to its members;

(12) the term "specifications" includes the location, design, and services of any covered health spa; and

(13) the term "State" means any one of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territories or possessions of the United States.

BUYER'S PRE-CONTRACT RIGHTS

SEC. 4. Before any membership contract is executed, and before the seller collects any membership fees from the buyer, the seller shall—

(1) provide the buyer with a copy of the membership contract for the buyer's review;

(2) orally inform the buyer of the buyer's rights to review and cancel the contract and of the conditions under which such right of cancellation may be exercised; and

(3) obtain the buyer's acknowledgement of such oral notice by requiring the buyer to sign the signature space provided in the contract for such specific purpose.

CONTRACT DURATION

SEC. 5. (a) Any membership contract, and any renewal of any membership contract, in excess of 2 years is void.

REQUIRED CONTRACT PROVISIONS

SEC. 6. The seller shall include the following provisions in each membership contract:

(1) The name and address of any existing or planned covered health spa, and any applicable affiliate, and a requirement that the seller promptly notify the buyer of any changes in such names and addresses.

(2) Provisions set forth in at least ten point boldface type, immediately above the signature space provided for the buyer to indicate the buyer's acceptance of the membership contract, which entitle the buyer to cancel the membership contract for any reason within 7 days after it is executed and which specify that the buyer shall pay no penalty for exercising such right of cancellation within such period.

(3) Provisions which—

(A) entitle the buyer, if the buyer becomes disabled, to cancel the membership contract after providing written notice of such disability to the seller and (i) entitle the seller, in order to verify the buyer's claim, to require the buyer to submit to a medical examination by a licensed physician acceptable to both parties within 30 days after the seller receives notice of the buyer's disability, and (ii) require the seller to pay the full cost of such examination, and

(B) entitle the buyer's estate, if the buyer dies, to cancel the membership contract after providing written notice of the buyer's death to the seller.

(4) Provisions which—

(A) require the seller, if the buyer becomes disabled, to provide a refund to the buyer no later than 7 days after receipt of notice of the buyer's concellation or no later than 7 days after the buyer's disability is confirmed in accordance with paragraph (3), and

(B) require the seller, if the buyer dies, to provide a refund to the buyer's estate no later than 7 days after receipt of notice of cancellation.

Any refund payable under any such provision shall equal the amount of membership fees which are allocable to the number of weeks remaining in the contract after receipt of any such notice of cancellation.

(5) Provisions which—

(A) require the seller to inform the buyer of all the specifications of any covered health spa,

(B) entitle the buyer—

(i) in the case of any membership contract (other than any prepayment membership contract), to inspect the premises of any covered health spa no later than 7 days after such contract is executed unless the seller consents to a longer inspection period, or

(ii) in the case of any prepayment membership contract, to inspect the premises of any covered health spa no later than 7 days after the services and facilities of such spa are available for use by the buyer unless the seller consents to a longer inspection period, and

(C) entitle the buyer to cancel the contract if the buyer finds that the specifications do not substantially conform to the specifications promised by the seller.

(6) Provisions which entitle the buyer to cancel the membership contract if the seller, at any time during the duration of such contract, fails to provide to the buyer the services of a covered health spa which—

(A) substantially conforms to the specifications of any covered health spa, and

(B) is located not more than 15 miles from the buyer's principal residence at the time such contract was executed or, if no spa was located within such distance at the time such contract was executed, not more than 15 miles from any covered health spa.

(7) Provisions which require the seller to provide a refund to the buyer, no later than 7 days after receipt of notice of the buyer's cancellation, if the buyer cancels the membership contract in any manner provided in paragraph (2), (5), or (6). Such refund shall equal the amount of membership fees which are allocable to the number of weeks remaining in the contract when the buyer cancels.

(8) Provisions which confirm that each covered health spa has been properly bonded and registered with an appropriate State agency in accordance with section 8 of this Act.

(9) The address and telephone number of the regional office of the Federal Trade Commission located nearest to the buyer's principal residence, and the name, address, and telephone number of the State agency located in the State in which the covered health spa nearest to the buyer's principal residence is located which has jurisdiction over consumer protection matters.

METHODS OF CANCELLATION

SEC. 7. (a) In order to cancel the contract, the buyer shall provide written notice of cancellation to the seller either by personal delivery of such notice to the seller or to a duly authorized agent of the seller, or by mailing a copy of such notice by registered mail or by certified mail, return receipt requested, to the last known business address of the seller.

(b) The seller shall include a notice of cancellation in each membership contract which the buyer may detach and send to the seller by any method designated in subsection (a) in order to cancel the contract.

REGISTRATION AND BONDING REQUIREMENTS

SEC. 8. (a) Before any membership contract in a covered health spa may be sold, the seller shall—

(1) file a registration statement with the chief executive officer of the State in which the covered health spa is or will be located, or with such officer's designee, which contains the name and address of the covered health spa, the name and business address of the seller of such spa and any applicable affiliate, the specifications of such spa, and information confirming that such spa shall be properly bonded in accordance with subsection (b) or (c); and

(2) retain a copy of such statement and make it available to any buyer or prospective buyer who makes a reasonable request to inspect it.

(b) The seller shall maintain a bond issued by a surety company admitted to do business in the State in which the covered health spa is located, and such bond shall equal membership fees paid by buyers of prepayment membership contracts.

(c) The seller shall maintain a bond issued by a surety company admitted to do business in the State in which the covered health spa is located. Such bond shall equal membership fees paid by buyers which are allocable to months following the sixth month of each membership contract to the extent such amounts are not covered by a bond maintained under subsection (b).

(d) Any bond maintained pursuant to this Act shall be held for the benefit of buyers of membership contracts in covered health spas.

WAIVERS UNENFORCEABLE

SEC. 9. Any waiver by the buyer of any requirement of this Act shall be unenforceable, and any contract containing any such waiver shall be void as against public policy.

ENFORCEMENT

SEC. 10. (a) Any failure on the part of any seller to substantially comply with the requirements of this Act shall entitle the buyer to bring an action to recover—

(1) an amount equal to triple the amount of actual damages sustained by the buyer; and

(2) reasonable attorney's fees for damages caused by seller's noncompliance.

(b)(1) Any failure on the part of the seller to substantially comply with the requirements of this Act shall be an unfair method of competition in or affecting commerce and an unfair or deceptive act or practice in or affecting commerce within the meaning of section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(2) The Federal Trade Commission shall have the power to enforce this Act in the same manner as a trade regulation rule issued by the Commission under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) Any action under this Act may be brought in the appropriate United States district court or in any other court of competent jurisdiction.

(d) No such action may be brought later than 2 years after the date of the occurrence of any violation unless the buyer's notice of such violation is delayed by fraudulent or misleading action by the seller or by any agent of the seller, in which case suit may be brought not later than 2 years after the date the buyer learns of the violation.

RELATION TO FEDERAL AND STATE LAW

SEC. 11. The rights and remedies provided under this Act are in addition to any other rights and remedies relating to the validity or enforceability of any contract or obligation.

EXCLUSIONS

SEC. 12. This Act shall not apply to—

(1) any membership contract between any person and any organization which is described in section 501(c)(3) of the Internal Revenue Code of 1954 and which is exempt from taxation under section 501(a) of such Code;

(2) any organization whose function as a health spa is incidental to its overall purpose; or

(3) any membership contract limited by its terms to less than 32 days which does not require any payment other than membership fees for such period.

EFFECTIVE DATE

SEC. 13. This Act shall become effective on the date of the enactment of this Act and shall apply with respect to any membership contract executed or renewed on or after August 10, 1984.●

APPALACHIANS, LOST IN THE BIG CITY

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. MITCHELL. Mr. Speaker, the following article is the final one of the three part series by Colman McCarthy regarding the Appalachians. It is as it appeared in the June 17, 1984, edition of the Washington Post.

APPALACHIANS, LOST IN THE BIG CITY

(By Colman McCarthy)

BALTIMORE.—Except for the nondescriptness of the row houses on both sides of the narrow forlorn street, the eight people sitting on the porch might well have been back where they came from: Appalachia. The six men and women and two children live in the Remington neighborhood, an isolated community of former mountaineers whose urban subculture is among the poorest and least visible in the city.

Common to the 1,100 households in this north central section of Baltimore is an emotional tie to Appalachia, from the hollows in southern West Virginia to coal towns in western Pennsylvania. In the 1950s and 1960s, an outmigration of young people came to cities like Detroit, Akron, Chicago, Cleveland, Pittsburgh and Baltimore with hopes of going higher in the world than their coal-mining parents, beginning at least with jobs above ground..

Work was available in the mills and factories of Baltimore. Today Remington is a lost community. Most of the mills have closed. In the past year, three factories employing more than 400 workers have either shut down or moved out. The Appalachians who were lured here 20 and 30 years ago by the chance for a paycheck can't go back to the mountains. There are no jobs there either. In parts of the coalfields, unemployment ranges from 30 to 80 percent. In Remington, about a third of the community lives below the poverty line.

An equal percentage of the population is under 18. Most of those will leave high school before graduating. A local teacher, reporting that nearly all the children from Remington come into school below grade level, says that in the Appalachian families education was "never a priority. There are too many other important things . . . People are more aware of what they can contribute to the family than what their future education can contribute to themselves."

On the porch the other afternoon, with temperatures in the mid-90's, the urban Appalachians of Baltimore were as reluctant to talk with a stranger about their problems as rural Appalachians would be with a passing-through outsider. One of the women, leaning on a porch pillar while her teen-aged daughter sat behind her, spoke softly about her ordeal of getting the family's fuel bill adjusted. She avoided the details. The humiliation of having to worry about pinching a dollar or two was a pain best carried privately. She wanted no stranger looking on her as a charity case.

This hesitancy to "fuss" is ingrained in the Appalachian psyche. It has been carried from the hills to the row houses as surely as the love of mountain music. Families stick together in clannishness. But this blood solidarity is seldom extended into political coalitions. There is no national organization to represent displaced Appalachians.

That fact, coupled with low voter turnout in places like Remington, means that politicians run little risk in ignoring these communities of poor whites. In the presidential primary campaign, Jesse Jackson spoke of a rainbow coalition of blacks, Hispanics, Filipinos, Indians, gays and lesbians. If he included destitute refugees from the mountains, no one in Remington heard him.

In many parts of Appalachia, county doctors report that mental depression is epidemic. It is the same here: a pervasive joylessness girded by an unceasing low self-image. Alcoholism is as rampant as black lung is in the mountains. Homeless teenagers have begun to show up. Two years ago, a mother dropped off her 14-year-old son with a family of cousins. She left and hasn't been back. To survive, the boy went to the streets and became a male prostitute.

Like the hills back home, Remington's hope has been strip-mined. Reclamation projects are also rare here. Rep. Parren Mitchell, whose congressional district includes Remington, says that nothing has been done to bring the area into the urban enterprise zone concept. I see no relief in the near future. The factories are closing and industries are not moving back to the city. I have sympathy for the people. They are caught in economic adversity not of their own making."

A thoroughfare that cuts through Remington is North Howard Street. It is one of the main routes to and from Memorial Stadium, home of the world champion Orioles. Travelers speed through Remington the way they ride the interstates across Appalachia: eyes and mind straight ahead. City or county, we bypass a whole people.●

EXCESSIVE TAX BREAKS ONE BIG REASON FOR THE DEFICITS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. STARK. Mr. Speaker, tax break piled on top of tax gimmick has so reduced the corporate effective tax rate that many U.S. corporations pay little or nothing in taxes. In some cases, they even get refunds.

How does this happen? Thursday morning's papers discuss the lower than expected tax rate in the fourth quarter for the Digital Equipment Corp. They actually had a negative rate of tax—that is they were credited with refunds or a reduction in prior or future taxes. The paper reported:

Digital said its tax rate was aided by several factors, the most important of which was the forgiveness of overseas tax liability that accrued under the Domestic International Sales, or disc program.

Digital said it benefited by between $60 million and $65 million from the tax for-

giveness, but only $10 million of the gains were taken in the final fiscal quarter.

The remaining amount, the spokesman said, would show up in the first fiscal quarter.

The company, which had been expected to earn between $2.30 and $2.35 a share in the quarter, also said its tax burden was eased by a pickup of business at several of its tax-advantage facilities.

Digital said it has facilities in tax havens like Puerto Rico and Ireland, as well as in tax advantaged locations in the Far East.

The spokesman for Digital said these lower taxed locations had an "inordinately high impact" on its rate.

Digital also said its tax rate was helped by research and development tax credits, and by benefits connected with its writeoff of its investment in Trilogy Computer.

The forgiveness of taxes under DISC was a provision buried in the just-enacted deficit reduction bill. It was a totally unnecessary giveaway of about $10 to $12 billion in taxes to a few large and generally highly successful companies. I believe that the companies would have been willing to support some payment of old DISC-related taxes. But instead we gave away the store—at a time when the Federal debt is increasing $333,000 every minute.

There are other troubling aspects about this news report, including the idea that tax advantages and the use of foreign tax havens have caused the export of at least some jobs abroad to tax-advantaged facilities.

Mr. Speaker, it seems to me that DEC executives, stockholders, and the general public should be asking whether DEC and the Nation as a whole would not be better served by lower deficits which would lower interest rates and lower the overvalued dollar, thus making it easier for DEC to make new investments and to compete internationally.

We will never get to a position of lowering our Nation's deficits, however, if highly successful companies like DEC have a negative tax rate.●

CALL FOR A JOINT INTELLIGENCE OVERSIGHT COMMITTEE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues a recent article in the National Review by my distinguished colleague and friend HENRY HYDE of Illinois. His commentary discusses the problems of dealing with intelligence matters in the oversight committees with jurisdiction for those issues. His call for a Joint Oversight Committee is an appropriate suggestion and merits the serious consideration by both Houses of the Congress.

The article follows:

[From the National Review, Aug. 24, 1984]

CAN CONGRESS KEEP A SECRET

(By Henry J. Hyde)

The furor in Congress over the mining of Nicaraguan harbors highlights a question of overwhelming importance: Is Congress capable of practicing responsible oversight of intelligence activities, once those activities are viewed as an integral part of a foreign policy that has become the subject of partisan political debate?

The current situation derives, ultimately, from the aftermath of Vietnam and Watergate. Panels headed by then Congressman Ottis Pike and the late Senator Frank Church carried out extensive investigations of U.S. intelligence activities in the mid-Seventies; in the wake of these investigations, both Houses of Congress decided to establish select committees on intelligence. For a while, both of these committees appeared to conduct their business in a amicable and bipartisan manner with little evidence of politicization. Unfortunately, that state of affairs was to good to last, and for the past two years or so, the House Permanent Select Committee on Intelligence, in particular, has become radically politicized. So much so, in fact, that one of the intelligence community's most illustrious and respected alumni, retired Admiral Bobby Inman, resigned in 1982 as a consultant to the committee because he felt it had become politically partisan. Inman, a former director of the National Security Agency and deputy director of Central Intelligence, explained that the oversight committees must be nonpolitical to earn public credibility. "If the country doesn't establish a bipartisan approach to intelligence, we are not going to face the problems of the next fifty years," he added.

The calculated, politically motivated leaking of highly sensitive information has become a Washington art form. This art was practiced to great effect during Congress's consideration of the mining of Nicaraguan harbors. A number of senators who knew about the mining when they voted additional assistance for the Contras turned around after the leaks and voted for a resolution prohibiting the mining. This flip-flop called into question the integrity of the whole oversight process, and jeopardized the President's Central American aid program. Senator Patrick Leahy and I have strong differences of opinion regarding the United States' involvement in Nicaragua, but the senator was right on the mark when he said, "There were senators who voted one way the week before and a different way the following week who knew about the mining in both instances and I think were influenced by public opinion, and I think that's wrong and that is a lousy job of legislative action."

As the publicity spread, the integrity of the oversight process deteriorated yet further. A cardinal rule in intelligence is not to comment on news accounts regarding sensitive operations. Yet, we saw Representative Edward P. Boland (D. Mass.), chairman of the House Permanent Select Intelligence Committee, do just that before the House Rules Committee, and subsequently on the House floor. Ironically, according to one press account, Boland's disclosures were partly motivated by a desire to counter charges that the CIA had not fully briefed the committee on mining activities. That's a commendable reason, but at what cost to our intelligence capabilities?

Then, in a move that must have left foreign intelligence services gaping, the CIA issued a press release acknowledging its involvement in the mining by citing 11 occasions when it briefed congressional intelligence committees on the matter.

What an unseemly spectacle then unfolded! Senator Goldwater, the chairman of the Senate Intelligence Committee, excoriated the CIA for not being forthcoming. Shortly thereafter, Senator Moynihan, the committee vice chairman, announced his resignation from the committee, claiming that he had not been properly briefed on the mining matter either. That charge was particularly perplexing inasmuch as Senator Moynihan had reportedly requested a legal opinion from the State Department on the mining question a week before the Senate vote on assistance to the Nicaraguan resistance forces. Nevertheless, CIA Director William Casey (in a triumph of discretion over valor) apologized to the Senate Intelligence Committee for his perceived sins, and Senator Moynihan decided to remain on the committee. The upshot of this bizarre scenario has been a serious deterioration in relations between the CIA and Congress.

All of this, of course, makes a mockery of the oversight system and of what must be the most overt covert program in intelligence annals. If what is at stake here were not so important, we could pause and have a good laugh at ourselves. But, unfortunately, our intelligence contacts around the world have taken note of this sorry performance, as have thousands of Miskito Indians and other Nicaraguans dependent on us for continued support. What they have observed cannot be reassuring.

It appears the only way to mount a successful covert operation these days is for such an activity to have the unanimous support of both intelligence committees and the involved agencies of the intelligence community. Anything short of that is doomed to failure. With politics intruding so heavily in the process, more debacles are a distinct possibility.

Major surgery is in order.

It is time to give serious thought to merging the existing intelligence committees into a joint committee composed equally of Republicans and Democrats who, in addition to the requisite trustworthiness, competence, and responsibility, can be depended upon to subordinate political considerations to the national interest. Such a committee should be backed by a small cadre of apolitical professionals with the same exemplary personal qualities as the committee members. Creating a new joint oversight panel along these lines would significantly reduce the number of individuals having access to sensitive information, thus minimizing the risk of unauthorized leaks.

It would also address some practical problems. As we have learned in the Nicaraguan affair, there is little interaction or coordination between the two intelligence oversight committees. Moreover, the committees frequently reflect differing perspectives. For example, it was recently leaked that the House committee felt the CIA might have overspent its budget in its covert operations in Nicaragua. This view was not shared by the Senate Intelligence Committee. The result was confusion.

A joint oversight committee would eliminate these problems, encourage bipartisan cooperation, and ensure a more effective congressional oversight arrangement.●

PESTICIDE CONTAINER LEGISLATION

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. PASHAYAN. Mr. Speaker, yesterday I introduced legislation that addresses concerns shared by us all—our environment and the ability of our farmers to produce enough food and fiber to feed and clothe not only us, but much of the world. Joining with me in this effort is our colleague Representative BOB MATSUI.

Each year this Nation's farmers utilize millions of gallons of pesticides to protect their crops from the ravages of insects and disease. Indeed, without this tool, we should not be able to enjoy the abundance that is annually produced.

Few recognize that the agricultural community—the farmers and the vast infrastructure that supports them—has been and is wrestling with the problem of disposal of the containers used to transport and store pesticides.

It is the farmer who 10 years ago recognized that because of a lack of proper methods of disposal, his pesticide containers were accumulating in barns and open fields and in a manner that could pose a danger to health and the environment.

Currently, the State of California leads the Nation in the use of metal pesticide containers, accounting for some 85 percent of all that are in use. The problems brought about in trying to handle nearly 5½ million cans are difficult, if not impossible, to appreciate.

California's northern neighbor, Oregon, may have shown us all a way to reduce, if not to eliminate the problems of accumulated metal pesticide containers. The Oregon Farm Bureau worked out a cooperative program with the State's Department of Environmental Quality and the Oregon Agricultural Chemical Association to collect the cans—which range in capacity from 1 gallon to 55 gallons—and to dispose of them.

In the spring of 1984 the cooperative program, purely voluntary on the part of the farmer, accounted for the disposal of 7,917 metal pesticide containers that had held 43,119 gallons of pesticides. According to the Oregon Farm Bureau's project manager, the metal containers were melted down by a Portland steel mill and recycled into fence posts.

The legislation we introduced yesterday provides a tax incentive for others to emulate what has proven to be successful in Oregon. Our bill provides a 25-cent-per-pound tax credit for each pound of qualified agricultural chemical container that is recycled.

According to the U.S. Environmental Protection Agency there are approximately 7.7 million metal containers used each year by the pesticide industry, and they weigh approximately 50 million pounds. At a 100-percent return rate, the total cost to the Treasury in any 1 year would be around $12 million.

For those who might not fully appreciate the impact of what the agricultural community is seeking to address we ask that you consider the following: The 7.7 million metal pesticide containers generated in 1 year are enough to bury 3½ square miles of land 1 foot deep in cans.

One objective of both State and Federal laws dealing with waste is to induce recycling and development of other desirable waste management practices through financial incentives. What we propose enhances this objective in what we view as a meaningful manner.●

OPPOSE H.R. 6067

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. CARR. Mr. Speaker, it appears that before too long the House will vote on the issue of whether to ban certain types of ammunition and firearms as they relate to their combined potential to pierce soft body armor.

For reasons I shall explain in a moment I urge my colleagues to support the substitute (H.R. 5845) which will be offered over the bill reported on a voice vote on August 8, 1984, by the Judiciary Committee (HR. 6067).

The Brooks substitute (H.R. 5845) is currently cosponsored by over 200 of you, my colleagues. It is a bill which limits itself to the question of armor-piercing ammunition. It's contents represent a delicate compromise and a consensus among the parties most affected: national police organizations, the administration, and the National Rifle Association. It took the parties 3 years of hard work to come up with this bill which would restrict the manufacture of armor-piercing ammunition with out adversely impacting on the American sporting and hunting community. It is a reasonable and responsible bill that deserves your support.

You might ask what's wrong with the bill the Judiciary Committee brings to us?

I normally support the Judiciary Committee. I was privileged to serve on the committee for a short time and consider its members friends and people I presumptively trust.

But on the question of armor--piercing-ammunition legislation, I respectfully say the committee is well intended, but wrong.

Before getting to the legislation, let's get the facts straight.

There is no armor which cannot be penetrated and there is no projectile that cannot be stopped. It all depends on how much you are willing to carry around with you.

Kevlar vests worn by police officers and Presidents are a good compromise. They offer good protection at reasonable cost and comfort. They are not bullet-proof. They are bullet-resistant.

No police officer has ever been killed as a result of his Kevlar vest being penetrated by an armor-piercing round.

The so-called teflon bullet—you've probably had postcards calling it a cop-killer bullet—or otherwise known as the KTW have not and are not publicly available and are sold only direct from the manufacturer to the military and police.

Whether Kevlar vests are penetrated depends on the velocity of the projectile, and on a complex relationship between shape, material, load, distance, and type and design of firearm used.

It is these complex relationships which a bill offered by my good friend Congressman MARIO BIAGGI (H.R. 6067) sought to deal. In the end, however, many of us believed that the compromises made by the Biaggi bill did not accomplish the stated purpose of the bill and adversely affected the thousands upon thousands of legitimate firearms users. The testimony of police organizations including law enforcement agencies of the U.S. Government generally agreed.

I continue to believe that there is no fair, workable and precise language which can define a "good" round from a "bad" round of ammunition.

Nevertheless, representatives of the various groups came together and compromised on a definition they could live with. That is the bill offered by Congressman JACK BROOKS (H.R. 5845) which is supported by over 200 of us.

In the face of this, however, the Judiciary Committee decided to continue with the Biaggi bill. In fact they have made a bad bill worse. It started out as an effort to ban armor-piercing rounds and has turned into an antifirearm, gun control bill that will adversely affect even more legitimate firearms users than the previous bill.

When the bill comes to the floor after the August recess, I urge you to support the reasonable, responsible, compromise Brooks bill which will be offered as a substitute.●

STATE TAXATION OF CORPORATE FOREIGN SOURCE INCOME NEEDS LEGISLATION GUIDELINES

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. MICA. Mr. Speaker, the matter of taxing corporations that do business in the United States on their worldwide combined income has been the subject of much debate both domestically and abroad. Prime Minister Margaret Thatcher has raised the matter on several occasions both with President Reagan and during the economic summit. It has been of concern to our Special Trade Representative, Ambassador Brock, and others in the administration including Treasury Secretary Regan, who recently forwarded to the President recommendations of the Worldwide Unitary Taxation Working Group which he chaired. Finally, it has been hotly debated by the States, of which a number have enacted laws allowing such taxation.

From the congressional perspective, expressions of concern began in 1964 with a report of a subcommittee of the House Judiciary Committee stating that international tax law should be formulated by the Federal Government and not by individual States. Later, in 1977, a House Ways and Means Committee task force, headed by Congressman DAN ROSTENKOWSKI, recommended that Federal income tax rules apply to State taxation of foreign source income. Since then, legislation has been introduced on several occasions. The latest legislative proposal was introduced by Congressman CONABLE.

At the outset, let me say that a State has a justifiable right to ensure that corporations doing business within that State be accountable for its fair share of taxation. This, in fact, was properly reflected in the principles that the Worldwide Unitary Taxation Working Group, chaired by Secretary Regan, agreed should guide State taxation of the income of multinational corporations. It recommended that there be increased Federal assistance and cooperation with the States to promote full taxpayer disclosure and accountability.

However, by its very nature, worldwide unitary taxation is not only a domestic issue. Such taxation does not merely affect the income earned by a corporation in a particular State. It affects the worldwide combined income of that corporation—domestic or foreign—and its foreign affiliates even though the latter may not have any connection with the United States. This method of taxation has the potential of adversely affecting international trade and investment in the context of a world trading system that is becoming increasingly interdependent.

In the long run, the consequences for a State attempting to attract corporations are obvious. While boardroom decisions are not the object of public scrutiny, it is perfectly conceivable that a corporation may decide to relocate its current and future operations to another State as long as there will be States that do not employ such taxation methods.

Furthermore, in the international sphere, unitary taxation may result in an enhanced risk of multiple taxation from the simultaneous application of State taxes and taxes imposed by foreign governments. In addition, a State tax imposed on the instrumentalities of foreign commerce may impair Federal uniformity in an area where the Federal Government must speak with one voice when regulating commercial relations with foreign governments.

The conflict that arises between the States' use of the worldwide unitary tax and the "water edges" rules used by the Federal Government can lead to serious international implications such as:

First, interference with national tax harmonization objectives;

Second, irritant in international tax and trade policy;

Third, retaliation by foreign governments against the United States;

Fourth, inability of the United States to negotiate a tax treaty on favorable terms to U.S. corporations; and

Fifth, a situation whereby foreign governments would have to negotiate a separate treaty with each and every State using a worldwide unitary taxation method.

My proposal, H.R. 6146, does not seek to preclude States from taxing corporations in general. It would simply bar a State from taking into account the income, generated abroad, of a corporation's foreign affiliates that are in no way connected to the United States, in general, and to that State, in particular. Furthermore, my proposal allows for a delay before it enters into force. My personal preference is that the States resolve these problems during the intervening year. The changes embodied in H.R. 6146 will apply to taxable periods beginning after December 31, 1985.●

SOCIAL SECURITY TAXATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, I have introduced legislation, H.R. 6128, that will make the formula for determining the amount of Social Security benefits subject to taxation more fair and consistent with tax policy.

In the Social Security Amendments of 1983, Congress subjected Social Security benefits for higher income recipients to taxation. The law states that if a recipient's income level exceeds the base amount of $25,000, in the case of an individual, and $32,000, in the case of a joint return, then gross income includes the lesser of one-half the Social Security benefits received or one-half the excess of modified adjusted gross income plus one-half the Social Security benefits over the base level.

Income level is determined by adding one-half the Social Security benefits received to the recipient's "modified adjusted gross income." "Modified adjusted gross income" means adjusted gross income increased by the amount of interest received by the taxpayer which is tax-exempt. This is where the unfairness in the law exists and I propose that the tax-exempt interest portion of the definition be deleted.

It is inconsistent tax policy to include tax-exempt income in the determination of taxable income. By using tax-exempt income in computing one's income level, you are penalizing the recipient for having this income. The recipient is penalized because his tax-exempt income could determine whether his Social Security benefits are subject to tax by pushing his income level over the base level. When taxable income is determined for income tax purposes, tax-exempt income is just that and the taxpayer is not penalized for having that income. This policy should remain consistent with regard to the taxation of Social Security benefits.

The following example should illustrate the position:

If a Social Security recipient has an adjusted gross income of $20,000, Social Security benefits of $10,000 and tax-exempt interest income of $10,000, then the recipient will have to include $5,000 in gross income. $20,000 [AGI] plus ($10,000×½) (SS) plus $10,000 [TEI] equals $35,000, $10,000 over the base level. One-half the Social Security benefits or one-half the excess over base equals $5,000.

If the tax-exempt interest income is excluded from the Social Security tax formula, as it is in determining regular income tax, then the recipient would owe no tax and not be penalized for his tax-exempt income. The adjusted formula would include $20,000 [AGI] plus ($10,000×½) [SS] and equal $25,000, an income level within the base amount.

The above analysis supports the position that the Social Security taxation formula for higher income re-

cipients would be more fair and consistent if tax-exempt interest income was not included in it. It would not exclude from taxation recipients whose taxable income levels exceeded the base level. I urge all Members to consider H.R. 6128 and lend their support.●

PRETRIAL SERVICES AGENCIES

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. HUGHES. Mr. Speaker, every now and then, and I am happy that this does not occur frequently, we find it necessary to introduce and move forward with legislation that is not, or at least should not be, necessary. Most frequently this happens when the executive branch refuses to carry out the law, frequently relying in its refusal upon a misreading of congressional intent. This was the case recently in regard to parental kidnaping, concerning which the Congress was forced to pass legislation which in effect directed the Department of Justice to comply with existing law which already required the Department to provide assistance to State authorities who are attempting to locate parental kidnapers who flee interstate and return them for prosecution.

Today, I am introducing legislation of this sort—legislation to insure that laws already on the books are complied with. Here, regrettably, the branch of Government failing to comply with the law is the branch charged with seeing that the law is complied with—the judiciary.

The law in question, the Pretrial Services Act of 1982, is important anticrime legislation, in that, when fully implemented, it will provide valuable assistance to Federal courts in determining conditions which should be set in releasing dependants while awaiting trial, and in supervising those who need it pending trial.

Beginning in 1975, we subjected this program to a test run, to determine the most effective and economical way to provide the services. The trial run showed that these improved bail practices can have a direct positive anticrime effect by reducing crime on bail, failure to show for trial, and the cost of jailing people awaiting trial. We tested two different approaches in 10 Federal district courts—five operated by probation officers, and five by separate operations. We found that we got a better product overall from the separate offices, and that the cost was the same either way. This normally would result in a decision to have all 94 districts served by pretrial services separate from our probation offices, but probation officers mounted a heavy lobbying effort to convince Congress they could do the job for little or no additional cost. They also lobbied, very effectively I might add, their immediate bosses, the chief judges of the district courts, who supported their position in Congress. As a result, we passed a law which, in effect, gave them a second change. The 1982 law instructed the courts to let probation officers have a shot at providing pretrial services for 18 months in those districts not already under the program. Where they have shown that they can in fact provide the services with existing personnel, the statute says let them do it on a permanent basis. Where they cannot, the law directs that the new people hired to perform the job work outside the supervision of the chief probation officer, since our 5-year test run clearly showed that, dollar for dollar, we got a better product this way.

At the end of this additional trial run—nearly 10 years after the initial legislation was passed—the Administrative Office of the U.S. Courts advised the Congress that this further experience confirmed what we had known all along—with very few exceptions, it will take the same number of staff and cost the same number of dollars to provide pretrial services under either management structure. The Administrative Office also concedes that under these circumstances, congressional intent as expressed in the 1982 legislation is clear that the districts which need to add new staff for pretrial services must establish these positions separate from the probation office. However, having conceded that the intent of the law is clear, the Administrative Office finds "ambiguity" in the fact that the statute gives what the Administrative Office calls "unfettered" discretion to the individual district courts. These courts have overwhelmingly elected to disregard the law, assign the pretrial services function to their probation office, and to hire all new staff for this function. The Administrative Office in turn has expressed its intent to assign appropriated funds to these offices despite the clear intent of the law to the contrary. The director of the Administrative Office justifies this defiance of the law on the grounds that the same law charges him with providing the services to the courts regardless of whether the courts elect, in their "unfettered" discretion, to establish the services in compliance with or in defiance of the law.

I find it ironic that this unfettered discretion, apparently subject to review and reversal no where on this Earth or in this life, is being claimed on the part of district court judges in applying the law to themselves. In applying the law to others, they are subject to reversal by higher courts for good faith misinterpretations of complex statutes or arcane rulings by hiring courts; they can be and are reversed for failing to properly carry our clerical functions, such as execution of documents: yet, we are told that they are free to disregard this statute directed specifically to the courts, and, when they do so, the administrative head of the courts has a duty to provide public funds to carry out that defiance

The director of the Administrative Office of the U.S. courts claim he is between a rock and a hard place. While he knows and understands that what the district courts are doing is contrary to what Congress intended, he does not run the program, but merely carries it out in accordance with the unfettered manner in which the individual district courts chose to implement or fail to implement the law. Many of which, incidentally, have also announced their decisions to rewrite the substance of the pretrial services law; one even said, "No thanks, we've decided that we don't need this law, and will not apply it."

To insure compliance with the law, and to extricate the director of the Administrative Office of the U.S. courts from the agonizing choice of obeying the law or obeying the judges, my bill simply assigns clear responsibility to the director for the implementation of the program, including responsibility to see that congressional mandates as to the substance and structure of the program are carried out. It makes no sense, from a management standpoint, to mandate a uniform national program in the area of administration of justice, and to permit 94 separate principalities to decide whether, and to what extent, they will carry out the law, just as it would make no sense to formulate national pure food standards and to allow regional Federal program administrators to each rewrite these standards to suit their own whims.

This seems to me to be a simple, straightforward resolution to the chaos that the Federal judiciary has created chaos which has delayed the implementation and threatened the integrity and future of pretrial services. There is another solution which is even more simple, straightforward, and immediate, and I encourage the judiciary to take this course. This it to comply with the law as it already exists. I believe that they were given considerable impetus to do just this last week when the House-Senate Conference on the Judiciary's appropriation, under the able and responsible leadership of Congressman NEAL SMITH, rebuffed their arrogant claim for appropriation of public money to finance their disregard of the law.

One way or the other, we must get this anticrime program up and running in all of our Federal district

courts. While this is a relatively small program, it has demonstrated that it can have a strong positive impact on crime control. Beyond this program itself, the regrettable manner in which the Federal judiciary has gone about implementing this and other recent legislation, most particularly the bankruptcy law, has caused me and some on my colleagues to reexamine our support for the appointment of a sentencing commission by the judicial conference under the sentencing reform legislation which we expect to vote on in the House in September. As I indicated during Judiciary Committee consideration of that legislation earlier this week, the disregard for the law demonstrated in these two instances suggests to me that my original support for judicial conference appointment of a sentencing commission was ill advised, and my present inclination is to begin mounting a concrete effort to convince my colleagues of the wisdom of the administration's position on Presidential appointment of the sentencing commission.●

THE LIBERTY BELL IS OUR SHINING SYMBOL, THE BERLIN WALL IS COMMUNISM'S MORBID REMINDER

HON. THOMAS F. HARTNETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. HARTNETT. Mr. Speaker, I want to call the attention of my distinguished colleagues, and indeed, of the whole country, to a very important anniversary.

Monday, August 13 is the anniversary of the Berlin Wall. It was 23 years ago that the Communists chose to cut a living city in half by soldiers and barbed wire to block the exodus of over 2,000 refugees per day from East Berlin. Within weeks, a grim, ugly concrete wall was slammed into place. It stands today as an affront to basic human freedom.

For more than two decades, Berlin, where our soldiers died 40 years ago in the name of liberty, has been tormented and torn by the defiant wall. It is a wall which separates friend from friend and relative from relative, a wall which cordons freedom and communism. On one side, the state is almighty: Human dignity and freedom count for nothing. On the other side, there is dignity; there is freedom; and there is hope.

The wall was built before dawn on Sunday morning, August 13, 1961, to stop the flow of refugees trying to escape the regime which calls itself, ironically, "The German Democratic Republic." Even in the face of one of the world's most highly fortified borders which preceded the wall, through the streets of Berlin the yearning for freedom was alive and alluring. Individuals and families dared to leave everything else behind, and slip across a sector border to escape. It was to stop this exodus that the wall was built after one-third of the Russian zone population had escaped. Even in spite of the wall, over these last 23 years, hundreds have tried to reach West Berlin, braving bullets and digging tunnels to reach freedom. In the process, about a hundred victims gave their lives in the quest for liberty. These refugees have been shot down by East German guards couched in watchtowers. Some have been left to die without medical attention; the lucky ones were dragged off to prison.

So, on the anniversary of the start of the Berlin Wall 23 years ago this weekend, let us remember those who paid with their lives seeking freedom. They will be remembered in many places in America. On Monday morning at the Liberty Bell in Philadelphia, a group of Americans will gather at that shrine to lay a wreath to commemorate those murdered at the wall in Berlin during those 2 decades since the monstrosity was built. In my House district of Charleston, SC, a former U.S. military officer, Col. William Henderson, introduced a resolution in our county council which was unanimously adopted in remembrance of the victims of the wall in Berlin on this tragic anniversary. All over America, on Monday, people will shudder as they recall the ruthless cruelty and this insult to freedom—this wall by which East Germany keeps people inside.

Let us not forget those brave citizens of East Germany who have died trying to escape Communist bondage. Let us remember how a "worker's society" has to erect a 9-foot concrete barrier to keep its own people confined. Let us not forget this evil gash across the face of one of Europe's great cities, caged by Communists to keep freedom and liberty out of reach.

As we remember repression which the Soviet Union has imposed—from East Berlin to Afghanistan—let us all say a prayer for those denied their freedom and declare that their misery and their longing for freedom is not forgotten. The Liberty Bell is our shining symbol. The Berlin Wall is communism's morbid reminder.

The eyes of the world should look at this wall. The minds of the world should never forget this wall. The hearts of the world should keep hope alive for those inside this wall.●

DIXIE YOUTH WORLD SERIES

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. WILSON. Mr. Speaker, Los Angeles may have the 1984 Olympic games, but next week Lufkin, TX, will be able to boast of being the location for the 29th annual Dixie Youth World Series.

I am pleased to rise today in praise of the teamwork and dedication surrounding this amateur baseball event. First, because Lufkin has always been proud to send its team to compete in the series. We are greatly honored to have been chosen to host this year's games. And second, because special recognition will be given to one of the Dixie Youth League's most active supporters—Pitser Garrison, mayor of Lufkin. Mayor Garrison's tireless efforts on behalf of the people of our area, and his hard work and interest in athletics, have made this special week possible for Lufkin.

Youth League baseball offers young people a chance to learn team spirit and the motivation of healthy competition in a framework that also fosters lifelong friendships. These games celebrate the energy and determination of our youth to do their best for themselves, their teams, and their communities.

The Dixie Youth World Series may not have the exposure of international competition or the sophistication of professional athletics, but it does showcase achievement, teamwork, and dedication.

I can't think of very many activities more worthy of the term "All American."●

THE HELSINKI FINAL ACT AND THE STRUGGLE FOR HUMAN RIGHTS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. CONTE. Mr. Speaker, an important birthday was celebrated on August 1—the ninth anniversary of the Helsinki Final Act. The purpose of the Helsinki conference held in 1975 was to enunciate certain universally accepted principles that stand for the protection of fundamental human rights.

The tragedy of today is that in spite of the noble achievements enbodied in the Helsinki Final Act, the worldwide assault on human rights continues. The repression of Jews, dissidents, and refuseniks in the Soviet Union; the ruthless persecution of the Baha'is in

Iran and the terror that has marked the Khomeini regime; death squads, tyranny, torture in parts of Central and South America; the inability of workers to organize and freely express their views in Poland; the reign of terror presided over by Mu'ammar Qadhafi in Libya; the unachieved goal of self-determination for blacks in South Africa—the list goes on and stands as testament of the ever-urgent need to continue to press the fight for human rights.

It is especially disturbing that 9 years after ratification of the act, many of its terms are being violated by some of its signatories, particularly the Soviet Union. In this age of superpower rivalry, and haunted by the specter of nuclear war, world peace rests upon delicately balanced international relationships. Cognizant of the dangers inherent in a sour U.S.-U.S.S.R. relationship, there are many of us who hope for and are working toward a better dialog with the superpower in the East. But the trampling of human rights in that country—in direct violation of the Helsinki Final Act—badly handicaps those efforts.

The plight of Andrei Sakharov comes immediately to mind, though I could just as easily speak on the drastic curtailment of the emigration rights of Soviet Jews. While August 1 marks the ninth anniversary of the Helsinki Final Act, it also marks the second month without verifiable information concerning the condition and whereabouts of Dr. Sakharov. He is representative of the human rights oppression that increasingly characterizes the Soviet state, and he is a symbol of the trials faced by oppressed people everywhere. It is particularly poignant and ironic that as August 1 passed, reports circulated that Sakharov is being subjected to psychotropic drugs, a most disturbing development if true. The plight of Sakharov and others similarly oppressed is our plight as well. As members of the free world and of the larger community of man, each of us suffers the torture, the pain, the imprisonment, and the oppression they experience. Their fight must be our fight until it is won.

So Mr. Speaker, August 1 is a bittersweet celebration. The world is a better place given the Helsinki Final Act, but the long twilight struggle to achieve its objectives continues.

The challenges before us are great, but our resolve is unwavering and the hurdles surmountable. Therefore, fueled by the ideals contained in the act, let us make this August 1 a source of reaffirmation and renewed commitment to our efforts on behalf of the worldwide struggle for human rights. The nations of the free world are proof positive that the goals of the Helsinki Final Act are attainable—and worth striving for.●

IN RECOGNITION OF THE HONORABLE DEWEY J. SHORT

HON. GENE TAYLOR

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. TAYLOR. Mr. Speaker, I would like to express my sincere appreciation to the members of the Committee on Public Works for so swiftly reporting my bill to name the Visitors Center at Table Rock Dam and Reservoir in honor of a former distinguished Member of this body, Representative Dewey J. Short.

I would also like to convey my thanks to the Members of this body who accepted the legislation without a dissenting vote.

Naming the Table Rock Lake Visitors Center, which also houses the Corps of Engineer offices, in honor of Dewey Short is but a small recognition of his more than a quarter of a century of service to his district, State, and Nation. It is much deserved for it was the late Congressman who was the prime moving force behind the legislation to create the Table Rock Dam and Reservoir which has meant so much to the people and the economy of southwest Missouri and northern Arkansas.

Dewey Short, often referred to in this body as the "Ozark Orator," is responsible for the more than 6.5 million people who visit Table Rock Dam and Reservoir each year. The lake recently celebrated its 25th anniversary and is within a few million dollars of repaying the Government's $65.5 million investment.

The action taken by the Members of the House on this bill is a most fitting tribute to one of ths body's most distinguished Members.●

THE CONTINUING SOVIET ACTIVE MEASURES AND DISINFORMATION CAMPAIGN

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. YOUNG of Florida. Mr. Speaker, one of the Soviet Union's most effective, but least understood foreign policy tools is its active measures and disinformation campaign which has as its goal undermining U.S. credibility in the eyes of our allies.

The Central Intelligence Agency estimates the Soviets spend between $3 and $4 billion a year for active measures operations throughout the world. Their disinformation and propaganda campaign is so large that our intelligence agencies are able to identify only a small percentage of Soviet forgeries and other false information.

As a member of the Intelligence Committee, I have urged the CIA and FBI to declassify as much information as possible about these Soviet activities so the American people and our allies can be more aware of the effectiveness and expansiveness of Soviet active measures. The committee, at my request, has held extensive hearings with defectors who were key figures in Soviet disinformation operations. Ladislav Bittman, the former deputy chief of the Disinformation Service of the Czechoslovakia Intelligence Service, and Stanislav Levchenko, a former KGB active measures officer assigned to Tokyo, provided our committee with excellent insight into these operations and their objectives. At my urging, the chairman of the committee declassified and released large portions of the transcripts from these hearings. The administration has also followed the hearings up by periodically releasing information about identified Soviet forgeries and disinformation.

The most recent disclosure was earlier this week when the U.S. Attorney General acknowledged that the Soviet Union forged racist letters, supposedly from the Ku Klux Klan, threatening the safety of athletes participating in the summer Olympic games. The letters were sent with U.S. postmarks to 20 Asian and African nations in an attempt to increase support for the Soviet boycott of the Olympics and to make the United States look bad. Our intelligence agencies have determined that the letters were authored by the KGB and are typical of other Soviet forgeries.

Information we have received this week also indicates the KGB may be planting reports that Nobel Prize winner Andrei Sakharov has ended his 3-month hunger strike. Initial reports from Moscow quoted Mr. Sakharov's wife Yelena Bonner as saying he had ended his fast. Friends who have corresponded recently with Mrs. Bonner say however she has never mentioned this information in her letters to them. The Soviets have been under great pressure from concerned people throughout the world demanding to have representatives examine Mr. Sakharov, who reportedly has been forcefed and drugged during his fast. The planted reports by the KGB are seen as an attempt to relieve public pressure on Soviet leaders.

These two Soviet disinformation efforts are only a small part of the widespread and complex Soviet active measures operation. It is imperative that our Nation continue to make disclosures of this type of information so everyone can understand the impact these Soviet attempts to discredit our Nation have on our friends and allies.●

RALPH T. CLARK

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. HOYER. Mr. Speaker, I would like to bring to the attention of my colleagues, the outstanding accomplishments of Ralph T. Clark. A constituent and good friend of mine, Mr. Clark recently was chosen by the coalition of black affairs of Prince Georges County as the recipient of its Citizen's Award for 1984.

Certainly there is no better choice. Ralph Clark has been a resident of Prince Georges County for almost 30 years, most recently in Suitland. During that time, he has been a consistent contributor in the effort to improve the status of blacks in his community, his county and his State.

As chairman of the minority procurement task force for Prince Georges County, he sought to develop methods by which greater numbers of minority businessmen and women can obtain information concerning the procurement process within the county. He also recommended that the county executive provide training to minority business in procurement procedures of the county government.

Ralph also served as the coordinator of the Prince Georges County Cable Minority Enterprise Program. His major thrust in this role was to seek ways to broaden access for minorities in the county cable industry, both as providers of goods and services.

As a member of the board of directors of the Prince Georges County Economic Development Corp., he has consistently promoted the potential of minority business in the area. And as a member of the board of directors of the Prince Georges County Fair Board, he encouraged greater minority participation in fair activities. Prior to his involvement, few minorities had either participated in or attended the county fair.

Ralph is a member of the National Business League, and serves as assistant regional vice president for region 3. He is also a charter member and board member of the National Business League of Southern Maryland.

Clearly Ralph's activities on behalf of the residents of the Fifth District are to be commended, and I am pleased that he should be honored by this award. His consistent efforts and dedication in all he endeavors certainly serve as a remarkable example for all civic leaders to follow.

Mr. Speaker, I am pleased to have this opportunity to call attention to the valuable contributions of Ralph Clark, and I know you will join with me in congratulating him on receiving this award.●

NATIONAL NURSING HOME EMPLOYEES WEEK, AUGUST 19-25, 1984

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. ANTHONY. Mr. Speaker, the week of August 19-25 is "National Nursing Home Employees Week." This event, cosponsored by the National Council of Health Centers and the American Health Care Association, provides an excellent opportunity for our Nation to express its gratitude to the 950,000 nursing home employees who provide long term care services for 1.4 million elderly Americans.

As the health care delivery system of our Nation has developed, the care provided in nursing homes has become a vital part of that system. One cannot really appreciate the daily problems faced by thousands of primary care givers—nurses, nurses aides, therapists, other health aides—and physicians in nursing homes, and the remarkable dedication to their jobs that make it possible for them to stay in the work.

We are becoming an aging society. As the elderly population expands and begins to make up a larger part of our Nation's citizenry, nursing homes have been and must continue to be a part of our efforts to meet the long-term care needs of this group.

Recent population projections indicate that we will need 587,000 additional nursing home beds by 1990. To provide the necessary care for these beds, we will need 42 percent additional employees: 14,700 administrative personnel; 22,000 medical/allied professional employees—physicians, dentists, pharmacists, dietitians and nutritionists; 19,600 therapists; 40,900 licensed practical nurses; 35,600 registered nurses; and 194,300 nurses aides.

There are few issues as important to us as providing services and care for our elderly. And no aspect of this care is more important than in nursing homes. "National Nursing Home Employees Week" is a splendid opportunity to say thank you to the thousands of excellent nursing home employees nationwide.●

10TH ANNIVERSARY—TURKISH INVASION OF CYPRUS

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. HOWARD. Mr. Speaker, today I would like to submit for the RECORD the text of a letter written by one of my Greek-American constituents, Mr. Steven N. Papayliou, to mark the 10th anniversary of the Turkish invasion of Cyprus which was mourned by Greek-Americans throughout New Jersey and our Nation on July 20. As we all too sadly recall, the invasion left over 200,000 Cypriot refugees to wander homeless, and nearly 2,000 Greeks and Cypriots missing.

DOUBLE STANDARDS

July 20th marked the 10th anniversary of the Turkish invasion of Cyprus. A decade ago, the Turks invaded and occupied 40 percent of the island republic, destroying cities, towns, hospitals, churches and schools. Over 200,000 Greek Cypriots were evicted from their homes; 1,689 persons are still missing, among them American citizens.

The Reagan administration shows great sensitivity, and correctly so, to the presence of Soviet occupation forces in Afghanistan. It shows no such sensitivity to the presence of more than 25,000 Turkish occupation troops in Cyprus equipped and subsidized by the American taxpayer in flagrant violation of our laws. Why the double standards?

Turkey is the third highest recipient of U.S. economic and military aid. However, the arms we give to Turkey are not pointed towards Russia; they are pointed in the wrong direction, towards the Greek Aegean islands, and are used for the illegal occupation of Cyprus. One wonders: Are we rewarding and encouraging the expansionist designs of Ankara?

Alexis De Toqueville once wrote: "America is great, because America is good. If America ever ceases to be good, America will cease to be great." The United States cannot ignore actions that violate international law. No country can count on its strategic importance to compensate for the effect of illegal activities on its alliance with the United States,

It is hypocritical of our government officials to talk in support of human rights, peace, justice, and freedom—the foundation stones of our great nation—while they sanction the violation of these sacred principles by a so-called "ally," Turkey.—STEVEN N. PAPAYLIOU.●

TECHNICAL CLARIFICATION OF REVENUE ACT OF 1978

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. GEKAS. Mr. Speaker, the Internal Revenue Code of 1954 exempts from income taxation the interest paid on bonds issued by States and their political subdivisions, except for certain bonds issued for nonpublic purposes, known as industrial development bonds. The special tax treatment of industrial development bonds began with the Revenue Expenditure and Control Act of 1968, and has progressed through several amendments and modifications to its present status.

Since that time, industrial development bonds have become a primary and very important mechanism used by States and local governments to provide tax-exempt financing for pri-

vate investment in plant and equipment expansion.

The Revenue Act of 1978 contained several changes to the tax treatment of industrial development bonds. An amendment was added which provided that, in lieu of the $1 million small-issue IDB volume limitation, an election to increase the limitation may be made only if certain capital expenditures—such as the construction of buildings and improvement of equipment—over a 6-year period are counted toward the $10 million limitation. As provided in this amendment, the $10 million limitation is increased to $20 million in the case of a project to which a UDAG grant is made.

I have today introduced legislation to make a technical clarification in this provision which was part of the Revenue Act of 1978. My bill will clarify that provision added in 1978 by providing that when an urban development action grant has been awarded the $10,000,000 exclusion of capital expenditures is applicable regardless of whether the grant was made before or after the issuance of the bonds. My legislation will amend subparagraph (I) of section 103(b)(6) of the Internal Revenue Code of 1954, which relates to aggregate amount of capital expenditures where an urban development grant is used, by removing "has been made" and inserting in lieu thereof "is made (at any time during the 6-year period under subparagraph (D)(ii))." This revision will be applicable to all obligations issued after June 30, 1982, in taxable years ending after such date, and to capital expenditures made after June 30, 1982, with respect to obligations issued after that date.

The 1978 amendment clearly did not intend for issues made prior to a UDAG/IDB marriage to lose their tax exempt status even though they did not exceed the original $10,000,000 limitation at the time of issuance. However, the intent of Congress is being frustrated by the Internal Revenue Service's literal reading of the UDAG provision added in 1978. The timing of the bond issuance and the UDAG grant award should not matter if the facilities benefiting by the bond proceeds and the UDAG's are the same. The language "has been made" in the 1978 statute was not intended to mean that the UDAG has to come first. What was meant was that the $20 million exclusion would not be available until the UDAG had been awarded.

It is obvious that Congress added section 103(b)(6)(I) of the Internal Revenue Code of 1954, which relates to aggregate amount of capital expenditures where an urban development grant is used, in an attempt to facilitate the use of UDAG's. Congress did not add this section to limit the use of UDAG's. If the Department of Labor is correct in that most new jobs created in the past 2 years were done so in the small independent business sector, then the literal reading of this section by the Internal Revenue Service would be counterproductive to this trend and would certainly be of a negative benefit to any continued recovery.●

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. PATTERSON. Mr. Speaker, today I signed discharge petition No. 10. If enough of our colleagues join me in supporting this extraordinary procedure, it will be possible for the House of Representatives to vote on a balanced budget constitutional amendment proposal before adjournment this year.

Should we be successful in our effort to bring the constitutional amendment question before the House, I intend to offer an amendment which will be the text of the constitutional amendment proposal I introduced last year, House Joint Resolution 428. It is a simple and straightforward amendment which requires the President to submit and the Congress to enact a balanced Federal budget.

Although I regret that we have come to a point where we must take such extreme measures, I do believe they are now necessary. We simply cannot continue to rack up $200 billion annual budget deficits; the stability of our economy and the well-being of our citizens is jeopardized by the prospect of unabated budget deficits. I believe we must act now to impose fiscal discipline on the Federal Government to stem the tide of burgeoning budget deficits.

A number of balanced budget constitutional amendments have been proposed. However, all of them lack one or more essential features. One feature which makes my proposal unique and workable is that it imposes the balanced budget responsibility on both branches of Government responsible for developing the Federal budget; the legislative and executive branches. It requires not only that the Congress enact a balanced budget but that the President prepare and submit a balanced budget to Congress. Omitting the President from the balanced budget process would significantly hinder any effort to achieve balance since it is the President who develops the budget and then presents it to the Congress for approval. The Congress merely refines the President's budget request—which usually means that the Congress cuts the President's request. In fact, in all but two of the fiscal years 1947 through 1981, the Congress has appropriated less than the President requested.

Additionally, my proposal assures that our Federal Government's commitment to national defense will not be breached. To provide flexibility to respond to threats and emergencies affecting our national security interests, my amendment allows suspension of the balanced budget requirement in the event of a national emergency or declation of war. Furthermore, unlike many other proposals, House Joint Resolution 428 would go into effect immediately upon ratification by the States.

BALANCED BUDGET PLAN OF ACTION

Because ratification of a constitutional amendment will take years to accomplish, I am also an advocate of statutory measures which can invoke fiscal discipline immediately. One such approach is embodied in H.R. 6066, of which I am a cosponsor.

In short, this bill would require the President to submit a balanced budget plan by October 1, 1984. The plan would contain a clear explanation and timetable. For future years starting with fiscal 1986, the President would submit a balanced budget and the House and Senate Budget Committee would have to report out balanced budgets. Should the President decide that a balanced budget is not appropriate, he could also submit a budget not in balance with an explanation of why a balanced budget is not recommended.

Under this approach, we would have immediate action on a balanced budget. Unlike the constitutional amendment, it does not simply require action by some future President or Congress; it requires action now.

ACTION NOW

Mr. Speaker, I believe we must take action now to enact both a constitutional amendment requiring a balanced Federal budget as well as a statutory requirement that we immediately put ourselves on the path toward balances.●

URBAN DEVELOPMENT ACTION GRANT AMENDMENT

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. GARCIA. Mr. Speaker, perhaps one of the most successful programs over the last several years has been the Urban Development Action Grant Program [UDAG]. Throughout its brief history, it has been both uniquely versatile and timely. My city and congressional district have benefited from these attributes and it is precisely because of this program's many uses

and its track record that I hesitate to tamper with it.

However, in the recent past, UDAG applications have been approved and others have been submitted that will result in the relocation of businesses from distressed areas. This has caused me great concern not just because my community has witnessed the relocation of one of its firms to another city because of a UDAG award, but also because it violates the good will that this urban program has developed.

The UDAG program was designed to create and save jobs, not to relocate them. Such a use does little to address the overall unemployment confronting distressed regions; is a very poor use of limited Federal development moneys; and forces cities to bid against one another in a sort of blackmail to maintain their economic bases. Recently, my city had to offer substantial and long-term tax breaks to maintain a major firm in the downtown area just to compete with another nearby city's siren UDAG call. This second incident has been followed by yet a third. In this latest case, a small firm has been enticed to move to yet another nearby community offering benefits financed by UDAG.

I have developed legislation to tighten up the relocation prohibitions within the UDAG Act. Current regulations prohibit the use of UDAG moneys to facilitate the relocation of commercial and industrial firms with one major exception: The Secretary of HUD may allow relocation if he finds that such a relocation does not significantly and adversely affect the unemployment or economic base of the area from which such industrial or commercial plant or facility is to be relocated. Such an exemption allows for great subjectivity among the UDAG approval teams and the Secretary. Unfortunately, HUD has not established any known measure or test of significant or adverse impact. Losing 500 jobs may be a disaster to a city of 25,000 to 50,000 people and hence its impact would be obvious, but the same plant relocating from a city of 3 million may be far less in impact. However, for the specific neighborhood from which this firm leaves, it can be just as disastrous as it is in the case of the smaller city. HUD's regulations and procedures fail to recognize this. Regardless, UDAG funds should not be used to relocate jobs and certainly should not be undermining the tax base of any city regardless of size.

My new legislation states that no assistance may be provided or utilized under the UDAG Program for any project that will facilitate, or is likely to result in, the relocation of any operation, personnel, or positions of an industrial or commercial plant or facility from any eligible city or county to another such eligible area.

Further, my legislation requires the Secretary to make a determination that such a project will not facilitate the relocation of a business prior to approving the grant application. Should such a project be approved and subsequently cause relocation, the Secretary is directed to recapture the UDAG award.

The Congress has long frowned on the use of Federal economic development moneys which have led to the relocation of existing business facilities. The programs of the Economic Development Administration have long had strong antirelocation provisions. This legislative proposal is in line with that philosophy.●

IT'S TIME TO END THE BEARER BOND ABUSE

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. STARK. Mr. Speaker, today I am introducing a bill to require that, for Treasury backed securities to be eligible for a zero tax rate, they must be registered.

As the following Wall Street Journal article indicates, the potential for tax evasion by investors in bearer bonds has reached alarming proportions. The United States could be in a position of becoming the newest tax haven if we allow tax scams like the Salomon Bros. proposal to develop.

There was much concern in both the House and the Senate that the Treasury Department might issue bearer bonds to attract foreign investment to help pay the deficit. The Washington Post editorial on August 8, 1984, argued that getting into the bearer bond market was a "blatant solicitation to tax evasion." Foreign investors and foreign nominees for American investors pay a premium for bearer bonds which require no record of ownership.

The Treasury Department took weeks to make a decision on the bearer bond issue. Yesterday, 1 day after I publicized my intention to offer an amendment which would prevent the Treasury from issuing bearer bonds to foreign investors, Secretary Regan finally announced that Treasury would not enter the tax evasion market.

Today, the Salomon Bros. offering is evidence that the abuse of bearer bonds is still with us and must be checked.

The text of the bill follows as does the Wall Street Journal article:

[From the Wall Street Journal, Aug. 10, 1984]

GROUP BUYS $1.7 BILLION OF U.S. BONDS, PLANS "BEARER" FORM TO LURE FOREIGNERS

(By Michael R. Sesit and Alan Murray)

Five securities firms and banks purchased $1.7 billion of yesterday's 30-year $4.8 billion U.S. Treasury bond offering and plan to repackage the bonds in a way that will be particularly attractive to foreign investors.

Salomon Brothers Inc., the lead house in the group, said the sponsors intend that foreigners will be able to buy the repackaged bonds in anonymous, "bearer" form.

The Treasury Department yesterday said it has decided against offering securities in this form, despite the attraction to foreign buyers. Critics of the bearer form had warned that it could worsen tax evasion by foreigners and Americans alike.

Now investors and investment bankers will have to see whether the Treasury or Congress will move to squelch arrangements such as Salomon's and another offering brought to market yesterday by Goldman, Sachs & Co., in which the bankers buy the bonds and add the anonymity feature for their foreign customers.

CONVERSION PLANNED

Salomon said the sponsors intend to convert the bonds into about $7 billion worth of Certificates of Accrual on Treasury Securities, called CATS, for sale to both U.S. residents and foreign investors.

The CATS issue, which splits the interest coupons on the bonds from the principal portion, is the largest such offering ever made by Salomon.

Besides Salomon, the sponsoring group comprises Citibank, PaineWebber Inc., Prudential-Bache Securities and Shearson Lehman/American Express Inc.

Yesterday, Treasury Secretary Donald Regan sent a letter to Robert Dole (R., Kan.), chairman of the Senate Finance Committee, saying that the Treasury had no plans to issue bonds in bearer form. The Treasury had received expressions of concern from members of Congress and some foreign governments that such instruments could make tax evasion worse and make it more difficult for foreign countries to raise money in international markets.

CATS are effectively zero-coupon bonds that carry no interest and are sold at a deep discount from face value. The investor gains an effective yield, because he is repaid the face value of the bond at maturity.

The Salomon group's Treasury bonds are to be split into two segments consisting of $5.3 billion of coupon CATS due semiannually from Feb. 15, 1985, to Aug. 15, 2009, and a so-called corpus portion, consisting of the $1.7 billion Treasury bonds principal, callable Aug. 15, 2009 and maturing Aug. 15, 2014.

Starting today, the corpus portions of the CATS are being offered at $595 for a $1,000 bond to yield an effective 11⅝%.

INTERCHANGEABLE CATS

The bearer CATS sold to foreigners and the registered instruments sold to U.S. residents will be interchangeable, said E. Craig Coates, a Salomon managing director. Thus, CATS sold to a U.S. resident by a foreigner become registered instruments, while registered CATS sold to a foreigner will revert to bearer form, if required by the foreign investor.

The bearer bonds won't be immediately available, but, instead, will be placed on deposit as a single global certificate at either

Euroclear of Cedel, the two European clearing systems. They, in turn, will release the bonds in bearer form when investors pay for them and certify that they are neither U.S. residents nor holding the bonds for U.S. residents.

Nevertheless, it remains to be seen what proof the Treasury might require that a bearer-bond holder isn't a U.S. resident. U.S. regulations require investors either to identify themselves when being paid interest or principal from the U.S., or to pay a 20% so-called backup withholding tax.

Some bankers contend that as much as 50% of the Eurobond market won't invest in U.S. securities without guarantees of anonymity.

An issue for the Treasury, say bankers, will be whether it accepts a U.S. investment bank's certification that a bearer bond has been sold to a foreign financial institution or whether it will require the foreign institution to further certify that the actual bondholder isn't a U.S. resident.

Some bankers contend that since it is virtually impossible for the foreign bank to know who the real owner of a bond is, the bank may refuse to put its name behind a declaration that no U.S. residents hold U.S. bearer bonds.

NO ASSURANCE

In fact, the CATS' offering statement warns investors that "there can be no assurance that a requirement to provide such a statement (that the holder isn't a U.S. resident) or additional certifications will not apply to sales or payments at maturity of the CATS. All payments on CATS will be made net of any tax withholding, if applicable."

Salomon Brothers said that it had informed the Treasury of its intention to offer CATS in bearer form to foreigners.

Some bankers contend that the argument over whether U.S. residents will use U.S. bearer securities to evade U.S. taxes is moot. "Any determined tax evader can shield anything from anyone he wishes," said a U.S. investment banker. Referring to the Salomon offering, he added: "This isn't exactly opening a Pandora's box; the Pandora's box has already been opened."

At year-end 1983, there was $140 billion of outstanding Eurodollar bonds in bearer form as well as more than $50 billion of bearer bonds denominated in other currencies. Bankers point out that any sophisticated U.S. investor could have used them to evade taxes.

H.R. —

A bill to amend the Internal Revenue Code of 1954 to prohibit the issuance in bearer form of securities which are interests in Treasury obligations

Be it enacted by the Senate and House of Representatives of the Untied States of America in Congress assembled, That (a) subsection (f) of section 163 of the Internal Revenue Code of 1954 (relating to denial of deduction for interest on obligations not in registered form) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) CERTAIN INTEREST IN TREASURY OBLIGATIONS TREATED AS REGISTRATION-REQUIRED OBLIGATIONS.—

"(A) IN GENERAL.—Notwithstanding paragraph (2)(B), the term 'registration-required obligation' includes any obligation secured by Treasury obligations (or any evidence of an interest in the principal or interest (or both) payable with respect to Treasury obligations) if such obligation or interest is of a type offered to the public.

"(B) TREASURY OBLIGATION DEFINED.—For purposes of subparagraph (A), the term 'Treasury obligation' means any obligation issued by the United States or by any agency or instrumentality thereof."

(b) Subsection (b) of section 4701 of such Code (relating to tax on issuer of registration-required obligations not in registered form) is amended by adding at the end thereof the following new paragraph:

"(3) DETERMINATION OF PRINCIPAL AMOUNT IN THE CASE OF CERTAIN INTERESTS IN TREASURY OBLIGATIONS.—In the case of any registration-required obligation described in section 163(f)(3), the issue price of such obligation (as determined under rules similar to the rules of section 1273(b)) shall be treated as its principal amount."

(c) Subparagraph (A) of section 165(j)(2) of such Code (relating to denial of deduction for losses on certain obligations not in registered form) is amended—

(1) by striking out "section 163(f)(2)" and inserting in lieu thereof "section 163(f)", and

(2) by striking out "of such section" and inserting in lieu thereof "of paragraph (2) of such section".

(d) Paragraph (1) of section 1287(b) of such Code (relating to denial of capital gain treatment for gains on certain obligations not in registered form) is amended—

(1) by striking out "section 163(f)(2)" and inserting in lieu thereof 163(f)", and

(2) by striking out "of such section" and inserting in lieu thereof "of paragraph (2) of such section".

(e) The amendments made by this section shall apply to instruments issued after the date of the enactment of this Act.●

TRIBUTE TO DR. JERRY BUSS

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. DIXON. Mr. Speaker, it is with great pleasure that I take this opportunity to pay tribute to one of the outstanding entrepreneurs in America today. Dr. Jerry Buss is a leader in both the business and professional sports communities. His selfless dedication enabled him to build a real estate empire that stretches from Arizona to California. His genuine commitment to the sports industry has provided southern California with entertaining, exciting, and successful teams in the various sports of soccer, hockey, tennis, and basketball. His fabulous complex, the Forum, which I am pleased to say is located in my congressional district has in addition to housing these fine teams, been host to championship boxing matches, exceptional musical events, and is presently the site of international Olympic competition.

Born and raised in a small Wyoming mining and sheep ranching community, Dr. Buss worked throughout his early school years. His commitment and energy paid off, as he was awarded a full scholarship to the University of Wyoming, where he completed his undergraduate degree in just 2½ years. A dedicated scholar, Jerry Buss continued his education at the University of Southern California, where he received a Ph.D. in chemistry. Shortly after graduation from USC, he began working in the aerospace industry and taught nights at his alma mater.

In 1958, Jerry Buss began in earnest to research the multiple avenues of real estate investing. Armed with a scientific approach and a few extra dollars, he and a business partner were able to purchase their first apartment building. Not only were they now landlords, they also became gardners, plumbers, carpenters and painters in an attempt to reconcile costs and improve revenues. They worked their regular jobs by day and their investments by night. Today, Mariani-Buss Associates is a multiple-hundred million dollar real estate business. Dr. Buss is a living example that diligence and a commitment to excellence can indeed be highly profitable.

While Dr. Buss is an outstanding businessman, he is an even greater humanitarian. Among his many charitable benefactors are the United Negro College Fund, Big Brothers and Big Sisters Organization, and a myriad of neighborhood health clinics and services. Additionally, Jerry Buss has endowed a fellowship in chemistry at USC in the name of his doctoral professor, Dr. Sidney Benson.

Dr. Buss is a man well respected and admired in the Los Angeles community. I am honored to have this opportunity to pay tribute to his distinguished contributions to the citizens of Los Angeles and wish him continued success in his many endeavors.●

GOLD MEDAL TO MARY WAYTE

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. CHANDLER. Mr. Speaker, I am proud to congratulate on the House floor today Mary Wayte of Mercer Island, WA, who today is being feted in her home town for her stunning victory in winning the Olympic Gold Medal in the 200-meter freestyle swimming event last week in Los Angeles.

Mary was a member of the Chinook Aquatic Club, coached by Jack Ridley, which has produced a number of national-caliber swimmers over the years. She swims now for the University of Florida and has 3 more years of eligibility as a college swimmer.

I know I speak for Mary Wayte's family and friends in Mercer Island, WA, and the people of Washington's Eighth Congressional District in saluting her. After years of sacrifices, prac-

tice, and determination, she has reached the pinnacle of success in this event. I congratulate her on her victory and thank her for renewing in us our deep sense of national pride.●

HONORING PETER J. MILLER

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. HYDE. Mr. Speaker, on June 16 of this year, former Illinois State Representative Peter J. Miller reached his 75th birthday and was joined by his family and hundreds of his friends in celebrating that important milestone in his full and productive life.

Even though Pete has retired from 15 years in the Illinois General Assembly, 8 in the Senate and 7 in the House, he has certainly not retired from active politics. He has been a Republican precinct captain for 51 years, and he has never lost his precinct to the opposition. I doubt if anyone in America can equal that record.

Pete Miller was past president of the Amateur Skating Union of the United States and was U.S. Olympic skating coach in 1940 and 1948. He also served twice as Secretary of the Illinois Athletic Commission. Pete also served as athletic director of the Catholic Youth Organization in Chicago under the late beloved Bishop Bernard Sheil.

Most recently Pete served with Robert Gibson, president of the Illinois AFL-CIO and Paul Gublin of the United Auto Workers on an Illinois task force to negotiate a satisfactory workers' compensation law between labor and management. They were successful in this most difficult area, which is a tribute to the wisdom and ability of each of the task force members.

At a time when most people would be enjoying retirement, Pete Miller is maintaining a schedule busy enough for a dozen ordinary people. In addition to "working" his precinct for the Republican Party, he serves as a member of the Board of Review, Illinois Department of Labor, and as a legislative representative to the Illinois General Assembly for Joint Council 25, International Brotherhood of Teamsters.

Mr. Speaker, there is a very special reason why Peter J. Miller's 75th birthday is important to me. In 1972, when I was a member of the Illinois House of Representatives, I was defeated in the Republican primary and thus would have been forced to give up my political career. Pete was nominated for the same office in an adjoining district and made the supreme political sacrifice of withdrawing in my favor so I could still run for election that following November. With Pete's help I was elected to the Illinois House from his district and thereafter ran successfully for Congress in 1974. It is therefore safe to say that I am serving in Congress today due in no small measure to the sacrifice and support of Peter J. Miller.

His advocacy of the interests of organized labor within the ranks of the Republican Party has served a most useful function in reminding the party that the advice and counsel of labor is important and deserves an attentive hearing in formulating Republican policy.

His many years of service to his family, community, political party, and organized labor entitle him to the respect and admiration of good people everywhere. Happy birthday, Pete, and may you have many, many more.●

FREMONT, NE, SEEKS TO SAVE ITS HISTORIC OPERA HOUSE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. BEREUTER. Mr. Speaker, not long ago I read a letter to the editor that appeared in the Fremont Tribune. The author, Col. Barney Oldfield, is a former Nebraskan who has never lost touch with our State. He was commending city residents for their efforts to restore the historic Love-Larson Opera House.

I share the sentiments expressed by Colonel Oldfield and wish to share his letter with my colleagues. As an historic preservation enthusiast, I applaud efforts to restore beautiful, old buildings that are a link to our past.

[From the Fremont (NE) Tribune, June 23, 1984]

OPERA HOUSE EFFORT APPLAUDED

Ever since they had me back there for the Nebraskaland Foundation's Distinguished Nebraskalander award, and I was told of Fremont's ambitious project aimed at restoration of your Love-Larson Opera House, I have wanted to write to applaud your effort. Now, as I have just returned from the 40th anniversary on Normandy's Omaha and Utah beaches and am about to take on another nostalgic binge serving for the sixth year in a row as chief judge of the Great Steam-boat Race from New Orleans to St. Louis, what better time for a defected Nebraskan living in California to salute your community for this undertaking?

Just imagine what a ludicrous pretension it must have seemed to the scoffers who always were about in great numbers that an 1888 Fremont "needed" an opera house! Another saloon, or another livery stable, maybe, but an opera house? Come on, now. Yet there were people then who had a hunger for things as a relief from the harsh and mundane, an escape hatch, and they saw where they were capable of building, improving and horizon-widening. In Fremont, the Love-Larson Opera House was a result.

It was an era of inspiring and romantic ideas. In 1870, five kids saw a showboat circus in McGregor, Iowa. In that Mississippi riverbank village, they begged their mother to sew them a muslin tent in which they performed. They were the Ringling Brothers. That was the year of the steamboat race in which the Robert E. Lee beat the Natchez, which inspired an Odessa, Russian-born L. Wolfe Gilbert to write "Waitin' for the Robert E. Lee"—and which now causes the Delta Queen Steamboat Co. to start what has become its annual custom of Great Steamboat Races involving the Mississippi Queen and Delta Queen. They are million-dollar-grossers each time.

Not long ago, in Guatemala, a citizen of that country told me what he though was a basic reason why we north of the Mexican border were so lucky. Latin America, he said, was settled by plunderers and exploiters who only wanted to take what they looted and go back to Spain and Portugal and live it up. "Your country," he told me, "was settled by families, people who came to stay, carve out a new life, develop and improve—and to hand your country as a better place to each new generation. We were not so lucky."

One of those civic betterment cases was the Fremont Love-Larson Opera House. While we don't have ancestor worship done to any degree in the U.S., there's no good reason why we shouldn't respect what they did beyond meeting tough challenges and surviving but had the vision and tenacity to be resourceful and make things better. The Fremont Love-Larson Opera House is testimony to how early and well they did it—and why it should be shined up as a civic pride and perpetual reminder of Fremont's forward-looking forebears.

So with applause from afar and best wishes, too—Barney Oldfield.●

CARROLLTON ENTERPRISES RECEIVES HONOR AWARD

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. HOYER. Mr. Speaker, I rise today to bring to my colleagues attention the achievements of the award winning Carrollton Enterprises located in Beltsville, MD, in my district. Recently, during the ninth annual awards dinner of the Maryland Chapter of the American Society of Landscape Architects, Carrollton Enterprises won the honor award in commercial and industrial design for their Calverton Office Park. This first place award was the only honor award presented in the State of Maryland.

Consisting of three buildings and approximately 300,000 square feet of space, the Calverton Office Park is a truly innovative and practical approach to office leasing. The three ponds and gazebo which interlace the buildings help to create a relaxed work setting, and an atmosphere conducive to more efficient production.

The Calverton Office Park is just one more example of the many quality developments that Albert Turner and Ray LaPlaca of Carrollton Enterprises

have created in Prince Georges County. Both men have long taken an active role in the various aspects of community life, contributing much of their time and talent to advancing the prosperous development of Prince Georges County. Certainly, their efforts in commerical and industrial design are deserving of our praise and their accomplishments in a variety of civic activities are laudable.

Mr. Speaker, I am proud to have the opportunity today to extend to these two men, and to the others who make up Carrollton Enterprises, my congratulations on this fine achievement.●

AMERICA'S VETERANS: REMEMBERING IS NOT ENOUGH

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. PATTERSON. Mr. Speaker, I would like to ask my colleagues to join me in reflecting for a few moments on the debt we owe to our Nation's veterans. As a veteran, and as one who was able to attend college because of the GI bill, I am extremely concerned that our defenses remain strong and our veterans be treated with respect and fairness.

In recent months, we have had several occasions to commemorate the sacrifices which our veterans have made for their country. The 40th anniversary of D-day reminded us all of the great heroism displayed by our Armed Forces in liberating Europe from Nazi tyranny. On Memorial Day, the remains of an unknown Vietnam serviceman were finally placed at the Arlington National Cemetery.

But remembering is not enough. We in Congress must continue our efforts to ensure that veterans receive adequate health care, pensions, and compensation assistance. I would like to commend the distinguished chairman of the House Veterans' Affairs Committee for his diligent efforts in bringing a number of crucial pieces of veterans' legislation before this House. We can take great pride in what this Congress has accomplished on behalf of our Nation's veterans.

I am pleased that on June 18, the House approved legislation to provide a December 1, 1984, cost-of-living increase in compensation for service-connected disabled veterans and survivors of veterans who die from service-connected causes. Although the administration requested that this cost-of-living increase not be given until April 1985, I believe our veterans and their survivors should receive their increase at the same time it is given to civil service retirees and Social Security beneficiaries, in December.

One of the most serious problems facing veterans of the Vietnam era is unemployment. The July unemployment rate for Vietnam-era veterans in the 25 to 29 age group was 10.3 percent, compared with a rate of 7.4 percent for nonveterans in the same age group. In 1983, Congress took an important step toward alleviating this problem when it approved the Emergency Veterans Job Training Act [EVJTA].

I am also proud to be the sponsor of legislation designating 1 month as Hire a Vet month, in order to call attention to this critical job training program. Our veterans have proven themselves through their service to their country. Now they must be given an opportunity to take their place in the work force. Employers must be made aware of the substantial benefits they can receive by training and hiring these dedicated individuals.

In addition to EVJTA, the House has included in the fiscal year 1985 Defense authorization legislation a new GI bill, which will replace the current program when it expires in 1989. The new bill will provide well-deserved education benefits to those who serve in our Armed Forces and will be a boon to the recruiting and retention of military personnel.

Many of our veterans are also concerned about the possible effects they may have suffered due to exposure to agent orange or atomic radiation. The Agent Orange and Atomic Veterans Relief Act which is currently in conference with the Senate would provide assistance to veterans who served their country, contracted illnesses which may be service related and have not received disability compensation.

Finally, Mr. Speaker, we must not forget the large number of Americans still missing in action in Southeast Asia. For this reason, I am cosponsoring legislation calling for a full accounting of our MIA's. Earlier this year, with assistance from the Reagan administration, I was able to arrange a meeting with Vietnamese officials during an international finance conference.

The plight of our MIA's was the first item on my agenda. I let the Vietnamese know that, while heartened by our recent hard won progress, we insist that they cooperate fully in locating our MIA's. I made it clear to the Vietnamese that they could not expect any consideration of diplomatic recognition or opening U.S. markets to Vietnamese good until there has been an accounting for every last one of our missing in action.

As Americans, we all share the goal of a strong national defense. If we are to achieve this goal, we must keep faith with those who have served their country. I urge my colleagues to join with me in ensuring that our Government fulfills its promise to those who served their country, as stated in the motto of the Veterans' Administration: "To care for him who shall have borne the battle and for his widow, and his orphan."●

REV. WILLIAM D. BOYD RETIRES

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues that Rev. William D. Boyd, devoted rector of the Aquia Episcopal Church, Overwharton Parish, for the past 14 years, is retiring at the end of this month from the active ministry.

Father Boyd has served as rector of four parishes in the 36 years since his ordination as a priest in the Episcopal Church.

He is a graduate of Officer's Candidate School, Northwestern University, Chicago, IL, and served in the U.S. Navy from 1941 to 1977, retiring with the rank of lieutenant commander. He saw active combat during World War II, was a line officer, served in the Hospital Corps of the Navy, was a member of the staff of the Chief of Naval Personnel, was an instructor in amphibious strategy and tactics, and helped to draft the Law of the Sea Treaty.

Father Boyd has also attended the Naval War College, Newport, RI; Church Divinity School, Berkeley, CA; Baylor University, Waco, TX; Northern Virginia Community College, Alexandria, VA; and in May 1983, he completed graduate level courses in philosophy and ethics toward an advanced degree at the Catholic University of America in Washington, DC.

The historic Aquia Church, erected in 1751, decades before the United States became an independent nation, is a tiny country church which reflects the very spirit of our Founding Fathers—their patriotism, their dedication to God and country, and their commitment to justice, freedom, and peace.

To this historic church, Father Boyd brought inspirational leadership, and through his loving guidance, it grew and blossomed into a living church serving the needs of all of its parishioners. Today Aquia Church not only reflects the history of our country, but its promising future as well. The splendid work that Father Boyd has done shall continue to bear fruit as time goes on.

Father Boyd will be missed by all those in the Fredericksburg, VA area who have had the privilege of knowing him, but he has truly earned this retirement, and I join his friends and parishioners in wishing for him, and his devoted wife, Elizabeth, abundant

good health and much happiness in the years ahead.●

JOINT TAX COMMITTEE CORRECTS STATEMENTS ON KEMP-KASTEN TAX REFORM

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. KEMP. Mr. Speaker, 2 days ago the Washington Post and New York Times contained stories attributing to the head of Congress' Joint Committee on Taxation the opinion that the Kemp-Kasten fair and simple tax [FAST] would raise the tax burden on middle-income taxpayers, while the Bradley-Gephardt plan would be distributionally neutral in all income classes. The stories were based on a letter from chief of staff David H. Brockway to Senator ROBERT DOLE.

Mr. Brockway has written a second letter to Senator DOLE, to Senator KASTEN and to me. The letter states that "the FAST proposal is distributionally neutral for taxpayers with incomes below $100,000 according to the same criteria applied to the Bradley-Gephardt proposal." That is, the deviation from current law from one income class to another over this range is about the same for Bradley-Gephardt and for Kemp-Kasten.

The problem was partly created by the fact that the original letter to Senator DOLE cited specific numbers for Kemp-Kasten, but not for Bradley-Gephardt. Citing specific numbers for Bradley-Gephardt would have show deviations from perfect neutality which were at least as large in most income classes, though presumably subject to the same considerable margin of error. It is still unclear why the two plans were not treated alike.

This was not the only problem, however. The sponsors of the bill had never received the figures cited in the letter published by Senator DOLE, and still have not received them. Yesterday the committee was unable to provide us with anything but the original letter to Senator DOLE.

The only estimates received by the bill's sponsors so far are incomplete, which is why we have not released them. According to our last letter from Mr. Brockway, which contained those estimates:

> The data used by the model do not have information associated with many of the repealed provisions . . . These off-model items, if repealed, are estimated to increase individual federal income tax revenues by more than $10 billion in 1985 when compared with current law. It is important to note that these omitted tax increases disproportionately affect the upper-income groups.

That's the last word we received.

Adding to the confusion, none of the estimates exactly reflect the bill as introduced, much less the second version of the bill which we have planned to introduce this week.

Senator KASTEN and I have pledged to improve our bill when we find it necessary, to meet the goals we have set. And we find nothing in all this which does anything but confirm the statement we made when we introduced the bill in April:

> The overall distribution of the federal tax burden is little changed from current law [under Kemp-Kasten]—with and without the Social Security tax. In each income class up to $100,000, the amount of revenue raised is estimated to be about the same as under current law. In fact, there are small reductions on average for taxpayers below $20,000. Over $100,000, ignoring incentive effects, there would be modest revenue losses. Including incentive effects, revenue would be about the same, or slightly higher, than under current law. For example, when the top income tax rate was cut from 70 to 50 percent in 1982, revenue increased by 13 percent among taxpayers earning more than $100,000 a year.

In sum, Mr. Speaker, insufficiently substantiated estimates of a tax bill have been published without giving them to the sponsors. The estimates were presented in a misleading way, and then reported in national newspapers. I thank Mr. Brockway for his effort to begin to set the record straight. The Washington Post today corrected its earlier story on the basis of his letter. But obviously, it is not possible to undo all the damage that has been done.

I insert the letter from Mr. Brockway into the RECORD:

JOINT COMMITTEE ON TAXATION,
Washington, DC, August 9, 1984.

Hon. JACK F. KEMP,
House of Representatives,
Washington, DC.

DEAR MR. KEMP: I want to clarify any misunderstandings that may have developed about estimates of the distributional impacts of the Kemp-Kasten FAST tax reform proposal as a result of the letter I wrote to Chairman Dole on August 6.

We have been extremely reluctant to publish any quantitative estimates of the distributional impacts of the FAST and similar proposals because the data that are currently available are not adequate to support precise reliable estimates. The Treasury Department is working on a new data base in connection with its tax reform study which should permit us to make accurate static estimates when the data are available.

Let me also note that the FAST and similar proposals would have far-reaching economic impacts which are not accounted for in static distributional estimates and which could markedly alter the results, a point made in my letter to Chairman Dole which did not receive adequate attention in some press accounts. More specifically, the estimates are based on a model which assumes that taxpayers have the levels of income and deductions they had in 1981. Thus, the analysis is static in the sense that no changes in taxpayer behavior are assumed to result from changes in the tax law. Although this assumption is not realistic it does provide a consistent basis for comparing different proposals.

My understanding is that the FAST proposal was designed to be distributionally neutral with respect to taxpayers with incomes below $100,000. Deviations of two and three percent from exact neutrality are well within the range of error of the estimates. Therefore, the FAST proposal is distributionally neutral for taxpayers with incomes below $100,000 according to the same criteria applied to the Bradley-Gephardt proposal in my letter.

As the new data become available, we will make a special effort to keep you informed of the implications of the data for the revenue and distributional effects of your bill.

Sincerely,

DAVID H. BROCKWAY.●

LEGISLATION TO STRENGTHEN PROTECTIONS FOR FEDERAL WHISTLEBLOWERS

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. McKERNAN. Mr. Speaker, yesterday the Manpower and Housing Subcommittee of the Government Operations Committee, chaired by the Honorable BARNEY FRANK, held a hearing to examine the need for greater occupational safety and health protections for Federal workers. Under current law, private sector employees enjoy a number of protections from workplace hazards, due to the Occupational Safety and Health Act, which are not shared by employees in the Federal sector. One of the most important of these protections is the right to be free from employer reprisal if an employee reports to the Occupational Safety and Health Administration [OSHA] what he or she perceives to be a workplace hazard. The need for such protection from reprisal is clear if employees are going to have any say in whether or not their workplace will be free from safety and health hazards.

If a private sector employee believes an act of reprisal has been committed by his or her employer in retaliation for the employee's having reported a health or safety hazard, the employee can turn to OSHA for protection. Under the OSHA statute, the agency has the authority to go into Federal district court on behalf of the aggrieved employee and seek reinstatement with back pay, if necessary.

Because both Chairman FRANK and I have been concerned about the adequacy of health and safety protections for Federal employees, the subcommittee examined this issue yesterday, with a particular focus on the situation at the Portsmouth Naval Shipyard located at Kittery, ME. In April 1983, the subcommittee had looked into the problem of worker exposure to asbestos at the shipyard. While considerable effort has been made since

that hearing to remedy the asbestos problem, a number of other health and safety hazards continue to exist at the shipyard.

Because the Manpower and Housing Subcommittee has oversight jurisdiction over the Department of Labor, which includes the Occupational Safety and Health Administration, we felt that a followup hearing was in order. The testimony we received during yesterday's hearing revealed a number of deficiencies in the protections afforded Federal employees insofar as the right to work in a safe and healthy environment is concerned. Not the least of these deficiencies is the lack of protection for Federal employees from acts of employer reprisal. We have all read about instances of whistleblowers in the Federal Government who attempt to report incidents of waste, fraud, or abuse committed by their coworkers. Unfortunately, more often than not, these whistleblowers end up paying dearly for their decision to speak out. The vast majority of these whistleblower cases concern, not surprisingly, allegations of waste, fraud or abuse within the Department of Defense. But the same uphill battle faces those Federal employees who report blatant health or safety violations in their place of employment. One of the witnesses our subcommittee heard from yesterday was a constituent of mine, Mr. George Ackley, who is employed at the naval shipyard at Kittery. Mr. Ackley told the subcommittee of his repeated pleas, first to the Navy and then to OSHA, to have some of the shipyard's most dangerous hazards corrected. As a result of his speaking out, Mr. Ackley was threatened by his supervisor and passed over for a promotion he was otherwise due. If Mr. Ackley were employed in the private sector, he could turn to OSHA for help.

The closest thing a Federal whistleblower has to the protection extended private sector employees under OSHA is currently found in the Office of the Special Counsel of the Merit Systems Protection Board. The special counsel has authority to go before the Board on behalf of whistleblowers whom he has determined have been the target of employer reprisal. When we asked the OSHA spokesperson who testified at our hearing whether he thought the agency should protect Federal sector whistleblowers who report occupational health and safety hazards, he replied that OSHA's position is that the special counsel of the Merit Systems Protection Board provides adequate protection to Federal whistleblowers. The special counsel's own testimony, which we heard immediately after OSHA's, disputed this assertion. Because the Manpower and Housing Subcommittee has oversight jurisdiction over the Merit Systems Protection Board, we were particularly interested in having the special counsel's views on this question. In response to questions from subcommittee members, Special Counsel K. William O'Connor pointed out that his statutory authority stops short of permitting him to appeal an adverse ruling of the Merit Systems Protection Board to Federal district court. That statute under which the special counsel currently operates requires the special counsel to overcome an almost impossible burden of proof in order to prevail on the whistleblower's behalf before the Board. Without the right to appeal a Board decision to Federal court, the special counsel testified that his statutory authority amounts to no more than a "paper tiger."

In light of the testimony received by the Manpower and Housing Subcommittee yesterday, Chairman Frank and I determined that legislation is needed to strengthen the authority under which the special counsel currently operates. The most effective way to achieve this end is to give the special counsel access to Federal courts once the Merit Systems Protection Board has rendered a decision. Today, Congressman FRANK and I are introducing legislation which would permit the special counsel to appeal unfavorable rulings by the Board to Federal district court. Our bill would extend to the special counsel the authority to apply for:

First, enforcement of subpenas;

Second, enforcement of Merit Systems Protection Board orders;

Third, injunctions against agency counsel interference in special counsel investigations;

Fourth, injunctions against harassment or intimidation by agency officials of whistleblowers; and

Fifth, appeal of final Merit Systems Protection Board orders.

In addition, our bill would give the whistleblower who is the subject of the special counsel's action the right to interfere on his or her own behalf—either at the administrative or judicial stage.

I am hopeful that the Judiciary Committee's Subcommittee on Administrative Law and Governmental Relations, on which Congressman FRANK serves, will act quickly on our legislation once Congress reconvenes next month. Similar legislation was introduced yesterday in the Senate, so enactment of the measure during the 98th Congress is a very real possibility. I commend Congressman FRANK both for calling attention to the need for more effective protections against reprisal for Federal whistleblowers and for cosponsoring this legislation.●

TRIBUTE TO CHARLIE HAVEN

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. ALEXANDER. Mr. Speaker, I rise today to pay tribute to a special constituent and personal friend, Mr. Charlie Haven. Charlie has served the city of Forrest City, AR, as the city clerk and treasurer since April 1933. He has served in this position longer than anyone else in the State. I think this honor speaks well of both Charlie and those enlightened citizens of Forrest City who keep electing him. I am enclosing an article which recently appeared in the Forrest City Times-Herald.

Charlie stands as a symbol of encouragement to our younger leaders to pursue community related activities. I believe it is important to recognize and to encourage our community leaders whose efforts are so integral to the growth and strength of our local areas. Charlie has undoubtedly strengthened the Forrest City community. He has been active in the Graham Memorial Presbyterian Church, a charter member of the Lions Club, a member of the American Legion, and he has served as the Chamber of Commerce treasurer.

Charlie, many thanks for a job well done.

The article follows:

50 YEARS OF SERVICE: CHARLIE HAVEN HONORED BY STATE GROUP

Fifty years is a long time to hold down a job, but Clerk-Treasurer Charlie Haven has done it, "because the people were kind enough to elect me every time."

Last night he was honored by the "Arkansas City Clerks, Recorders and Treasurers Association for his years of service. According to the Association's research, Haven has served longer at his position than anyone else in the state.

Haven first took office as Forrest City Treasurer in April of 1933.

"In those days the officers were installed in the spring months," says Haven, who later took on the combined job of clerk and treasurer. To get an idea of how long ago that was and how times have changed, consider this: Franklin D. Roosevelt had been elected to his fist term as president the previous November. The Great Depression was in full swing. And the city treasury didn't have much "treasure."

"We operated out of a general fund, that was supposed to pay all the firemen and policemen," says Haven. "When I took office, the former treasurer turned over to me $13.68 to run the city. The banks had closed. We had a frozen bank deposit of $75.21 that we couldn't get to."

From those humble beginnings in public life, Haven has gone on to be re-elected more than 20 times, and to serve under the administrations of seven mayors, so far.

J.E. Fegerson was mayor when Haven took office. Then there was Charlie Buford (1937-43); Jack Porter (1943-45 and 1949-57); Rodgers Deaderick (1945-49 and 1957-

66); Bob Cope (1967-74); Coolidge Conlee (1975-80); and presently Danny Ferguson.

Haven says he won't really have 50 years service until April of next year, because he spent two years (1943-45) in the Army, spending some of that time in New Guinea. During those years, his wife was elected to fill the post.

Haven has been more than a city employee. A lifelong resident of Forrest City, he has has been active in the Graham Memorial Presbyterian Church, the American Legion, is a charter member of the Lions Club, and served on the Chamber of Commerce as treasurer, to name a few of his activities. He is also known locally for Haven Hardware and Sporting Goods.

When asked if he intends to continue running for Clerk-Treasurer, Haven says he doesn't know. "I'm going to take each day as it comes," he says.●

DINAH SHORE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. WAXMAN. Mr. Speaker, on September 18, 1984, at a gala benefit dinner in Los Angeles, Miss Dinah Shore will be awarded the Lifetime Achievement Award of the American Associates of Ben-Gurion University of the Negev.

While primarily noted for her long and versatile entertainment career in radio, television and films, Miss Shore has also established herself as a leader in increasing the stature and respect of women's professional sports in the United States, and as an active participant in many philanthropic activities.

The September 18 award dinner will establish the Dinah Shore Scholarship Fund for Desert Research and Reclamation, which will develop and train young people to pursue the goals of the university—freedom from hunger, and life from the desert, and endow the Dinah Shore Green House, a desert agricultural laboratory in the department of biology located at Ben-Gurion University in Beer-Sheeva, Israel.

The American Associates of the Ben-Gurion University of the Negev was established in 1976 to foster support of the university in the United States. Their long roster of services includes the establishment of scholarships and research grants and the sponsoring of faculty exchanges with such leading institutions as UCLA, USC and desert research institutes in southern California, Nevada, Arizona, and Utah. They have also provided extensive financial support to many vital programs at the university, such as reclamation research, the university's medical school, and the development of new solar energy concepts.

I am sure my colleagues join me in congratulating Miss Shore on her award and wishing her continued success in all aspects of life.●

THE CONTINENTAL BANK BAILOUT AND ITS IMPLICATIONS FOR FUTURE BANKING REGULATION

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. LEACH of Iowa. Mr. Speaker, in a free enterprise society all institutions, no matter how large, should have the right to fail.

Yet, with surprisingly little public comment, the U.S. Government last month launched the largest bailout of a private-sector enterprise in American history. Meeting behind closed doors, three Federal regulators authorized the expenditure of $4.5 billion of Federal Deposit Insurance Corporation [FDIC] funds to rescue Continental Illinois National Bank.

As a member of the House Banking Committee, I was asked to debate the Continental Bank issue with Senator ALAN DIXON of Illinois on the MacNeil/Lehrer Newshour. Senator DIXON pointed out that at issue were perceptions of the soundness of the banking system and the possibility that other banks might be endangered by the collapse of Continental. Nevertheless, I believe the Federal action represented a mistake of profound proportions.

So far this year 28 banks, all having assets of less than $170 million, failed, with no protection given the shareholders. While unfortunate, this was right and proper. The U.S. Government has no business protecting incompetent financial institutions or, for that matter, simply unfortunate ones.

But in the case of Continental, a bank widely recognized to be as poorly managed as any major American enterprise, a dual standard has been established. Because of its size, the Government stepped in to protect uninsured depositors, holders of the bank's commercial notes, preferred stock, and common stock—albeit, in the last case with substantial potential dilution.

The cost to society of the Continental bailout is staggering—more than that involved in recent loan guarantees for Chrysler, Lockheed, and New York City combined. More consequential is the precedent established. If the Government is prepared to step in to protect the worst-run major bank, all other large banks will be deprived of any incentive to maintain prudent lending practices. Go-go growth rather than sound banking practices will be rewarded. If a bank oversteps itself, the punishment will be Federal aid and the leveraged capacity to compete against rivals as a quasi-nationalized entity.

While the bailout funds come largely from $16 billion in FDIC reserves, the full faith and credit of the Federal Government stands behind this privately generated insurance fund. The liabilities to taxpayers thus increase in proportion to the losses incurred within the FDIC system and are compounded when large banks are robbed of incentives to follow prudent banking priorities.

Some have suggested the Government had no choice but save Continental. This is nonsense. The world will survive with one less bank. The question, as always is one of dollars and cents—whose ox is gored. If the bank had been allowed to fail like smaller financial institutions, losses would have been incurred by the shareholders, commercial note holders, and uninsured depositors—those with accounts in excess of $100,000. For the sake of papering over the wrenches which currently exist in banking, the FDIC and potentially the public at large are taking the full hit.

Four and a half billion dollars is a pretty price to pay to cover up a problem that will not go away.

A wiser approach, it would seem, would simply have been to liquidate the bank, in an orderly fashion, selling off its loan portfolio at a discounted value. The regulators argued this would have taken years, sparked a loss of confidence in America's banking system, and caused in a domino fashion the collapse of numerous smaller banks. I doubt it. Give or take a few billion, what Continental represented when the regulators stepped in was a bank with no capital base, approximately $35 billion in responsible loans and perhaps $5 billion in uncollectibles. Instead of moving to insure all depositors on May 18 and eventually making what appears to be a $4.5 billion mistake, the FDIC could have taken over the bank, began selling its loan portfolio, paid off fully the $3 billion in insured deposits, and eventually 85 cents on a dollar of uninsured deposits. The shareholders and bondholders would have lost all, and the uninsured depositors been burned to the tune of approximately 15 cents on the dollar—not an unrealistic penalty for poor risk management of funds, nor one likely to have caused the failure of other banks or a collapse in confidence in America's banking system. Instead of rewarding risk-prone banking practices, the precedent established would be one of providing a firm but not panicked warning to stockholders and depositors to watch management more carefully. All growth is not good growth. Smaller can be more beautiful.

Rather than reinforcing the safety and soundness of the Nation's banking system, the approach Federal regulators took emboldens improvidential banking practices. The consequences for taxpayers are grave. But far graver are the consequences for management of the money supply and, in effect, the

economy itself. If banks do not face the discipline of the marketplace and keep prudent loan portfolios, the money supply will grow disproportionately in industries or geographic regions where growth-at-all-costs banking takes place.

While Continental's problems are unlike those of other money center banks in that they largely relate to inadequately supervised domestic as opposed to foreign loans, the Continental bailout carries with it implications for the international lending practices of other larger banks. When lending is unrestrained by either the enforcement of an adequate capital base or, as in the case of foreign lending, reserve requirements, financial institutions have a tendency to create excessive capital through the multiplier effect of making loans. It appears to be no accident that the inflation of the late 1970's as well as the overextension in foreign lending can be traced to the 25 percent per year growth regulators allowed to occur for two full decades in Eurocurrency financing. Since any bank can grow simply by taking on more loans as long as depositors can be attracted and protected, it is imperative that incentives be established for depositors to be wary of institutions like Continental. Management's decision to expand the bank's loan base at twice the national average—over 20 percent per year from 1977 to 1981 and to rely excessively on high cost short term money should have been warning enough to depositors as well as shareholders.

Having taken part in hearings two years ago in Oklahoma City on the failure of the Penn Square Bank, I can attest to the high-risk unsupervised approach Continental took to buying a billion dollars worth of energy loans from this one flamboyantly run regional bank. Neither the public nor the FDIC should be responsible for bailing out stock or bondholders of institutions so imprudently led.

Perhaps the most important reform that occurred in banking as a result of the bank failures of the Depression was the establishment of deposit insurance, which today covers accounts up to $100,000. But the FDIC announcement May 18 that it intended to insure all deposits of any size at Continental signaled for the world that bankers need give little heed to risk management. Uncle Sam would provide a safety net for the big and powerful even at a time government agencies were given a mandate to prune programs for the weak and defenseless. The Continental bailout could not more graphically illustrate that deregulation is a matter of rhetoric rather than substance in Washington. If the most free enterprise biased administration in recent history blinks in the face of the political embarrassment involved in the potential folding of our eighth largest bank, what can be said about the future of our market economy?

Ironically, for smaller banks that have stronger capital requirements than larger ones, the ramifications of the Continental bailout are likely to be similar to those that occurred after the Bert Lance episode. Regulation will be toughened. For larger banks, boardrooms can breathe easier. The precedent will be comforting. Pressure to put our biggest banking houses in order will be reduced. Attention will be focused on broadening FDIC insurance coverage rather than on the real problem, which is capital adequacy.

The precedent of insuring 100 percent of all deposits is troubling. One hundred percent insurance coverage presents bank managers with an irresistible opportunity to gamble with bank funds and make risky, high-return loans. If they're lucky, the bank reaps big profits; if they're not, the insurance fund bails them out. It's like flipping a coin: Heads, the bank wins; tails, the FDIC loses. If there is a positive result of the Continental fiasco, perhaps this incident will prompt a rethinking of the proper role for deposit insurance. The insurance fund should not be a mechanism for the preservation of poorly managed banks; rather it should be returned to its original role of protecting modest-sized depositors.

Currently the FDIC is funded by fees assessed on banks as a flat percentage of their deposits. If this system were changed and insurance premiums were assessed based upon the riskiness of the bank's loan portfolio, bank managers would think twice before embarking on a growth-at-any-cost strategy. Insurance reform of this nature could reduce the likelihood of banking crises by hamstringing egregious lending practices before they reach the point of no return. Risk-based premiums would force banks to pay for gambling with the FDIC's funds and preclude small, conservatively run banks from disproportionately footing the bill for the shenanigans of money center institutions.

To assure broad confidence in the U.S. banking system, but not go to the brink of protecting high-flying banks and high-risk depositors, Federal regulators might in addition consider announcing a policy of guaranteeing that a hefty percent—perhaps 80—of all deposits above $100,000 will be immediately returned to depositors in banks that become insolvent, with assurances of the return of any additional recoverable assets after liquidation. Such an approach would have the advantage of assuring standard rules and orderliness, without dulling market discipline. Comparable regulations could presumably be pressed upon the governments of other major banking countries which face similar, indeed in most instances far greater, taxpayer liabilities in the event of substantial bank failures. To provide 100 percent insurance protection for all depositors, while attractive in some respects, holds implications for management of the money supply as well as for market discipline. The current pro-import, anti-export mix of government policies will be difficult to reverse if undercapitalized international lending institutions continue to hold the edge on attracting deposits from customers who perceive themselves as invulnerable from losses, even if the customers make the mistake of depositing funds in economically unviable institutions.

The scatter-gun decisionmaking that hallmarked the regulators' handling of the Continental issue underlines the appropriateness of Congress' rethinking the entire Federal bank regulatory structure. Three separate Federal agencies were responsible for overseeing Continental, and this diffusion of responsibility may be partially responsible for the negligence that appears to have characterized the oversight of the bank. A single Federal banking agency might have some advantages in eliminating the problems of overlapping jurisdiction and vague responsibility which plague the system. The burden of proof, generally speaking, rests with those who advocate institutional change, and while it may be premature for Congress to take a definitive position, the case for a thorough review of the regulatory system is powerful.

One footnote speaks for itself. Congress, as the elected body of the American people empowered to make spending decisions for taxpayers, was not only not fully consulted in advance on the policies that were applied to Continental, but regulators refused this summer to come before the appropriate oversight committee except on the agreed upon premise that they would not respond to questions about Continental. It is always easy to suggest that confidence in the banking system might have been jeopardized if the issue received a thorough review, but this Representative is hard pressed not to wonder whether confidence in the judgment of the regulators is not the real issue.

The bailout that is needed for our large banks is a private—rather than public-sector one—a recapitalization based on the selling of equity. The banks don't want to sell stock because it implies dilution at a time the vast majority of bank stocks sell for less than book value. But raising money the old-fashioned way makes a lot more sense than relying on the Government for new-fangled bailouts which the public is very likely to put a halt to in any respect.

The bailouts of Lockheed, Chrysler, and New York City stand as controver-

sial acts of Government, but at least they were widely debated and received the specific statutory support of Congress and the President. The bailout of Continental is based on broad standby authority transferred to regulators by previous Congresses. What makes it particularly unseemly is that the regulators who decided on the nationalization approach are the very ones who failed to stop the banking practices that caused the problem in the first place.

The ultimate irony may be that the only approval required for the regulator's approach must come from a formal vote of stockholders who are to be saved, not from taxpayers or their representatives in Congress who may have to foot the bill.

Chosen to head the newly reorganized bank are two distinguished businessmen—John Swearingen, formerly chairman of Standard Oil of Indiana, and William Ogden, formerly vice chairman of Chase Manhattan. But the public need not hold its breath in doubt, as it did with Chrysler, whether Continental will make it. Unlike Chrysler and Lockheed before it, actual cash—not just a leveraged loan guarantee—has been infused into the bank and the most dubious portion of Continental's liabilities assumed by the Government. William Isaac, the chairman of the FDIC, even pledged at a news conference that if things do not go well in the months ahead, his agency is prepared to give more. Survival is not in question. Continental needs not miracle workers, just glad handers. Swearingen and Ogden have taken the helm of a financier's utopia: A newly organized bank with a solid capital base, nonperforming loans, and an open-ended commitment of the FDIC for more funds. Can there be any doubt that Continental represents as much a regulatory as a banking scandal?

At issue in American banking today is the quality of money center bank loans, the capital adequacy of our larger banks, and the lack of uniformity in banking regulation. While tough State regulators, for instance, put small rural banks through the wringer and force them to classify many of their agricultural loans, many center banks have been allowed to present balance sheets which give the impression their widely criticized foreign and energy loans are collectible.

It's time for a "get tough" regulatory policy at the national level. There is no excuse for the U.S. Comptroller of the Currency to be less rigorous in establishing and enforcing Federal standards for large banks than the Iowa Superintendent of Banking does for smaller ones.

The big should be regulated as firmly as the small and, if circumstances warrant, allowed to fail.●

TRIBUTE TO WILLIE FRANK, SR., AND ALVIN BRIDGES

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. DICKS. Mr. Speaker, this summer, Indian people in Washington State observed an end to all mourning relating to the deaths of two leading figures in the Nisqually and Puyallup Tribal communities, Willie Frank, Sr. (1879-1983), and his son-in-law Alvin Bridges (1922-1982). Both were of Franks Landing on the Nisqually River. Their traditional second ceremony was recently held on the grounds of the Wa-He-Lute Indian School next to their home on the banks of that magnificent river, which draws source from the glacial springs of Mount Rainier and flows into the southernmost reach of Puget Sound.

Hundreds of people from neighboring tribes and the non-Indian citizenry of Washington State attended this rememberance ceremony, where they were thanked by the families of Willie Frank and Alvin Bridges for their throughtfulness and considerations following the recent seasons of change in their lives.

A feasting and giveaway lasted all of an afternoon and into the early evening. A measure of love represented by this gifting, and symbolic return of gifts, is found in the many hours, days and nights through the past winter and spring which the daughters and granddaughters of these two remarkable men committed toward the hand-crafted finishing and adornment of the gifted Indian apparel and other personal treasures.

The RECORD of August 4, 1983, carried a memorial to the living legacy of Willie Frank, when noting his death at age 104. It is appropriate that we share the Indian communities' continuing remembrance of both men now.

We shall soon note several significant anniversaries which have been of signal importance in the history of this Nation's relations with the aboriginal possessors of the continent. Willie Frank and Alvin Bridges were both beneficiaries to the Treaty of Medicine Creek of 1854, the first of the treaties by which the United States acquired native title in the Washington Territory of 130 years ago.

Of that treaty, the Federal negotiator and territorial Governor, Isaac I. Stevens, wrote that its provisions relating to the fishing rights and reservations of lands "had strict reference to the part they (Indian tribes) have played and ought to play in the labor and prosperity of the territory."

It is noteworthy that the Medicine Creek Treaty embodied the continuation of a national policy toward the Indian tribes which had been pronounced in the formative days of the United States following the Revolutionary War. That policy was declared, by more than concidence, in the same measure that principles governing the establishment of new States were initially determined; that is the Northwest Ordinance of July 13, 1787.

This enactment of the Continental Congress, which was meeting in Philadelphia simultaneous to the Constitutional Convention of 1787 and acting under an exchange of influences, proclaimed in its article III that:

> • • • The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

This policy, in spirit and authority, was then embodied in our national Constitution and remained the foundation to treaty making with the tribes.

It was by virtue of that policy and the Medicine Creek Treaty that on September 30, 1884—100 years ago—that the 4,717.28-acre Nisqually Indian Reservation was divided into 30 family allotments and deeded in a restricted trust to Nisqually Indians. Willie Frank had been the last living original allottee among the Nisqually Indians.

With enactment of the General Allotment Act of 1887 by Congress, all those Indians who had received allotments under their own treaties earlier were made citizens of these United States. That occurred, of course, 2 years before statehood was conferred upon Washington Territory. It is partly with this in mind, no doubt, that recent State Governors and local county commissioners took pride in calling Willie Frank "the first citizen of his tribe," "the first citizen of Thurston County," and "the first citizen of the State of Washington."

I must add that one of the best testimonials to the life, values, and tradition of Willie Frank is finding its expression in the valiant work of his son, Bill Frank, Jr. Since first being elected as chairman of the Northwest Indian Fisheries Commission, an agency of 20 member tribes, in 1977, the younger Frank has provided an unmatched leadership in forming new lines of communication and new systems of cooperation between the Indian and non-Indian citizenries and governments for advancing numerous mutual, and independent, interests of ultimate common concern.

I know my colleagues will appreciate reading the recent memorial oration delivered on June 16, 1984, relating to

the lives of these inspiring men and providing an insight into Northwest Indian history and tradition. It is a writing of Hank Adams, Assiniboine-Sioux and life-long resident of Washington, who served as the Treaties and Federal Indian Relations Task Force Chairman for the American Indian Policy Review Commission of the Congress in 1975 and 1976.

WILLIE FRANK, SR., AND ALVIN BRIDGES

I first speak from a song borrowed from another tribe in the Land and Country of Semu Huaute where both Grampa Willie Frank and Al Bridges at different times found Respite, a Comfort and Peace, in the Travels of their Lives. They sing:

"In the chipped and tattered
weaving of a weathered basket
the voice of an ancient age
sleeps dreaming of breath

My eyes have closed
and look forward to sleep
but over fields, trees, mountains and clouds
I sail on an eagle's wing

From fresh currents of night air
above fir and cedars near the cemetery
the language of ancient lips burns in our blood again."

I thank their singers. Knowing something of the Image and Echo, Shadow and Soul, of Indian People, they have offered music to this moment.

Now I am on my own—and see no Eagles in the Sky to aid me. I am alone with the Sounds and Song of the Stream before me, The Nisqually, and am immediately reminded that I am not alone. This magnificent River still sparkles in the Spirit and with the Life it shared for so many years with Gramps and Angeline, and yet shares with their children and many grandchildren. Still, when its magic currents move in mood of melancholy, they express the gentle sadness of sometimes missing a special son, a favorite fisherman who knew them and their bed best, Al Bridges—in the manner of missing someone properly gone but who was of particular good joy in company; or of missing that which passes to another age, closer to the ancestors and ancients, like the lines and swift spirits of the thousands of cedar canoes which caressed the waters of our history for thousands of years—then became few; rare; regretfully, perhaps, no more.

As guard against a lost world, however—I am sure—a special caring by that Glacial Woman who spoke, "Ta-coma," and with her Son, in the Great Mystery, created a great cradle of water—the Natural Blood of the Earth—at her footsteps before taking residence at the highest point overlooking this country, there to feed the springs, cascades and channels of the Nisqually River; her special caring nourished a unique life in the person of Willie Frank and embedded a Spiritual seed in the province of his home which would grow as "Franks Landing" to provide such a guard against loss—and a protection for a world which should not be lost.

I listened to Gramps yesterday, talking of his brothers, the deer, the nurturing grasses and roots of the prairies, and of his long life and loving the salmon—and what should be done for their future. If there is to be a future for our children—and there shall be—it is partly because—and I might say, the Wa-He-Lute School provides but one striking example—because Gramps, Willie Frank, made "the language of ancient lips" burn "in our blood again."

Also, it is partly because Al Bridges came to Franks Landing to marry and bring forth a family which realized the promise of its setting, the obligations of our Race and Heritage as Indian people, and who accepted the necessary labors of a responsibility to our future—which could not, and cannot, be denied. Previously I've spoken of what "this solitary man, this Fisherman Warrior," with Maiselle and their daughters, Suzette, Valerie and Alison, sought to do, and, in large measure, accomplished for the community of Indians and the sacred ideals of humankind. And, as Al stood on these Riverbanks as a proud and uncompromising "Renegade" ten, twenty, and thirty years ago—renewing the integrity of the Indian Person in all respects, whether in the free flow of his unshorn, clean black hair; the force of hands committed to an ancient livelihood and the architecture of a people's future; and a heart sensitive to the slightest command of human needs—he stands yet as a symbol which inspires our Souls. Of course, he is still with us—"over fields, trees, mountains, clouds" and in the wind—I hear him say—"I sail on an Eagle's wing."

While I mentioned Gramp's and Al's "travels in life," I would note also the Spiritual Bonds with the many Indian people who traveled here to commune their knowledge and strength from their Directions. David, Jack, and Thomas from among the Hopi; Mad Bear and the Clan Mothers, Chiefs and Messengers from the Six Nations; Native Sisters and Brothers from Canada and Alaska and the "Los Centros" of two continents, La Raza; among many more—multitudes. However, it is often the close and near who must sustain friends most dearly, whether knowing or not knowing their fortunes or needs.

In this regard, I want to make special mention of Al Bridges' partner, friend, companion and sustaining strength on the River for many years, Ronnie Wells.

Also, I want to express a special appreciation to Lonnie Healy, who first came to Franks Landing in 1964 the first year I did, and who has been a constant friend to Maiselle, Al, and all of us, while remaining a reassuring symbol of the Good which may generate from Conscience and Caring.

Finally, I see it fitting that we should remember Gramps and Al together. One born of the last century, the other of this: Both will be remembered as special Indians of the century, The Twentieth—memorialized by History into the next—in this State and Nation—for Indians and for others.

—HANK ADAMS.

June 16, 1984—By the Nisqually River and Wa-He-Lute School.●

SPECIAL OLYMPICS?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, with the Olympics almost over now, and the Soviet reason for not coming having proved entirely fallacious, I think that perhaps we should ask ourselves if in fact we really wanted the Soviet athletes here, anyway. Many people in this country ignore the very significant fact that Soviet military and intelligence organizations are closely related to Soviet athletic organizations. The Soviet Olympic team is actually made up largely of athletes who are recruited from the KGB and its military counterpart, the GRU. Each athlete is trained not only to compete in a given sport, but also in intelligence collecting, deception, sabotage, and terrorism. These athletes, therefore, are what you could euphemistically call special.

The question that must be asked, then, is whether or not we even wanted to open our doors to the KGB and the GRU. Given the proximity of Silicon Valley to the area where the games were held, it may very well be that their absence should not be lamented too loudly. Be that is it may, I think my colleagues should find the following article on this topic extremely enlightening. It was written by Lawrence Sulc and appeared in a recent issue of Human Events.

WHAT IF SOVIETS HAD COME TO OLYMPICS?

(By Lawrence B. Sulc)

When the Soviet Union and other Soviet Bloc nations withdrew from the Olympics in Los Angeles, there was initially much anguish expressed in the rest of the world and not only in sports circles.

The reason the Soviets gave for their withdrawal was inadequate "security" and many in the West assumed that to mean that the "safety" of the Soviet team was in question. This notion was patently in error. The security or safety of the Soviet athletes—of all participants—would be and is more than adequately assured.

"Security," of course, is a Russian code word, as is "peace." The Soviets mean entirely different things by these words than we do. "Security," in this case meaning that the Soviets were afraid of defection. This would be a particularly poor time, from their point of view, for a Soviet athlete to receive a medal and take a walk.[1]

It is unlikely that many Soviet athletes would be able to defect, with all the Soviet precautions the United States was willing to permit. Whether many would want to is yet another question.

If a few defected, however, it would be an especially sharp blow for the Soviets at this juncture in East-West relations, particularly in view of the very special status of athletes in the Soviet Union. Soviet athletes, who make up the Olympic teams, are very special indeed, "special" as in "Special Forces," in the U.S. context.

The combined Olympic team fielded by the Soviet Union is largely made up of professional sports organizations, the Dinamo Sporting Club and the Central Army Sports Club (ZSKA). The former belongs to the Committee on State Security (KGB), the Soviet civilian foreign intelligence and internal security service.

The latter, the ZSKA, is part of Soviet military intelligence (GRU), the military

[1]The author is not prepared to comment on whether or not the Soviets' real motive—or an important one, in any case—was fear that their teams were not as good as usual this year and that the East Germans as well as the U.S. athletes, who are quite formidable, might take a disproportionate number of medals.

counterpart of the KGB. These two sports organizations are in strong competition, as indeed are their parent organizations, the KGB and GRU, themselves.

As is the case with almost everything else in the Soviet Union, sports and athletes are dedicated to the enhancement of the party and the state. Moreover, the special services of athletes and sportsmen are put to use extensively by the intelligence organizations, the KGB and GRU.

The Spetsnaz, military special forces—the Soviet "Green Berets," if you will—provide the athletes for the ZSKA. The KGB has its own special forces, a counterpart to the Spetsnaz, which supplies athletes for the Dinamo Sporting Club.

These troops, the Spetsnaz and the KGB's own version, are an elite fighting force devoted in wartime to operations behind enemy lines, diversionary tactics and the assassination of foreign leaders. Their mission also embraces intelligence collection (including reconnaissance), deception, sabotage, terrorism and guerrilla warfare.

The mission of the GRU is essentially military, while that of the KGB is political and economic. It is from these special forces that the Dinamo and ZSKA sports competitors come.

Personnel of these Soviet unconventional forces receive familiarization tours abroad as members of Soviet sports teams. Soviet athletes are not merely winning medals when competing abroad; they are preparing for clandestine activities or unconventional warfare roles—"casing the target," if you will. It might be added that Soviet strategic plans include the employment of elements of "underground" Communist parties in the West in support of Soviet unconventional units in time of conflict.[2]

Regarding athletes in the Spetsnaz, a former professional Soviet army officer had this to say:

"The Soviet Union needs prestige, and one way of providing this is by winning Olympic medals. The country needs an organization with draconian discipline to squeeze the maximum effort out of the athletes. At the same time, the Spetsnaz needs athletes of the highest caliber who have the opportunity to visit areas in which they may have to operate in time of war.

"The athletes, for their part, need opportunities for training and need to belong to an organization that can reward them lavishly for athletic achievement, give them apartments and cars, award commissioned ranks in the forces and arrange trips outside the Soviet Union.

"The Spetsnaz thus provides a focal point for the interests of state prestige, military intelligence and individuals who have decicated themselves to sports.

"The ZSKA sends its athletes all over the world, and the fact that these athletes have military ranks is not hidden. The KGB, which also has the role of assassinating enemy VIPs, has its own similar organization. . . . They are ordinary but carefully selected and trained soldiers, top-grade athletes, foreigners and, at the head of all of these, the professional intelligence men."[3]

[2] Frederic N. Smith, Defense and Foreign Affairs, June 1983.

[3] Victor Suvorov (a pseudonym), "Spetsnaz: The Soviet Union's Special Forces," Military Review, March 1984.

Soviet athletes are thus carefully selected and very well taken care of. In a word, they are "special." As a member of an elite profession, not to mention an elite service, the Soviet athlete is not particularly likely to be a security risk. On the other hand, KGB and GRU officers conducting espionage and "active measures" abroad are also members of elite services and even they are susceptible to defection from time to time.

There is a joke which apparently circulates in various forms in the Soviet Union: "What is a Soviet string trio?" the question goes. "A string quartet just back from a tour in the West," is the response. Soviet athletes are not Soviet musicians, but who know? Perhaps the decision-makers in the Central Committee, Communist party, Soviet Union, decided that the risks and possible repercussions were just too great, with the whole world watching, for just one of its very special young people to participate in the International Olympics in Los Angeles, and then choose freedom.

(Mr. Sulc served more than 23 years as an operations officer with the CIA and six years on the staff of the House Committee on Foreign Affairs. He has also served as president of the Nathan Hale Institute and the Nathan Hale Foundation.)●

MARY LOU RETTON

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. MOLLOHAN. Mr. Speaker, Mary Lou Retton delighted the entire world last week with her stunning performance in the gymnastics competition at the Los Angeles Olympics. I am not surprised, for Mary Lou has been delighting the people of my hometown, Fairmont, WV, for most of her 16 years.

I don't really need to list Mary Lou's accomplishments at the Olympics—everyone over the age of 5 already knows them—but I'm going to anyway because its so much fun and because, as the Representative of Fairmont and the First District of West Virginia, it gives me such pride to do so: Gold in the individual all-round competition, silver in the team competition, silver on the vault, bronze on the uneven bars, and bronze on the floor exercise—five medals in all. This is a pretty amazing list—boycott or no boycott—considering that American women gymnasts had never won any individual medals in Olympic competition, and the best the team had ever managed is a bronze in the 1948 games.

Mary Lou's appeal cannot, however be summed up by simply listing her medals. Equally impressive is the way she performs. This is was best demonstrated by her head-to-head battle with Ecaterina Szabo of Romania in the all-round competition. With only two events, the floor exercise and the vault, remaining, Mary Lou was trailing the Romanian by a few points. Ignoring the pressure, or perhaps thriving on it, Mary Lou scored a perfect 10 in the floor exercise, but, following Szabo's 9.9 on the vault, she still trailed by the smallest of margins. Szabo scored another 9.9 on her final event, the uneven bars, and the only score that would give Mary Lou the gold was a perfect 10 in her final event, the vault.

As she later recalled:

had a lot of pressure on me going into the last vault. But I just had the will and the desire. I knew I had to "stick it."

And stick it she did, Mr. Speaker. After she landed there was no doubt in her eyes, and in the eyes of all her fans at Pauley Pavillion and those who watched her on television, that she had indeed scored the perfect 10. More importantly, there was no doubt in the eyes of the judges. To punctuate her perfect vault with an added exclamation mark, she vaulted a second time for another 10, even though her first jump assured her the gold medal.

Her all-round gold medal and her contribution to the team's silver were the highlight of her week's performance. She later admitted that the three medals she won in individual events were sort of anticlimactic. That's a statement on the progress women's gymnastics has made in this country, Mr. Speaker, before this Olympics, any American women would have been thrilled with one bronze medal in any of the individual events. As I noted earlier, the best any American women gymnast had done before Los Angeles was a team bronze in 1948. In 1 short week, a 16-year-old girl from Fairmont, WV—working with a fine young team—has dramatically elevated the prestige of American women's gymnastics.

Mr. Speaker, the entire country can be as proud of Mary Lou Retton as West Virginia is, but I must confess a certain parochial pleasure in her remarks to a welcome-home ceremony in Charleston:

I came to represent the United States, but mostly to represent the State of West Virginia.

Thank you.●

AN ARTISTIC DISCOVERY

HON. LYLE WILLIAMS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. WILLIAMS of Ohio. Mr. Speaker, for the past 3 years, the congressional arts caucus has sponsored a very worthwhile event for the benefit of our Nation's young people—the congressional art competition. This year, as in the past, I was privileged to have the opportunity to be a part of the competition by hosting the 17th Ohio District's local showing.

Each year the exhibition gets bigger and the artwork submitted by the Mahoning Valley's high school students reflects the abundant and rich talent of the area's youth; 19 of the 17th District's schools decided to participate in this year's competition, with a total of 55 pieces of artwork being submitted. The local show was held at Strouss Department Store on Federal Plaza in Youngstown.

The cooperation and support for the competition by the area residents has been very gratifying and it must be heartening for the young artists to know that their talent is appreciated.

The local show could not have taken place without the invaluable service of several people. Ms. Debbie Zurawick of Strouss made the necessary arrangements for the artwork to be shown, and as always, did a superb job. Also, I would like to thank Strouss for their cooperation. Six area art experts were invited to be judges for the event and performed their part in the competition with fairness. I appreciate their knowledge of art and their willingness to support area art activities. The judges were Carolyn Ask of the Warren Fine Arts Council, Dr. Al Bright, Ph.D., of Youngstown State University, Mary Kay D'Isa of Youngstown State University, Bill Dotson of Dotson Art of Youngstown, William Mullane, of Warren Harding High School, and Susan Russo, also of Youngstown State University.

I would also like to commend the students who were selected as the top five winners. First place went to Miss Kelli Tsambarlis of Campbell Memorial High School in Campbell, OH. Miss Tsambarlis painted a watercolor of the Campbell works. Placing second was George Halas of Ursuline High School in Youngstown. Third place was awarded to Carl Lazear of Niles McKinley High School in Niles, OH. Jeff Prox of Niles McKinley and Jeffrey Pierce of Mineral Ridge High School both received honorable mentions. All of the works submitted were of excellent quality and the judges had a difficult time selecting the top five.

Also making an immeasurable contribution to the event were the area high school art teachers and the parents of the artists. Their support and nurturing of the young artists play an important part in the development of the special talent of these young men and women.

The congressional art competition provides Members of Congress with the unique opportunity to bring together the best young artists in America and to provide them with encouragement and recognition. The exhibition now hanging in the U.S. Capitol complex is truly an impressive display of America's talent and promise. I was glad to have the opportunity to be a part of this worthwhile event.●

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. KEMP. Mr. Speaker, I am proud to participate in the Congressional Call to Conscience Vigil for Soviet Jews. This year the vigil has been ably chaired by my colleague from Pennsylvania, LARRY COUGHLIN, and I want to thank him for his leadership and for giving Congress another forum to address this important issue.

The situation of Jews in the Soviet Union has become increasingly grave. In addition to being subjected to harassment and discrimination, Jews have also had their personal mail and parcels interfered with. This last is one more demoralizing step for Soviet Jews; human contact remains their most important stronghold.

Last year my wife Joanne and I traveled to the Soviet Union and witnessed firsthand the "war of oppression" waged against the prisoners of conscience and refuseniks. Among those refuseniks we had the pleasure of meeting was Lev Shapiro. As an example of the systematic demoralizing practices used by the Soviets against the refuseniks, I learned that Lev had written to me 2 or 3 months ago and paid 17 rubles, a lot of money for a refusenik, to have the letter registered. Today I met with Bill Keyserling of the National Conference for Soviet Jewry, who had just returned from the Soviet Union, and he informed me that Lev was very disappointed that I haven't responded to him. The first I knew of the letter was when Bill told me about it today. I did, however, receive a postcard from Bill himself, which arrived in about a week.

It is actions like these which serve to try to cut the vital link between refuseniks and the rest of the world. Lev now feels as though I have abandoned him and his cause, because his is sure that even the Soviets would not violate the international postal regulations and fail to deliver a registered letter. I hope to reassure him of my continuing personal commitment by printing this statement in the CONGRESSIONAL RECORD and sending him a copy. I know that, even if he does not receive it, others will know of it and share that knowledge with him. But had Bill Kaiserling not met with both of us, he would have continued to feel as though his contact had forgotten him.

I have lost another point of contact with another Soviet refusenik friend, Vladimir Feltsman, noted Soviet pianist who had all his rights and privileges stripped from him when he applied to emigrate to Israel. We had previously corresponded through a mutual friend Bob Cullen, Moscow Bureau Chief for Newsweek. The Soviets decided that Bob would be a good target for another source of harassment, and he elected to leave Moscow with his wife until his baby was born. I have been fortunate to find another mutual friend, Norman Gladney, who can better ensure that my communications reach Vladimir and his wife, Anna.

There are many refuseniks who are in the same unenviable position. Many names are familiar to those of us who are concerned about the plight of Soviet Jews. I raise these two specific examples to illustrates how important it is not to give in to Soviet attempts to demoralize those we care about. We must persist in our efforts at every level to lessen the Soviet Jewish burden.

We must continue to press the issue at the highest levels between our top officials and those of the Soviets. And we must continue on the individual level, by keeping open the lines of communication by telephone, by mail, and by personal contact through visitors to the Soviet Union. Let me hereby assure my refusenik friends that they have my total commitment to their welfare and ultimate freedom, and I shall continue to fight for Lev, for Vladimir and Anna and their son Daniel, for Ida Nudel, Anatoly Shcharansky, for Andrei Sakharov and Elena Bonner, for Iosef Begun, the Elberts, the Slepaks, and so many others. We look forward to welcoming them into our homes when this battle has been won. Until then, we shall continue to communicate with them and provide them with the assurance that they have not been forgotten.●

PRESIDENTIAL YOUNG INVESTIGATORS PROGRAM

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. WALKER. Mr. Speaker, recently I came across an article in the June 1984 issue of Omni magazine which I thought would be of interest to my colleagues. Written by Dr. G.A. Keyworth II, it articulately describes the Presidential Young Investigators Program, designed to help universities attract and retain outstanding young faculty so that the benefit of their knowledge can be passed on to students interested in pursuing careers in science and engineering. Being an avid enthusiast of the space program, particularly its commericial aspects, I wanted to share this article with the rest of my colleagues:

The article follows:

FIRST WORD

(By G.A. Keyworth II)

It took Purdue University a year and a half to fill a vacancy for an assistant professor in its school of aeronautics and astronautics. But in 1983 this Indiana school was finally able to land Kathleen Howell, who had just received her Ph.D. from Stanford for research in orbit mechanics and spacecraft dynamics.

Because qualified faculty are so scarce in this important and emerging field, Purdue considered itself fortunate to have found such a promising researcher, someone who, as it happened also wanted to teach. The search committee, like those of hundreds of other universities throughout the country, knew all too well the difficulties of recruiting new Ph.D.'s for academic positions. Since young faculty have often been stymied in their attempts to gain financial backing for research programs in academia many of the best new Ph.D's choose to enter industry instead. Other talented scientists leave academic positions after a few years in order to go where research opportunities are better.

But Howell is one of 200 young faculty who will not have to worry about where her research support will come from for a while. For the next five years, these 200 engineers and scientists will be receiving up to $100,000 per year, in a combination of federal and industrial funds, as the first of the Presidential young investigators (PYIs). The awards, which fund research for faculty just beginning their academic careers, are intended to help universities attract and retain outstanding young Ph.D's who might otherwise pursue nonteaching careers. Moreover, each successive year the current PYIs will be joined by 200 additional recipients. After five years there will be 1,000 young faculty whose research will be supported through this novel program.

The awards, administered by the National Science Foundation, are a response to a serious problem. Last year nearly a quarter of the entry-level engineering faculty positions in American universities could not be filled. The staffing problems in computer sciences were as bad or worse, and there were shortages of good, young faculty in other disciplines as well. The problem strikes big and small schools alike, affecting both prestigious universities and community-based junior colleges.

These shortages come at a time when undergraduate demand for extensive training in scientific and technical fields has been skyrocketing. Increases in engineering enrollment over the past few years have been nothing short of phenomenal; jumps of 50 percent over half a dozen years have been common in engineering departments throughout the nation. And since most of those students who get their bachelor's degrees now go directly to work, graduate students, who traditionally help faculty with their teaching responsibilities, have become a cherished commodity.

For that dwindling number of students who stay on and get their Ph.D's industry becomes even more attractive once they've attained their advanced degrees, since corporations have the financial resources needed for highly productive research. Why don't these young scientists stay in the university to do their research, as generations before them have? Many do, of course, but over the past decade the campus environment for scientific research has deteriorated, especially when compared with what industry has to offer. In particular, young faculty have found themselves spending increasing amounts of time trying to line up research support and struggling with aging research equipment and facilities—and then being underpaid for their trouble.

Solutions to most of the problems have to begin with the universities themselves. But there are some high-leverage mechanisms that the federal government can use to help the universities help themselves. The Presidential Young Investigators program is one of them.

PYI awards are restricted to people who have received their Ph.D.'s within the past seven years. And unlike typical research grants, these awards are given not on the basis of a research proposal but on the basis of an individual's potential to do vital research. Moreover, the awards are remarkably unconstrained, permitting the young engineer or scientist to use the funds flexibly to establish a research program. The federal government provides $25,000 outright and then matches funds that the university raises from industry, up to a total of $100,000.

Of the first 200 awards announced in February 1984, three quarters were in engineering and the physical sciences, with the rest in other fast-moving disciplines. In all, PYIs are now working at 74 universities in 35 states.

The PYI program is a highly targeted federal response to specific teaching needs in science and technology. At the same time, on a larger scale, the federal government is determined to improve the overall ability of universities to conduct research and train new people.

One of the best-kept secrets today is that federal support for basic research at universities has grown by 55 percent since 1981! In the next fiscal year this support will be worth nearly $4 billion. In fact, basic research in universities has emerged in the past few years as one of the Reagan administration's highest priorities—part of a concerted attempt to restore the health of American universities following the neglect that characterized the Seventies. We still have our work cut out for us, but we've made a substantial start.●

BENJAMIN BOGOMOLNY

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. FEIGHAN. Mr. Speaker, Benjamin Bogomolny needs our help. He first applied for an exit visa from the U.S.S.R. in 1966, together with his father, mother, and three sisters. His parents and sisters were allowed to leave in 1970, but Ben is still waiting for permission to emigrate.

Eighteen years is a long time to wait, especially when those years are filled with hardship and harassment. Benjamin has suffered more than his share.

In 1976, he was dismissed from his job as a computer operator, and his flat was broken into twice within 3 weeks. Only items with Jewish or Israeli connections and personal papers relating to his emigration were taken. He was also interrogated by the KGB and arrested by the Moscow police. Since then, he has not been able to obtain steady work, and he has been subjected to numerous attacks on his person and property.

The Guiness Book of World Records cites Ben as "the most patient refusenik." But patience is only one of his virtures. A charming and intelligent man, he speaks excellent English and Hebrew. As a youth leader, he led his group on a camping and hiking expedition on the border between the Caucasus Mountains and Georgia. Ben also wrote, produced, and directed a production of the Kozhevnikovs—Moscow's state circus clowns— which was filmed and televised by the BBC. Most recently, he has been working as a physical therapist, and his wife, Tanya, is teaching English to other refuseniks' children.

Ben has persisted in the face of seemingly endless frustrations. His optimism is a source of inspiration to us all. To borrow the words of Clara Claiborne Park, he teaches us that:

Hope is not the lucky gift of circumstance or disposition, but a virtue, like faith and love, to be practiced whether or not we find it easy or even natural, because it is necessary to our survival as human beings.

But freedom—the right to worship, speak and live according to the dictates of personal conscience—is also necessary for survival. I urge all of my colleagues to join me in petitioning Soviet Premier Chernenko for the release of Benjamin Bogomolny.●

PERSONAL EXPLANATION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. FRENZEL. Mr. Speaker, on rollcall No. 370, my vote was not recorded. Had I voted, I would have voted "yes."●

MERRILL CREEK: PLANNING FOR THE FUTURE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. COURTER. Mr. Speaker, well over 20 million people are now dependent on the existing flow of the Delaware River. For more than 200 years, this river has supported important commercial and recreational activities in the basin area. Farmers rely upon the Delaware for irrigation operations and the river is essential to many of the area's industries. In addition, the river provides drinking water to millions within the New Jersey, Pennsylvania, Delaware, and New York region.

The combination of growth and increased consumptive uses on the river has resulted in periods of low flow, water shortages, and droughts. Over the past few years, several drought warnings have been declared resulting in restrictions covering residential, commercial, and industrial water uses.

Not only are the basin's surface water sources affected, but ground water supplies are being increasingly threatened. Overpumping and salt intrusion from the tidal Delaware River have become problems for the Camden area as well as for southeastern Pennsylvania and northern Delaware. The large number of polluted wells which are being discovered further exasperates the problem.

Some have advocated that restricting growth in the basin area and use of the river is the solution for protecting existing water uses. Another view, however, would entail developing a program which can accommodate growing water demands and still withstand the affect of low flows and droughts.

Talks among the four Delaware basin States and New York City have produced a plan to deal with meeting water supplies, augmenting stream flows, controlling salinity, improving water quality and cutting down of flood losses. One component of that plan is the Merrill Creek reservoir. This facility would provide for low-flow augmentation in the Delaware River to replace present and future evaporative losses of cooling water by generating stations in the basin.

Besides helping guard the Delaware from drought effects, this reservoir would also help ensure a continued supply of reliable electricity throughout the Delaware River region. Two plants in Warren County, in particular, Martin's Creek and Gilbert, which need Delaware River water to operate, would be provided for. In the event of a dry spell, the availability of these and other powerplants in the basin region which depend upon the Delaware would be ensured, thus avoiding unexpected increases in utility rates.

As a party to the 1982 good faith agreement, the State of New Jersey officially supports construction of the Merrill Creek project for its intended purpose of replacing water used depletively by electric generating stations. The benefits of this project extend to the entire State. A continued supply of electricity would be available, even during times of low flow, the river would be protected, and a supply of water provided for residential, commercial, agricultural, and industrial uses.

New Jersey does not now have a water storage reservoir in the Delaware basin and, therefore, cannot make any releases of water to compensate for its usage during low-flow periods. Merrill Creek could provide such a function and be a step toward helping to ensure an adequate supply of water for the region. It would help to balance the demands on growth and development with the need to provide an adequate water supply for the future.●

NEED FOR AFDC REFORM

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mrs. JOHNSON. Mr. Speaker, today I am proud to introduce original legislation that will provide poor women with young children with access to the education and training opportunities and child care services that will enable them to lay the foundation for long-term employment.

We are too quick to believe that women who collect aid to families with dependent children [AFDC] are idle by choice. We forget that the desire to work means little in this world without an adequate education, and that work and education are both impossible if there is no one to watch the kids.

Studies commissioned by both my home State of Connecticut and nationwide, report that almost 60 percent of AFDC mothers with preschool-age children have not completed high school. In light of this serious lack of basic education, how can we possibly expect them to find a job that will pay them enough to support a family?

My proposal would set up 10 demonstration projects, six in urban and four in rural areas, to provide education and training, employment counseling, on-site day care, and transportation to and from the project site.

It is important that these pilot projects emphasize sound educational preparation at the high school, or where appropriate, community college level, as well as skills that are essential to permanent independence, such as family management, and vocational training that is responsive to local labor market needs. Participation at the rate of 20 hours per week would be permitted in pilot project areas because continued personal and skill development during periods of welfare dependency is essential to eventual, permanent self-sufficiency.

A Harvard University study indicates that women who have received AFDC benefits for at least 2 years are likely to remain on public assistance for 8 years or more. Entering the workforce is difficult for any woman who has spent an extended period of time at home, and a woman who lacks a high school education, marketable skills, and child care assistance is doubly unlikely to be motivated to look for a job.

Through the introduction of this legislation, I hope to reform the AFDC program to better serve its recipients, and ultimately, the taxpayer who foots the bill.●

SANDANISTAS HARASS CHURCH

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. LAGOMARSINO. Mr. Speaker, I commend to you the attached interview with Rev. Miguel Obando y Bravo, archbishop of Managua, Nicaragua, that appeared in the July 29, 1984, National Catholic Register.

The archbishop clearly spells out the outrageous actions the Nicaraguan Government, that is, the Sandanistas, has taken against the Catholic Church in Nicaragua.

Reverend Obando quotes the Pope as saying in Rome: "That this government's measures were unjust and disproportionate."

Obando also said: We want to state clearly that this government is totalitarian. I don't think that we can deceive ourselves today: "We are dealing with a government that is an enemy of the church—especially those who are orthodox. They have taken away many priests who are true pastors and in this way they are hurting the poor. These actions are also hurting the entire country."

I urge that my colleagues read the entire interview. Reverend Obando says: I have never sided with Somoza. But these people—the Sandanistas—are more unjust because they run over the dignity of the people.

The interview follows:

OBANDO ON NICARAGUA'S PERSECUTED CHURCH

(By Joan Frawley)

Register: What is the story behind the government's expulsion of 10 priests, beginning with the arrest of Father Luis Amado Pena?

Obando: The story begins when the priest had to give Communion to a sick person. Father Pena did not have a car. An acquaintance said he would take him, but they would have to stop to deliver luggage to a waiting car. They stopped on the road and the man said, Father, could you pass the luggage to another car and we will continue to go visit the sick person.

They did this and that moment when the priest handed the luggage, the police, the television and the government appeared. The police asked him what was in the luggage and then the police opened it and found explosives. The priest said I don't know why those explosives are in the luggage. I'm just helping this gentleman. Apparently the man who drove the priest was a member of state security.

I was that day visiting a poor barrio and the charge d'affaires of the Holy See called and said Thomas Borge [Nicaragua's interior minister] wanted to talk to me. Borge called and said you must take this priest out

of the neighborhood. I said no, the priest does good work. Borge said the priest should seek asylum with the nuncio. I understood immediately that Borge wanted an impact with the press.

I told Borge that I could not remove the priest because the priest said he did not violate the law and it would be unjust. I said to Borge I would talk to the priest because I believe in him. I stopped to talk to the priest and we arrived at the conclusion that the priest would stay at the seminary and go to his parish Sunday and Thursday to celebrate the Eucharist because of the shortage of priests. I told the charge d'affaires to communicate this to Borge.

Around this time [8:30 p.m.] I was still on my pastoral visit and they sent me a message on the radio that the turbas [mobs] were in Father Pena's parish and were burning tires and molesting the people there. The police told the people to get out of the church, but outside the turbas were waiting to beat the people up. The turbas climbed up to the top of the church and began to rip off the roof. When I arrived back here at my home, they told me that I should get the priests and Sisters out of the church. So I asked one of my chauffeurs that if he had the courage, he should go and get them and bring them back here. The priests then were sent to the seminary and when they got there the police had already posted a jeep outside and they were searching everyone who went in. When the auxiliary bishop talked to Borge and asked Borge to take the jeep away because it was inconvenient, Borge ordered two jeeps placed in front of the seminary.

Register: How did you decide to react to this?

Obando: The majority of the clergy in Managua—with the exception of the Popular Church—decided to go on a pilgrimage to the seminary. I felt I should accompany them. Borge told the charge d'affaires of the Holy See that if they did stage the pilgrimage, the turbas would not interfere. But he said that they would act.

Some of the radios began to say that there would be a confrontation between the Church and the state. I did not want to encourage others to get involved, and although 300 faithful waited to accompany us. I told them there is danger and risk and only the priests should go to the seminary. But with their rosaries, many of the people still followed. Meanwhile, we had 80 reporters, many of them foreign, covering the pilgrimage. At the seminary we celebrated Mass in solidarity with Father Pena.

Register: How did the government act?

Obando: Tomas Borge did not wait. On the same day at 3 p.m., Borge apprehended the priests without any opportunity for them to take their belongings. That day eight priests were sent to Costa Rica and the ninth was sent the following day.

Register: There was a 10th priest.

Obando: The 10th priest was working well with the poor and was giving a course at the seminary. Today that priest left. When the police came, he was with 100 peasants giving his course. I spoke with the peasants and said the seed that this priest has sowed should flourish. After I spoke I saw the peasants were crying while the police waited there.

Register: Why did the government expel the priest?

Obando: The government wanted to hit the Archdiocese of Managua and wanted to create chaos. Certainly it has given us a blow. All of the priests who were taken were loyal to the Church here, loyal to the Pope and to the people of the rural parishes. The priests were Italians, Canadians, Costa Ricans and Spaniards. It's my belief that they are removing these priests so that priests from the Popular Church can take their place.

Register: As the archbishop of Managua, how will you respond to this?

Obando: We want to state clearly that this government is totalitarian. I don't think that we can deceive ourselves today; we are dealing with a government that is an enemy of the Church—especially those who are orthodox. They have taken away many priests who are true pastors and in this way they are hurting the poor. These actions are also hurting the entire country.

Obando: The Pope sent me a cable today which said that when he was talking to pilgrims in Rome he said that this government's measures were unjust and disproportionate. The Pope said he is praying so that those who are ruling this country will reconsider. We certainly believe that the Church is guided by the Holy Spirit. We believe the Church will continue to exist, and history, which is the mother of life, teaches us that the Church has always witnessed the burial of those who persecute her. I believe that men and women can disappear in history but Christ cannot disappear.

Register: The bishops wrote a pastoral letter this spring which called for a national reconciliation.

Obando: All the priests wrote the pastoral letter, asking that all the people be brought into the procees. We want not only those in the country to be brought into the electoral process but those outside—those who have taken up arms. Because we believe that the peasants are suffering and they want peace.

Register: What was the government's reaction?

Obando: The government reacted very strongly against the episcopal conference, especially against me. And some members of the government say they will only dialogue through the mouth of a gun.

Register: How does the Church view the upcoming [Nov.4] election?

Obando: We don't believe that we have the proper climate for elections. Our emergency law impedes freedom of speech and organization. This situation is very complex. There are many internationalistas, many foreigners: Tupamaros from Uruguay, Cuban, and others. On the other hand the economic situation is also very difficult. Even many basic foods we have to import.

Register: You say that Sandinista reforms have not helped the poor, but others claim that the Sandinistas do promote social justice.

Obando: Look at the market place. There you can see what the Sandinistas have done for social justice. Today I ask myself, more than five years after the revolution, what has been better for the people, before or after the revolution? I have to say the people were poor before, but they could buy half a kilo of beans any place. Today they have to be in a big line and after two hours the people may say there's none left. I ask myself, what about the peasants in the mountains? They are suffering. What about the youths of our country with this military draft? If youths go to the movies, the police get them and send them up to the front.

Register: What guidance do you offer when somebody comes and says they don't want to go into the draft?

Obando: It's difficult. People come to us with these problems and they ask for refuge in one of the embassies. I have to explain that if someone seeks refuge, they are breaking the law. I've seen that the people are sending their sons from one town to another to stay with relatives to avoid the draft. The Sandinista Defense Committees discover someone doesn't belong in a community; they investigate and then they arrest the person. Recently someone denounced a relative of someone who works for me.

Register: Are more people spying on each other?

Obando: Of course. Right now we are being controlled. I can assure you that when I leave here, within 200 meters a car will be following me.

Register: Some say Nicaraguans can only choose between two extremes, the FSLN or Somoza.

Obando: I have never sided with Somoza. But these people [the Sandinistas] are more unjust because they run over the dignity of the people. We look for a society where everybody has equal access. Where the human person will be respected. Where freedom of speech is respected, where people can choose their authorities with popular vote, where there can be just laws with habeas corpus—because in this country, if you are arrested, not even the best lawyer can find you after several days. Two peasants said [the Sandinista police] left them 12 days standing with no water. They had to drink their own urine.

Register: I have visited the archbishop in Guatemala City and also Riveray Damas in San Salvador. Now you. It seems that the Church here in Central America is speaking with one voice, in favor of social justice but against repression from either the right or the left.

Obando: We are convinced that we need a just society. I don't have the formula. I leave that to the economists. But it's my responsibility to see that a model of a just society is developed.

Register: What's been the reaction of the poor to the economic and political problems here?

Obando: The poor here have a lot of pain. They have fears that they cannot express because they are afraid they will go to jail. I have my own fears. To whom do I go when they burn my home or a church when I celebrate the Mass? Who can help me? I continue to function simply with the help of God because I have been attacked many times.

Register: Does the expulsion of the priests here in Nicaragua reflect a change in this government's efforts to suppress the voice of the Church?

Obando: The government is not yet showing all its strength. They thought that the fact that they had expelled the priests would leave us in fear, but they miscalculated.

Register: How can the Catholic Church in America and the bishops help the Nicaraguan Church and you?

Obando: The first thing that the North American Church needs is good information. They receive a lot of information from the Popular Church and the Sandinistas—which is the same thing. The government here manipulated all the groups that come. And any letter that we send to the bishops never arrives there.

The bishops in America receive a lot of information from the Popular Church. Other cardinals I have spoken with throughout the world say, "The Nicaraguan embassy in my country wants to visit me every week."

The Sandinistas know the weak points in the Church. The bishops of the United States will help us only if they make their statements after consultation with us. Otherwise it won't help.●

A NORTH DAKOTA WINNER—VIRGIL HILL

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. DORGAN. Mr. Speaker, watching the summer Olympics on television, I was proud of the many fine athletes from all around the world, but I've got to confess that Virgil Hill, a relatively unknown, unheralded, young North Dakota amateur boxer mde me especially proud.

Howard Cosell and the national sports writers were too busy talking about those athletes they had selected to be stars of the Olympics to notice Virgil Hill. He's kind of a quiet young fellow. He doesn't boast about himself or his skills, but when he's in a boxing ring, he's something special to watch. And even more important, outside the boxing ring he's a young fellow whom North Dakotans can be proud of. He's going to be a gold medal winner, and I want, on behalf of the North Dakotans who saw Virgil carry our flag at the Olympic games, to tell him that we're proud of what he's done.

There's a song by the Gatlin Brothers that goes, "All the gold in California is stored in a bank in Beverly Hills." Well, I predict some of that California gold is going to shine brightly on the prairies of North Dakota thanks to Virgil Hill.●

TEXACO-GETTY OIL MERGER

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. CONTE. Mr. Speaker, I rise today to call my colleagues' attention to the Federal Trade Commission's recent action in the Texaco-Getty oil merger.

My colleagues may recall that I introduced legislation which would impose a moratorium on these megamergers in the oil industry. I tried to convince you that these mergers should be halted until Congress had time to fully review their impact. The FTC's final consent decree in the Texaco-Getty merger points out one of these impacts—one that threatens to destroy 600 small service station dealers in the Northeast.

I am referring to a provision in the FTC's final consent order, made public on July 10, requiring Texaco to divest itself of all ownership or control over the Getty trademark. Texaco previously had announced that over 600 Getty stations in the Northeast would be sold to Power Test, an independent marketer which usually does not operate under a refiner's brand name.

The Petroleum Marketing Practices Act is essentially the service station dealer's bill of rights. However, it applies only to those facilities operated under a trademark owned or controlled by a refiner. Power Test does not meet that standard and, if Texaco is not permitted to license the Getty trademark, the stations Power Test is acquiring will lose their rights under PMPA.

Mr. Speaker, this is outrageous.

Last April, the Small Business Committee heard testimony suggesting the FTC staff was uniformed about the PMPA and how independent service station operators were affected by oil company mergers. At that hearing, the FTC staff said they would look into the problem.

Is this their answer? Now that they know about PMPA, they seem to have crafted a decree that at best ignores and at worst nullifies the law.

About the only good thing I can say about this latest offense against the small service station dealer is that it clearly points out the need for prompt passage of H.R. 5750, a bill introduced by BERKLEY BEDELL and me.

That legislation would amend the PMPA to give each incumbent service statio in dealer the right of first refusal to purchase his leased location in the event of a merger or market withdrawal by the parent company. This would allow the dealer to negotiate with any and all refiners to see who is offering the best terms and conditions, so those benefits could be passed along to consumers.

Clearly, the service station dealer is better off looking after himself than relying upon the people at the FTC to protect his interests and those of the community he serves.●

CHOICE '84: REGIONAL ART SHOW

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. MORRISON of Connecticut. Mr. Speaker, on August 19, the Connecticut Shoreline Alliance for the Arts will launch Choice '84, it second annual juried regional art show. Choice '84 is an unique collaborative effort between the Shoreline Alliance and local art groups. It is designed to bring together the finest painting, graphics, and sculpture from the south-central Connecticut shoreline region: East Haven, Branford, Guilford, Madison, and Clinton.

A former colleague, the Honorable Toby Moffett, will present the awards on that evening. I would like to extend to him and the Shoreline Alliance my best wishes for a successful show.●

BIRTHDAY OF LEAGUE OF WOMEN VOTERS

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mrs. COLLINS. Mr. Speaker, today, I would like to congratulate the League of Women Voters of the United States on the 64th anniversary of one of their two birthdays. The league was actually founded in February 1920 to work for women's suffrage. When women actually gained the right to vote under the 19th amendment to the Constitution on August 26, the league adopted this date as their second birthday.

The league provides a host of services to the American electorate. They regularly research and publicize issues of long-term national importance that do not receive much attention in the daily rush of the political arena. The league also lobbies all levels of government with positions determined by its 125,000 members in its 1,350 local groups.

The league is probably best known for its sponsorship of Presidential debates begun in 1976. Though they had organized debates at the State and local levels for decades, involvement in the national race placed the group in the forefront of the modern political process. This expansion has helped to educate large sectors of the potential electorate that have not had previous exposure to politics. The league is certainly making full use of today's high technology to achieve its traditional goals of political responsibility, informed voting and good government.

The league must marvel at the progress that women in politics have made in the last six decades. At their founding, women were not allowed to vote in national or most State elections. Today, women have been appointed to the Supreme Court and the Cabinet, and have been elected to the Congress and numerous governorships. Indeed, one of them, GERALDINE FERRARO, may be the next Vice President. The League of Women Voters can take great pride in this collective success story and I am honored to commemorate this impressive history of accomplishments.●

POSTAL SERVICE'S ACTIONS

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mrs. BURTON of California. Mr. Speaker, I am deeply disturbed about the state of the current negotiations between the U.S. Postal Service and the unions representing postal employees. I am especially concerned about the actions of the Postal Service, which are shortsighted and may be illegal.

The Postal Reorganization Act of 1970 created a process for resolving postal bargaining disputes. This process provides for a 45-day factfinding period following an impasse between the parties. If no agreement is reached within 90 days after the contract expires, an arbitration panel is appointed and its decision is binding on both parties. However, until the parties reach an agreement or resolve the dispute through arbitration, the status quo is to remain in effect. In other words, the terms of the current contract remain in effect.

The recent actions of the Postal Service, unilaterally implementing a 23-percent reductions in pay and changes in other benefits for new hires, are a clear violation of the act. The Postal Service's actions represent an attack on the collective-bargaining process and severely damage labor-management relations within the Postal Service.

I hope the Postal Service will reconsider its actions and give the collective bargaining-process a chance to work.●

LEGISLATION AFFECTING SELLER FINANCING

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. MATSUI. Mr. Speaker, I am introducing legislation which will correct what I believe to be a devastating error by the Tax Reform Act of 1984. The new imputed interest rules go far beyond our intent to close loopholes and eliminate tax abuse. Effective January 1, sellers financing the sale of their property, by taking back financing or loaning money to the buyer, will be required to charge the buyer at least 100 percent of the rate received by the Federal Government on obligations of similar maturity. At today's rates, this would mean a seller must charge at least 15-percent interest. This is an increase well over the current requirement of 9 percent. If we leave the rules the way they are under the Tax Reform Act, the ability of Americans to use seller financing will be seriously eroded. In high cost areas, such as California, seller financing is a very important financing tool. This is especially true in periods of high interest rates. The new provisions, which under today's new market conditions will force interest to be charged at a 15-percent rate, will effectively eliminate this financing technique for many transactions. My legislation will correct this problem. It takes the positive steps which we began in the technical corrections resolution to the Tax Reform Act and improves them by extending them to other transactions. Under my bill all residential property with a sales price of under $250,000, not just principal residences, will stay at the prior law 9 percent safe harbor interest level. The 9 percent rate will also apply to farms selling for less than $1 millon and business, commercial and investment properties selling less than $500,000. I feel that this less restrictive approach will make the law much more equitable while achieving the goals set out in the Tax Reform Act.

As a member of the Ways and Means Committee, I am naturally concerned about the abuses that take place in this area. However, I am convinced that the abuse does not occur in the more common type of seller financed transactions. I believe it is only those individuals who are wealthy and sophisticated enough to make business decisions based upon the Tax Code who are the abusers in this situation. By setting the price thresholds, as my bill will do, we will allow the average citizen to sell his property and we will put sufficient restraints on the high finance transactions that abuse the code.

I don't believe that it should matter whether or not you're selling a principal residence or a piece of investment property. It is not the type of property that creates the abuse. It is the amount of money involved. That is why my bill allows reasonable price exemptions for all types of property. There are those who will say that such price thresholds are arbitrary. We've heard that before. Any time a limit is set, there is that concern. However, in this instance, I believe that the limits are fair.

My legislation also alleviates the problem of a cliff effect that exists under the act. For example, the way the act is currently written, if a man sells his farm for $1 million, he is under the exemption and can charge 9 percent interest. If, however, he sells the same farm for $1 million and $1, he is over the exemption limit and must meet the new levels of interest, which currently are around 15 percent. My bill eliminates this cliff by providing for a blended interest rate in these circumstances so that for that portion of the price below the threshold amount, 9 percent financing will be available with the new higher rates pertaining only to that portion of the price over the threshold. I think this approach is much more logical and practical.

If the new imputed interest provisions (IRC section 1274 and section 483) become effective as scheduled January 1, 1985, then sellers financing sales of farms costing more than $1 million, small businesses, multifamily and commercial properties and nonprincipal residential property could no longer negotiate their own credit terms and would be required to state an interest rate equal to 110 percent of the comparable Federal securities rate or under current market conditions approximately 14.3 percent compound interest. This would stop about $30 billion of rental residential, commercial, and industrial sales. This loss of sales would cut about 120,000 full time jobs, reduce Federal, State, and local tax revenues by about $2 billion and reduce the annual gross national product by up to $6 billion.

Mr. Speaker, I believe that the Tax Reform Act of 1984 is a good piece of legislation. However, certain areas may have been overlooked. The imputed interest provisions of the act may have been such an area. In my opinion, the steps taken by my bill will correct this oversight. I urge this body to give it rapid consideration and ask each of my colleagues for their support.●

THE PROMISE OF INCOME SECURITY

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 9, 1984

● Mr. PATTERSON. Mr. Speaker, a few weeks ago, the President said he thought seniors deserved to receive a Social Security cost-of-living adjustment, whether inflation was below the 3-percent trigger amount or not. I agree with the President.

I believe our seniors deserve a cost-of-living increase this year and every year. I have held consistently to this view since long before I was elected to Congress in 1974.

I am pleased that the administration has abandoned the position which it brought to the budget negotiating table early in 1983, in 1982, and in 1981. In the midst of our Social Security financing rescue efforts, the administration insisted that seniors forfeit their Social Security cost-of-living increase, give up their minimum benefit, and succumb to rigorous review to determine eligibility for disability benefits.

Many of our House colleagues have shared my view all along. Through our diligent efforts, we dispelled rumors which frightened seniors into believing that the only way to save Social

Security was to take the bread off their meal tables. We haven't changed our minds; we have been steadfast in our resonsibility to improve the livelihood of senior citizens.

Seniors on a fixed income have a tough time, and it is up to us to help give them a cushion against inflation. This was the promise Congress made in 1972 when the Social Security annual cost-of-living increase was first passed. We must now amend Federal law so that seniors do not come up short.

Presently, if the CPI increases less than 3 percent in any given year, seniors do not receive a cost-of-living raise. H.R. 6019 is a bill which eliminates this inflation trigger, so seniors will receive a raise every year.

As a cosponsor of H.R. 6019, I urge rapid action so that Social Security recipients will not have to wait any longer for a cost-of-living increase. I am delighted that the Ways and Means Committee will be holding hearings to pursue this issue with the Social Security Administration in early September.

Let's work together to keep the promise of income security to our senior citizens.●

INDIA: LAND OF PARADOXES

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. PORTER. Mr. Speaker, all of us are aware that India has the second largest population on Earth. Some of us might need to be reminded that it is also the world's largest democracy and seventh largest industrial power. Although India is undeniably poor, the Government has not plunged itself into debt like many other Third World nations. I would like to call to the attention of my colleagues an excellent article on the subject that appeared in the Wall Street Journal, written by Karen Elliott and Peter House. I commend this article to my colleagues.

The article follows:

[From the Wall Street Journal, Aug. 10, 1984]

LAND OF PARADOXES: INDIA, THOUGH PLAGUED BY POVERTY, EMERGES AS MAJOR WORLD POWER—FOOD OUTPUT SOARS, INDUSTRY GROWS, DEBT IS MODEST; PRIMITIVE LIFE GOES ON

(By Karen Elliott House and Peter R. Kann)

NEW DELHI, INDIA.—"You Americans like to think of other countries as house pets. But we are not a cat or a dog. We are an elephant. And elephants are most difficult to train."

So says the Indian professor, leaning across a conference table, as his half-dozen colleagues bob their heads in vigorous agreement. India, a great, steaming stew of diverse nationalities, religions and languages, is, in fact, much more a continent than a country.

While India usually is viewed more as interesting than as important, it is increasingly emerging as a major industrial and military power. It boasts the world's seventh-largest industrial economy, mushrooming out of a vast base of primitive and seemingly permanent poverty. It has the world's fourth-largest standing army. And it remains far and away the world's largest democracy—at least 750 million Indians today and, almost inevitably, one billion by the end of this century.

ELEPHANTINE PARADOXES

Almost all things about India are indeed of elephantine proportions, very much including its many paradoxes. And thus to judge India is frequently to debate whether a giant glass is half empty or half full.

The news, for example, of an army assault on Sikh religious extremists barricaded inside their sacred Golden Temple of Amritsar or of political turbulence in Kashmir, Bombay or Assam conveys the impression of a nation in disarray. India sometimes seems a fragile cloth being rent apart at its many regional, religious and ethnic seams.

And yet the most remarkable thing about India probably is the surprising strength of the social fabric rather than the fraying at the fringes. The fabric holds, in part, because of a tough and largely apolitical army, a ponderous but omnipresent bureaucracy, and the powrful political presence of Prime Minister Indira Gandhi. But the main source of India's social strength is to be found in its very size and diversity. This country is so vast and varied that a genuine crisis in a west Indian city like Amritsar is a genuine irrelevancy in the east Indian metropolis of Calcutta, more than 1,000 miles away.

THE EYE AND THE MIND

Similarly, the eye in India irresistibly is drawn to scenes of deprivation, decay and death: The old beggar's body, skeletal limbs stiff in death, lying unnoticed on the burning pavement of the holy city of Benares. The gaunt faces of the rickshaw *wallas* straining and sweating as they haul heavy cargo through the fetid cobblestone lanes of Calcutta. The sheer mass of unhoused, unemployed, undernourished humanity crammed into the cloth and cardboard hovels of India's swelling slums. The omnipresent beggars of every affliction and description—pocked, scabrous, maimed, deformed, leprous.

And yet if the eye fastens on India's poverty, the mind must acknowledge an increasingly modern, powerful and self-sufficient industrial nation that manufactures everything from video recorders to fighter aircraft. Oil from its Bombay High offshore fields is fueling modern industry and increasingly mechanized agriculture. Food-grain production has more than doubled in the past two decades—outstripping even population growth—so that India finally is feeding itself. Dependence on foreign aid is steadily declining, and India, unlike much more prosperous Third World nations, hasn't mortgaged its future to the international banks.

There are even some small movements here toward economic liberalization—a tentative tilt away from the rigid orthodoxies of India's state socialism and toward the innate capitalistic enterprise that is evident on any street corner.

What follows then are some glimpses of the elephant that is India.

AMRITSAR

This holy city for India's 14 million Sikhs—a turbaned and bearded minority—was much in the news recently. The seat of their religion is a grand walled complex with a Golden Temple at its center. Over the past several years, increasingly militant Sikhs have been pressing for more political autonomy—and in some cases demanding independence. Prime Minister Gandhi tried to undercut the political power of the more moderate Sikhs by dealing with the extremists, but her tactics backfired. The extremists turned the Golden Temple complex into an armed citadel—compelete with machine-gun emplacements and a grenade factory—and from there launched terrorist attacks throughout India's fertile and prosperous Punjab state.

Finally, in early June Mrs. Gandhi ordered in her reluctant army to rout the extremists. It was a major military operation, costing the lives of nearly 500 extremists and almost 100 Indian soldiers. Most important, it aroused the hostility of much of the Sikh population, just as Catholics would be aroused if an army assaulted the Basilica of St. Peter in Rome.

A visit to the Golden Temple a month after the battle still finds a scene of destruction. The marble walls and walkways of the complex are pocked with shellfire, and some of the holy buildings—though not the Golden Temple—look like props from a World War II movie. The complex is occupied by soldiers overseeing repairs. Outside, behind rings of barbed wire, stand long lines of sullen Sikhs waiting for a chance to enter their shrine.

"This extremism was a disease. It has to be cut out by surgery, but it is very sad, so very sad," says India's Air Vice Marshal B.S. Sikand, himself a Sikh, as he takes his first walk though the complex since the army's assault. "So much damage, so much damage," he says. "It is much worse than I thought."

The army, which includes a high proportion of Sikh soldiers and officers, has in some sense been made a scapegoat for Mrs. Gandhi's political maneuverings. This is an army that prefers to fight wars, not suppress civil disturbances. Yet it is precisely the professionalism of the Indian army—most of the commanding officers in the assault on the Golden Temple were themselves Sikhs—that is one of the strongest forces for cohesion in this country.

The events in Amritsar have been tragic and traumatic. But Sikhs will account for only 2% of India's population, Punjab is only one of India's 22 states, and events here probably are no more symptomatic of the disintegration of India than riots in Miami or Watts would be of the unraveling of the United States.

CALCUTTA

Some 1,000 miles east of Amritsar is the metropolis of Calcutta—perhaps 10 million people, no one knows for sure, packed into its decaying tenements and squalid slums. Calcutta is human misery magnified, the ultimate urban nightmare.

Yet Calcutta also personifies the extraordinary ability of India's people to struggle and to survive. There is a raw energy to this city that transcends even its poverty. It is a human anthill, its vitality the product of millions of thin, dark people, each fighting to make a few rupees and to make it through another day.

Any Calcutta street is a swarm of activity: ragged barefoot men hauling human cargo

in rickshaws, men harnessed like horses to wooden-wheeled wagons, men and women scurrying along with hundred-pound sacks perched on their heads. Satnew Das, who can't weigh much more than the sack he is balancing on his head, makes his living carrying these burdens from the railway station to a street market 10 minutes away. He gets five rupees—about 50 cents—a trip. Even on a good day he makes only five trips, since there are scores of other bearers at the station competing for the loads. Mr. Das's income is about $15 a week, a living wage in Calcutta.

With 10 million people crowded into a city whose facilities could perhaps serve a third that number, it isn't surprising that nothing really works. Sewers overflow, power blackouts are common, telephones rarely work, and public transportation is grossly inadequate. The pride of Calcutta is a new subway system. After nearly a decade of construction, the first two miles were scheduled to open last month. But along came the monsoon rains, and the subway tunnel, left partly open for the dedication ceremony, flooded. Now the subway may open next month. Or next year. No one seems to know.

No Calcutta institution is free of problems. Over at the zoo, the tigers are undernourished because their keepers, who can't afford meat at salaries of less than $30 a month, abscond with the tigers' food.

Calcutta and the surrounding state of Bengal have a Marxist government—one of the very few freely elected Communist governments anywhere in the world. But even the Communists seem to throw up their hands at the vastness of the city's problems.

"Improving Calcutta is a will-o'-the wisp," says Ashok Mitra, Bengal's Marxist minister of the finance. "If you improve things, more people pour in. If you create more facilities, you just suck in more people from the countryside."

GOOD LIVING

In a modern exhibition hall in downtown New Delhi is a display of Indian consumer products. It's called "Good Living," and it's a long way from Calcutta.

The exhibition is an eye-opener for anyone who thinks of India as a typical Third World nation. India, in fact, manufactures almost every conceivable industrial and consumer product. And even if 85% of India's people can't afford to buy these goods, a middle class of 15% still amounts to more than 100 million people. It's a huge consumer market.

At one booth a company called Weston, is showing off "India's first economy color TV," on sale for 10,927 rupees, or roughly $1,000. The demonstration model, hooked up to a Western video recorder, is playing a tape of an old Miss America pageant. Weston is an Indian highflier. A brochure says that its 1984 public stock offering was "over subscribed by 69.5 times."

The next booth is displaying "super floor cleaners," actually long-handled mops, something of an innovation in a land where most cleaning is done by men and women squatting on the floor with rags and whisk brooms.

The hit of the exhibition, however, is a booth offering "the world's first massage machine with pulse changer." S.J. Singh, the inventor of the revolutionary device, explains that he is still doing some "hit and trial" with it before invading the U.S. market.

Mr. Singh demonstrates the device on a visitor's face, flicking a switch to change the frequency of current and thus the number of pulses per minute. He adds that his massage machine, combined with a mixture of unsalted butter and lemon juice, provides a sure-fire cure for skin blemishes.

WORLD ROLE

India's world role, along with almost everything else about this country, is replete with paradoxes. This is a nation that preaches sermons on morality to other powers but is considered a big bully by its own smaller neighbors from Sri Lanka to Bangladesh.

It is a major military power with a million-man army and a modern air force, but it frequently proclaims its vulnerability to all sorts of enemies from Pakistan to the U.S. Central Intelligence Agency. India lines up with the Soviet Union on many global political issues, yet its own political elite still sends its sons to Berkeley rather than Patrice Lumumba U. in Moscow.

Not least among the paradoxes is India's external-debt position. For a nation that requires external financing and maintains a good credit rating, India has borrowed next to nothing from foreign banks. Part of the reason is that India still gets but $2 billion in annual aid from various sources. More important, perhaps, some combination of national pride and financial prudence has set India apart from other Third World nations—from Argentina to the Philippines—that have wound up mortgaging their futures to the international banks.

Some Indian officials are having second thoughts about their policy of prudence. "Frankly, I'm feeling rather sorry we didn't borrow," says Prime Minister Gandhi with an ironic smile, "since everybody else says they're not going to pay back their debt."

BENARES

Sikhs and subways, consumer gadgets and global politics and all the other elements that make up contemporary India are still several thousand years removed from Benares, the holy city of the Hindus whose official name is Varanasi. This is India as it has always been—primitive, mystical and timeless. Benares, on the banks of the sacred Ganges River, is probably the world's oldest continuously inhabited city. It is to Benares that devout Hindus come to die, and it is to the Ganges that their ashes or their bodies are committed.

Here along the river bank are miles of crumbling palaces built by India's maharajas in centuries past. Wide steps lead down to the water's edge, and on these steps is played out the ageless cycle of devotion and death. Files of pilgrims come daily for ritual bathing in the sacred Ganges. To reach the water, they pass a gauntlet of lepers and other deformed beggars squatting on the steps.

The shallow river is teeming with men, women and children, submerging themselves in the murky gray-brown waters. Some are also washing their clothes, brushing their teeth and drinking from the holy river. Past them flow the ashes of bodies that have been burned at the open-air crematoriums that are also situated along these river banks.

At the crematoriums, skeletal men of the untouchable caste, clad only in loincloths, are stoking wood fires beneath burning corpses. Today a half-dozen bodies, each wrapped in brightly colored cloth, lie waiting their turn, and another corpse, its face covered with flies, is being carried through the crowd to take its place in line. The corpses of lepers, smallpox victims and those too poor to afford cremation are attached to heavy stones and dropped in the middle of the river.

There is also primitive life along these banks. Long files of thin men, barefoot and dressed in rags, are laboriously carrying heavy sacks of sand up the steps in 100-degree heat, exactly as their ancestors would have done 2,000 years ago. Nearby, laundry men are beating clothes on riverbank rocks. Just above, a row of men are defecating on the steps, and all about patties of cow dung are baking in the sun. There is the stench of rotting garbage, human excrement and burning bodies. In Benares, cleanliness isn't next to godliness.●

BILL TO MAKE SOCIAL SECURITY ADMINISTRATION AN INDEPENDENT AGENCY

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. PICKLE. Mr. Speaker, I am introducing legislation today, along with chairman Rostenkowski, which will establish the Social Security Administration as an independent agency, removing it from the Department of Health and Human Services. I believe that such an administrative reorganization is necessary if we are to ever have a stable and secure system of Social Security in this country.

All of us must admit that our Social Security program will never meet its objectives unless the public is confident that promised benefits will actually be paid. The public does not have that trust today.

In the past, people feared they would not get their benefits because not enough money was in the trust funds. However, passage of the Social Security Amendments of 1983 resolved most of these financial concerns. For the past 2 years, the trustees' reports show the system is in financial balance. Even past critics now argue before the Congress that the system can pay higher benefits today.

Nevertheless, the public still has doubts that the system will work for them because deep down they doubt that the politicians have the will to let the system work.

The public is continually bombarded with claims by elected leaders that Social Security must be changed for one reason or another. At the same time, the public sees clearly the decline in the quality of service resulting from hiring freezes which are imposed by the OPM, regardless of SSA's needs. People know all too well the frustration and inconvenience caused by equipment and building location decisions made to satisfy the GSA but not the public. They become doubters when they see financial projections are being made by the Office of Management and Budget to satisfy whatever economic policy is currently in

fashion, and not to protect those who have paid into the system for a lifetime.

Americans are willing to make sacrifices to ensure a measure of financial security when they can no longer work. But in return they must have some certainty that the commitment of a lifetime will not be swept away in some passing political crisis of the moment.

We can and should respond to this valid public concern by giving the Social Security Administration the long-term administrative stability which its unique mission requires.

I believe establishing the Social Security Administration as an independent agency will accomplish this purpose and I urge my colleagues to join with me in supporting this needed reform.●

ALBERT P. BARRY

HON. JACK HIGHTOWER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. HIGHTOWER. Mr. Speaker, there are some fringe benefits enjoyed by Members of the House of Representatives that have never been listed in articles of criticism where we are held up to the public as usurpers of privilege. One of those benefits is the privilege of working with some of the finest people in the world.

In public life we meet many people. As Members of Congress we work with people from all parts of the country and every conceivable background.

Fortunately for me, for the last 2 years I have had the privilege of working with Albert P. Barry, Deputy Assistant Secretary of Defense/House Affairs. Unfortunately, the time has been too short.

This Connecticut Yankee, a native of New Haven, CT, graduate of Tufts University, veteran of 21 years active service in the U.S. Marine Corps, has spent his entire adult life in the service of his country.

In his position with the Department of Defense Al Barry has demonstrated an unusual insight and understanding of the problems faced by Members of Congress. We have worked together to assure that the requirements of the various services to fill their roles in our nations defenses were met while balancing the needs of society in this the most powerful Nation on Earth.

On the occasion of his farewell from the Department of Defense he was awarded the Department of Defense Medal for Distinguished Public Service.

I know that many Members of the House of Representatives will join me in wishing Al Barry the very best in the years ahead.●

REAGAN'S ILLOGICAL POPULATION POLICY

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. WEISS. Mr. Speaker, this week people all over the world have focused considerable attention on the second United Nations International Conference on Population, now being held in Mexico City. It is most unfortunate that the administration has placed the United States in the embarrassing position of representing an illogical, minority view at this important forum. James L. Buckley, chief of the U.S. delegation to the conference, has announced to representatives from some 150 nations a radical change in U.S. policy toward international population assistance. The new policy, if implemented, would reverse the longstanding U.S. commitment to family planning programs.

Since the White House issued a draft position paper for the conference several months ago, the proposed policy change has drawn heavy criticism from Members of Congress, population experts, and citizens of many other countries including the United States. The administration did not heed these objections, however. The final policy paper reiterates that the United States will no longer contribute to family planning programs that use non-U.S. moneys for abortion. This policy will inevitably lead to a need for more abortions, to an increase in human suffering, and a general decline in the quality of life in Third World countries. As funding for family planning is decreased, the number of unwanted pregnancies rises. Family planning is the best means of reducing the need for abortion and controlling population growth.

Mr. Buckley emphasized economic expansion as the most effective solution to population growth. In his address on Wednesday, he called the development of free-market economies the "natural mechanism for slowing population growth." This position is incomprehensible. Economic expansion is a very slow process that may take decades. in some Third World countries. Meanwhile, the impact of population growth is immediate with devastating effects on individuals, families, communities, and developing nations.

The headlines of yesterday's newspapers reflect the absurdity of the administration's stated policy. The Washington Post said, "U.S. sees no crisis in population" while the New York Times declared, "U.S. Says the key to curbing births is a free economy." This dangerous policy shift has weakened the credibility of the United States as a leading voice at the population conference. Delegates from other nations are astounded by the U.S. position and remain hopeful that it is a temporary aberration caused by election-year politics.

The crucial issue, however, is not the reason for this policy shift, but the repercussions that will be felt worldwide as population continues to accelerate. Women in developing nations will suffer from the effect of unsafe abortions and the health and well-being of countless families will be endangered. Funding cuts will damage or even cripple the operations of international family planning programs. Family planning and economic expansion are both crucial to the well-being of developing nations, and they can, without question, occur simultaneously. This is the policy that the United States has promoted until now.

A resolution introduced in the House last week, House Concurrent Resolution 345, reviews the history of U.S. support for international population assistance since 1961 and reaffirms U.S. commitment to the continuation of that policy. The resolution states that we will not deny funding to international organizations on the basis of how they spend money from non-U.S. sources.

The Reagan administration's proposed policy shift threatens the well-being of all people in all nations. It is essential that the United States remain firmly committed to family planning programs if we are to help check the dangerous growth in population forecasted by the World Bank in its recent "World Development Report." In the interest of aiding the process of development for Third World nations and protecting the future of all of us, I urge my colleagues to cosponsor House Concurrent Resolution 345.●

MUSIKFEST 1984—FIRST ANNUAL CELEBRATION

HON. DON RITTER

OF PENNYSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. RITTER. Mr. Speaker, recently, I introduced in the House of Representatives a resolution to set aside May 19 to 26 as "National Tourism Week" in recognition of tourism's substantial contributions to this Nation's employment and economic prosperity and the sharing of this Nation's heritage with people throughout the country and around the world. During the week of August 18-26, the Lehigh Valley will be hosting one of the finest musical festivals in this country: Musikfest 1984. Musikfest is an example of what one city, Bethlehem, PA, has to offer its own and those who take

the opportunity to explore this country.

Musikfest is an American festival with a European flavor. It is a time when people can discover a great deal about their cultural backgrounds through music from many times and places. Musikfest organizers planned this special occasion to take advantage of the beautiful and historic downtown Bethlehem, both to show off the city and to provide a unique experience of combining a major music festival with the museums and shops in Bethlehem. It will be the first annual tribute to the musical heritage of America.

It is fitting that this tribute take place in Bethlehem, PA, because early Moravian colonists were selected to come to the New World on the basis of their musical skills. The moravians maintained orchestral groups and taught music from their earliest days. During this early period the Moravian Trombone Choir was established, an organization which is considered to be one of the oldest musical organizations in the country.

Musikfest will also be celebration of the cultural heritage of Bethlehem and the Lehigh Valley of Pennsylvania. The earliest settlers to the region were the Moravians and the Pennsylvania Dutch (Germans); this heritage gives Musikfest its German accent. However, to recognize the other important ethnic and cultural groups, that contributed to the cultural development of the Lehigh Valley, Musikfest will have a variety—270 performers—of groups to perform.

Musikfest is truly a community celebration. It is a celebration of the splendid talent that many visitors will hear during the event. It is a celebration of summer, when families and friends can be together. And most of all, it is a celebration of people, both those who have given their time, money and talent to make the event a success and those who will participate by enjoying themselves during the 9 day event.●

REGISTRATION DEADLINES: A BARRIER TO FULL VOTER PARTICIPATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. CONYERS. Mr. Speaker, voter participation is the very essence of the democratic process, yet the United States lags far behind the other democracies in that regard. The path to the ballot box is obstructed by a number of restrictive procedures which effectively preclude equal access to the polls. Registration deadlines are one such procedure that can easily be eliminated without compromising the integrity of the election process.

There are 32 States that impose moratoriums on voter registration 20 days or more before election day. Six other States close out registration from 11 to 20 days in advance. The justification given is that such requirements are necessary to prevent fraud and minimize the administrative burdens falling upon the election authorities. These problems can be overcome, however, by developing safeguards and properly allocating resources.

It is during the weeks immediately preceding an election that the public's interest is at its peak because both the candidates and the media are putting forth their best efforts to discuss the issues that are reflected on the ballot. To restrict registration at this time works contrary to the goal of maximizing participation in the political process.

The States of Oregon, Wisconsin, Minnesota, and Maine have realized this fact and have enacted laws which permit registration up to and including election day. They have, thus far, encountered an increase in voter turnout and no significant problems with fraud.

It is my belief, therefore, that registration deadlines which fall prior to the date of an election do little more that impair the ability of citizens to register and vote. As the result, I am today introducing legislation which amends the Federal Election Campaign Act of 1971 to provide for voter registration for Federal elections on all business days and at the polls on election day. If my bill is enacted, it is my hope that those States which retain moratoriums will act to conform their procedures with Federal law so that this barrier can be effectively eliminated as an impediment to full voter participation.

I invite all of my colleagues to join me as cosponsors of this legislation, the complete text of which is as follows:

H.R. 6147

A bill to amend the Federal Election Campaign Act of 1971 to provide for voter registration for Federal elections on all regular business days and at the polls on election day

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Federal Election Campaign Act of 1971 (2 U.S.C. 451 et seq.) is amended by adding at the end the following new section:

"VOTER REGISTRATION

"SEC. 409. (a) Each State shall conduct voter registration with respect to elections for Federal office during regular business hours on all regular business days and at such other times as may be prescribed under State law.

"(b) In addition to any other procedure for voter registration, each State shall establish and implement, with respect to elections for Federal office, a procedure for registration on the date of each such election (including registration during voting hours at all polling places).".

SEC. 2. The amendment made by the first section of this Act shall apply to elections taking place after December 31, 1984.●

FRED WARING, ONE OF A KIND

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. McCANDLESS. Mr. Speaker, at least half of the population of the United States heard, and danced to, or sang to, or whistled to, or all four, the wonderful music of Fred Waring and the Pennsylvanians.

Still working at 84, Fred succumbed to a stroke recently while in Pennsylvania. A prodigious chorus and band leader, he and his group recorded over 2,000 songs, during more than 60 years of movie, TV, radio, and road tour appearances.

I was fortunate to have Fred and his wife as a neighbor in Bermuda Dunes, CA. As a person, Fred emulated the kind of songs he made so popular. He, too, was upbeat and memorable. He played the kind of melodious, catchy tunes that people remember for a long time. His long-playing radio show, from 1933 until 1949, was a broadcasting and musical tradition.

For those too young to be familiar with Fred's music, the Waring Blender he invented in 1937 is still a popular kitchen item, with many imitators.

For all the contributions Fred made to popular music, we are grateful. Our heartfelt sympathies go to his family.●

TRIBUTE TO DIRECT RELIEF INTERNATIONAL

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. LAGOMARSINO. Mr. Speaker, today I would like to bring to the attention of my colleagues, the humanitarian work of Direct Relief International headquartered in Santa Barbara, CA in my congressional district.

Direct Relief International has been assisting millions of sick and needy people for over 36 years. As a member of the Subcommittee on Western Hemisphere Affairs, I am particularly concerned about the plight of their poor, needy, and refugees in our own hemisphere, specifically in strife torn Central America. I am very pleased that DRI is one of the benevolent, nonprofit, nonsectarian organizations striving to make a positive contribution toward alleviating the suffering

of the people in that region, particularly El Salvador.

Direct Relief International provided over $1 million in medical aid to El Salvador last year. Since 1981, DRI has sent $256,000 to Guatemala, $430,000 in aid to Honduras, $341,000 to Nicaragua, and $4,000 to Costa Rica. The DRI helps the needy through providing basic and necessary medical facilities, training, and supplies. For example, this humanitarian group recently participated in a major cooperative shipment of nutritious food and medical supplies to El Salvador. Just a short time ago, the DRI sent an $83,000 shipment of pharmaceuticals and equipment to three San Salvador hospitals. DRI is also helping local officials rebuild and resupply the country's medical school.

While many of its recent projects are focused on Central America, DRI helps the needy worldwide. Founded 36 years ago by William Zimdin, an European immigrant to this country, DRI has contributed more than $7 million in medical relief to suffering people and disaster victims throughout the world. As the Executive Director Dennis Karag stated, "medical needs know no political boundaries." DRI has also been instrumental in soliciting contributions of supplies, laboratory equipment, and textbooks from U.S. medical schools to help establish educational facilities in these impoverished lands.

The staff and volunteers of DRI deserve our greatest admiration and commendation for their humanitarian and often dangerous work. In a true representation of the American spirit, these generous people have worked very hard under very difficult conditions to ease the pain and suffering and improve the quality of of life for the poor, sick, and displaced.

I urge my colleagues to join me in expressing gratitude to these dedicated humanitarians of Direct Relief International.●

STRUCTURAL DEFICIT

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. ANDREWS of Texas. Mr. Speaker, with our economy in recovery, one would expect to see a significant shrinkage in the Federal deficit, and a substantive reduction in interest rates. However, neither one of these have occurred. While the Congressional Budget Office has reduced slightly its projection of the size of the deficit, interest rates have gone up, not down. The main topic of discussion in economic circles in not how to preserve the growing prosperity, but rather how much of a tax increase is needed, and what additional spending cuts will have to be made to prevent a major economic disaster. The reason for concern—the existence of a new and problematic element in our fiscal affairs, massive structural deficits.

A structural deficit differs from previous types of deficits we have experienced in that they cannot be eliminated by economic improvement. Generally, as the economy heats up, the tax revenues will rise, closing the gap between revenues and expenditures and thereby eliminating or sharply reducing the deficit. But a structural deficit is one which would not disappear even if the economy has full employment, and is operating at a maximum productivity. This structural deficit represents a permanent gap between the amount of revenue taken in, and the level of expenditures going out.

The problem of the large structural deficit began in 1981. The current administration, upon taking office, proposed radical changes in the spending priorities and fiscal management of the Federal Government. Their philosophy was to cut taxes on individuals and businesses significantly, and to reduce discretionary domestic spending. At the same time, the administration embarked on a program to strengthen our defense, a goal with which most Americans heartily agreed, myself included. But how the President choose to do it is another story. He began a costly arms buildup that has no parallel in peacetime. The buildup has been so rapid that it has become excessively costly, and growing every year. The administration claimed that large increases in defense spending would be covered by revenues even though they had significantly reduced potential revenues through tax cuts. They argued that the reduction in Government social spending, in addition to the tax cuts, would promote major growth in the economy, thus bringing in greater revenues even though at the lower tax rates.

The promised increases in revenues at the lower tax rates never occurred. Instead of greater prosperity, 1981 saw the beginning of the worst recession this country has endured since the Great Depression. Personal incomes and corporate profits dropped sharply. Millions were thrown out of work. Bankruptcys went up, and the amount of tax revenues taken in by the Federal Government dropped sharply, while defense spending continued to rise. The result was that by the end of fiscal year 1982, the deficit had risen from $59 billion during the last year of President Carter's administration to $110 billion under President Reagan, and grew the next year, 1983, to a staggering $195 billion. This year, even though the economy is much improved, it is expected that the deficit will reach $175 billion. This in spite of the fact that over the past 2 years, the Congress has enacted significant new spending cuts, and raised almost $100 billion in new taxes. In fact, in 1982, President Reagan endorsed and signed into law the largest tax increase in American history.

Even though the recovery has brought in enough new revenue to reduce the deficit by $20 billion this year, half the deficit in 1984 will be structural, and thus will not shrink as a result of an improved economy. In 1981, this structural part of the deficit was only $15 billion, roughly 25 percent. Last year the structural portion of the deficit had grown to $85 billion, representing almost 50 percent of the budget deficit. If it is allowed to grow unchecked, then by the end of this decade in 1989, the structural deficit will be $281 billion, representing 91 percent of that year's deficit. That would mean that even at full employment and productivity, only 8 percent of that year's deficit could be eliminated. At the present rate by 1989, the structural deficit will have grown to a size that will be almost 19 times the size it was when this administration assumed office.

Mr. Speaker, the impact of these structural deficits on the economy is staggering. First, there is a clash developing as both the Federal Government and private industry compete for a limited supply of private savings that are available for capital investment. This in turn keeps interest rates very high. Traditionally, the Federal Government has used 25 percent or less of the available credit in this country to finance the annual deficit. Since 1981, however, that figure has been rising sharply, and today, the Federal Government is taking 57 percent of net private savings. At the bottom of the recession in 1982-83, this was not a serious problem, and indeed probably stimulated some growth, but as the economy picks up, and industry begins to invest more in modernization and expansion, the Government needs to get out of the credit market and make room for private industry. When Government fails to do so, it forces the interest rates up significantly, businesses compete for the remaining small pool of credit. The high interest rates in turn can force an end to the growing recovery. Another serious short-term risk is that the deficits will reignite inflation, consumption is fueled faster than the rate of production, and the rate of growth in industrial capacity and the labor force. Finally, the high interest rates and deficits cause the dollar to become overvalued, diminishing the competitiveness of American exports, and increasing trade deficits.

As each year passes the deficits that we run become part of the national debt. By the end of this term, the cur-

rent administration will have doubled the size of this debt, adding more in 4 years than all other Presidents from George Washington to Jimmy Carter combined. The staggering increase in the permanent debt and the rapid growth combine to create some frightening long-term economic problems.

First, as mentioned before, these debts, deficits, and high interest rates devour private savings. In the 1970's, the net national savings as percent of GNP, after deducting for the deficit, amounted to 5.8 percent. If the current trend holds, it will wither to 2.4 percent by the late 1980's. Without sufficient savings for investment available here at home, the Government and private industry will be forced to look abroad for sufficient levels of capital for investment. Our country has usually been a net investor in the world. In the post-World War II era, this has always been the case, but the fiscal crisis that we now have is fast pushing us into the role of a debt nation.

In 1982, U.S. investments abroad exceeded foreign investments in the United States by $169 billion. However, as the deficit and high interest rates have produced both the need and incentive for major increases in foreign investments in this country, that situation is changing. By 1985 foreign investments in the United States could be $82 billion greater than our investments abroad, a shift of $250 billion in just 3 years. As Paul Volcker stated before the House Banking Committee earlier this year: "The richest economy in the world is on the verge of becoming a net debtor."

Future generations of Americans will find themselves financially obligated to foreign creditors. To pay for this we would be forced to cut our standard of living so that we must pay back these loans and the interest they will incur. Such a situation will weaken our Nation, creating the opportunity for foreign interference in our fiscal policy decisions and budgetary priorities.

Finally, these excessive structural deficts have doubled the size of our national debt. When you run up the charges on a credit care the minimum payment increases, as well as your overall debt to the company. Similarly, the interest payment and general obligation on the national debt increases with larger deficits. By the end of this decade, the service on the national debt, our annual interest payment, will reach $150 billion. It will require 50 percent of all the revenue brought in by the personal income tax just to cover this one payment. The annual interest payment will be as large as the amount spent on the defense of our country just 3 short years ago. Today, our national debt stands at $1.3 trillion, or roughly $6,600 per taxpayer. It will grow to a level of $10,000 per taxpayer in 5 years. The annual interest payment alone in 1989 will cost the American taxpayer $1,100 per person.

There are those who say that this problem can be solved simply through further cuts in domestic discretionary spending. That is not the case. If you eliminate all nonentitlement domestic spending, all the Government agencies, all the spending programs, the Congress, the executive branch, the judicial system, if the appropriations for all the civilian government were eliminated, it would total $161 billion, and we would still have a deficit of $14 billion. Others have suggested that this problem can be solved through additional taxes. While it has become more and more evident that new taxes will be necessary to bring revenues up to a sufficient level, to raise taxes without further cuts in spending would do little to deal with the problems of the structural deficit which must be the focus of our fiscal policy. What will be needed is a careful look at each component of the Federal pie, the elimination of excessive spending whenever it is possible, and the preservation of essential programs, keeping all that is needed, but not more than is needed.

As part of this effort we will have to take a careful look at defense spending. We will have to at least slow down the rate of growth in the Defense Department, probably eliminate some of the more costly and inefficient weapons systems such as the B-1B, and cut down hard on waste in the Pentagon. It is simply unacceptable that the Navy would spend $400 on a $7 hammer. It is intolerable that each year the Department of Defense sells up to $700 million in spare parts at cutrate prices that might still be needed to repair current equipment only to turn around in some cases and buy the equipment back from the same junk dealers at market prices. This sort of waste is inexcusable and must be stopped.

Mr. Speaker, if we are to prevent a worsening of this already gloomy scenario, then we must act now in a responsible, effective, bipartisan effort to solve this problem. The deficit crisis is not a Democratic or Republican crisis that can be blamed entirely on one party and ignored by the other. It is an American crisis which will require our combined efforts to resolve. Together we will have to be willing to make some hard choices and act with great fiscal restraint and responsibility to turn this crisis around.●

ROBERT BERLAND, FIRST U.S. OLYMPIC MEDALIST IN JUDO

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. PORTER. Mr. Speaker, I take this oppportunity to congratulate Robert Berland, a constituent from Wilmette, IL, who became the first American to make it into an Olympics judo final and win the silver medal.

Mr. Berland, who was competing in the 189-pound division, overcame knee surgery twice this spring to go to Los Angeles and represent our country. To him and all the other Olympic athletes who have made us so proud to be Americans these past weeks, I pay tribute.●

IN SUPPORT OF H.R. 6021

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. LANTOS. Mr. Speaker, I rise today to join as a cosponsor of H.R. 6021, a bill to correct a serious flaw in the Tax Reform Act of 1984—the virtual elimination of seller financing in thousands of transactions involving the sale of property.

The Tax Reform Act of 1984 made a well-intentioned attempt to correct perceived problems in the area of seller financing. However, the new rules applied to this important aspect of the buying and selling of property have clearly gone too far, and now threaten to unfairly burden the vast majority of average Americans who are involved with this process. If changes are not effected in the Tax Reform Act, the consumer—the renter and the homebuyer of a newly constructed house—will ultimately face penalties for their involvement in seller financing.

Prior to the Tax Reform Act of 1984, the Internal Revenue Service [IRS] required that a 9-percent interest rate be negotiated between the property seller and the buyer. If such a figure was not agreed to, a 10-percent interest rate was imputed by the IRS for tax purposes. Under the new act, sellers will be forced to charge an interest rate comparable to 110 percent of the corresponding U.S. Government obligation. These rates are about 14 to 15 percent. If such a high interest rate is not negotiated, the IRS will impose a penalty on the seller by imputing an interest rate equal to 120 percent of the appropriate Treasury rate for tax purposes.

What are the consequences? First, the widely used process of owner fi-

nancing stands to be virtually eliminated. Second, the private marketplace will be all but destroyed as a vehicle to reduce interest rates on property ranging from single-family homes to farm acreage to commercial buildings. Third, high interest rates will inevitably be passed on to the consumers, particularly renters and buyers of newly constructed housing. Finally, a dangerous trend could develop in reduced investment in low-income housing, since the sale of Housing and Urban Development projects are typically financed under negotiated low-interest arrangements between buyers and sellers.

Congress passed the Tax Reform Act of 1984 in response to widespread appeals from the public for more equitable structures in taxation and interest rates. Now we find that provisions of the act stand to produce the exact opposite effect in the area of seller financing. H.R. 6021 seeks to correct these serious flaws in the Tax Reform Act before the new rules go into effect on January 1, 1985. It is virtually important we act before that deadline to resist potential tax penalties for property consumers.

The buying and selling of property may very well be the oldest form of transaction in this country. I stongly believe Congress has a deep responsibility to mitigate those influences that would undermine the opportunity of all Americans to be a part of the process, keeping both buyer and seller free from undue taxation, penalties, and burdens.●

OLDER AMERICANS ACT

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. DENNY SMITH. Mr. Speaker, our huge Federal deficit is mortgaging the future of this country and ignoring the monstrous deficit we face will only make the problem worse.

Responsible actions call for facing up to tough challenges. This week I faced one of those challenges when the U.S. House of Representatives considered H.R. 4785, a bill reauthorizing the Older American Act Programs for a 3-year period. Although I support the programs authorized by the Older Americans Act, I voted against H.R. 4785 for one and only one reason. It costs the taxpayers too much money.

H.R. 4785 exceeds the levels recommended in the President's budget by some $860 million over the 3-year period. No area of the Federal budget can be allowed to continue the uncontrollable growth that is bankrupting our Nation for generations to come, be it the defense programs or those affecting our older Americans. No portion of the budget should be awarded such a hefty increase.

For 3 years I have advocated that the Congress simply freeze Federal spending across the board. It's a plan that calls for fairness without cutting worthy programs by allowing projected revenues to grow and balance the budget. It means no cuts, no additions to spending programs in the budget and appears to be the most practical way of straightening out our budget problems. Had we done this in 1981, we could now be boasting of a balanced budget today.

In no way am I suggesting that we balance the budget on the backs of our older Americans or any other sector of our populous. When it gets right down to voting for any increase in any spending program, I find myself looking at a much bigger picture. Why? Because unavoidably all Americans will share the burden down the road—I voted no on the Older Americans Act Amendments of 1984.●

EMPLOYMENT DISCRIMINATION AND THE IMMIGRATION BILL

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. ROYBAL. Mr. Speaker, about 6 weeks ago, during the floor debate on the immigration bill, H.R. 1510, I read into the RECORD an excerpt from an article which appeared in the Los Angeles Times on June 19, 1984. The article describes of employment discrimination in California that are already occurring as a result of the publicity surrounding the Simpson-Mazzoli bill.

Mr. Speaker, many of my colleagues refuse to believe that employer sanctions would cause discrimination. This article documents what we in the Hispanic community have predicted from the very beginning of the dabate over employer sanctions—that some employers would respond to the threat of sanction by discriminating against Hispanics and other individuals who may look or sound foreign. I urge my colleagues to read this article with open minds, and to re-examine their position on this critical issue. I submit that article for the RECORD.

[From the Los Angeles Times, June 19, 1984]

SOME EMPLOYERS WEED OUT ILLEGAL ALIENS

(By Laurie Becklund, Times Staff Writer)

Although it may be weeks before final congressional action on the Simpson-Mazzoli immigration bill, the proposed legislation already is prompting precautionary measures by some employers that, in some instances, have aroused complaints of discrimination against Latinos in the Southwest.

In California, some employers have begun laying off illegal workers, and others say that they are demanding more documents of job applicants to protect themselves from immigration raids and the possibility of fines or other penalties under Simpson-Mazzoli.

In addition, the owner of an Orange County die-casting factory, convinced that Simpson-Mazzoli may be the straw that breaks the camel's back after a decade of rough economic times, is quietly conducting feasibility studies to see if he should relocate abroad where he can take advantage of cheap labor.

The bill is also having some unpredictable effects. A Dallas apartment manager, apparently believing that the bill would require him to evict illegal aliens, sent out a notice in English last month to his mostly Spanish-speaking tenants warning them that anyone who failed to provide proof of legal residency would be turned over to the U.S. Immigration and Naturalization Service so the apartment owner would "stay in compliance with the law." Several tenants moved out.

The House of Representatives is scheduled to resume debate today on the Simpson-Mazzoli bill. The legislation envisions civil penalties for employers who knowingly hire illegal aliens and an amnesty for illegal aliens who can prove they have been living in the United States continuously since Jan. 1, 1982. But many details, including the controversial issue of amnesty for illegal residents, are still up in the air.

"We've been getting lots of calls from members concerned about how this bill will affect them," said Louis Custrini, vice president for communications of the California Merchants & Manufacturers Assn., which represents 3,000 employers. "But no one really knows. It's awful hard to gauge the impact of the bill—especially given the fact that we don't know the exact form it will take."

"Our clients have been wringing their hands over immigration bills for so long they're wrung out," said one immigration expert who advises about 40 manufacturers and other employers. "We've advised our clients just to maintain a wait-and-see posture."

But some employers, threatened by immigration raids or by economic pressures, do not feel that they have that luxury. Based on their experiences, these employers predict that, in the short run, the legislation could lead to layoffs of persons suspected of being illegal aliens and, in the long run, to the relocation, automation or even closure of factories.

Some Latino leaders charge that confusion over the proposed bill already has led to cases of increased animosity toward Latinos in some areas of the Southwest.

REQUESTING GREEN CARDS

"We have already experienced employers requesting citizenship papers or green cards of all Mexican-American people applying for jobs—mainly in the service industry areas like hotels and restaurants," said Johnny Mata, Texas director of the League of United Latin American Citizens. "We think this is because of the threat of Simpson-Mazzoli."

Star Kist Foods, in deep financial trouble from foreign competition and a depression in the tuna industry, recently dismissed at least nine Terminal Island cannery workers it suspected of being illegal aliens as a result of threats of immigration raids that could further disrupt production, vice President Ed Ryan said.

The dismissals prompted a protest by more than 200 persons last Thursday. Several of the employees had seniority of 10 years or more, protesters said. Some were near retirement, and one was a mother who was pregnant with her third child. The workers were fired after refusing to comply with a company order to present their immigration documents.

"I feel badly about this," Ryan said. "These were really senior people. One of them had 14 years seniority."

AMNESTY PROVISION

Ryan said that he is prepared to "create jobs" for the nine fired workers if Simpson-Mazzoli is enacted and grants amnesty to some illegal aliens. Because Star Kist has not hired any workers for two years. Ryan said, the firm's entire work force could become legal if the current amnesty provision in Simpson-Mazzoli becomes law.

Mike Spinelli, vice president and general manager of Aluminum Precision Products, an aerospace forging operation in Santa Ana, said that he laid off 32 illegal immigrant workers in 1983.

The move was a precautionary measure; he had been warned by the U.S. Immigration and Naturalization Service of a possible raid on his factory.

Had a major raid occurred, he said, he might have lost many more members of his skilled work force. The company has refused to hire any new illegal aliens, he said and has taken the additional precaution of hiring employment counselors to advise current employees on immigration law and how to defend themselves if caught in a raid.

SCREENING APPLICANTS

What is more common than dismissing workers suspected of being illegal aliens is screening out job applicants who do not show proof of citizenship or legal residency.

Donald Sutherland, regional vice president and manager of the new Intercontinental Hotel in the Houston Galleria said that the hotel has begun demanding that job applicants present "proof of U.S. citizenship or a residency card."

"Immigration raids might cause you to lose some good employees, and then you have to go out and rehire," he explained. "It is less costly to start out with people you are not going to lose."

Like many employers, he said he began asking applicants for documentation not just because of Simpson-Mazzoli, but because of "an awareness . . . about the tremendous influx of illegal aliens coming in and applying for jobs."

LEGAL PROTECTION

Although such employers say that screening applicants gives them a shield of legal protection in case Simpson-Mazzoli as enacted, some complain that the new legal workers are less satisfactory than the illegals.

Others confide that they fear they are discriminating against Latino applicants.

"Because of the possible fines under Simpson-Mazzolia, we decided to comply in not hiring illegals last year," said the personnel director of one sizable Los Angeles vehicle manufacturing plant who asked that the company not be identified. "We made a statement that none of our current work force would be affected but that new people would be screened."

Because many green cards and other identification cards used by illegal aliens are fraudulent, she said she participates in a program that the INS calls Operation Cooperation. If an employer decides to participate in the program, he uses an INS hot line to verify the legality of documents supplied by job applicants. In return, the INS generally avoids raiding those workplaces.

PLAYING IT SAFE

But, because the INS computer is often down and lines are clogged, the personnel director said that she winds up hiring non-Latinos to "play it safe."

"I hate to say this, but I'm sure there have been a lot of times that I've discriminated against Latinos," she said. "Sometimes you just don't have time to wait for the computer. If I have four applicants for the job, I would naturally incline toward the one that's not Latino . . . Most employers would just rather play it safe than get into trouble with INS."

Because of the new screening process, the company payroll has dipped from about 75% Latino to roughly 50%, she said.

One unexpected side-effect of such scrutiny, she said, is that the new legal employees she hires have poorer attendance records than the illegal aliens the company once employed.

Aluminum Precision had similar complaints, Spinelli said. Although wages have increased, worker absenteeism has increased, and work force turnover has soared to 30% annually.

Employers in other labor-intensive industries fear that they will be unable to find replacement workers willing to take the low-paying jobs they have to offer.

"I was hit by the INS," said an Orange County die-caster who refused to be named. "I feel I'm legal at this point. But I am very close to relocating abroad, and I know others who are, too. It's not just Simpson-Mazzoli. It's that we've been competing with cheap foreign workers for a long time now. And we just can't afford to pay higher wages to attract American workers."

"It's very hard for us to get workers," agreed Bernard Brown, vice president of the Coalition of Apparel Industries, which represents 600 employers with 125,000 workers statewide. Although Brown said that industry sources have no way of knowing exactly how many of those workers are illegal aliens, it is often estimated that as many as 80% of the seamstresses in the garment industry are illegal. In many such plants, English is rarely, if ever, spoken.

Because the women work in large rooms whose exits can be blocked by immigration agents (unlike hotels or restaurants, which also are believed to employ large numbers of illegal workers), garment factories are considered cost-efficient targets for raids by INS.

RETAINING ID RECORDS

To preclude disruptive raids and prepare for Simpson-Mazzoli, Brown said, his coalition sent out notices last month recommending that its members retain photocopies of whatever identification job applicants present.

"We've asked for Social Security cards, and, second, if they're Latinos or look like Latinos, we've asked for green cards," he said, "So, we've complied with the law as it stands now. . . . The burden of proof would be on the government (to establish that the employer knew the employees were illegal aliens)."

But one garment contractor with 80 employees who spoke on the condition that he not be identified said that he thinks at least 90 percent of his seamstresses are "probably illegal," even though he has ID cards for all of them.

"A lot have been with me for years," he said, "I can't fire them if Simpson-Mazzoli passes. And, even if I did fire them, there's no guarantee I could replace them. No high school graduate is going to take these jobs. My average wage is maybe $5 an hour, piece rate. There's no upward mobility. I can't make these jobs attractive."

MORE IMPORTS SEEN

The contractor said that he is counting on a generous amnesty provision that would legalize the vast majority of his workers. If amnesty is denied, he predicts that many garment contractors will cross their fingers and hope that the INS will be too overwhelmed to hit them all.

If enforcement is stiff, he said, "my guess is you'll find more importing. If they close down our labor force, what other alternative do we have? The second possibility is that we would probably look to automate."

Meanwhile, many employers indicate that they are willing to go to bat for their most senior illegal employees. One Los Angeles employer who asked not to be identified said that he has about 12 illegal workers whom he is prepared to support against the INS if they are ever arrested. The dozen workers, who include supervisors, are essential to his manufacturing operation.

"These people have been here since before there was a green card," he said "They have raised children and sent them through college. Are we prepared to bail them out? Yes. Are we prepared to pay their legal fees? Yes."●

H.R. 3487, TAX DEDUCTION FOR THE COST OF A TAXPAYER'S MEDICAL INSURANCE PREMIUMS

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. SHUMWAY. Mr. Speaker, Congressman DELBERT L. LATTA from Ohio has introduced H.R. 3487, a bill that would amend the Internal Revenue Code of 1954 to provide that one-half of the amount paid by a self-employed taxpayer for his medical insurance premiums be allowed as a business deduction.

Today only self-employed individuals pay for their medical insurance coverage with after-tax dollars. Current law (IRC 213) recognizes the medical insurance expenses of a taxpayer, spouse, and dependents as deductions that are itemized for Federal income tax purposes. The full cost of the coverage that employers furnish for their employees is deductible to the employer as a business expense and is a tax free benefit to the employee.

By not allowing self-employed business persons to deduct any portion of their medical insurance premium costs, the Internal Revenue Service is penalizing them for their positions as employers and providers of job opportunities in the community. Congress should recognize these self-employed individuals not only as employers, but

also as employees, working within their respective businesses. The dual role these people play in their businesses entitles them to the proposed 50 percent tax deductions of their personal medical insurance premium payments.

Congressman LATTA's bill, on behalf of the self-employed, deserves expeditious action by this body and I encourage my colleagues to join in this effort.●

HUMBOLDT NATIONAL FOREST BOUNDARY ADJUSTMENT

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mrs. VUCANOVICH. Mr. Speaker, today I am introducing legislation to improve the effectiveness of public land management in the State of Nevada.

The proposal would transfer administrative jurisdiction of 14,742.68 acres of public lands administered by the Bureau of Land Management [BLM] to the Forest Service and modify the Humboldt National Forest boundary to include these lands.

The public lands are located in Elko and White Pine Counties in northeastern Nevada and lie mostly in the Ruby Valley. In 1967, the Forest Service and BLM began discussions to transfer lands to the Forest Service. These lands had historically presented management problems for BLM, generally because the isolated nature of the parcels encouraged unauthorized use. While the lands proposed for transfer are isolated from other BLM administered lands, they are adjacent to National Forest lands. The purposes of the transfer are to streamline management and to create a more workable forest boundary.

The topography of the lands is primarily gently rolling foothills and benches, with occasional rock outcrops. Productivity is limited, with the primary use being livestock grazing. All of the lands are now within BLM grazing allotments but I am assured by the Forest Service that the transfer will have little impact on the grazing permittees.

There are no lands with wilderness potential involved. Historic habitat for the Lahontan cutthroat trout occurs in the Humboldt River Drainage of the west side of the Ruby Mountains and east side of the Independence Range. Although both agencies administer the Endangered Species Act, the land transfer may actually enhance management of this threatened species through reduced interagency coordinated needs. Management of other fishery resources would benefit because existing BLM stream segments are too short to manage effectively.

I know of no opposition to the legislation and I believe that it will provide for better land management within my home State.●

SCOUT JOHN MALONEY HONORED FOR HEROISM

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. DONNELLY. Mr. Speaker, this month the Boy Scouts of America are bestowing their most prestigious award, the Honor Medal for Lifesaving, to John Maloney of Weymouth, MA.

This young man's courage and presence of mind in an emergency saved the life of a bed-ridden priest when fire struck a church rectory last March.

Thirteen-year-old John Maloney had been working at the church rectory when fire broke out in the kitchen. He quickly took charge of the situation, instructing others to call the fire department while he and housekeeper Margaret Kenney braved dense smoke to reach the second floor room, directly above the kitchen, where 78-year-old Monsignor J. Joseph Ryan lay in bed, convalescing from an illness.

As he ran down the long second floor corridor to the monsignor's room, Mr. Maloney thought to close the doors to the other rooms to delay the progress of the smoke and flames toward the sickroom.

With the aid of nurse Ann Cunningham, he moved Monsignor Ryan onto an adjacent porch, where they were safe from the heavy smoke and within reach of fire department ladders.

The three-alarm fire heavily damaged the rectory, but thanks to John Maloney's heroic efforts, there was no loss of life.

The Honor Medal for Lifesaving is the rarest honor bestowed by the 4.7 million member Boy Scouts of America. It is presented to members "who demonstrate unusual heroism in saving or attempting to save life at the risk of their own."

This award to John Maloney of Scout Troop 121, Weymouth, MA, is well deserved. I join in congratulating this fine young man.●

NACOA

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. WEISS. Mr. Speaker, one might have expected it if Anne Burford had succeeded in taking control. But even without Ms. Burford's guidance, the National Advisory Council on Oceans and Atmospheres has rendered a controversial and potentially reckless decision typical of the Reagan administration's environmental policy.

In its special report to the President and the Congress, NACOA has recommended the removal of the 14-year moratorium on ocean dumping of radioactive material.

The study acknowledges the shaky track record of the management of radioactive waste. NACOA also admits it lacks knowledge of the full consequences of future ocean dumping. Its willingness to lift the moratorium despite these stated doubts is similar to an attitude often taken by the nuclear industry; let's proceed. We can worry about protecting health and safety later. We risk, once again jumping out of the plane before learning to operate the parachute.

The study calls attention to the growing and unanswered problems caused by the build-up of radioactive waste on land. How dare they then consider marring another ecosystem before cleaning up the mess already present in our back yard.●

IS MALAYSIA A QUESTION MARK?

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 10, 1984

● Mr. DOWNEY of New York. Mr. Speaker, I was outraged this morning when I read on the front page of the New York Times that the New York Philharmonic had agreed to a request by the Malaysian Government to replace a scheduled work because its subtitle contains the word "Hebrew."

At a time when Third World nations are beginning to emerge as powers to reckon with, I find it hard to understand why Malaysia has refused to pursue a dignified policy endorsing freedom of speech and expression. To request an artistic body whose agenda should transcend politics and ideology to compromise its principles and integrity to repressive and antisemitic values is reprehensible.

There are many nations who appreciate the value of ideals in directing their policies. There are some, however, that do not. These countries, like South Africa, enjoy the scorn of most nations of the Western World. I question whether Malaysia's actions are an indication of their willingness to join the ranks of these notorious and most unethical countries. It is something for this body to consider in future debates over issues affecting our relationship with Malaysia.●