

EXTENSIONS OF REMARKS

CHANGES IN HEALTH CARE
THROUGH THE 1990'S

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1984

● Mr. WILLIAMS of Montana. Mr. Speaker, the American College of Hospital Administrators [ACHA] recently completed an interesting and perceptive study which I would like to bring to the attention of my colleagues.

The ACHA, which is a professional society of 19,000 health care executives, surveyed 1,000 experts throughout the health care field including hospital leaders, physicians, other providers, legislators and regulators, suppliers, and payors. The objective of the study, entitled "Health Care in the 1990's," was to determine what consensus there was about changes which could take place in health care over the next 20 years.

This survey presents a unique perspective on the trends and strategies which will be reshaping our health care system. It revealed surprising consensus among the experts on such issues as a continued increase in spending for health care services, growth of investor-owned hospitals, greater utilization of less expensive alternatives to acute inpatient hospital care, and increased patient financial participation in health care. The overall conclusions of the study are summarized in the attached overview section of the report.

The report contains several interesting conclusions regarding the future social philosophy of health care in the United States. Health care recently crossed an important threshold. The prospective payment system, enacted by Congress in 1983, was intended to encourage cost control and foster price competition. This new system will impact everyone concerned with health care, including providers, payor, and patients.

The experts agree, according to the report, that the pendulum will swing toward policies based on economics. Those surveyed believe greater access will be available only to those able to pay for it; many will be afforded only limited levels of service. This may be true in particular for amenities, or those services above a minimum level.

The report also makes several important observations concerning changes in public policy. It predicts, for example, that Congress will have to address the question of defining life and death

for patients on life support systems. The experts surveyed felt Medicare will further limit the coverage of inpatient hospital care by 1990. The report also shows consensus among the experts surveyed that Medicare premiums and deductibles will rise.

Mr. Speaker, I don't agree with all the observations made in this report. However, the American College of Hospital Administrators' study, prepared in cooperation with Arthur Andersen & Co., provides important insights on changes which could take place in our health care system. I would like to commend the ACHA study to my colleagues and ask that selected portions of the report be included in the RECORD.

OVERVIEW

The health care delivery system has crossed the threshold of change once again, but, this time, the new course is more dramatic and the effects more consequential than any recently experienced. The evolving methods of payment for health care services are based on financial incentives intended to encourage cost control and to foster price competition. The potential impact of this redirection for all concerned—providers, payors and, in particular, patients—is enormous.

Previous payment systems were designed to encourage expansion of the delivery system and of patients' access to it. The resulting costs became intolerable. The federal government instituted a prospective payment system for Medicare in 1983 in an attempt to provide financial incentives to hospitals to control costs and thus to begin to gain control over the government's health care expenditures. Other third party payors are moving to implement similar payment programs and the providers of care are responding with new strategies in order to maintain their ability to service their communities.

Arthur Andersen & Co., the international accounting and consulting firm, and the American College of Hospital Administrators ("the College"), the professional society of more than 19,000 health care executives, have cooperated in a study designed to determine the consensus of health care experts concerning the future direction of the health care system. Six panels of experts were surveyed—one each from hospital leaders, physicians, other providers, legislators/regulators, suppliers and payors. References are made to these six panels throughout the report. Differing panel responses are noted in the report whenever they vary significantly.

Survey results are reported in seven broad categories. Implications and Strategies follow the survey results in each category, providing an analysis of the survey results by the sponsors together with an identification of key success factors for the next decade.

The study sponsors believe that the results presented here will contribute greatly to the current debates surrounding the

future of this vital industry. The impressive rate of response to the survey substantiates the interest and concern that the nation's health care experts hold for the future of the system.

By surveying 1,000 experts throughout the health care field, the results of this study present, for the first time, a comprehensive assessment of trends and strategies reshaping health care in America today.

What additional changes will the payors make in the payment system?

How will these changes affect the public's ability to receive care and what will be the effect on the quality of care?

How will new technologies affect the cost and quality of care?

How will providers respond and what will be the priorities for managing health care organizations in the next decade?

A high level of consensus exists today among experts from all sectors of the health care field concerning where the trends are headed and what the operational strategies will be.

For hospitals, the experts agree that: Multihospital systems will continue to grow and will be positioned best to implement and take advantage of the strategies of choice in the new competitive market.

Investor-owned hospitals will substantially increase in numbers and will be more profitable.

The amount of money spent nationally on health care services will continue to grow.

New types of providers will erode the acute care inpatient hospitals' share of health care expenditures.

Emphasis in health care will shift to ambulatory services and new alternative delivery systems.

Hospitals may be at a disadvantage in attracting capital financing and many will have to create new corporate structures and business ventures to compete in the capital market.

For physicians, the experts predict that: Prospective payment systems will be extended to include physician payments and this will result in a drop in their relative income levels.

The anticipated oversupply of physicians and the continued trend toward practicing in hospital-based positions and alternative delivery systems will mean a decline in influence. These factors also mean a decline in the fee-for-service payment method.

Increased fiscal restraints and greater use of prescribed patient care protocols portend less autonomy for tomorrow's physicians, more frequent conflict with their hospitals and an anticipated decline in the professional satisfaction they will derive from their practice.

Hospitals and their medical staffs will collaborate and advocate together on behalf of the patients they serve. This collaboration will lead to the development of new relationships and new organizational designs for working together.

For other providers, such as nursing homes, extended care facilities, specialty care institutions and ambulatory care facilities, the experts foresee that:

Greater utilization and growth of less expensive alternatives to acute inpatient hospital care will occur.

More providers, both institutional and individual, will compete in the markets represented by these alternative levels of care.

For the patient, the experts forecast that: The level of patient financial participation will increase and the patient's expectations of the health care system will have to be adjusted.

Persons covered under governmental programs can anticipate the greatest changes as the benefits and eligibility standards of these programs undergo the most significant changes.

Patients with private coverage will experience restrictions as well, but additional levels of service will be available to those willing to pay for them.

A common thread runs throughout the study—an accelerating rate of change. The paramount change will be the surging competitive health care market. During the next decade, the success of health care providers will be dependent on multiple factors:

- Strategic and financial planning
- Refined management skills
- Risk identification and analysis
- Integrated clinical and financial cost accounting

- Prudent application of new technology
- Predictive market analysis
- Computerized decision support systems

Many of the survey experts see the coming decade as one of great challenge as well as one requiring a change in perspective. For successful providers, the competitive market will mean a strengthening of their position and greater rewards for their sound business judgment. The panelists also exhibited a strong desire to move ahead and tackle the challenges before them.

SOCIAL PHILOSOPHY

The social philosophy of health care in America has been difficult to define. Our collective conscience has wrestled with how this societal need should be balanced against other needs in light of the available financial resources. The result has been like the swing of a pendulum. Goals of "highest possible quality" and "unlimited access" have been expressed in good times. Today, the pendulum is swinging back as a strained economy brings home the reality of budget deficits and accentuates other needs in the nation's infrastructure.

The dilemma leverages our belief in the rights of the individual and our desire to maintain the availability of the world's best health care system against the reality that we have limited financial resources. The nation's conscience, therefore, must provide direction. Is health care a basic human right? If so, how much can we afford to spend on this need as opposed to other needs, such as education and food assistance? How much of the financial burden of health care should each person bear? Should a different level of services be offered to those who cannot pay? At what point should new technology be made available where and for whom? Or, as one panelist put it, "Is this society ready to ration health care and, if so, is it willing to do so explicitly and openly?"

The opinions of health care professionals will have an impact on how these and other issues are answered in the next decade. The extent to which they are in agreement will affect the views of others.

EQUAL ACCESS TO A MINIMUM LEVEL OF HEALTH CARE IS A RIGHT

A minimum level of health care is the right of all Americans, according to the

overwhelming majority (98%) of respondents. However, only 12% of the participants think everyone is entitled to the same level of services.

More of the legislator/regulator and other providers panelists tend to agree with this view, while the hospital, supplier and payor panels clearly disagree with this statement.

Accessibility of services will change over the next ten years for patient groups under different payment plans. Even though eight out of ten respondents believe in the right of equal access to health services, nine out of ten panelists also predict a marked decline in access for uninsured persons without the personal ability to pay. Access to services will also become more of a problem for Medicare and Medicaid beneficiaries, most respondents agree. The majority of the panelists see no change in access for those covered by Blue Cross/Blue Shield and the commercial insurers, nor for those uninsured who have the ability to pay for services. For health maintenance organization (HMO) enrollees, three out of four respondents perceive a marked improvement in access by 1995.

QUALITY OF CARE WILL BE A CONCERN

Respondents forecast changes in the quality of care received by different categories of patients. There is 87% agreement that uninsured persons without the ability to pay will experience the most significant decline in the quality of their health care services by 1995. Many of the panelists also expressed concern about a decline in quality of care for Medicare and Medicaid beneficiaries. Little change is expected for those with private insurance. Concerning HMO subscribers and those uninsured who have the ability to pay for services, about half of all panelists predict an improvement in quality but fewer of the physician panelists foresee such improvements for these groups (11% and 15%, respectively).

NOT-FOR-PROFIT HOSPITALS PROVIDE HIGHEST QUALITY CARE

More than eight out of ten participants perceive that not-for-profit hospitals currently provide the highest quality of patient care. Investor-owned hospitals are ranked next, being placed in the mid to high score range by all panels. Hospitals sponsored by federal, state and local governments are perceived by over 60% of all panelists as providing the lowest quality patient care.

ADVANCES IN TECHNOLOGY WILL IMPROVE QUALITY OF CARE

Despite the predicted decline in the quality of care for certain patient groups, panelists also believe that certain advances in medical technology will improve the overall quality of health care and will increase life expectancy. Over 90% of the combined panelists believe this to be true for laser technology, magnetic resonance imaging, and drug therapy and immunization. The combined panels rank the potential of laser technology the highest of the three. To a slightly lesser degree, the panelists believe that five other technologies—angioplasty, CT scanning, ultrasound, organ transplantation and artificial organ implantation—are likely to improve the quality of health care.

HEALTH CARE'S SHARE OF THE GNP WILL CONTINUE TO RISE

The upward spiral of health care costs, as measured by the percent of the Gross National Product (GNP) devoted to health care, will continue and then level off. In 1982, the figure was 10.5 percent. By 1990, the panelists predict that it will rise to 12 percent and remain there through 1995.

There is relative agreement concerning what should be done in key areas to help moderate this trend. Seven out of ten respondents agree that Medicare should limit the amount of money spent for extending the life of the chronically ill aged. Over 98 percent of the panelists concur that a terminally ill patient, or the family when the patient is incapable of doing so independently, should have the right to refuse extraordinary treatment that would prolong life.

Medical malpractice awards should be limited, according to 90 percent of the panelists. Within the responses of individual panels over twice as many people in the supplier panel (which includes lawyers) disagree with this idea, as compared to the hospital and physician panels.

Funding for medical research should not be reduced, according to 90 percent of the respondents. Research and teaching costs, however, should be funded out of sources other than patient care revenue. The number of physicians (13 percent) who disagree with this last statement is three times greater than the proportion of the panelists as a whole (4 percent).

ALTERNATIVE DELIVERY SYSTEMS AND INCREASED PATIENT PAYMENTS WILL REDUCE COSTS

The panelists were asked to list their own ideas for reducing the overall cost of health care. According to most panels, emphasizing alternative delivery systems and ambulatory care is the number one way to reduce the cost of health care in the U.S. The physician panelists ranked this idea second; they first recommend increasing patient deductibles and coinsurance payments. The payor panel sees shrinking the delivery system and emphasizing ambulatory care as holding the greatest potential.

The second choice of the hospital, other providers and supplier panels for reducing health care costs is to make patients more responsible financially for their care. The legislator/regulator panel ranks public education which emphasizes wellness and preventive medicine as their second choice.

A variety of other ideas also are recommended, including different payment systems, increased competition, improved provider productivity and limiting access to services. Few respondents envision the reduction of government regulations as a viable solution for reducing costs because the government will remain the largest purchaser of care.

PHYSICIANS BELIEVE COMPETITION WILL HURT QUALITY

Increased competition among health care providers appears to be a generally accepted trend of the future, but the study participants are divided over whether this will have a positive or negative impact on access to and quality of care. Physicians, in particular, envision an unfavorable impact on quality, with 83% predicting a decline in the quality of health services due to increased competition. With regard to access, almost 90% of the other providers panel predict a positive impact from competition, compared to 60% of the balance of respondents.

CHARITY CARE WILL INCREASE IN GOVERNMENT HOSPITALS

Eighty-six percent of the respondents anticipate that state and local government hospitals will experience an increase in their levels of charity care patients, and three-quarters also predict an increase for federal hospitals. Little change is forecast for not-for-profit hospitals, but panelists expect in-

vestor-owned facilities to decrease the level of charity care they currently provide.

A slight decrease is expected in the percentage of uninsured people during the next decade. In 1980, 13% were uninsured and most panelists expect that figure to decline to 12% by 1990 and to 11% by 1995. Physicians, suppliers and payors predict a slightly greater decline by 1995, to perhaps 10% of the population.

REGULATIONS

The Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and the Social Security Amendments of 1983 legislated the most significant changes in the Medicare program since its inception. In less than one year, Medicare reimbursement for hospital inpatient care changed from a cost-based retrospective payment system, to cost-per-case limits under TEFRA to a prospective payment system based on diagnosis related groups (DRGs).

The Federal government's rapidly accelerating health care expenditures prompted these changes. As one of the respondents wrote, "It is important to understand that we are dealing with an entitlement program that has gotten out of hand." Health care inflation will continue to exceed that of the rest of the economy and, combined with concern over federal deficit levels, could trigger further legislative action to hold the line on government health care expenditures.

Future regulatory changes in health care are anticipated. The need to refine the emerging competitive market in health care undoubtedly will lead to new laws and regulations. There also is little question that trends such as America's aging population, the increasing capacity of technology to extend life and the need to control the federal deficit will result in legislative initiatives to limit government health care outlays and, ultimately, to curb demand for health care services.

In the future, a primary issue for health care providers will be the degree to which the regulatory framework provides the right incentives for an appropriate degree of market competition. One panelist assesses the situation this way: "In 1990, the over 65 group will still be increasing in size and political power. This (power) will not offset, but it will moderate, the moves to cut Medicare because of rising costs and the trend away from social programs that is underway."

CONGRESS WILL DEFINE LIFE AND DEATH

By 1990, life and death will be defined legislatively to allow the withdrawal or nonuse of life support systems in cases of terminal illness, according to 95 percent of the panelists.

Eight out of ten participants predict that by 1990 the Medicare program will limit the dollar expenditures for the extension of life for the chronically ill aged. In the opinion of one panelist, "We must define life in terms of function, not just heart beat."

MALPRACTICE AWARDS WILL BE LIMITED

Eighty percent of the panelists believe that Congress will act by 1990 to limit malpractice claim awards, which should result in more affordable malpractice insurance premiums and less defensive medicine. Only 8% do not predict such limitations by 1990 and 12% are undecided.

Will the U.S. adopt some form of national health insurance by 1990? Most respondents do not expect it to happen but 37% do. The expectation that it will occur is particularly strong among the other provide panelists

(68%) and it is weakest among the payor panelists (15%).

The favorable tax treatment of employer-paid health insurance benefits will be reduced or eliminated, say 87% of the panelists, which could result in a general contraction of employee health benefits and in employees becoming responsible for a greater portion of their health care expenditures.

According to three-fourths of the respondents, including 84% of the legislator/regulator panel, tax exempt bonds will continue as an available source of capital for not-for-profit hospitals. Without this source of capital, the cost of money would increase and the greater debt service load would rule out expansion, renovation and modernization projects for many not-for-profit hospitals.

Nine out of ten panelists expect the expansion and replacement of existing facilities and the introduction of new services to be subject to tighter restrictions in 1990, evidencing their perception of the government's wish to constrict the size of the health care delivery system. In the view of 72% of the panelists, antitrust laws are expected to become more stringent relative to multihospital system mergers and acquisitions; however, they predict this will do little to alter the trend of hospitals joining these systems.

MEDICARE WILL FURTHER LIMIT COVERAGE OF INPATIENT CARE

Virtually all participants forecast that Medicare will further limit the coverage of inpatient hospital care by 1990.

Coverage for services provided by physicians also will be more limited by 1990, according to 79% of all respondents; only 42% of the legislator/regulator panel, however, envision this limitation.

On the other hand, panelists predict that Medicare will expand coverage, for home care, hospice care, hospital outpatient services, rehabilitative services and skilled nursing care. Medicare's emphasis on ambulatory care will be mirrored by other third party payors as America looks for less costly alternatives to expensive inpatient hospital care.

MEDICARE BENEFICIARIES WILL PAY MORE

In addition to changing its menu of covered services, Medicare will take additional steps by 1990 to pare its outlays. Ninety-nine percent of the panelists project a significant increase in Medicare premiums, deductibles and coinsurance. Ninety-three percent of the respondents also believe that the qualifying age for receiving Medicare benefits will be raised.

Perhaps the projected change with the greatest potential impact is a fundamental change from Medicare coverage of all elderly citizens to coverage based on financial need. Almost 90% of the study participants expect Medicare to implement a "means test" by 1990.

ASSIGNMENT OF MEDICARE BENEFITS WILL BE MANDATED FOR PHYSICIANS

Anticipated legislative actions which would benefit Medicare patients include adoption of catastrophic illness coverage for older citizens and a requirement for physicians to accept assignment of benefits for Medicare beneficiaries, each of which is projected by nine out of ten panelists.

HOSPITAL EXECUTIVES SAY REGULATORY BURDENS EXCEED BENEFITS

Hospital executives believe overwhelming that regulatory burdens significantly exceed their related benefits to society in the areas of certificate-of-need and planning regulations, and state rate regulations. To a

lesser extent, they feel the same way about Medicare payment regulations, antitrust laws, Hill-Burton regulations and IRS unrelated business income regulations. Panelists believe a balance of benefits and burdens exists in state licensing requirements for personnel and facilities.

On the other hand, these executives believe that benefits far exceed the related burdens of regulatory compliance in the areas of IRS tax exempt regulations and tax exempt bond regulations and, to a lesser degree, that the benefits exceed the related burdens in the Joint Commission on Accreditation of Hospitals' survey process.

Members of the legislator/regulator panel generally rated the benefits of regulations higher and the related burdens of regulatory compliance lower than did the hospital panel.●

JOHN HOPE FRANKLIN, RECIPIENT OF JEFFERSON MEDAL

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1984

● Mr. VALENTINE. Mr. Speaker, I would like to bring the attention of the House to a North Carolinian about to be honored with the Jefferson Medal. The Council for Advancement and Support of Education has chosen Dr. John Hope Franklin of Duke University for this prestigious award.

Dr. Franklin has compiled a list of accomplishments that defies quick and easy summary. Suffice it to say that he has graced the world of learning and public service with exceptional achievements in academics and civic affairs.

Dr. Franklin, as James B. Duke Professor of History, blends the story of America's blacks, their honorable struggle for civil rights, and the growth of the American South. He has written nine books on Southern and Afro-American history. One of these, "From Slavery to Freedom: A History of Negro Americans," has appeared in no less than five editions and nearly 1 million copies.

Not content with the contemplative life alone, Dr. Franklin has made his mark in public service as well. When the Supreme Court decided in 1954, in *Brown* against the Board of Education, that America must put an end to the segregation of her schools, it based its decision on research conducted by Dr. Franklin and his colleagues. At the height of the struggle for civil rights, he marched with Dr. Martin Luther King, Jr., from Selma to Montgomery.

Dr. Franklin has been showered with honorary degrees from colleges and universities whose names span the alphabet from Arizona to Yale. He has been granted fellowships for post-doctoral research, for advanced study in the behavioral sciences, and for a long line of other pursuits. When *Who's Who* in America chose eight Ameri-

cans for significant contributions to society in 1978, Dr. Franklin was on the list.

The mind of Dr. Franklin has earned impressive praise for creating a revolution in the study of the American South. In his works, no artificial distinctions divide his subjects into blacks and whites: He prefers instead to tell the story of black Americans as an integral part of the region that formed so much of their first experiences in a revolutionary land.

To Dr. Franklin, the hundreds of years spent by blacks in America have affected far more than the lives of blacks alone. He says with conviction that black history forms so much a part of America's past that the teaching of white history without black history belies the essential interaction between the two races.

Many people have termed Dr. Franklin the dean of black history. He considers it proper to be regarded as something else—a historian of the American people.

On October 16, 1984, in our Nation's Capital, Dr. Franklin will receive further affirmation of the impact made by his work. When he receives the Jefferson Medal, we will all take pride as his peers honor his work. The day will serve as an occasion for pride not only in this city but throughout North Carolina, throughout the South, and throughout the whole of our Nation.●

NEWARK NAACP MARKS 70 YEARS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1984

● Mr. RODINO. Mr. Speaker, next month will mark the 70th anniversary of the Newark Chapter of the National Association for the Advancement of Colored People. It is with great pleasure that I take these moments today to salute this outstanding organization.

The NAACP has set an example for oppressed people the world over in their struggle for human rights. In addition to the long list of achievements that we all know well—laws enacted and court cases won—the NAACP has made all Americans sensitive to our most basic constitutional rights. It has made men and women everywhere more aware of what it means to be deprived of a livelihood, deprived of the right to vote, deprived of one's identity and self-worth. The NAACP has stirred the conscience of America and given real meaning to our Constitution. On the national level, the NAACP has been the prime moving force of social change in this country. On the local level, the Newark branch of this organization has made a differ-

ence in the lives of countless individuals—and I proudly count myself as a lifetime member.

The Newark chapter of the NAACP will celebrate 70 years of achievement with a dinner on October 26 at the Gateway Hilton in Newark. The guest speaker will be the Reverend Leon H. Sullivan of the Zion Baptist Church in Philadelphia, who has been a strong civil rights leader both in his home city and around the Nation. Bobie Cottle, president of the Newark NAACP is especially to be commended for providing such excellent leadership to the organization. In addition, I would like to salute the following officers of the Newark chapter: John D. Woods, first vice president; Dorothea Lee, second vice president; Daisy Stokes, secretary; Dolores Carter, assistant secretary; Mamie (Gus) Hale, treasurer; and the following members of the executive committee: Carrie Alston, Mary Avery, Cleo Blount, Daniel Blue, George Branch, Lovie S. Brown, Rev. Oliver Brown, William H. Brown, Marquerite Bush, Sally Carroll, Billie M. Cook, Antoinette Davis, Clara Dean, Helen J. Gardner, Rev. Ralph T. Grant, William Hadley, Ethel Moore Johnson, Harold Jones, Jr., Margaret Kee, Eddie Mae Livingston, John Love, Eleanor Lyle, Susan McGee, Clyde D. Mitchell, Willa Moye, Sue Nelson, Henry Robinson, Arlena Salley, James W. Shue, Joyce Simmons, William Simpson, Steven Talks, Rev. John R. Stanford, Andrew Washington, J. Barry Washington, Louise Washington, Willie Watson, and Kathleen Williams. In addition the following people will receive awards from the organization: Keith Jones, Louise Epperson, councilwoman Bobby Reilly, and Keith Bodden.●

CENTENNIAL CELEBRATION OF SPRINGFIELD COLLEGE

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1984

● Mr. BOLAND. Mr. Speaker, New England has the good fortune of having an abundance of colleges and universities within its small region. Many of the institutions enjoy national and worldwide recognition. Few, however, are as special as Springfield College.

Next year, Springfield College will mark its 100th anniversary. Those 100 years have been characterized by determined and steady growth. Founded by the Reverend David Allen Reed, a young minister who recognized the need to educate young persons for community service, the college was originally known as "A School for Christian Workers." The name changed several times through the

years, and in 1953 the institution officially became known as Springfield College. Located on the shore of Lake Massasoit, in the center of my home city, Springfield, MA, the college enjoys the social and cultural advantages of an urban setting.

Springfield College is one of the few colleges that has adopted the humanics philosophy. Stressing the importance of the well-rounded individual—one of sound mind, body and spirit—the college encourages and motivates its students to serve humanity in fields that are international, intercultural, interracial and interreligious.

Mr. Speaker, the leadership of President Bill Locklin, and the dedication of the administration, faculty, students and graduates of Springfield College have made it the outstanding institution it is today. I join with the college's many loyal supporters in congratulating it on its accomplishments and in anticipating the events of the centennial celebration.●

A TRIBUTE TO PAUL SIMON

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1984

● Mr. DOWNEY of New York. Mr. Speaker, at the end of the 98th Congress we will lose a truly remarkable Member of this House, PAUL SIMON, of Illinois. PAUL and I came to Congress together in 1975 and I can honestly say that the time I have spent with him in this House has been rewarding and educational.

PAUL brought a wealth of experience as a newspaper publisher, Illinois State legislator, and finally Lieutenant Governor, when he came to the House. In his 10 years here he has been a stalwart friend of labor and an ardent defender of the great liberal tradition of Franklin Roosevelt, he served on the House Budget Committee where he argued forcefully that fiscal responsibility did not mean cutting social programs. He was prepared to look to other areas, such as the Pentagon, for budget savings. He proposed that Congress commission an independent audit of the defense budget in order to determine the magnitude of savings that would result from a fiscally prudent defense policy.

Educators and students have benefited greatly from his chairmanship of the Subcommittee on Postsecondary Education of the Committee on Education and Labor. In that capacity he worked tirelessly to protect higher education from the budget cutting ax of the Reagan administration.

PAUL's concern for the poor and hungry of the world led him to write a book with his brother on hunger and politics and to play a leading role in

hunger legislation in this House. More recently, he has turned his scholarly eye to the problem of public morality and public policy. His reflections are a useful antidote to the pious platitudes that surround this issue today.

My regret at seeing PAUL leave this House is tempered by my hope that shortly we will be seeing the results of his clear thinking and strong liberalism in the other body.●

TRIBUTE TO THE PRIVATE INDUSTRY COUNCIL, VENTURA COUNTY, CALIFORNIA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1984

● Mr. LAGOMARSINO. Mr. Speaker, we who serve in this Chamber all too often hear of the failures and abuses suffered by Federal job training programs, the sad tale of unfulfilled promises. But today, I wish to bring to the attention of my colleagues the story of promises fulfilled and of goals accomplished.

The Job Training Partnership Act establishes a partnership between business and local government to administer use of the Federal funds and provide management direction. In my congressional district in California, the Private Industry Council of Ventura County and the Ventura County Board of Supervisors this year initiated a job training program that, I am pleased to note, has exceeded the most optimistic expectations.

This job training partnership program served 974 people, exceeding its original goal of 130 people. Most importantly, this program successfully placed 606 people in meaningful jobs in the first 9 months of operation. Not only were jobs found and capable people placed in them, but the average hourly wage paid was \$5.02, exceeding the organization's goal of \$4.37 per hour.

This job training program effectively worked toward the legislative mandate of reducing public assistance by placing 154 welfare clients into unsubsidized employment. Furthermore, the Ventura Private Industry Council proved spectacularly successful in providing job training for the youth of Ventura County with a placement rate in unsubsidized jobs 50 percent higher than established in the State plan while maintaining unit costs 20 percent less than originally anticipated.

At a time when such programs typically incur high administrative costs, this Ventura County program actually spent 84 percent of its budget on training, not administration.

I am pleased to conclude this positive story by advising my colleagues that such rare achievement indeed is

EXTENSIONS OF REMARKS

rewarded. Sponsors of this successful effort will now receive a performance incentive award of additional program funds totaling \$208,265 to continue its important work and expand its service to the people of Ventura County in the new year.●

1984—NATIONAL 4-H WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1984

● Mr. NATCHER. Mr. Speaker, once again I am pleased to join with the members of 4-H as they celebrate National 4-H Week October 7 to 13.

4-H is administered by the Cooperative Extension Service of the Department of Agriculture and assists young people in acquiring knowledge, developing skills and forming attitudes that will enable them to become self-directing, productive members of society.

Participation in 4-H is open to all interested youngsters between the ages of 9 and 19. Nearly 5 million youths were enrolled in 4-H programs last year. Membership has expanded steadily for the past 25 years and 4-H alumni now total about 45 million.

Volunteers are essential to the 4-H program and last year nearly 600,000 volunteers worked directly and indirectly with 4-H members. The average volunteer donates 220 hours each year in preparing for and teaching youth.

During the past 10 years, 4-H enrollment in my home State of Kentucky has nearly doubled. Over 235,000 youth were enrolled as 4-H members in 1983 and in the Second Congressional District of Kentucky, which I have the privilege to represent, nearly 34,000 youngsters and 4,000 volunteers participated in 4-H activities.

4-H members complete one or more projects each year. The most popular projects by Kentucky youth last year included: individual and family resources; machines, equipment and engineering; communication arts and sciences; plant science and crops; energy; health; cultural and leisure education; animal sciences; ecology and natural resources; community development services and government; and economics, jobs and careers.

More than 27 counties in Kentucky participated in 3-day food and nutrition camps sponsored by 4-H in 1983 and an expanded food and nutrition education program reached more than 65,900 economically disadvantaged youth in 1982 and 1983.

The Kentucky Extension 4-H staff, volunteers and members are continuing efforts to maintain a strong, dynamic program and I would like to take this opportunity to commend them for their past accomplishments and to wish them continued success in all their future endeavors.●

PLAN TERMINATION AND REVERSION CONTROL ACT OF 1984

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1984

● Mr. ROYBAL. Mr. Speaker, it is becoming increasingly apparent that the retirement security of the American worker is being fundamentally challenged by an ever-rising tide of overfunded pension-plan terminations. These terminations are occurring because employers are able to recover so-called excess assets after the termination of their pension plan. It was thought that the Federal law regulating private-pension plans, ERISA, would preclude employers from using their plans for their own self-interest. However, under this administration's interpretation of that law, overfunded terminations have been sanctioned, overfunded terminations have soared and the retirement security of workers and retirees have been sacrificed.

As chairman of the House Select Committee on Aging, I feel constrained today to introduce comprehensive legislation which will place reasonable controls on the ability of employers to terminate their overfunded pension plans. I invite and encourage my colleagues, and the participation of the pension community, and of workers, and retirees in an examination of this bill in a cooperative effort to arrive at a system of controls which will better assure the financial security of workers and retirees from such terminations.

I insert the statement on the Plan Termination and Reversion Control Act of 1984 into the RECORD as follows:

STATEMENT ON THE PLAN TERMINATION AND REVERSION CONTROL ACT OF 1984

INTRODUCTION

This bill is being proposed in response to a continuing pattern of overfunded defined benefit pension plan terminations which result in the loss of benefits to retirees and to workers. In essence, corporate raids are being carried out against the retirement income security of the American worker. Unless Congress acts swiftly to curb such practices many of America's pension funds will quickly and silently be bled dry, robbing workers of their future retirement security.

In 1974, the Congress enacted the Employee Retirement Income Security Act (ERISA), the federal pension law which seeks to protect workers and their families who are covered by employer sponsored pension and welfare benefit plans. It was presumed that the law would prevent the litany of abuses against workers and their families who are covered by employer sponsored pension and welfare benefit plans. Unfortunately, this presumption has proven to be ill-founded in several substantial ways.

As we observe the tenth anniversary of ERISA the Congress can be proud that significant strides have been made to protect workers pension and welfare benefits. How-

ever, today a growing number of corporate plans sponsors are doing an "end run" around the qualification requirements of the Internal Revenue Code and the fiduciary provisions of ERISA, requirements in the law which are designed to protect workers, by simply terminating their "overfunded" defined benefit pension plan to get at pension assets. A defined benefit plan proves a specific future benefit that a worker can count on based on years of service and pay with an employer. Workers lose potential benefits they would have earned in the future, often at an accelerating rate, if the plan had not been terminated.

For example, a 15-year employee of XYZ Corp. who plans to retire in 10 years may reasonably expect to receive a pension benefit of \$550 a month on retirement, as defined in the pension plan. However, as a result of the termination of the corporation's "overfunded" pension, the employee might receive a benefit of only \$300 a month, since his work credits would no longer be accumulating for the purposes of that pension plan. Even if a new plan were initiated, it would treat this worker as a "new" employee, so benefits would not accrue fast enough to provide anything like the pension anticipated under the old plan.

Employers are terminating their pension funds to recover so-called "excess" assets. These are amounts which remain after all liabilities (benefits to workers) have been satisfied after the termination of the pension plan by the employer. These excess assets however, are not really excess at all but rather represent benefits which would otherwise be paid to workers but for the premature termination of the plan by the employer.

A Labor Department study of termination cases concluded that for each \$100 of anticipated real pension benefits, workers can expect to lose \$45, since they will be credited only with service to date as the result to these terminations. Thus, the termination of an "overfunded" plan can wreak financial havoc with workers' retirement security. Retirees' cost-of-living adjustments probably would be eliminated because such adjustments typically are provided through the plan's excess assets, money that will now go to the employer on termination of the plan.

PURPOSE AND BILL SUMMARY

It is the purpose of this bill to establish a federal policy which will insure that workers and retirees are effectively protected from the loss of their pension benefits due to overfunded plan terminations which are initiated so that employers will recover excess assets. Such a federal policy will make clear that the principle intent and purpose in establishing to pension plan and providing a tax qualified basis for the contribution and accumulation of pension assets is to provide a secure and defineable retirement income for workers and their families. The continuing trend of overfunded plan terminations represents a clear and present danger to the retirement income security of workers and retirees. To better ensure the retirement security of workers and retirees from such danger, the proposed legislation establishes a number of safeguards. The bill would:

Establish a "business necessity" test for overfunded plan terminations. If the termination does not meet the business necessity test (i.e. was not the result of bankruptcy, insolvency or other business hardship), then the bill provides that any excess assets

would be ratably distributed to workers and retirees.

An excise tax of 10% would be imposed on any remaining amounts which are not distributed to workers and retirees.

If the termination meets the business necessity test, then the employer will be able to recover excess assets under certain conditions specified in the bill.

An application for an overfunded termination will be subject to a public hearing on the record to enable both the employer and plan participants to articulate their views regarding the pending termination application.

Certain restrictions will be placed on contributions of employer stock and other employer investment media contributed to a plan. Specifically, a plan will be able to invest no more than 5% in qualifying employer securities and employer stock which is contributed may not contain features of debt when contributed to the plan.

A study will be commissioned to determine whether standards for appropriate actuarial assumptions and methods should be imposed for the funding of plans.

In a conversion from a defined benefit plan to an Employee Stock Ownership Plan (ESOP), a vote must be taken among participants to determine whether a conversion will occur.

Plans which commit an overfunded termination will be prohibited from instituting a "comparable" plan for a five year period after the termination. Certain restrictions on funding and funding deficiency waivers are also imposed on successor plans.

The bill establishes a limited Plan Termination and Reversion Control Commission to administer provisions of the bill.

REVIEW OF ADMINISTRATION ACTIONS

The Reagan Administration has done little to impede or resist this rising tide of plan terminations which deprive workers of needed pension benefits. In less than five years employer pension raids have netted more than \$2.7 billion for corporations. Applications to terminate overfunded pension plans worth an additional \$1 billion are pending. Hundreds of thousands of workers are affected. Issuance of new "guidelines" by the Administration on asset reversion are not targeted to stop or resist pension raids. Rather, the guidelines offer new opportunities for corporate sponsors to accomplish plan terminations and will allow new and questionable techniques to be used to accomplish those raids.

Pension asset raids are not the only form of proliferating pension abuse that is growing. Increasingly, employers are contributing various forms of employer stock and other investments in lieu of cash to their pension funds. This has been particularly true in instances of corporate mergers and takeovers where stock held by the pension fund of the employer may prove to be crucial in resisting a takeover attempt. The abuse which may occur in such instances involves a loss to the plan of what the true market value of such a contribution should be and the manipulation of the pension fund to benefit the employer at the expense of the employees. The use of Employee Stock Ownership Plan's (ESOP) by employers as a device to either resist or accomplish a takeover attempt raises substantial questions under ERISA as to whether the interests of employees are well served by such actions. Moreover, restrictions on the ability of employees to vote their stock shares in ESOP's or other pension plans raise questions as to whether their interests are being

adequately and appropriately represented by plan trustees.

It is now incumbent that the Congress examine these growing manifestations of employer directed assaults on the security of pension benefits to workers. As the Congress has striven to provide security for workers under Social Security, it is no less important that the Congress assure workers that their pension benefits are equally secure to provide an adequate retirement income.

The House Select Committee on Aging has conducted two hearings regarding instances where workers have lost potential retirement benefits through such overfunded terminations. The first hearing, on June 7, 1982 reviewed the situation of the terminations of the Harper and Row Publishers Pension Plan and its subsequent replacement by an Employee Stock Ownership Plan that was instituted by the management of that publisher. Present and former employees of Harper and Row testified at that time that the termination of the Harper and Row plan resulted in a loss of their retirement security and resulted in significant losses of benefits due to the inordinately high 15% interest rate which was applied to lump sum distributions to many of the workers.

A second hearing held on September 28, 1983 indicated the continuing problems associated with overfunded terminations generally and examined the status of federal law as viewed by the Department of Labor and the Internal Revenue Service on overfunded terminations. The Department of Labor testified that the decision of a plan sponsor to terminate a plan is a business decision and not a fiduciary decision covered by ERISA. The Internal Revenue Service testified that, generally, the various requirements of the Internal Revenue Code permitted the return of surplus assets after the satisfaction of all accrued benefits to participants and beneficiaries at the termination of the plan. Moreover, the Service indicated that those amounts which arose as a result of "erroneous actuarial error" were recoverable by employers under the Service's regulations. Finally, the Service testified that it was concerned about the then new possible arrangements for terminations involving so-called "spinoff terminations" and terminations reestablishment cases.

Since that testimony by the Department of Labor and Internal Revenue Service to this Committee, Robert A. G. Monks, Pension Administrator for the Department of Labor on April 4, 1984 before the Senate Labor Subcommittee, announced a new Administration position regarding overfunded terminations. This new position provides that employers may engage in spinoff and termination reestablishment terminations. A spinoff termination involves the termination of an overfunded pension plan in which the surplus and retired participants are retained in the former plan while a new and substantially comparable successor plan is created for active participants. The former plan is then terminated so that the employer may recover any excess assets. In a termination reestablishment case, the plan, which is overfunded, is terminated by the employer to recover the excess assets and a new and substantially comparable defined benefit plan is instituted to replace the former plan. Both of these methods of terminating and subsequently substituting a substantially comparable successor plan have been permitted under the Administration's implementation guidelines.

The Administration guidelines require that upon the termination of the plan, all participants and beneficiaries must be fully vested in their accrued benefits and that annuity contracts must be purchased for these individuals. Noticeably absent from these guidelines however, is any requirement to mandate that past service credits from the previous plan be credited to the successor plan for participants. While there is some argument that annuitization of vested credits provides some inflation protection for those vested benefits, clearly with respect to those plans in which the salary factor plays a principle role in determining benefits (final pay plans), the absence of any requirement to pick up past service credit in a successor plan will result, in some degree, in a diminution in benefits that would have otherwise been realized under the previous defined benefit plan. To this degree, and more starkly, the absence of mandated past service credits in a successor plan may well invite a reduction in absolute terms of projected benefits that could have been earned under the previous plan. Moreover, for a less altruistic employer, the absence of mandated past service credit may represent an open invitation to diminish benefits in any successor plan that might be instituted by the employer.

A group of tax attorneys who had petitioned the Internal Revenue Service and the Pension Benefit Guaranty Corporation to utilize the spinoff method of termination, had provided in their submission that a "cushion" of excess assets be carried into the successor plan, ostensibly to protect against a shortfall in funding in early years and to provide some modicum of protection to the Corporation in its responsibility to the successor plan. However, the Administration did not see fit to include a requirement for a cushion within its guidelines. Rather, after some review, it was apparently felt that the annuitization of accrued benefits and the minimum funding standards would be sufficient to protect future benefit accruals and provide sufficient insulation to the Corporation with respect to the successor plan. It is problematic however, that the annuitization and minimum funding standards will provide sufficient protection particularly for the Corporation in the event that a termination of a successor plan occurs in years shortly after the creation of the successor plan. Moreover, it is also reasonable to assume that any point at which interest rates and other markets decline and affect the actuarial liabilities of the plan, that the Administration's guidelines will not provide a sufficient buffer to insure an adequate and solvent funding of the plan under those circumstances, particularly within the early years of the successor plan's creation.

An abuse noted in previous Committee hearings and recognized as an issue within the Administration guidelines has been the use of inordinately high interest rates applied to lump-sum distributions made to participants upon termination. Testimony by one witness before the Committee indicated that based upon his twelve years of service with Harper and Row Publishers he had received a lump-sum distribution of approximately \$700 for his accrued benefit. Upon seeking a life annuity from an insurance carrier however, he received a quota of approximately \$7,000 to secure such an annuity. The Administration has responded to this abuse by promulgating a regulation that requires an interest rate be used which approximates a market or annuity rate. While the new rate set by the Corporation

will more closely align with prevailing market interest rates, such a formulation however, still falls short of the most accurate barometer of accrued benefits, the use of an annuity interest rate to determine lump-sum amounts.

The use of the spinoff and termination reestablishment techniques and certain other requirements which are embodied in the Administration guidelines raise significant questions regarding the authority under ERISA and the Code to permit such arrangements. One threshold problem involves an apparent lack of authority under the Code and Title IV of ERISA to prescribe certain conditions attending a spinoff and termination reestablishment. The use of the spinoff and termination reestablishment techniques directly undermine the minimum funding standards prescribed under Titles I and II of ERISA. No exception or limitation is provided within those provisions to permit a redefinition or reorientation of the specific requirements of funding in the manner constrained through spinoff and reestablishment terminations. Moreover, there would appear to be little or no authority within the fabric of Title IV upon which the Corporation could authorize the use of these techniques. The requirement that a plan sponsor could not engage in another termination and subsequent reestablishment of a defined benefit plan within a fifteen year period is not specifically prescribed in either the Code or Title IV of ERISA, but rather it appears to be based on the fifteen year requirement to amortize experience gains. Basically, the Administration guidelines in this area simply undercut the policy and requirements of minimum funding under ERISA making null and void the need to preserve reserves of funding to protect participants, plan sponsors and the Corporation. The policy of the guidelines in this area simply cede to the employer any surplus through plan termination with little or no recognition of the policy objectives and requirements respecting minimum funding.

A significant area without guidance in the guidelines involves tax policy and the opportunity for tax abuse through overfunded terminations. The Committee on Aging has written extensively to the Service inquiring whether, in their opinion, opportunities for tax abuse exist within the present structure of overfunded terminations which have occurred to date. The responses of the Service have largely been unifying on this topic and the stance of the Service in this area remains unclear within the guidelines. What is clear is that an employer through the recapture of excess assets has received a tax deduction for contributions and an exemption for interest and dividends realized on plan assets. This preferred tax treatment is accorded to encourage the establishment and presumed maintenance of permanent programs of pension benefits to provide retirement income security to workers covered under these programs. An employer who is recapturing excess assets is reaping a significant tax benefit even assuming the reversion is included as income to the employer. An employer in a position to offset any tax liability with respect to the reversion through tax loss carryforwards may significantly defray or entirely eliminate any tax liability that would otherwise result from the reversion. Such a result can be analogized to other abusive tax treatments of investments which have been the concern of both the Administration and the Service in other areas. Simply, some employers may

have treated their tax qualified pension plan as merely a "tax free corporate savings device". The continued failure of the Service and this Administration to recognize the implications of this abuse raise serious questions with respect to both revenue and tax policy considerations which are of long standing concern under the Code. This continued failure may well have other serious consequences if guidance is not issued to preclude further abuse.

Perhaps the single greatest failure of the Administration guidelines is that they fail to address the basic concern implicit in overfunded terminations. That is, that as a matter of public policy the failure to in any way inhibit or control overfunded terminations serves to erode the basic federal policy supporting the establishment and maintenance of pension plans, which is to provide a secure reservoir of monies to provide retirement income to workers.

Statistics released by the Administration regarding overfunded terminations indicate that since 1980 to the present over some 261 overfunded plan terminations involving reversions in excess of \$1 million to employers have occurred. These overfunded terminations total approximately \$2.7 billion which have been returned to corporate sponsors through overfunded terminations. The majority of these terminations have been taken not because of a financial necessity of that employer but, rather, because the employer desired to obtain a reversion to accomplish some business purpose which might include preventing or sponsoring a takeover, improving the financial statements of that employer, or using the reversion to finance the acquisition of employer stock. While some commentators may believe that the use of a reversion in this manner is not an appropriate subject for review in the context of setting policy on employee pension plans, it would seem imperative that such a review is incumbent, at this point, to ensure that appropriate safeguards are provided to assure employee benefit security. Presently, there are pending applications for overfunded terminations (involving reversions of \$1 million or more) which are rapidly approaching \$1 billion. The issuance of Administration guidelines, which sanction the use of spinoff and termination reestablishment techniques, would seem to provide a fertile environment to encourage further overfunded terminations. Moreover, the convenience of the termination vehicles available within the Administration guidelines provide an easier mechanism to accomplish a plan asset reversion, than those methods previously sanctioned by the agencies.

DISCUSSION OF BILL

One provision of the bill would have the effect of prohibiting the use of so-called "spinoff" and "termination reestablishment" overfunded plan terminations. As indicated earlier, a spinoff termination involves the creation of a second and comparable defined benefit plan in which the active participants of the former plan are placed. The former defined benefit plan retains only retired participants (i.e. participants who are already in pay status under the plan) and any surplus plan assets which exist in the plan. The employer typically purchases annuity contracts for retired participants and obtains a reversion of excess assets upon the termination of that former plan. Thereupon, only the active employees are retained in the subsequent successor plan which is substantially comparable to

the terminated plan. With respect to a termination reestablishment arrangement, a defined benefit plan covering employees is wholly terminated and a reversion is taken by the employer upon the termination of that plan. Subsequently, a new and substantially comparable defined benefit plan is created to cover the same group of employees.

In both instances, these arrangements present significant difficulties with compliance with the minimum funding standards of ERISA. This is with respect to both Title I and Title II which covers those requirements pertaining to the tax qualification of defined benefit programs under the Code.

Provisions of the bill will prohibit the use of spinoff and termination reestablishment arrangements. This is done with respect to the concern that these devices essentially emasculate the minimum funding standards of ERISA. Moreover, the use of such an arrangement provides a more convenient mechanism for employers to levy against their plans much like a corporate investment vehicle rather than a retirement savings trust designed to benefit employees. An examination of pre-ERISA law, and particularly regulations promulgated under the Code indicate that such devices were previously considered illegal under the Code. The concern expressed in those pre-ERISA regulations are no less cogent today than they were at the time that they were drafted. Regulations which will be drafted pursuant to section 2 will more clearly delineate the parameters of this specific prohibition.

The bill describes the various tests which must be applied concerning the distribution of excess assets upon the termination of an overfunded defined benefit pension plan. In the first instance, any residual assets which are attributable to employee contributions shall be equitably redistributed to those employees.

A rule has been provided requiring that 50% of the remaining residual assets will be distributed to retirees in pay status and 50% will be distributed to those participants who are within five years of the normal retirement age under the plan. This rule is added to provide some modicum of financial protection for those individuals who are approaching retirement and retirees who would otherwise be deprived of benefit security through an overfunded termination due to the loss of ad hoc cost-of-living adjustments. Specifically, these individuals will now, through operation of the rule, receive additional benefits which will more closely approximate promised benefits under the plan and for retirees provide needed cost-of-living protection that could have been afforded through the existence of overfunded amounts.

With respect to amounts distributed to participants and beneficiaries who are already in pay status with respect to the plan, such a distribution shall be equal to that participant's or beneficiary's unpaid constructive cost of living increase. The term "unpaid constructive cost of living increase" is defined as the amount of such participant's benefits which would be remaining unpaid, after satisfaction of the liabilities of the plan to such participant or beneficiary as if general cost-of-living increases had taken effect under the plan. This section requires that in order to have such a distribution no cost-of-living increase would have been granted to retirees within the last five years preceding the termination of the plan. The cost-of-living adjustment shall be measured based upon an annual rate equal to a

measure of the Consumer Price Index as prepared by the U.S. Dept. of Labor for the appropriate period.

With respect to any participants who have not received benefits, but who are within five years of the normal retirement age under the plan as of the termination date, such participants will receive ratable distributions. Such benefits will be measured based upon the present value of benefits prior to the termination of the plan and in a manner as if the plan had not been terminated and the participant had continued to accrue additional benefits under the plan and attain the normal retirement age. In this manner, the participant will receive some additional benefits toward what he would have otherwise earned under the plan but for the premature termination of that plan. However, amounts distributable under this section are premised on the amount of available assets remaining to satisfy these benefits and, to the extent that assets are less than those needed to provide full benefits under this section, such remaining amounts will be distributed on a prorated basis.

In each instance where there is a required distribution of excess assets to a specific class, if assets prove to be insufficient to meet a full distribution to all members of that class, then an equal and prorated distribution shall be made to all members of that class so as to absorb all remaining assets for that class.

A special rule is provided such that if benefits between any class, those who are within five years of the normal retirement age under the plan and retirees who are in pay status, would fall below 75% of the benefit provided to the other class, the Commission will be granted discretion to redistribute such amounts from the other class so as to assure that benefits do not fall below the threshold of 75% between the two classes.

A plan which is in effect on the date of enactment of this law shall be considered to meet the requirements of the law if within 60 days after enactment, provisions of that plan contain provisions which have been previously described. Generally, the provisions of this subsection will constrain that all excess assets which are the result of an overfunded termination that does not meet the requirements of a business necessity termination shall be used for the satisfaction of benefit payments to retirees and participants who are within five years of retirement under the plan. It shall be the responsibility of the Commission which is created under the law to promulgate appropriate regulations to interpret and enact the provisions of this law.

An excise tax is imposed in those situations where an overfunded termination which is not the result of business necessity occurs. Specifically, a tax of 10% of the fair market value of the residual assets is imposed against the plan sponsor in such a termination. However, in those instances where the overfunded termination is a result of business necessity no assessment of tax will be made on such a termination.

With respect to an application for termination of an overfunded plan, the bill provides that a hearing on the record be held by the Commission to determine whether or not the termination should be granted. The hearing will afford plan participants, retirees, plan officials and other interested parties an opportunity to express their views and concerns regarding the application for termination of the overfunded plan. In addition, such a hearing will better enable mem-

bers of the Commission to define and understand those issues pertinent to the application for termination.

Provisions of the bill make several significant changes to the manner in which employer securities are treated under ERISA. In recent years there has been a growing trend of contributions in kind (contributions of employer stock, leaseholds, limited partnerships, etc.) by employers into their pension funds. Pension and Investment Age Magazine has estimated that over one 18 month period employers contributed in excess of \$1.8 billion in the form of stock or other contributions in kind. There is every reason to believe that such contributions will continue and, in fact, have escalated over the last several years.

Contributions in kind raise a number of significant questions regarding their propriety and acceptability with respect to certain goals which are sought under ERISA. One of the immediate concerns raised by a contribution in kind is the appropriate valuation of such a contribution into the pension fund. While a number of large employers have striven to assure that an appropriate value was placed on a contribution into the plan, other small and close corporations may not attempt to assure the appropriate valuation of such contributions. If the value of the contribution does not reflect the value of the required contribution to the plan, then there is a potential that the plan will become overfunded. Moreover, with respect to the deduction taken by the employer for such a contribution, if the true value is not reflected by the actual contribution then a form of tax abuse has occurred with respect to such a contribution.

Additional problems are presented in instances where the employer reserves or otherwise restricts the voting rights of stock which have been contributed to the pension fund. In such instances, management may seek to consolidate its position through exercise of voting rights held by the plan. Such an exercise by management may be antithetical to the interests of participants covered under the plan. The Department of Labor's interpretation of relevant provisions of the prohibited transaction provisions would not appear to clearly delineate and prohibit the exercise of voting rights in such instances.

Finally, the growing use of contributions in kind as a funding medium, generally, present an opportunity for a loss of security in the manners described above. For this reason, the threshold of qualifying or real property is lowered from 10% to 5% under the bill. This will better ensure that additional protection is afforded through this lowered limitation for contributions and appropriate rules are provided to achieve the lowered threshold.

Provisions of the bill in this section provide that any qualifying employer stock contributed to a plan not be encumbered by a bond, debenture, note, certificate or any other evidence of indebtedness. Moreover, such a contribution may not be subject to any restriction on its marketability or on any voting power attached to the contribution. These restrictions will better assure that the interests of plan participants remain clear and unfettered by ancillary concerns which could be raised by management. In addition, the Secretary of Labor shall promulgate regulations which will define a method of determining the fair market value of stock or other contributions which are contributed to a pension plan.

There are provisions in the bill concerning a study which will be conducted by the Joint Board for the Enrollment of Actuaries. The bill would require that the Joint Board conduct a study to determine reasonable actuarial assumptions and methods that could be prescribed for various types of pension plans. Upon completion of this study, after a two year period, a report would be prepared and submitted to the appropriate committees of the Congress to determine whether any legislative reforms will be needed based upon the report.

This study would be undertaken in response to concerns that certain actuarial assumptions and methods that are presently applied to some pension plans are inappropriate and or produce actuarial assumptions which cannot be sufficiently justified under prevailing market conditions and reasonable actuarial projections. Moreover, there is a concern that Code provisions which grant the Internal Revenue Service authority to review the actuarial assumptions adopted by plans may not be sufficiently stringent to assure the adequate funding of plans and the appropriate use of reasonable actuarial assumptions with respect to any given plan. It would appear to be reasonable, given the absence of appropriate standards or guidelines associated with the use of actuarial assumptions and methods within the profession, to examine and make determinations with respect to whether appropriate guidance should be applied in this area. Moreover, it would appear to be appropriate to invest the Joint Board with responsibility to conduct this study, make recommendations, and if determined necessary, provide authority for the Joint Board to supervise the imposition of such appropriate standards.

With respect to Employee Stock Ownership Plans (ESOPs), provisions of the bill would require that in any transfer of assets from a terminated plan to an ESOP, such a transfer must be approved in advance in writing by the participants in the terminated plan; that the proportion of voting rights remain equal to or no less than those rights existing prior to the termination of the pension plan.

This provision is included to better assure that the interest of participants, with respect to their voting of shares in an ESOP, is adequately protected through their ability to vote those shares. Moreover, the ability of participants to vote their shares will afford some protection against the ability of management to attempt to entrench itself or otherwise act in a manner which might be adverse to the interest's of participants covered under the plan.

Certain restrictions are placed on the reestablishment or recreation of a "comparable" plan after the termination of an overfunded plan which is not based on business necessity as formulated in the bill. Specifically, a plan which is terminated without business necessity is disqualified for a period of five years from establishing a comparable plan within that period. In addition, no funding deficiency waiver may be granted to a successor plan within 10 years after the termination of a plan which was not based on business necessity. With respect to the creation of a comparable successor plan after a termination for business necessity, no funding waiver may be available within five years of the termination of the former plan. Moreover, comparable restrictions are provided with respect to any extension of the amortization period in a manner similar to the restrictions discussed above. In addition, if a comparable plan is established within

five years of the termination, a faster funding period is required for such a comparable plan to better assure adequate funding for future benefits.

The bill provides for the creation of a Plan Termination and Reversion Control Commission which will have authority to regulate the various provisions of this bill. In this regard, the Commission will have the authority to exercise the respective authority of the Internal Revenue Service, Pension Benefit Guaranty Corporation and the Department of Labor for those cases which fall within the jurisdiction of the Commission. The Commission will be an independent agency within the executive branch and will consist of five members, one liaison officer to be delegated from the Department of Labor, Pension Benefit Guaranty Corporation, and the Department of Treasury. In addition, two public members will be appointed by the President from recommendations submitted from the Secretary of Labor. The essential staff of the Commission will be derived from existing staff positions from those federal agencies who are contributing liaison officers to the Commission.

CONCLUSION

This bill is introduced with the intent not only to provide substantive standards to control and inhibit overfunded terminations, but, is also offered as a basis for discussion to attempt to arrange a framework which will better assure the retirement security of workers under such terminations. I solicit comments and views on this proposed legislation.●

NATIONWIDE RECOGNITION IN VOLUNTARISM

HON. ALAN B. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1984

● Mr. MOLLOHAN. Mr. Speaker, I would like to take this opportunity to offer congratulations to a young woman who has brought additional pride to my hometown and home State of West Virginia by attaining nationwide recognition for her dedication to her community and her tireless efforts in voluntarism.

Miss Bonnie Spencer of Fairmont, WV, was named this week as the national winner of the Future Farmers of America's Achievement in Voluntarism Award. Bonnie was one of 50 finalists vying for the national honor and her success is further evidence of the loyalty of West Virginians to the ideals of hard work, compassion, and unselfish volunteerism.

The Achievement in Volunteerism award recognizes outstanding personal contributions to the FFA's Building of our American Communities (BOAC) Program. Each year, FFA chapters across the country meet with local leaders to determine community needs and develop projects and volunteer the labor to meet one or more of them.

Bonnie, a senior in high school in my hometown of Fairmont, cochaired her chapter's BOAC project to restore

and develop a historic round barn into an agricultural museum—a project that reflects the realization that the lessons of the past play a key role in the progress of the future.

Bonnie's chapter also sponsored a promote progress in tourism award for community organizations. She has been very active in other FAA activities along with regular school functions.

Mr. Speaker, Bonnie Spencer epitomizes a change in young people today; they have changed from the days of hanging out at the local hamburger stand to actively volunteering to improve their local communities and improve the lives of their fellow citizens. Again, I congratulate Bonnie and wish her the best of luck in the future.●

A TRIBUTE TO THE HONORABLE BARBER CONABLE

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 1984

● Mr. DE LUGO. Mr. Speaker, I would like to join with my colleagues in extending my highest regards to the distinguished gentleman from New York—The Honorable BARBER CONABLE.

BARBER CONABLE has demonstrated in his two decades of service in Congress a level of professionalism, a degree of tenacity, and a strength of convictions that has earned the respect of all who have known him and those who have had the opportunity to work with him over these many years.

BARBER has done much for my constituents in the Virgin Islands, often displaying a level of concern and caring that Members usually reserve for their own constituents. His expertise as the ranking minority member on the Ways and Means Committee will be sorely missed by myself and all others who have come to appreciate this giant of the House.

Mr. Speaker, I wish to convey to my colleague, BARBER CONABLE, my very best wishes for all of his future endeavors, knowing that his 20 years of service in the House of Representatives will always be remembered and appreciated.●

SOVIET JEWRY

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1984

● Mrs. KENNELLY. Mr. Speaker, today I am pleased to join my colleagues in the House in the 1984 congressional call to conscience vigil for

Soviet Jews. I would also like to express my thanks to this year's chairman, the Honorable LAWRENCE COUGHLIN, and to the National Conference on Soviet Jewry and the Union of Councils for Soviet Jews. Recognition is due for their continuing efforts to focus world attention on Soviet Jews who have been denied the right to emigrate from the Soviet Union or who have suffered religious or cultural persecution at the hands of the Soviet Government.

The situation for Jews in the Soviet Union has deteriorated to its worst level in over 10 years. Despite the Helsinki accords and other international human rights agreements, the number of Jews allowed to leave the Soviet Union has steadily declined. In 1983, only 1,315 Soviet Jews were granted permission to emigrate, 50 percent fewer than in 1982, and 97 percent fewer than in 1979 when 51,000 were permitted to leave. Only 652 Jews have received exit visas to date in 1984, as compared with 1,066 for the corresponding period in 1983, the year noted as having the worst emigration record in 15 years. For those Jews who must remain in the Soviet Union, religious persecution is a way of life. We must continue to challenge the Soviet Union in their assaults on human rights of these people. We must bring the attention of the world to the Kremlin who has harassed, persecuted, and oppressed thousands of Soviet citizens of Jewish faith. We have not, and will not tolerate these conditions; 400,000 Jews still remain in the Soviet Union against their will. It is impossible to even begin to describe the lack of respect for human rights and freedom they are experiencing in the Soviet Union. In recent months, officially sanctioned anti-Semitism has become a permanent characteristic of the media. The open anti-Semitism by the press, the increasing number of arrests, and the emigration figures, reveal the tragic plight and injustice suffered by Soviet Jews.

This is not the end of the story. The Soviet anti-Zionist Committee, established last year, has also launched a vigorous attack on Soviet Jews. Their propaganda has included equating Zionism with Nazism and a desire to emigrate with treason. The Soviet Government has intensified forced cultural assimilation and attempted to sever the Soviet Jewish community from any contact from abroad. Clearly the decline in emigration and the worsening human rights situation are issues deserving congressional attention.

It is our responsibility, as citizens of a free world, to employ political and social pressure to stop the tyrannical behavior of Soviet authorities. The harassment, arrests, and imprisonment of innocent Soviet Jews must cease. The gates of freedom must be

unlocked and opened. We must do all we can to help the thousands of men and women trapped in the Soviet Union realize their dream of emigrating to a country where they can freely practice their religion.

I am pleased to be a part of this continued effort to focus attention on the abuses practiced by the Soviet Union. These courageous men, women, and children must hear our words of encouragement so that they will continue in their efforts to fight for freedom.●

TRIBUTE TO HON. JACK EDWARDS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 1984

● Mr. DUNCAN. Mr. Speaker, the House of Representatives is losing a valuable judge of this Nation's military needs and policies because of the retirement of the Honorable JACK EDWARDS. JACK and I came to the House as freshmen in 1965. I have appreciated his counsel and goodwill over the last 20 years, and will miss his leadership in the House.

Through his work on the Defense Appropriation Subcommittee, he has been able to ensure the military readiness of our Armed Forces. He has also played a role in preventing abuse of military spending by questioning the need for some of the sophisticated high-tech weapons which prove to be too complex for actual field use. JACK presents a balanced view of our need to maintain a strong defense, but not sacrifice the basic needs of the soldiers in the trenches.

This open-minded, and intelligent assessment of our military programs is the basis of JACK's character. He represents the commonsense view that we must have a strong defense, but need not overspend to get it.

I am sure the people of the First District in Alabama will also miss JACK's good sense and character. He has served them well for 20 years, and it will be difficult to find as capable a representative. I wish JACK well as he leaves us, and thank him for his insight over the last two decades.●

TRIBUTE TO JACK EDWARDS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 1984

● Mr. BIAGGI. Mr. Speaker, it is both a personal privilege and a pleasure to take this occasion to pay tribute to a fine man and a great Member of Congress, JACK EDWARDS, who after 20 years has decided to retire.

The "gentleman from Alabama" was more than a formal term used to describe JACK EDWARDS during debate on the House floor. It was perhaps more of a literal description for JACK EDWARDS is a true gentleman from Alabama. JACK is a native son of Alabama and has represented its First Congressional District with special effectiveness during these past 2 decades.

JACK will be remembered for many accomplishments during his career but will best be remembered for his service on the House Appropriations Committee. JACK was especially effective as the ranking minority member on the Subcommittee on Defense. JACK was a staunch supporter of a strong national defense—but was always aware of the need to exercise fiscal restraint. While he and the subcommittee chairman, Mr. ADDABO might have been on different sides of the philosophical fence—they were always able to come forth and report legislation on a bipartisan basis.

No one would quarrel for a minute the fact that being a senior member of the Appropriations Committee, no matter whether you are a Republican or Democrat, is hard work. All one has to do is review these past couple of weeks to realize that. One can and does tire from this grind and must do the right thing for themselves when they feel the need. JACK is doing right by himself with his decision to retire.

It has been a genuine pleasure to have served with and known JACK these past 15 years. We have a special bond which emanated from the fact that I was able to recruit one of my finest administrative assistants, Peter Ilchuk from JACK's staff. I have always enjoyed the opportunities I have had to be with JACK although I could not say there were ever enough of them.

As JACK prepares for his life after Congress, I hope he is able to leave knowing that he has left a lasting impression on the institution. He has shown great competence and commitment to his work. He has been a dedicated public servant and has worked especially hard for his constituents. I wish him nothing but the very best in the future and hope he will continue to visit the many friends and admirers he has in the 98th and will have in the 99th Congress. I wish JACK and his wife, Jolane much happiness in the years ahead.●

TRIBUTE TO CHRISTOPHER COLUMBUS

HON. GUY V. MOLIZNARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1984

● Mr. MOLINARI. Mr. Speaker, next week we honor the Italian explorer,

Christopher Columbus, who changed the course of world history with his arrival in the West Indies on October 12, 1492. This man, born in Genoa, Italy, in 1451, possessed the imagination, spirit, and courage needed to make his dream become a reality.

Raised by humble parents, Columbus first worked with his father, who was a weaver by trade. But the young Columbus was drawn to the sea and his sailing experiences grew in length and distance. After the death of his young wife, Columbus turned his thoughts toward a discovery voyage, hoping for a route to the west by traveling east.

Obtaining the necessary financing for the voyage was not an easy task. After having been rejected by Portugal, Columbus persevered for 7 years in his request for aid before Queen Isabella of Spain finally granted his wish. Finally, on August 3, 1492, the now famous trio of ships, the *Nina*, *Pinta*, and *Santa Maria*, left Palos, Spain, on their voyage of discovery.

Columbus made four journeys across the Atlantic to the new land before his death in 1506. Because of his vision and faith in his dream, Columbus opened up a new territory and laid the foundation for the birth of our Nation.

All Americans, and particularly Italian Americans, should be proud of the accomplishments of this courageous man. Christopher Columbus was the first of many of Italian heritage to have a profound influence on this country. The fine culture and heritage which Italian Americans bring to this country have made a rich contribution to the success and beauty of the American way of life.

Recently, Americans of Italian descent with prominent roles in politics and other areas have received much attention. However, the tradition of Italian-elected officials is not new and has been growing over the past 20 years. Italian-Americans can be proud of the leadership roles we are playing.

Columbus Day reinforces the adventuresome qualities inherent in our country's foundation. Those qualities are still alive in the wide diversity of people who have come to this land in the years since Columbus' landing, and I trust we will continue to cherish the spirit of Christopher Columbus in the years ahead. ●

TRIBUTE TO JOHN N.
ERLENBORN

HON. THOMAS N. KINDNESS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 1984

● Mr. KINDNESS. Mr. Speaker, many of our colleagues have correctly focused on our colleague JOHN ERL-

BORN's work on the Education and Labor Committee, particularly the Employees Retirement Income Security Act [ERISA].

Because of the increasing involvement of the Federal Government in people's lives and the booming growth in communications technology, public access to Government information and the protection of individual privacy have become of vital interest to the Congress and the American people.

I would like to emphasize JOHN's pioneering and continuing activity with respect to the Freedom of Information Act and the Privacy Act. JOHN was present at the creation as a freshman member of the Committee on Government Operations when the Congress enacted the Freedom of Information Act in 1966. In 1972, he became ranking minority member of the Government Information Subcommittee and, from that position, helped to guide the subcommittee through a thorough review of the implementation of the Freedom of Information Act. That review led to the enactment of the 1974 amendments to the Freedom of Information Act. Since there are over 300 of us who were not then Members of the House, it is worthy of noting that those amendments were passed by large majorities in both Houses and, by similarly large majorities, passed over a Presidential veto.

At the same time, JOHN was one of the principal authors of the Privacy Act of 1974. The expertise that he gained in the course of developing and shepherding that legislation to enactment has been invaluable to his colleagues in the decade since passage of the FOIA amendments and the Privacy Act. We called upon that expertise once again in the Congress when the Department of Justice and the Office of Management and Budget proposed new rules for the handling of Freedom of Information and Privacy Act requests based upon court decisions which wrongly interpreted congressional intent. JOHN expressed his opposition to this interpretation in several ways, including cosponsorship of H.R. 4696, a bill to clarify the relationship between the Freedom of Information Act and the Privacy Act. JOHN's support for that bill was a major force behind its passage this year as an amendment to H.R. 5164, the Central Intelligence Agency Information Act.

JOHN leaves a legacy of strong, bipartisan support for the Freedom of Information Act and the Privacy Act. Those of us who remain in the Congress are challenged by that legacy to oversee the operation of these acts. JOHN's service will be tremendously missed. ●

TRIBUTE TO JON McBRIDE,
"CHALLENGER" PILOT

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 4, 1984

● Mr. RAHALL. Mr. Speaker, I would like to take this opportunity to share with my colleagues and the rest of the country two articles which have appeared in the newspapers in West Virginia about the pilot of the space shuttle, *Challenger*. He is Beckley, WV, native Jon McBride.

We in West Virginia are very proud of Jon, particularly those of us from my hometown of Beckley. It is very gratifying to us to see one of our own chosen to lead this historic mission. Jon McBride is the first West Virginian to travel into space and these articles from the *Raleigh Register* and the *Charleston Gazette* reflect the pride and excitement all West Virginians feel on the eve of *Challenger's* journey.

The accomplishments of Jon McBride have added to the joy and pride of West Virginians coming on the heels of the gold medals won by West Virginia's two Olympians, Ed Etzel and Mary Lou Retton.

I feel that these two articles accurately summarize these feelings of pride in West Virginia and I would like to insert them into the RECORD at this point.

FANTASY BECOMES REALITY—BECKLEY NATIVE
TAKES TO SKIES IN SHUTTLE

It's certainly not uncommon for growing boys to look at a night sky and allow their fantasies to catapult them into space. It is seldom, however, that those fantasies become reality.

For Beckley native Jon McBride, however, that dream comes true Friday—unless NASA has other ideas about the launch schedule—when he pilots the space shuttle *Challenger* out of the atmosphere and into the longest shuttle orbit to date, 10 or 11 days.

McBride is not, however, new to the program.

During the first space shuttle flight, he was the lead chase pilot, flying up to meet the *Columbia* on its return and accompanying it to the ground.

During the next three flights, McBride was involved in check-out and evaluation of computer software used aboard the orbiters. The three flights following that saw him as capsule communicator, the "Voice of Houston."

Since then, he has been training for his own mission.

But how does a West Virginia boy go from the mountains of Appalachia to the weightlessness of space?

McBride recalls as a teen-ager his love of building rockets with a friend and how they would "fire those suckers out of sight."

"I always wanted to fly," he says, "but that seemed so out of reach" in these West Virginia hills.

While attending West Virginia University, a Navy recruiter stopped by one day, search-

ing for people interested in aviation. "I had a couple of hours to kill, so I took the written exam," McBride recalls. "I did so well he said I qualified for a ride in a two-seat trainer parked at the local airport."

McBride admits that was the first time he had ever been in an airplane, adding, "and I never wanted to get out of one again."

Less than a year later, McBride qualified for the Naval Aviation Cadet program. At this point he had two years of college behind him, but his education was just beginning.

He earned a degree in aeronautical engineering at the Naval Postgraduate School, and after 18 months of flight and officer training, he was commissioned an ensign and received his wings. His flight career had begun.

But prior to his arrival at Edwards, McBride had served on two aircraft carriers in the western Pacific, and flown 65 missions over Vietnam.

At Edwards, it was a different sort of "combat."

"While there (at Edwards), I flew about 30 different kinds of aircraft, from gliders and helicopters to cargo transports and commercial jets," McBride explains.

"To go out and fly a plane nobody's ever flown before, you have to be intimately familiar with all aspects of aviation, aerodynamics, flight control characteristics—you have to know what to expect and how to react."

It was a year of very intensive training, a year McBride describes as one of the stepping stones to becoming a pilot astronaut.

He next went to a Navy test and evaluation squadron, serving as maintenance officer and testing various missile weapons systems.

"The challenge for a test pilot is going up against the unknown," McBride reflects. "Maybe I gravitated towards the space program because of my mountaineer heritage—I have to look over the next mountain, and space seemed like the next horizon, the new frontier."

In 1977, McBride submitted his application to NASA and was invited to Houston for an interview.

He comments on NASA's rigorous selection process: "NASA screened 10,000 applicants, invited 200 for interviews and picked 15. I felt very honored to be among that group."

"It's great to be training for an actual flight," says McBride, who credits Navy training for so many Navy pilots being in the space program, from the first man in orbit, Alan Shepard, to the first man on the moon, Neil Armstrong.

"To land on a pitching aircraft carrier deck at night requires precise skills and a lot of concentration, he notes. "Experience like that is a real plus." McBride's experience includes 4,500 flight hours and 400 carrier landings.

His son, Rich, will graduate from the U.S. Naval Academy soon, which is an obvious source of pride. "I set goals," he says. "I try to wake up each morning with something specifically outlined to do that day, something to bring me closer to those goals."

Reflecting a bit, McBride says, "If that Navy recruiter hadn't come by that day, my dreams of flying might have remained dreams. Ahead of me is this mission, and I hope more."

As to the ultimate future of the space program, he comments, "Space stations probably won't happen on my watch"—meaning during his active flight duty—but I'd like to be in on the foundation."

Part of that foundation begins Friday at 7 a.m. for McBride when he pilots the Challenger into the longest orbit yet for a space shuttle.

On the mission, McBride will be in a group consisting of mission commander Robert Crippen and mission specialist Sally Ride. Also in the crew will be another specialist, David Leestma, and Kathryn Sullivan, who will become the first woman to walk in space.

[From the Charleston (WV) Gazette, Sept. 28, 1984]

ADVENTURESOME MCBRIDE TO GET BIGGEST THRILL YET

(By James W. Fisher)

"I knew him. I knew he had adventure on his mind," says his mother.

Next Friday, Jon McBride, the bright little boy from Beckley, W.Va., who got his start climbing trees and disappearing into the woods to "investigate," will be in for the biggest adventure of his life.

He will pilot the \$1.2 billion space shuttle Challenger as it ascends from the oceanside launch pad in Cape Canaveral, Fla., for an eight-day, five-hour mission of science and exploration in space.

"It's got to be the ultimate happening, to get up there and be able to see . . . in every direction. You can see whole countries," says McBride, 41, who now lives in Houston. "That's the best part of the job, to get up there and experience that, looking down on all that."

McBride, who was born in Charleston and moved to Beckley while in grade school, will sit in the shuttle's technology-crammed flight deck next to mission commander, Bob Crippen, a three-flight veteran who oversees the entire crew.

McBride and Crippen will work with automatic systems to launch and land the massive shuttle, and keep it running smoothly in space while others among the seven-member crew release a satellite, walk in space and perform valuable Earth-study science work.

The Challenger crew is the largest yet and includes two women, veteran Sally Ride—the first American woman in space—and Kathryn Sullivan, a geologist who will be the first American woman to walk in space.

With the exception of Crippen and Ride, all the crew-members are rookies. The other include Naval officer David Leestma, the second spacewalker on this mission; U.S. Navy civilian oceanographer Paul Scully-Power; and Marc Garneau, a Canadian who is that country's celebrated first astronaut.

McBride and the other rookies are in for an exhilarating experience they'll never forget, says the trim, chipper Ride.

"Just being in space is so much fun, I can't describe it," she says. "You're so excited the first couple of days you tend to look out the window instead of sleep."

Jon McBride always has been excited. His adventuresome spirit was sparked early and he says he knew "all my life" he wanted to be an astronaut.

"He was a very adventuresome little boy, but nothing outlandish," says McBride's mother, Catherine. She and her husband, William, a retired hardware salesman, now live "out in the hills" in east Charleston.

McBride's own tales indicate something a little different.

As a child, he built rockets out of copper tubing and mixed propellant in his basement chemistry lab, he says, grinning. One day, when he was 13 or 14 years old, he burnt his hair and eyebrows with gunpow-

der that went off too early during a backyard experiment.

And during those years, he dropped another bombshell, his mother remembers.

"He said, 'Mom, I'm going to try for the astronaut program.' I said 'Oh Yeah' and laughed. I never thought of such a thing," she says. "That's the last thing I heard of it until he was accepted (in 1978). He tried and he made it."

His interest in piloting, however, was apparent from the very beginning, she says.

"He just liked planes. When he got old enough, he hung around at the airport. He always knew what was going on in that part of the world, airlines and airplanes," she says.

"I didn't encourage it or discourage it. That was what he wanted. I had no fear about it, although I've had fear since then."

After graduating from Beckley's Woodrow Wilson High School in 1960, McBride attended West Virginia University off and on through 1964 while working alternate semesters, doing strip mining and construction jobs.

He began Navy flight training school in 1965 at Pensacola, Fla., and eventually served as an officer and fighter pilot. He flew 64 combat missions in southeast Asia, and has made more than 400 aircraft carrier landings, the most treacherous type of flying activity.

Along the way, McBride met and married his wife Brenda and became the father of three: Richard, 22 and following his father's footsteps to Pensacola flight school; Melissa, 17; and John, 13.

His Naval career brought him three air medals, including the National Defense Medal.

But his Navy training was just the start of more years of equally rigorous NASA flight preparation that would ready him for his October flight beyond the sky and into space.

In 1984, after six years with the space agency, McBride is now as indoctrinated in the shuttle program as any of the more highly visible shuttle veterans.

His 6-foot-2, 205-pound frame has earned him the nickname "Big Jon," and he towers over the tanned and toothy Cmdr. Crippen, who is 4 inches shorter and 45 pounds lighter.

The reddish-blond McBride—who enjoys basketball, softball, racquetball and golf as well as gourmet cooking—has the All-American good looks of an athlete-turned-chamber-of-commerce-executive.

"Big Jon is very laid back, very personable. He's an excellent pilot, good stick," says Crippen. "He's a very smart man, even though he tries to hide it sometimes" behind his easygoing style.

Frank Hughes, chief of flight training at Houston's Johnson Space Center, also has seen McBride's skills firsthand.

"Let me say this: Jon is here (in the shuttle program). That takes a lot. He is very bright, very perceptive and very dedicated to what he does. He is an extremely good pilot and a very hard worker," says Hughes.

"And he's very sociable. He's been tremendously accepted. That's not true of everyone here. He fits in with the crowd very well."

McBride and the other astronauts in his 1978 class spent a year in general training about NASA and the shuttle before he became eligible in 1979 for assignment as a shuttle pilot. Since then he has worked with shuttle computer software and helped out as a ground technician during other flights.

"The toughest part of the training was the wait to be assigned to a crew," he says. That came last year, and McBride since has undergone extensive training in flight simulators and preparations for living and working in a cramped, high technology space shuttle without the benefit of gravity.

Some of the busiest weeks have been this September, when the crew members have had few days off from meetings and practice drills, which included a simulated countdown inside the shuttle on the launch pad at Kennedy Space Center.

He was at Cape Canaveral for the Aug. 30 launch of the shuttle Discovery that crackled and shook the ground as it roared into a cloudless sky.

"It was awesome. My heart was pounding," he says.

Now it is his turn.

Hours before the early morning launch, the crew will have ridden an elevator through the maze of metal and wires on the launch tower and entered the shuttle's cabin.

They will run through a complex-looking checklist of activities, communicating back and forth with the launch control center as the countdown clock ticks.

Resting on their backs looking up, Crippen and McBride will have the best seats in the house and can peer down to the ocean below. However, there'll be little time for that as the two prepare to oversee the shuttle during launch—the most critical and dangerous minutes of the entire mission.

The shuttle is so complex, in fact, they don't even fly it. Computers do.

"They are prepared to take over," says flight trainer Hughes. "If all works well, they are just watching the computer and making sure it does the right thing."

Throughout the mission, pilot McBride could take over from the commander on any aspect of the shuttle flight if the need arises. "He is a total backup for Crippen. He is a total clone," Hughes says.

Once in orbit, there are less critical operations, and Crippen and McBride will share the duties of monitoring the shuttle's complex systems and firing its maneuvering thrusters at the appropriate times.

McBride will shoot photographs, will pilot the shuttle safely away after the satellite is released from the payload bay, and will help Leestma and Sullivan prepare for their spacewalk.

During the spacewalk, the two will install a piece of equipment on a payload bay box that is part of an experiment on in-space refueling. The fuel transfer techniques learned on this mission are expected to help NASA prepare for repairing and refueling a Landsat satellite in 1986.

The crew also will launch a satellite that will study radiation and the Earth, and astronauts will run through several other Earth-study experiments. Garneau, the Canadian astronaut, will conduct experiments for that country. Scully-Power will study the oceans visually and with cameras for the Navy.

As in launch, the return to Earth is also computer-controlled. Crippen will take over the controls manually just as the shuttle approaches the 3-mile landing strip at Kennedy Space Center. This will be the second Florida landing, the rest have been at Edwards Air Force Base in California.

McBride, wearing a West Virginia tie and a homestyle grin, says he's not nervous about this mission.

In his flying career, he says, "I really feel the dangers are behind me."

The risk will bring some of the nicest rewards soon after his shuttle mission is over. McBride is scheduled to appear during WVU's homecoming in October and greet some of the West Virginians who "are behind me all the time."

For his parents, watching his space success on television will be their own personal, priceless reward.

"I want to say this: Jon McBride has worked very hard at any project he has had, at his school work, everything," his mother says. "I may have had some influence as a mother, but I give all the credit to him. He has worked hard for this." ●

A GREAT LOSS TO JOURNALISM

HON. PETE WILSON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Friday, October 5, 1984

● Mr. WILSON. Mr. President, I wish to take a few moments to bring to your attention a great loss to the journalism profession in my home State, California, and a great loss to all of us who appreciate a good, honest newspaperman whose overriding concern was always the good of his community, State, and country.

Norm Cherniss was one of the journalism giants in California. He died late Wednesday and is mourned by all of us who knew him and who respected him and enjoyed knowing him.

Mr. President, I wish to put into the RECORD an editorial which magnificently summarizes all that Norman Cherniss brought to this world and I think it is something we want to share with all Americans. My condolences are extended to Norm's family and his newspaper, the Riverside Press-Enterprise, which has lost a member of its family.

Mr. President I ask that the text of the editorial be printed on the RECORD.

The editorial follows:

[From the Riverside (CA) Press-Enterprise, Oct. 5, 1984]

NORMAN CHERNISS, JOURNALIST

Ordinarily, when a significant event happened at this newspaper, it was assumed that Norman Cherniss would write this editorial. He was that kind of editor, a writing editor, and when it came to editorial writing, he was better at it than anyone else hereabouts.

That is not possible now, of course. Norman A. Cherniss, executive editor of the Press-Enterprise, died Wednesday night, at age 58. It was sudden—and it wasn't. He had had heart trouble for some years, and his friends and associates were regularly telling him and each other that he ought to take care of himself.

Norman Cherniss left much to this newspaper, more than we can completely summarize or perhaps fully understand at this time. He didn't leave his own editorial obituary, though.

It can be said that he could not abide triteness, one of the most damning words in his vocabulary. And he could not stand overstatement: With him, something was never "the best"; he'd say that it "wasn't the worst."

So he might have said that he was not the worst executive the paper has ever had—he, and those around his wryly knowing he was the only executive editor the paper ever had. And he might not have objected to it being said this newspaper is diminished today. He could have said that because it's true.

The news columns today will report perhaps the first major story this newspaper has published in years in which he has not had a direct hand in reviewing. Those columns will tell of his 31 years with the Press-Enterprise, coming here as an editorial writer in 1953, serving as editor of the editorial page (a title, and a job he retained to the end) and, since 1971 as executive editor, having overall responsibility for daily news operations.

News and newspapers were the professional centers of his life—newspapers in all shapes, sizes and degrees of quality. But it was this newspaper which was his newspaper. It was his newspaper in the sense that he thought that all those who worked for the newspaper should think of it as their newspaper.

He had numerous opportunities to go elsewhere. He chose to stay in Riverside because of the newspaper to which he gave his loyalty, and because of the community and its people. He liked Riverside. Something of his Iowa background was always with him, and he traveled extensively around the country, but, without a trace of boosterism in him, he held Riverside in deep affection.

In large measure because of his associations and associates nationally, his reputation in journalism and other circles, this newspaper in Riverside has enjoyed a prominence beyond its circulation, size or area. Often, Riversideers who traveled in these circles would come home and comment on how well regarded Norman Cherniss was where they went. And each sounded as if he and she were reporting back something new. He could have held another career in academia or the law, and probably distinguished himself equally. He taught journalism at USC, UCLA and Columbia; earlier, he was a Nieman Fellow at Harvard, where he studied constitutional law. The law, and particularly the Supreme court, remained important to him. He was proud of the part he played in the court's landmark decision this year opening jury selection to the public.

A number of people will remember him in a number of ways. No doubt the most common reference will be to his wit and his professionalism—and his intelligence. There were, too, his high standards and his kindness. He was the sort of person that many people would try to be around.

For his interests were as extensive as his personal library. Sports and movies, music and quotes, history and television, food and politics. He was an interesting man.

Let him write conclusion to this editorial: It is taken from a commencement speech he gave four years ago to the School of Journalism, UC, Berkeley. "Whatever Happened to Journalism."

In that conversationalist style which was his even when writing, he tries to tell the graduates that it's not all journalism out there in the world of journalism—he cites the time he spends on a department coffee fund increasingly in arrears—and ends talking about his contemporaries and—well think—about himself.

"This is your day, of course, your commencement, but cheered as I ordinarily am by the bright-eyed, the young and coming, I think I'll break with tradition here and pay

special respect to the practitioners. I'm talking about the genuinely seasoned journalists who—normal skepticism and old and new burdens and 'distractions' notwithstanding, keep their zest, their enthusiasm for what they're doing—their profession, their craft, their calling. And though—whatever it is—they have 'been there before,' continue to perform and produce, unawed by the new challenge. 'Whatever their commitment to the tried and true, they're willing to explore the bold and the new.'

"I can explain it, I think, by borrowing again, this time from some anonymous person's description of life in the French court under one of the Louis: It may not be the best life, but it spoils you for anything else. For those who belong in it, I think that's true of journalism." ●

FOUR MORE YEARS

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. TRAXLER. Mr. Speaker, in these early days of October 1984, in the final hours of the 98th Congress, as we all prepare to go back to our districts and face the voters, I would like to take a minute or two to reflect on what we can expect next year, when the 99th Congress of the United States convenes. I do so with all of the trepidations of anyone who tries to predict the future. The course of history can change in a single moment, and none of us knows for sure what will happen next week, let alone next year. But for a moment, I would like to make some best guesses about the next 4 years, should Ronald Reagan be re-elected, and what that will mean for America.

What can the American people expect from a second Reagan administration? Since the President's campaign is telling us very little about the future, I want to make some predictions, to outline some snapshots of the future. We all will be able to see how accurate they are a year from now.

The first event that I think we will see after the election is a continued slowdown in the economic recovery, probably to the point of a virtual halt to growth and expansion and increasing unemployment. There are already signs that this is beginning to happen. Combined with an expected rise in interest rates after the election, the administration will all of a sudden discover that their economic plan needs some adjustments.

The administration will discover, I predict, the magnitude and the threat of our huge Federal deficits. They may receive a little help from their friends in New York who set the prime interest rate, and we can all expect a national television address from the President calling for emergency action to solve this new crisis, one that no one on their side of the aisle knew about before the election.

With an expected Federal deficit of over \$180 billion next year based on favorable economic assumptions, the President will call for sweeping new cuts in domestic social programs, cuts in Social Security and Medicare, and probably some last resort increases in taxes.

Based on the size of the necessary cuts, and their past requests to Congress, we can expect the administration to ask for:

Dramatic cuts in funding for education programs, perhaps even elimination of guaranteed student loans for college students;

An assault upon veterans medical care programs, the closing of VA hospitals, and cutbacks in veterans disability and education benefits;

Continued attack upon Federal civilian employees, probably including a wage freeze, a hiring freeze, cutbacks in health benefits, and a dramatic assault upon their retirement programs. New Federal employees will probably face a very limited retirement program consisting of Social Security and very little else;

Sweeping cuts in farm programs, including both direct support programs and such USDA programs as cooperative extension and research activities;

Dramatic cutbacks in military retirement programs;

Elimination of many grants-in-aid to the 50 States, including Federal revenue sharing payments to local governments;

Elimination of the Small Business Administration's loan program, and plans to end the economic development activities of EPA and the Department of Housing and Urban Development;

A halt to all Federal housing programs, most of which have been almost eliminated already;

Across-the-board cutbacks in virtually every Federal domestic program, including those for environmental protection, law enforcement, scientific research and development, and aid to the poor;

Additional holes will be put in the social safety net by cuts in the food stamp program, school lunch program, and elderly feeding programs.

Will all of this be enough? There is no way. If we wholesale eliminated many of the programs I just mentioned, and cutback others by 50 percent or more, we would still be left with the largest deficits in the history of this country. So, what else will they do?

They will probably not propose additional cuts in their massive Defense buildup. The Star Wars program alone could cost this country more than all of the wars we have ever fought, and more than all of our domestic discretionary programs will cost by 1989.

So, what will they do? They will undoubtedly have to raise taxes. Oh,

they will do it very cleverly. The President will go on television and actually talk about lowering tax rates. But amidst all of the rhetoric, he will actually be proposing one of the largest, but disguised, tax increases in history.

He may propose lowering tax rates through a so-called flat tax. But, beware, Mr. average working man-taxpayer. Lower rates may sound nice, but what the President won't tell you is that he will apply those rates to certain income not now taxed, such as Social Security and pension income, unemployment benefits, and the value of your employer-paid health insurance. More importantly, he will not give you deductions for many of your expenses, including State and local taxes paid, medical bills, interest on your credit cards and car loans, and the like. The bottom line will be a major tax increase of some kind for the middle class, no matter how cleverly disguised. You just watch.

But that still won't be enough to eliminate the deficit and balance the budget. What else will we see?

I predict that the administration will begin another major assault upon Social Security and Medicare. Before elections, they always talk about cutting entitlement programs or transfer payments. What they are really talking about is Social Security and Medicare.

Despite the fact that Social Security is solvent and will be for the next 50 years, despite the fact that the trust funds are in surplus, the administration, I predict, will ask for a freeze or cutback in the annual cost-of-living increases for retirees. You just wait and see.

In Medicare, the President will once again ask senior citizens to pay more out of their pockets for health care, reducing the Federal Government's contribution, and cutting benefits. They have done it every year up to now, and you just wait and see what they propose next year.

What I have just described is the Reagan administration's predicted response to the horrible deficit problem they will discover right after the election: dramatic cutbacks in social programs, including Social Security and Medicare, and a disguised tax increase for working people. If they succeed, they will also have reduced the Federal Government to little more than a Department of Defense and a Department of the Treasury.

After dealing with the economic crisis, what else can we expect from the next 4 years of a Reagan administration?

In the area of foreign policy, I predict we will see more adventurism in Latin America, no progress in arms control or the Middle East, and dangerous continuation of the saber-rattling that has virtually killed Richard

Nixon's détente with the Soviet Union. In the next 4 years, we will be dangerously closer to a nuclear war.

On the home front, we can expect that the social agenda of the right wing will be brought to the front burner, and that the President's appointments to his Cabinet and to the Supreme Court will reflect his extremely conservative ideology. Civil rights for all Americans, including minority groups and women, will erode and, if they continue past policies, actually come under attack from the administration officials.

Finally, we will continue to see a Government that promotes the mean-spirited selfishness that seems to have taken over America in the past few years. Rather than extending a helping hand to all members of the American family, rather than heading to new frontiers on a wagon train with all members of the family aboard—including the old, the weak, the infirm, minorities, women, and children—we are going to accept values where only the strongest survive. We are going to teach American young people that they will do well only by stepping on their neighbors, by casting aside anyone who gets in their way.

After 4 more years of another Reagan administration, one which will continue to appeal to the darkest side of our nature, my dear colleagues, our America will be very different than the one we know now. These changes do not require a crystal ball to predict. They are real, probable, and imminent. Do any of us have the courage to tell that to the American people in the next few weeks?●

JOINT CHIEFS OF STAFF REORGANIZATION

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. PRICE. Mr. Speaker, the structure of the Joint Chiefs of Staff was improved in several ways in provisions adopted in this year's Defense authorization bill. The significance of this action by the Congress is twofold: first, for the first time in over a quarter of a century, Congress has taken steps to modernize our Nation's highest military body; and second, the conferees agreed that the Committees on Armed Services of both the House and Senate will examine the need for further organizational changes throughout the Department of Defense in the coming year.

As Members of this body are aware, the House version of the Defense authorization bill contained many more reforms than the Senate conferees were willing to accept. Consequently, the House Armed Services Committee

looks forward to cooperating with the Senate Armed Services Committee in 1985 to achieve a more far-reaching result than was possible this year.

The following editorial outlines many of the changes that are needed with respect to the structure of the Joint Chiefs of Staff. It was written by a distinguished officer, former Strategic Air Command commander, retired Gen. Russell E. Dougherty. Writing as the editor in chief and publisher of Air Force magazine, General Dougherty makes his case for reform as clearly and forcefully as possible. I commend his views to the Members of this body.

IT AIN'T BROKE—BUT IT NEEDS SOME FIXING

For a variety of reasons—including such emotional scare allegations as a Prussian-style general staff, an armed forces czar, or an irresponsible generalissimo bent on leading us to Armageddon—the operational military forces of the United States have been saddled for four decades with a clumsy command structure in the Pentagon. The fact that it has worked is a tribute to the skill and maturity of the individuals who have occupied our top military positions over the years. The fact that it has not worked well under all circumstances is evidence of our failure to recognize and correct the organizational anomalies that tend to force a separation of military authority from military responsibility.

The House of Representatives has conducted hearings and passed legislation (H.R. 3718, "Joint Chiefs of Staff Reorganization Act of 1983") putting the Chairman of the JCS in the chain of command to the combatant commanders (the CINCs of the unified and specified commands) and making him a member of the National Security Council and advisor to the President and Secretary of Defense in his own right—and on the full range of military matters affecting the posture, readiness, and employment of combatant forces. The Chairman would be given control of the Joint Staff and the opportunity to comment on three- and four-star nominees of the services. And, importantly, the House action would place the combatant CINCs under the supervision of the Chairman (who would speak for them in Washington) and would permit them to express their views on any matter the JCS had under consideration. As Congressman BILL NICHOLS of Alabama said when proposing the legislation, the unified and specified commanders "are in a position to provide insight not elsewhere available concerning the proper structuring of U.S. forces to meet national objectives."

The House has made a commendable start in proposing these corrective measures. The ball is now in the Senate's court, and its Armed Services Committee has the matter under consideration.

Though a relatively obscure issue for the American public, the legislation that results ultimately from this congressional action will be of extreme importance to the future efficiency and effectiveness of our armed forces. The full effect of the sorely needed military modernization and provisioning initiatives now underway will be diluted unless we make comparable improvements in the nation's archaic, Pentagon-level military command structure for our operational forces.

These legislative initiatives could founder on public and congressional apathy, notwithstanding their critical importance. The

subject is esoteric and uninteresting to the body politic; some will charge it off as just another Potomac parlor game. Or it could be derailed by simplistic slogans, such as "If it ain't broke, don't fix it!" I submit that our current arrangements ain't broke, but they do need some legislative fixing—and the House deserves kudos for tackling the problem.

Battle lines formed soon after the House initiated its hearings on this matter in 1982. Positions hardened as to what action, if any, was needed. Motives were maligned. Counterattacks were mounted to the public pleas for change from then-retiring Chairman of the Joint Chiefs of Staff Gen. David C. Jones (with more JCS experience than any other officer), and from the then Chief of Staff of the US Army, Gen. Edward C. Meyer. We can expect repeat performances during the forthcoming Senate hearings; however, the House action may have defused the most explosive issues.

We must recognize that it is difficult for a uniquely democratic society such as ours, fundamentally based on a division of powers, to come to grips with the essential command requirement for a clear-cut, cohesive military command structure—one in which operational decisions, authorities, and responsibilities are not divided, attenuated, or diluted. Also, it is difficult for our complacent body politic to recognize the presence of inimical threats and the essentiality of a relevant, responsive military establishment that can fight. Yet, forces that would deter must be designed and equipped with multiple capabilities to fight effectively, in varied circumstances of combat. Their command structure at Pentagon level must be equally capable and responsive—and it must merge military authority and responsibility at this level.

In a political or moral sense, it is commendable that we, as a nation, have difficulty with these conflicting requirements; but in a military context, this difficulty has caused us to postpone needed changes in our operational planning, posturing, and command lines. The legislative changes proposed by the House would improve our situation, could save much while costing practically nothing—and would immediately enhance our worldwide military capabilities and responsiveness.

But there is at least one more key change that Congress should enact, one that will make clear the legislative intent to streamline command lines and to provide unfettered military advice to the President and Secretary of Defense: Make the Chairman of our Joint Chiefs of Staff a five-star position!

These changes will go far toward establishing a responsible, responsive Pentagon command structure for advising the Secretary of Defense and the President—and for carrying out their orders in a manner worthy of the fine military forces of the United States.●

WHAT RECOVERY?

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. WRIGHT. Mr. Speaker, I would like to insert in the RECORD an article written by our colleague, JOHN CON-

YERS, which appeared in the Washington Post on October 3, 1984. Mr. CONYERS explores some of the economic myths and misconceptions which some are attempting to promote, and I recommend his article to my colleagues.

The article follows:

[From the Washington Post, Oct. 3, 1984]

WHAT RECOVERY?

(By John Conyers, Jr.)

Pointing to recent and largely temporary gains in the nation's leading economic indicators, the supporters of the supply-side economics, which underlie the Reagan administration economic policies, have begun to proclaim the accuracy of their prophecies. These proclamations are at best misguided and at worst, dangerous. In fact, public perceptions of an improved economy rest largely on myths, including these:

Federal spending has been reduced. Wrong. Under President Reagan, federal spending has increased 30 percent, from \$657 billion to \$854 billion annually, and now consumes 24 percent of the nation's GNP—a peacetime record.

There has been considerably more economic growth under the Reagan Administration. Wrong again. In the past four years, real GNP has grown at an average annual rate of 3.01 percent, hardly more than the corresponding 2.95 percent figure for the Carter years.

The tax burden has been reduced. Not really. After adjusting for inflation and increased payroll taxes, the real after-tax income for middle-income families (\$15,000-\$50,000) has remained essentially the same as it was four years ago. And while the tax burden has been vastly reduced for the wealthy and large corporations, it has actually increased for families making less than \$10,000.

Reducing taxation of wealthy individuals and corporations was necessary to increase business investment and productivity as well as personal savings. If that was the strategy of Reagan's 1981 tax reform, it simply hasn't worked. Under the Reagan Administration, real business investment has remained relatively constant. Under the Carter administration, by contrast, investment increased approximately 18 percent. Industrial productivity has increased less than two-tenths of 1 percent since 1981, and in the critical industries such as steel and iron, productivity has dropped a whopping 23 percent. Personal savings have also plummeted to historical lows.

The unemployment picture has improved under Reagan. Still wrong. Unemployment, which has started rising again, is at 7.5 percent, the same as when Reagan took office in 1981. Five million fewer jobs have been created under Reagan than under Carter, and 500,000 more people are out of work today than when Reagan took office.

Inflation has certainly been licked. Only momentarily. Tight monetary policy (reducing monetary growth from 7.8 percent to 6.2 percent annually) reduced inflation from 9.4 percent to 4.1 percent annually but mired the country in the worst unemployment and most severe recession since the Great Depression. To pull the economy out of this mess in time for the election, the tight monetary policy was reversed and monetary growth was increased in 1983 to 9.5 percent—higher than any other time at least since World War II.

The advantage of such a strategy is that increasing monetary growth will always

create temporary economic gains and give voters the impression that the economy is improving. Historically and inevitably, however, the gains are elusive and soon disappear, being replaced by higher prices. According to economist Milton Friedman, "we shall be fortunate indeed if prices are not rising in the 7 to 10 percent range by the fourth quarter of this year and in double digits by 1985."

At that time, however, there will be an added dimension to the economic picture: a staggering \$200 billion federal deficit guaranteeing an overvalued dollar and chronically high interest rates. The 33 percent overvalued dollar has already produced a projected record-breaking \$110 billion annual trade deficit that translates into some 3 million lost jobs—jobs that may never be recovered.

The deficit has also kept interest rates at persistently unaffordable levels for most Americans and has precipitated an almost 300 percent increase in business failures as well as unprecedented increases in mortgage delinquencies. Housing starts and industrial capacity are substantially lower today than they were in 1981, and both promise to worsen because of the deficit.

The federal deficit, coupled with loose monetary policies, necessarily means that there must be a day of reckoning. Just ask the nation's leading economists and Wall Street speculators, 70 to 80 percent of whom, according to recent polls, expect a recession soon, questioning only whether it will come now or after the election. This is the real Reagan economic record and what it promises for the future.●

LEGISLATIVE ATTEMPT TO BAN FIREARMS

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. MARLENEE. Mr. Speaker, sportsmen across America are outraged at the Democrat nominee for Vice President's history of legislative intent to ban firearms.

Three times Ms. FERRARO—a Congresswoman from the midst of New York City—has supported antisportsmen and antifirearms legislation. She has cosponsored a bill requiring a \$5,000 fine or 5 year prison term for simply possessing a handgun. She opposed a cut in funding for the Bureau of Alcohol, Tobacco and Firearms, that predatory agency long a thorn in the side of firearm owners. And this session Ms. FERRARO has cosponsored legislation requiring a 21-day waiting period between purchase and delivery of a handgun. This bill would also prohibit the private sales of handguns.

Montana's firearms owners, and sportsmen throughout America, will not tolerate this oppression of their precious constitutional rights.

Confiscating sportsmen rights may play well in Queens, but in the breadbasket of taxpaying, hardworking, law-abiding America, we feel differently.

We respect the rights of others and value our outdoor recreational activities.

I am grateful to the publication Pointblank for the article in their September issue on Ms. FERRARO's record on gun issues. I urge my colleagues and America's 80 million gunowners to closely examine this article and others that reveal Ms. FERRARO's record on this vital issue.

GUN BAN SPONSOR NOMINATED FOR VICE PRESIDENT

Rep. Geraldine A. Ferraro of New York, who was nominated in July for Vice-President of the United States by the Democratic National Convention in San Francisco, in 1981 co-sponsored H.R. 40 by Rep. Jonathan Bingham of New York, which would have provided for a fine of \$5,000 or five years' imprisonment, or both, for the mere possession of a single handgun.

This means that, under the Ferraro-sponsored proposal, an otherwise law-abiding private citizen who owned 10 handguns could have been sentenced to 50 years in jail or fined \$50,000 or both.

The bill, a comprehensive anti-handgun measure, would have prohibited the importation, manufacture, sale, purchase, transfer, receipt, possession or transportation of handguns, except by or for members of the Armed Services, law enforcement officials and, as authorized by the Treasury Department, licensed importers, manufacturers, dealers, antique collectors and pistol clubs.

Under H.R. 40, the "pistol clubs" could not have been "authorized" unless they maintained possession and control of the handguns used by their members and "effected arrangements" for the storage of the members' handguns in a facility of the local police department or other law enforcement agency.

"The public policy encompassed by this bill," said John M. Snyder, Public Affairs Director, Citizens Committee for the Right to Keep and Bear Arms, "is similar to the public policy toward private handgun ownership followed currently in the Union of Soviet Socialist Republics and other totalitarian dictatorships where, as a matter of practical legal fact, such private handgun ownership is not tolerated. It is a cause for sorrow that so draconian an approach to public policy should have been made in the national legislature of the greatest republic in history. Shame!"

In the current Congress, Rep. Ferraro is a co-sponsor of H.R. 1543, by Rep. Peter W. Rodino, Jr. of New Jersey. The bill would ban so-called "Saturday Night Special" handguns, mandate a 21-day waiting period between the purchase and delivery of a handgun, prohibit multiple handgun sales, prohibit private handgun sales and prohibit pawnshops from selling handguns.

"H.R. 1543," said Snyder, "ignores the right to self-protection and, therefore, the right to life itself of an untold number of Americans needing handguns in a timely way and of an individually affordable variety for the defense of life, family and property."

The Democratic Vice-Presidential nominee also co-sponsored:

H.R. 953, to prohibit the ownership of any bullet that "when fired from a handgun

with a barrel five inches or less in length, is capable of penetrating body armor."

H.R. 5835 and H.R. 5845, to ban the sale of armor-piercing bullets to private citizens.

House Concurrent Resolution 25, calling upon the government of the United Kingdom to ban the use of plastic and rubber bullets against civilian rioters.

In July 1981, Rep. Ferraro voted against a successful motion by Rep. Delbert Latta of Ohio, a CCRKBA Congressional Advisor, to cut \$5 million from the budget of the Bureau of Alcohol, Tobacco and Firearms.

In 1982, Rep. Ferraro received \$250 from the Handgun Control, Incorporated Political Action Committee for her successful campaign for reelection to the U.S. House of Representatives.

The Democratic Presidential nominee himself, former Vice President (under President Jimmy Carter) Walter F. Mondale, answering questions before students at Urbana High School, Des Moines, Iowa on January 19, 1984, and talking later to reporters, stated he favors a ban on the sale, manufacture, production and importation of short-barreled handguns which, he says, "are built solely for concealment. They're not good for hunting, not good for target practice." He did not comment on their possible legitimate use for protection of life, family or property.

In 1968, as a U.S. Senator from Minnesota, Mondale voted for the Gun Control Act of 1968 as well as for other gun controls.

Mondale voted for a proposal by Sen. Joseph Tydings of Maryland to require national firearms registration and gun owner licensing in all States failing to enact such measures on their own.

Mondale also voted for a proposal by the late Sen. Henry M. Jackson of Washington which would have prohibited the interstate shipment of firearms into any State failing to enact gun registration by 1971.

He voted for a proposal by Sen. Ed Brooke of Massachusetts to establish a national registry of firearms.

In addition to nominating the Mondale-Ferraro ticket this summer, the Democratic National Convention adopted a platform which states that "we support tougher restraints on the manufacture, transportation and sale of snub-nose handguns, which have no legitimate sporting use and are used in a high percentage of violent crimes." ●

REPEAL FEDERAL SUBSIDIES FOR HIDDEN POLITICAL AGEN- DAS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, a recent article in the Wall Street Journal reviews the Reagan administration's attempts to curtail Government funding of public interest activist groups. This material provides further evidence that advocacy lobbying organizations such as the Legal Services Corporation and the Natural Resources Defense Council are not only thwarting administration policies, but contravening their charters which were established by Congress.

The hidden political agendas of these groups are clearly ones which

any responsible Member of Congress would term inappropriate for the expenditure of public funds. I commend this article to the attention of my colleagues.

The article follows:

[From the Wall Street Journal, Sept. 6, 1984]

SUBSIDIZING POLITICAL HIDDEN AGENDAS (By Rael Jean Isaac and Erich Isaac)

We call them the coercive utopians. They sign up supporters by espousing such heart-warming causes as peace, clean air, safe products and social justice. But just below the surface they conceal far more controversial agendas: a slowdown of economic growth, an end to U.S.-type capitalism, a halt to much of our modern technology and unilateral U.S. disarmament.

The Carter administration was riddled with these activists, who worked in influential offices to substitute their own agenda for congressional mandates through propaganda, lawsuits and the funding of their friends in "the movement." Has the Reagan administration been successful in getting these activists under control? Not nearly successful enough.

It's difficult to overstate the role of movement activists during the Carter years. Mr. Carter came into power vowing to become the country's No. 1 consumer advocate, and as if to prove the point he hired carloads of "public-interest group" leaders and placed them in key administrative positions. Sixty consumer, environmental and public-interest activists moved immediately into sub-cabinet posts and key White House positions. By the end of Mr. Carter's term several hundred were installed in key slots all over Washington.

ONLY PART OF THE STORY

To take one example, Action, the federal volunteer agency, was turned over to former anti-Vietnam War activist Sam Brown. Action quickly became a political organizing and funding operation. As James Burnley, former director of the Action subsidiary called Vista under President Reagan, described Mr. Brown's tenure: "If you were a member in good stead of the New Left you were guaranteed help if you had an organization."

The money—in the hundreds of millions of dollars—that government agencies poured into political advocacy organizations was only part of the story. Government agencies themselves became political activist groups, often working to oppose the rules and principles of Congress and their own administration. The Legal Services Corporation, which was established to provide poor people with lawyers in routine civil cases, instead devoted itself to transforming "the system" through court action on its own initiative. During the Carter years the LSC's budget nearly tripled, to more than \$300 million a year, and much of it was spent on political activities—including direct involvement in state initiative ballot measures—that were specifically forbidden by its congressional charter.

The Reagan administration has placed a priority on halting the flood of taxpayer funds that was flowing to political action groups and on returning federal agencies to their original mandates. The record has been mixed.

The administration's major success—though it varies sharply from agency to agency—has been in halting the government's generous funding of activist groups.

Action underwent the most thorough housecleaning. Under Mr. Brown, massive amounts intended by Congress to be used to help poor people went instead to such middle-class radical programs as Tom Hayden's Laurel Springs Institute, which is a training school for political organizers, and the Youth Project, which basically funneled government funds and tax-exempt donations to nonexempt activist groups opposing nuclear power or U.S. intelligence programs and supporting Marxist guerrillas in the Third World.

After the election, applications of groups such as these were marked "Disapproved." A notation read, "Community organizing is not a priority of this administration."

Similarly the Environmental Protection Agency, which had represented a major source of funds for environmental activist organizations under Mr. Carter, stemmed the flow of grants to political activist groups. For example, the Natural Resources Defense Council—which primarily lobbies against energy and defense programs, many of which are government projects—saw its EPA grants diminish from \$816,382 in January 1981 to next to nothing. The Sierra Club chapter in Seattle was actually asked in January 1981 to return \$646 to EPA. These abrupt cutoffs of largesse no doubt contributed to the stridency of the attacks on the Reagan administration by environmental activists.

Other agencies were not so forceful. The Environmental Action Foundation received \$179,644 from Mr. Reagan's Department of Energy in June 1981. The EAF's parent organization originated the "Dirty Dozen" and "Filthy Five" publicity campaigns against corporations and congressmen, and published Ecotage, which spot-lighted such tactics as mailing dead fish to oil company stockholders and making auto maker's products inoperable by filling gas tank with sugar.

Many of the grants from Carter administration agencies had been awarded for a two- or three-year period, by only the Agriculture Department and a few other offices terminated them. Thus the Education Department's Women's Education Equity Act Program in July 1981 awarded the second installment of a \$244,000 grant for the publication of a third-grade reader. The reader was needed, the application said, because "implicit in all of the test-books surveyed is the assumption that the U.S. society is a true democracy" and this "distortion" was "serious," given the "realities of capitalism." The Education Department still has not performed a badly needed housecleaning.

Left-wing propagandists in the Carter years had a field day at the National Endowment for the Humanities and the National Endowment for the Arts. Taxpayers paid for such films as "From the Ashes . . . Nicaragua Today," written by Saul Landau of the Institute for Policy Studies, a radical-left think tank. While William Bennett, Mr. Reagan's appointee to head the NEH, has stopped the funding of such "education" enterprises, the program directors that approved and helped to develop such films are still in place at the NEH, marking time, one presumes, for a friendlier administration.

Rather than simply rely on individual agencies to halt their funding of political activities, the Reagan administration tries to impose government-wide regulations. After two versions were withdrawn, a watered-down set was put into effect this April. The regulations' effectiveness is questionable at best. As long as organizations that receive

money from the government can lobby or be involved in political activities with funds from other sources, it is impossible to determine which funds are being used for what purposes. Moreover, the penalties are so weak that they do not represent a deterrent.

There is also a major loophole that has not been blocked: It is likely that federal funds may be reaching advocacy groups via block grants, which are administered by the states with no federal monitoring. The Conservative Caucus Educational Foundation, long the watchdog of federal grants, is developing a monitoring system at the state level.

The Reagan administration has tried to rein in the Legal Services Corporation but has totally failed so far. The LSC is in effect an enormous "public interest" law firm that attracts thousands of activist lawyers, many of whom are dedicated to "changing the system" more than aiding the poor. In a recent case funded with taxpayer money, the LSC sued to prevent the Florida Department of Education from requiring high-school graduates to pass a functional literacy test. It also sued the University of California to block it from developing new agricultural technology, which it argued would replace human labor.

Mr. Reagan has repeatedly appointed new boards that would try to control the virtually independent local LSC offices. But Congress has refused to confirm the nominations. And when President Reagan tried to fold legal services into block grants, the LSC once again violated its charter and established a countrywide grass-roots lobbying campaign to preserve what one of its own leaders described as an "aggressive and political staff." The LSC won, and survived, thanks in large measure to continuing support by the American Bar Association.

EQUALLY INEFFECTIVE EFFORTS

Members of Congress have been equally ineffective in efforts to force the LSC to obey its charter. In 1981 five Senators brought suit against the LSC for violating statutory restrictions on political activity. The court ruled that the laws provided for no enforcement. In other words, if the LSC does not police itself, no one else can, short of a funding cutoff by Congress.

So, for a variety of reasons, the Reagan administration has had only a very partial success in dealing with the abuses that became rampant during the Carter years. Inhouse activists have continued to work openly against administration policies. The reason is that the "radical establishment" has continued to be able to frame the debate in its own terms, to wrap hidden agendas in a cloak of "peace" and "social justice." To halt the taxpayer support of political activists, any administration will need the strong support of the American public. This clearly is a job for "the great communicator." ●

IMPORTED TOBACCO

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. GORE. Mr. Speaker, today I am introducing legislation to accomplish the modest objective of prohibiting the importation of tobacco into this country which has been grown using pesticides and other chemicals whose

use has been prohibited for health reasons in the United States. I am introducing it so that this issue will be on the agenda for discussion early next year. The legislation is similar to a proposal offered by Congressman CHARLIE ROSE in the past, and he deserves a great deal of credit for initiating the proposal. The bill is designed to protect both the American farmer and the health of the American people. It will give American farmers an opportunity to compete more fairly with their foreign competitors.

In recent years, the amount of foreign tobacco imported into this country has increased dramatically. Currently, close to one-third of the tobacco in American cigarettes is imported. In 1969 the United States imported only 9 million pounds of foreign-grown tobacco. By 1983 we were importing 240,000 metric tons of tobacco annually, an increase of 1,900 percent over 1969 and 30 percent over 1982 alone. By 1983, imports of unmanufactured tobacco let into this country exceeded \$743 million.

In the United States, tobacco farmers are required to abide by strict regulations which prohibit the use of a number of pesticides and other chemicals, such as Paraquat, DDT, Dieldrin, Endrin, Toxophone, and others, all of which have been banned for health reasons. Yet, we have imposed absolutely no such restrictions on tobacco being imported into the United States. In fact, no agency of the Federal Government knows or keeps track of what pesticides or other chemicals are used on tobacco being imported into the United States despite the potential health hazard posed by this problem and despite the extraordinary disadvantage this puts American farmers at in competing with their foreign counterparts.

Our failure to act harms America's tobacco farmers seriously and jeopardizes the 50 to 54 million Americans who smoke. Six hundred billion cigarettes a year are smoked by Americans, one-third of the tobacco in those cigarettes comes from foreign producers, yet we have no information about what hazardous substances contaminate that tobacco. We do not even have records of the countries from which we import and have never attempted to determine what their policies are with regard to substances banned for use in the United States. How can the American farmer compete, how can the American consumer protect him or herself, if we do not even collect this vital information?

There is serious reason for concern. Turkey, Bulgaria, Lebanon, and Zimbabwe are all large suppliers of imported tobacco leaf, yet, the only survey ever done about the use of pesticides and other chemicals used abroad, a survey conducted last year by the State Department at the request of

Congressman CHARLIE ROSE, produced no information about the chemicals used in those countries. What the survey did reveal is that many countries do permit the use of pesticides banned from use in the United States. For example, tobacco from Thailand is imported into the United States, but we know that Thailand permits the use of DDT, Dieldrin, Endrin, and Paraquat, each of which has been banned in this country for health reasons. In the Philippines, the only chemical banned is DDT. In New Zealand and Australia, DDT is used to treat the soil. Unfortunately, what we know about this issue is less than what we do not know.

This bill seeks to place foreign producers of tobacco on the same ground as our American farmers. The United States not only has a right to impose these health and safety restrictions on imported products, it has an obligation to its citizens to do so. There is no reason for imported tobacco to be exempt from these requirements. What this bill does with regard to tobacco, we already do for most products imported into the United States. For example, we require importers of foreign automobiles to meet our pollution and safety standards. Importers of all machinery and consumer products are required to comply with health and safety standards applicable to all products sold in the United States. We already also require cigarette packages imported into the United States to comply with the labeling provisions of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1333, et seq. The United States is not the first country to impose the requirements I am proposing today. West Germany has gone even further by prohibiting the importation of tobacco containing any chemical or additive not on an approved list.

In conclusion, the bill represents a cautious, reasonable approach to a potentially serious problem. It is legislation that directly benefits both the American farmer and the American consumer.

H.R. 6418

Be it enacted by the Senate and House of Representatives of the United States of America assembled, that the Agricultural Adjustment Act of 1938 is amended by adding the following new section:

REGULATION OF IMPORTED TOBACCO

Section (a)(1) Notwithstanding any other provisions of law, all tobacco offered for importation into the United States shall be accompanied by a written certification by the importer, in such form as the Secretary of Agriculture may prescribe, that none of the pesticides the registration of which has been cancelled or suspended for use on tobacco in the United States under the Federal Insecticide, Fungicide, and Rodenticide Act, has been used in the production of the tobacco offered for importation into the United States.

(2) Any tobacco that is not accompanied by the certification required by paragraph (1) shall not be permitted entry into the United States. The provisions of section 1001 of Title 18, United States Code, shall be applicable with respect to any such certification made by an importer under such paragraph.

(b) The Secretary shall enforce the provisions of subsection (a) at the point of entry of tobacco offered for importation into the United States. The Secretary shall by regulation fix and collect from the importer fees and charges which shall, as nearly as practicable, cover the costs of the Secretary's services in insuring compliance with Section (a), including the administrative and supervisory costs customarily included by the Secretary in user fee calculations. The fees and charges, when collected, shall be credited to the current appropriation account that incurs the cost and shall be available without fiscal year limitation to pay the expenses of the Secretary incident to providing services under subsection (a)(1). ●

STRATEGIC DEFENSE INITIATIVE: A TECHNOLOGICAL PERSPECTIVE

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mrs. LLOYD. Mr. Speaker, the first publication of issues in Science and Technology includes an excellent article on "Ballistic Missile Defense: The Technologies" by Dr. James C. Fletcher. Dr. Fletcher is a most distinguished public servant who has served as Administrator of NASA, the president of the University of Utah, and has managed his own technology company. Dr. Fletcher offers the broad perspective of roughly three decades of experience at the highest levels of Government and academe. I urge my colleagues to carefully review the following excerpts from this excellent summary article on the technological aspects of the President's strategic defense initiative [SDI] and, if at all possible, read the article in its entirety.

In March of 1983, President Reagan appealed to the scientific community to devise new methods for countering the threat of nuclear ballistic missiles. Shortly after his speech, Reagan directed that two studies be conducted, one to assess the technologies necessary for ballistic missile defense, the other to examine the policy implications of such a system.

I was asked to lead the Defensive Technologies Study. Over a period of four-and-a-half months, our team of 50 scientists and engineers reviewed the emerging technologies relevant to ballistic missile defense. We looked at infrared, laser, and radar sensors for tracking missiles high in space; at high-speed projectiles and powerful laser and particle beams for intercepting missiles minutes after they are launched. Furthermore, we examined concepts for fashioning these technologies into a robust, reliable system.

At the end of our study, we concluded that although enormous hurdles remain, the technological advances of the past two

decades show great promise for ballistic missile defense. We recommended that a vigorous research and development program be pursued. The goal of that program is to demonstrate the key technologies by the early 1990s, allowing a decision to be made at that time on whether to proceed with a ballistic missile defense for the twenty-first century. Since that time, the Strategic Defense Initiative Organization has been established within the Defense Department to pursue a technology development program very similar to the one we recommended.

This article described the technologies for ballistic missile defense. It identifies the most promising approaches and system components, as well as the critical technologies—those emerging systems and capabilities that must be demonstrated before we will know whether an effective defense is feasible.

The various system concepts described in this article, as in the study on which it is based, are designed to counter a massive, full-scale Soviet attack, which, at current force levels, would involve thousands of intercontinental and submarine-launched ballistic missiles and the tens of thousands of warheads that they carry. Smaller portions of a comprehensive defense system could be deployed in different combinations to protect against limited nuclear ballistic missile attacks, as described later.

The emphasis in this defensive effort is on ballistic missiles, rather than on other offensive forces, because they are the most threatening of the strategic nuclear weapons. Given their extremely short flight time (ballistic missiles launched from the Soviet Union can reach the United States in approximately 30 minutes), these missiles provide the capability for a preemptive attack that could potentially overwhelm our strategic forces, eliminating the chance of an effective retaliatory response. By contrast, bombers and cruise missiles offer sufficient warning time for the United States to disperse, and thereby protect, its retaliatory assets. However, ballistic missiles launched from submarines a short distance off the U.S. coast could have even shorter flight times than intercontinental ballistic missiles; therefore they would have to be handled differently.

To understand the various defensive concepts under investigation, it is necessary to know something more about the typical trajectory of a ballistic missile, which consists of four phases. The estimates of flight time below are for an intercontinental ballistic missile and would vary for intermediate-range and submarine-launched ballistic missiles.

The boost phase spans the first several hundred seconds after launch, when the missile is lifted from its silo and thrust through and out of the atmosphere by its first, second, and third-stage booster rockets. Each rocket burns for about one minute, propelling the missile at increasing speeds to an altitude of about 200 kilometers, the altitude of the lowest earth-orbiting satellites. By the end of the boost phase, the missile is traveling at seven kilometers per second.

Once the third-stage booster burns out, the missile enters the post-boost phase, which lasts another several hundred seconds. The third-stage booster falls away, leaving the post-boost vehicle and its cargo, up to ten multiple independently targeted reentry vehicles, or MIRVs, each carrying a nuclear warhead directed at a separate target. Powered by a low-thrust rocket, the

post-boost vehicle, or "bus," maneuvers through space, dropping off its reentry vehicles in programmed sequence and directing them on their distinct trajectories. The post-boost vehicle can also carry decoys and other penetration aids to confuse or overwhelm the defense; hundreds of these may be deployed by each booster along with each reentry vehicle.

Once released from the bus, the reentry vehicles and decoys begin their ballistic or freefall, flight, arcing up to their apogee at 1,000 kilometers or so then falling back to Earth. This 20-minute unguided ascent and descent of the reentry vehicle is known as the midcourse phase. In addition to its nuclear warhead, each reentry vehicle contains sufficient heat shielding to allow it to survive reentry through the atmosphere and a fusing system to detonate the warhead at the right time.

The terminal phase begins when the reentry vehicles, decoys, penetration aids, and debris begin to reenter Earth's upper atmosphere at an altitude of about 100 kilometers. Lightweight objects, including some decoys and debris, are slowed by atmospheric drag and then broken apart by the force of deceleration. The heavier reentry vehicles, which are "hardened" to survive the heat and deceleration, continue on their trajectories. The terminal phase ends some two minutes after it begins when the reentry vehicles, by this time a glowing red, detonate over their targets.

An effective defense against a massive Soviet ballistic missile attack will require a multilayered system capable of attacking missiles in all phases of their trajectory. Each of these multiple layers, corresponding to one of the four phases of a missile's flight, would use its own combination of sensors and weapons to track and intercept missiles as they streak through space. Each layer serves as a back-up to the previous layer: those missiles that penetrate or "leak" through the first line of defense, the boost-phase defense, will be intercepted by post-boost, midcourse, and then terminal-phase defenses. By contrast, the earlier antiballistic missile (ABM) concepts attacked oncoming missiles primarily in their reentry phase.

The fundamental premise of today's "defense-in-depth" concept is that a series of moderately effective layers can produce extremely high system effectiveness. For example, four layers that are each 70 percent effective produce an overall intercept effectiveness of greater than 99 percent. In addition, a single layer of 70 or 90 percent effectiveness is far less costly to construct than a single layer of 90 to 99.9 percent effectiveness.

Another assumption is that a multilayered defense, with its combination of different weapons and sensors, will vastly complicate the task of the attacker. Any tactic, usually called a countermeasure, that the offense might use to degrade or circumvent one defensive weapon or sensor would have little or no effect on the other elements of the defense. Indeed, certain countermeasures may actually limit the attacker's ability to penetrate other defenses. For instance a coat of heat-shielding material applied to the skin of a missile can reduce the effects of a laser attack. This shield also increases the missile's weight, however, which means it can carry fewer warheads and decoys. . . .

This section concludes with a discussion of advantages and disadvantages for the defense planner to deal with the various phases of missile flight.

II

A ballistic missile defense system must perform certain essential functions in each phase. These are surveillance, acquisition, and discrimination; pointing and tracking; target intercept and destruction; and battle management.

Surveillance and acquisition involves search and detection of any potentially threatening objects. Sensors are used to detect and attack and define its intensity, destination, and probable targets. Discrimination involves processing signals and data to identify an object, and the later stages, to determine whether it is a warhead that should be intercepted or a nonthreatening decoy or booster fragment. The same sensors can also be used to determine whether a missile or reentry vehicle has been successfully destroyed or damaged.

Pointing and tracking, which is usually performed by sensors built into the defense weapons, involves taking a series of measurements of the position and velocity of the target—the booster or reentry vehicle, for instance—to determine its future trajectory. These measurements are then used to guide the interceptor to its target.

Target intercept and destruction is the use of any one of a number of weapons to intercept and destroy the booster or reentry vehicle.

Battle management encompasses all the data management, communication, and decisionmaking functions necessary to coordinate the defensive efforts.

To illustrate how ballistic missile defense might work, a hypothetical system is described below. This description is intended to convey the scope of such a system—to show, for example, how the individual components might function and how the sensors and weapons in the various layers might interact. It should not be seen as a precise blueprint. A number of diverse technologies show promise for ballistic missile defense, and others will undoubtedly be brought to light by the current research effort. At this point, it is too early to know which components will prove the most effective or how a system might be configured from them.

This is especially true for the boost and post-boost phase weapons, which pose some of the most technically challenging design questions. The candidates for boost and post-boost intercept include space-based hypervelocity guns and chemical rockets, both of which are kinetic-energy weapons that accelerate a projectile toward the target at very high speeds, and the more publicized directed-energy weapons, lasers or particle beams, that direct energy toward their targets. The hypervelocity gun is described in the following conceptual design; the chemical rocket and directed-energy weapons will be discussed in a later section. . . .

Of the technologies described in this hypothetical ballistic missile defense system, those for midcourse and terminal defense are the best understood. The generic approaches identified here—that is, space-based sensors and ground-based rockets for midcourse defense, and airborne surveillance and ground-based rockets for terminal-phase defense—would likely be sufficiently advanced by the 1990s so that a decision could be made on whether to build a defensive system, should strategic policy warrant it.

Greater uncertainty surrounds the concepts for boost/phase defense. In addition to the hypervelocity guns and smart bullets, the candidates for boost-phase intercept include space-based chemical rockets; space-

based lasers; ground-based lasers relayed off of mirrors in space; "pop-up" lasers; and space-based particle beams. . . .

This section concludes with a discussion of boost-phase intercept technologies such as hypervelocity gun, space-based chemical rockets, chemical laser weapons, X-ray lasers and particle beam weapons.

III

An effective multilayered system for ballistic missile defense, such as the conceptual design described here, could not be built today. It depends upon certain technological systems and capabilities that have yet to be developed or demonstrated in these particular applications. These critical technologies, the weak links in the chain, are: weapons for boost-phase intercept; low-cost midcourse and terminal interceptors; sensors and software for tracking and discrimination; survivability techniques; and computer capability for battle management.

The Defensive Technologies Study Team proposed a long-term research and development plan to evaluate and demonstrate the technical feasibility of these key technologies. The outcome of this research will determine whether an effective ballistic missile defense is possible. The critical technologies are described below.

Boost-phase intercept. Without the ability to intercept missiles in their boost phase, a highly reliable, low-leakage defense would be exceedingly difficult to achieve. Consequently, a high priority of the new initiative is to demonstrate the directed-energy and kinetic-energy weapons for boost-phase intercept.

For directed-energy weapons, the current goal is to demonstrate the feasibility of these beam generators on a laboratory scale by the late 1980s or early 1990s, and their ability to be scaled to a weapon-level performance by the early 1990s. The generation of the beam itself is not the most critical task; indeed, technologies for beam control, optics, and pointing and tracking represent the greatest challenges. Research is under way in all of these areas.

It is also crucial to determine the lethality of these lasers and particle-beam weapons against "responsive" threats. The offense can use a number of countermeasures to withstand or evade defensive weapons. For instance, a booster can be "hardened" against laser attack: a reflective coat can deflect laser light and a heat-shielding material can provide some protection against damaging laser energy. Research is under way to determine the minimum energy needed to penetrate these shields or to overcome other offensive countermeasures.

"Fast-burn" booster rockets might also be used to evade booster-phase weapons. These are rockets that burn out in 100 seconds or less. Equipped with fast-burn rockets, a missile can complete most of the boost phase within the atmosphere. This complicates the task for both directed-energy and kinetic-energy weapons: given the short engagement time, additional interceptors might be necessary to destroy the same number of warheads. In addition, it would make the missiles largely invulnerable to certain types of boost-phase weapons, such as neutral particle beams, that cannot penetrate the atmosphere. Several beam weapons that have the potential for penetrating the atmosphere to intercept even fast-burn rockets are being investigated.

For the kinetic-energy weapons, research is focusing on the development of space-based hypervelocity guns, interceptor rockets, and homing projectiles. Key issues in-

clude systems for fire control, guidance, and space-based energy supply.

Midcourse and terminal intercept. The issue is not whether these interceptors—ground-based chemical rockets carrying homing projectiles—can be designed, but whether the cost can be kept relatively low. The goal is to design midcourse and terminal interceptors inexpensive enough to permit an attack on all threatening objects that cannot be discriminated—in other words, on decoys as well as warheads. Cost depends on the size of the rocket: the smaller it is, the less expensive to build and power.

Discrimination and tracking. Unless thousands of objects can be tracked simultaneously and active warheads can be discriminated from destroyed warheads, decoys, and debris, the attacker can saturate the defensive system by increasing the number of warheads and decoys. Discrimination and tracking in boost phase is relatively straightforward, as the booster flame is easy to detect and the number of targets is relatively small. Discrimination in the midcourse and terminal phases will depend on advances in both sensing technologies and computer software. The technology for sensing is quite complex. The research and development program calls for work on infrared sensors, laser sensors, space-based radar, and imaging techniques, as well as the requisite software capabilities.

This section concludes with a discussion of Survivability, Battle Management, and the challenges facing the critical technology development for BMD systems.

IV

The technological challenges of strategic defense are great but not insurmountable. In the Defensive Technologies Study, we took an optimistic view of the emerging technologies and concluded that "a robust, multitered ballistic missile [defense] system can eventually be made to work." We also realized that "the ultimate utility, effectiveness, cost, complexity, and degree of technical risk in this system will depend not only on the technology itself, but also on the extent to which the Soviet Union either agrees to mutual defense arrangements or offense limitations." For instance, if the Soviet Union agreed to reduce its force of intercontinental ballistic missiles, then an effective missile defense would be less expensive and would pose fewer technical challenges.

Although the complete, four-phase defense probably will not be feasible until after the year 2000, it may be possible to begin deploying portions of the system in the late 1990s, should Congress and the president decide to do so. The technologies for terminal and midcourse defense are already relatively well understood. Indeed, it should be possible by the end of the decade to demonstrate some of the components for these defenses, including a space-based system for acquisition, pointing, and tracking; a megawatt-class, ground-based laser weapon operating at the visible light wavelength; an airborne sensing system; and a high-speed, non-nuclear interceptor to function within the atmosphere. . . .

There has been much confusion and public debate over the goals of the current Strategic Defense Initiative—whether it is a more limited defense of our strategic forces or a near-perfect population defense. The Defensive Technologies Study Team concluded that, in fact, the two goals are not contradictory. The new program has as its

near-term goal the development of technologies for defense of our strategic forces, which would include, among other things, silos, submarine bases, air defenses, intelligence facilities, military bases, factories, and communication and power systems. However, the same area defense technologies for protecting large military installations can also be used to protect cities, and the ultimate goal of the new program is to develop the technical option to deploy a thoroughly reliable population defense for both the United States and its allies.

v

Since this new ballistic missile defense effort was first announced, it has been the subject of much public debate. I would like to address some of the misconceptions about this program and the technologies under development.

The public discussion of defensive technologies has tended to focus on the more exotic weapons, such as lasers and particle beams. In fact, only about 25 percent of the current research budget is devoted to directed-energy weapons. Less than half of the program is concerned with weapons at all; the largest single area is surveillance and tracking research. Although the precise architecture of a future ballistic missile defense system cannot be predicted at this time, it is entirely possible that such a system will not include any directed-energy weapons, relying instead on kinetic-energy weapons. Moreover, if the two superpowers agree to limitations of their offensive forces, then an effective defense might be constructed without any weapons in space.

Another misconception is that offensive countermeasures are so easy, cheap, and effective that no defensive system can be effective. This argument seems to rest on three principal assumptions: first, that simple proliferation of weapons and decoys is a cost-effective method of overwhelming any defense; second, that the Soviets can build a new generation of offensive missiles capable of evading boost-phase defenses; and third, that the space-based assets of the system are inherently vulnerable.

All of these assumptions were addressed early in the Defensive Technologies Study. In evaluating the feasibility of ballistic missile defense—and in defining performance goals for various components of the system—we assumed that the Soviet Union would expand its offensive force at the maximum pace possible. That would mean that within our lifetimes, the Soviet offensive force could grow to two or three times its present size.

This section includes a discussion of possible offensive countermeasures which might be adopted by the Soviets in response to SDI deployment.

Clearly, the potential threat of fast-burn boosters and all other countermeasures must be fully assessed. That assessment is one of the primary objectives of the current research and development program.

Another issue of concern is whether command and control for ballistic missile defense can be structured to allow national command authorities (the president and designated chain of command) to activate the system—especially the boost-phase system, which must respond minutes after a launch is detected. Extensive research will be required in this area. Nonetheless, it is by no means clear that a multilayered defense cannot be structured to allow human control.

An offensive strike would most likely be preceded by a crisis of some kind. The

system can be structured so that it can be activated in stages during a crisis, much as our military forces are now activated. When the crisis reached a certain level, the president might choose to activate the terminal defenses. This would provide full presidential control of any weapons deployment. As the crisis intensified, the president might choose to activate the midcourse and ultimately the boost-phase defenses. These steps would be taken with the full knowledge of the opponent. The boost-phase defenses could be set to hold fire until a massive attack was unambiguously confirmed. Any lower intensity attacks could be handled by the midcourse and terminal defenses alone. Furthermore, even an "automatic" response of a boost-phase defense could be structured to allow the president to halt its activation at any point.

Clearly, there are many uncertainties as the United States embarks on its strategic defense effort. We could not now with confidence construct effective ballistic missile defenses. Conversely, we have not been presented with any compelling technical reasons that show that such defenses are not possible. The technical issues surrounding the development of effective defenses have many possible solutions and should not at this stage be the primary focus of the debate.

Rather, the debate should center on the implications of ballistic missile defense for our strategic policy. For the past two decades, the United States has relied exclusively on offensive weapons and the threat of nuclear retaliation as a deterrent to nuclear war. The underlying rationale of this doctrine is that neither superpower is likely to initiate a nuclear war if vulnerable to attack by the surviving strategic forces of the other.

Defensive technologies offer new opportunities for strengthening deterrence and new possibilities for arms limitations. Intermediate defense capabilities, such as a one- or two-phase defense, would reduce the Soviets' confidence in their ability to destroy key military targets, thereby increasing deterrence against a nuclear attack. Fully effective defenses would significantly reduce the utility of a major Soviet preemptive strike—and of ballistic missiles themselves. And by reducing the intrinsic value of ballistic missiles, defensive technologies could provide a strong inducement for reaching agreements to reduce these nuclear weapons.

Work during the past few years has shown that the technological promise is rich, and that effective defenses may indeed be possible. Moreover, the increased Soviet offensive and defensive threat offers a powerful motive for reassessing the role of ballistic missile defense in U.S. deterrent policy. The Soviets now are upgrading the world's only operational ballistic missile defense system, currently in place around Moscow. And they have been pursuing with undeniable vigor research on directed-energy weapons for a more advanced system. Unilateral deployment of such a system would have grave consequences for the security of the United States and its allies. At a minimum, we must pursue a comprehensive technology program to ensure that we are not caught unprepared by a Soviet deployment of advanced ballistic missile defenses.

Moreover, I believe that we have a strong moral imperative to base our strategic relationships on effective defenses, rather than on the threat of inflicting horrendous damage on the attacker. I believe that effective

defenses, when deployed by both the United States and the Soviet Union, could lead to a safer world, a world with the possibility for nuclear disarmament. The current technology program can provide the option for this transition to strategic defense. The final decision, however, will be made by the American people.

GOVERNMENT RESEARCH AND DEVELOPMENT PATENT POLICY

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. FUQUA. Mr. Speaker, I rise in support of title V, "Government Research and Development Patent Policy," much of which originated in H.R. 5003 as reported from the Committee on Science and Technology to the House, on August 8 with bipartisan support. I would like to assure my colleagues that almost every provision contained in this title was considered and favorably approved by the committee I chair. I would refer my colleagues to House Report 98-983, part I for an explanation of these provisions. Those provisions, added by the Senate, tend to be minor in comparison and clarifying in nature.

I am certain the gentleman from Wisconsin, [Mr. KASTENMEIER], recalls our colloquy of November 21, 1980, upon the passage of Public Law 96-517 where we agreed to try to achieve a more uniform Government patent policy. I consider this bill to be another major step forward toward that objective.

Title V is a series of amendments to Public Law 96-517 which established a uniform Government patent policy for inventions arising under contracts between the Government and small business and nonprofit organizations including universities. Public Law 96-517 which was passed because of the leadership of BOB KASTENMEIER was a landmark bill replacing a wide variety of agency practices with a uniform Governmentwide policy of giving those rights to the contractor except in specified situations. This approach has worked well and has contributed to the explosion of new products and companies at and around university communities. We now have the benefit of over 3 years of experience using these provisions and the desirability of certain improvements has become obvious. I would like to point out to my colleagues that with the exception of Government-owned, contractor-operated [GOCO] facilities this legislation does not extend beyond the limits of Public Law 96-517. Clearly, there is much remaining work to be done on the broader public policy considerations of Governmentwide patent policy, but such deliberations will have

to wait until the 99th Congress. Since there is a qualitative difference between major Government contracts with larger businesses and smaller grants and cooperative agreements with universities and nonprofit organizations, it should not be assumed that the specific provisions of Public Law 96-517 will be those that are applied to larger businesses in next Congress' legislation. The section-by-section analysis which follows compares the parti-

ment provisions of H.R. 5003 with the Senate-passed language.

I would like to thank the gentleman from Wisconsin, [Mr. KASTENMEIER], for his critical leadership in working with me to assure that the House provisions which assist the university research community were added to the Senate bill. These provisions involving disposition of intellectual property rights in educational awards and of royalties from inventions under uni-

versity and nonprofit GOCO contracts solve a number of longstanding problems in the university community.

In closing, I would like to commend the gentleman from Pennsylvania [Mr. WALGREN] and the gentleman from New Hampshire [Mr. GREGG] for their hard work in developing this legislation at the subcommittee level. Without their bipartisan efforts, it is unlikely that we would be able to vote on this legislation today.

H.R. 5003 as reported	Senate-passed title V	Comments
(1) Sec. 402(15) (B) and (C)	Sec. 501(1) amd (2)	These two provisions are identical in both bills except for a reference in the House version to sexually propagated variety of plants. These words were added as a clarifying amendment; therefore, the omission of the reference in the Senate version does not change the scope of this definition.
(2) Sec. 402(15) (D)	Sec. 501(3)	This section originated in H.R. 5003 as reported. A contractor which is subject to the control of a foreign government is one in which at least 50 percent of the voting stock is controlled by that government. The new code Section 202(a)(iv) is identical to the wording of Sec. 301(a)(5) of H.R. 5003 which is described on pages 18 and 19 of House Report 98-983 Part I. While those laboratories such as Oak Ridge National Laboratory which are run for the government by large companies are not formally covered by this section, it is hoped that the Department of Energy, using its Federal Non-nuclear Act authority will develop a standard patent policy consistent with this Title for all its GOCO facilities.
(3) Sec. 402(15) (E)	Sec. 501(4)	There is no provision in H.R. 5003 comparable to code Sec. 202(b)(1) in the Senate version. Code Sec. 202(b)(2) of the Senate version is identical to H.R. 5003's code sec. 202(b)(5) except that the authority to act under this section rested with the Director of OMB rather than with his subordinate, the Administrator of OFPP; since the Director of OMB presumably would have delegated this authority to OFPP, the change is not viewed as significant. The new code sec. 202(b)(4) originated in H.R. 5003 as reported. Its intent is to give an aggrieved contractor the right to an immediate appeal of a contractual decision not to grant him patent rights rather than forcing the contractor to wait to appeal such a decision until an invention arises under the contract. The work "provisions" was substituted for "policies and objectives" in the Senate version to avoid any possibility of tying this section to a set of findings and purposes.
(4) Sec. 402(15) (F)	Sec. 501(5)	Paragraphs 202(c)(1) through (3) are virtually identical in both versions. Their intent is to codify existing regulations. Paragraph (4) of the Senate version has no comparable House provision, although its intent is clearly consistent with the House's intent.
(5) Sec. 402(15) (G)	Sec. 501(6)	This provision is identical in both bills and strengthens Freedom of Information Act protections for a contractor subjected to code Sec. 203's march-in procedures.
(6) Sec. 402(15) (H) and (I)	Sec. 501(7) and (8)	The House struck code sec. 202(c)(7)(A) while the Senate struck the second half of this provision; the result of the Senate's action is to retain a requirement that a nonprofit organization get agency approval before assigning title to an invention to a commercial invention management firm while at the same time to allow all such firms to be treated on an equal basis. Both bills strike code paragraph (B) which places limits on the ability of contractors to grant exclusive licenses.
		The Senate moved what was code sec. 202(c)(9) in the House version to code sec. 202(c)(7)(D) and changed slightly the formula for distribution of royalty revenues found in that code section. This important section, originated in the House version and is explained in the first paragraph of House Report 98-983, part I, page 21. The formula for distribution of royalty revenues, should not be applied to contracts for third party sponsored research at GOCOs between operators of GOCO facilities and private sector persons where the private sector is paying for the research through collaborative arrangements or work for others agreements. Such arrangements should be treated as an agreement between two private entities and patent rights should be assigned as provided in that agreement. GOCO subcontracts, funded by the Government are covered by the section.
(7) Sec. 402(15) (J)	Sec. 501(9)	The Senate-passed version's new code sec. 203(2) is taken almost in its entirety from H.R. 5003 as reported. It includes the administrative appeals procedure added by the House Science and Technology Committee as an alternative to judicial review. It also contains the provision from H.R. 5003 which requires an agency determination to be held in abeyance pending the exhaustion of appeals; this will prevent the agency from granting third parties licenses or disseminating the technical information to the public in a manner that could make a victory on appeal by the contractor meaningless. The one substantive Senate change was to require judicial review to be on the administrative record.
(8) Sec. 402(15) (L) (code sec. 206)	Sec. 501(10)	The Senate-passed version authorizes the Secretary of Commerce, subject to public comment, to issue implementing regulations for this title. H.R. 5003, as reported, had the Secretary of Commerce initiating these regulations with the Director of the Office of Management and Budget promulgating after full consideration of agency and public comment. The Commerce Department is expected to consult with affected agencies in the regulation-drafting process.
(9) Sec. 202	Sec. 501(11)	The Senate moved three discretionary functions granted to the Secretary of Commerce by section 202 of H.R. 5003 as reported, to a new code section 207(B). These functions are described on page 17 of House Report 98-983, part I. Commerce's role in each case is advisory, not managerial, and it is anticipated that most activities will be performed at the request of the client agency.
(10) No House provision	Sec. 501(12)	The Senate has substituted the Secretary of Commerce for the Administrator of General Services as the promulgator of the terms and conditions under which any federally owned invention may be licensed on a nonexclusive, partially exclusive, or exclusive basis. The Secretary is expected to consult with affected agencies in the drafting of such regulations and to promulgate only after opportunity for full consideration of public comments.
(11) No House provision	Sec. 501(13)	The Senate extended the applicability of code section 202(c)(4) (retention of nonexclusive license by the Government) and code section 203 (march-in rights and related appeals) to all contractors.
(12) Sec. 402(15) (L) (code sec. 213)	Sec. 501(14) and (15)	The Senate redesignated as code sec. 212, the new code sec. 213 from H.R. 5003 as reported. This section is described on pages 24 and 25 of House Report 98-983, part I. This provision prohibits the practice of Government retention of patent rights arising under financial aid agreements; these clauses have made it difficult for students receiving Federal financial aid also to work on privately funded university research projects.

NEWS REPORTING IN CENTRAL AMERICA

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. MARLENEE. Mr. Speaker, I would like to have printed in the CONGRESSIONAL RECORD a copy of an article in Monday's Washington Times. I believe this article strikes at the heart of a very important point concerning the situation in Central America and Nicaragua. The point—there is bias and parochialism in news reporting on what

is happening in Central America. What happens in this region of the world is very important and must not be subject to the personal bias of those who report to the American public. When we lose fairness and accuracy in journalism, the American public is cheated and I hope our citizens will be sensitive to the existence of such reporting. Only by doing so can they find the truth, which is so important in the Central American case.

[From the Washington Times, Oct. 1, 1984]

THE POST'S ROSE-COLORED GLASSES AND ITS VIEW OF THE SANDINISTAS

(By Roger Fontaine and Ted Agres)

Adriana Guillen is a Nicaraguan journalist who eagerly joined the Sandinista revolution. Her growing disillusionment with the revolution became anger and then rage over the repression of trade unions and restrictions on the press.

She quit the revolution because, she said, the Sandinistas broke their promises that they would bring social justice and democracy to Nicaragua. She became a reporter for La Prensa, the only opposition newspaper in Nicaragua.

In 1981, as she recalls it, she talked to Karen De Young, who was The Washington

Post correspondent in Central America, about the government's restrictions on traditional liberties. She was astonished by Miss De Young's reaction.

Miss De Young replied, she says, that such problems as trade-union repression and assaults on the press "are natural products of a revolutionary process."

"I consider the Sandinista revolution a very important one, and I don't want to harm this revolution with anything," Miss Guillen quoted Miss De Young as saying.

Miss De Young, who is now The Post's foreign editor, says she did not say that. "I neither said that nor does it reflect my views as, I believe, any objective reading of our extensive coverage of Nicaragua demonstrates."

Miss Guillen, told of the denial, insists her quotations of Karen De Young are accurate.

Confusion, contradiction and occasional mischief are the givens of The Post's coverage of foreign affairs, from Central America to the Middle East. Critics, for example, cite elements of The Post's reporting of the U.S. operation in Grenada as indicative of the kind of approach the paper often takes.

On Oct. 29, 1983, Post reporter Loren Jenkins wrote a front-page story reviewing the weapons warehouses uncovered by U.S. forces after the rescue operation on the island. President Reagan had described the warehouses as being "stacked almost to the ceiling" with weapons and ammunition.

But Mr. Jenkins devoted most of his article to refuting those assertions. He claimed that the warehouses were not filled with weapons. And of those weapons that were found, many "were antiquated, of little value to a modern army or guerrilla force," he wrote.

Less than two months later the administration released, a preliminary report on Grenada which detailed large inventory lists of weapons delivered by the Soviet Union and other communist countries. These included about 130 anti-aircraft and field guns some 10,000 assault rifles, numerous rocket launchers, land mines, machine guns and other gear.

The Post did print a story about the preliminary report when it was released though without reference to the earlier Jenkins story. But the initial impression—and perhaps the lasting impression—was conveyed at the height of interest and political passion.

But the Post's reporting—"misreporting," in the view of the critics—in Central America arouses much of the passion, and this article focuses on Post reporting on Nicaragua. For Nicaragua, in a sense, is both the genesis and representative of the turmoil engulfing Central America.

The "objective reading" of The Post's Nicaragua coverage that Miss De Young invites has, in fact, already been done.

In March 1982, Shirley Christian, a Pulitzer Prize-winning reporter for the Miami Herald, who is on leave to write a book, was commissioned by the Washington Journalism Review to analyze this coverage. She found the Post's coverage to be seriously flawed.

In a report entitled, "Covering the Sandinistas: The Foregone Conclusions of the Fourth Estate," Miss Christian examined 244 stories published in The Post during 19 months of Sandinista uprisings from January 1978 to July 1979.

She found a number of examples of the Post's reporting that was inaccurate. She concluded that:

The Post demonstrated a tendency to "stress the reassuring impression that the

Sandinista movement had been taken over in recent years by non-Marxists . . ."

Miss Christian notes that Tomas Borge Martinez, a Sandinista leader and an unquestioned Marxist who would become the powerful minister of the interior was barely mentioned in the soft reporting on Sandinista ideology.

Indeed, in one of those rare mentions, Miss De Young cited political analysts who described Mr. Borge as a "pragmatist" who as interior minister "will be in a better position to keep mavericks from his faction in line."

Regarding human rights abuses, Miss Christian notes that The Washington Post and Miss De Young repeatedly cited examples of National Guard atrocities in vivid detail, but "there were almost no reports . . . of unjustified or noncombat brutality by Sandinista forces against government supporters."

Only a few brief mentions of "government informers" being shot were recorded without any followup investigation. Similar reports of Sandinista reprisals after the capture of the city of Leon were given similar treatment, according to Miss Christian.

In articles printed in October 1978, Karen De Young reported from a Sandinista training camp that "Sandinista political leaders interviewed here recently denied they are Marxists. They denied that they want Cuban-style communism in Nicaragua. Instead, they said, they are fighting for a 'new Nicaragua' that will be a 'pluralistic democracy' built on the ashes of the destroyed Somoza dictatorship."

Miss Christian also faulted the New York Times and CBS News for similar excesses and biases during the same time period.

She concluded that the reporters were "obsessed" with the "guilt-trip" of Vietnam and thus delighted to "jump on the Sandinistas' bandwagon" and refused to see the telltale signs of impending betrayal and disaster.

Miss De Young, responding to the charges in a letter to the Washington Journalism Review in May 1982, said she had not held the "romantic view" of the Sandinistas ascribed to her. She said she had not, as charged, glossed over the "Cuban-inspired origins of the Sandinistas."

With 17 full-time correspondents assigned to capitals and cities around the world, backed up by scores of part-time correspondents or "stringers," The Washington Post has one of the largest overseas reporting staffs of any U.S. newspaper.

A Post story, even if inaccurate, is often enough to encourage a congressman to schedule hearings or start a debate. Administration officials complain that impressionable staffers can spend the first two or three hours each day discussing articles they read in The Post that morning.

The complaint is rarely with the quantity of news The Post publishes—its long, repetitious articles are cited in the industry as textbook examples of undisciplined, blowsy prose. Complaints usually bear on quality. Critics, both friendly and hostile, note that "news" stories often convey a particular point of view or political expression, sometimes bluntly but often with an attempt at subtlety.

Officials and congressional staff members often have difficulty citing specific examples of such bias. They say, instead, that they have a "general feeling" that the Post is skewing the news one way or the other.

Moreover, The Post suffers from schizophrenia as well; its news stories can, on oc-

casional, be more opinionated than its editorials. Says the editor of a newspaper in the Midwest: "The Post may be the only newspaper in America with an editorial policy for the editorial page and an editorial policy for Page One, and often the two editorial policies are in opposition."

In an interview with The Washington Times, Shirley Christian noted that The Post, more so than other newspapers, was "swept up in whatever the prevailing ideas or concerns were on Capitol Hill."

"The Post is much more vulnerable to those influences than other newspapers, and that gets translated in what they cover in Nicaragua or elsewhere," she says.

"The Post's reporting in the field . . . reflected or was in response to concerns raised on Capitol Hill and by the Washington Office on Latin America," Miss Christian says. WOLA is a human rights organization that frequently attacks governments supported by the United States.

In a second conversation with Karen De Young a year ago, Adriana Guillen, the Nicaraguan journalist, told her that she was the press representative in Washington for the embattled Misura Indians and offered herself as a contact for that issue.

Miss De Young replied according to Miss Guillen that the matter was a difficult one for The Post. "There is a propaganda war going on. So we don't know where the truth is" Miss De Young said. Asked over the weekend about this remark, Miss De Young said she did not remember the specific conversation, but that such a statement is "not inconsistent" with her views.

Her reluctance to write about the question did not prevent The Post from reporting in December 1983 about the flight of 2,000 Miskito men, women and children from a Sandinista concentration camp to the relative safety of neighboring Honduras. They were accompanied by Bishop Salvator Schlaefter.

The Post ran its initial frontpage story, written in Washington on December 22. It was an account that emphasized the Sandinista version of events, which claimed the bishop had been kidnapped and killed by "Miskito Indian counterrevolutionaries." The bishop turned up, very much alive.

Recently, Stephen Rosenfeld, a Post columnist and deputy editorial page editor, wrote an article titled "Moment of Truth in Nicaragua." In it, he cited a critique of Sandinista election practices by analyst Robert Leiken which had appeared in the New Republic. The Leiken article included a recounting of mob attacks on democratic opposition rallies in the Nicaraguan city of Chinandega in July.

Mr. Rosenfeld could not cite his own paper's coverage of those government-inspired riots. The Post never reported them.

In an article that appeared in The Post nine days after the riots, staff correspondent Robert J. McCartney omitted any mention of them.

Mr. McCartney's dispatch also did not mention that five days before that speech that attracted "only 900" participants, Sandinista mobs had violently broken up similar rallies in Matagalpa and Chinandega. He gave no hint of Sandinista intimidation as the cause of the opposition's lack of public support. Instead, "political observers," whom he did not identify, were quoted as saying the Sandinistas "would win easily, even without the boycott."

Only last month, when Sandinista-directed mobs attacked Arturo Cruz, leader of the democratic opposition, and his supporters

on four different occasions in four different cities. The Post carried an account of only one of them.

What others described as a particularly vicious mob of 2,000 Sandinista "youths," armed with steel clubs and machetes, surrounded the meeting place of Mr. Cruz and his supporters in the city of Leon. The Post ran only a brief Reuters dispatch buried deeply on page 39, even though a more detailed and more accurate Associated Press dispatch was available.

The story ran under a misleading headline, "Nicaraguan Police Aid Opposition Leader". The article did not say that the police "protection" arrived three hours after Mr. Cruz was beaten by the thugs.

Miss De Young, in a written response to questions raised by this newspaper, asserted that the Post "has given more coverage to Mr. Cruz . . . than any other American newspaper."

"To my knowledge, he has not complained about our coverage, which I believe to be fair and comprehensive," she said.

But he had complained—if not to Miss De Young, or her boss, Executive Editor Benjamin C. Bradlee to the editor of the editorial page.

On Sept. 28, The Post's opinion page carried a lengthy article by Mr. Cruz. In it, he took The Post to task for misrepresenting his views. The Post, he said, was guilty of repeating Sandinista charges that he is "acting under orders from Washington . . . [or] working for the CIA" (Post, July 30).

Nor was this the first time Mr. Cruz had complained about the Post. In a front-page story in *La Prensa* published July 31, Mr. Cruz "categorically challenged" The Washington Post's assertions that his party had attempted to "embarrass the Sandinistas" and to sabotage the elections.

"The Washington Post had not sufficiently investigated the political events in Nicaragua," Mr. Cruz charged in that same story.

The Reuters dispatch on the Nicaragua incident also did not mention that the demonstrators, who were simply identified as members of "a Sandinista youth organization," were driven into the city of Leon in government-owned vehicles. Moreover, according to a U.S. Embassy report from Managua, Sandinista defense committee members and workers later joined the mob.

The embassy report obtained by the Times, is based on eyewitness accounts. It noted that while the Leon opposition meeting was hurriedly organized and the location never publicly announced the mob gathered on time.

Shortly afterwards in the city of Masaya, Sandinista youth again attacked a private meeting Mr. Cruz was attending with other members of the democratic opposition. ●

HEALTHY DEBATE OVER CONRAIL SALE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. LENT. Mr. Speaker, in the New York Times business section of Sunday, September 23, there was a pro and con piece entitled "Should the United States Sell Conrail Now?"

The Secretary of Transportation, Elizabeth Hanford Dole, authored the

affirmative piece, contending that Conrail should be sold at this juncture, rather than risk losing the opportunity altogether by imposing an artificial delay. Yet, the Secretary realizes that the sale process must follow a careful and deliberative course, and should not be brought to a hurried and thoughtless conclusion. Clearly, as the Secretary has articulated, there has been no attempt to rush the sale.

Our colleague from Pennsylvania, Representative BOB EDGAR, took the alternative position that a moratorium should be placed on the sale, to ensure additional time to study the offers.

On the surface, these positions seem to be at opposite ends of the spectrum. As a practical matter, however, both Secretary Dole and Congressman EDGAR appear to be very close in their views.

Both believe Conrail should be sold.

Both seek to insure that the purchaser of Conrail will preserve essential rail service in the Northeast.

Both stress the goal of leaving Conrail in a strong financial condition after the sale, which will preserve jobs in this region.

Mr. Speaker, I have inserted these pieces in full in the RECORD immediately following my remarks.

It is indisputable that Conrail should be returned to the private sector. This determination was made back in 1981, when Congress enacted the Northeast Rail Service Act [NERSA]. To impose a delay on a sale at this point in time is ill advised. Not only will a moratorium jeopardize a successful sale but it will also work an injustice to those who are not benefitting by continued Federal ownership.

States in the Conrail territory are losing over \$2 million each month a sale is delayed. All total, this amounts to \$25 million per year in lost taxes to the States.

The 40,000 employees of Conrail who have sacrificed, in terms of wage concessions, on behalf of the Corporation are in a seemingly endless suspense as to their future. The shipping industry, connecting rail carriers, and the local communities which depend on Conrail service continue to wonder what is in the cards for this major rail carrier. Assurances need to be given. An extended sale process does not bring any certainty to these players who have been pivotal in Conrail's recent financial success.

Any unnecessary delay imposed by a moratorium may also greatly diminish any chances of successfully returning Conrail as a single entity to the private sector. An artificial time requirement would likely cause bidders to drop out of the process entirely, given the uncertainty of the Government's interest in a sale that a moratorium would demonstrate.

Congress will be assured a complete review and examination of all the economic and public interest factors involved in the sale. During that legislative process, the opportunity will arise to address any concerns that need to be resolved. I look forward to working with my colleagues in this all-important task and finding a definitive resolution to the future of the rail freight industry in the Northeast.

[From the New York Times, Sept. 23, 1984]

SHOULD THE UNITED STATES SELL CONRAIL NOW? UNTOWARD DELAY WILL BE SELF-DEFEATING

(By Elizabeth Hanford Dole)

When the right opportunity arrives for the Federal Government to sell Conrail, we should take advantage of it. A combination of favorable conditions for a sale has been developing in recent months. To impose an artificial delay, as some in Congress have suggested, would risk losing the opportunity when it arrives.

In 1981, Congress passed legislation directing the Secretary of Transportation to begin the process necessary to return the Consolidated Rail Corporation to the private sector. As Congress also directed, an outside investment adviser was hired. A year and a half ago, our investment adviser—Goldman, Sachs & Company—began soliciting proposals; and 15 months ago we received the first offer, from the Railway Labor Executives' Association.

Last April, the department received the first formal offer that its investment adviser believed to be worthy of serious consideration. Thereafter, I set a deadline of June 18 for additional offers. Fifteen bids were received, including a substantially revised offer from R.L.E.A. Since June 18, Goldman, Sachs and the department have reviewed the bids and negotiated with those bidders who came closest to meeting my criteria for a sale. On Sept. 11, I announced that three companies remain in discussions with the department.

This schedule shows that the department has followed a careful and deliberate process. By necessity, it has taken its own pace. A hurried sale would make it difficult for the Government to protect the public interest. An unwarranted delay of sale could be just as damaging. I intend to do neither.

I have said on many occasions that I will recommend a sale of Conrail only if I have received a best and final offer that leaves the railroad in a strong financial condition after the sale; that protects the basic service pattern now in place, and that, consistent with the preceding criteria, offers the maximum return to the Federal Government.

Thus, there is no rush to sell Conrail. Any decision I make as to its ultimate disposition must be ratified by Congress through passage of enabling legislation. However, to arbitrarily abort the process by imposing a delay of one year or more would be a grave disservice to all concerned.

Conrail's employees are entitled to an early end to the suspense about the future of the railroad. Shippers deserve the assurance that Conrail will have long-term professional leadership, rather than the risk that it will be turned into a political football. Prospective buyers of Conrail who have expended large sums in preparing bids and engaging in complex negotiations should not be left dangling interminably.

Worse yet, if after all the efforts of the past years the sale process were suddenly canceled, can we expect bidders to take the Government as seriously if it begins another effort to sell Conrail a year from now?

Delay would also be costly to the states. As long as Conrail remains in Government ownership, the Northeastern states lose over \$20 million a year in foregone tax revenue. That's almost \$2 million a month, a high price for the states to pay. When Conrail becomes a privately owned company, it will pay not only state taxes but eventually Federal taxes as well.

I am committed to continuing the progress we've made in an orderly fashion, so that we can accomplish the privatization of Conrail in a way that benefits the public.

If we delay unwisely, the greatest risk is that we may lose the chance to achieve our fundamental goals—to make a sale that leaves Conrail in the strongest financial condition and maintains continuity of service to the Northeast region.

MORE TIME IS NEEDED TO STUDY THE BIDS

(By Bob Edgar)

The debate over the proposed sale of Conrail is not about whether the railroad should be sold. Congress, in fact, is not against the sale of Conrail. But it is our responsibility to insure that the sale be the best deal the Government can get—for the taxpayers who have financed the system, and for the Northeast region that is dependent on the system for jobs, services and economic development.

That concern must be met before Congress will agree to a sale, and there must be sufficient time to establish that it has indeed been met. Congress' responsibility to the taxpayers' \$7 billion investment requires no less. That is why a moratorium on the sale of Conrail is necessary.

Let us look at where we are. Before deciding on a buyer, the Administration must assess what Conrail is really worth and insure that the taxpayers get a fair return on their investment; determine what will be done with the proceeds of the sale; consider the intentions of the prospective buyer carefully, and gauge how the economy of the region served by Conrail will be affected by the sale.

A one-year moratorium on the sale would allow us to do just that. But under present conditions, there is not adequate time for careful review, since Congress is scheduled to adjourn in early October and it has a full agenda that will not permit it to consider the many ramifications of the sale.

How much is Conrail really worth? Most offers are for about \$1.2 billion in cash and other considerations. Some studies, however, conclude that the railroad is worth a good deal more—given its projected cash on hand of \$800 million by the end of this year. Why don't we try to find out before we accept an offer?

What do we do with the proceeds from the Conrail sale? Speculation is heavy that the Administration wants to use it to reduce the deficit. That is certainly one possible option. On the other hand, Senator Moynihan and Representative Florio suggest that the states that had to forego revenues in the wake of the Northeast Rail Services Act of 1981 be given special consideration in any distribution of the gains from the sale. Whatever option is finally chosen, all options should be given a fair review—beyond election-year politicking.

Much consideration needs to be given by Congress to the intent of the prospective

buyer of the railroad. The implications are enormous and the covenants that the Department of Transportation is reportedly negotiating with prospective buyers need to be analyzed carefully. Just a few of these considerations are: That the Government be given assurances that, when sold, Conrail would not be stripped of its assets; that a strong annual maintenance program would continue, and that Conrail would be held for a period of years before it could be resold. We cannot afford to repeat the sorry tale of delayed maintenance and declining service that got us to Conrail in the first place.

Finally, and this demands the most consideration, since it has so many ramifications, what will be the impact on the economy of the region after the sale? There are many items here, ranging from service patterns that will exist after the sale, to the fate of the "orphan bridges," whose jurisdiction and ownership is in question, and other deferred and neglected infrastructure maintenance along the Conrail system. Governor Richard Thornburgh of Pennsylvania expressed this last concern best when he said in a recent letter to Secretary Dole: "If Conrail is to be placed in the private sector, it must result in a strong railroad which will continue to enhance economic development and preserve jobs in the Northeast. This can be accomplished only if any buyer preserves service to the states and shippers as now provided by Conrail and continues to promote vigorously industrial development within the region as Conrail is now doing."

Why the rush to sell? After all, Conrail has become a tremendous success story since its sale was first proposed by the Reagan Administration three years ago. Rising phoenix-like out of the ashes of the Penn Central and five other railroads, the system will earn an estimated \$500 million this fiscal year alone. So it is no longer costing the taxpayers any money. In fact, after the initial Federal subsidy of over \$7 billion, Conrail has operated without assistance for more than three years. Moreover, a private buyer is almost assured of continued profitability with Conrail because of favorable state tax treatment and large potential tax benefits that a non-government purchaser would receive.

Other factors in Conrail's turnaround have been the leadership of L. Stanley Crane who, as chairman and chief executive officer, has guided the railroad to profitability over the last three and one half years. Conrail employees made significant concessions to help the company, accepting 12 percent less than prevailing industry wages. Finally, Conrail's success owes much to its effort at cutting out underused and unprofitable branches and adopting new technologies, such as "piggy-back" containers and dual-wheeled cars that can also be towed by highway tractors.

In all of the above points, the key item is the need for a careful and thoughtful review of the proposed sale by Congress. Why the rush to sell? The system is not costing the Government any money. The goal of the privatization of Conrail should be a good sale, not just a quick one. ●

THE MUCH-NEEDED STRATEGIC TRANSITION: FROM MUTUALLY ASSURED DESTRUCTION [MAD] TO CAREFULLY ASSURED DEFENSE [CAD]

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mrs. LLOYD. Mr. Speaker, Dr. George Keyworth, the President's Science Adviser, recently wrote a sensitive and thoughtful article entitled "The Case for Strategic Defense: An Option for a World Disarmed," which appeared in the first publication of *Issues in Science and Technology*. Dr. Keyworth places the nuclear strategic aspects of the recent defense initiative in an historical perspective, superimposes the framework of Soviet thinking and behavior, and makes a solid argument for a transition from mutually assured destruction [MAD] to an evolving defensive strategy. As Dr. Keyworth notes, "only when stockpiles can be measured in the dozens rather than the tens of thousands will arms control have any real meaning to ordinary people." I have provided major excerpts for my colleagues and I strongly recommend that they read the entire article.

The article follows:

THE CASE FOR STRATEGIC DEFENSE: AN OPTION FOR A WORLD DISARMED

(By George A. Keyworth II)

(Success/four flights Thursday morning/all against twenty-one mile wind/started from level with engine power alone/average speed through air thirty-one miles/longest fifty-nine seconds/inform press/home Christmas—Kittyhawk, December 17, 1903.)

The First World War started in 1914, lasted four years, and engaged approximately 14,000 combat aircraft on the western front. Not one was of American design or manufacture. My subject is not airplanes. Rather, it is the lessons that four generations of Americans since Kittyhawk should have learned. It is about opportunity, in some cases lost opportunity, and time. It is about fear. And it is about hope, which the opportunities we now possess could leave as a legacy for the next generation.

Early this year, Freeman Dyson wrote a book entitled "Weapons and Hope". In it he identified two philosophies of war: that of the warrior and that of the victim. He went on to explore his sense of the root human causes of modern war and some of the reasons the superpowers find themselves at odds. He found these are the same reasons that warriors and victims have difficulty communicating—they simply do not speak the same language. He also found that "... the world seems now to be approaching a fork in the road with two ways out marked by conspicuous signposts: 'Ban the Bomb!' and 'Don't Rock the Boat!' " Ban the Bomb, a slogan of the victims, says that our existing weapons and strategy are unacceptably dangerous. The warrior slogan, Don't Rock the Boat, says that it would be unacceptably dangerous to upset the delicate political balance established by our existing

weapons and strategy. As Dyson observed, both parties are right. It is this dilemma—and an opportunity to escape it—that I propose as my subject.

II

In 1984 the superpowers confront each other with a combined arsenal of approximately 17,000 ballistic missile warheads, based in both silos and submarines, and about 700 more bombers, which can carry an assortment of cruise missiles, short-range attack missiles, and bombs. All in all there are more than nine gigatons of combined arsenal—an explosive force equivalent to 9 billion tons of TNT—spread over a combined population of a little more than a half billion people. To date we have deliberately left ourselves exposed and hostage to these weapons.

In the warrior's world these are the tools of deterrence. The concept of deterrence is not new, though it has come to have an almost exclusive connotation associated with the nuclear age. Since time immemorial, rational men have used the two aspects of deterrence—deny the enemy his objectives and retaliate against him if he tries—to preserve peace. To date it has worked well; the warrior will correctly point to 35 years of nuclear peace.

The victim is not swayed by the complex arguments and analyses of deterrence strategists. Instead, he sees roughly 50,000 pounds of high explosive equivalent destined for every man, woman, and child in America, and about 20,000 pounds destined for every Soviet. The victim hears the warrior's argument of adverse exchange ratio but does not understand it. On the one hand, he knows very well the destructive power of thermonuclear weapons—and that they exist by the thousands, if not tens of thousands. He knows the delivery systems that carry them are currently unstoppable—deliberately so—to ensure that rational men will never consider their use. And he knows that the physical controls and safeguards on those systems make the probability of error extremely small.

On the other hand, the victim has an intuitive sense that there is no such thing as perfection, that man's history is more one of a series of irrational wars than it is one of reasoned peace. And that while one can always hope, leopards do not easily change their spots.

An even more deeply rooted barrier exists between the world of the victim and the world of the warrior: the difference in currency. The victims' currency is not weapons—it is the lives and suffering of their children.

It truly is the children that seem to be at the heart of the issue. Throughout man's history both individuals and nations have faced innumerable threats to their present existence. Rarely, however, have they faced a situation that foreshadows the end of their future. It is that vision of catastrophe that fuels the nuclear freeze movement, as well as calls for unilateral disarmament. In this respect, both the warriors and the victims share a common ground. As Meg Greenfield said in her April 30, 1984 Newsweek editorial "The Keepers of the Bomb": "I do not for a moment believe all those elaborate they-do-this-so-we-do-that scenarios the double-dome strategists expect these military men to put into effect could happen: a nuclear war wouldn't be so considerably tidy and tame. But that is not the fault of the men and women who preside over these [nuclear] installations. They are as much victims as we, and—my final obser-

vation—they truly embody the American nuclear dilemma."

This dilemma is exacerbated because we continue to judge Soviet perceptions and objectives by our own standards. We automatically assign to them our Western logic, cultural values, historical perspective, and demand for absolute guarantees reflected in a "number." As a result, we have been unable to steer Soviet actions and are thus frustrated by their reactions.

We have built a strategic system that tends to work at cross purposes to that of the Soviets. We compound the problem by further assuming a perpetually rational relationship between a perpetually limited club of superpowers—with no provision for mistakes, miscalculation, or madmen.

The American people seem to instinctively grasp these inconsistencies, probably because they are not mesmerized by the numbers or mathematical elegance of the proposed theories. And they are demanding change.

III

I do not argue with the past. Some have snidely remarked that we seem to have gone from "Assured Ascendancy" in the 1950s to "Assured Destruction" in the 1960s and 1970s, ending with "Assured Anxiety" in the 1980s. But this does not recognize the challenge met by the men at the dawn of the nuclear age. Without real technical or political alternatives these men walked a razor's edge with delicate balance. Global peace attests to that balance, and that balance must be maintained; our nuclear deterrent posture must be kept healthy—for the immediate future.

I feel uncomfortable, however, with reasoning that says that mutual offensive deterrence—wherein the promise of complete national destruction is presumed—must remain as policy ad infinitum. I believe we must consider a transition.

I say this for several reasons. First, there is great concern among military analysts about the imbalance between the projected scale of loss in the United States versus that of the Soviet Union as a result of nuclear war. Make no mistake, the results on either side would be catastrophic. But differences in socioeconomic assets; the locations, density, structure, discipline, and civil defense of the populations; and weapon types, numbers, and targeting strategies all combine to produce reasonable estimates that the Soviets might expect 30 to 35 million casualties, while the United States could experience numbers four to five times that. These are staggering figures. After all, the United States has had only a little more than 1.2 million battle and battle-related deaths in all its wars combined—a period covering more than 200 years and ten generations. (Confederate deaths during the Civil War are estimated at two-thirds that of Union forces.) . . .

Some specifics are included on American, European and Soviet casualties in past wars.

The message here is that both the Americans and Soviets firmly believe the other will fight—and that is the essence of deterrence. Left to themselves, the peoples of the two nations would undoubtedly prosecute any conflict to its bloody conclusion.

But times change, as do weapons and leadership. Beginning in the late 1950s, ordinary citizens began to realize the futility of global thermonuclear war. More recently, the American Roman Catholic Bishops consolidated a large body of thought in their discussion of the ethics of defending our-

selves with weapons we cannot morally use, in a way we cannot possibly win.

Nevel Shute was probably the first to anticipate the demise of the policy of massive retaliatory deterrence in his book "On the Beach." His message was simple: it does not matter who starts the conflict, for in his scenario neither the United States nor the Soviet Union is the initiator. Nor does it matter whose fault it is—his thesis is that the superpowers mistakenly retaliate against each other through unavoidable error. And no matter how much either side wants to stop the conflict after it starts, the war rapidly assumes its own momentum. Finally, it does not really matter who the combatants are: in Shute's vision, everybody dies.

It has been almost two decades—about one generation—since "On the Beach" was written. Shute's view can now be said to reflect the mood of the people. As Elie Wiesel put it, so simply and poignantly—they are scared.

They're scared because they watch a tremendous amount of money being spent on defense, yet they feel no more secure for it. They're scared by predictions that Armageddon, or something very like it, might result from nuclear explosions totaling only a few hundred megatons—and the gross stockpiles on both sides are at least two orders of magnitude larger than that already, and growing. They're scared because they can see no logical end to the arms race, because no balance of power has ever lasted forever, and because they want to leave more hope to their children.

IV

In A.D. 14 Tiberius became emperor of Rome. He succeeded Julius Caesar, who brutally reorganized and expanded Greco-Roman civilization, and Augustus, who had continued Caesar's expansion with unparalleled administrative genius. Although Tiberius inherited one of the greatest societal upheavals in history, he passed on 200 years of peace. In this context, Tiberius was often heard to comment: "As they say, I have got a wolf by the ears."

We, too, have our wolf by the ears. It is a world in which the superpowers have established a tense nuclear standoff. Each has an arsenal sufficient to destroy the other. Each has an abiding distrust of the other's intentions. Each views the other as preparing to strike first. For both nations, the future is growing less stable and predictable. And their leaders' technological options for maintaining stability are becoming increasingly marginal.

We chose this route two generations ago when we acquired a power we dared not turn away. Once we had nuclear weapons, deterrence as we know it evolved for several reasons. Some were political—to consolidate and maintain our world leadership after World War II. Some were military, such as the need to offset Soviet nuclear development. And some were monetary—conventional forces were too expensive. Our ride on the nuclear wolf, however, has become a balance of terror. To paraphrase Winston Churchill, we are riding to and fro on an animal that we dare not dismount, and the animal is getting hungry. . . .

The questionable merits of relying heavily on offensive nuclear weapons and the difference in U.S. and Soviet views of such weapons, as well as the comprehensive nature of the Administration's SDI proposal are discussed.

v
Seemingly, we have led ourselves back to Freeman Dyson's paradox. The victim says we cannot live with our present nuclear weapons and strategy; the warrior says we cannot live without them. The public sees itself trapped by weapons of mass destruction, a de facto policy of guaranteed delivery, and de facto policy of massive retaliation. They perceive that both sides maintain a preemptive capability to curtail the damage of a retaliatory strike, that we proliferate our offensive weapons as a counter to preemption, and that proliferation and preemptive capabilities lead to increasing instability.

Can we get a handle on the first of these issues? Can we reject the weapons of destruction themselves? Regardless of the calls to disarm, I believe we are long past that stage. Nuclear weapons are too firmly established as the centerpiece of the world's balance of power. More important, many Third-World nations see nuclear weapons as an indisputable trump card in their scramble for ascending status and power. Although perhaps only six countries have built and tested nuclear weapons to date, it is estimated that there are at least ten more who could build them within six years, and eleven more who might within ten years. No matter how much one may want to return to the prenuclear era, we have eaten from that tree of knowledge.

Do we want to abandon deterrence? Even though many critics may state that those of us who advocate strategic defense are calling for such a policy, there is no question that we must retain a specific retaliatory capability. Nuclear weapons, because of their small size-to-destruction ratio, are a most precious commodity. The destruction resulting from just one weapon is so high that countries might consider any means to acquire one. Ultimately, the issue for countries considering initiating nuclear war is: Is it worth it?

Are the gains worth the risk of retaliation? I propose that if there were no risk of retaliation, then the chances that nuclear weapons might be used would be even greater than they are today. Even if one were to have perfect defenses, an overt no-retaliation posture would be precisely the fatal-fascination-of-the-fortress that has proved disastrous throughout history.

But do we have to maintain nuclear weapons as part of this posture? To retain its credibility, retaliation must balance itself against the potential damage that an enemy can inflict. Unless and until the world can completely rid itself of nuclear weapons, an admittedly unlikely prospect, the nuclear weapon will remain one aspect of any deterrent policy. But I submit that the massive retaliatory arsenals that threaten our future today can be made effectively obsolete if the defense technologies we can now foresee are followed to emerge and evolve.

I propose here a central thesis: It is not deterrence, per se, that has caused the general public to lose faith in our policy and that has caused the buildup of our offensive weapons to turn cancerous. Rather, it is our deliberate and continued inability to protect the socioeconomic structure of our society—coupled with our growing inability to protect the retaliatory deterrent. . . .

The changing nature of deterrence is described from the U.S. and Soviet points of view.

That brings us to the crux of the most immediate argument in favor of developing active defenses: they remove the preemptive

option, both for the Soviet Union and the United States. Growing preemptive capability has been and continues to be the prime factor in the spiraling arms race. In Soviet eyes, U.S. technical know-how in the 1960s and 1970s provided a unique qualitative edge for preemption that could be overcome only by sheer mass and a strategic force that could get at the enemy fast—the ICBM.

In U.S. eyes, this Soviet ICBM force, coupled with its dramatically improving technological performance and survivability, gave the Soviets an overwhelming preemptive potential, unparalleled flexibility, and an unacceptable strategic reserve in times of conflict; hence, the concerted U.S. attempts to modernize its strategic forces starting in the late 1970s.

At that time, however, the United States was just beginning to emerge mentally from the Vietnam War. The defense budget as a portion of the gross national product was dropping precipitously from a peacetime expenditure of close to 10 percent a decade-and-a-half after World War II to 5 percent at the close of the 1970s, and SALT II was on everybody's lips. . . .

The Soviet achievement of parity and the impact on our arms control bargaining position is discussed.

VI

How, then, do we agree on any arms control measures that matter? As Admiral Noel Gayler recently commented on Braden and Buchanan's Cross-Fire program, today's arsenals are such that one side's strategic advantage of a thousand weapons or so is really lost in the noise. Going further, Carl Sagan postulates that the detonation of just a few hundred weapons would, in his opinion, trigger nuclear winter. Admittedly, Sagan's thesis is undergoing heavy scrutiny and criticism. Both his phenomenology and threshold levels, as well as the winter, or perhaps summer, effect have come under question. But in the end the precise numbers really are not the issue. It is clear that a large portion of the earth's population—perhaps a quarter billion people or considerably more—could die as the result of a global thermonuclear war involving even a fraction of present-day arsenals.

Sagan is probably close to being correct when he says the only real answer is to disarm. But he forgets that retaliatory deterrence is not a phenomenon of the nuclear age. In one form or another, it has been man's primary international stabilizer for all of recorded history.

And as I have described, in deterrent theory the punishment must fit the crime. In our nuclear age, both crime and punishment have accelerated to the point of suicide. The reason for this escalatory spiral—the reason why real arms control has been unable to take hold—is the continually improving ability, real or perceived, of each country to disarm the other. . . .

The alarming ability for a first strike is discussed from several different aspects.

It is time to pursue the technological options for active defense. Significant technological advances have occurred since the last serious debate on ballistic missile defense in the late 1960s. We have before us the prospect of advanced defenses that can provide crisis stability and slam the lid on the MIRV. James Fletcher's Defensive Technology Study team spent over 100,000 man-hours in the summer of 1983 reviewing the state of the relevant technology. They called in several hundred technical and industrial experts, which probably brings the

total man-hours up to a half million. I really could not improve upon their summary of the differences two decades have brought:

"In the 1960s, there were no credible concepts for boost-phase intercept. Today there are multiple approaches based upon directed energy concepts and kinetic kill mechanisms. Midcourse intercept was hampered in the 1960s by the lack of credible approaches for decoy discrimination, unmanageable signal and data processing loads, the cost per intercept, and the undesirable collateral effects of nuclear weapons used on the interceptor warheads. Today, multispectral sensing of discriminants, birth-to-death tracking in midcourse, and small hit-to-kill vehicles that have promise as inexpensive interceptors appear to offer capabilities that overcome the limitations in midcourse.

"In the 1960s, the inability to discriminate against penetration aids at high altitudes and limited interceptor performance resulted in very small defended areas for each terminal defense site and gave the offense unacceptable leverage over the number of interceptors needed. Today, technology provides the potential to discriminate at high altitudes, and improved interceptor technologies should allow intercepts at these higher altitudes. When these improvements are coupled with the potential for boost-phase and midcourse intercepts to disrupt pattern attacks, robust terminal defenses seem attainable. Finally, 1960s technology in computer hardware and software and signal processing was incapable of supporting battle management for a multilayered defense. Today, the rapid advancement of these technologies is believed to permit realization of the complex command and control systems needed."

We are already in an era when warning and decision times are becoming extremely short. As technology advances during the next decade, those intervals may be reduced to the point at which in times of crisis—or mechanical or human error—a policy of shoot-first-and-ask-questions-later may become an option, a terribly dangerous option, for both sides. At the very least, active defenses can conceivably give us precious time to make those decisions. At best, they can reduce the consequences of an accidental or erroneous launch, nuclear adventures by Third-World countries or madmen, and massive retaliation and the loss of hundreds of thousands of lives. Of possibly greater import, once having made a mistake, the offending country would not automatically have to deal with what I'll call the "failsafe" dilemma—that is, a decision on whether to immediately follow the mistake with a complete nuclear attack rather than face retaliation. Experts, of course, dismiss this possibility. The ordinary citizen has a deep-rooted fear of it. . . .

The Soviet situation as a result of SDI and the variety of Soviet responses to it, as well as the various benefits which the initiative can provide in the case of real arms control are discussed.

Strategic defense therefore provides an option for a world effectively disarmed of nuclear weapons, yet still retaining national sovereignty and security. In fact, deployment of strategic defense is the only way in which the superpowers will be able to achieve these very deep arms reductions. It now becomes extremely important to recognize that the ballistic missile and air defenses that might look less than 100 percent perfect in the context of an offensive exchange involving tens of thousands of warheads could be expected to perform magnifi-

cently against an attack by only tens, or at the most hundreds, of weapons.

I do not offer this scenario lightly. Moving out from under the nuclear umbrella under any circumstance is a serious, sobering, and expensive proposition. Neither our military structure, organization, nor technology is prepared for it now—not strategically or tactically.

Moreover, I must issue one caution. Strategic defense must never be perceived as a technological panacea. It is a tool, a catalyst, nothing more. The roots of our security problems are political. However, pending a benign transformation in the ways of the world, it behooves us to invest in a military capability that increases the prospects for meaningful arms control and gives hope to those that follow us.

Admittedly, there are many "ifs" in the prospects for strategic defense. But the prospect proposed that we use our ingenuity to pursue these defensive technologies, and outstanding scientists substantiate his faith. It is our obligation—our responsibility—to provide new options for our political leaders.

We cannot look down each other's gun barrels indefinitely, regardless of the rational balance we think we can maintain. Rational men have rarely started history's wars. Nor can we play into the Soviets' strong suit—men and materiel. Instead, we must start to play our trump—technological leverage. We must move rapidly to develop the means to both reduce our own reliance on tactical and strategic nuclear weapons and the Soviets' perception that either side could use them to advantage. And we must couple these technical moves with negotiations for deep reductions in nuclear weapons. We must begin our transition from the 1950s to the year 2000. And we must offer hope that we can achieve a world free of the fear of nuclear war. ●

CONGRESSMAN FEIGHAN HAILS MAYOR PAUL CASSIDY OF PARMA HEIGHTS

HON EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. FEIGHAN. Mr. Speaker, the Plain Dealer featured a profile of the distinguished mayor of Parma Heights entitled "What Makes Paul Cassidy Run?" I have known Mayor Cassidy for a number of years and one thing is certain: As Mayor of Parma Heights for 27 years, the interests of his community have been his prime concern. The residents of Parma Heights are proud of their community because of Mayor Cassidy's dedication to make the city an enjoyable place to live, work, and raise a family. The litany of his accomplishments includes the Greenbrier Community Center, a city theater, a library, an ice skating rink, and a lovely community park. City streets are safe and municipal services excellent.

Mr. Speaker, I want my colleagues and the people of Parma Heights to know I appreciate Paul's drive because his outstanding leadership makes my

job much easier. Thank you, Paul, for a job well done.

WHAT MAKES PAUL CASSIDY RUN?

(By David Beard)

Paul W. Cassidy started peddling the Saturday Evening Post, Country Gentleman and Ladies' Home Journal around his old Glenville neighborhood at age 5, graduating to paper routes for both the Cleveland News and the Press a few years later.

"He's been moving ever since," said his son, Steve, after watching his father in action at a Parma Heights restaurant. The jovial Cassidy greeted the hostess, dominated table conversation, gulped down a meal, then apologized for having to rush to his law firm.

Cassidy, 64, had started the day at Parma Heights City Hall. He has been the city's part-time mayor for nearly 27 years—longer than any Cuyahoga County mayor except Brooklyn's John M. Coyne.

During the morning, Cassidy had outlined strategy for his latest challenge: convincing voters in the suburb of 23,112 that the city income tax should be doubled from 1% to 2%.

Then had come lunch and an afternoon at the firm, where he handles work for private clients and, occasionally, other suburbs. He is legal counsel to Parma Community General Hospital and Cox Cable Inc., which numbers Parma Heights among its west suburban clients.

"He certainly wears a lot of hats," said Parma Heights Councilman Jim Pastor, who opposed Cassidy in the last two mayoral campaigns. "Being around as long as he has been, he is almost considered an institution. . . . One reason I decided to take him on was because he never seemed to have any opposition."

The abundance of Cassidy's public and private interests has raised eyebrows, and it has extended his influence far beyond city limits. Many politicians regard the fast-talking, hand-shaking Cassidy as one of the shrewdest, most powerful politicians in southwest Cuyahoga County.

"He's got to be No. 1 or 2," said Democratic Ohio Senate candidate Ronald M. Mottl, the other half of the Cassidy & Mottl law firm. "I say he's tops in his party and (Parma Mayor John M.) Petruska is tops in his party."

In 1974, Mottl won the spot that friends say Cassidy always wanted: congressman. It was the first of four two-year terms in the old 23d District for Mottl who admitted it was lucky that Cassidy had declined to run.

"There's the person that could have probably beaten me," Mottl said. "I would have hated to run against him. He's more articulate than I am and is a tireless campaigner."

Cassidy had run unsuccessfully for Congress in 1950 against then-Rep. Michael Feighan. When he chose not to try again more than 20 years later, he explained he would be in his 70s before he could get anything done in Washington.

Cassidy is a Republican, yet last year, his re-election committee gave more money to the Democrat Petruska than did any other contributor. It also gave to Brook Park Mayor Thomas J. Coyne and Broadview Heights Mayor William M. Bittle, both Democrats. Bittle had hired Cassidy's son, Michael, an accountant and lawyer, as finance director.

"I'm a good Republic, a lifelong Republican, but when it comes to political races, I always back the person," Cassidy said.

In 1957, about a year after being appointed Parma hospital counsel, Cassidy was

elected to his first term as mayor. Several residents of Brooklyn, which the hospital serves, accused the hospital board of playing politics and urged his ouster as counsel. Because the mayor has the power to appoint board members, they argued, he should not also be working for the board.

The board disagreed. Cassidy remained. In 1972, when he received the Cox spot, residents accused him of possible conflict of interest, a charge renewed last February when City Council rushed through on first reading an ordinance approving a basic rate increase of more than 50% for cable television.

"People in the audience asked why we were in such a hurry, but council agreed with a report from our financial officer, who said she felt the city should not spend money to hire a consultant for what is a luxury that less than half the residents have," said Donna Marchese, one of two councilmen who opposed the measure.

Cassidy missed that meeting to ask Rocky River City Council for a Cox rate increase. He said his cable position does not conflict with his mayoralty because council must approve such items.

"I leave the building whenever it is up for discussion," he said. Of his absence from a few recent council meetings, Cassidy said, "Who cares? I'm not required to go to council meetings under the charter. In my 27 years in Parma Heights, I'd say I made my fair share."

Cassidy, a former Air Force navigator, stated as a Parma Heights, councilman in 1953, then became law director a year later.

Councilman Nick Radlick was one of those charmed by the Cathedral Latin High School graduate. In 1955, Radlick circulated petitions to get city councilmen elected by wards rather than at large, the system Cassidy favored.

"One night, he and his friends came over and talked to me," said Radlick, who for 22 years was president of United Steelworkers Local 188, representing Jones & Laughlin Steel Corp. workers. "He had a point. You know, once you got to know him, you couldn't help but like him."

Radlick is now a member of the Cassidy Team, a non-partisan group that campaigns with the mayor and controls the suburb's council.

Radlick said many of Cassidy's dreams for the city—setting up Greenbrier Community Center, a city theater, library, ice-skating rink and park—came out in those long-ago talks.

"I've never voted for a Republican for president," Radlick said. "I even voted for McGovern, so I'm a staunch Democrat."

But Radlick *did* vote for Cassidy. He even rallied several hundred labor leaders to support the mayor at a fund-raiser for his 1981 race.

"I don't know of any city leader that can get that kind of labor support," Radlick said. "And he's a Republican."

Cassidy spent more than \$29,000 on that race—more than any 1981 mayoral candidate in the county, with the exception of Cleveland's George V. Voinovich. Pastor, who relentlessly criticized the administration, spent only \$1,591 and lost 3-1. The job pays \$27,100 a year, the term is four years.

"I felt my whole career was at stake," said Cassidy, explaining his campaign costs. "More than two decades were on the line, as far as I'm concerned."

During that time, he viewed the construction of Greenbrier Commons—and voter approval in 1972 of a \$1.3 million bond issue to

finance it—as both the high and low points of his career. He said the indoor theater and ice rink attract residents of nearby suburbs and give a civic identity well worth the expense. But a cost overrun on the project gave opponents ammunition.

"That almost drove me to the nuthouse," Cassidy admitted. "Those kinds of problems are the worst thing that could happen."

In the late 1960s and early 1970s, when next-door neighbor Parma was passing zoning ordinances that excluded minorities, Cassidy pushed a fair-housing ordinance through Parma Heights.

"I was never that way (prejudiced)," Cassidy said. "In World War II we (the U.S. 447th Bomber Group) would bomb factories in southern Germany and northern Austria. There was this black aviation unit commanded by Col. Benjamin Davis, who was Cleveland's safety director for a short time. They would fly cover for us. I can't tell how happy I was to hear those guys on the radio."

Yet, several times in the last 15 years, Cassidy has urged publicly that Parma and Parma Heights unite, even at the expense of his job.

"I think both communities would benefit from the move," he said. Parma has Parma-town Mall and some industry to bolster its tax rate; Parma Heights has upper-middle-class homes, a few stores and no industry. The two cities send their children to the same school district.

"We're tragically caught between Parma-town and Southland, with all the traffic and minor crimes from both places and none of the benefits," Cassidy complained.

The mayor jabbered about municipal finance, regional government and snowclearing, but stammered when asked about other interests.

"I'm a, I'm a . . ."

"Workaholic," interjected Finance Director Alice Felice.

Cassidy leaned back in his plush chair. "Well, I'm not a hobbyist."

Like any father, he brags about his four children, now grown. Three are married; two live in Parma Heights. He has five grandchildren.

He then spoke warmly of his wife, Elise, for being able to live with him and his continuing career.

"I promised her I'd be in for only one term," he said. "She's been very patient." ●

TAX REFORM: PROCEED WITH CAUTION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, the debate on tax reform will accelerate this autumn after the elections. I wish to draw your eyes to the following article, which offers a few words of caution as Congress prepares to deliberate upon this issue. The author, Kenneth M. Brown, is a visiting fellow at the American Enterprise Institute for Public Policy Research in Washington.

While I would be the first one to urge simplification of the Tax Code, I hasten to remind my colleagues that the business sector needs incentives to

augment productivity and capital expansion. Individuals require fair and equitable tax treatment. Provisions of tax law which promote such principles must be carefully reviewed before being terminated so abruptly.

Although President Reagan's major tax cut program of 1981 did much to help both individuals and the business sector, Congress passed measures to increase taxes in 1982 and 1984. Their effect was to reduce the benefit of the 1981 tax cut and increase the power of the public sector. Tax increases are not the answer to the deficit. Only tax cuts combined with reduced Federal spending will lower the deficit and expand the economy.

I commend this article to my colleagues' attention.

WILL TAX REFORM DEFORM HIGH-TECH?

(By Kenneth M. Brown)

Fundamental tax reform could endanger high-technology industries. When the tax-reform debate begins in earnest after the elections, value-added taxes, flat-rates, consumption-based taxes, and all sorts of hybrids will be touted as fair, simple deficit fighters. Simplicity, however, can be carried too far.

Clearly our tax system is a mess. Cleaning it up will inflame multitudes of special interest groups whose economic well being rides on the continuance of that huge, arcane tome of special provisions called the Internal Revenue Code. But some of the wrinkles that reformers would iron out were put there for very good reasons.

Moreover, some special interests are also special for the nation. The high-technology sector—computers, electronics, instruments, plastics, aircraft, et al.—has plenty of its own self-interested boosters, but its worth to the nation is so great as to justify some degree of special treatment. Technological change and industrial innovation are vital to economic growth, international competitiveness, and job creation. Industrial research and development provide spillover benefits to society such that governmental support is given in every industrial country.

When R&D and productivity slowed down in the 1970's, Congress was alarmed. Now that the economy is booming along, it is easy to overlook a long-term issue like innovation as we follow the titillating melodrama of who will gain and who will lose from this round of tax reform.

Instead of going into our own spreadsheet analysis of who gets what, let's first remember something vital about the tax breaks that tax reformers would like to eliminate. Many so-called loopholes were enacted not out of pork-barrel favoritism, but because the basic tax code was faulty. One of the worst of its faults was its lack of indexation for inflation. (The 1981 Economic Recovery Tax Act fixed only part of the problem.) Inflation caused bracket creep and, more importantly for industry, it cause erosion of capital, as depreciation allowances were inadequate to replace worn-out equipment. Furthermore, taxes were levied on capital gains that were really only inflated prices, not real growth.

Second, corporate earnings are taxed twice—once by the corporate profits tax and a second time when dividends become a shareholder's taxable income. Not only is that double-whammy inequitable, if left unchecked it would have paralyzed the growth of productive capital.

These two inefficiencies were the main reason why we needed an investment tax credit, accelerated depreciation, and favored treatment of capital gains.

So loopholes are less a problem than the basic tax structure. Getting rid of the supposed "loopholes" could put us back in the same situation, with a tax code that harms capital formation and technical advance.

For the high-tech sector, the most important question is how tax policy will affect capital formation. High-technology industries sell high-tech equipment to all other industries; the adoption of new technologies depends on investment, since this is how the new technology gets put into place. As net investment goes, so goes high tech. During the 1982 slump in plant and equipment spending, some of our most innovative high-technology companies watched their profits collapse. Unless the accelerated cost recovery system provisions of the 1981 ERTA package either remain intact or are replaced by something at least as favorable to capital formation, the high-tech sector will be in for a shock.

Indexing the tax code matters only during inflationary times. During the current slowdown of price increases, tax reformers have put aside indexation of depreciation allowances, since this would conflict with their goal of simplicity. But if inflation returns, we could have a replay of the 1970s, when inadequate depreciation allowances let the capital stock of basic industries simply melt away under the searing heat of inflation.

The treatment of capital gains is vital to the high-tech sector. For some years, capital gains have been treated more favorably than ordinary income. The most recent changes in 1978 were responsible for a veritable flood of funds into venture capital markets. The venture-capital pool grew from \$2.5 billion in 1977 to over \$11 billion this year, helping to finance the burst of innovative entrepreneurship that has kept United States out front in the high-tech race.

But one of the front-running tax bills, the Bradley-Gephardt proposal, would eliminate this favorable treatment. Capital gains would be taxed at the same 30 percent which is the top bracket for taxation of ordinary income. The argument is that this simplification would eliminate a sheaf of pages from the tax code. But what price simplicity?

This measure is attracting support on Wall Street, because it would lower the tax liability of those who augment their seven-figure incomes with capital gains from short-term trading. But from the point of view of the high-tech venture capital sector, Bradley-Gephardt would be calamitous, because by eliminating the differential between capital gains and ordinary income, it would dam the flow of funds into new ventures.

In addition to these fundamentals, some lesser high-tech provisions may be jettisoned in the name of simplification. For example, the existing 25 percent tax credit for increases in spending on research and experimentation is just the sort of "tax expenditure" that tax reform would kill. Other tax benefits help corporate donations to university research, and still other complexities act to help research and development and innovation.

Complex and arcane though they are, these provisions reflect a consensus that research, development, and innovation hold a special place in our economy and deserve special treatment. Technological change is

the major source of productivity growth, but firms tend to underinvest in research because they don't consider all of the benefits that innovation confers on society at large. Will tax reformers do away with this careful balance just to save a few pages in the Internal Revenue Code?

Were someone to write a history of economic policy, its theme might be the depressing frequency with which our "solutions" merely replace old problems with new problems. Our high-tech industries seem uniquely vulnerable to unintended harm as the tax reformers prepare for the coming battle of solutions.●

NEW JERSEY COURTS UPHOLD STATE TAXING AUTHORITY FOR TOXIC WASTE CLEANUP

HON. JAMES FLORIO

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. FLORIO. Mr. Speaker, the New Jersey Supreme Court recently ruled 5 to 0 that the State has full authority to impose taxes to fund its efforts to meet its legal obligations under the Superfund Program. This landmark decision removes a major impediment to my State's efforts to form a full and equal partnership with the Federal Government in conducting cleanup at the Nation's worst sites.

As many of my colleagues are aware, the States are required to contribute 10 percent of the costs of Superfund cleanup at sites within their borders. Many rely on special taxes to fund this obligation. But the Superfund law contains ambiguous language which appears to partially preempt State taxing authority. The New Jersey court ruling narrows the reading of this preemption provision substantially and the court must be applauded for its insightful interpretation of congressional intent. But there remains a need to eliminate any lingering controversy over State taxing authority.

The legislation I have introduced to extend and expand the Superfund Program—H.R. 5640—which was adopted by the House this past August by a vote of 323 to 33, would repeal the preemption provision contained in current law and would finish the job of preserving State taxing authority begun by the New Jersey Supreme Court.

I would draw my colleagues' attention to a recent article describing that landmark ruling which appeared in the New York Times.

TOP JERSEY COURT UPHOLDS STATE'S FUND FOR CLEANING UP TOXIC WASTE

TRENTON, September 19.—The New Jersey Supreme Court ruled, 5 to 0, today that the state's Spill Compensation Fund law, which taxes chemical companies to pay for cleaning up toxic wastes, is constitutional and not pre-empted by Federal law.

The court, the state's highest, said the Federal Superfund, which taxes chemical makers to help finance the national cleanup

of toxic-waste sites, did not pre-empt the state tax if the money was used for cleanup costs not covered by or paid for by the Superfund.

A group of oil and chemical companies—the Exxon Corporation, the Monsanto Company, Tenneco Chemicals Inc., the Union Carbide Corporation and the B. F. Goodrich Company—had argued in a suit that the state was taxing them for the same reason that the Federal Government was, thus violating a provision of the Constitution that requires state laws to yield to Federal laws when they are in competition.

LEGISLATIVE HISTORY

"Surely Congress did not intend for the states to sit back and wait for hazardous-waste compensation that might never be awarded," Justice Robert L. Clifford wrote for the court.

"The more logical conclusion, based particularly on the legislative history surrounding the enactment of Superfund," he said, "is that Congress contemplated that the Federal Government would seriously attempt to deal with the problems of the most seriously affected sites and to allow the states to maintain a compensation fund, or to use general revenues to conduct their own cleanup efforts."

The court also rejected the companies' demand that an estimated \$30 million in taxes already collected be returned.

"I disagree with the court," said Hal Bozarth, the director of the Chemical Industry Council, an industry group. "It's still my feeling that New Jersey companies are left with a competitive disadvantage. We're the only state that has this dual taxation system. It seems unfair."

"It removes the cloud that has been over the Spill Fund since the Superfund was adopted in December of 1980," said the state's lawyer, Mary Jacobson.

The State Environmental Protection Commissioner, Robert E. Hughey, said he was pleased by the ruling, although he was not sure that the legal battle was over. Environmentalists also praised the decision.●

SOLAR ENERGY TAX CREDITS

HON. WYCHE FOWLER, JR.

OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. FOWLER. Mr. Speaker, I am pleased to introduce legislation today which would extend the business and residential tax credits for solar energy installations through 1990, along with my colleagues Mr. GIBBONS, Mr. PICKLE, Mr. MATSUI, Mr. THOMAS of California, Mr. DORGAN, Mr. FLIPPO, and Mrs. KENNELLY.

As members of the House Ways and Means Committee, we believe that the Congress must act to extend these tax incentives for the solar industry which are due to expire on December 31, 1985. The introduction of this legislative initiative is not a cosmetic action at the close of the congressional session. Rather, the legislation provides us with an opportunity to show that the extension of the solar energy tax credits rates high on the agenda of the members of the Ways and Means

Committee, and I expect favorable action by the committee after hearings in 1985.

It must be remembered that the solar industry is still very young, with most of the businesses created after the 1973 oil embargo. By 1978 the Congress had passed a broad range of tax incentives for alternative energy resources, and in 1980 the incentives for solar energy were enhanced to a 40-percent credit for residential applications and a 15-percent credit for commercial installations. However, these past 4 years have not been an easy time for our domestic solar energy industry, particularly in regard to the utility of the solar credits. In 1981 and 1982, the credits were under threat to be repealed and investment money for solar commercial applications was put on hold until the issue was resolved favorably by the Congress.

This new legislative package represents a collaborative effort by supporters of the extension of solar credits and the Solar Energy Industries association in providing a realistic set of tax incentives for solar energy while keeping in mind fiscal concerns. The legislation extends the residential solar credits till 1990 with an incremental reduction of the credit by 5 percent per year for all solar residential applications other than photovoltaics which will remain at the current 40 percent level. Since over 95 percent of the solar residential applications are for heating and cooling, the lowering of the credit yearly will have a more favorable impact on the U.S. Treasury than earlier proposals and shows that the solar industry does not need tax incentives indefinitely, yet this still provides a dependable set of incentives for the industry to plan its continued growth. In addition, I have placed a \$6,000 limitation on residential domestic hot water systems which limits tax loss to the Treasury and exemplifies that prices for solar systems are far more affordable now.

In addition, solar investment tax credits for commercial applications are maintained at the current 15-percent level through 1990. Photovoltaics—solar electricity—and high-temperature solar thermal—industrial process heat and electricity—have enhanced credits at the 25-percent level due to their relative newness in the energy marketplace.

Although many of my colleagues have valid concerns about the fiscal impacts of any tax credit bills in terms of revenue loss to the U.S. Treasury, we must balance these concerns with the needs of our country for long term supplies of domestic energy. The oil embargo seems a long time ago, but tensions still remain precariously high in the Middle East, and the potential still exists for energy cutoffs. At a

time when U.S. oil imports are rising steadily, the U.S. Congress would be sending the wrong signals by a failure not to extend the solar energy tax credits.

My other concern stems from the rising home and business utility costs throughout the United States. The higher energy costs become, the less disposable income the average American has to spend on other goods and services. Solar energy provides a sure and stable source of energy which hedges against energy inflation. The problem that the solar industry faces in the marketplace, is that the costs for this stable supply of energy occur at the time of purchase of a solar system rather than incrementally over decades as with conventional energy sources such as fuel oil, electricity, or natural gas. Therefore, certain incentives need to be applied in the marketplace to help the consumer or commercial purchaser make this investment which will be in their personal interest and that of our country's over the long term.

The Congress has taken action in tax incentives and innovative financing for other technologies and products. According to the Joint Tax Committee, conventional energy receives \$3.85 billion per year in Federal tax incentives. Mortgage interest deductions for the purchasing of homes is another incentive that assists the average American in owning and affording his own home, and maintaining a steady growth in the homebuilding industry. Solar energy is no different, and those of us in the Congress must make a stand to encourage the use of solar energy, which will expand the U.S. domestic solar industry, thus creating more jobs while producing more energy.

I hope my other colleagues will join with me and the members of the Ways and Means Committee who have sponsored this legislation, to actively endorse the extension of these solar credits. Over half of the members of the U.S. House of Representatives signed onto a resolution introduced by my colleague Vic Fazio this year calling for the extension of the solar and renewable energy tax credits. I plan to reintroduce this legislation in the next session of the Congress in January 1985, so that we can set the legislative process in action to enact the solar credit extension into law. Thank you.

The bill follows:

H.R. 6416

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

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

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

“(2) RENEWABLE ENERGY SOURCE.—

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

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

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

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

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

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

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

(b) SOLAR HOT WATER SYSTEMS MUST MEET CERTAIN ADDITIONAL STANDARDS.—Paragraph (5) of section 23(c) of such Code (defining renewable energy source property) is amended by striking out “and” at the end of subparagraph (C), by striking out the period at the end of subparagraph (D) and inserting in lieu thereof “, and”, and by adding at the end thereof the following new subparagraph:

“(E) in the case of property which transmits or uses solar energy for the purpose of providing hot water for use within a dwelling, which meets such performance and quality standards (if any) which—

“(i) have been prescribed by the Solar Rating and Certification Corporation (or such other entity as is approved for purposes of this section by the State in which the property is to be installed), and

“(ii) are in effect at the time of the acquisition of the property.”

(c) CONFORMING AMENDMENTS.—

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

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

“(B) LIMITATION ON CARRYFORWARDS.—

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

“(ii) CERTAIN SOLAR CREDITS.—In the case of a carryforward allocable to solar property

(as defined in subsection (b)(2)(B)), ‘1992’ shall be substituted for ‘1987’ in clause (i). For purposes of applying the preceding sentence, a carryforward shall be treated as allocable to solar property to the extent of the credit under this section allocable to such property for the taxable year in which such carryforward arose.”

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

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

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

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

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

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

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

“(i) SOLAR PROPERTY.—The term ‘solar property’ means property described in section 48(1)(2)(A)(ii) by reason of using solar energy.

“(ii) LOW TEMPERATURE SOLAR PROPERTY.—

“(I) IN GENERAL.—Except as provided in subclause (II), the term ‘low temperature solar property’ means property which is solar property solely by reason of subparagraph (B) of section 48(1)(4).

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

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

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

“(i) ‘January 1, 1991’ for ‘January 1, 1983’, and

“(ii) ‘July 1, 1992’ for ‘January 1, 1986’.”

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

TRIBUTE TO ROBERT CUSHMAN
MURPHY JUNIOR HIGH SCHOOL

HON. WILLIAM CARNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. CARNEY. Mr. Speaker, it is always a pleasure for me to stop and take note of the achievements of outstanding individuals and institutions in New York's First Congressional District, on the eastern part of Long Island.

It is especially pleasing to note the achievements of a school, because of the importance of education to our community.

Mr. Speaker, on September 24, the Robert Cushman Murphy Junior High School was honored by the U.S. Department of Education. On that date, a representative of the Education Department awarded the school the National Award for Excellence. The award is given by the Department to schools under the National Secondary School Recognition Program.

Among the reasons cited for the award, Madeleine Will, Assistant Secretary of Education, listed the quality of Murphy Junior High's honors program, its programs for the learning disabled as well as for physically and emotionally handicapped youngsters. The school was also recognized for its active community support organizations to meet the problems of vandalism, alcohol, and drug abuse. These activities, in my view, represent a total commitment to education and to providing a good environment for our children in which to grow and learn.

Mr. Speaker, I am proud of the Murphy Junior High School. I very much wanted to take part in the awards ceremony on September 24. It is unfortunate that the delays I experienced earlier that day prevented me from participating in the ceremonies. Nevertheless, I did want this body and the American people to take note of this school's achievements.

Murphy Junior High School is an example and inspiration to all of us. For their outstanding work, the administrators, teachers, parents, and students of Murphy Junior High deserve our hearty congratulations.

Mr. Speaker, it is with great pleasure that I note another event of historic interest to Long Islanders and the Nation. A recent New York State Senate resolution pays tribute to one of America's heroes, Nathan Hale, who, when passing through the Barren Pines of Suffolk County to report on troop movements, was captured by the British and hanged.

Nathan Hale's words on the gallows before his execution—"I only regret that I have but one life to lose for my

EXTENSIONS OF REMARKS

country"—galvanized the revolutionary movement, and stand today as the ultimate expression of the American spirit of freedom and dedication.

Mr. Speaker, I would like to have this resolution, introduced by my good friend and colleague, State Senator Kenneth LaValle, read into the RECORD. I believe that remembering the role of Nathan Hale is appropriate. To a nation whose younger generation sometimes forgets the importance of our rich history, it is necessary to provide reminders of our heroic past.

The resolution follows:

RESOLUTION

Whereas, Attendant to the heroic sacrifice of Nathan Hale in giving his young life for the cause of America's freedom, it is the sense of this Legislative Body to memorialize The Honorable Mario M. Cuomo, Governor, to proclaim Saturday, September twenty-second, nineteen hundred eighty-four, as "Nathan Hale Day" in the State of New York; and

Whereas, Nathan Hale was born in Coventry, Connecticut, in 1755; and

Whereas, While advancing through the Barren Pines of Suffolk County to give General George Washington information concerning troop movement of the British Troops in Suffolk County; Nathan Hale was recognized by his cousin, Samuel Hale, who turned him in to the British; and

Whereas, On September twenty-second, seventeen hundred seventy-six, Nathan Hale was hanged without being given a trial; he was executed by order of Sir William Howe who was in command of the British Troops during the American Revolution; and

Whereas, While on the gallows, Nathan Hale was to utter these immortal words, words that will live forever in the annals of American history: "I only regret that I have but one life to lose for my country"; and

Whereas, Through his consummate heroism Nathan Hale did so bravely and so singularly contribute to the preservation, enhancement and effectuation of that Patrimony of Freedom which is our American Heritage: Now, therefore, be it

Resolved, That this Legislative Body pause in its deliberations and memorialize The Honorable Mario M. Cuomo to proclaim Saturday, September twenty-second, nineteen hundred eighty-four, as "Nathan Hale Day" in the State of New York, recalling, in turn, the unique role which Suffolk County played in ultimately effecting the freedom of This Beloved Nation; and be it further

Resolved, That a copy of this Resolution, suitably engrossed, be transmitted to The Honorable Mario M. Cuomo, Governor of the State of New York.●

ERISA

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. CLAY. Mr. Speaker, both in the Employee Retirement Income Security

Act of 1974 [ERISA] and in its subsequent amendments, the Congress manifested its concern over the operation of pension plans. Congress acted to provide independent oversight of pension fund management and to insure adequate funding for employee pensions.

ERISA requires fund managers to act prudently, with diligence, care, and skill in their management of pension funds. Following our guidance, the Department of Labor required fund managers to develop systematic methods of insuring that employers who are obligated to contribute to the plan in fact fulfill their obligations (41 F.R. 12740 (1976)).

Recently I have been shown evidence which clearly demonstrates that this approach is working. Numerous Federal courts have issued recorded decisions in cases in which audits of employer records have led to recovery of thousands of dollars in unpaid contributions for the pension funds.

Furthermore, the audit approach appears to be cost-effective. For example, a recently completed study by the independent certified public accounting firm of Arthur Young & Co. of the Central States Pension and Health and Welfare Funds indicates that for every dollar spent on auditing in 1983, over \$7 in delinquent contributions has been identified. Independently, Central States estimated that over one-third of the underpayments they found during the first half of 1980 were due to persons covered by the Central States pension and health and welfare plans who were not reported by the employer.

I am placing in the RECORD the results of the Central States' study and a summary of the court decisions. The permissible scope of field audits is currently under judicial review. I intend to monitor this judicial review process and, if necessary, will suggest congressional action to protect the right of employee plans to assure their financial integrity through employer audits.

TABLE 1.—CENTRAL STATES, SOUTHEAST AND SOUTHWEST AREAS HEALTH AND WELFARE AND PENSION FUNDS—SUMMARY OF AUDIT FINDINGS DUE TO NONREPORTING JAN. 1, 1980 THROUGH JUNE 30, 1980

Month/year	Total audit findings ¹	Total audit findings due to nonreporting	Number of nonreported participants
January.....	\$251,788.50	\$47,155.00	54
February.....	29,906.00	110,463.50	79
March.....	343,634.00	91,622.00	79
April.....	163,317.00	80,411.50	191
May.....	231,578.50	38,093.00	53
June.....	96,311.00	29,189.00	39
Total ²	1,116,555.00	396,934.00	495

¹ Audit findings represent the auditor's judgment as to the obligations due and reflect a net figure after all credits during period in question.
² 78 employers were audited during this time period; 32 of those account for all of the findings due to nonreporting of participants.

TABLE 2.—SELECTED LISTING OF RECENT FEDERAL COURT DECISIONS

Case	Circumstance	Approximate amount owed
Laborers Health & Welfare Trust Fund v. Kaufmann & Broad of Northern California, Inc., 707 F.2d 412 (9th Cir. 1983)	Audit indicated a discrepancy to controversy regarding covered or uncovered status of particular nonunion labor...	\$130,000
Burgher v. Consolidated X-Ray Service Corp., 705 F.2d 1426 (5th Cir. 1983), reh'g. denied, 711 F.2d 713 (1983), cert. denied, 52 U.S.L.W. 3844 (U.S. May 21, 1984)	Audit uncovered contributions due on behalf of covered employees who employer erroneously believed were not covered.	100,000
Audit Services, Inc. v. Rolfsen, 641 F.2d 757 (9th Cir. 1981)	Deficiency revealed due to failure to contribute on behalf of nonunion covered employees.	25,000
I.A.M. National Pension Fund v. Industrial Gear Manufacturing Company, 723 F.2d 944 (D.C. Cir. 1983)	Audit revealed that employer had failed to make all required payments.	90,000
Jim McNeill, Inc. v. Todd, 103 S. Ct. 1753 (1983)	Audit revealed that employer owed contributions on behalf of five employees that employer had never reported as covered.	5,000
Brick Masons Pension Trust v. F.K. Pullen, 113 L.R.R.W. 3040 (C.D. Cal. 1983)	An audit of employer records revealed unpaid contributions.	44,000

HUMAN RIGHTS VIOLATIONS IN MAINLAND CHINA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. SOLOMON. Mr. Speaker, during recent months many enlightened opinion makers in political and academic circles have been falling over one another in their effusions of praise for the liberalization and reforms that are supposedly taking place in the People's Republic of China. Cheered on by the news media, public opinion has been led to believe that the inner circles of the mainland Chinese political leadership are filled with moderates and reformers who are determined to undo the mistakes and excesses of the past.

The truth is not quite so pleasant. And Amnesty International has performed an important service by throwing a bucket of cold water on the parade. A new report just released by Amnesty International paints a sharply different picture of life in the People's Republic of China than that which is applauded by fashionable circles in the West, a safe distance away.

The report centers around five concerns in the People's Republic of China:

First, the arrest and imprisonment of prisoners of conscience and the existence of legislation providing for their detention.

Second, the prolonged detention without trial of people arrested on political grounds. A notable case in this regard concerns the Roman Catholic Bishop of Shanghai. Now 84 years old, Bishop Ignatius Gong Pinmei was arrested in 1955. Five years later he was brought to trial and convicted on the trumped up charges of leading a "counter-revolutionary clique under the cloak of religion." He is still in prison today, 29 years after he was arrested.

Third, inadequate trial procedures and the absence of legal safeguards to assure fair and open trials for people arrested on political grounds. One particularly shocking practice in this regard concerns so-called mass sentencing rallies, in which condemned prisoners are paraded into stadiums,

their crimes are denounced, and the death sentence is pronounced in front of cheering crowds.

Fourth, the reported ill-treatment of prisoners, usually in detention centers administered by Public Security Bureaus, and conditions of detention.

Fifth, the extensive use of the death penalty. A wave of executions carried out late last year marked the bloodiest period in contemporary Chinese history since the early 1970's.

It must be noted that Amnesty International submitted a memorandum to the Government of the People's Republic of China in February 1983. The memorandum described in detail Amnesty International's concerns and invited a response from the Government. Despite two subsequent attempts to establish contact with the Government, no response had been received as of June 1984, when this new report was in its final stages of preparation.

Mr. Speaker, I understand that a copy of the report has been sent to each congressional office. I urge all of my colleagues to read it and to give it serious thought. Amnesty International is to be commended for its report, and I ask unanimous consent that a news release describing the contents of the report be printed in the RECORD.

AMNESTY INTERNATIONAL CALLS FOR REFORMS TO PROTECT HUMAN RIGHTS IN CHINA

Amnesty International today, (Wednesday, September 26, 1984), urged widespread reforms to protect human rights in China.

In a major new report, the worldwide human rights movement called on the Chinese Government to free all citizens imprisoned for their beliefs, to guarantee fair trials for all political prisoners, and to abolish the death penalty.

The report cites evidence of mass executions of political prisoners held for years without trial or convicted after summary proceedings, and of ill-treatment of prisoners.

The 132-page report includes detailed case studies of prisoners of conscience and a memorandum submitted to the government. Amnesty International offered to publish comments from the Chinese authorities, but it said today that none had been received.

The report says non-violent dissent has been suppressed in China by convicting political activists of "counter-revolutionary offenses" which carry sentences of 10 to 15 years in prison.

Prisoners include workers and students active in the "democracy movement" that emerged in China in 1978, Roman Catholic

priests loyal to the Vatican and Tibetans accused of supporting nationalist groups.

Some of the political trials have been held behind closed doors, with only selected audiences allowed to attend. In some cases, prisoners' families were not even told trials were taking place.

In other cases, political prisoners have been held for years without charge or trial, assigned to labour camps for "re-education through labour". Some prisoners are reported to have been held in solitary confinement, manacled day and night for days or weeks, beaten or made to stand without moving for 24 hours without food.

Wei Jingsheng, editor of an unofficial magazine which has now been banned, is reported to have been held in solitary confinement since his trial in 1979, allowed out for exercise only once a month. Reports reaching Amnesty International said he became mentally disturbed as a result and was twice moved to hospital in Beijing (Peking) for treatment.

Amnesty International said it did not have enough information to estimate the number of political prisoners now held in Chinese prisons and labour camps. It noted that former inmates say there are political prisoners in more of the country's penal institutions.

Expressing concern about mass executions that began with the launching of a nationwide anti-crime campaign in August 1983, the report points out that 44 crimes are now punishable by death in the People's Republic of China. These include "counter-revolutionary offenses", theft, embezzlement, molesting women and pimping.

Summary proceedings have been used during the campaign in trials resulting in the death penalty.

Defendants can be brought to trial without being given a copy of the indictment first. Appeal procedures have been cut short; the report cites cases in which the accused were executed within six days of the alleged offence.

The report notes that "there is no recognition—either in law or in practice—of the right to be presumed innocent before being proved guilty in a court of law".

Public executions were supposed to have stopped under the law of criminal procedure in January 1980. But the report cites evidence that some executions are still carried out in public and the prisoners' bodies left on display.

Executions are carried out by the traditional method of shooting the victim in the back of the head while he or she kneels.●

A TRIBUTE TO BLANCHE NARBY,
"THE PEDDLER OF ZIONISM"

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. LENT. Mr. Speaker, we seldom take the time to recognize the average American citizens who are the real life heroes of our everyday world. I'm talking about the men and women whose brave actions in the face of danger or hardship speak volumes about their concern for their fellow man. They have a deep commitment to higher values, such as freedom and human rights.

I would like to share with my colleagues today a story of one of these everyday heroes: Mrs. Blanche Narby of Bellmore, Long Island. Blanche is a constituent of mine in the Fourth Congressional District. I am very proud to know this fine lady who has done an outstanding job as president of the Conference of the Jewish Organizations of Nassau County. I have worked with Blanche, along with the Long Island Committee for Soviet Jewry, on many occasions in efforts to aid Soviet Jews and I am continually impressed with the energy and commitment this woman devotes to this effort in the cause to preserve human rights.

In early August 1984, Blanche Narby, along with Dr. Phyllis Pacheco of the Suffolk Jewish Communal Planning Council, and a group of 25 people set off on a tour of the Soviet Union. During the tour, Mrs. Narby and Dr. Pacheco would slip away from the tour to visit Soviet refuseniks, Soviet Jewish citizens who have been refused permission to emigrate from the Soviet Union. The women would bring the refuseniks books, newspapers, and other items difficult to obtain in the Soviet Union. They brought the refuseniks something else equally important. They brought them hope in knowing that people in the outside world had not forgotten them in their struggle for religious freedom.

On one trip, the two women set out to visit a Soviet Jewish family. When they got out of their cab, the area was dark and deserted. Suddenly, three plainclothes Soviet KGB agents appeared. They arrested the two women, hauled them into the police station, and charged them with "anti-Soviet activities." As you can imagine, that have been a very frightening experience.

The two women were separated and interrogated for over five hours by local KGB goons who tried their hands at searching them and then trying to extort confessions of wrongdoing from them. During this time, they were forbidden from contacting

the American Consulate or their American tour guide.

Their photos appeared on Russian television, and a story appeared in the Soviet official newspaper, Pravda. The announcement read: "Peddlers of Zionism" Blanche Narby and Phyllis Pacheco had been captured, criminals who were part of a Zionist plot to stir up the "Jewish problem." A second similar story appeared in the August 3, 1984, edition of the Leningrad Evening News entitled "Zionism Peddlers."

After this exhausting and terrifying experience, the women were released by the Soviet police for "humanitarian reasons," and were allowed to continue their tour with the rest of the group. However, it is doubtful they will ever be permitted to enter the Soviet Union again.

The Kremlin's way to handle its Soviet Jewish citizens is through inhuman repression of their basic rights and freedoms. However, these latest incidents of harassment and violence against American citizens who help Jews in the Soviet Union is extremely disturbing. It is intolerable. These violations against American citizens must be loudly protested by the U.S. Government. Such incidents prove the Kremlin is so paranoid about our protests over their persecution of Soviet Jews that it will go to almost any length to discourage outside contact with Soviet Jews to keep the world from learning the truth about their tragic situation.

These brave women, Blanche Narby and Phyllis Pacheco, deserve our highest commendation. They risked their personal safety to reach their fellow Jews who struggle under the tyranny and oppression of communism.

Now, more than ever we must persist in our strong and vigilant efforts to help Soviet Jews. And I think Mrs. Narby said it very well when she remarked of Soviet Jews and her experience: "We are their lifeline. We are their only contact with the outside world. And if they are not afraid of the repercussions, we should not be."

A translated copy of the story which appeared in the Leningrad newspaper follows.

ZIONISM "PEDDLERS"

The episode that took place on night of August 2 in Leningrad could in honest be a part of a cheap detective movie.

At 8:00 PM a group of American tourists arrived here on a ship from Simferopol. They arrived to hotel "Pribaltiiskaya" and in a couple of hours two dames out of the group: Phyllis Pacheco and Blanche Narbi, both residents of the N.Y. City, wandered to the taxi stand, both bending under the weight of two backpacks of rather impressive size. Anxiously glancing around, they ordered the driver to take them to one of remote neighborhoods on outskirts of the city, refused help offered by the driver and disappeared in the dark.

Following the taxi driver's report, militia soon found the suspicious ladies-foreigners and took a curious look at their "cargo". In

the bags they found a lot of goods from underwear to the latest examples of photographic equipment made in Western countries. Even quick approximate appraisal of the "merchandise" gave an amount in four figures.

When asked to explain the reason for the night journey in a strange city, discontented "peddlers" tried to mumble something about a wish to "exchange souvenirs with Soviet citizens". But their notebooks, when checked, did not leave any doubts in the true nature of the incident.

Once again, under the mask of tourists we have found a representative of international Zionists organizations, the same that are trying all the time to artificially arise "Jewish problem" in the USSR, nationalistic mood among the Soviet citizens of Jewish descent, using cheap "uncharitable" gifts as a means of encouragement and support of the fictitious "oppressed", who let themselves to be fooled by them.

This time we were dealing with well known for its brazen anti-Sovietism organization "Joint Council for protection of Soviet Jews" which has a headquarters in Washington, D.C. As a president there acts certain Linn Singer, who became known thru the press reports about her hostile anti-Soviet escapades and who is forbidden entry in the USSR. It was she who recruited Phyllis Pacheco and Blanche Narbi for the purpose of bringing to Leningrad a portion of "feeding" for somebody who is well known in the Zionist circles as a Zionist instigator. This is certain A.Ya. Taratuta, a former astronomer who chose not to be a stoker in public bath in order to be able to act as one of the "oppressed and persecuted". The last words are within quotation marks not by a chance: judging from the contents of the undelivered cargo, Taratuta's profit from his activities mounts to much more than simply a doubtful fame of a "fighter for the rights of the oppressed".

Moved by a humanism, competent organs decided this time not to be harsh and only gave a strict warning to Phyllis Pacheco and Blanche Narbi to strictly comply with regular rules and regulations for foreigners. They were permitted to complete the rest of their tour to Leningrad after which they will be allowed to collect their "schmates" (my translation of the Russian word 'triapleio', Ed.) in order to return it to the Zionist trappers of dirty souls.

As recently became known, foreign Zionist centers undertook lately a real "mass attack" of anti-Soviet activity. In Leningrad only within last three months were retained while passing the customs in Pulkovo Airport citizens of France Mark Medenberg and Marie Clod Khalifa, who tried to smuggle Zionist literature in their baggage and hidden packets. Their compatriots Simon Moille and Alen Saada who were sent to our country as tourists by so called "Committee 15" tried to collect slanderous and tendentious information in exchange for foreign-made cloth. Despite of an education in law which as one would expect gives a person an elementary understanding of lawful limits of behavior, American lawyers Bernard Shavits and Harold Volsky endeavored to meet a bunch of former communists in search of "facts and documents" which of course would be of the anti-Soviet trend. Citizens of the USA Ben. Hollender and Stanley Epstein tried to organize here "lectures" for the pro-Zionist inclined elements. All this and similar attempts were suppressed.

Our country advocates a wide international contacts in all spheres—political, busi-

ness, cultural. But we always will keep an unbreachable barrier against ideological saboteurs.●

AN END TO SEX DISCRIMINATION IN PENNSYLVANIA'S INSURANCE RATES

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. WALGREN. Mr. Speaker, last week the Pennsylvania Supreme Court held that gender-based auto insurance rates are discriminatory. Last year, among bitter controversy, the Energy and Commerce Committee defeated H.R. 100, the Non-Discrimination in Insurance Act, which would have eliminated sex discrimination in all types of insurance.

I have excerpted portions of the Pennsylvania decision which may be of interest.

[In the Supreme Court of Pennsylvania, Eastern District]

HARTFORD ACCIDENT AND INDEMNITY COMPANY v. INSURANCE COMMISSIONER OF THE COMMONWEALTH OF PENNSYLVANIA

PHILIP V. MATTES AND STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, INTERVENORS

Appeal of Hartford Accident and Indemnity Company and State Farm Mutual Automobile Insurance Company

OPINION

(Filed: September 27, 1984)

In this appeal we have agreed to review the Commonwealth Court's affirmation of an order of the Insurance Commissioner of Pennsylvania ("Commissioner") rescinding his prior approval of Hartford Accident and Indemnity Company's ("Hartford") gender-based automobile insurance rates on the ground they were "unfairly discriminatory" under section 3(d) of the Casualty and Surety Rate Regulation Act ("Rate Act"). . . . We have concluded that the Commissioner's action was both within his statutory authority and mandated by the Rate Act, and, therefore, affirm.

The action was initiated by Philip V. Mattes, a Hartford automobile policyholder, who filed a complaint with the Commissioner challenging the legality of the Commissioner's earlier approval of Hartford's gender-based rates. Mattes established at an evidentiary hearing that, as a twenty-six year old unmarried male with an unblemished driving record, he was obligated to pay \$148 more in annual premiums than would a similarly situated female insured for identical coverage. Hartford sought to justify its rating plan on the ground that actuarial data indicated that male policyholders in Mattes' age group are more likely to incur accident losses than female policyholders in the same age group.

[NOTE.—The statistics relied upon by Hartford did not reflect whether the policyholder was the actual operator of the vehicle involved in a given accident. While Hartford also offered accident statistics compiled by the Pennsylvania Department of Transportation in support of the rate plan, that data had not been employed in the ratemaking process.]

The Commissioner, interpreting the Rate Act's prohibition of "unfairly discriminatory" rates in light of this Commonwealth's public policy against sex discrimination as embodied in the Equal Rights Amendment, concluded that Hartford's gender-based rates were "unfairly discriminatory" and therefore invalid.

The legislature's purpose in enacting the Rate Act is clearly set forth in section one: "The purpose of this Act is to promote the public welfare by regulating insurance rates to the end that they shall not be excessive, inadequate or unfairly discriminatory . . ."

The central provision of the Rate Act is section three. . . . The overriding consideration is section three's mandate that rates may not be "excessive, inadequate or unfairly discriminatory."

Thus the Rate Act, independent of any federal or state constitutional provision, proscribes "unfairly discriminatory" rate-making by insurers in this Commonwealth and provides administrative and judicial remedies therefor.

The basic issue in this appeal is the proper interpretation of the phrase "unfairly discriminatory". That phrase is not defined in the Rate Act itself. The Commissioner concluded that he was compelled to interpret the statutory prohibition against "unfairly discriminatory" rates in a manner consistent with the strong public policy against gender-based discrimination under law as expressed in Pennsylvania's Equal Rights Amendment. Appellants Hartford and State Farm attack that conclusion arguing in favor of a narrow interpretation of the phrase which would limit the prohibition of section 3(d) to rates which are not "actuarially sound."

In the proceedings before the Commissioner, Mattes established conclusively that Hartford required him to pay a significantly higher premium than a similarly situated woman would be charged for identical Hartford coverage solely on the basis of his gender.

The question to be resolved is whether such discrimination falls within the parameters of the Rate Act's prohibition against "unfairly discriminatory" rates.

We conclude that section 3(d) manifests separate legislative objectives which represent the recognition that a rate may be justified by the actuarial data offered in its support, yet unfair in its underlying assumptions and its application to the individual. Accordingly, appellants' narrow, technical view of the Rate Act's mandate of "fairness" must be rejected.

We must next consider whether the Commissioner was justified in looking to the Pennsylvania Equal Rights Amendment in his determination of whether Hartford's gender-based rate plan was "unfair." Appellants seek to characterize the Commissioner's disapproval of Hartford's rate plan as an unauthorized attempt to impose his personal theories and perceptions of social policy upon the insurance industry. We disagree. As we have already concluded, it was appropriate for the Commissioner to look beyond actuarial statistics in evaluating the fairness of Hartford's discriminatory rates. Since those rates were based on the gender of the insured, the Equal Rights Amendment was necessarily relevant.

The Equal Rights Amendment was adopted by the voters of this Commonwealth on May 18, 1971. The Amendment provides:

"Prohibition against denial or abridgement of equality of rights because of sex.

"Equality of rights under the law shall not be denied or abridged in the Common-

wealth of Pennsylvania because of the sex of the individual."

We have not hesitated to effectuate the Equal Rights Amendment's prohibition of sex discrimination by striking down statutes and common law doctrines "predicated upon traditional or stereotypic roles of men and women. . . ."

The text of Article I, section 28 makes clear that its prohibition reaches sex discrimination "under the law." As such it circumscribes the conduct of state and local government entities and officials of all levels in their formulation, interpretation and enforcement of statutes, regulations, ordinances and other legislation as well as decisional law. The decision of the Commissioner in a matter brought pursuant to the Rate Act is not only "under the law" but also, to the extent his adjudication is precedent on the question decided, "the law."

Thus, in light of the Pennsylvania Constitution's clear and unqualified prohibition of discrimination "under the law" based upon gender, we conclude that the Commissioner's disapproval of Hartford's discriminatory sex-based rates on the ground they were "unfair" and contrary to established public policy was in conformity with section 3(d) of the Rate Act and an appropriate exercise of his statutory authority.

Accordingly, the Order of the Commonwealth Court affirming the adjudication of the Insurance Commissioner is affirmed.●

DOUBLE STANDARDS IN THE MEDIA

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. HUNTER. Mr. Speaker, the following editorial which appeared in the Wall Street Journal accurately describes the double standard which the U.S. media has established in scrutinizing the financial affairs of national political figures. I commend it to my colleagues.

ABOUT PRESS VENDETTAS

The ethicists of the press have been clucking about two things these past two weeks, and the comparison tells a lot about their standards, moral and professional. Despite the release of a 385-page independent counsel's report, they have decided questions remain to be asked about the financial affairs of Ed Meese and his wife. But all questions about the finances of Geraldine Ferraro and her husband have been answered, and anyone insisting on asking more will get booted by the defenders of the public's right to know.

To take the Ferraro matter first, tongues have been clucking in pressdom about our Sept. 13 story by Jonathan Kwitny and Anthony De Stefano. It revealed that Rep. Ferraro's father-in-law, Philip Zaccaro, had a pistol license revoked for signing a character reference for a notorious gangster, owned a building that served as a front address for another top gang figure, and made large loans to an individual who later was convicted of labor racketeering and also contributed to Rep. Ferraro's election campaigns. Rep. Ferraro served as attorney to the four buyers of the front-address building, and the story reported that three of

them could not be found and detailed the curious background of the fourth, a "body broker" on Mulberry Street. (For later details, see "Update" nearby.)

The press ethicists came down on the same side as many of our letter writers today; they spied a press vendetta. Columnist William Safire wrote about "the fury of the assault on Mr. Mondale's running mate by The Wall Street Journal, which regularly poochpoohs ethical lapses by higher government officials but finds shocking the revelation that Representative Ferraro's dead father-in-law may have signed a pistol permit for a Mafioso." Columnist Mike Royko chatted about being "an 11th cousin of Gambino." The New York Times and the Washington Post carried press stories, making much of the placement of the story on the editorial page. "Is there a subliminal message here? innuendoed Sam Zagoria, "ombudsman" for the Post. The question was framed directly by Newsweek: "Has Ferraro been the victim of a hit job?"

The ethicists seen inexplicably to have forgotten the ongoing controversy over the adequacy of Rep. Ferraro's financial disclosures. For years she has claimed a disclosure exemption to which she is patently not entitled. The tax returns released at her Kennedy Airport news conference are missing the schedules that would disclose the sources of her husband's income. While the press applauded at the end of her press conference, the House Ethics Committee felt it had to charter a formal investigation. Our interest in the Zaccaro finances starts not with vowels at the end of names, but with these disclosure problems.

Nor was Phillip Zaccaro some 11th cousin. He was the founder of the business at issue in the refusal to disclose the sources of John Zaccaro's income. Rep. Ferraro is herself an owner and officer of the central corporation, P. Zaccaro Co. Inc. What we know about John Zaccaro's own activities—his renting to pornography distributors and clubs drawing gambling raids, his being removed as conservator of an estate after lending himself \$175,000 of its funds—is a natural matter of curiosity.

So our own reporters pored over the public records, doing their own investigation. They uncovered a rather interesting story, and it seemed to us appropriate to share it with the public. Our story was not sensationalized, but written in a restrained and responsible way. The voters can make their own judgments about the relevancy of the Philip Zaccaro legacy to Rep. Ferraro's fitness as a potential president. Some will find that her refusal of more complete disclosure raises large questions of character; obviously others will support her as the underdog attacked while down. But however the electoral balance cuts, we are utterly mystified by the ethicists' suggestion that it is somehow the responsibility of journalists to stand in the way of telling the story.

As we read the ethicists on our Ferraro article, the question that kept running through our minds was, what if it were Ed Meese? What if he refused to disclose the sources of his wife's income? What if he were an officer of a corporation started by a man who gave a character reference for a top gangster? What if he dealt with such questions by complaining about prejudice against names ending in silent vowels, and having his press secretary declare, "These are not valid questions"? Would Newsweek be asking, "Has Meese been the victim of a hit job?"

In the Meese case there is by now no question of full disclosure. The facts have been

detailed by an independent counsel, appointed by the D.C. Court of Appeals, armed with five deputy independent counsel and a grand jury. As an example of the kind of things raised by the press and studied by the counsel, see the matter of the cuff links nearby. The counsel found no reason to charge Mr. Meese with any wrongdoing by the standards of the criminal law, which at least provides a codified standard that can be applied with some evenhandedness. The report duly noted that the law does not cover all morality.

Despite the caveat, the counsel's report was no merely technical or equivocal dismissal of the charges. A friend who made loans to Mrs. Meese received a government job, but he obtained the job "without the knowledge of (or any intervention by) Mr. Meese." A savings and loan decision to extend his mortgages rather than foreclosing was "sound from a business point of view." While early and later-corrected disclosure statements were incomplete, there was "no substantial evidence of any motive on Mr. Meese's part to conceal," and "no indication of any underlying improper or illegal conduct."

How do the ethicists react to this language by a court-appointed independent counsel? "It means only that their actions were not indictable as crimes. They did nothing criminal, but they did plenty to provoke suspicion, which in a public official is wrong," pooch-pooched William Safire. "The law does not make an independent counsel an ethical ombudsman or an arbiter of good taste, judgment or competence," Stuart Taylor Jr. wrote in a New York Times News Analysis. Everyone now talks of "qualifications for the office," though clearly the nomination would have been confirmed months ago except for the allegations the independent counsel has now dismissed.

A decade ago we made ourselves unpopular with our colleagues of the press by insisting that the Watergate charges be subjected to some standard of procedure and proof. While this role is not the sort of thing for which one expects laurels, it has been a source of pride to us. For by the time President Nixon resigned, the nation had reached a true consensus that he should do so. Perhaps the most amazing part of the episode is that today no substantial minority of citizens feels Mr. Nixon was merely hounded from office by an adversarial press. Relatively little rancor remains now because he had some "defenders" then.

We had hoped, too, that this would set some standard concerning press scandals, that substantial proof and some degree of consensus would be necessary to force out public officials. This so far has not turned out to be the case, at least when the officials have been conservative Democrats or Reaganite Republicans. Mr. Safire forced Bert Lance out of government, and did not turn in his Pulitzer Prize when the jury failed to convict. More recently, he has been giving sermons about such weighty ethical concerns as the Wick tapes and the Deaver diet book (the game here is the parochial power politics of an inbred company town; "Mr. Deaver, who may one day finish writing his diet cookbook, returned my calls"). Anne Gorsuch Burford was permanently hounded from public life, though Justice Department investigators couldn't find anything she did wrong and even her critics can't seem to agree on what it might have been. No one booted reporters for rudeness when they camped on Richard Allen's laws;

he was forced out over a watch and \$1,000 in a safe.

If these are the prevailing community standard, the history of P. Zaccaro Co. has to be newsworthy; surely it is not the duty of journalists to conceal it. Indeed, we suspect some voters may be more interested in a legacy of crime connections than a conflict of interest in a diet book or the value of Ed Meese's cuff links.

But no, the ethicists who established these standards have suddenly decided this kind of scrutiny is unfair—when it happens to be applied to a liberal, Democratic, feminist candidate. The ethicists have the further gall to suggest that it is we who are following a double standard. We did not invent the standards, but if they exist they should be impartially applied.

No one would be happier than we if solicitude over fairness to Rep. Ferraro were leading the ethicists to rethink the standards they apply to stories of scandal or personal controversy, but sadly their reaction to the Meese report suggests that so far this is not the case. What they express in their Ferraro attitudes is instead a double standard, pure, simple and outrageous. ●

LEGISLATION TO IMPROVE THE 1985 FEED GRAINS PROGRAM

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. BEDELL. Mr. Speaker, I am today introducing legislation which would require the Secretary of Agriculture to include a paid diversion component as a part of the previously announced 1985 acreage reduction program for feed grains.

Mr. Speaker, corn producers in Iowa, and I, were greatly disappointed when we learned the details of the 1985 feed grains program as announced by Secretary of Agriculture John Block on September 14. Although we were pleased with the early date on which the program was made public, we were particularly distressed to find that, despite the continuing crisis in agriculture, the program advanced by the Secretary actually assumes still lower prices for farmers, an increase in production and surplus stocks, stagnant exports, and generally no relief for the terrible problems currently plaguing our farm economy. Indeed, the details of the 1985 feed grains program appear to give the clearest evidence yet that this administration does not recognize the magnitude of the crisis facing our farmers today.

Please let me explain the details of the announced program. According to the USDA announcement, corn farmers must idle 10 percent of their corn base in 1985 in order to qualify for commodity loans and price protection. The loan rate offered will be \$2.55 per bushel and the target price \$3.03—the minimum levels required by law (the Secretary has the authority to increase these amounts) and the same

levels provided under the 1984 program announced 1 year ago.

Most alarming, however, are the price and income projections which USDA itself assumes will result as a consequence of its program. First, USDA assumes that just 53 percent of our farmers will participate in the 1985 program, compared to 55 percent this year and 72 percent last year. This means a program less effective in reducing production, and more farmers without some form of price protection.

Second, USDA assumes that under normal weather conditions, U.S. corn farmers will produce a 7.8-billion bushel corn crop which, if it materializes, would be the fourth largest crop on record. In the meantime, because USDA expects corn exports to remain stagnant next year, and domestic consumption is expected to increase only slightly, surplus corn stocks are expected to increase from just over 1 billion bushels after the 1984 marketing year to almost 1.3 billion after 1985.

The final blow, however, is delivered in the price projections offered by the Department of Agriculture. According to USDA analysts, the season average price for the 1985 crop of corn is expected to be just \$2.70 per bushel, which translates to a cash price for farmers in my part of Iowa below \$2.50 per bushel. That's well below the farmer's cost of producing corn, which Iowa State University calculates to be near \$3 per bushel this year.

Moreover, USDA's \$2.70 season-average price projection for the 1985 crop is 19 cents lower than the current year's price and a full 54 cents per bushel less than the price received by farmers in 1983. I must point out that even when corn prices were much higher in 1983, total net farm income was just \$16.1 billion and farm bankruptcies and foreclosures were escalating. In light of this, how can we possibly hope that the lower prices expected in the future will pull agriculture out of its current nose dive?

Mr. Speaker, this is the final week of the legislative session and I know that time will not allow us to move my legislation yet this year. However, signup for the 1985 feed grains program does not end until March 1 of next year, thus providing us the opportunity to enact an improved feed grains program early in 1985.

Fortunately, there are indications that Secretary Block is beginning to recognize the shortcomings of the feed grains program he announced. Just one day after the Committee on Agriculture called him before the committee, at my request, to explain his position on the various farm programs for 1985, he stated that he may augment the announced program with a paid diversion if corn carryover projections increase over the course of the next several weeks.

The purpose of my legislation today, Mr. Speaker, is to alert the Secretary of Agriculture to my intention of making this bill the first order of business at the start of next year if he does not improve the announced program in the face of increasing carry-over projections.

Farmers must have some hope that relief is on the way or I believe that we can anticipate the broad failure of many farmers, small businesses and some rural banks next year. Our rural economy cannot wait longer for economic recovery to take hold.

The text of the bill follows:

To direct the Secretary of Agriculture to carry out an acreage limitation program and a land diversion program for the 1985 crop of feed grains

H.R. 6413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 105B(e)(1)(C) of the Agricultural Act of 1949 (7 U.S.C. 1444d(e)(1)(C)) is amended by adding at the end thereof the following new sentence:

"Notwithstanding the foregoing provisions of this subparagraph or any previous announcement to the contrary, (1) the Secretary shall, for the 1985 crop of feed grains, provide for a combination of an acreage limitation program as described in paragraph (2) and a land diversion program as described in paragraph (5) under which the acreage planted to feed grains for harvest on the farm would be limited to the acreage base for the farm reduced by a total of 15 percentum, consisting of a reduction of 5 percentum under the acreage limitation program and a reduction of 10 percentum under the diversion program, and the diversion payment rate for corn shall be established by the Secretary at \$1.50 per bushel; and (2) as a condition of eligibility for loans, purchases, and payments on the 1985 crop of feed grains, the producers on a farm must comply with the terms and conditions of the combined acreage limitation and land diversion program.".

UPDATE ON THE SALE OF CONRAIL

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. BROYHILL. Mr. Speaker, I want to take a few minutes to bring my colleagues up to date on the proposed sale of Conrail. At the outset, let me congratulate the Secretary of Transportation, Elizabeth Hanford Dole, on the excellent progress she has made in carrying out the congressional mandate to sell Conrail under the procedures prescribed by Congress in the Northeast Rail Services Act of 1981. Her efforts to date can best be appreciated by putting the Conrail sale process in perspective.

Conrail was established in 1976 by Congress in order to preserve vital rail service in the Northeast. At that time,

a series on bankruptcies of rail carriers threatened to discontinue service to the communities and shippers of this region.

Since Conrail began its operations, the Federal Government has dedicated over \$7 billion to continue service, ensure labor protection, transfer commuter service, and purchase the properties from the bankrupt carriers. From the outset, it was clear that Conrail required these subsidies in order to operate successfully. Saddled with a costly labor protection program, a swollen work force, commuter service and a lagging traffic base, Conrail required substantial Federal subsidies until 1981.

At that point, Congress enacted the Northeast Rail Services Act of 1981 [NERSA]. NERSA gave Conrail the "tools" it so badly needed to bring its head above water. Guided by very competent management, Conrail has been able to reduce its labor protection costs, rid itself of commuter service, reduce its work force and obtain wage concessions under NERSA. Deregulation under the Staggers Rail Act of 1980 has also played an important role in Conrail's recovery. Legislated flexibility in the setting of rates and establishment of routes, have enabled Conrail to respond to the needs of the marketplace and become a competitive entity with other transportation modes.

The rebound of Conrail has culminated in a finding of "profitability" by the U.S. Railway Association [USRA]. Profitability is important because NERSA instructed the Secretary of Transportation to sell Conrail as an ongoing entity if USRA found that Conrail was profitable, according to criteria set forth in the statute. In June 1983, USRA found Conrail to be profitable. The Secretary of Transportation then hired the investment banking firm of Goldman, Sachs in accordance with the requirements of the statute, and began the search for a buyer of Conrail.

To date, 15 bids to purchase Conrail have been received by the Secretary. These include offers from the Railway Labor Executives Association [RLEA], rail carriers, investment groups, and private individuals. Negotiations proceeded through the summer months, and on September 11, the Secretary announced she had narrowed the field of prospective purchasers to three: The Norfolk Southern Corp., the Marriott/Bass Group, and the Allegheny Corp. At the same time, the Secretary submitted these offers to the Department of Justice and the Department of the Treasury for review. The Justice Department will carefully examine the competitive impact of a sale to each prospective purchaser. The Department of the Treasury will analyze

each bid in terms of its tax or financial impact.

I commend the Secretary for following a prudent and deliberative course of examining all ramifications of the sale. Some have charged that the process for completing the sale is somehow on a "political track" and that the Secretary intends to announce a final purchaser prior to the November elections. Frankly, I have no idea when the Secretary will make her final decision, but I am satisfied that she is carefully following the law and is conducting a careful, deliberative process in consummating the sale.

Once a selection is made, perhaps sometime this fall, the Secretary will transmit her recommendation to Congress. Appropriate legislation will have to be enacted to facilitate a sale, ensuring congressional review of the transaction.

It is important, Mr. Speaker, that the Northeast region of the United States be assured, for the long term, essential rail service. It is also critical that Conrail be sold into the private sector once a recommendation is made by the Secretary, so as to make certain that the Northeast is not treated as a "stepchild" with respect to rail service.

I am hopeful that in the 99th Congress the necessary legislation will be enacted to permit the purchaser selected by the Secretary to take over the reins of Conrail. The Conrail experience has taught us all that Government ownership is no longer necessary or desirable. Any congressionally imposed delay in the sale, at this point in time, is not in the interest of Conrail's employees or shippers, nor is it conducive to a successful sale process. ●

DUNBAR DAVIS

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. PURSELL. Mr. Speaker, I rise to honor an individual whose years of civic service in Michigan's Second District are an inspiration and example to us all. Dunbar Davis, judge of the 35th District Court in Plymouth, MI, is retiring this year. I would like to take a few moments to relate some of the accomplishments of this remarkable man I am proud to count among my very closest friends.

Dunbar Davis was born in Southport, NC, in 1913. He graduated from high school there in 1930, then moved to Richmond, IN, to attend Earlham College. Before earning his A.B. in 1934, Mr. Davis had played on the baseball and tennis teams—earning his varsity letter—and won the college public speaking contest. He also managed to meet a charming and attractive coed named Martha Beck.

Dunbar earned his juris doctorate degree from the University of Michigan in 1937, the same year he married Martha Beck. After working as a steelworker for 2 years in Baltimore, Mr. Davis saved enough money to buy the necessary law books and hang out his shingle in Plymouth. He went into partnership with Nandino Perlongo, a blind classmate to whom Dunbar had to read aloud during law studies.

Dunbar took 2 years out of building his successful practice to serve his country in World War II, in the Military Police Division of the U.S. Army. In 1946, he returned to private practice, continuing his long record of public service by being elected to the Plymouth City Council.

In 1967, he was appointed a municipal judge by the Plymouth City Commission, serving in that capacity for a year. The State of Michigan then reorganized the local court system from municipal courts to district courts. In 1968, Mr. Davis was elected as the inaugural judge in the newly formed 35th District Court. State law required him to give up his highly successful 30-year law practice at that time. He has since won two successive bids for reelection, and is now retiring from the post which he has filled so capably and honorably.

Mr. Speaker, I am not the only person to recognize the value of Mr. Davis' service to his community. In 1981, the District Court Administration Board voted to name the newly constructed district court building the "Dunbar Davis Hall of Justice," making him one of only three judges in Michigan to ever be so honored.

Dunbar Davis has also played a vital role in countless young peoples' lives. Because of his concern for young people, he established an effective, workable probation department for the 35th district court, which currently utilizes 75 volunteers and 5 employees.

Dunbar also encourages young people to become acquainted with the law by inviting school classes to visit his court, where he speaks to them, answers questions, and allows them to witness actual court proceedings. Along the same lines, he initiated observance of "Law Day" on May 1. With the help of local attorneys and high school teachers, he assists high school students simulate trials and court procedures.

He donated a house and lot in Plymouth to the Plymouth YMCA. He has served as a judge for Boy Scout contests, high school oratorical contests, and other youth programs. As youth leader of the First Baptist Church of Plymouth, he helped build a log cabin on some of his own wooded acreage, which was used as a weekend retreat for boys in the church.

He has performed more than 4,000 wedding ceremonies, receiving letters

from many of the newlyweds commending him on his beautiful and unusual services. I know that Dunbar has a deep commitment to the institution of marriage, and has directed that commitment to performing a private, intimate ceremony that is appropriate to the sanctity of the institution.

His leadership shows up in other areas of the community also. He is active in the Plymouth Community Chamber of Commerce, the Plymouth Kiwanis Club, the Plymouth Historical Society, the Masons, Eastern Star, Odd Fellows, Senior Citizens Club of Plymouth and Plymouth Township, and is a former member of the Plymouth Symphony Board, Family Services Board, and the Northville Rotary Club.

Dunbar is also committed to serving his church. As a member of the First Baptist Church of Plymouth, he has served as Sunday school superintendent, Sunday school teacher, chairman of the board of deacons and board of trustees, member of the men's fellowship, and a member of the State Executive Board of the American Baptist Churches of Michigan.

In recognition of Dunbar Davis' untiring community service, in 1976, the American Legion named him Citizen of the Year. In 1980, the Gideons International awarded him the title "Man of the Year."

Mr. Speaker, this man's admirable record of leadership and service is an example that any of us would do well to follow. After 71 years of vigorous trailblazing, he is going to concentrate on spending time with his grandchildren, counseling other young people, jogging, enjoying his hobby of photography, and, as he puts it, "reciting poetry to anyone who will listen." I might add that he will also spend part of his time trying to beat his Congressman in tennis.

Dunbar has been a part of my life for over 37 years. Our friendship has meant much to me and my family. We love and respect this great man. He is an inspiration to this great community and the United States of America.

Reviewing Dunbar's accomplishments reminds me of the fundamentally great nature of this Nation's citizenry. With spirit and energy like Mr. Davis', I feel confident that our country's future is brighter and better than ever. ●

TOO MUCH GLOOM AND DOOM ON FUTURE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, I find it extremely disheartening to hear politicians pessimistically pro-

jecting the rapid destruction of our environment, the decline of our economy, the likelihood of a nuclear confrontation with the Soviet Union, et cetera. At a time when America seems to be back on the right track again, it is beyond my comprehension why some people appear to be bent on discounting our prosperity and forecasting more gloom and doom ahead. I realize that election year politics has something to do with this, but to hear these predictions from political leaders of this country is both frightening and repulsive. One can only hope that these doomsayers are really just attempting to exploit a political angle and do not actually believe that the end is near. America does not need pessimists for leaders.

As a father of eight, I am especially alarmed that this pessimism now plagues the academic environment. Without hope for the future and a belief in this country, how well prepared is the next generation of America's leaders going to be for the tasks that confront them?

The following article by Albert Shanker, president of the American Federation of Teachers, describes a study by the Hudson Institute that revealed that a cloud of pessimism hangs over our high school students and the Nation in general. Optimism and the hard work ethic is what built this great country, and these philosophies still hold the key to its continued prosperity and future.

The article follows:

[From the New York Times, July 22, 1984]

STUDENTS NEED A BALANCED VIEW—TOO MUCH GLOOM AND DOOM ON FUTURE

(By Albert Shanker)

What people think makes a difference in how they act. The philosopher William James used the example of someone hanging onto the edge of a cliff. If the person is an optimist or has at least some faith, he may well hang on long enough for rescuers to come. If, on the other hand, he feels all is hopeless, that he is doomed no matter what, he may well let go too soon—just before someone comes to save him.

Our schools play a role in creating optimism or pessimism. In addition to teaching math, English and other basics, schools—in social studies, science and other classes—give children a vision of the future. If that vision is unrealistic in either direction—overly optimistic or overly pessimistic—students may well grow into adults who sit on their hands and do nothing.

If it's overly optimistic, they may think there's nothing they have to do; if it's too pessimistic, they may think there's nothing they can do—and, like the hopeless cliff-hanger, they may just give up. What have our schools been teaching children about the future?

Well, mostly they've been reflecting the larger society. During the last few decades the American public has been given a very pessimistic view of what the future holds. There have been best sellers devoted to the rapid destruction of our environment. There have been books, magazine articles and television shows devoted to the depletion of

vital energy and mineral resources and predictions of massive starvation resulting from world population growth.

For the most part, only one side of the argument has been made, that side. Sure, there's usually someone who disagrees, but that someone is portrayed as representing a special interest whose goal is to exploit nature to make a fast buck now. All of this has had an enormous impact on the curricula of the schools. Nothing is more "relevant," interesting or exciting than for teachers to gather these exposés and make this generally accepted wisdom the basis for teaching the daily lesson in science or social studies.

Of course, there's no doubt that we did neglect to take care of our environment, and much of the emphasis on the effects of pollution, of chemicals in food, of problems with waste disposal has resulted in necessary corrective steps. But, one of the results of this recent teaching has been to create a pessimistic bias in many textbooks and courses. The late Herman Kahn, founder of the Hudson Institute, one of America's most important think tanks, was shocked by what he called the "cloud of pessimism" hanging over our high school students and the nation.

The institute examined 63 basic high school textbooks published since 1962 to see how they dealt with questions of population growth, environment, natural resources and economic development. (The study formed the basis of *Why Are They Lying to Our Children?* by Herbert I. London, director of the Hudson Institute's Visions of the Future program, which seeks to present students and teachers with a more balanced view of the world's problems and America's role. It's just been published by Stein & Day, Briarcliff Manor, N.Y.)

The study found "an astonishing amount of misinformation and sloppy writing," contradictions, a "lack of objectivity" in textbooks—and that they were clearly aimed at changing student attitudes and behavior in one direction. One text, published in 1981, presented this apocalyptic vision: "You may have heard about the 'four giant horsemen' galloping across the face of the earth. One stands for Famine, the second for Disease, the third for War, and the fourth for Death. Today, these four gaint horsemen are galloping more swiftly than ever before. But many, many others still do not see the danger."

According to Jane Newitt, director of demographic studies at the Hudson Institute, writing in the January 1984 issue of *Social Education*, "A reasonable desire—to impress students with the magnitude of the world's problems—has been pushed to the point of substituting indoctrination for substantive instruction." Newitt says the doom and gloom books are so intent upon making their points that they fail to mention the vast increases in per capita income since 1960 in the countries with 94% of the world's population, or the huge increases in life expectancy.

The population is said to be growing faster and faster, but few books mention the fact that the population growth rate peaked nearly 20 years ago and has been declining ever since. The books predict massive famines—but fail to report that world food production has outpaced population growth for three decades. Of course, there are people starving, but not because there's not enough food. The reason is the political problem of how to get the food to those who need it. If we don't tell that to students, their efforts

are going to be focused in the wrong direction.

Newitt demonstrates that there's a clear political and moral message in these books. "We" are responsible because we are eating, wasting and consuming too much. That's why "they," the have-nots, are deprived. "Thirty-one textbooks allude to looming ecological catastrophes of global proportions.

Invariably, it is 'especially affluent human beings like the Americans' whose profligate and irresponsible consumption threatens 'to make the earth unlivable' and accounts for the plight of the Third World's starving masses. What is relatively new," she writes, "is the intrusion of this moral mission into the traditionally dry matter of textbooks." It is "ideology," she says, "and rigid. By placing students on the morally reprehensible side of the 'gap,' it denies legitimacy to their competitive spirit and their desire for the life-enriching experiences money can buy."

More important, the global pessimism of these textbooks sends students the wrong message about their own country. Newitt says there is no reason to believe American students would become complacent about the world's problems "if they were encouraged to view themselves as part of the spectrum of nations—and as a part that makes many contributions to the betterment of the whole." ●

RUSSELL E. CLARK COMMENDED

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. DAUB. Mr. Speaker, Russell E. Clark of Omaha, NE, has recently been named as the grand worthy president and leader of the largest fraternal organization in the world, the Fraternal Order of Eagles.

This is a well-earned honor and a deserved recognition of Russ's outstanding accomplishments. As a friend of Russ and a fellow member of South Omaha Aerie No. 154, I am proud of his achievement and take this opportunity to share his success story with my colleagues in the Congress.

THE 1984-85 GRAND WORTHY PRESIDENT

All success stories have a beginning, and an ultimate attainment, of the rise to the top! Russ's story began as all other with his birth to his parents, Ross & Nina Clark, on the family farm in Polk County, Nebraska. After moving to Shelby, Nebraska, he attended schools in Shelby and graduated from Shelby High School. After graduation, Russ held many different jobs in his career, but concluded his last 30-years as a linotype operator for newspapers: The Wahoo Wasp, Omaha World-Herald and at the Livestock Press. During this time, he served for a period of time as Secretary-Treasurer of the State Typographical Union in Nebraska. Russ and Darlene were married in Wahoo in 1943 and have three children, Russ, Jr., of Seattle, Washington; John from Pasadena, California; and Debbie of Culver City, California. They are also blessed with two grandchildren, Emily and Cody.

Russ became a member of South Omaha Aerie No. 154 in 1957 and immediately became involved in this great fraternity. His

first assignment was Entertainment Chairman for the Saturday night dances. After serving on this committee, Russ was appointed Aerie Conductor and became Aerie President during the 1962-63 Eagle term. At the conclusion of his presidency, Russ began an uninterrupted 15 years as a member of the Board of Trustees and then attained Chairman of the Board. These 15 years were filled with many great Eagle activities for Russ, as he became an officer in the Nebraska State Aerie, and in 1972 became State President of our State Fraternal Order. During these years, Russ was also Worthy Conductor of his Aerie Ritual Team and earned the honor of All-State Conductor for eleven consecutive years. Russ assumed the chair of President of Aerie Ritual Team—which, as a unit, has since won four Class B National Championships.

In 1974, Russ became 154 Aerie Secretary and Editor of the 154 Hi-Flyer—a post he still holds today.

Russ began his rise in the Grand Aerie when he was appointed to the position of West Central Regional President in 1973-1974. He also found time during these years to serve as West Central Regional President of both the Max Baer Heart Fund and the Jimmy Durante Children's Fund. Both of these National Funds have raised millions of dollars for research and aid.

Russ's election as Worthy Chaplain in 1977 of the Grand Aerie was followed by four years on the Grand Board of Trustees. His continued rise in the Grand Aerie to Vice-President and then to Grand Worthy President-Elect has culminated in the achievement of his position as Grand Worthy President for the year 1984-1985—the very first man from Nebraska to reach this goal.●

FUTURE FARMERS OF AMERICA AWARDS

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. DE LA GARZA. Mr. Speaker, a significant event occurred in the Capital recently when awards were presented to 37 State winners, and to the top five national winners, in a Future Farmers of America competition in designing imaginative applications of computer technology for agriculture.

The Future Farmers organization, which includes many young people in our rural high schools around the country, is one of the best training grounds we have for future leaders in agriculture and rural affairs.

The program demonstrates that the FFA is moving forward to help the coming generation understand and make full use of the benefits of modern computer and communications technology. Today's farmers, with all the problems they face in production and marketing, are finding more and more that they can make effective use of tools like computers to get timely information and to produce faster, more efficient decisions in their complex businesses.

I want to bring this latest FFA program to the attention of the House because I think it is a hopeful sign that our oncoming generation of new young people in agriculture will be well equipped for the fast-moving and difficult fields they are entering.

When the FFA computer program awards were presented in Washington in August, the national FFA executive secretary, Coleman Harris, commented that the computer has been identified by FFA as "one of the most important tools necessary for success in the tough agricultural climate." The awards were sponsored by the National FFA Foundation in cooperation with a private agricultural information and communications service, AGRIDATA Resources, Inc., of Milwaukee.

The first place national winner in the contest was Kevin E. Gingerich of Kokomo, IN. National runner-ups were: Debra Dee Haack of Fond du Lac, WI; Dotty Behne of Sherburn, MN; Barry A. Hines of Philpot, KY; and Lonnie Webb of Lincoln, AZ.

Other State winners in the contest were: Robert Powalski of Fairbanks, AK; David Martin, Jr. of Brierfield, AL; Kim Gray of Gilbert, AZ; Scott Eric Johnson of Platteville, CO; Wilson Korth of Cornwall, CT; Steve Kaufman of Sarasota, FL; Timothy Harrell of Whigham, GA; Brian Gosch of Webster City, IA; Vern Steiner of Bruneau, ID; Craig Perkinson of Thawville, IL; Max Schmidt of Canton, KS; Tammie Michelle Miller of Iota, LA; Dean Tobey of Corunna, MS; Randall Lee Horine of Norborne, MO; Thomas Lechner of Winifred, MT; Donna Keidel of Mandan, ND; Ronald Glinzmann of Ravenna, NE; Eric Lavoie of Barrington, NH; Bill Perez of Elwood, NJ; Steve Stearns of Nogal, NM; John Robert Mudd of Websterville, OH; Scott Carlson of Boardman, OR; Wynn Richardson of Pocasset, OK; Lynwood Nester of Mechanicsburg, PA; Charles Hill of Abbeville, SC; Arlin Hobbie of Flandreau, SD; Paul Tannos of League City, TX; Ladell C. Swallow of Fillmore, UT; Randy Landes of Weyers Cave, VA; Fred Peet of Middlebury, VT; Amanda Ann Bryom of Glenoma, WA; and Oscar Garnant of Greysbull, WY.

In addition to this competition, Mr. Speaker, I should point to another evidence of FFA leadership in making use of new technology in agriculture. The organization has prepared and made available on the AGRIDATA network a package of information for vocational agriculture teachers and lesson plans, for use in classrooms, on the use of computer technology in agriculture. The development of this system grew out of a decision by FFA leaders that farmers need more training in business planning, management, and economic skills.●

"ODE TO THE IRS"

HON. ED BETHUNE

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. BETHUNE. Mr. Speaker, the imitable Sunday Observer for the New York Times Magazine, Russell Baker, has eloquently penned an "Ode to the IRS." Below are excerpts I commend to my colleagues:

I've got this form here.

It's called Ten Forty.

It's the long form, not the shorty.

The long form's for the sporty

and it comes with Schedule E.

I love a schedule. I'm so precise.

That's why I think the I.R.S. is nice.

To offer Schedule E

—how much sweeter could they be?

But not just Schedule E

—Schedules A, B, C and D!

It makes me wish that I could pay them twice.

And, yes, yes, here's 1040 ES. It requires you to guess.

1040 ES, and guessing I hate.

"Come press your fate,"

says 1040 ES. "come, estimate."

I guess what I'll owe next year.

It can be amended later if you've got the proper form.

They seldom jail you if the guess is warm,

I guess. And the proper form

must be somewhere here.

Let's see: I've got depreciation and sworn declaration.

I've got wage estimation and amortization.

What I'd like to have and haven't got

is Alternative Minimum Tax Computation

unless you are very, very rich.

Why does a man with Form Ten Forty long;

a man entitled to Schedules A, B, C, D and E;

a man who has W-2 and 1040 ES,

a man with access to depreciation,

sworn declaration,

wage estimation,

wage amendment estimation

and amortization

—why does such a man want Alternative Mini-minimum Tax Computation?

Because then they'd give me Form 6251 to attach.

I love attaching. It's such a gas.

And attaching Form 6251 has so much class.

I'll tell you why: It can be attached to Form 990T.

Alas for you and me, chances are we'll die and never know the pleasure of attaching to Nine-nine-zero T.

Mr. Speaker, we can all enjoy a chuckle from Mr. Baker, but it's also sad that our tax structure has to be this complex and cumbersome on the American people. Hopefully, a year or so from now this Congress will have enacted tax reform legislation and he will be able to pen something fast and simple like:

It used to be at tax time,

We would wrench and fret and blast.

Now that tax reform has passed,

We can all sit back and FAST.●

THE TORTILLA CURTAIN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, it seems that the congressional conferees are trying to reconcile the House and Senate versions of the Simpson-Mazzoli immigration bills to no avail.

This certainly is not the first time that these bills have met resistance. There have been stumbling blocks all along because of proposals such as employer sanctions and amnesty for illegal aliens. These provisions encourage incentives to discriminate against Hispanics and would create a new underground industry for forged, stolen, and fraudulent documents. In addition it penalizes those who have waited patiently to follow current U.S. laws to enter the country legally.

To further explain a few of these problems, I would like to share with my colleagues the following article entitled "Defending the Tortilla Curtain" that appeared in the Wall Street Journal on September 24, 1984.

DEFENDING THE TORTILLA CURTAIN

Congressional conferees are tying themselves into knots trying to reconcile the House and Senate versions of the Simpson-Mazzoli immigration bill, and we have a proposal to break the deadlock. To wit, the next meeting of the conference committee should be convened in the El Paso Blood Plasma Center.

Lacking that, the conferees could glance at the attached rendering of a photograph recently taken on the border there, at high tide on the Rio Grande. To get your back wet, you have to lie down in the river. The scene is typical of 1,990 miles of border. For the other 10 miles, in downtown El Paso, the Rio Grande runs through a concrete culvert fortified with chain-line fence. This is called the tortilla curtain.

This is where you get the reality of the border. El Paso, a city of 425,000 (60% Hispanic), shares the border with Ciudad Juarez, a metropolis of perhaps a million Mexicans. Some people live in El Paso and work in Juarez, and vice versa; legal border crossings come to 100,000 a day. Immigration officers, some of whom are naturalized Hispanics, look in the cars and ask your nationality. If you look Hispanic, you may actually have to show some identification.

Since Mexico allows U.S. citizens to visit for 72 hours without papers, the U.S. has to reciprocate. For more than 20 years, the immigration service has been issuing border-crossing cards to Mexicans who have permanent roots, such as a residence and a job, in Mexico. The cards allow 72-hour crossings, and are permanent for repeated use. The U.S. government has no record of how many are outstanding, and officials say the counterfeits are excellent.

The Border Patrol is proud of its new low-light TV monitors, aimed at the frequent gaps in the tortilla curtain. When the officers manning the central monitors see, say, a group of immigrants dash into a waiting car, they phone a road patrol with descriptions of who to stop. Some 200,000 illegal

aliens were apprehended in El Paso last year, and more than a million nationally. Attorney General William French Smith said this was "a tribute to the great job the men and women of the Border Patrol are doing."

When the Border Patrol apprehends an alien, he or she will routinely "accept voluntary departure," and the Patrol provides a ride to the bridge. By some estimates there are 70,000 live-in maids in El Paso; local folklore holds that if they are picked up in a shopping center they are back at work before the Border Patrol gets back to its office.

If a suspect alien picked up within the U.S. chooses to resist deportation, legally the burden of proof rests on the immigration service to show he or she is deportable. A good immigration lawyer can buy you four years of due process, during which time you can probably get free on bail and maybe have a child, which changes your status because the child is an American citizen. The Border Patrol's detention center holds a few hundred souls, the largest number of whom have recently been Salvadoran.

Oh yes, the blood plasma center, which is located maybe 100 yards inside the freeway inside the Rio Grande. If you wade the river, go through the gap in the fence, brave the freeway and get into the blood plasma center, you can get \$25 for a pint of blood. Then the patrol arrives and gives you a free ride to the bridge. In Juarez, \$25 is a week's wages.

Simpson-Mazzoli will give us "control of our borders," both houses of Congress have in their wisdom decided. The immigrants will stop coming through the tortilla curtain if employers can get fined or jailed for hiring an illegal alien. Provided the employer employs at least four people—no one wants to send the poor maids back.

There's room to doubt that this will more than marginally change the incentives for illegal immigration. But beyond doubt it will provide some employers an incentive to hire immigration lawyers to contest the deportations that would trigger sanctions against themselves. The great nightmare of the Border Patrol is that some part of a million aliens a year will suddenly stop agreeing to "accept voluntary departure."

If they visit the blood plasma center, congressmen may begin to understand that the U.S. has no realistic alternative to a liberal immigration policy, and that any system will inevitably be messy. It is a tribute to the men and women of the immigration service, and to the illegal immigrants, that the border works as well as it does. Congress should stop kidding itself and leave well enough alone. ●

BUILDING OUR AMERICAN COMMUNITIES PROGRAM

HON. E de LA GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. DE LA GARZA. Mr. Speaker, the Future Farmers of America has long been recognized as one of the Nation's most valuable training grounds for young men and women. Participation in FFA programs has long been a foundation for future success and leadership in agriculture and allied

fields, and in community leadership as well.

Earlier this week, on October 2, I was privileged to take part in a ceremony honoring the State and national winners in one of the FFA's nationwide programs, the Building Our American Communities [BOAC] Program. This valuable activity is a special project of the National FFA Foundation and is sponsored by R.J. Reynolds Industries, Inc., of Winston-Salem, NC.

The BOAC Program, begun in 1971, has developed over the years into an important contribution to our efforts to promote community development.

Young people who take part in this program learn the fundamentals of what needs to be done to improve our rural communities. They take part in planning and operating a BOAC Program in their local FFA chapter. They learn how to promote the development of agriculture, agribusiness and natural resources at the local level. And they learn how to work for local, State, and Federal resources which can contribute to community development.

Since 1983, FFA has presented Achievement in Volunteerism Awards to honor individuals who take part in BOAC programs. I was happy to address the State and national winners about the importance of their efforts and the importance of agriculture to the Nation when the 1984 awards were presented a few days ago by Gerald Long, president of the R.J. Reynolds, Co. The ceremony was conducted by Ron Wineinger, the National FFA president.

Now, Mr. Speaker, I want to spread on the RECORD for the attention of our colleagues the names of the individual State BOAC winners for 1984, the 10 national finalists, and the 3 young people who won the top awards. In all cases, these winners were selected from FFA chapters which won State competitions. Of course, as a Texan, I am especially proud of the accomplishments of the State winner in my home State. But I think we can be equally proud of all of these winners.

The top national winner announced October 2 was the West Virginia State winner, Bonnie Kay Spencer of Farmington, WV, a member of the Marion County chapter.

The second place national winner was the Kansas State winner, Darren Nicholas Esslinger of Mankato, KS, a member of the Mankato chapter.

The third place national winner was the Missouri State winner, Carrie Teresa Louk of Osceola, MO, a member of Osceola chapter.

The remaining seven national finalists, all of whom of course were State winners, were:

Scotty Shirley of Daleville, AL, a member of Daleville chapter; Mike

Hoke of Craig, CO, a member of Moffat County chapter; Gina Badger of Bunnell, FL, a member of Bunnell chapter; Don Yocum of Franklin Grove, IL, a member of Franklin Center chapter; Vince Mendive of Gold Creek, NV, a member of Duck Valley chapter; Orville Mowry of Elma, WA, a member of Elma Chapter; and Lori Korell of Lingle, WY, a member of Rawhide chapter.

The remaining 40 State winners were:

Kim Rohr of Delta Junction, AL, Delta Junction chapter; Darryl Walker of Young, AR, Young chapter; Chris Kirksey of Amity, AK, Amity chapter; Miguel A. Rocha of Arleta, CA, Francis Polytechnic chapter; Amy Brayman of Glastonbury, CT, Glastonbury chapter; Keith Shane of Smyrna, DE, Smyrna chapter; Mel Johnson of Covington, GA, Newton chapter; Karen Nakayama of Kapaau, HI, Kohala chapter; Joseph Schumaker of Culdesac, ID, Culdesac chapter; John Bleill of Fountain City, IN, Northeastern Wayne chapter.

Kelly Fehr of Whittmore, IA, Algona chapter; Troy Shouse of Taylorsville, KY, Spencer County chapter; Rodney Manning of Oak Grove, LA, Oak Grove chapter; Raymond Gagnon of Caribou, MI, Caribou chapter; Paul Strong of Lexington, MA, Minuteman Regional Vo-Tech High School chapter; Matt Sowers of Burkettsville, MD, Brunswick chapter; Junior Stealy of Battle Creek, MI, Marshall chapter; Heath Petersen of Sherburn, MN, Sherburn chapter; Jeff McKinney of Caledonia, MS, Caledonia chapter; Wes Wadsworth of Fairfield, MT, Fairfield chapter.

Marc Ahrens of Ravenna, NE, Ravenna chapter; Neil Mooers of Strafford, NH, Much To Do chapter; Wayne Beal of Bridgeton, NJ, Cumberland chapter; Robert Kasuboski of Roswell, NM, Goddard chapter; Benjamin English of Greenwich, NY, Greenwich chapter; Angela Diane Lewis of Newport, NC, West Carteret chapter; Neil Buchholtz of Jamestown, ND, Jamestown chapter; Rudiger Baumgaertel of Albany, OH, Alexander chapter; Greg Westermier of Arcadia, OK, Guthrie chapter; Tom Freels of Elgin, OR, Elgin chapter.

Gary Krall of Lebanon, PA, Cedar Crest chapter; Heidi Burnham of North Kingstown, RI, Kingstown chapter; Melody Cooper of Spartanburg, SC, Dorman chapter; Darin de Vries of Harrisburg, SD, Harrisburg chapter; Jim Kite of Rogersville, TN, Cherokee chapter; Mark Rothwell of Spring, TX, Klein chapter; Stacy Evans of Goshen, UT, Payson chapter; John Martin of Dunnsville, VA, Essex chapter; Chris Nonemacher of Randolph, VT, Central Vermont chapter; Robbie Mikkelson of Oregon, WS, Oregon chapter.●

ANTITRUST IMMUNITY TO LOCAL GOVERNMENTS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, the Senate is currently completing action on House Joint Resolution 648, the continuing resolution for fiscal year 1985.

One section of the continuing resolution addresses antitrust immunity to local governments, and within it is a provision stating that jury verdicts should be treated as evidence. Therefore, treble damages should be awarded. It is precisely this provision that must be stricken.

Juries must not be allowed to second-guess local officials who are elected to make decisions based upon what they believe to be in the best interest of their constituents. To allow this to happen is to ignore the social values the elected officials were duly sworn to protect. The "jury verdict sanctity" is, in reality, legislating the law of the land to protect the private interests of a few individuals.

Proper remedy approaches have been introduced in both Houses of Congress to limit antitrust action against local government units to suits for injunctive relief rather than money suits. They do not provide immunity from antitrust violations, but do relieve local taxpayers and local decisionmakers from the threat of treble damages. Without this type of legislation, local taxpayers will be forced to foot the bill in antitrust cases.

To further explain the harmful effects of treble damages in antitrust violations, I would like to share with my colleagues the following editorial that appeared in the Chicago Tribune on September 28, 1984.

THE SHERMAN ACT AND CITIES

A bill approved by the House of Representatives to grant local governments relief from provisions of the Sherman Antitrust Act has run into unexpected opposition in the Senate. Although there does not appear to be any substantial opposition to the concept that local governments should be treated differently from private corporations in antitrust cases, some senators are concerned about provisions in the House bill that give cities and counties retroactive protection.

That amendment was inserted by Representative Henry Hyde, a suburban Republican, to nullify a \$28 million treble-damage award in federal court against Lake County and Grayslake for refusing to grant a sewer connection to a developer. The same developer has a similar suit pending against Du Page County, which Representative Hyde represents.

The Senate should approve the House version. The taxpayers of those jurisdictions should not be punished with a jury award that surpasses the county's annual tax levy even if their elected officials exceeded their

statutory authority in refusing a sewer hook-up.

Entrepreneurs who feel they have been wronged by local governments would still have the recourse of seeking injunctive relief through the federal courts.

Failure to act on the antitrust exemption will leave municipalities and counties across the nation vulnerable to pressure from people who happen to disagree with their decisions. It may severely inhibit the ability of such agencies to act in the best interest of their residents in regulatory matters ranging from taxi franchises to zoning cases.

The Sherman Act was passed in 1890 to prohibit anticompetitive collusion in private industry, and in 1943 the Supreme Court ruled that states were exempt from the law because of their sovereign powers to protect the health, safety and welfare of their citizens. That exemption was for decades presumed to extend to municipalities and counties, and in some states they are still protected.

Local governments' legal problem with the Sherman Act began in 1978 when the U.S. Supreme Court, in a case involving municipal utilities in Louisiana, struck down their assumed exemption. The situation became murkier earlier this year when a Federal District Court jury found Lake County and Grayslake guilty of antitrust violations. But the U.S. Appeals Court in Chicago, in a sewer case involving Eau Claire, ruled that Wisconsin municipalities were exempt because state law there extended the state exemption to local governments.

Complicating the situation was a campaign by various federal agencies to encourage regional cooperation among local government on such public works projects as sewer systems. As a result of the 1972 Federal Water Pollution Control Act, Lake County had set up a countywide sewage treatment system and signed a set of agreements with municipalities to regulate the new system. The agreement between Lake County and Grayslake that gave the municipality veto power over sewer connections to nearby subdivisions was the genesis of the antitrust case it lost in federal court.

It is surely not the purpose of the Sherman Act to make a federal case out of every local decision that affects someone's financial interests. Congress needs to rectify that situation.

Federal law should continue to protect the public against gross abuses of power that result from attempts by local governments to transfer their antitrust exemption to private industry, or from operating municipal utilities in such a way that precludes fair competition.

On the other hand, municipalities and counties should be granted the same general exemptions available to the states to regulate the health, welfare and safety without the fear of being assessed treble damages every time somebody feels wronged.●

CALL TO CONSCIENCE FOR
SOVIET JEWRY

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. LEACH of Iowa. Mr. Speaker, as the 98th Congress draws to a close we look back over a bleak 2-year period for the Jewish community in the Soviet Union. During this period, Members of this body have taken the floor many times to appeal to Soviet authorities to relax their restrictive human rights policies. Yet, as we know all too well, emigration rates have tumbled to nearly negligible levels and anti-Semitism has increased alarmingly. Religious and cultural freedom have been curtailed and members of the Jewish community have been arrested, imprisoned, and harassed or otherwise intimidated, becoming in effect a captive people within Soviet borders. Some individuals, like Ida Nudel and Anatoly Shcharansky, have become world-renowned for their personal sacrifice and courage of conviction. However, multitudes more, whose names are not so familiar to us, share deeply in that plight.

During the past 2 years, as the chairman of the Arms Control and Foreign Policy Caucus, I have been a strong advocate of arms control and the need for improved bilateral security relations between the United States and the Soviet Union. It is deeply unfortunate that the deteriorating human rights situation in the Soviet Union has added further difficulty to the desire for peace among the peoples of both our Nations. As such, I applaud the initiative of President Reagan in meeting with Soviet Foreign Minister Gromyko last week to begin a new level of dialog on arms control and other bilateral issues. The United States needs to do more in this regard but we cannot do it alone. There must be a good faith effort by both sides to start afresh in our common effort to secure a nuclear arms accord and greater stability in superpower relations.

It is in that context that I join so many colleagues in the House to once again appeal to Soviet authorities to reconsider their human rights policies and open emigration gates to the Jewish community. Few signals could so quickly or so strongly convey to the American people the genuine desire of the Soviet Union to bridge the gulf that divides us.

Mr. Speaker, Soviet authorities must understand that the Members of this body reflect the concerns of the American people. We did so faithfully last year in adopting the nuclear freeze resolution. We do so faithfully when we rise to speak out on issues of human rights for Soviet Jewry. As a

EXTENSIONS OF REMARKS

participant in the 1984 Congressional Call to Conscience Vigil for Soviet Jews, it is my hope that in the coming weeks, before the 99th Congress convenes, Soviet authorities will weigh our message more carefully than ever before. We would welcome the opportunity as the next Congress convenes to begin in a new climate of expectation and hope.●

"DOC" FREDA: A LIVING LEGEND
RETIREES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. GILMAN. Mr. Chairman, Rockland County, NY received a rude awakening one morning last week. For the first time in 20 years, Dr. Carmine Freda was no longer a political party chairman.

As news of Doc Freda's retirement as the Rockland County Republican chairman spread throughout the county and the entire Mid-Hudson Valley, Republicans, Democrats, Conservatives, Liberals, Independents—in fact, Americans of every shade of political opinion—began to reflect on how much respect and honor Doc Freda has earned. For Doc Freda, during his many years of public service in New York State had become a living legend.

The reason Doc declined to seek an 11th term as Republican chairman of Rockland County was not quite apparent to many of his friends. It is true that he said, "this is the time I should pursue other things," but we know that Doc Freda's energy cannot be contained. Doc is now 83 years young—and he has been devoting himself to the public for so long, and with such vitality and enthusiasm—that many of us cannot believe he is going to truly retire now.

Doc Freda was elected mayor of the Village of Grandview, NY, and served for 10 years, before many of our colleagues were even born. He also served as a trustee in that village for an additional 10 years, and was a member of the South Orangetown School Board for 10 years. Doc, who has been a volunteer fireman in the Piermont and Grandview Fire Cos. for many years, is an active member of the New York State Alcoholic Beverage Control Board.

Doc did not confine his service to the Rockland County region or even to New York State. He distinguished himself in the U.S. Navy, from whence he retired as a commander. He received the Presidential Commendation for Meritorious Service from the President of the United States and the U.S. Marine Corps. Doc initiated the navigation bombardier program in the U.S.

Marine Corps, and to this day is a licensed pilot and instructor, a licensed navigator, and a licensed meteorologist.

When his retirement was announced last week, a close friend of Doc's remarked that, if you add up all of the years of public service that Doc has devoted, it adds up to over 100 years.

Doc is happily married and devoted to his charming wife, Hazel. He and Hazel are proud of their two sons and five grandchildren. Doc is a graduate of Stuyvesant High School in New York City and of the Long Island College of Podiatry, and like so many of us, is pleased that he was able to pass on a better life to his sons and to his grandchildren.

When Doc was elected to his first term as Rockland County Republican chairman in 1964, his many admirers were pleased because, at the age of 63, he was preparing to retire from his highly respected medical practice and devote full time to the party.

Today, after 20 years as a county chairman, after serving as a delegate to five Republican National Conventions, and after serving as a member of the electoral college twice, we reluctantly concede that Doc has certainly earned his retirement.

He has become such an integral part of all of our lives, however, that it will not be the same in Rockland County without Doc in the battlefield.

Last week, the Rockland County Republican Committee unanimously elected Doc Freda their first "Chairman Emeritus," signalling another new role for this public spirited citizen.

Mr. Speaker, I invite all of our colleagues on both sides of the aisle to join with me in saluting an outstanding fellow public servant, Dr. Carmine Freda, a living legend in his own time.●

EDWINNA M. MARSHALL
HONORED AT LOMA LINDA

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. LEWIS of California. Mr. Speaker, it is with great pride that I join with family, friends, and colleagues in honoring a truly remarkable woman. Edwinna M. Marshall will be honored at a luncheon on October 21, 1984, in San Bernardino, CA, by the Loma Linda University Occupational Therapy Alumni Association. On this 25th anniversary of Miss Marshall's career at Loma Linda, the alumni association is recognizing her dedication to her profession and her devotion to the enrichment of the many lives she has touched.

In 1959, Edwinna worked to develop an occupational therapy program at the university. She has served faithfully as the chairman of that department since then. However, Miss Marshall's service to occupational therapy education did not stop with her duties at Loma Linda. Her more than 30 years in the field include her work as a consultant, which has aided in the design and organization of occupational therapy training programs across the land.

Edwinna's heartfelt commitment to her profession is evident. She is a hard-working perfectionist, loyal and dedicated, and always willing to extend a helping hand to those in need. Miss Marshall has served on numerous advisory committees on both the State and National levels and has been active in collaborative studies and research. Many OT professionals have benefited from her published work and lectures.

Mr. Speaker, I take great pride in commending to my colleagues, Miss Edwinna M. Marshall, a dedicated professional who has, through her selfless years of hard work, contributed to her community in a most beneficial way. ●

**MARIO MARTINEZ—SOLEDAD'S
OLYMPIC MEDAL WINNER**

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. PANETTA. Mr. Speaker, it is with great pride that I call on my colleagues to join me in congratulating Mario Martinez of Soledad, CA, the silver medal winner at the Los Angeles Summer Olympics in the super-heavyweight division of the weightlifting competition. The people of Soledad recently held a day for Mario, who hails from Bryant Canyon, just outside of Soledad, and I am pleased to be able to share in the pride we feel throughout Monterey County for our local Olympian.

In winning the silver medal and narrowly missing the gold, Mario broke the American record for weightlifters in his weight class, becoming the first American to lift a combined total of 900 pounds in the event.

Mario, who attended Soledad Grammar School and Gonzales Union High School, first began lifting weights seriously as a teenager at the ranch of his parents, Ray and Abby Martinez, outside Soledad. He got better and better over the years, and in 1981 he began to run off a series of first-place finishes, including the 1981 Sports Festival and Pan American Games, the 1982, 1983, and 1984 U.S. National Championships, and the 1984 U.S. Olympic trials in Las Vegas.

In Los Angeles, when he finished his lifts, it appeared that Mario would be

the winner, but the Australian competitor edged him out with a spectacular lift, and Mario won the silver instead. But as his coach, Jim Schmitz, has pointed out, Mario performed his personal best and broke the American record in the most important competition and under more pressure than in any other competition. He proved himself to be a truly great athlete and competitor.

September 11, 1984, was proclaimed by Soledad Mayor Graig Stephens as Mario Martinez Day in that city. I know my colleagues join me and the people of Soledad in congratulating Mario on his Olympic success. The medal he won is both a symbol and a well-deserved reward for his hard work, dedication, perseverance, and excellence. Those qualities will serve him well throughout his life, and I want to wish him the very best for the future. ●

SOCIAL SECURITY COLA'S

HON. DONALD JOSEPH ALBOSTA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. ALBOSTA. Mr. Speaker, earlier this week the House considered legislation that reaffirms this Government's commitment to Social Security. I am referring to H.R. 6299, as passed by the House, which guarantees a Social Security cost-of-living [COLA] benefit increase of 3 percent even if the Consumer Price Index [CPI] falls below 3 percent.

I believe that it is the duty of Congress to protect those citizens whose livelihood depends on the money they receive from the Social Security System. Should those people's real income be reduced just because the CPI is not above 3 percent for the third quarter of this year? I say no! If the previous COLA formula which used the first quarter statistics were still in effect, Social Security recipients would be receiving a 3.6 percent COLA this year.

If this bill had failed to pass and the CPI for the third quarter falls below 3 percent, real income for Social Security recipients would decline. This legislation will increase benefits to Social Security recipients at a rate equal to that of inflation in order to maintain a beneficiary's standard of living.

Each Member of Congress can cite, I am certain, numerous instances from within his or her own congressional district where elderly citizens have been reduced to choosing between buying food and attempting to heat a cold dwelling because they simply lack the money to do both. While a 3 percent COLA will not eradicate the problem, it is certainly a step in the right direction.

A little over 16 percent of my constituents are senior citizens and a majority of them depend solely on their monthly Social Security checks in order to live. To target this group of people for cuts so that the Federal Government can hold the line on the national debt, is totally unfair. Seniors are hard-working individuals who have been paying into the Social Security System since its inception. These are proud people who have not shirked their responsibility to this country. It is up to the Congress of the United States to ensure that their loyalty is not repaid with cold indifference during their time of need. I commend this body for taking the action that was necessary at the appropriate time. ●

**FIGHTING FOR JUSTICE:
KEEPING THE FAITH**

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. PATTERSON. Mr. Speaker, I would like to draw to the attention of my colleagues in the House the courageous efforts of Dr. Quynh Kieu to fight discrimination and injustice. Dr. Kieu is to be commended for her faith in the democratic system of equal justice for all and for her tenacity in her pursuit of that justice.

Dr. Kieu is a Vietnamese pediatrician practicing in Orange County, CA. She was one of the 54 predominantly Indochinese physicians singled out for investigation and suspension by the State of California in the women, infants and children's investigation that came about in February of this year. Dr. Kieu knew she had done no wrong and rather suspected that many of her colleagues were innocent as well. As a result of the tremendous publicity given to this case Dr. Kieu's professional reputation was at stake. Even more important to Dr. Kieu, however, was the reputation of the newly established Vietnamese community in southern California.

With this in mind, Dr. Kieu began her quest for justice. Dr. Kieu and the Vietnamese community immediately responded to the charges waged against them by throwing their full support for the punishment of the guilty, and the swift clearing of the innocent. They stood united in their support for upholding the law. Dr. Kieu and the Vietnamese community were not asking for special treatment, just equal treatment before and under the law. She questioned the propriety of releasing the names of the accused physicians prior to their being informed of the charges against them, and before they had an opportunity to respond to these charges. She also

questioned what seemed to be a singling out of Indochinese doctors for investigation by the State.

Dr. Kieu and the Vietnamese community fought their battle within the traditional confines of the American democratic process. In her initial letter to me requesting assistance, Dr. Kieu expressed eloquently her love and respect for her adopted country—even under these difficult circumstances. She said, "Despite the tremendous wrong caused by a public official, I still hold an unshakable faith in our democracy with justice for all." Dr. Kieu was subsequently cleared of the charges against her by the State of California, as were most of her colleagues. However, her struggle continued. For being cleared by the State, was not the same as being cleared in the public's eye.

To this end, I would like to commend the Los Angeles Times for its May 6, 1984, editorial that recognized the efforts of Dr. Kieu to seek justice in this matter. She clearly demonstrated not only to the Vietnamese community, but to all of us that "keeping the faith" in justice can—and does—pay off.

Mr. Speaker, I take pride in sharing with my colleagues the text of the Los Angeles Times editorial: "Refugee's Victory Is a Win for All."

[From the Los Angeles Times, May 6, 1984]

REFUGEE'S VICTORY IS A WIN FOR ALL

Last February state health officials suspended 54 physicians (most of whom were Indochinese) in Orange and Los Angeles counties from a federally funded nutrition program because they allegedly submitted inaccurate health data that allowed patients to obtain food coupons.

Nearly one-third of those doctors, including 13 of the 22 in Orange County, recently were reinstated because the suspensions were a mistake—the result of what the state termed a "clerical error." One reason for the corrections was the courage of Dr. Quynh Kieu, a Vietnamese pediatrician at UC Irvine who fought the suspensions because she knew she hadn't done anything wrong—and because of the confidence she had in the democratic system of her adopted country.

Her faith, and spunk, should serve as an inspiration to other refugees—and all Americans.

When the suspensions were first disclosed, many refugee leaders reported an increase in anti-Vietnamese sentiment. Kieu, too, worried about the damage to the Vietnamese community, and that "most Southeast Asians do not fight back." She wanted her people to understand that the system here was different, and they could fight back and "rectify any unfair treatment." She contacted the state, which prompted health officials to reexamine the suspensions.

She also wrote to The Times to say to the community: "It is contrary to all the principles of democracy to condemn people without irrefutable proof of wrongdoing. The most beautiful thing about our system is its protection of individuals of all races against unfounded allegations. . . . I have come to these shores to bring a meaningful contribution to the most democratic country in the

world. Please help me to maintain this faith."

Dr. Kieu "maintained the faith." She proved her point to other Vietnamese refugees and to all Americans. She won. So did we all. ●

TRIBUTE TO LARRY WINN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1984

● Mr. BIAGGI. Mr. Speaker, as we approach the final days of the 98th Congress, I wish to pay tribute to a most distinguished colleague who has served in this body since the 90th Congress—the gentleman from Kansas, LARRY WINN.

LARRY WINN has served the people of the Third District in Kansas with special effectiveness for the past 18 years. He has been a dedicated protector of their interests in the House and has had a longstanding reputation for his constituent service.

Larry has served with distinction as a ranking minority member of the House Foreign Relations Committee and is the ranking minority member on the all important Subcommittee on Europe and the Middle East. Larry has also served most ably as the ranking minority member of the Science and Technology Committee. Both committees will miss LARRY's services as he has made numerous important contributions to their deliberations and legislative accomplishments over the past 18 years.

LARRY and I were located in nearby suites on the fourth floor of the Rayburn Building for a number of years. I used to enjoy our walks over to the House floor and discussions we would have. He is a most genial man with warmth and a special sense of humor. He leaves the House to go onto other endeavors. I wish him all the best in his future and know he must take comfort in the fact that he has made a difference in the House during his years of service.

As LARRY prepares to move on, I wish he and his wife Joan and their children many happy years together and I hope we continue to see LARRY as a private citizen in the years ahead. ●

WORLD DEBT: A POLITICAL REALITY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, sooner or later U.S. banks and moneylenders will be forced to face the fact that their rescue efforts in

foreign lands are nothing more than short-term solutions designed to save foreign debtors from economic ruin. Those who support increasing IMF funds refuse to believe that they are aggravating the problem with these Band-Aid type solutions, not alleviating it.

However, soon reality will have to be confronted. The IMF and bankers continue to pour money into Third World nations. No longer, though, are banker's motives that of gain; but rather, today loans are made out of sheer desperation and with little hope of receiving repayment. The situation takes on a still more grave twist as currently, not only are debtors financially unable to pay interest rates on debts, but rather, with money in hand, they are refusing to do so.

It angers me to stand by while the U.S. Treasury saves U.S. banks from their own lack of good investment sense. It angers me still further to see money being poured into the IMF when it cannot enforce its conditions. Argentina, the biggest rebel in this Latin American debt crisis, defiantly rejects conditions set down by the IMF and instead calls on Latin America to stand united against the very same "bloodsucker banks" who are averting their countries' ruin.

Gentlemen, it is time we question these IMF austerity programs and the serious effects that are resulting. More importantly, we need to aim for long-term solutions, rather than short-term solutions. In short, we need to reevaluate the entire lending scheme. I urge you, gentlemen, to read Prof. Paul Craig Robert's article "World Debt: the IMF Solution Has Been the Problem," in which he expresses his concern over the IMF solution and the present plight of world economy.

WORLD DEBT: THE IMF SOLUTION HAS BECOME THE PROBLEM

As critics predicted, increased U.S. funding for the International Monetary Fund has failed to solve the world debt crisis, but the involvement of the IMF in the contractual arrangements between debtor countries and credit or banks has opened a Pandora's box. The dynamics of the debt problem have broken out of the solution designed to contain the crisis, forcing a rethinking of the problem along the lines suggested by critics of the IMF approach.

To refresh memories: The Reagan Administration's opposition to a 50% increase in U.S. funding for the IMF collapsed in the summer of 1982, when it became clear that, thanks to the Volcker recession, Mexico would not be able to service its \$80 billion foreign debt. Much of the debt is held by the large money-center banks in New York, and the specter of default, banking panic, and financial crisis quickly arose. Proponents of increased IMF funding won support for an \$8.5 billion increase in the U.S.'s contribution by presenting it as a necessary step to avoid the collapse of the international financial system.

The IMF was anxious to seize the opportunity to enlarge its scope and acquire a-

tributes of a world central bank charged with maintaining the stability of the international financial system. It used its increased funding to lend money to the debtor countries so they could service their debt, and it encouraged the creditor banks, which had already overexposed their capital abroad, to do likewise. The immediate result of lending money to pay interest was to pile debt upon debt, worsening the exposure of the creditors.

POLITICAL REALITY

The debt buildup was supposed to be a stopgap measure to allow the IMF time to step in and impose conditions that would straighten out the economies of debtor nations and allow them to pay their debts. The conditions consist of higher taxes, currency devaluation, and reductions in government spending. By reducing domestic demand, these measures are supposed to reduce imports and increase exports, thereby producing the foreign-exchange earnings with which to service the debts.

The IMF's solution to the world debt crisis quickly ran afoul of political reality. The IMF conditions impose austerity on the debtor countries—people widely perceived to be poor—in order to pay many billions of dollars in interest to New York banks—widely perceived to be rich. The IMF soon found itself portrayed as a tool of the Yankee banks, and domestic politics in debtor countries elevated those who resisted the IMF conditions and pulled down those who cooperated with the fund's recommendations.

Last year the head of the Argentine central bank was detained by court order, charged with compromising his country's sovereignty in debt negotiations. This year the situation was worsened. The new president of Argentina, Raúl Alfonsín, has accused his country's creditors of "a new form of colonialism" and has refused to pay the debts "with the hunger of our people." Similar rhetoric is taking hold in Brazil, and even Mexico has let it be known that the IMF austerity program is not sustainable.

NO SECOND OFFER

Critics predicted all this. The involvement of the IMF, the U.S. Treasury, the Federal Reserve Board, and other government institutions in the contractual relationship between debtors and creditors has politicized the loans, making it inevitable that they would not be repaid on the terms envisioned by the banks and the IMF. As a Latin American official recently declared, "The debt issue is now firmly placed on a political level."

The consequences for the IMF were also predicted. It waded in and imposed conditions that it can't make stick. Argentina has swept aside the conditions and, bypassing IMF negotiating officials, sent a letter directly to the IMF board setting out Argentina's conditions. "This is the offer," said Argentine Economics Minister Bernardo Grinspun, adding: "There will be no second offer." Faced with such hardball tactics, the IMF may have to back off and weaken the conditions it imposes for continued lending to Argentina, thereby undermining its authority over the economies of other debtor countries.

As the IMF-led bailout unravels, banks are beginning to reclassify their Argentine loans to reflect their nonperforming status. Previously, the IMF and the Fed resisted this move on the grounds that banks would not continue lending if loans were realistically valued. Since continued lending is a

EXTENSIONS OF REMARKS

central feature of the IMF approach, U.S. bank examiners looked the other way. But the mounting failure of the IMF approach has given the Comptroller of the Currency cold feet, and he has finally moved to enforce proper accounting.

Eventually the banks are going to have to write down some part of the loans, one way or another, and stretch out the remainder. If this process had begun two years ago, the market would not be showing its lack of confidence in bank stocks and certificates of deposit today. Unfortunately, the responsible approach was delayed by the hubris of policy managers who tried to substitute a bailout for sound banking principles.●

DEELY A. HUNT

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. IRELAND. Mr. Speaker, I would like to take a few moments of our time to honor the late Deely A. Hunt, former president of Citrus World, Lake Wales, FL. Deely died September 27, 1984 at the age of 87 after many years of service as a civic leader and businessman in the Lake Wales area.

Deely was the driving force behind Citrus World, one of Florida's largest citrus processors. His involvement in all aspects of the citrus business over the last 60 years made him not only our institutional memory, but also our consultant and friend.

A native of Ohio, Hunt joined the Army in 1917 and served in France and Belgium where he received a Purple Heart after being wounded. After the war, he came to Florida to study citrus and veterinary science at the University of Florida.

Deely and his brother Charles started in the citrus business with a grove caretaking business which was later expanded into the Hunt Bros. Packing House. In 1930, he organized Citrus World and after 16 years as general manager, became its president.

The recent outbreak of citrus canker in Florida demonstrates to us the breadth of Deely's career. In 1921 he served on the State canker eradication program, the last time our industry was beset by this virulent disease. He shared his knowledge and experience, gained over the decades, with others in the business and those wishing to become a part of the Florida citrus industry. His contribution to making our citrus industry the success it is today cannot be emphasized enough.

Deely Hunt served his company and his community with enthusiasm and distinction. His absence will be felt both inside and out of the citrus community.●

October 5, 1984

CITIZENSHIP FOR WILLIAM AND HANNAH PENN

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. BORSKI. Mr. Speaker, I rise in support of Senate Joint Resolution 80, and welcome the opportunity to convey the importance of posthumously granting honorary citizenship to William Penn and his wife, Hannah Callowhill Penn.

As you well know, Mr. Speaker, honorary citizenship through joint resolutions are rare indeed. In fact, so far only the great statesman Winston Churchill and Raoul Wallenberg, the Swedish diplomat who helped thousands of Jews during the Holocaust, have been bestowed this honor. And yet, such worthy precedents demonstrate the wisdom of Congress in selectively granting such an honor in extraordinary circumstances. It is my view that the reasons for conferring honorary citizenship in this instance are numerous and compelling.

Actually, William and Hannah Penn were not able to become citizens, because they died before our Nation was born. For a couple who contributed so much, it is indeed ironic that the Penns are not recognized as citizens. Penn's extensive contributions include the famous "concessions and agreements" of colonial New Jersey. This document is generally considered to be the precursor of our bill of rights. It promised settlers the right of petition, trial by jury, religious freedom, and prohibited arbitrary imprisonment for debt. In fact, Thomas Jefferson considered Penn to be one of the great lawmakers of all times.

William Penn continued this enlightened spirit when he established Pennsylvania. Penn's "holy experiment" with its emphasis on religious toleration and civil liberties became a central theme of the American experience. It was also in Pennsylvania that Penn's wife, Hannah, became the first female administrator of a colony in the new world. Like her husband, this first First Lady of Pennsylvania devoted her life to the pursuit of justice and peace.

Now we have the historic opportunity to recognize their outstanding contributions by granting honorary citizenship to William and Hannah Penn.

Mr. Speaker, I also want to take a moment to recognize Elaine Peden, a valiant lady from my own district in Philadelphia, without whose tireless efforts, this resolution would never have been considered. For over 12 years, Mrs. Peden has almost single-handedly been the driving force behind this movement to grant honorary citizenship to the Penns.

For having this dream and pursuing it against all odds, for gathering enormous support in the Congress, and, perhaps most of all, for bringing the worthiness of her project to the attention of the country, I salute Mrs. Penden.

Mr. Speaker, I also want to acknowledge the hard work done by my colleague from Pennsylvania, **BILL GOODLING**. **BILL GOODLING** sponsored the House resolution, and has been the prime mover in Congress for its enactment. I salute him for his leadership in bringing this issue to the attention of Congress and the American people.

Thanks to his work, and the work of Mrs. Peden, this resolution has widespread support, and now has a chance to become a reality. It has the full backing of no less than the entire Pennsylvania delegation, the Governors of Pennsylvania and Delaware, the senate of New Jersey, and the National Society of Daughters of American Colonists. This resolution now needs only the support of this House to grant the Penns the honor they so richly deserve.

Finally, Mr. Speaker, this resolution is a symbolic act which stands for the principles of liberty and freedom embodied in the lifelong contributions of William and Hannah Penn to this Nation. In truth, this resolution is not merely a gesture, but rather the fulfillment of William and Hannah Penn's rightful claim to citizenship; its purpose is not just to honor their memories, but to cherish the ideals for which they stood; it is intended not so much for the benefit of these two great heroes gone nearly for three centuries, but for the benefit of all living Americans who share their beliefs.

May I suggest, Mr. Speaker, that most of us take our American citizenship for granted because we receive this privilege by virtue of birth. William and Hannah Penn, on the other hand, were not born here. However, by their contribution to our Nation they have clearly earned the right to be called American citizens. I urge the House to act favorably on this resolution.●

**DAVID PHILIPSON NAMED
FULBRIGHT SCHOLAR**

HON. NORMAN LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. LENT. Mr. Speaker, I would like to take this opportunity to recognize the accomplishments of one of my constituents, David Philipson, son of Thelma and James Plesser and also the late Leon Philipson of Syosset, NY. A local newspaper, the Syosset Advance, has written a very complimentary article in tribute to David's

outstanding achievement. A copy of the article follows.

[From the Syosset Advance, Sept. 7, 1984]

PHILIPSON NAMED FULBRIGHT SCHOLAR

David M. Philipson, B.F.A., '82, California Institute of the arts, has been awarded a Fulbright grant to study North Indian Classical Music for the Bansur (bamboo flute) in Bombay, India, it was announced recently by the Board of Foreign Scholarships and the United States Information Agency.

Philipson was born and brought up in Syosset and is the son of Thelma and J. James Plesser and also the late Leon Philipson.

Philipson's music education began while a student at the Walt Whitman Elementary School and continued at the Harry B. Thompson Jr. High School. He attended The Choate School in Wallingford, Connecticut, where he was a Merit Commendation winner. He started his intensive training on the flute while at The Cambridge School of Weston, Massachusetts, and graduated in June, 1978.

Philipson has completed his first two years in the Master's degree program at Cal Arts where he was a Teaching Assistant for North Indian Music. Since 1978 he has studied the music of North and South India, Bali and Java with eminent teachers at Cal Arts and also North Indian Music at the Ali Adbar College of Music in San Rafael, California. In November 1983, he won first prize and was a featured soloist in the first all North America Music Competition and Conference held in Berkeley, California.

Philipson has performed widely in the Los Angeles area and in March, 1984 performed at the Los Angeles County Museum's Light of Asia Buddhist Art Exhibition. He also performed on Bansuri for a Bengali Dance Drama by Rabindranath Tagore sponsored by the L.A. County Museum with music direction by Shubo Shankar son of Ravi Shankar.

This past summer Philipson, as a member of the Cal Arts Contemporary Music Ensemble, performed in Karlheinz Stockhausen's Sternklang (Park Music for 21 players) under the direction of Stephen Mosko. This performance was part of the Olympic Arts Festival in Los Angeles and was also broadcast on National Public Radio.

He can be heard as a guest artist with the Eternal Wind Orchestra on Flying Fish records (scheduled for release in September 1984).●

**U.S. POLICY ON THE ARMENIAN
GENOCIDE**

HON. CHARLES PASHAYAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. PASHAYAN. Mr. Speaker, once again I am compelled to note for the record yet another attempt by Turkish apologists to deny the Armenian genocide and to intimidate the House of Representatives from any recognition or remembrance of the first genocide of the 20th century. Once again a Member of Congress has been accused that simple recognition of historical fact shall aid and abet terrorism.

In response to passage of House Joint Resolution 247, which com-

memorates April 24, 1985, as a day of remembrance of man's inhumanity to man, and in anticipation of passage of H.R. 171, which affirms U.S. policy on the Armenian genocide, I received the following extraordinary letter:

DEAR CONGRESSMAN PASHAYAN: We strongly protest House Joint Resolution 247 and House Resolution 171, which seek to validate Armenian claims. Passage of these resolutions will not only effectively destroy Turkish-American relations, but may cause Turkey to re-evaluate her relationship with the United States.

We deeply believe these resolutions abet radical Armenian terrorism against Turks here and abroad by giving credence to grossly distorted historical facts. Are you aware of the insidious discriminations against the Turkish-American community particularly in California?

We would hope that your political interests be in promoting the best possible relationship between the United States and her longtime ally and NATO partner, Turkey. We are also aware that this is an election year.

Respectfully,
BONNIE JOY KASLAN, President,
*Turkish-American Association
of California.*

Mr. Speaker, the charges contained within Ms. Kaslan's letter mirror precisely those hurled by the Republic of Turkey, opposition political parties in Turkey, and the state-controlled Turkish press. Despite precise and public explanations in both Chambers regarding the genesis, the content, and the intent of our deliberations on this matter, the Republic of Turkey continues to cajole, to demand, and to threaten. The thrust of the Turkish request is straightforward—the United States is expected to expunge the Armenian Genocide of 1915-23 and by so doing to expunge Armenian history and again by so doing to retreat from the high principle of the inviolability of history.

If the United States does not respond to the request, Members of Congress have been advised via every conceivable channel of communication that the Republic of Turkey may, among other things, re-evaluate her relationship with the United States and boycott U.S. firms presently conducting business with that nation. More ominously, my office has also learned that as a direct result of growing hostile Turkish public sentiment obviously created and orchestrated by the government-controlled press, concerns are now being expressed for the safety of the American diplomatic community, as well as the remnants of the Armenian community, in Turkey.

Mr. Speaker, I am outraged by the irresponsible and immature conduct of the Republic of Turkey, and I am chagrined that the State Department continues to transmit, rather than to rebuff, Turkey's attempts at intimidation. I should like to recall for my colleagues that the State Department itself created the problem, which a bi-

partisan majority of the House is attempting to resolve.

The record of American and Armenian history has been put into doubt by the State Department, presumably at the behest of the Republic of Turkey. Since the original Department blunder of August 1982, the Republic of Turkey has attempted to seize the moment to reverse seven decades of U.S. policy.

I urge the House of Representatives to maintain the cause, to pass the resolutions, and thereby to maintain the integrity of this great body. ●

ASSISTANT ENGINEERS NEEDED FOR NORTHEAST CORRIDOR TRAINS

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. MORRISON of Connecticut. Mr. Speaker, today I am placing in the CONGRESSIONAL RECORD a summary of the study done on behalf of the Brotherhood of Locomotive Engineers on the causes and extent of stress on engineers in the Northeast corridor.

This is a matter that has been of concern to many Members of this House, especially those representing the States along the Northeast corridor. We have found in this study that the engineers encounter a number of sources of stress in their work, some of which undoubtedly contribute to the high rate of accidents that have occurred on Amtrak. I hope that Amtrak will look at this study and will implement its recommendations including reinstating the use of assistant engineers in the cabs. This, the study reports, will help passengers on trains in the Northeast corridor. A summary of the study, which reveals that working conditions facing Amtrak engineers in the Northeast corridor are stress inducing, follows. The adverse effects of these working conditions on the welfare of engineers, and the consequent possible risk for passengers, demand immediate improvement of these conditions.

SUMMARY

Sponsored by the Brotherhood of Locomotive Engineers, two studies were conducted this past winter and spring by Decision Dynamics, a branch of Tactical Decisions Group. Principal investigators were Drs. Brian F. Blake and Erika Wick. The former is also director of the consumer-industrial research program and professor of psychology at Cleveland State University; the latter is a licensed psychologist and professor of psychology at St. John's University, New York.

In the first study, 161 Amtrak engineers participated in a mail survey assessing the degrees of stress they expe-

rience due to various working conditions. In the second study, 22 engineers took part in intensive clinical interviews, completed a series of written psychological measures, and provided physiological indices of their reactions on a physiograph. These interviews were conducted in the laboratories of St. John's University. Numerous steps were taken to ensure that the data were reliable and accurately reflected engineer experiences, for example, checking that verbal reports were substantiated by physiological recordings and including hidden lie scales in the written tests.

Results clearly indicated that the job stress felt by engineers was real and that their verbal statements were not exaggerations or lies. In fact, the studies found that many engineers may encounter even more job related stress than their direct statements reflected.

The work-related conditions found to be most stressful can be classified into two broad areas: safety issues and worker-manager relations. Within the safety area, the engineers cited inoperable safety devices, faulty speedometers, operation of defective engines, vandalism along the right of way, foreign objects on the track, and risk of accidents as particularly stress producing. Within the area of worker-management relations they cited pressure to operate in violation of the rules and being treated in a disrespectful, demeaning manner by supervisors and other Amtrak officials as factors which create a stressful work environment. Working without a backup assistant engineer was also an important source of stress.

The study makes a number of recommendations which the authors believe will reduce stress. These include that (1) complaints about stressful working conditions should be given close attention; (2) consideration should be given to job redesign and policy change in order to reduce stress in the two broad areas cited above; (3) efforts to ensure that engineers are placed on predictable work schedules should be undertaken; (4) a task force composed of both union and management be constituted to identify means of reducing job stress; (5) stress awareness be raised in both management and the union so that its role in the workplace will be recognized more fully; (6) programs should be made available to union members so that they can more effectively cope with those unavoidable stresses in the job; (7) faulty equipment, especially speedometers and radios should be improved; (8) certain management procedures which produce stress by forcing union workers to break safety rules should be curbed; (9) the manner in which investigation of accidents is carried out should be reconsidered with an eye toward reducing those portions

of the procedure which produce the greatest stress for the engineer; and (10) the reinstatement of assistant engineers. This last point is elaborated in the report as follows:

For quite a few engineers (especially older ones) the lack of an assistant engineer is stress in inducing in its own right. For the majority of the other engineers interviewed the assistant engineer is a method of stress reduction. Without the assistant, these engineers are buffeted by stress induced by numerous job aspects.

Given the pivotal role of the assistant engineer as a stress reducer or avoider, and given that numerous facets of the work environment currently function in a manner productive of stress, it would follow that the assistant engineer be reinstated.

Should he be reinstated on all runs? After all, the value of the assistant engineer would be greatly diminished if the stress inducing job aspects were all corrected. Yes. He should be returned to all runs. Gradually the position could be eliminated—but only after solid empirical evidence is presented to document the correction of the stress inducing conditions.

These and other steps, the report indicates, are clearly in order. The continued existence of intense, and often unnecessary stress is a time bomb, whose explosion can potentially have serious personal, social, and economic consequences. ●

TRIBUTE TO LARRY WINN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1984

● Mr. SKELTON. Mr. Speaker, I would like to join with my colleagues in paying tribute to a man I have known long and well, Representative LARRY WINN of Kansas, who will be retiring at the end of this Congress.

For 18 years, LARRY WINN has served with distinction, representing the people of the Third District of Kansas. He has in those 18 years, made important contributions in the fields of science and technology and foreign affairs through his service as ranking minority member and second ranking minority member, respectively of those committees in the House. He has also given much of his time to further the causes of groups that he believes in, ranging from the Boy Scouts to the United Way.

I have known LARRY WINN since the days before either of us were elected to Congress, and it saddens me to see LARRY retire. Congress and the residents of the Third District are losing a fine, able legislator in the person of LARRY WINN.

LARRY, I wish you and your family all the best of luck in whatever your retirement may bring.●

TRIBUTE TO HON. JOHN N.
ERLENBORN

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, October 1, 1984

● Mr. COLEMAN of Missouri. Mr. Speaker, I am happy to be able to participate today in this special order to honor our good friend, JOHN ERLENBORN.

I have had the honor of serving with JOHN on the Education and Labor Committee for the past 6 years and have come to view him both as an outstanding leader and as a valued friend. As the House concludes its business this week, and we pause to review JOHN's accomplishments over the last 20 years, one is struck by the tremendous contribution he has made in a wide variety of legislative areas.

In honoring JOHN today, I will limit my comments to that area of JOHN's work I know best, higher education. As the ranking Republican on the Subcommittee on Postsecondary Education the last 4 years, I have found JOHN's knowledge and appreciation of the issues and challenges facing our Nation's colleges and universities to be remarkable. JOHN is rightly considered an expert in the area of guaranteed student loans. I personally have looked to him during the last 4 years as a person who understands both the history and the intricate details of this complex program.

In talking to educators across the country, I have repeatedly found that JOHN is credited with having played a central role in achieving stability in the GSL Program at a time when its entire structure was being called into question. JOHN was an early and enthusiastic proponent of establishing a national secondary market for guaranteed student loans. At the time, 1972, there was no secondary market for these loans and lenders were beginning to severely curtail or cease making new commitments to students. GSL lenders needed to be able to sell their student loans shortly after making them or at least before they entered repayment after the in-school deferment. With the proceeds of the sale of these loans, lenders could then make new commitments and thus increase the total credit available to students.

The response to this liquidity crisis was the creation of the Student Loan Marketing Association. JOHN devised the name of the corporation so that it could be called Sallie Mae. Today Sallie Mae is an essential part of the GSL Program. It is a profitmaking

entity which is succeeding without any direct Federal subsidy.

The work of the gentleman in higher education has not been limited to Sallie Mae. Throughout his career he has stood as a watchdog against waste or excesses in all Federal student aid programs. He had the courage to oppose liberalization of eligibility tests for student loans and grants, for example, at a time when the popularity of such liberalizations was nearly overwhelming. Similarly, he has consistently sought to perfect these programs against fraud and abuse.

In the last 2½ years as the ranking Republican of the Committee on Education and Labor, JOHN ERLENBORN has proven to be a leader which Members on both sides of an issue can work with. I view him as a pragmatic, hard-working Member who is willing to master the details of legislative problem and then forge a workable compromise. His skill in this regard is exceptional. More than once this skill has enabled legislation about to fail for want of a bipartisan agreement to proceed to passage.

As a Member of Congress, JOHN ERLENBORN represents the qualities which serve to enhance the image and reputation of the House of Representatives across the country. As this Congress closes, he is completing 20 years of service in which he has maintained a well-deserved reputation for honesty and hard work. His positions on legislation have been remarkably consistent, reflecting his well-thought out and sincere conservatism.

In honoring JOHN today, it is easy to become sad. His good humor on the floor and in committee will be missed. I wish him and Dodie well as JOHN pursues new opportunities and challenges in the practice of law. I am grateful to have had the opportunity to serve in this body with him.●

MARINE WORLD WINS A
REPRIEVE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. LANTOS. Mr. Speaker, recently I raised the problem of Marine World/Africa U.S.A., a special institution located in Redwood City in my district. Campeau Corp., which owns the land on which the park is located, plans to develop a hotel and office complex on the site and asked that Marine World vacate the land by October 15 of this year. A new location has been found, but the new facilities cannot be completed until 1986.

The problem for Marine World is that the trained animals would suffer serious and possibly irreparable problems if they were moved to a tempo-

rory location before being permanently relocated. To avoid that difficulty, many of us have fought to see that Marine World is given a 1 year delay before being forced to relocate.

Mr. Speaker, I am delighted to report to this House that our effort has been successful. This morning Campeau Corp. agreed to allow Marine World to remain in its present site for an additional year.

A number of individuals contributed to the successful outcome of these negotiations, most important the Friends of Marine World, an organization of local citizens concerned about the fate of Marine World, and Don C. Reed, author of "Notes From an Underwater Zoo" and chief diver at Marine World.

I place in the RECORD a statement from the Friends of Marine World on this latest and most welcome development.

The statement follows:

FRIENDS OF MARINE WORLD

Friends of Marine World is delighted that agreements have been reached with Marine World, Inc., and Campeau Corporation California to allow the Marine World/Africa USA wildlife and entertainment park to remain open in Redwood City for another season. The agreements provide that Marine World's animals will not be moved for purposes of developing the hotel and office complex on the site before September 15, 1985. We believe that this one year extension will allow all of Marine World's animals to be moved directly to the new site in Vallejo, which is scheduled to open to the public in the Spring of 1986. In return for the extension, Friends of Marine World has agreed not to oppose Campeau's development or the relocation of the animals following the 1985 season.

Since July 17, when Campeau and Marine World, Inc. announced that Marine World would close on October 14, 1984—one year sooner than expected—Friends of Marine World, an association of park employees, scientists and concerned citizens, has voiced concerns about the impact of the early closing on Marine World's animals. At the very least, the October closing meant a double move for the animals—first to temporary storage sites then to the new park—at worst it meant the end of this one-of-a-kind educational, recreational and scientific resource in the Bay Area.

We would like to commend Campeau and Marine World, Inc. for responding to all of these concerns and for their good faith in reaching this agreement.

We owe thanks to a large list of people. We are grateful to Congressman Tom Lantos for his non-stop efforts, William Schumacher, Jacqueline Speier and the entire San Mateo County Board of Supervisors for all of their support. Assemblyman Bob Naylor and numerous other local governments and political figures for their special efforts. We owe an enormous debt of gratitude to our legal counsel, Pillsbury, Madison and Sutro for all their work.

We would also like to thank members of the local news media for their professional integrity, and for their tireless efforts to find and report the basic issues that could easily have been lost amid the barrage of confusing and conflicting information. And lastly, we are grateful and deeply indebted

to the thousands of people in the Bay Area who supported our efforts through petitions, letters and telephone calls. Their overwhelming response was the key to the preservation of Marine World/Africa USA.●

**THE RETIREMENT OF
CONGRESSMAN LARRY WINN**

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 2, 1984

● Mr. EMERSON. Mr. Speaker, I am pleased, but a little saddened today, as I join my colleagues in paying tribute to LARRY WINN, who will be leaving this House after 18 years of service.

Last Wednesday evening I attended a farewell gathering for LARRY given by many of his friends from Washington and Kansas. It was interesting to me that as one person after another spoke on LARRY's behalf making the usual comments about dedicated service to his district and years of hard work, one theme seemed to be repeated again and again—that here was a man who had brought with him to the Congress something perhaps a bit unique—a businesslike, no-nonsense, "let's get down to brass tacks" type of approach to issues.

In his work on committee and on this floor, LARRY had the ability to cut through the rhetoric—the bureaucratise—of an issue and get to its core. That is a quality too few of us possess, or if we do possess it when we get here, we soon lose it in the maze that is the legislative process. Not so with LARRY WINN, and we are going to miss that, as we are going to miss him as a Member of this body.

I have known LARRY for 22 years. We first met when he served as campaign chairman for Congressman Bob Ellsworth who represented this same Kansas district and for whom I once served as a staff assistant. LARRY was a businessman then and a leader in his community. His background was in the building and construction field. Perhaps that background provided him with the solid, sensible approach to problems and issues I am speaking of—a background that has been invaluable to his work—first on the Subcommittee on Space Science and then as ranking member of the Science and Technology Committee.

The National Aeronautics and Space Administration has presented Congressman LARRY WINN with the Distinguished Public Service Award for his work on behalf of NASA programs from the Moon landing to the space shuttle to the proposed space station. It is a well deserved award for service rendered to the Nation's Space Program.

And, as LARRY certainly deserves this recognition from NASA, he also deserves the recognition of this House

EXTENSIONS OF REMARKS

and of the people of the Third District of Kansas. He has served us well and he has served them well. He will be missed here in the Congress, but I know he is looking forward to going home to Kansas and I wish him the very best in his retirement.●

**FREEDOM OF POSTAL CLERKS
NOT TO SERVICE DRAFT REG-
ISTRANTS IF CONTRARY TO
RELIGIOUS BELIEFS OF CLERKS**

HON. WILLIAM L. CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. CLAY. Mr. Speaker, I have consistently opposed the requirement of the Postal Service that postal clerks must service draft registrants although such actions may be contrary to the religious beliefs of those clerks. The Postal Service has contended that it would be administratively burdensome to excuse postal clerks from those duties. As an alternative, they proposed that such clerks could request reassignment to less desirable duties or less convenient tours of duty. Oversight hearings which I conducted as then-chairman of the Subcommittee on Postal Personnel and Modernization were unsuccessful in encouraging the Postal Service to modify its position.

Now, I am pleased to learn through a recent edition of the Daily Labor Reporter that on June 28, 1984, the U.S. District Court for the northern district of California held that postal clerks cannot be compelled to register youth for the draft if such registrations are contrary to the religious beliefs of such clerks on the grounds that this was an improper employment practice under title VII of the Civil Rights Act of 1964.

I understand that the Postal Service has filed a notice of appeal with the U.S. Court of Appeals for the Ninth Circuit. Hopefully this welcomed decision by the district court will be sustained.

The Summary of the Daily Labor Reporter story follows:

The California case was filed by Robert Davis and Alice Lindstrom, who worked as window clerks at two San Francisco post offices. Since mid-1980, window clerks have supplied, reviewed, and accepted draft registration forms under an agreement between the Postal Service and the Selective Service System. Despite his religious objections, Davis agreed to serve draft registrants and kept his job but Lindstrom refused to handle draft registration forms and was transferred to a distribution clerk job. Davis and Lindstrom sued for religious discrimination under Title VII, claiming that the Postal Service failed to "reasonably accommodate" their religious beliefs.

Judge Henderson held that granting window clerks the option of transferring to less desirable distribution clerk positions

October 5, 1984

was not a "reasonable accommodation," and that allowing window clerks with religious objections to refer draft registrants to other clerks would not result in "undue hardship" to the Postal Service.

"[T]he Postal Service's speculative and hypothetical claims of administrative inconvenience are wholly undermined by the nature of the accommodations—postal clerks currently refer customers to other windows for a variety of reasons—and the very small number of draft registrants processed by postal clerks monthly," the court said.●

**MEMORIAL TO VICTIMS OF
JASENOVAC DEATH CAMP**

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. KLECZKA. Mr. Speaker, the memory of the Jasenovac Death Camp from World War II stands as a recurring nightmare of man's inhumanity to man. More than 800,000 people died at the camp, including more than 750,000 Serbian people. These victims were murdered by the fascist Ustashi of Hitler's puppet Independent State of Croatia, a declared enemy of the United States.

The Serbian Orthodox Church long ago set aside September 12 of every year to commemorate the 750,000 innocent victims, and on September 2, 1984, a Serbian Orthodox Church was consecrated in Jasenovac, Yugoslavia, in memory of those killed.

The Reverend Milan Markovina of the St. Sava Serbian Orthodox Cathedral in Milwaukee, WI, is leading the efforts to keep the memory of these victims alive, and he should be commended for his efforts. A huge percentage of Yugoslavia's population died at the vicious hands of the Nazis. A higher proportion of Yugoslavia's population was killed than that of any other country during the war. These deaths must not be forgotten.

Mr. Speaker, it is said that those who cannot remember the past are condemned to repeat it. If we are to prevent slaughters like that which occurred in Yugoslavia and other countries during World War II, we must follow the lead of concerned people such as Reverend Markovina. To remember past tragedies does not require bitterness or vindictiveness.

What is needed is the love and compassion to maintain an eternal vigilance in our own world. We cannot change the past, but we can honor it. We cannot predict the future, but we can act to protect it. I pay tribute to Reverend Markovina and his efforts at keeping our memories of past atrocities alive, while leading the path to a better tomorrow.●

IN HONOR OF JOSEPH
JUSTINIAN CHRISTIAN

HON. RON de LUGO

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. DE LUGO. Mr. Speaker, true dedication is a quality that is found in very few people. Virgin Islanders, however, have not had to look very far to find a man who exemplifies this quality. Joseph Justinian Christian has dedicated 42 years of his life to the people of the U.S. Virgin Islands, and for that we express our gratitude.

In Resolution 1181 to honor Mr. Christian, the 15th Legislature of the Virgin Islands commended him for his 21 years of service to the Department of Health. He began there in July 1942, maintaining stock records of medicines and food supplies as clerk-general at Knud-Hansen Hospital. Through continued study, Mr. Christian was able to use his knowledge of accounting and management to improve the standard of operation in the VI Department of Health.

Mr. Christian spent another 21 years working with other numerous departments in the Virgin Islands government. His clerical skills in the legislative offices from 1952-59 proved to be invaluable to the maintenance of important legislative documentation. His experience in accounting, bill drafting, budget writing, and commercial law afforded him the unique privilege of preparing the first line-item budget for the Virgin Islands. That is a format that is still in use today. Mr. Speaker, I ask that the Members of the U.S. House of Representatives join with me in honoring Joseph Justinian of St. Croix, U.S. Virgin Islands.●

THE GREAT ACCOMPLISHMENT
OF OHIO FIRE DIVISION TEAM

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. WYLIE. Mr. Speaker, I am very proud that this year's winner of the International Rescue and Emergency Care Association's 34th annual first aid contest was a five-man Columbus, OH, fire division team. The contest was held in Cherry Hill, NJ, and included 24 teams representing the United States, Canada, and Aruba. This is the Columbus team's fourth world title in 17 years and is the result of much hard work. The team anchor is Chuck Werner, who is 50 years old, the other members of the winning team include team captain Gary Patrick, 35 years old; Barry Cheney, 39 years old; Marco Miller, 35 years old; and Robert Moore, 35 years old. They

credit their ability to their every day encounter with emergencies in Columbus. The teams were judged on speed, team skills, and the priority of treatment of injuries. Each team was given three test problems to solve and 20 minutes allotted for each problem. This is a very honorable distinction to be bestowed on our city and our team. I commend them for their hard work, showmanship, and excellence in performing their duties. It gives our city a great deal of pride to be represented by such a team and a great deal of confidence that they serve our city in times of emergency. Congratulations on this great accomplishment.●

NATIONAL SCIENCE WEEK—1985

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. FUQUA. Mr. Speaker, I would like to begin by making several observations. First, the already critical importance of science and technology innovation to society will steadily increase in the future.

Second, I have observed that the American public is genuinely interested in science and technology. A survey done for the National Science Board's report Science Indicators 1982 found that 70 percent of Americans held favorable attitudes toward science and technology, and that 20 percent of them could be called attentive and informed to some degree. Thus, we need public education programs which will take advantage of the interest of both the attentive 20 percent and reach out to the remaining 80 percent of our citizens.

Recognizing the need to increase the American public's knowledge and their awareness of the importance of science, technology, and engineering in our daily lives, the National Science Foundation last year began a project to attract interest in science by designating 1 week in May as Science Week. The first Science Week was aimed primarily at the Washington area audience.

It was made possible with funding by several private corporations who enthusiastically shared the National Science Foundation's goals of improving the quality of science programs which presently exist, as well as encouraging the development of new approaches. Science Week 1984 was comprised of a week's worth of diverse activities including: A hearing by the House Science and Technology Committee on the research infrastructure at colleges and universities; a Congressional Reception and Science Demonstration for families at the Air and Space Museum; the creation of a lecture series honoring the achievement of our

first American scientist, Benjamin Franklin, and delivered by 1983 Nobel Laureate, Dr. William Fowler; and the creation of a unique, cooperative workshop involving scientists and the students of Benjamin Banneker High School.

Science Week 1984 was successful as an initial attempt to convey the importance and excitement of science and technology to its Washington audience. Encouraged by the enthusiasm and interest generated by last year's program, the National Science Foundation perceives the need to broaden the scope of succeeding Science Weeks to include activities around the United States, in order to develop a truly national program. To that end, Science Week 1985, planned for the week of May 12-18, 1985, will encourage grassroots organizations—schools, universities, museums, professional societies, industry, and individuals—to work cooperatively with the National Science Foundation and each other to develop programs, events, and materials that will further increase public attention and commitment to science and technology.

The major goals of Science Week 1985 are to broaden the audience that now considers itself informed about or sympathetic to science issues and to attract the interest of more young people, decisionmakers, and other nonscientists who come into contact with science and technology daily, but who are not aware of the impact that science has, and will continue to have, on their lives.

With a high level of grassroots involvement, public visibility, enthusiasm, and cooperative efforts—encouraged and assisted by the National Science Foundation—Science Week could become an important annual event. It seems to me that Science Week should stand as a celebration of science: A popular activity that draws attention, creates interest and a personal identification between science and the American public on a national level, while stimulating other educational activities that are more specific in content and local in scale.

I plan to introduce a resolution when the 99th Congress convenes in January, designating May 12-18, 1985, as National Science Week 1985. Science Week 1985 represents to me, a valuable opportunity to define that nebulous term "Science" in more meaningful language that will be embraced by a broader audience. It is also an ideal way to capitalize on the inherent interest that most of us, young and old alike, share about natural wonders and phenomenon, and on our human desire to improve the present environment or to seek challenging new ones. I urge my colleagues to support that resolution when introduced next year.●

ST. JAMES TOWERS CELEBRATES ITS 21ST ANNIVERSARY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. TOWNS. Mr. Speaker, adequate housing remains a major concern for constituents in the 11th Congressional District. One of the most successful housing efforts in New York City has been the Mitchell-Lama cooperative program. One of the oldest cooperatives in Brooklyn is the 326-unit St. James Towers complex which is in its 21st year. St. James Towers' presence in the Ft. Greene/Clinton Hill area, of my district, has contributed to a stabilized community and the economic development of the surrounding neighborhood.

I want to congratulate the board of directors and the residents of St. James Towers, Inc., on their 21st anniversary. I believe that this cooperative provides an outstanding example of moderate income housing for urban communities. The city and country would greatly benefit from additional cooperatives such as St. James Towers.●

RECOGNITION OF SISTER MARIE MICHELLE PEARTREE

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. CONABLE. Mr. Speaker, I'd like to pay special tribute today to Sister Marie Michelle Peartree, member of the Sisters of St. Joseph of Rochester, NY and president of the American Association of Homes for the Aging.

This October, Sister Marie Michelle will be ending her 2-year tenure as president of the American Association of Homes for the Aging, the first woman ever to hold that office. Her energetic and dedicated leadership has brought dramatic change to this association of nearly 2,400 nonprofit health-related and housing facilities for the elderly. Under her guidance and inspiration, and that of Sheldon L. Goldberg, executive vice president, AAHA has sustained an all-time high in membership growth by providing the services and promoting the philosophy that enable these nonprofit facilities to provide quality care to their residents. Among her initiatives at AAHA must be mentioned the implementation of a national group purchasing program, the first of its kind in the country; the organization of a capital formation program which will help finance new care facilities for the

EXTENSIONS OF REMARKS

elderly; and the establishment of a national accreditation program for nonprofit continuing care retirement communities.

Prior to being elected President in late 1982, Sister Marie Michelle served as AAHA's president-elect, vice president, and chairman of the public policy and resident life committees. She has been a member of the AAHA executive board and house delegates since 1979. Nationally, Sister Marie Michelle served on the White House Conference on Aging Task Force in 1980 and 1981 and was a delegate to that conference in 1981. Within Rochester, she has served on the boards of Catholic Charities, the Rochester Regional Hospital Association, the Monroe County Long Term Care Program, Inc., the YWCA, and the United Way.

Sister holds a master's degree in hospital administration from Saint Louis University, as well as a master's in science in education degree and a bachelor of science degree from Nazareth College. In addition to her long time concern with health issues and the elderly, Sister Marie Michelle spent 23 years as a teacher and school principal.

Sister Marie Michelle brought an unequalled degree of energy and enthusiasm to the American Association of Homes for the Aging. This October she will be honored at AAHA's annual meeting in San Antonio. Those of us in Congress who have been working to assure a secure future for the elderly of this country join with AAHA in celebrating Sister's achievements and her untiring service to the elderly.●

MART NIKLUS, AN ESTONIAN FREEDOM FIGHTER

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mrs. JOHNSON. Mr. Speaker, I would like to share with my colleagues the concerns that I and my Estonian constituents have regarding the deterioration of human rights in Soviet occupied Estonia, and specifically the situation of Mart Niklus, an imprisoned Estonian freedom fighter.

Mrs. Vaike Lugus, president of the Connecticut Estonian Society, spoke clearly on behalf of Mart Niklus and the struggle the Estonian people face:

September 1984 marks 40 years of Russian occupation in Estonia.

Estonian people have lost their freedom. Estonian human rights activists are arrested and sent to prison and labor camps.

Estonian Americans are especially concerned about Mart Niklus, an Estonian freedom fighter, who at the present time is a prisoner in the infamous Chistopol prison. He is held in solitary confinement, and his health is deteriorating rapidly.

October 5, 1984

Mart Niklus has been an outspoken defender of human rights. Adopted by Amnesty International, he must now rely upon our courage and determination to not let his suffering be in vain, as we speak out in protest of the human rights abuses in the Soviet Union. I hope that increased contact between our two nations will lead to a halt to the repressive actions of the current leaders.●

MICHAEL D. TOMSEY: VA'S OUTSTANDING HANDICAPPED EMPLOYEE FOR 1984

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. MONTGOMERY. Mr. Speaker, Vietnam veterans are often misrepresented to the public. The vast majority of the 8.2 million living today, however, are well-adjusted men and women contributing to the standards of life they so ably represented while members of the Armed Forces more than a decade ago.

I am pleased today to pay tribute to one such representative of that era. Michael D. Tomsey, a 34-year-old disabled combat veteran of Vietnam, has been named 1 of the 10 Outstanding Handicapped Federal Employees of 1984.

Of particular pride to me is the fact that Mr. Tomsey is the vocational rehabilitation and counseling officer at the Veterans Administration Regional Office of Baltimore. Maryland veterans are assured of the best in VA services through Mr. Tomsey.

As an 18-year-old marine in Vietnam, Mr. Tomsey lost the use of his right hand and suffered severe wounds to both legs. While recovering in the hospital, he taught himself to write with his left hand and completed his high school education.

Returning to civilian life, he worked as a day laborer but could not continue because of his disabilities. He tried college under the VA vocational rehabilitation program but ran into problems because of his disabilities and the additional trauma of being a Vietnam veteran on a college campus during that period.

Determined to try again, he reentered college and completed his B.A. degree at Rutgers University. He went on to earn a master's degree in vocational rehabilitation. While in college, he worked with juvenile offenders and at the Damian School for Handicapped Children.

Following several years in the private sector, Mr. Tomsey began working for the Federal Government in 1978. He was serving at the VA's

Washington Regional Office when he was nominated for the award. In particular, Mr. Tomsey was cited for his active role in assisting hearing impaired veterans. As liaison with Gallaudet College, he also worked with children of veterans attending the institution.

In addition to membership in most of the major veterans organizations, he belongs to the National Rehabilitation Association, the American Personnel and Guidance Association, and the National Association of the Deaf. He is a board member of the Mount Vernon Mental Health Center and serves as chairperson for the Special Olympics.

Born in Tiffin, OH, Mr. Tomsey lives with his wife and son in Alexandria, VA. Mr. Tomsey has demonstrated a deeply felt commitment to Vietnam veterans and his compatriots.

Mr. Speaker, I know that my colleagues will want to join me in proudly saluting this remarkable man, 1 of the 10 Outstanding Handicapped Federal Employees of 1984.●

NATURAL GAS LEGISLATION

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

Mr. ROTH. Mr. Speaker, today I want to again pledge my support for H.R. 4277, the Sharp-Madigan natural gas bill. I am disappointed that Congress has not yet had the opportunity to vote on this important legislative solution to a problem which has caused great hardship for consumers across the Nation.

In January more than half of the Nation's gas production will be decontrolled. Lifting of price ceilings on more than half of the Nation's natural gas production may result in substantial increases in residential heating bills next year.

Unless Congress acts now, gas consumers will be forced to tolerate higher gas prices. Residential consumers have seen gas prices more than double since 1978. These increases have hurt senior citizens, homeowners, farmers, small businesses, and industry. Further increases in gas prices just cannot be tolerated.

This bill if passed, would freeze gas prices for 2 years so that contracts covering the gas scheduled to be decontrolled could be renegotiated. Together with amendments such as the proposed Gephardt amendment, consumers would save nearly \$300 per household over the next 2 years.

In July, I joined with 217 of my colleagues in submitting a letter to the House leadership urging action to be scheduled on this bill which had been reported from the Energy and Commerce Committee in April. I am not

alone in my commitment to protect consumers from soaring natural gas prices.

The cost of inaction is too high. Consumers need price relief. Congress must act before the start of another heating season and before the scheduled December decontrol date.

Mr. Speaker, I urge the House to consider H.R. 4277 and encourage swift approval in Congress.●

A TRIBUTE TO DR. GEORGE A. ROBERTS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. LEVINE of California. Mr. Speaker, I rise today in honor of Dr. George A. Roberts, a resident of Santa Monica, CA, who will be honored with the Americanism Award by the Great Western Council, Inc., Boy Scouts of America on October 29, 1984.

Past recipients of this prestigious award have included General Jimmy Doolittle, President Gerald Ford, and Bob Hope. In honor of this very special occasion, I would like to share Dr. Robert's impressive background with my colleagues in the U.S House of Representatives.

Dr. Roberts is currently the President of Teledyne, Inc. Prior to his election to the presidency of Teledyne in 1966, he was president and chairman of the board of Vasco Metals Corp.

Born in Uniontown, PA, February 18, 1919, Dr. Roberts entered the U.S. Naval Academy in 1935. He transferred to the Carnegie Institute of Technology (now Carnegie-Mellon University) in 1937, where he received his D.Sc. degree in Metallurgy in 1942. While at CMU he was associated with the Bell Telephone Laboratories as a laboratory technician. From 1941 to 1966, Dr. Roberts was employed by the Vasco Metals Corp.; first as research metallurgist, as chief metallurgist in 1945, as vice president of technology in 1953, and was elected president on October 31, 1961. He was made chairman of the board of directors of Vasco in 1964.

Dr. Roberts was elected a member of the National Academy of Engineering in 1978. He is a life trustee of the Carnegie-Mellon University. On October 17, 1980, he was awarded the Carnegie-Mellon University Distinguished Achievement Award. He is also a Fellow of The American Society for Metals and of The Metallurgical Society. He was president of The American Society for Metals (ASM) in 1954-55; and in 1955-56 was president of the ASM Foundation for Education and Research, and continued to serve as trustee through 1959 and again in 1963

through 1964. Dr. Roberts received the Gold Medal of The American Society for Metals in 1977. In addition, he is past chairman of the Pittsburgh Chapter of the ASM, and has served on the Publications Committee of the Society. He served as national director of the Metal Powder Association from 1952-55 and as President from 1957-58. He was president of the Metal Powder Industrial Foundation from 1958-61.

Dr. Roberts has published a number of technical papers and several books on Tool Steels. Subjects in which Dr. Roberts enjoys a particular expertise include Heat Treatment and Physical Metallurgy of steels, Alloy Steels, and Powder Metallurgy.

On February 15, 1984, Dr. Roberts was awarded the Humanitarian Award from the National Conference of Christians and Jews. He is a member of the Advisory Board of the Great Western Council, Inc., Boy Scouts of America; and began Scouting as a Lone Scout in Pennsylvania.

It is a pleasure to be able to highlight Dr. Roberts numerous accomplishments, and I ask that my colleagues join me in commending his for his outstanding achievements.●

DEPARTMENT OF ENERGY, INNOVATION AWARD RECIPIENTS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. SKELTON. Mr. Speaker, I would like to share with my colleagues the commendable achievements of the Central Missouri State University Safety Center, Cotter College, Missouri State Office of Administration and the Remington Arms Co. Each of these organizations received the National Award for Energy Innovation this week. The award is given by the Department of Energy for unique conservation and renewable energy projects which may be expanded for use throughout the country.

I congratulate these Energy Innovation Award recipients for their diligent and innovative efforts. Their achievements encourage other individuals and organizations and benefit all of us. To each individual contributing to energy savings projects, I take this means to extend my congratulations.●

THE PHILADELPHIA PROTESTANT HOME—94 YEARS OF SERVICE

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. BORSKI. Mr. Speaker, it pleases me to join with the friends of the Philadelphia Protestant Home in recognizing its 94 years of service to the elderly and the community. Located in the Lawndale section of Philadelphia since 1890, the Home exemplifies the best principles of a life care community.

On Saturday, October 13, 1984, the Protestant Home will embark on another chapter in its distinguished history of care and service. In order to expand its commitment to quality care for the elderly, a cornerstone will be laid for a multimillion dollar expansion project on its 11-acre estate.

While the Philadelphia Protestant Home is already a thriving life care community for its over 400 residents, this project will permit it to offer comfort and security to substantially more people.

The Protestant Home is supported by 34 churches. Its services include both residential care and independent living arrangements, as well as a fully staffed medical clinic. The residential care program offers a worry-free life by providing residents with a spacious private room, three daily meals, housekeeping and maintenance services. Independent living arrangements, on the other hand, rely on greater self-sufficiency, although health care and other services are still available from the Home.

Its medicare-certified skilled care facility maintains the highest quality standards in caring for and attending to each of its residents. Not once in the Protestant Home's history has a resident been asked to leave due to a lack of funds. In fact, this year alone, almost \$400,000 in free care was provided to residents unable to pay for services not reimbursable through either private insurance or Government programs.

Mr. Speaker, I want to commend the Philadelphia Protestant Home for its 94 years of quality life care. I am proud to be a part of the dedication ceremonies which signal that its commitment is strong and still growing. Let this occasion serve to remind us all to rededicate ourselves to the service of older Americans. ●

EXTENSIONS OF REMARKS

LETTER FROM THE FARM

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. DORGAN. Mr. Speaker, all of us receive many letters from constituents. Because I represent a rural State, a good number of the letters I receive are from farmers, and, because of the perilous state of the farm economy, a number of these are from farmers and ranchers who are losing their land.

But seldom do I receive a letter that sets out the difficulties facing our farmers, and the courage, strength and hard work with which farmers attempt to overcome these difficulties, with such eloquence as the one I recently received from a dairy farmer in my State. It is all the more poignant because Roger Drevlow's extraordinary efforts to stay in farming were defeated. On September 20 he and his wife Joanne held a farm auction to sell their cattle and farm machinery. He writes, he says, not to sound like sour grapes, but to try to change things for the better—"If our loss could help just one farmer in the future, it would give us reason to be proud," is the way he put it. I'd like to share this remarkable letter with my colleagues:

DEAR CONGRESSMAN DORGAN: On the 20th of September 1984 my wife, Joanne, and I are having a farm auction of all our cattle and farm machinery. I am writing to you because this situation is very troubling to me. I would doubt very seriously if there is anything that can be done to help Joanne and I to maintain our family farm, but if we do not speak out, the same problems will go on and on.

I am 32 years old. I have a wife and 5 children. We live on a dairy farm ten miles southwest of Maddock, North Dakota. We started farming in 1977. That year we experienced a complete drought. The crop from our entire farm was 160 small square bales of hay. 1978 proved to be a little better, but in December our hog barn burnt to the ground resulting in a great loss to us. We expanded our dairy herd to offset the loss and worked even harder.

In 1979 we started the year enthused about farming. We rented 140 extra acres, and with our own 200 acres we worked on. The crop was a beautiful one—the best we had ever seen, but the great North Dakota hail storm of '79 destroyed it completely. In December of '79 our house was burned completely to the ground with all of our belongings.

We struggled on, built a very modest new house and went on. We were encouraged to increase the dairy herd and we did, to around 50 cows. We were very short of space and FmHA borrowed us money to build an addition to the dairy barn. When we completed the barn and went back to FmHA for money to add more cows, they told us that they were very much against increasing the size of dairy herds in light of the huge dairy surplus and falling dairy prices.

We felt as if now we were not only fighting the elements but the Federal Government. We saw farmers financed with FmHA get disaster loans and in years when we

October 5, 1984

were unable to buy clothes and food, watched them take trips to Europe, play the futures market and buy skads of new machinery. In years when we struggled night and day to make enough hay for our dairy cows out of sloughs and road ditches, we watched other farmers simply leave hay land that they considered too light to bother with. When there was an ASCS program for free oats we watched them haul truckload after truckload of government oats, while we did not qualify because we had put up everything we could find. When we went to buy land we would talk to FmHA as to what we could offer for a bid, and find that they would borrow \$100-\$200 more per acre to someone financed with them that already had a thousand acres.

When other farmers talked about their huge PIK payments we again found we were ineligible because we had never raised wheat. Those who created the huge surplus received the bulk of the payments.

I am not writing this letter to sound like sour grapes. We are losing our farm and we will come to terms with that. Joanne and I started farming in '77 with no family help. We went into it strictly on our own and too often now we hear that you really can't expect to make it without family help, and that is a shame. I have nothing against farms being passed on from generation to generation, but at the same time there is very little room for "new blood" in agriculture, and that is very sad. We have been a very strong positive addition to the community and I am sure that anyone here would testify that we have worked harder than most and contributed far more than the average to the community and church. We will be a loss to the community, and rural communities will die a little more.

In conclusion, let this be our lesson—lending agencies should look at each case on its own merits or problems. Government policies must be designed to benefit all sectors of agriculture, not just the large, and we must be concerned about the future of agriculture and rural America not only as an economic value, but from a personal standpoint.

Joanne and I entered agriculture because we felt it a very noble profession. We had been taught to love the smell of fresh turned soil and the sight of young crops coming through the soil. We worked hard, thinking we were producing food for a hungry world, only to have our own government tell us we produced too much, there was too much milk and grain, and still people starve, while this country builds weapons of destruction that cost millions.

I know that you are concerned about people and that is why I write. Our situation seems hopeless, but if we could just feel that our loss could help just one farmer in the future, it would give us reason to be proud. I know farm programs are necessary, that it is hard to make them fair; I know that it is hard to deal with large surpluses, but there has got to be a more humane way to dispose of them.

We have cried a thousand tears over losing our farm. We have built what we have here with the strength of our backs, sweat and love. We had a dream for the future and that is lost. We will find a new dream and serve our God and country as best we can. Please work hard to keep the dream alive for others.

With Respect and Hope for a Better Future.

ROGER DREVLOW. ●

WASHINGTON GOLD MEDALISTS

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. CHANDLER. Mr. Speaker, I am proud to congratulate on the House floor today two Olympic gold medalists from Washington's Eighth Congressional District.

Kristi Norelius and her eight teammates were the first Americans ever to win gold medals in women's rowing. Their gold came in the eight-oars-with-coxswain category. The team trailed midway through the 1,000-meter race, but came from behind to take the gold and overcome a 3-year swing of second-place finishes in the World Championships.

Kristi is a graduate of Issaquah High School and Washington State University. Twelve members of her family traveled to Los Angeles to watch her compete.

William E. Buchan of Bellevue, with his crewman, Steve Erickson of Edmonds, in the neighboring First Congressional District, also staged a dramatic come-from-behind win to take the gold medal in the Star class competition in the yachting event. The same day, Bill's son, Carl, and crew Jonathan McKee, both from the first congressional district, won the gold in the Flying Dutchman class. Bill and Carl became the first father-and-son combination in Olympic history to win gold medals in separate yachting events.

Bill has been a world class sailor for more than 20 years and, at 49, was the oldest member of the U.S. Olympic team. The Buchans and their crew will be presented with signed copies of the Olympic Yachting Venue Charts in a ceremony in their honor on October 10.

I know I speak for the families and friends of Kristi Norelius and Bill Buchan and the people of Washington's Eighth Congressional District in saluting these outstanding athletes. After years of sacrifices, practice, and determination, they have reached the pinnacle of success in their events. I congratulate them on their victories and thank them for instilling in us a deep sense of national pride.●

TRIBUTE TO BARBER CONABLE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 3, 1984

● Mr. BIAGGI. Mr. Speaker, I rise to join scores of my colleagues in paying tribute to one of our finest—BARBER CONABLE who has elected to retire at the end of this 98th Congress. With

this decision one of the most respected Members of this institution moves on to a different life.

BARBER CONABLE is a leader in this body—pure and simple. He has served with special distinction as the ranking minority member of the House Ways and Means Committee and in that capacity has had an enormous influence on the many legislative accomplishments this committee has produced not only in the 98th Congress but throughout BARBER's 20 years in this House.

BARBER CONABLE, despite his considerable power and influence not only in this body but in our Nation is a humble self-assuming man. He recognizes that his is a position of public service and trust. He realizes that the concerns of his constituents are paramount above all others and as a result BARBER has a reputation which few can match in terms of constituent service.

BARBER CONABLE's retirement is a significant loss to the Committee on Ways and Means, the Joint Committee on Taxation, the whole House, and the Nation. Having served with BARBER over the past 14 years on the New York congressional delegation, I know how much he has contributed to our work.

In our appreciation for our colleagues, we should never lose sight of the personal qualities that each possess. BARBER CONABLE is a warm, friendly and sincere man who can see the forest through the trees. He is a man who has chosen to retire rather than being forced to. He realizes that there are other things that he can and should do with his life. For those who have been fortunate to have BARBER as a friend, we will remember him for many reasons—but on this occasion only want to wish him the very best in his future endeavors whatever they might entail. He has left his mark in the House, one that will endure for years to come. To BARBER and Charlotte my best wishes now and in the future.●

IRVINGTON COLUMBUS DAY
PARADE**HON. PETER W. RODINO, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

Mr. RODINO. Mr. Speaker, I look forward with great anticipation to the honor of participating in the annual Columbus Day Parade sponsored by the Irvington Department of Parks and Recreation this Monday, October 8.

The parade takes on a special meaning this year, as we embark on the planning to celebrate in 1992 the Christopher Columbus Quincentenary

Jubilee. The landing of Columbus on the island of San Salvador nearly 500 years ago was a remarkable feat, one that was destined to change the course of world history. We, the American people, are the prime beneficiaries of Columbus' vision and courage, so it is fitting that we have a truly national observance that will be carried out with dignity and distinction.

All of our people, not just Italian-Americans, will be honoring Columbus for his discovery of this blessed land. I like to think that the great story of Columbus and his discovery is part of a continuing story, of which an important chapter was written recently when we saw the first woman and the first Italo-American nominated as Vice Presidential candidate of one of our great political parties. The discovery of GERALDINE FERRARO is, in a larger sense, the rediscovery of America's meaning—that the American dream can indeed be realized by any man or woman. That is America's real greatness—and that is what we celebrate on Columbus Day.

The Irvington Parade will be an outstanding and a memorable affair. The grand marshal will be Rick Masucci, past commander of the Irvington Elks Club, who is being honored for his involvement in a vast array of community activities. The parade queen will be an Irvington high school senior, Ms. Rosalie Puerari. The festivities will culminate with an Italian Festival to be held after the parade in front of the Irvington Library.

Mr. Speaker, America has fulfilled the dreams of countless millions who have come to our shores in quest of a land where all people, regardless of origin, can reach their full potential. And I am proud that this fulfillment can be traced to Christopher Columbus, who is rightly called, "The Father of Immigration."

So it is with pride and pleasure that I will join with Irvington's Mayor Anthony Blasi and all my friends in the city of Irvington on Monday to commemorate Columbus Day.●

THE GOOD WORK OF RICK
ALAN HAYMAN**HON. JOHN P. MURTHA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. MURTHA. Mr. Speaker, during the recent flood tragedy which was suffered in Glencoe in the area I represent, we once again saw how tragedy can lead to heroic actions.

I wish to take a second to commemorate Rick Alan Hayman who during the flooding risked his own life to save several lives. On another aspect of his character, my staff praised Rick for the helpfulness and aid he gave to

them as they worked to help the residents of the area recover.

I often remark that the greatest strength of America rests with its people, with their dedication to principles and concern for others. When I reflect that Rick is only 16 years old, it is another indication of the optimism we should all have about our Nation's future.

Once again, it is my pleasure to praise Rick Alan Hayman for his excellent work during the Glencoe flood.●

**PUBLIC SUPPORT FOR
SEATBELT LAWS**

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. DINGELL. Mr. Speaker, I insert for the RECORD, and for the benefit of my colleagues, a September 21, 1984, article from the American Medical News which highlights a public opinion poll indicating that 77 percent of all New York adults and 69 percent of all adults nationally favor the idea of mandatory seatbelts. This data contradicts the age worn myth that mandatory seatbelt use requirements are overly intrusive and constitute a violation of individual freedom. After all, the right to endanger oneself behind the wheel of a car is no more an absolute privilege than it is to play Russian roulette in a crowded theater.

The public acceptability of mandatory seatbelt laws has been evidenced by the enactment of mandatory seatbelt legislation in New York, which will become effective January 1, 1985. Our domestic automakers are currently engaged in a vigorous campaign to encourage drivers to buckle up voluntarily and for States to pass mandatory belt use laws. I intend to reintroduce in the next Congress my legislation, H.R. 4175, currently cosponsored by 60 of my colleagues, to provide financial incentives to encourage States to pass seatbelt use laws.

What we are seeing is a recognition by the American public that significant strides can be made in saving lives in automobile accidents by making seatbelt use a priority, and a requirement. This can be done with little regulation and minimal expense. It is in the public interest to do so. We must achieve this goal.

**POLLS: PUBLIC ENDORSES MANDATORY SEAT
BELT USE**

Mandatory seat belt use is an idea that now sits very well with the public, according to a recently released public opinion survey that was commissioned by the American Medical Association and the Medical Society of the State of New York.

In a survey of 400 New Yorkers, randomly selected to represent the state's adult population, and in a national survey of 1,503

people, respondents in both groups strongly endorsed the idea of seat belt use.

The survey, conducted by Kane, Parsons and Associates, a New York-based research organization, was conducted this year, just before New York became the first state in the nation to require seat belts in a new law that becomes effective Jan. 1, 1985.

In response to the question: "When driving or riding in a car, do you wear your seat belt always, sometimes, or never?" only 26 percent of the respondents nationally and 29 percent of the New Yorkers polled said they always wore seat belts, while a similar number, 29 percent nationally and 27 percent in New York, responded that they never wore the belts.

The main reason given for not using the belts, said the majority—37 percent in both the national and state polls—was being "too lazy or careless." To that same question, another large group—29 percent nationally and 28 percent statewide—said the belts were a "nuisance."

To the same question, only 9 percent in the national survey and 8 percent in New York replied that they did not use the belts because "seat belts are dangerous."

The respondents also resoundingly agreed—in an 88 percent majority in both polls—that "people riding in the front seat of a car should wear seat belts at all times."

Those surveyed also supported the idea of "federal or state government [proposals] requiring all motorists to wear seat belts." In New York, 77 percent of those individuals polled favored the idea of mandatory seat belts, while 69 percent nationally endorsed the idea.

Both groups surveyed overwhelmingly supported the idea of requiring children under a certain age to wear seat belts, with 93 percent in favor of the idea nationally and 95 percent affirming in New York.

Both the AMA and the Medical Society of the State of New York have long lobbied for the seat belt as an important public health measure, the medical society noted in releasing the survey.

The New York medical society, which will see its efforts realized next year, has been working for a mandatory seat belt law since 1982, when it formed the New York Coalition for Safety Belt Use in conjunction with the American Assn. for Automotive Medicine.●

**TRIBUTE TO CARVER J. LEACH,
JR., ROVING LEADER**

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. FAUNTROY. Mr. Speaker, in the city of Washington, DC, we have long appreciated and valued the talents, dedication and creativity of Carver J. Leach, Jr., director, Roving Leader Program.

The Roving Leader Program is a unique program that provides guidance, counseling and direct services to problem youths. While many cities across the United States have developed and sustained a variety of programs for troubled youth, none have been as exemplary as the Washington Roving Leader Program. The unique design, the successful working of this

program, and its adoption in many other regions of our country and in foreign lands is a tribute to the dedication and efforts of Carver J. Leach, Jr.

In addition to working the street during public events, demonstrations, and special celebrations, a Roving Leader can be assigned to work in a particular block with a troublesome youth or group of youths. The Roving Leader has the training and mission to coordinate that youth's school work, his family life, his social contacts, and his behavior so that what was a delinquent pattern turns around. Countless youth have been guided to constructive and productive lives through the often round-the-clock services of the Roving Leader. For the first time in youth street work, the Roving Leader was able to maintain his contact with all parties concerned: The police, the courts, the school system, and the detention centers. In the case of the youth in the criminal justice system, this eliminated that fragmentation of services which often permitted the youth to slip through the cracks of the social service delivery system.

A Roving Leader serves in many other capacities and is a much respected, much appreciated community worker in services to be delivered to the nondelinquent youth as well.

It was in this context that I wish to commend with gratitude from all of the residents of the city of Washington the extraordinary energy and effort Carver Leach put forth in the July 4 Family Celebration Day in Lafayette Park this year, 1984. It was a hot day. The work of moving platforms, sound systems, directing program participants proved too much for Mr. Leach and he suffered a heart attack. Carver is slowly recovering from this unfortunate circumstance.

From all of us—in total gratitude and appreciation—I salute the years of unselfish humanitarian contributions of Carver J. Leach, Jr., and wish him a speedy, complete recovery.●

**COMPREHENSIVE STUDY ON
THE FUTURE OF NUCLEAR
ARMS CONTROL**

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. FASCELL. Mr. Speaker, I would like to inform my colleagues that I have asked the Congressional Research Service to undertake a comprehensive study of the role of nuclear arms control in U.S. national security policy. This request reflects the Foreign Affairs Committee's longstanding interest in nuclear arms control matters. It is, however, more specifically, a direct outgrowth of committee hearings earlier this year entitled "the

Role of Arms Control in U.S. Defense Policy."

I believe that this study will reveal the important contribution that nuclear arms control has made to U.S. national security interests. I plan to coordinate this study on nuclear arms control policy with a series of briefings and hearings in the 99th Congress. It is my hope that this arms control agenda will facilitate an informed debate in 1985 on the numerous arms control issues which will come before the new Congress.

As chairman of the Foreign Affairs Committee and its Subcommittee on International Security and Scientific Affairs, my objective in requesting this study is to sustain careful congressional oversight of executive branch arms control policy while encouraging members of the Foreign Affairs Committee to continue to play a well-informed, active leadership role on arms control matters.

Just as the Committee on Foreign Affairs has forged and maintained a broad bipartisan consensus against binary nerve gas production, for the enhancement of the Arms Control and Disarmament Agency, and for acceptance of the nuclear freeze proposal by the House of Representatives during the 98th Congress, we need to create a similar bipartisan consensus in the 99th Congress in such areas as avoiding an arms race in space, in achieving a negotiated ban on nuclear weapons testing by the two superpowers, and in resuming nuclear arms control talks with the Soviet Union.

The study that I have requested will focus on the evolution of the basic components of U.S. nuclear arms control policy and how that policy has been put into practice in negotiations with the Soviet Union. It will illustrate how the questions of what to control, how to control it, and how to guarantee its control have been addressed at the national policymaking level and in negotiations with the Soviet Union. It will, most importantly, explore possible options for the future in this critical area.

A great deal can be learned from the arms control policy and negotiations of the past. As Members of Congress, we are aware of and share our constituents' deep concern about war and peace issues, nuclear weapons, and the fact that Ronald Reagan is the first President since Harry Truman not to have reached an agreement with the Soviet Union to control nuclear arms.

Congress can and must continue to provide leadership on nuclear arms control policy. Rhetorical solutions do not suffice when it comes to nuclear weapons and our national security. Congress must be prepared to offer constructive nuclear arms control alternatives. It is my hope that this comprehensive study will contribute to that effort.●

IN MEMORY OF MR. ADOLF O. IMMER

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. COURTER. Mr. Speaker, I would like to take a moment to remember a fine American who passed away Wednesday, Adolf Immer. Mr. Immer was a loving husband and devoted father who exemplified the true spirit of giving every day of his life. Handicapped himself, Mr. Immer donated much of his time to service organizations for the handicapped. He was a Veteran of World War II, serving in the Army.

Mr. Immer's dedication and unyielding spirit were inspirational to all who knew him. He was an active Republican and a member of the Somerset County Republican Campaign Committee.

I got to know Mr. Immer when he volunteered in my Somerville district office. He was a warm compassionate human being who devoted his entire life to helping others. I know I speak for many when I say he will be sadly missed.●

THE 250TH ANNIVERSITY OF THE EGYPT UNITED CHURCH OF CHRIST

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. RITTER. Mr. Speaker, I would like to commend the congregation and pastor, George S. Toth, of the Egypt United Church of Christ in Whitehall, PA, in my congressional district, on the occasion of the church's 250th anniversary. The church celebrated their 250th year through an 8-week series of services and special events, beginning on September 2, 1984.

This church has been serving the people of the Whitehall community for the past 250 years, and this service and sincere dedication to the word of God is worthy of much praise and recognition.

The church was founded on September 23, 1734, when David Traxel was baptized by the Reverend John Phillip Boehm. Services were first held in the homes of Peter Traxel, George Kern, and in the Deshler Fort.

In 1747 Michael Schlatter became the first ordained minister and was instrumental in distributing Bibles to the congregation. These Bibles were printed in German, and a copy of one of these Bibles is still with the church.

The church was originally known as the Egypt Reformed Church and in 1756 the Troxell-Steckel House was

constructed, where services were held. This structure is still standing and is listed as a historical landmark. In 1759 the reformed church merged with the Egypt Lutheran Church to form the Egypt Union Church. A three-sided log church structure was built in 1764.

A new stone building was constructed in 1785 and the first organ was installed in 1786. There were not many organs in the area at that time, and the church's organ was a local novelty.

The first Sunday school was held in 1844, and in 1851 the present building was erected. Through the history of the church, several persons have been ordained into the ministry. They are: Herbert Rice of York and Linda Magyar of Mertztown. Also, the church has sent two missionaries into the field: Mary Fedde to Japan and Timothy G. Toth, son of the present pastor, to Conception, Chile. Since November 1, 1975, the church has been led by the Reverend George S. Toth, Jr. of Bethlehem.

The 250th anniversary committee was made up of: Mr. and Mrs. Robert Smith, Mr. and Mrs. Daniel Delong, Mr. and Mrs. Fred Feldman, Mr. and Mrs. Ralph Remaley, Edith Kuhns, Betty Nichols, Robert Nagle, Mr. and Mrs. Larry Jasper, Mr. and Mrs. Jack Welliver, Mr. and Mrs. Dollard Guth, Mr. and Mrs. Lloyd Gantz, and Mary-ETTA Semmel.

Mr. Speaker let me once again praise the Egypt United Church of Christ for its fine history of service and commitment to the work of God and the community, and I hope the church is able to celebrate many more such anniversaries.●

DR. JACQUELINE HODGE
HONORED

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. COELHO. Mr. Speaker, I rise today to offer congratulations to my good friend and constituent, Dr. Jacqueline Hodge, who was honored last week by the Congressional Black Caucus and awarded their first annual Education Braintrust Award for her contribution to education.

Dr. Hodge has distinguished herself in every facet of her life. She has served her community through her work with and for countless organizations; she has established herself as a respected writer and educator, having taught in the West Fresno Public Schools for 30 years; and she has raised five children and instilled in them the same values and strength of character that has been the driving force in her life.

Dr. Hodge is one of only 24 black women school superintendents in the

entire country. It is truly an honor for me to acknowledge the work of this outstanding individual for her contribution to excellence in education.●

HONORING MR. PAUL KAPCHAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. ACKERMAN. Mr. Speaker, I would like to ask my colleagues in the U.S. House of Representatives to take this moment to join me in honoring Mr. Paul Kapchan, president of the Democratic Club of Flushing-Whitestone-College Point in Queens County, NY.

The Democratic Club is paying tribute to our Republican colleague JAMES SCHEUER, and Mr. Kapchan for their many years of dedication and service to the public, at an annual dinner-dance on October 26, 1984.

Mr. Speaker, I know my colleagues in this body are aware of Congressman SCHEUER's vital contributions to the House of Representatives, his constituents, and the citizens of this Nation. But I would like to take a few moments to describe what the contributions of someone they may not know have accomplished for the people of Flushing.

Paul Kapchan's ideas, leadership, and spirit of tolerance and understanding have dramatically changed the appearance and the heart of Flushing. Although he is serving his first term as president of the Democratic Club, he has been deeply involved in the club and the community for many years, to the benefit of every citizen in Flushing. As president of the Flushing Merchants Association, Paul has been the catalyst for revolutionizing the relationships between immigrant and resident merchants, and between the business community and surrounding neighborhoods.

Paul has fought hard, with persistence and diplomacy, for a safer, cleaner, more dynamic Flushing. Through his efforts in negotiating better cooperation between merchants and the police department, every citizen now enjoys better protection and a safer way of life. He led a drive to welcome and support Chinese and Korean immigrant merchants and to break down barriers of prejudice and misunderstanding among business owners.

Paul Kapchan is not an out-of-town merchant seeking to influence policies and politics that don't affect him. He has lived in Flushing for many years, built his life, his business, and his friendships there. As a cofounder of the Democratic Club in Flushing and proprietor of a men's clothing store, he had a vision for the community—a vision of harmony between businesses

and neighborhoods; of people working together for a common goal; of successful business owners extending the hand of friendship to struggling immigrant merchants.

Mr. Speaker, that vision is being realized in Flushing. Some citizens wish for a better, brighter way of life for themselves and their children. Paul Kapchan turns those ideals into reality.

I ask every Member of the U.S. House of Representatives to join with me now in paying tribute to Mr. Paul Kapchan.●

MAYOR HAROLD LEATHERS COMMENDED

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. DAUB. Mr. Speaker, the frontlines of representative democracy is local government, and no group of elected officials lives closer to the needs and problems of their constituents than the mayors of our Nation's cities.

For the past 12 years, the residents of LaVista, NE, have benefited by the seasoned leadership of their neighbor and mayor, Harold Leathers. The mayor has an exemplary record of meeting the needs and solving the problems of the citizens of LaVista, and for this good reason, they continually returned this outstanding executive to office.

To our regret, Mayor Leathers has recently announced his retirement. He and his remarkable wife, Mary, plan to spend some time visiting their beautiful new granddaughter, and we know he will bring the same enthusiasm and energy to being a grandfather as he did to being mayor.

His impressive public service career will stand as a lasting tribute to this true gentleman and friend, and I appreciate this opportunity to share this with my colleagues and join with his many friends in wishing Mayor Harold Leathers a rewarding and fulfilling retirement.●

TRIBUTE TO MERCY VOCATIONAL HIGH SCHOOL

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. BORSKI. Mr. Speaker, I rise to pay tribute to Mercy Vocational High School, in Philadelphia, for being recognized by the exemplary private school recognition project.

The project, sponsored by the Council for American Private Education through a grant from the U.S. Depart-

ment of Education, is an outgrowth of the National Commission on Excellence in Education, and seeks to identify schools that exemplify overall good educational practices.

Mercy Vocational was 1 of only 60 private schools nationally to be selected for this honor, from among the over 6,000 private schools across the country which were eligible to compete. Together, these exemplary schools represent a national profile of private schools. They are denominational and secular, coeducational and single-sex, large and small, as well as urban, suburban and rural.

Although many factors were considered, the council sought to recognize those schools which are successful at helping students do their best intellectually, creatively, developmentally and artistically. An effort was also made to identify those schools which are vitally interested in and attentive to their students as growing human beings.

Mr. Speaker, perhaps what makes Mercy Vocational's selection all the more special, is that this school emphasizes vocational training for students, some of whom had little success in other educational settings. In fact, this outstanding Philadelphia institution was the only vocational school so honored. While I am pleased to learn the accomplishments of Mercy Vocational were recognized by the council, I am certainly not surprised.

Rich in tradition and founded in 1950 to provide an education within a Catholic atmosphere for students whose abilities and interests lay in vocational skills rather than in the pursuit of a purely academic roster, Mercy Vocational has an outstanding record of educational achievement. The school's program is rooted in Christian principles, which touch not only the academic curriculum but also other curricular and extracurricular activities. Its philosophy is to give students an appreciation of the dignity of work, and through personal interest, patience and encouragement aims to prepare students for economic independence and individual fulfillment.

Because I recognize that a good education is such a critical factor in the development of our young, it especially pleases me to congratulate the faculty and student body of Mercy Vocational for achieving this prestigious recognition they so richly deserve. Through its standards of excellence, Mercy Vocational offers students not only the opportunity for the best possible education, but also the best possible chance for success in life.

Again, Mr. Speaker, I salute Mercy Vocational High School, and wish this exemplary learning facility continued success in the pursuit of its commitment to education.●

CALIFORNIA ESCROW
ANNIVERSARY

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. DANNEMEYER. Mr. Speaker, in 1984, the California Escrow Association celebrates its 60th anniversary. It is also the 34th anniversary of the Orange County Escrow Association. In October, the association holds its 29th Annual Education Conference. It is entirely fitting that October be known as "Escrow Month."

These associations perform a vital public service in educating the escrow community in the highest professional standards. The 31 regional associations also serve related industries in accounting, title insurance, and real estate law. Workshops on current legislation, loan processing, manufactured housing, business escrow, county recorder's offices, notary, and many other topics ensure a well-informed escrow community for serving the public.

The Orange County Association of 350 members and its State parent have been a vital link in the dramatic development of the county and State. Mr. Speaker, I am certain that all Members of the California delegation would subscribe to the following resolution which honors this profession of trust:

Whereas, the Orange County Escrow Association, a regional association of the California Escrow Association, a state association, which in turn is part of the American Escrow Association, a national association, has been dedicated to the continuing education and elevation of the Escrow Profession through adherence to its Code of Ethics for 34 years; and

Whereas, the parent group, the California Escrow Association, formerly the Los Angeles Escrow Association, similarly devoted its efforts since 1924 and now has nearly 3,500 members within thirty-one regional associations through the State of California; and

Whereas, the Orange County Escrow Association has faithfully pursued its covenant to foster, promote and improve escrow education and service to its members and to the public to elevate the standards of the Escrow Profession;

Now, therefore, the Orange County and California Escrow Associations are to be commended for their outstanding contributions to the people of this state on the occasion of the 29th Annual Education Conference.●

THE SPIRIT OF ISRAEL COMES
TO ORANGE COUNTY

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. PATTERSON. Mr. Speaker, the Jewish Federation of Orange County,

EXTENSIONS OF REMARKS

CA, in association with affiliated organizations and the synagogues in our area has decided to hold its annual Israel Fair Day on October 28. The Israel Fair provides a unique opportunity for all citizens in our metropolitan area to learn more about Jewish heritage and culture.

Although Jews represent a tiny segment of the human race—14 million out of 3.5 billion—it is hard to conceive of a group that has had more influence on Western civilization than the Jewish people. The values that we hold dear: free expression of religious and political conviction; protection of human rights; perseverance and unfaltering faith; the pursuit of art and knowledge; a nurturing family; and the work ethic, are values that the Jewish people have brought to the forefront of our culture. For the last 3,000 years, man's history and Jewish history have been intertwined. Today, the State of Israel is as much a symbol of man's struggle as it is a symbol of the struggle of the Jews.

Over the last 10 years, I have worked with the Orange County Jewish community on many issues of common concern, including problems affecting older Americans and our young people, business and trade issues, and the sale of American-made weaponry to hostile nations in the Middle East. Most recently, the drastic drop in emigration from the Soviet Union has given me particular cause for concern. As the status of United States-Soviet relations has deteriorated under the Reagan administration, emigration from Russia has plummeted to fewer than 100 per month for the first half of 1984—only 2 percent of the 4,000 emigres allowed to emigrate per month in 1979.

The promise of the State of Israel has been denied to more than half a million Jews who await emigration. The Israel Fair is a time for celebration but it is also a time to remember. We must continue to press the Soviets to increase emigration and to reduce the degree of internal oppression of Jews in the Soviet Union. The Israel Fair can serve as the impetus for our renewed commitment. Together we spark the hope that may someday ignite the flame of freedom.●

MART NIKLUS

HON. STEWART B. MCKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. MCKINNEY. Mr. Speaker, today I would like to bring the attention of this body two noteworthy anniversaries, neither of which were happy occasions. September 1984 marked 40 years of Russian occupation in the country of Estonia, as well as the 50th

birthday of Mart Niklus, the symbol of Estonian resistance to the Soviet occupation. Unfortunately, for Mr. Niklus, his birthday was spent in solitary confinement in the infamous Chirstopol prison.

The Estonian people have lost their freedom. Since 1944, when the Soviets began their occupation of their country, Estonian human rights activists have been arrested and sent to prison and labor camps for doing nothing more than speaking their minds, a freedom that we here in the United States take for granted as an everyday occurrence. Mart Niklus is one of those Estonians trying desperately to regain his country's freedom.

Being accused of so-called anti-Soviet activity, Mr. Niklus has repeatedly been sentenced to years of imprisonment in Soviet labor camps and prisons. In 1958, he was sentenced to 10 years of hard labor followed by 3 years of internal exile for sending 15 photographs depicting the terrible conditions in Soviet-occupied Estonia to a Western journalist. After his release in 1966, he found work as a teacher, but was still repeatedly arrested. After pressure from the KGB, he was released from his teaching position in 1979.

Mr. Niklus' harassment has not ended. Several articles denouncing him appeared in newspapers. In 1980, he was refused permission to leave Estonia and live with relatives in Sweden. Subsequently, on March 19, 1980, Niklus was again arrested and sentenced to 13 days confinement for "disobeying a government official." After his release, he checked into Maarjamoisa Hospital for treatment of radiculitis, a disease afflicting the spinal cord which he had contacted in Siberian prison camps. Again, after pressure from the KGB, he was forced to leave the hospital before being fully recovered. The day after leaving the hospital, he was arrested and placed in isolation in Tallinn's central prison.

At a trial staged in Tallinn, the supreme court of the Estonian SSR sentenced Mr. Niklus to 10 years special regime hard labor camp and 5 years internal exile for "anti-Soviet agitation and propaganda." Despite his weakened condition due to a lengthy hunger strike and his worsening radiculitis, Mr. Niklus was sent to a labor camp at the foot of the Ural Mountains in the Soviet Union. In 1983, he was transferred to the infamous Chirstopol prison, where he spent his 50th birthday in continuing solitary confinement. He is currently in the midst of another hunger strike, which his mother fears may be his last.

Together with innumerable other Estonian dissidents, Mart Niklus is a symbol of Estonian resistance to the Soviet occupation of their homeland. He has earned the deep respect and

admiration of his fellow Estonians who are all suffering under the Soviet regime. As the 98th Congress concludes and we return to our districts, we must continue to keep his plight as well as all other prisoners of conscience before the public's attention. If we continue to do so, perhaps Mr. Niklus can celebrate his 51st birthday in freedom.●

**IN RECOGNITION OF BUSINESS
AND PROFESSIONAL BUSINESS
WOMEN'S WEEK OCTOBER 21
THROUGH OCTOBER 28, 1984**

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. TORRICELLI. Mr. Speaker, I rise today to take the opportunity to recognize the Palisades Chapter of the Business and Professional Women's Club of New Jersey. The membership and executive committee, specifically, President Mary C. Marcopul, President-Elect Colleen Hart, First Vice President Raymond Kizma, Second Vice President Mary Kizma, Treasurer Sophie Marcopul, and Secretaries Nancy Gasewind and Alice Heck have made significant efforts to promote the contributions of working women throughout Bergen County in the State of New Jersey.

The week of October 21 through October 28 will be acknowledged as National Business Women's Week. This time has been officially designated to encourage the celebration of the achievements of all business and professional women as they contribute daily to our economic, civic, and cultural growth.

On behalf of all women across our country who have benefited from the dedication of this organization, I applaud their talents and perseverance and extend my wishes for their continued achievement.●

THE LEGACY OF NASRA COURY

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 1984

● Mr. FEIGHAN. Mr. Speaker, the late Hubert H. Humphrey often spoke of our responsibilities to those in the twilight of life, the elderly and those in the shadows of life, the sick and needy.

The caring of those who are unable to help themselves is a great vocation and I would like to honor the members of an outstanding family from my district who have greatly contributed to such a vocation.

The Coury family opened its first nursing home, the Aristocrat West, on the west side of Cleveland, in 1966.

Since that time, the family has expanded its elderly-care operation, known as Aristocrat Management, to 10 facilities throughout northern Ohio.

But behind the bricks and mortar of the Coury empire, lies another story.

The family matriarch, Nasra Coury, immigrated to America from Lebanon in 1910. It was here where she met her husband Joseph, a Pennsylvania coal miner. After her husband's death in 1951, she moved her eight children: Elias, Anthony, Joseph, John, Thomas, Robert, Anne, and Martha to Cleveland and continued raising the family in her quiet but determined style.

In September of this year, Mrs. Coury died. She was 85 years old. The last 4 years of her life were spent in one of the nursing facilities owned and operated by Aristocrat Management, now a monument to her life.

The nursing home operation extends care to over 1,000 patients and employs over 1,500 people, including 25 family members.

One unique notion of the Coury approach to caring for the elderly is that of rehabilitation. They believe that a person enters a nursing home, not to die but to regain strength and return to the community. "Never give up" is their philosophy. It's the philosophy that Nasra Coury held all her life and it's the philosophy that the Coury's expect their patients to adopt.●