

## EXTENSIONS OF REMARKS

## AFTER SANCTIONS, WHAT NEXT

## HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. MORRISON of Connecticut. Mr. Speaker, I want to share with all my colleagues an important article by Floyd Abrams and Diane Orentlicher of the Lawyers Committee for Human Rights, published in the New York Times on October 6, 1986, setting forth an agenda for effective implementation of our victory on the South Africa sanctions issue.

## SANCTIONS AS A MEANS TO AN END

(By Floyd Abrams and Diane Orentlicher)

Congress has prevailed. The Senate and the House have both overridden President Reagan's veto, imposing stringent sanctions against South Africa, and the United States will soon register its abhorrence for apartheid in no uncertain terms. Having won the battle for sanctions, Congress now should consider how to make the most of their impact.

Such an effort will require continued congressional pressure on the Administration. It was, after all, damage wrought by Administration policy that made these new, strict sanctions necessary in the first place. Far from promoting positive change, the Administration's policy toward South Africa has consistently reinforced Pretoria's most sinister impulses.

In June, for example instead of condemning the new state of emergency in South Africa, President Reagan voiced strong opposition to serious American sanctions. The President has also adopted Prime Minister P.W. Botha's rhetoric of repression, describing South Africa's Government radio broadcasts.

These words are dangerous as well as wrong-headed, for they exonerate Mr. Botha for the most brutal excesses of apartheid. They also help to hide what is really happening on the ground in South Africa. In truth, it is estimated that some 800 South Africans, most of them black, were killed by security forces in the period between September 1984 and July 1986. A staggering 93 percent of the black detainees interviewed for a recent study by the University of Cape Town said they had been tortured.

Congress must not fail to use its leverage to elicit more effective diplomacy from the Administration. Congressional leaders should specify in some detail what kind of policies they would like to see the Administration pursue—and should make clear that progress toward these goals will influence what Congress does in the future.

To begin with, Congress should press this most rhetorically oriented Administration to condemn Pretoria's official violence in the strongest terms. Words matter in international diplomacy only when they are believed. Does the Administration lack words to condemn the many deaths in detention deliberately caused, and later shielded, by agents of the South African state? Can it

offer—and credibly offer—special condemnation of the South African security forces' use of violence against children?

Children as young as four years old have been shot dead by those forces in the past year; babies have been tear-gassed to death in their own homes. Is it really too much to ask that the Reagan Administration express revulsion at such acts with the same passion that it uses when speaking of violations of human rights of Communist countries?

A second focus should be on South Africa's permanent security laws. These Draconian measures grant the Government sweeping powers of detention and permit the Minister of Law and Order to declare any township or neighborhood an "unrest area," giving him virtually free rein to govern those areas however he sees fit.

Third, the Administration must begin to protest Pretoria's efforts to crush those who seek to promote human rights in South Africa. Since the most recent state of emergency was declared, on June 12, at least nine human rights lawyers have been detained. Though those lawyers were subsequently released—thanks in part, to protests by the American Bar Association and other organizations—many other human rights activists remain in detention. The most recently detained include five white women affiliated with community-based organizations working in support of human rights.

Fourth, the Administration should bring itself to pressure Pretoria to lift its sweeping press restraints—restraints that now, during the state of emergency, include prohibitions on journalists' even bearing witness to acts of repression.

Fifth, the Administration must go beyond its well-rehearsed call for an end to apartheid—an appeal that goes no farther, after all, than what P.W. Botha himself has endorsed. The United States must of course continue to press for an end to the most flagrant abuses inflicted by the South African Government, but the Administration should also make known in the clearest of terms that it believes all South Africans are entitled to basic political rights. The time is long past due for the Administration to stand squarely beside those South Africans who demand representative democracy.

Thus far, the Administration has conspicuously failed to do so. Indeed, President Reagan has at times seemed almost apprehensive that blacks may some day wield political power in South Africa. How else can one explain the comment addressed to Mr. Botha in July: "We understand the apprehension and fear and concern of all your people"? The President's failure to call for majority rule has a grotesque significance given his much-vaunted policy of aggressively promoting democracy in places like Nicaragua and Angola.

There is, sadly, no dearth of evils in South Africa to which the Reagan Administration should turn its attention. Even as stronger sanctions are implemented, Congress must continue to press this Administration, for by itself it seems quite tone-deaf to the magnitude of the evil of apartheid.

## IT'S ABOUT TIME!

## HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mrs. COLLINS. Mr. Speaker, last Thursday was a great day for freedom, justice, and human rights. At last, Congress has acted decisively against the barbarism of apartheid in South Africa.

I want to take this opportunity to commend the Senate for overriding President Reagan's veto of H.R. 4868, the South African sanctions bill. I, and my colleagues in the House, recognized the need for sanctions long ago. It's good to see that the Senate has finally decided to join us.

It's truly gratifying to finally obtain strong sanctions against the racist regime in Pretoria. I only wish they could have come sooner. Many of us have been fighting for a realistic antiapartheid policy for years. We realized that support for that evil regime ran counter to all American ideals. We knew that President Reagan's policy was bankrupt. We did everything we could to publicize the inhumanity of apartheid. I even got arrested protesting outside the South African Embassy. Now, finally, we have accomplished something.

I am not naive. I realize that H.R. 4868 is only a start, a step in the right direction. Change will not come at once. The violence in South Africa will not stop tomorrow. There is still much work to do. But it feels good to be on the right road.

Apartheid's days are numbered. Freedom and justice are coming.

THE 100TH ANNIVERSARY OF  
MOUNT ZION MISSIONARY  
BAPTIST CHURCH

## HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. DYSON. Mr. Speaker, I rise today to pay tribute to Mount Zion Missionary Baptist Church in Snow Hill, MD, on the occasion of its 100th anniversary, October 12, 1986.

Mount Zion Missionary Baptist Church is a small church in size but, very large in heart. This church has been a leader in community services. It was the site of the first Head Start Center for the Worcester County Community Action Committee. Shore-up, Inc., a self-help organization dedicated to rural economics and urban problems, was founded by Mount Zion members and clergy. Many citizens of Worcester County would have gone without food, shelter, or clothing had it not been for the members this church.

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

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

This congregation lives its religious teachings every day of the year. On behalf of the residents of the First Congressional District, I offer my congratulations, best wishes, and continued success as Mount Zion begins its second century.

**H.R. 5565—THE DOMESTIC BANKING STABILITY AND HOUSING ACT**

**HON. GEORGE C. WORTLEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 9, 1986*

Mr. WORTLEY. Mr. Speaker, I rise today in strong support of H.R. 5565, the Domestic Banking Stability and Housing Act. There is a critical need for this legislation to be enacted, and I urge my colleagues to put aside differences on other banking-related issues and to unite in support of this bill.

The bill consists of four sections which would: Preserve the safety and soundness of our Nation's banks and savings and loans; benefit bank customers; and, extend important housing programs including the Federal Housing Administration's guarantees for mortgage loans.

First, I would like to comment on the safety and soundness issue. It is no secret that a record number of banks are expected to fail this year. But this is not to imply that our overall financial system is in jeopardy, for it is not. However, I am convinced that a serious crisis could develop unless we act to ease failing institutions into the mainstream of successful banks. If failing banks can be bought by healthy institutions, the problem is taken care of in a calm manner involving minimal assistance from the Federal Deposit Insurance Corporation. On the other hand, if no buyer is willing to assume a failing bank, then the bank must be closed—even if it is the only one in the community it serves—and Federal funds are required to pay off insured deposits.

H.R. 5565 modifies current law to facilitate the process of healthy banks acquiring failing banks. The FDIC would be permitted to sell, merge and manage problem banks and S&Ls before they actually fail. The legislation would also grant the regulators additional authority under which interstate acquisitions of banks and bank holding companies can be accomplished. Interstate acquisitions are necessary because often there are no buyers within the State where the bank is failing. This could be because of the size of the State, or more likely, because the economy of the entire State is depressed.

Another factor in the safety and soundness issue is the very troubled thrift industry. Without cost to the taxpayer, the bill recapitalizes the Federal Savings and Loan Insurance Corporation. This action is absolutely essential—every day that we put this legislation off means more money will be needed in the future. Ed Gray, Chairman of the Federal Home Loan Bank Board, warns that there are currently 130 thrifts requiring Federal help, and that the costs involved will range from \$7 to \$10 billion. Yet the primary reserves of the FSLIC fund have dropped to \$2.5 billion.

Not only money is at stake with the FSLIC recapitalization. I also fear a disastrous loss of confidence in our Nation's Federal thrift institutions unless decisive and timely action is taken by Congress. A panic along the lines of Maryland and Ohio could fatally harm the healthy S&L's and would certainly create chaos in the economy.

Mr. Speaker, the bill before us today also includes two pieces of legislation which have already been overwhelmingly approved by this Chamber, but have yet to be considered in the other Chamber. They are the Housing Act and Expedited Funds Availability Act.

The reason we need a comprehensive housing bill are numerous. Since September of last year, the House has reauthorized housing programs piecemeal. Besides consuming valuable time, legislating in this manner has led to many problems. Programs such as the Federal Home Administration Mortgage Insurance, Federal Flood Insurance, the Community Development Block Grant, the Urban Development Action Grant and others have temporarily lapsed or been on the brink of lapsing. Individuals served by these programs have been left confused and uncertain of their future.

Congress must continue its commitment of providing housing assistance for lower income and disadvantaged people. Not everyone is endowed with the gifts necessary to provide adequately for themselves and, in many cases, their families. Others have just been unfortunate enough to hit a rough spot in life: prolonged unemployment; a debilitating injury or handicap; the mental and physical problems associated with old age. Whatever the case, clean, safe and affordable housing is often a scarce commodity. The Federal Government has a major role to play in insuring that the citizens of this country are properly housed.

The Expedited Funds Act is much better described as anticheck hold legislation. It is unfortunate, but financial institutions have a record of placing unnecessary and unwarranted holds on checks deposited by their customers. This is done in spite of the fact that the banks are sometimes earning interest on customers' deposited checks before the customers can even access their own money.

Mr. Speaker, for some this is a matter of inconvenience and lost dollars of interest. For others, check holds can even mean the difference between having food on the table or being able to pay the month's rent. There are many persons who absolutely need timely access to their money in order to survive. This access should be available as quickly as modern technology will allow. H.R. 5576 requires financial institutions to credit local checks to customers' accounts in 1 to 3 business days and within 6 days for out-of-state checks. After 3 years, the hold limit would be further reduced.

Mr. Speaker, because of the emergency nature of this legislation, I hope the House will expeditiously grant its approval so that the Senate and President may consider the measure before the end of our session.

**IN HONOR OF LEONARD AND BERNARD SHAPIRO**

**HON. MEL LEVINE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 9, 1986*

Mr. LEVINE of California. Mr. Speaker, I rise today in honor of Leonard and Bernard Shapiro, brothers who are being recognized at the 1986 Trade Awards dinner as Major Achievement Award recipients. This award is given to industry leaders who have advanced bilateral trade and commerce with Israel.

Bernard and Leonard Shapiro have been recognized for many years for their philanthropic contributions. Bernard Shapiro is the past cochairman of the construction division of the United Jewish Fund, and past cochairman of the plumbing division of the City of Hope. He has held memberships with the American Diabetes Association, University Synagogue, and Guardians for Jewish Home for the Aged. Bernard and Rena Shapiro have a beautiful family consisting of their son, Alan Shapiro and daughters. Susan Gesundheit, Linda Manasee, and Gayle Simon. Bernard is president of Familian Corp.

Leonard Shapiro, chairman of the board of Familian Corp. has also found time to share with various organizations in the community. He is a member of the board of directors for the Pacoima Boys Club, the University of Judaism, where he is also chairman of the continuing education department, and the Guardians for the Jewish Home for the Aged. Leonard is past president of the 500 Club for the City of Hope. He is a member of the campaign cabinet of the United Jewish Fund and chairman of the gift advisory board to the American Diabetes Association. Leonard and Annette Shapiro have been blessed with three children, David, Joel, and Ilyse. Annette has been a driving force in fighting diabetes and has always kept me well advised on that critical issue.

It is a pleasure to share the Shapiro brothers' accomplishments with my colleagues in the U.S. House of Representatives. I ask that they join me in wishing the Shapiro families the best of luck in all future endeavors.

**TRIBUTE TO JOHN MCCAIN**

SPEECH OF

**HON. ROBERT H. MICHEL**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 8, 1986*

Mr. MICHEL. Mr. Speaker, I want to join our colleagues in paying tribute to our good friend, JOHN MCCAIN, as he leaves us for what I am certain will be a continuation of his legislative career in another place.

JOHN has impressed all of us around here with his fine work on the Foreign Affairs Committee and the Interior Committee. When JOHN spoke about defense or foreign affairs, Members knew they were hearing something special because of JOHN's background as a Navy flier and as one of that handful of Ameri-



can heroes who withstood the tortures of the Communists in Vietnam as a prisoner of war.

He has brought something special to the House because he is something more than a good representative of his district. His very presence reminded us all of the sacrifices that are called for in the defense of freedom. All the congressional rhetoric about a strong defense and the willingness to sacrifice could not match what he endured and what he did in service to his country.

When he came to join us, he served in another way, the way of legislation, of trying to find honorable compromise among honorable men and women, for the common good. He performed his duties admirably.

JOHN, I think you are leaving the really important body, but after 30 years of service here, I may be a bit biased. Our best wishes go with you as you enter into a new stage of service to America.

## THE BLUE BIRD BODY CO.

### HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. RAY. Mr. Speaker, I would like to take this opportunity to insert into the RECORD, a copy of a recent article that appeared in *Forbes* magazine.

The article is about a family of businessmen in my district that have managed to become leaders in their industry by placing great faith in Christianity and the free-enterprise system.

The Luce family's Blue Bird Body Co. has become the No. 1 producer of school buses in the world. They are competitive and safety-minded.

For years, they have been respected members of the community of Fort Valley, GA, and I am proud to represent them in Congress.

[From *Forbes* Magazine, Oct. 6, 1986]

IT WAS IMPORTANT TO FATHER AND MOTHER,  
AND IT'S IMPORTANT TO US

(By Rita Koselka)

Down in Peach County, Ga., 25 miles south of Macon, you'll find miles of pecan tree groves, peach stands, rundown houses—and a 1-million-square-foot factory framed by a sea of yellow gold. The gold isn't peaches. It's school buses: 25 acres of school buses, plus an assortment of motor homes and bus chassis. You have stumbled upon the Blue Bird Body Co. of Fort Valley.

Never heard of Blue Bird? Your children may have. Owned lock, stock and barrel by the three publicity-shy sons of founder A. Laurence Luce, Blue Bird sells around 11,000 school buses a year, at an average price of \$25,000 to \$37,000, including the chassis. Net worth: \$80 million. On these and other figures, Blue Bird is the world's largest manufacturer of school buses.

Luce, a Ford dealer, started Blue Bird in 1932. The country was still largely rural. Public education was dominated by one-room schoolhouses within walking distance of their pupils. But school buses were about to become a growth business as education budgets exploded and elementary, junior and senior high schools consolidated. In the U.S. today there are 350,000 school buses; they carry 22 million children a day, by far the world's largest public transportation system.

Laurence Luce died in 1962, leaving Blue Bird to his three sons: George, now 65; Albert Jr., 64; and Joseph, 60. Under them, sales have grown twentyfold as Blue Bird has moved from fourth place to first in an industry of five fiercely competitive companies. Now producing in four plants—Fort Valley, plus plants in Virginia, Iowa and Canada—Blue Bird accounts for one U.S. school bus sale in three.

Who are these Luce brothers? From one angle, they are owner-managers determined to control costs and make their productive capital sweat, a habit they learned at their father's knee. Over a lunch of chicken, grits and peaches with gingerbread in George Luce's home, the brothers and their wives recalled a story from Christmas 1939 when two of the boys were home from college (Asbury College, in Kentucky). George recounts:

"My father told us, 'Boys, I can tell you almost to the penny what the sides, windows or bumpers of a bus cost. If we think the costs are too high in any area, we can try to find ways to cut those costs. Now, it costs me \$500 to send you to college. From your grades, I don't think you studied more than 100 hours. That means it cost me \$5 an hour for you to study. That's way too much.'"

The old man announced his plan. He would lend the boys \$500 at the beginning of the year for school. The loan would be repaid by studying. The old man would reduce each loan by \$1 for every hour studied before dinner—the most productive time, he figured—and by 75 cents for every study hour after dinner. The boys had to inform Blue Bird's bookkeeper of their progress daily, by postcard.

And if one of the boy's loans still had an unpaid balance by the time school was out? He had to pay it off by working summers in the plant—at 40 cents an hour (the average assembly wage in those days).

That inbred appreciation for a dollar's value is very much at the heart of Blue Bird's success. School bus orders are won through very competitive bids to state or local school boards. So being the lowest-cost producer is critical. The Luces look at the local newspapers of their competitors' hometowns to make sure that they don't miss any intelligence that could influence a bid.

This kind of attention to detail helps discourage the big automotive companies from tromping on Blue Bird's turf. "It's a complicated business," says George Luce of school bus production. "The margins are tight. We have to deal with school boards. It takes time, and you really have to know your people. It's just not their (GM's) type of business."

Ford, GM, Navistar International, among others, do participate in Blue Bird's success, but as suppliers. They all sell chassis to Blue Bird, which then builds the conventional bus bodies on top. Customers can specify the chassis of their choice. Blue Bird manufactures almost all the other parts—everything from bus seats to heating units to windows.

You cannot fully understand Blue Bird and the Luce family without first understanding the importance they attach to religious beliefs, and to creating a sense of community within the company. Prayer meetings are usually held every other week in Blue Bird's Fort Valley cafeteria. The ten-point "Beliefs of the Blue Bird Company," posted throughout the plant, begins: "We will continue to build our companies on the

foundations of Christianity and the free enterprise system."

If this sounds out of place to urban sophisticates, so be it. "We really don't mean to be obnoxious about it or force it on people," says George Luce, who spent five years in Africa as a missionary. "But we don't apologize, either. It was important to my father and my mother, and it's important to us."

To a large extent, Blue Bird is Fort Valley (pop. 9,000; Bluebird work force there, 1,500). But don't label it a company town, if the label is meant to suggest exploitation. At an average \$10 an hour, Blue Bird workers are well paid by local standards. The plant operates a ten-hour shift, but runs only four days a week, so there is leisure time to spend the wages. George Luce was a member of Fort Valley's biracial committee in the 1960s and swears that Blue Bird has never had an overt racial problem. The workers, more than a third of whom are black, affectionately call the brothers Mister George, Mister Buddy and Mister Joe, and the Luces know many of the workers by their first names. The emphasis is on harmony, on fitting in. The three brothers' homes, scattered throughout the rocking-chair-on-every-porch streets of Fort Valley, are not grand or out of keeping with the community.

When the talk turns to world trade or to the transformation of the American economy, the Luces do seem very oldfangled. To them, manufacturing things is the essence of U.S. industrial might, and they regret to see the oldline manufacturing base ebb against the flow of the service economy. "We like the shop environment," says George. "After all, somebody has got to make something for the service economy to do its work on. You have to create a product first."

Yet the Luce brothers have been quick to take advantage of the new capital goods spawned by the information economy. On Blue Bird's vast shop floor, computer-aided engineering systems amply demonstrate the brothers' heavy spending on productivity-enhancing investments.

Debt financing? Here the Luces do counter the modern tide. The company has taken out long-term loans only twice. Both were for modest amounts, and both were repaid ahead of schedule. A recent credit report showed Blue Bird had \$45 million in cash and securities. "We were born in the Depression," George Luce draws. "That's an experience you never can get over."

With the number of school-age Americans declining, demand for school buses is mature, at best. The Luces saw this coming. In 1963 they began making prestige motor homes called Blue Bird Wanderlodes.

We are not talking Winnebago here. The Wanderlodes—"Birds," as fond owners call them—are luxury yachts on wheels. They are between 31 and 40 feet long, have 200-gallon gasoline tanks, electric generators, full bath tubs, microwaves, VCRs, satellite dishes and every other conceivable convenience. The "cockpit" resembles exactly that, and with 475 hp diesel engines, these powerful machines drive comfortably and accelerate with ease. Retail price: between \$250,000 and \$350,000. Fuel mileage: 6 miles per gallon—but if you have to ask about mpg, you probably can't afford one. The 150 or so Wanderlodes Blue Bird will produce this year will represent some 20% of sales and close to half the profits (which *Forbes* estimates at roughly \$12 million a year).

Who buys these many-wheeled mansions? Mostly retired couples, who sometimes sell their houses and spend a few years traveling in their drivable homes.

"They're the type of people who like to be catered to, yet would stand in line for an hour to get free coffee and donuts," chuckles Blue Bird President Paul Glaske of the typical Wanderlodge buyer. But customers also include Jordan's King Hussein, Saudi Arabia's King Fahd, singer Johnny Cash and the late John Wayne.

There is cloud on Blue Bird's horizon. The cloud is the Luce brothers' mortality. In their characteristically straightforward manner, they say they have had six heart bypass operations among them.

Who next will run Blue Bird? The brothers intend to pass management of the business on to three third-generation Luce sons, now aged between 31 and 34, who are learning the ropes.

On the advice of Cleveland's Léon Danco, author of *Beyond Survival: A Business Owner's Guide of Continuity*, the Luce brothers opened Blue Bird's board to outside directors in 1984—"before that we had board meetings around the water cooler," jokes George—in order to bring in competent outsiders to oversee the younger Luce. In June the brothers hired Glaske as their company's first outside president. He was formerly president of Longview, Tex.-based Marathon LeTourneau, a manufacturer of heavy equipment.

But don't expect big waves from Glaske as he shepherds Blue Bird from one generation of Luce to the next. "Blue Bird," he vows, "is really what an American company should be, the type of company I can be proud to be associated with."

## THE SUPERFUND CONFERENCE REPORT

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. WOLPE. Mr. Speaker, as cochairman of the Northeast-Midwest Congressional Coalition, I am entering into the RECORD the following memo prepared by the Northeast-Midwest Institute on the Superfund conference report which was passed by the House yesterday. The memo contains very useful information about the tax provisions for the Superfund and I am happy to be able to share it with all my colleagues.

The memo follows:

### THE SUPERFUND CONFERENCE REPORT: A REGIONAL ANALYSIS OF TAX PROVISIONS

(Prepared for the Northeast-Midwest Congressional Coalition by Eric Schaeffer)

The conference report on H.R. 2005, the bill to reauthorize the federal Superfund program, includes a variety of taxes designed to raise money for the cleanup of abandoned hazardous waste dumps. Table 1 compares the House and Senate positions on Superfund financing with the conference report.

TABLE 1.—5-YEAR REVENUES IN SUPERFUND FINANCING BILLS

(In billions of dollars)

Source	House	Senate	Conference
Manufacturer's excise tax	0	5.4	0
Alternative minimum tax	0	0	2.5
Petroleum excise tax	3.0	2	2.75
Chemical feedstock tax	2.0	1.4	1.4
Waste-end tax	2.0	0	0.0
General revenues	2.0	0	1.25
LUST gasoline tax	.5	0	.5
Interest/cost recovery	.6	.5	.6
Total	10.1	7.5	9.0

<sup>1</sup> House bill provided for uniform petroleum excise tax rates; conference report provides higher rate for imported oil and refined products.

### BACKGROUND

The 18 states of the Northeast and Midwest have 61 percent of the sites on the Environmental Protection Agency (EPA) National Priority List for cleanup. Excavation and containment work at dumpsites has come to a virtual standstill since taxing authority for Superfund expired last year. Congress twice has provided interim appropriations to keep the program funded pending reauthorization, but these funds were expended by the end of September.

Last week, EPA Administrator Lee Thomas wrote to private contractors carrying out the cleanup operations notifying them that their contracts would be terminated within 30 days if additional funds were not provided by Congress. Thomas has warned Congress that a failure to refinance the program before adjournment "would threaten the very existence" of Superfund. The Treasury Department has recommended that the president veto the conference report because it includes a new broad-based tax and a large increase in the petroleum excise tax.

### BROAD-BASED TAX

The conference report, in a major victory for the House, does not include a manufacturer's excise tax, popularly known as a value-added tax (VAT). In December 1985, the leadership of the Northeast-Midwest Congressional Coalition joined an alliance of environmentalists, taxpayer public interest groups, and major manufacturers to defeat the VAT on the House floor. Coalition members voted instead, by a three to one margin, for the Downey-Frenzel amendment, which rejected the VAT and placed the burden of financing Superfund on the oil and chemical industries thought to be the major contributors to abandoned waste sites. The VAT had been criticized as a regressive national sales tax that would fall disproportionately on the poor and elderly.

The conference report includes a special minimum corporate tax that would raise \$2.5 billion in revenue for Superfund. The income subject to the Superfund levy would be calculated in the same way as the income subject to the alternative minimum tax established by the Tax Reform Act of 1985 (H.R. 3838). In other words, deductions such as capital depreciation allowances and oil depletion writeoffs could not be used to offset income.

Unlike the alternative minimum tax in H.R. 3838, which generally is limited to companies that would otherwise pay little or no corporate income tax, the Superfund levy would be imposed on all businesses. However, it would be deductible for corporate income tax purposes.

The conference report would require corporations to pay \$12 for each \$10,000 of taxable income (with deductions excluded) to

support the Superfund program. Corporations with less than \$2 million in such income would not be taxed. Like the VAT, the Superfund minimum tax would be imposed on companies regardless of their waste management practices or connection to abandoned waste sites. Unlike the VAT, it would be imposed on corporate income rather than on sales volume.

### PETROLEUM EXCISE TAX

The original House bill proposed taxing oil at 11.9 cents per barrel to raise a total of \$3 billion over five years, with no distinction in the tax rates between domestic and imported petroleum products. The conference report taxes domestic crude at 8.2 cents per barrel, and imported crude and refined product at 11.7 cents per barrel. The tax on domestic crude would raise approximately \$1.2 billion over five years, while the tax on imported oil and refined product would raise \$1.55 billion over the same period.

TABLE 2.—PETROLEUM EXCISE TAX BASE

Product	1985 volume (1,000 barrels)
Domestic crude oil	3,274,553
Imported crude oil	1,168,297
Imported refined product	454,947
Total	4,897,797

Source: U.S. Department of Energy, Energy Information Administration, 1985 Petroleum Supply Annual (Washington, D.C., 1985), p. 24.

It should be noted that Table 2 does not reflect the surge in imports and decline in domestic production that followed the dramatic drop in worldwide oil prices that took effect earlier this year. The revenue estimates in the conference report assume that imported petroleum will supply approximately half the U.S. demand for oil over the next five years.

The Northeast-Midwest Congressional Coalition has supported a small, uniform, across-the-board tax on all domestic and petroleum products, as reflected in the original House position, for four reasons. First, oil is the raw material from which most organic chemicals found at Superfund sites are derived. Second, oil wastes containing PCBs are common contaminants at many dumpsites; they have been identified at about 153 Superfund sites in 32 states. Third, the consumer impact is minimal. An 8.2 cent tax would raise consumer prices by only 0.2 cents per gallon of gasoline or fuel oil, assuming the entire cost of the tax could be passed forward; an 11.7 cent tax would raise prices no more than 0.3 cent. Finally, while the region is disproportionately more dependent on fuel oil for home heating, it uses relatively less gasoline on a per capita basis. Gasoline accounted for 45 percent of the nation's total petroleum consumption in 1985, while home heating oil accounted for 20 percent. Attachment B provides data on each state's consumption of all petroleum products in 1983. Texas, with 13 percent of the national total, is the nation's largest oil consumer.

The leadership of the Coalition is concerned about the higher tax rate for imported oil, which was forced on the House conferees as the price of an agreement on Superfund financing. The region is thought to be disproportionately dependent on imported oil for home heating, although reliable state by state data are unavailable. The U.S. imported 73 million barrels of home heating oil in 1985. In addition, it is likely that some portion of imported crude was used to make



the 980 million barrels of home heating oil produced domestically in that year.

Table 3 compares refined oil products by type and according to whether it is domestic or imported. At least one-fourth of the domestic refined products are derived from imported crude.

TABLE 3.—REFINED PRODUCTS BY TYPE AND ORIGIN

Product	1985 domestic (1,000 barrels)	1985 imported (1,000 barrels)
Gasoline.....	2,342,981	138,954
Distillate fuel oil <sup>1</sup>	980,351	73,089
Aviation fuel.....	441,811	14,197
Residual fuel oil.....	321,997	186,284
Still gas.....	213,181	0
Petroleum coke.....	166,019	0
Asphalt and road oil.....	146,332	12,942
Petrochemical oils.....	129,982	8,566
Miscellaneous.....	133,316	20,915
Total.....	4,875,970	454,947

<sup>1</sup> Used for Home Heating Oil.

Source: U.S. Department of Energy, Energy Information Administration, 1985 Petroleum Supply Annual (Washington, D.C., 1985), p. 24.

The table above does not include natural gas liquids produced as a byproduct of refining. The volume of domestic refined products appearing in Table 3 is greater than the sum of domestic and imported crude oil supplies appearing in Table 2, because there is a natural expansion in volume as heavier crudes are refined into lighter, finished products.

The leadership of the Coalition is preparing a colloquy with Representative Tom Downey (D-NY), a supporter of the conference report and a long-time opponent of oil import fees. The colloquy will clarify the intent of the conferees that the 3.5 cent difference between the tax on domestic and imported oil not set any precedent for an oil import fee.

## LUST GASOLINE TAX

The conference report includes a 0.1 cent per gallon tax on gasoline that will be used to provide \$500 million over five years to finance EPA cleanups of underground aquifers contaminated by gasoline. Previously, the Superfund law had barred EPA from responding to sites contaminated solely by petroleum products such as gasoline. Thirteen states have reported approximately 80 percent of the gasoline-contaminated sites identified nationwide. Of these 13 states, ten are in the Northeast and Midwest: Connecticut, Illinois, Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, and Pennsylvania. Four of these states—Maine, Michigan, New York, and New Jersey—have identified leaking underground storage tanks as the primary source of groundwater pollution in their jurisdictions.

## OTHER TAX FEATURES

The chemical feedstock tax would be held at the current levels, and is expected to raise \$1.4 billion over the next five years. A new tax on chemical imports and their derivatives is intended to offset any advantage to foreign producers that the current feedstock tax provides. Despite the vigorous support it received from House conferees, the waste-end tax was dropped at the insistence of Senator Lloyd Bensten (D-TX).

## ATTACHMENT A.—SUPERFUND SITES ON NATIONAL PRIORITY LIST—JANUARY 1986

(Final and proposed)

Region and State	Number of sites
New England:	
Connecticut.....	6
Maine.....	7
Massachusetts.....	21
New Hampshire.....	13
Rhode Island.....	8
Vermont.....	2
Total.....	57
Mid-Atlantic:	
Delaware.....	13
Maryland.....	8
New Jersey.....	99
New York.....	59
Pennsylvania.....	60
Total.....	239
Midwest:	
Illinois.....	24
Indiana.....	26
Iowa.....	12
Michigan.....	64
Minnesota.....	38
Ohio.....	29
Wisconsin.....	27
Total.....	220
Missouri.....	17
Total with Missouri.....	237
Northeast:	296
Midwest <sup>1</sup> .....	220
Northeast and Midwest <sup>1</sup> .....	516
South.....	153
West.....	178
South and West.....	331
U.S. total.....	847

<sup>1</sup> Regional totals do not include Missouri figures; they are included under West.

Source: U.S. Environmental Protection Agency, January 1986.

## ATTACHMENT B.—STATE-BY-STATE CONSUMPTION OF PETROLEUM PRODUCTS

State	1983 petroleum consumption (1,000 barrels)	Percent of total
New England:		
Connecticut.....	79,798	1.44
Maine.....	41,171	.74
Massachusetts.....	135,469	2.44
New Hampshire.....	21,379	.38
Rhode Island.....	16,652	.30
Vermont.....	10,550	.19
Mid-Atlantic:		
Delaware.....	19,800	.36
Maryland.....	86,741	1.56
New Jersey.....	215,982	3.89
New York.....	297,863	5.36
Pennsylvania.....	221,198	3.98
Midwest:		
Illinois.....	224,054	4.03
Indiana.....	118,122	2.12
Iowa.....	70,780	1.27
Michigan.....	124,668	2.24
Minnesota.....	93,598	1.68
Ohio.....	237,385	4.27
Wisconsin.....	85,118	1.53
South:		
Alabama.....	83,921	1.51
Arkansas.....	54,723	.98
District of Columbia.....	8,045	.14
Florida.....	261,109	4.70
Georgia.....	127,685	2.30
Kentucky.....	80,437	1.45
Louisiana.....	287,057	5.16
Mississippi.....	58,766	1.06
North Carolina.....	119,382	2.15
Oklahoma.....	84,943	1.53
South Carolina.....	58,946	1.06
Tennessee.....	87,588	1.58
Texas.....	734,687	13.22
Virginia.....	112,564	2.02
West Virginia.....	34,784	.63
West:		
Alaska.....	28,309	.51
Arizona.....	55,535	1.00
California.....	501,665	9.02
Colorado.....	61,774	.11
Hawaii.....	39,995	.72
Idaho.....	19,523	.35
Kansas.....	67,247	1.21

## ATTACHMENT B.—STATE-BY-STATE CONSUMPTION OF PETROLEUM PRODUCTS—Continued

State	1983 petroleum consumption (1,000 barrels)	Percent of total
Missouri.....	106,607	1.92
Montana.....	23,881	.43
Nebraska.....	38,224	.69
Nevada.....	24,476	.44
New Mexico.....	37,215	.67
North Dakota.....	24,097	.43
Oregon.....	60,241	1.08
South Dakota.....	20,035	.36
Utah.....	32,080	.58
Washington.....	94,448	1.70
Wyoming.....	29,027	.52
U.S. total.....	5,559,364	100.00

Source: Staff calculations from Energy Information Administration data.

## EFFECTS OF AGENT ORANGE

## HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. EVANS of Illinois. Mr. Speaker, as this Congress comes to a close, we are still awaiting final word on the study to examine the effects of agent orange on veterans of Southeast Asia.

This study has run into a number of obstacles and, in my opinion, has been hampered by a lack of commitment and good faith in seeing it through.

In the meantime, thousands of veterans continue to be haunted by the effects of their service in Vietnam and by their own personal conviction that exposure to agent orange produced harmful, sometimes fatal effects.

I urge my colleagues to read the following account from the Peoria Journal Star of one notable family's suffering. While the case of Adm. Elmo Zumwalt and his son may be particularly ironic, it is a reflection of the suffering of many American veterans across this Nation.

[From the Peoria Journal Star, Sunday, Oct. 5, 1986]

## HOW A MILITARY DECISION SPELLED FAMILY TRAGEDY

(By Myra MacPherson)

Adm. Elmo Zumwalt, Jr. was not just any admiral. He was the youngest four-star admiral in U.S. naval history, the youngest to serve as chief of naval operation. From 1968 to 1970 he commanded U.S. naval forces in Vietnam, and it was his decision to order the spraying of Agent Orange to defoliate the jungles along the rivers in the Ca Mau peninsula.

On the ground, below that fine, deadly mist, a young officer ran river patrol boats. He was the admiral's son Elmo III.

The son is now in the advanced stages of an extremely rare, medically baffling form of lymphoma. He has joined the battalion of Vietnam veterans who survived the war but feel they are the hapless inheritors of a sinister legacy—caused by Agent Orange contaminated with deadly dioxin.

It is a Greek tragedy come to life, and as they relive it, father and son finish each other's thoughts and words. Months of watching Elmo endure massive doses of chemotherapy and radiation have deepened the lines in the admiral's face—a face of

strong features and unforgettable bristling eyebrows, long caricatured in editorial cartoons.

Asked how he handled the pain, the father says softly, "Your eyes get wet." Then he quickly races on, "But the inspirational part was Elmo. Each time Elmo called up with bad news, beginning with the first call, he'd be in a semijocular mood, saying 'well, I'm lucky again, Dad, or 'The good news is...'"

And the bulletins were devastating. The first was four years ago, when Elmo learned that he had a specific form of cancer of the lymphatic system called nodular poorly differentiated lymphoma (NPLD).

But there was more. The next call was to tell his father that the doctor had characterized his type of cancer as very slow moving but "always fatal." A few weeks later, the incredulous doctor told them that Elmo had two completely different types of cancer, non-Hodgkin's lymphoma and Hodgkin's disease, the only recorded case of such a combination and sequence. "It was not comforting," says Elmo dryly, "to be a statistic of one."

His father looks at Elmo. "He has just a fantastic ability to cope. Never once did he call up and..." His voice slows. "It was always the recipient who got the tears."

Seven months ago, as a last resort, Elmo endured the excruciating pain of a bone-marrow transplant procedure. "There was a 20 percent chance of dying in the process, a 50 percent chance the cancer will come back—and a 100 percent chance of having to go through the agony, so no one goes in there lightly," says Elmo. Having survived the transplant, Elmo counts the odds—his 50 percent chance of recovery.

The next five months are cliffhangers. "If I get past the first year they feel that it is a very good sign."

"I went from no hope to having hope."

The Zumwalt tragedy has touched a third generation, Elmo's son Russell, who has a severe learning disability. (Like many Vietnam veterans—including those who won a celebrated settlement against seven chemical companies in 1984—Elmo and the admiral feel Russell is among the many deformed, retarded or learning-disabled children who were victims of genetic disorders caused by Agent Orange.)

The admiral writes in "My Father, My Son," their just-published book, "There is no question in my mind that, indirectly at least, I was responsible for Elmo's heavy exposure to Agent Orange, which makes me an instrument of his tragedy." Still, although he feels certain it caused his son's cancer and his grandson's severe learning disabilities, he steadfastly says he has no guilt about giving the order to spray the area with Agent Orange.

What is more, even knowing the toxicity—a drop of dioxin, if it could be divided equally among 1,000 people, would kill them all—Zumwalt says he would give the same order today. He clings to the view that "we reduced casualties tremendously by the use of Agent Orange. Each day we knew how many of our sailors were wounded and killed. As soon as we started the defoliation the numbers decreased dramatically."

Elmo nods, "Absolutely." There is not a second's hesitation. "In combat on those rivers you were obsessed with day-to-day survival. You could go up a canal with dense foliage over it and be shot at point-blank." After Agent Orange turned lush vegetation into landscape as barren as the moon, there were few places to hide.

"Literally thousands were saved from being killed or maimed as opposed to the hundred that are in Elmo's circumstances," Zumwalt contends. "And I believe there's an excellent probability that Elmo wouldn't be here today if I hadn't used Agent Orange."

One of his daughters, Mouzetta, says in the book, "I think Dad feels deeply responsible for the role Agent Orange may have played in Elmo's illness... and Russell's learning disability." And John Pekkanen, who wrote "My Father, My Son" with the Zumwalts, says, "I think he has to feel guilt; it's inescapable. But on one level they are warriors and adhere to 'It's the price you pay in war.'"

Zumwalt talks of cost/benefit ratios. "If we had to fight another war we'd be dropping our bombs close enough to our own troops to kill some of them, in order to save a lot more. It's that kind of thing you do in war. As long as we're saving more than we lose it's an action one has to consider."

But the chief of naval operations, famed for championing the rights of enlisted men, loses that distance as he speaks of the Vietnam Veterans Memorial he cannot bear to visit. "There's hundreds of names there, people whose parents and wives I wrote." The pain is in his dark brown eyes and he clears his throat. "And, uh, hundreds of people who are dead because of orders that I had to give."

"It will be a long time before I go to visit."

Elmo, the eldest of four, was a tenacious child who survived both polio and open-heart surgery. He speaks clinically about the details of his cancer—friends feel it is his way of coping—but there is an urgency to his voice as he explains why he did the book.

Elmo's primary concern was to provide for his family; he is obsessed about the care of Russell, 9, and Maya, 11. "I suddenly realized I was facing a terminal illness when I was 36 years old," says Elmo, now 40, "and that I wasn't as prepared as I should have been." Says his father, wryly, "I had always been overinsured so Elmo compensated by being underinsured."

"I have no idea whether the book will be successful, but I created a trust fund and all the proceeds will go into that for Kathy and the kids," continues Elmo.

Another reason for the book, says Elmo, was to help others struggling with catastrophic illnesses. "It was important to have people appreciate how relationships of love and support can make a difference."

Elmo speaks not only of his family, but of the men he led in Vietnam. "We initially started off not liking each other." His crew would say that was an understatement. They nicknamed him "Brass Brat III." In the book, top-gunner Geoff Martin calls Elmo a "rigid, tough (SOB) and there were times when I got so damned mad at him I felt like shooting him, but we all realized he was a good officer." His bravery broke down the animosity. He took them into territory few swift boats would enter, disobeyed orders and went into Cambodia, and, under heavy fire, captured a convoy of weapons.

The crew holds reunions; over the years, respect turned into love. "We became a band of brothers," says Elmo. All of the crew broke down and sobbed at various times during interviews for the book.

In part, "My Father, My Son" was written for his crew and other Vietnam veterans—especially those who feel they are victims of Agent Orange. Elmo's voice gets hard with anger as he speaks of one aftermath of America's most unpopular war. "We should

be asking questions as to why the returning citizen-soldiers were treated like villains in their own country for over 10 years... The burden of Vietnam veterans who are less fortunate than I, economically and socially, has been a heavy one."

Despite those who say there is insufficient evidence of the linkage between Agent Orange and cancer, Elmo and his father point to a study in the current issue of the Journal of the American Medical Association that shows "devastating evidence that 2,4-D, one of the principal elements in Agent Orange, caused six times as many lymphomas among those farmers who used it without precaution as those who used gloves and other protective clothing."

It was 1945, just after the Japanese surrender, when Adm. Zumwalt met his wife. A 24-year-old lieutenant who had captured a Japanese gunboat, he was sailing up the Yangtze River to Shanghai to help clear the river of Japanese mines. At a dinner party in Shanghai he met Mouza Coutelais-du-Roché. Her father was a French national; her mother's White Russian family had fled to Manchuria after the 1917 revolution, then to Shanghai when the Japanese invaded Manchuria.

He recalls, "I met her on October 1st, proposed on the 7th and we were married on the 22nd." He smiles at what is obviously a long-standing family joke: "We tried to raise all four children never to do anything so foolish."

There are a few passages from Elmo's mother in the book; she still has great difficulty talking about the cancer.

Elmo was born in July 1946. A friend once said he was "born an adult." Says the admiral, "When I was away he was like a substitute father to his younger siblings."

The two recount a pivotal incident when the admiral locked the door on Elmo as he was being chased home by Tiger, the neighborhood bully who "seemed to relish beating the hell out of anybody smaller than himself." Elmo "pounded on the door but he would not let me in. I had to face Tiger head-on." It happened more than once. "Dad would never let me in the house when Tiger was after me. I never could be victorious but I got so I could fight well enough that I took some of the fun out of it for him. He had to find others to harass."

The admiral says, looking a bit chagrined, "To this day it breaks my heart to think of it. It took superhuman will power on my part not to go out and pull Tiger off. This all happened before Elmo was diagnosed as having a heart problem. After that I felt even guiltier."

But Elmo insists it was an "absolutely bed-rock" lesson, teaching him how to deal with challenges larger than himself. "Facing polio as a child. Open-heart surgery. Facing the cancer... is the sort of thing that translated from trying to take on a kid that was clearly able to beat the hell out of me."

Despite long absences required by Navy duties, Elmo says, "Dad developed remarkably close relationships with all of us. It may sound unbelievable, but I can never remember him losing his temper at me, or at my brothers and sisters."

Zumwalt as commander of the Navy in the '70s became famous for his "Z-grams," calling for a relaxation of "Mickey Mouse restrictions" for enlisted men. They could grow beards and sideburns, drink beer in the barracks, listen to rock music. He instituted racial reforms in the supremely lily-white Navy. Despised by the old guard, Zumwalt was praised by those who credit him with



damping down a powder-keg situation in the polarized Navy of the 1970s.

But make no mistake; Zumwalt's liberal tendencies stop there. "I'm schizoid," says the admiral with a laugh, "You could say I have been more liberal than many military on domestic issues and more hawkish than many on national security."

Father and son have slowed their pace, although Elmo still works on some law cases. The admiral laughs at his past lean financial years. "I retired from my top job at the Navy with a net worth of \$50,000 and finished my race for the Senate (his unsuccessful 1976 Virginia bid) with a net worth of minus \$90,000."

Now, says the admiral, "I've reduced my involvement in foreign policy and national security, putting the extra time into ensuring that my income remains high so that I'll be able to help Elmo and his family." He runs two companies and is on the board of six others, but is seldom away from his son's side during his treatments.

Elmo now spends more time with his children. Before his cancer, he was financially cautious to the point of being penurious. After the diagnosis, he surprised his wife Kathy with a sports car and a trip to Europe. The family says the illness has brought them closer to the important things in life.

"The most emotional thing that ever happened to me was that year in Vietnam, but the most physical agony I ever had to endure was that bone-marrow transplant," says Elmo of the experimental process they are praying will save his life.

It is the autumn of their reprieve from those days four years ago when the doctor said Elmo's cancer was fatal. Still, the admiral speaks of the tension that remains—the "sword of Damocles" that hovers as they wait out the months.

But there is more time now than they once thought they had.

Before the transplant, Elmo had been so prepared for the worst that he wrote letters to the entire family. They were to be opened only after his death, but five weeks after the transplant the admiral could not resist opening his letter.

Both in Vietnam and with my cancers, we fought battles and lost. Yet, we always knew even when the battle was clearly desperate, that our love could not be compromised, and that however bad the odds, we were incapable of ever giving up.

How I loved you. How I would have loved to have continued to fight the battles by your side. You always made a difference. You made my last battle, the journey to death, more gentle, more humane.

I love you,  
Elmo.

#### CALAIS ADVERTISER CELEBRATES 150TH ANNIVERSARY

#### HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Ms. SNOWE. Mr. Speaker, one of the vital components of eastern Maine has just celebrated its 150th anniversary. The Calais Advertiser, founded in 1836 as a twice weekly paper, continues today in its proud tradition of being more than just a news outlet. The Advertiser has helped shape the events that make Calais a community on the move here in the 1980's.

It is also important to note that the Advertiser is, as a recent editorial pointed out, very much a team product. Since the paper appears through the efforts of so many people, bylines are omitted to portray the group endeavor.

I want to join in congratulating the Calais Advertiser on its 150th anniversary, and extend my wishes for continuing success and journalistic excellence in the years ahead.

Mr. Speaker, I am submitting the following article tracing the history of the Calais Advertiser for the RECORD.

#### "OUR" HISTORY

(By Jay Hinson)

"The Calais Advertiser", one of the oldest newspapers in North America, was born in August 1836. Called "The Gazette and Advertiser", the paper was published every Tuesday morning by two businessmen named Snow and Jackson. The paper was vigorous and forceful, and had as its first editor, James Shepherd Pike, who went on to a distinguished career as Washington, D.C. correspondent and associated editor of "The New York Tribune", and as ambassador to The Netherlands, appointed by President Abraham Lincoln. Pike, incidentally, was also a prominent businessman and civic leader and was the person who installed the milestones between Calais and Robinson where he had a summer home, The Mansion House.

The price for a year's subscription to "The Advertiser and Gazette" was \$2.50 and grocery products were accepted as payment for advertisement. The following can be found in the August 16, 1836 copy of "The Advertiser and Gazette", the first copy to have been printed, "Any person who will procure us six responsible subscribers shall receive the seventh copy gratis".

In 1836, eastern Maine was enjoying a considerable boom. The population was increasing rapidly and the financial status of many people was in good shape. In the first issue of "The Advertiser" it was stated that Calais had grown from 1,685 in 1830 to 3,202 inhabitants in 1836. Two banks had just opened in Calais and another in St. Stephen, N.B. People were awake and alive.

All these activities were interrupted by the financial crash of 1837. "The Advertiser and Gazette" suspended publication in 1838 but began operation again as "The Calais Advertiser" in 1841.

The newspaper has operated without interruption since that time.

Another great figure who acted as editor of "The Advertiser" from its revival in 1841 was John Jackson. He waged a relentless battle against Democrats; pro-slavery advocates, "rum sellers", employers who underpaid or mistreated their employees, and wasteful lumber operators for more than 40 years.

In those days, the presses were simple and crude. True, one or two men could manage the entire operation of printing, editing and reporting but it was difficult work. The type all had to be set by hand, and it was said that editor Jackson seldom wrote out any news story or editorial. He saved time by setting it up directly. John Jackson was followed as editor by his sister, Miss Lizzie Jackson, and she, in turn, was followed by Al Smythe. They kept the paper going, but the machinery and equipment was worn and outmoded. New inventions such as electrical and gasoline run engines were being used to power the presses and "The Advertiser" went behind the times. From a circulation

of 5,200, "The Advertiser" dropped to about 300 printed copies a week. To keep the townspeople from realizing the decline, the basket which took the newspaper to the post office was first filled with scrap paper, and then the fresh copies were placed on top.

In 1899, the paper was purchased by 12 local men who were interested in seeing the paper kept up. The firm was re-named "The Calais Advertiser Publishing Company", and the dozen saviors were called the "Twelve Apostles". Charles Rose was hired as editor and the paper began to improve its position. The last of the "Twelve Apostles" was the late Frank Beckett, Sr., a Calais merchant, active until his death a few months before he would have been one hundred years old.

Waide Randall was a very kind and generous man who was a watch repairman before his father-in-law, Charles Rose, left his shares of the newspaper to Waide's wife. With the assistance of the remaining members of the "Twelve Apostles", Randall guided "The Calais Advertiser" through the thin years of the Depression when a year's subscription was only fifty cents and a column inch of advertising was half that. Randall took the newspaper through the worrisome Forties and into the late Fifties with the help of such popular writers as Arthur Kallenberg and historian Ned Lamb. During this time the paper was located on North Street.

On January 2, 1958, he sold "The Calais Advertiser" to Jay B. Hinson, who has been bureau chief for The Bangor Daily News for five years and a graduate of Colby College. Hinson purchased new equipment and about a year after the purchase, moved the shop to the former railroad station on Hog Alley where he continued to modernize the plant and expand the commercial printing part of it. In 1962 the newspaper shifted from letterpress (hot type) printing to offset.

When Hinson bought the newspaper in 1958, the subscription price per year was two dollars so he took the bull by the horns and jacked it up to what it had been when the first edition was published in 1836—\$2.50 a year. With support from the community most of the time, "The Calais Advertiser" worked to have the city dump moved off Main Street, sought to have highways and streets improved, urged citizens to participate in their own government, rapped the knuckles of politicians and city managers and police chiefs believed to be inept, chided bureaucrats and praised the efforts of business people who worked through the doldrums of the early Sixties, survived the recession of the mid-Seventies and labored to bring forth an ever-improving community in the Eighties.

In 1967 Hinson and Eugene Townsend of Calais purchased "The Machias Valley News Observer", the only other weekly newspaper in Washington County. Formed in 1852, that newspaper, with a circulation of 3,800, covers coastal and western Washington County.

"The Calais Advertiser" steadily maintains a circulation of 4,000 to 4,500 copies each week, depending on the season. In 1983, Hinson sold the commercial printing part of the business to one of his sons, Eric, and moved the newspaper office to Knights Corner on North Street.

While publisher and editor of "The Calais Advertiser", Hinson served as executive secretary of the Calais Chamber of Commerce in the early Sixties; was chairman of the Washington County Development Author-

ity which spent \$275,000 on boat launching sites and parks, including West Quoddy Head State Park, helped to form the city's first planning board and was president of the Calais Lions club for one year. He is still active with the newspaper in Machias and with commercial photography.

The new owner of "The Calais Advertiser" is Ferguson Calder who took over on October 5, 1985.

## GOLDEN ANNIVERSARY OF THE NATIONAL FORESTS OF TEXAS

### HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. WILSON. Mr. Speaker, on Monday, October 13, the U.S. Forest Service celebrates the Golden Anniversary of the National Forests of Texas. Four of the five Texas National Forests are in my district, providing natural beauty, recreation and livelihood for east Texas. Without the contribution of the U.S. Forest Service, there would be no forest area in Texas. The thick woodland we now enjoy was stripped and barren 50 years ago, when reclamation and reseeding began on the newly acquired Federal land. I submit for the RECORD, to mark this important date, the following proclamation.

#### PROCLAMATION

Whereas on October 13, 1986 the U.S. Forest Service will observe the 50th anniversary of the National Forests of Texas; and

Whereas the National Forests of Texas have led in the conservation and protection of one of our most important natural resources; and

Whereas the U.S. Forest Service has successfully managed the thick woods of East Texas for multiple use including recreation, and as a result attracted thousands of tourists to enjoy the pristine beauty of nature; and

Whereas the National Forests of Texas have improved the economy in the East Texas Piney Woods, where the forests are located, through increasing the productivity of those timberlands and by returning a percentage of the income from the sale of the timber to local governments and school districts; and

Whereas the National Forests in Texas have demonstrated a great influence in the State on the economy and environment, as well as providing recreation, tourism and beautification with favorable and positive nationwide publicity;

Now, therefore, be it hereby proclaimed that as the member of the U.S. House of Representatives for the 2nd District of Texas, I praise and pay tribute to the Forest Service on the occasion of the Golden Anniversary of the National Forests of Texas.

## HONORING THE B.P.O. OF ELKS

### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. TRAFICANT. Mr. Speaker, it is my distinct honor to bring to the attention of this body the 100th anniversary of the funding of

the Benevolent and Protective Order of Elks on October 23, 1986.

The B.P.O. of Elks is a fraternal organization since 1886 that rose from the humble beginnings in New York City where a group of actors joined together for fellowship and brotherly love. With a strong tradition of charitable work, the Elks boast over 2,285 lodges and 1,600,000 members nationwide. Fiercely patriotic to our country and believers in God, the Elks are supporters of such worthwhile community needs as veterans' programs, youth activities, and drug awareness. Specifically, the Youngstown Lodge No. 55 is most active in fighting cerebral palsy; helping needy families by providing disaster relief; and always coming to the aid of our country in time of need.

I share the Elks' commitment to our Nation's children and its priority to help our young people by its creation of a Youth Activities Committee. Through scholarships and grants to students, the Elks are insuring a quality education for many needy students, the leaders of tomorrow.

The Elks have embarked on a recent project that is near and dear to my heart—that being drug awareness. To quote Exalted Ruler Roland Brothers, "We are using every weapon at our disposal to stop this terrible cancer of the mind, especially for children grades 5 through 8." On behalf of this auspicious body, I want to commend the Benevolent and Protective Order of Elks for their work in this area and congratulate them on the celebration of their 100th year.

## AGRICULTURAL PESTS IN THE MAILS

### HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. COELHO. Mr. Speaker, today I am introducing legislation that would strengthen our current laws prohibiting the use of first-class mail for the transport of plant materials that could contain harmful agricultural pests. The mails provide a pathway for entry of serious agricultural pests into my home State of California, which poses potential problems to all farmers. We have to take some action to prevent any additional harm to our agricultural products such as the Medfly incident that occurred a few years ago.

Recent evidence has shown that the problem of first-class mail containing agricultural pests is growing in California. On June 5, 1986, a 14-pound jackfruit was intercepted in first-class mail from Hawaii. It was found to be infested with a scale and a mealybug not present in California. On July 28, 1986, sorghum was intercepted and found to contain 12 larvae of the oriental fruit fly.

The eradication costs to California since 1980 for fruit fly pests have exceeded \$105 million. We need to do something to prevent California or any other States in the Union from having to incur these costs in the future.

Our present Postal Service policy prohibits the inspection of any first-class mail, even if it might contain these pests, unless a warrant is

secured. Some means of handling parcels suspected of containing prohibited materials is needed that is less cumbersome than getting a warrant, but that protects citizens rights from having mail inspected randomly without cause. I believe the bill I am introducing is a reasonable method of addressing this problem.

This legislation would make it illegal to ship any plant or animal or related article in first-class mail unless the person or sender who submits the mail parcel agrees to allow agricultural inspection of its contents. The Postal Service would be authorized to refuse to accept any parcel suspected of containing prohibited plants or animals for which inspection is not authorized.

The Secretary of Agriculture would be required to work with the U.S. Postal Service in devising regulations for handling parcels found to contain prohibited materials. Additionally, they would be required to conduct a public education campaign to inform people of the problem and to advise them of current laws dealing with the use of the mails for such purposes. Finally, civil penalties of at least \$1,000 would be authorized for those who violate this law.

While there is not time to enact this legislation during the current Congress, I am introducing the bill now to increase public awareness of the problem and to begin discussions on the need for this legislation. I intend to pursue this issue in the 100th Congress so we can bring some control to the problem of agricultural pests that are found in the mails.

## TRIBUTE TO DR. FRANK HARRINGTON

### HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. DARDEN. Mr. Speaker, I would like to direct the attention of my colleagues to the achievements of Dr. Frank Harrington, who is celebrating 25 years as a Presbyterian minister—including 15 years as senior minister at Peachtree Presbyterian Church, one of Metropolitan Atlanta's largest religious institutions.

Dr. Harrington not only is an outstanding speaker with a fine sense of humor; he also devotes great energy to providing day-to-day assistance to members of his congregation, whether their needs are physical or spiritual.

He also is widely known for the television ministry which he began in 1972 over WSB-TV in Atlanta. That ministry has expanded to include cable television outlets throughout the Southeast. On Christmas Eve, viewers nationwide hear Dr. Harrington's holiday message via WTBS television.

I have visited Peachtree Presbyterian Church on numerous occasions. Each time, I have come away with a new appreciation for both Dr. Harrington's devotion to his tasks as minister and the congregation's love for him.

During Dr. Harrington's 15 years at Peachtree Presbyterian, more than 7,000 members have been received, and the congregation has contributed more than \$29 million to help spread the Gospel and assist the needy. Al-



though the church stands in the city of Atlanta, it draws members from throughout the area—including many people from the Seventh District. My wife's aunt, Mrs. Christine Anderson, widow of the late Dr. John Anderson, is a member of Peachtree Presbyterian's board of elders.

Before his arrival at Peachtree Presbyterian Church, Dr. Harrington served as minister at the First Presbyterian Church in Hinesville, GA, and senior minister of Fairview Presbyterian Church in North Augusta, SC.

A native of Kingstree, SC, he earned degrees—with honors—from Presbyterian College and Columbia Theological Seminary. He and his wife, the former Sara Rogers, have two children, Mrs. Harold (Victoria) Franch and Susan.

Dr. Harrington has served as a member of the General Mission Board of the Presbyterian Church in the United States, and as a member of the board of directors of Columbia Theological Seminary. He also has served in various capacities with other church leadership organizations and educational institutions. He has been a member of the clergy staffs at both University Hospital in Augusta, GA, and Northside Hospital in Atlanta.

Mr. Speaker, I invite my colleagues to join me in paying tribute to the accomplishments and contributions of this outstanding religious leader, Dr. Frank Harrington.

#### TRIBUTE TO JOHN F. SEIBERLING

#### HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1986

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to my good friend and distinguished colleague, JOHN SEIBERLING, who will be retiring from the House of Representatives at the end of the 99th Congress.

As a member of the House Interior and Insular Affairs Committee and as chairman of the Subcommittee on Public Lands, JOHN has been instrumental in efforts to defend America's heritage. He was one of the chief architects of our Nation's wilderness protection efforts and the drive to defend America's scenic beauty. He has also worked to promote America's historical legacy through his strong advocacy for the preservation and protection of historic buildings and sites. Through these efforts, JOHN has diligently worked to preserve our Nation's legacy for future generations.

JOHN's achievements on the national level have been impressive, but he has also served Ohio's 14th District with distinction. In his eight terms, he has worked tirelessly to protect the interests of his constituents and his district has benefited from his dedication and commitment. JOHN will be remembered for a number of achievements, including his efforts to defend and protect the Cuyahoga Valley National Recreation Area. JOHN has won the respect and devotion of his constituency and his colleagues and I know that he will be sorely missed.

For my own part, I am honored to have been able to serve in this body with JOHN SEI-

BERLING. He has served the people of Ohio and the country with dignity, dedication, and honor. His compassion and commitment have led to many outstanding accomplishments. It is an honor to salute the 16 years of distinguished service of my good friend and colleague, JOHN SEIBERLING, and I wish him and his wife Elizabeth the very best in all of their future endeavors.

#### TRIBUTE TO ELDON RUDD

SPEECH OF

#### HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1986

Mr. SCHULZE. Mr. Speaker, I rise in tribute to and in honor of the gentleman from Arizona ELDON RUDD.

I've known ELDON RUDD since he came to the Congress in 1977. He's a quiet man and, like so many reticent individuals, we often miss the depth of that individual unless we take the time to watch and study him. This is true of ELDON. I could easily have missed out on knowing him better, except for an occasion I had to sit next to him at a Republican conference meeting shortly after he arrived in Washington. We got to talking about each other, where we come from, what we did in our "former" lives, that type of thing. Before long, I was listening and asking him more about his experiences and what sparked his desire to run for elected office. The details of the conversation are not important—the feelings of the man are. Common threads of motivation running throughout all his careers—and they have been many—number among them a sense of justice and patriotic pride. I know we sometimes throw those terms around a little freely, but ELDON feels them deeply and has been guided accordingly. He served in the Marine Corps during World War II, and devoted 20 years of his life as a special agent in the Federal Bureau of Investigation. In both careers, he served his country directly, and the people indirectly. In his next two careers—as a member of a county board of supervisors and Member of Congress—he has served the people directly, and his country indirectly. Odd that he would embark upon these goals? Not if you know ELDON. He is truly driven by his twin desires of justice for the people and service to his country.

So while the House of Representatives is losing a fine statesman, some other American institution or organization is sure to gain one. ELDON, I wish you and Ann continued success and happiness in all that you do.

#### PROPAGANDA TOUR IN KAZAKHSTAN

#### HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. BEREUTER. Mr. Speaker, the Soviet Union continues to propagandize abroad in favor of a nuclear test ban, urging that the United States follow its example. To strength-

en its case, the U.S.S.R. recently allowed a tour by foreign journalists of its nuclear test range in Kazakhstan. This member would like to share with his colleagues an Omaha World Herald editorial of September 29, 1986, discussing the test ban moratorium issue and underscoring the need for adequate means of U.S. verification of treaty provisions subject to discussion at the Reagan-Gorbachev upcoming summit talks.

[From the Omaha World Herald, Sept. 29, 1986]

#### PROPAGANDA TOUR IN KAZAKHSTAN

The Soviet Union didn't strengthen its case for a nuclear test ban the other day when it allowed a group of foreign journalists to tour its nuclear test range in Kazakhstan. The world already knew that the Soviets have discontinued nuclear tests. Two non-government U.S. observers have even been allowed to set up monitoring stations nearby.

Moscow has never been shy about capitalizing on a propaganda opportunity, however. Letting foreign journalists describe and photograph the rusting rails and abandoned machinery at the test range was just that—propaganda. See how firmly we hold the high moral ground, the Soviets seemed to say. See how deeply we want peace.

In 1963, the United States and the Soviet Union formally agreed to halt nuclear tests in the air, in the sea and in space. In 1974, they decided to limit underground tests to 150 kilotons.

Last year, the Soviets paused in their underground nuclear testing on the 40th anniversary of Hiroshima and urged the United States to do likewise. The Soviets had just finished a series of nuclear tests. The United States, which had additional tests scheduled, declined to halt its testing program.

In December, just before the United States made an underground test on a nuclear device for the Strategic Defense Initiative, the Soviets extended their moratorium. The United States again declined.

The United States has taken the position that testing is needed to maintain efficient weapons. American officials have said that the United States would be willing to consider a formal treaty banning underground nuclear tests. But the treaty would have to include adequate means for verification. And the United States would have to be convinced that a test ban would not simply lock in a Soviet advantage.

The propaganda show at the test range did nothing to discredit this reasonable U.S. position.

#### NOTRE DAME HIGH SCHOOL IN WEST HAVEN, CT, CELEBRATES 40TH ANNIVERSARY

#### HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. MORRISON of Connecticut. Mr. Speaker, I rise today to share with my colleagues my pride in the 40th anniversary of Notre Dame High School in West Haven, CT.

Notre Dame was founded in 1946 by the Brothers of the Holy Cross. Today it has 7,700 alumni and 860 students from New Haven West Haven, Hamden, and other towns as

distant as Guilford, Meriden, and Beacons Falls.

Notre Dame is known throughout the region for academic excellence and a strong tradition of leadership and service to the community. A long list of its former students have distinguished themselves in athletics, business, medicine, law, and other fields.

On October 11, I will join with many distinguished colleagues and friends at the first annual Notre Dame High School Knights of Honor Dinner to celebrate this happy occasion and to honor seven individuals who have provided distinguished service to Notre Dame as alumni, faculty, and loyal friends.

They are: Nicholas Pietrosante, a Notre Dame football legend who went on to a distinguished career at Notre Dame University and on the Detroit Lions and the Cleveland Browns, and now a leading area businessman; Elizabeth Panza, who has served Notre Dame in many capacities, notably as president of the Mothers Club and the Alumni Mothers; Lawrence Tierney, M.D., who donated countless hours of medical services to Notre Dame athletes in the 1950's and 1960's; Brothers Theodore Oliveira, C.S.C., and Benjamin Sunday, C.S.C., two of Notre Dame's outstanding teachers; the late Raymond G. Tessier, a Notre Dame teacher-coach for over two decades; and the late Superior Court Judge Frank Kinney, a member of Notre Dame's first graduating class and leading Connecticut jurist, whose untimely death only a few days ago shocked and saddened us all.

Guests at the dinner will include Mayor Biagio DiLieto of New Haven, Mayor Azelio Guerra of West Haven, Probate Judge E. Michael Heffernan, Brother Francis Leary, C.S.C. Principal, Nicholas Cusano, chairman of the board, Rev. James G. Fanelli, superintendent of schools, Archdiocese of Hartford, William T. O'Brien, chairman of the Knights of Honor Committee, and many alumni and friends of Notre Dame.

Mr. Speaker, I know all my colleagues will join me in honoring Notre Dame High School and its seven "Knights of Honor."

#### CITATION FOR DISTINGUISHED SERVICE TO GUY W. WILLEY

#### HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. DYSON. Mr. Speaker, I rise today to honor the distinguished career of a dedicated public servant, Mr. Guy W. Willey. The U.S. Department of Interior recently bestowed its highest honor, the Distinguished Service Award, on Mr. Willey for his many contributions in the field of wildlife conservation with the U.S. Fish and Wildlife Service.

Interior Secretary Donald P. Hodel, stated in his citation:

Throughout his eminent career at the Blackwater National Wildlife Refuge [NWR], Mr. Willey's sincere dedication to wildlife conservation has significantly contributed toward gaining national recognition for the refuge as a unique wildlife management area. He has an exceptional talent for communicating his concerns and knowl-

edge of the marsh and wildlife with everyone from local residents to students to professors to ambassadors. As a result, Mr. Willey has gained the support of many with very positive tangible benefits. During the period when Blackwater NWR was experiencing rapid marsh losses, Mr. Willey was the moving force in a study program proposed by the University of Maryland and provided invaluable assistance in implementing recovery programs for the Delmarva fox squirrel and the southern bald eagle.

Mr. Willey's list of achievements go on to include the reestablishment of new colonies for the fox squirrel, and development of a protected area for the bald eagle. In addition, he served on the State of Maryland's Trapping Advisory Commission and helped to write new trapping statutes for the State.

I join the Department of the Interior on behalf of the residents of Maryland's First Congressional District and salute Mr. Guy Willey for his outstanding dedication to the preservation of the Chesapeake Bay and the natural environment of the wildlife in and around the State of Maryland.

#### IN HONOR OF JESSE AND JOAN FELDMAN

#### HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. LEVINE of California. Mr. Speaker, I rise today to recognize Jesse and Joan Feldman as they will be honored by the JWB on December 7, 1986.

Jesse will receive the first JWB Community Builders Award for his volunteer achievements, leadership in the San Francisco JCC and community, an active national involvement in JWB and for serving as an inspiration and a role model for others.

Jesse Feldman is a JWB vice president and chairman of its Israel Committee. He has been on JWB's board of directors since 1968. In that time he has served in many different capacities. A past president of the United Jewish Community Centers of San Francisco and the Jewish Community Federation of San Francisco, the Peninsula, Marin and Sonoma Counties, and former chairman of the Jewish Community Relations Council in San Francisco, he has also served as a vice president of the Council of Jewish Federations.

An attorney, Mr. Feldman was founding partner of the San Francisco law firm Feldman, Waldman and Kline. He remains active in a number of business and community organizations in his native city.

He and his wife, Joan, live in San Francisco and spend part of the year in Jerusalem, Israel.

Jesse and Joan have been especially important to me personally, as devoted community leaders, as wonderfully caring people, as special friends, and as my very own cousins.

It is a pleasure to share the news of this special tribute with my colleague in the U.S. House of Representatives. I ask that they join me in wishing the Feldman's the best of luck in all future endeavors.

#### TRIBUTE TO ELDON RUDD

SPEECH OF

#### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1986

Mr. MICHEL. Mr. Speaker, our colleague and friend ELDON RUDD has decided to retire after 10 years of distinguished service in this body. I want to join the rest of our colleagues in honoring the legislative career of this fine gentleman.

ELDON came to us after serving his country in the Federal Bureau of Investigation. As a member of the Appropriations Committee and as a strong supporter of President Reagan's foreign and defense policies during the past 6 years, ELDON RUDD has brought to his legislative tasks the same kind of dedication and patriotism he demonstrated in the FBI. In the fight against communism around the world, he has always been an informed and eloquent champion of western values.

He has served his district, his State and his country with distinction, as a citizen, as an FBI man and as a Member of this House.

Let me say personally that I will also miss his sartorial splendor which brought to us all the energy and bright color of his native Southwest.

ELDON, we will miss you.

#### HELP PENSION LOSERS BECOME WINNERS

#### HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. BIAGGI. Mr. Speaker, I am proud to have joined as an original cosponsor of legislation designed to assist over 80,000 senior citizens in this Nation whose pension plans were eliminated between 1942 and 1974, thus depriving these workers of much-needed income they had rightfully earned after years of hard work in our labor force. These people have come to be known as pension losers.

Although the Employee Income Security Act provides compensation for workers whose pension plans were terminated after 1974, this arbitrary cut-off date has left thousands of additional workers stranded with no compensation, no pension, no retirement income at all. This is a tragedy that must not be allowed to continue. Our Nation's citizens have been told by our Federal Government and President Reagan that the Government is not going to bear the responsibility for their welfare after they retire. Yet what about the thousands of people across our Nation who have worked many long and hard years planning for their retirement—only to have their plans dashed through no fault of their own. The Federal Government is the only entity that can provide relief to these individuals.

As an original member of the House Select Committee on Aging, I have long worked to improve the plight of our elderly population. This bill represents a reaffirmation of my com-



mitment to do just that. I have cosponsored this legislation in the past. I joined as a supporter of this bill and believe it is time for us to act.

It is my understanding that this issue will be a priority of Mr. CLAY and the Subcommittee on Labor-Management Relations next year. I want to commend the gentleman from Missouri, Mr. CLAY, for his insight in introducing this bill and I certainly look forward to working with him on this important issue during the next session of Congress.

The beneficiaries of this legislation are those workers who embody the American work ethic. They represent the spirit of this Nation and they should not be penalized in their retirement years. I pledge my commitment to ensure that these workers receive some compensation and that this terrible injustice is given meaningful consideration in the upcoming session of Congress.

**PEPSICO'S ROGER ENRICO ON THE THREE "E'S" OF EMPLOYMENT, EDUCATION, AND ECONOMIC DEVELOPMENT**

**HON. JACK F. KEMP**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. KEMP. Mr. Speaker, I recently had the opportunity to read the remarks made by PepsiCo's pathbreaking president and CEO, Roger Enrico, before the Memphis Chapter of the NAACP. Roger spoke eloquently about the need to create an opportunity society where all people have the chance to succeed and fulfill their dreams. I hope my colleagues will take the time to read Mr. Enrico's interesting and uplifting speech.

REMARKS OF ROGER A. ENRICO

MEMPHIS BRANCH, N.A.A.C.P. FREEDOM FUND DINNER, MARCH 27, 1986

Thank you.

Good evening, ladies and gentlemen.

I bring you greetings from my fellow New Yorkers and extend our condolences for the recent loss by Memphis State in the NCAA playoffs.

We share your grief as we too mourn the loss by our St. John's team in the Western Regional playoffs.

Well, at any rate, I'm sure you'll be waiting until next year to cheer the Tigers on to victory. Just as we'll be cheering for the Redmen of St. John's.

On a more uplifting note, I want to say how good it is to be with you tonight. And to thank you for the chance to speak to you this evening.

You know, when Ben Hooks called me a few weeks ago and asked me to speak at this event, my first reaction and immediate response was: I'd be delighted.

I was delighted to accept because it's an honor to speak to this group. The N.A.A.C.P. has done more to bring out the best in this Nation than any organization I know.

Besides, no one says no to Maxine Smith! But I was really delighted to accept because I consider Ben Hooks a good friend.

My second reaction, though, was: What in God's name am I going to talk about?

Do I give you a litany of all the things Pepsi-Cola Co. and its bottlers have done to

support your cause? Do I tell you about fighting the cola wars? About my experiences with Michael Jackson?

Well, I could talk about those things. It would be easy for me to do so, and hopefully easy for you to listen to.

But I decided not to take the easy route. Instead, I'd like to talk to you about three critical areas I see facing the black community: Economic development, employment, and education.

I want to share with you my perspective on these three "E's" because I feel that the progress we make in those areas will drive the level of success that blacks and other minorities achieve within our society.

(Pause.)

And I'm also going to talk about a new mood that is sweeping the Nation—a mood that promotes togetherness without sacrificing individualism—a mood that puts making things happen on top of the list—a mood where people are saying: "I can—can you? OK—Let's get it done!"

(Pause.)

You know, a man once asked Billy Graham to explain the difference between Heaven and Hell.

That's easy, Reverend Graham said. Heaven is a wonderful place. Because in Heaven, the natural order of things is in perfect balance.

In Heaven, the British are the cops, the French are the cooks, the Germans are the mechanics, the Swiss are the administrators, and the Italians are the lovers.

But Hell, he said, is an entirely different matter. Because in Hell the Germans are the cops, the British are the cooks, the French are the mechanics, the Swiss are the lovers, and the Italians are the administrators.

(Pause.)

Well, any of you who have spent some time in Europe have probably observed that nationalities do tend to excel in some things, and perhaps from that perspective, there is a bit of truth to that story.

But the dream of America, the magic of this bold human experiment, is that distinctions like those aren't supposed to apply in our country.

And neither are distinctions of race or of religion.

We Americans believe in a revolutionary human concept, called freedom. And we also believe in equal opportunity for everyone to make it according to his or her own drive, vision, and ability.

Yes, we Americans believe in those things, but we all know it doesn't work that simply. It's not that easy. If it were, the struggle would have been over a long time ago.

(Pause.)

Is there anyone who doesn't remember the struggle and the pain endured by those who were in the civil rights fights of the 1950's and 1960's?

Well, let's get out there and remind them.

(Pause.)

And remember the tremendous gains from laws passed in State and Federal legislatures to protect the civil rights of black Americans in the 1960's and 1970's?

Well, almost a quarter of a century later, we're still faced with a social condition that is not dramatically different from that which existed before all those laws were passed.

To be sure, there have been some successes. But we should all be well aware of the 18 percent unemployment which exists among black Americans, and the 40 percent unemployment among black teenagers.

And fewer black high school students are enrolling in colleges today than was the case just 10 years ago.

Now, we've got to ask ourselves, why is this?

Well, I'd like to offer one highly plausible reason: I think that we may very well have neglected to recognize the fact that the tactics and weapons we should be using to fight today's battles need to be a lot different than those used so successfully 25 years ago.

(Pause.)

You see, people, not laws, populate this Nation, and people will make the difference if the social condition in America is to be corrected.

Think about it.

People—each of us—have the capacity for compassion and fair play, and the bravery necessary to bring it about. But people—you and I—also have the ability to be selfish, deceitful and cowardly.

The single most important element that will make the difference in how you and I and all Americans act is the quality of our leadership.

Leadership in a Nation is what brings out the best qualities in its people and suppresses the worst.

(Pause.)

Notice, I didn't say our Government—I said our leadership.

For the two are not necessarily synonymous. The late Roy Wilkins never held an elected position in this Nation. And neither was the Rev. Dr. Martin Luther King a government official.

They were both true leaders, however, and they both captured the imagination of the American public like no government official every did.

They did so by appealing to the best within us all. And we saw in Wilkins and King, and others like them, integrity and dignity. We saw in their ideas and their leadership something more powerful than all of the laws, and all of the governments, and all of the armies of the world.

We saw morality and decency and a sense of fair play.

(Pause.)

Today, Americans are sick of big government. They are sick of big spending. They are sick of deficits. They are sick of too many laws, too many lawyers and too much paperwork.

They're sick of those things because they don't work very well. They just don't get the job done no matter how many billions they throw against it.

But Americans are not sick of doing what's right and what's good. Deep inside them, there is the desire to help the poor and feed the hungry.

Deep inside there is the will to fight discrimination. Deep inside there is the will to fight for equal opportunity for all.

But to bring these qualities from deep inside to the outside where they can do some good requires leadership. Leadership is the fuel that makes the machine run.

(Pause.)

And so tonight, I am asking you to look at the world, to look at what you're trying to accomplish right here in Memphis, in a different way than you may have in the past. I am asking you to achieve. Be a winner.

(Pause.)

If you're looking in the direction of Washington, you're looking the wrong way. Because Government is not the answer—you are.

Yes, Government can and should play an important role, but not anywhere near as

important as yours. Speak to the people, energize them. Bring those fundamental American beliefs to the surface again, and do that with the power of your ideas, your integrity and your dignity.

Gandhi changed the world. King changed the world. Mother Theresa is changing the world. Let us change the world, too. Let us unshackle the human spirit. Let us set loose the brilliance and creativity and love that's in every human being in this Nation.

(Pause.)

It can be done. Everywhere I go in this great country, from Maine to Florida, from Wisconsin to Texas, from California to Memphis, TN, I see a rekindling of enthusiasm and spirit.

I see a resurgence of optimism, an optimism that says all things are possible.

I see people demonstrating for real that the free enterprise system under which we operate gives the individual untold opportunities to make a difference.

And I mean a difference in areas that count.

I'm talking about the three E's I spoke about earlier: Education, Employment, and Economic Development.

Of the three, economic development deserves our principal focus, because only after gains have been made in this economic power of black enterprise can satisfactory levels of employment result.

Increased employment levels will then give our young people the necessary incentive to remain in high school and pursue their education at the college level.

Right now, we, at Pepsi-Cola, are addressing the economic development of the black community through our minority purchasing program.

We recognize that if we are to ever make a major contribution to the overall social condition, it's going to be through our normal day-to-day operations.

And so today, Pepsi has pioneered one of the most aggressive minority business enterprise programs in the country, a program in which we spend millions of dollars each year to purchase services from minority vendors—minority entrepreneurs with visions and dreams.

Let me give you a few examples.

There is the case of a minority research firm that was given a temporary assignment to do ethnic research by one of our departments trying to reach its minority purchasing goal.

They began to work at Pepsi because of our minority business enterprise program.

They have stayed at Pepsi over the last 3 years because of their performance.

Another example is that of the minority car dealership's which currently supply Pepsi with all of the vans we use.

In fact, over the next 5 years, we'll be spending upward of \$150 million with minority-owned businesses.

And our managers have learned to ask the question: Why not a minority supplier? And the result has been more minority suppliers, more economic clout for the black community, and improved services and costs for us.

A win-win for everyone, if I've ever seen one.

(Pause.)

A minority business enterprise program, such as the one just described, results in more than just increased sales for the minority business.

Its ultimate effect is like the stone thrown in the water where ripples are continually made.

Top U.S. corporations last year showed sales increases of about 4 percent; but gross

sales of the top 100 black businesses expanded by nearly 8 percent.

Now, most of these 100 black businesses were small businesses.

But small businesses are the ones which drive the economy of this Nation and create the overwhelming majority of all new jobs in America. And they can do it in the black community like no government ever can.

(Pause.)

A minority business enterprise program which yields employment opportunities in the black community is sure to lead to a renewed sense of purpose for black teenagers, and increase enrollment levels at high schools and colleges.

Which brings us to the third "E": Education.

The American economy has moved from one which relied heavily on manufacturing, to one which is more service and information based.

Fewer and fewer are the workers who can rely solely on hands and muscle power to make a decent living. Instead, knowledge of basic business skills are becoming more and more in demand.

Who will fill the jobs in the tomorrows to come? The answer must be obvious. Our children must—all of our children.

Together, we must provide the leadership to get our young people to stay in school and achieve an education.

At Pepsi, we recognize this, too.

In fact, Pepsi was the first company to give \$1 million to the United Negro College Fund. And this, thank goodness, has started a trend of million-dollar gifts to that great group of institutions.

And, our company has developed a remarkable relationship with the National Association for Equal Opportunity in Higher Education, and its 114 historically black colleges and universities, to more effectively market these fine institutions to prospective students and potential donors.

In addition, we've established an intern program for college-aged minorities in which more than 50 young people participated last year. They work in and learn about our business, earn an excellent salary while doing so, receive a scholarship from us to help complete their education, and an offer to permanently join our company upon graduation.

(Pause.)

But, you say, Pepsi is just one company.

(Pause.)

Well, I say our challenge—yours and mine together—is to multiply these efforts a thousandfold. I mean creating a spirit so infectious that it spreads throughout the land.

Think about that for a moment. Really think about it.

Sure, Pepsi is just one company, and you are just a local NAACP chapter. But what would happen if more chapters and more companies—the entire Fortune 500—joined us in this effort? And what would happen if we added the determination and commitment of all Americans north, south, east, and west?

Well, I'll tell you what would happen—those Pepsi successes would be multiplied several thousandfold. And your NAACP fair share program would multiply its many successes.

The \$150 million minority business program could become \$10 billion. The support of historically black colleges could grow beyond your most fervent dreams, and those 50 interns could become 50,000—or even 500,000 interns.

Now that's true progress. That would make the real difference we all seek.

(Pause.)

But you know as well as I, that progress like that demands a price.

And my friends, the buck now only stops here, it has to start right here.

As community leaders, ours is the responsibility of forming the leading edge of change—change that makes things better.

We are the ones who set the standards who raise the level of progress to more lofty heights. We are the ones who must lead the way for the next generation—and the next after that.

And we can do those things. We have the power—we are in the right. What we need is the vision. The courage, and the determination to make it happen—to get it done.

And I say we can do those things because I see today a new sense of national spirit, a new sense of commitment. Some polls even conclude that we're beginning a new ethic of commitment.

(Pause.)

OK, I've tooted Pepsi's horn a bit tonight—but that's not why I came here. I used those examples to illustrate that great things can be accomplished when we commit ourselves—when we let all that is good and noble about us rise to the surface.

And to demonstrate to you that, despite the big problems we face, there really is more potential right now to make things better than they've been in a long time.

Of course there is a lot more to be done much more.

But I can see the day when our efforts are rewarded—when opportunities for all Americans are truly equal and bountiful.

Every trend I look at says there's opportunity for growth in all areas. We can see that every day—everywhere we look. Many of the products and services out there today were unheard of just a few years ago. And more new products and services keep being produced.

This Nation is going to need people to develop them, manufacture them, package them, install them. Brown people, white people, yellow people, black people—or, my friends, just people—period.

That alone can be a shot in the arm for our work force. And a boon to new employment in cities like Memphis—if we get out there and make sure it happens.

That is our challenge—that is our quest.

To meet it, we'll need to strike a new balance between what Government must do and what the private sector—Business and citizens—will contribute.

But I know we will do that. I know that no matter what the obstacles are, we'll manage to get through.

We always do.

We're a resilient people.

We're a Nation of pride and promise and optimism.

A Nation of hope and opportunity and challenge.

Our future—yours and mine—is where it always has been—right here in our own hands.

Together, we can shape it to be as terrific and fulfilling and meaningful as we want it to be.

Tonight, let us rededicate ourselves. Let us make sure that the future is just that.

Let's give this Nation what it needs, What it is thirsting for: Leadership. Aggressive—determined—uplifting—towering leadership.

Let's get up there, like Wilkins and King did. Fly with the eagles.

Thank you very much.



## IN MEMORY OF DON FORTIER

## HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. HYDE. Mr. Speaker, on September 25, I participated in a special tribute to the late Don Fortier that was coordinated by our colleague, TOM COLEMAN. To complement the historical record of that day, I would like to share with Members three additional eulogies that recently came to my attention as they provide additional insights on why Don Fortier was such a special person. They were delivered during the Fortier Memorial Service at the Chevy Chase Presbyterian Church on September 9 by some of Don's closest associates in the Reagan administration—Adm. John Poindexter, the President's National Security Adviser whom Don served so ably as his top deputy, Assistant Secretary of Defense Richard Perle, and Dennis Ross of the National Security Council Staff. Their remarks follow:

## THANKS TO GOD FOR DON'S LIFE

(Remarks by Adm. John Poindexter)

We are all indeed thankful for Don's life. And we are all privileged to have known him and worked with him—in academia—on Capitol Hill—at the State Department—and at the White House.

Don approached the problems of the world with great vision, dedication and constancy of purpose.

His contribution to the quality of our lives and thoughts is very significant.

Through his great intellect he brought into sharp focus that which is important to us.

And, because of his presence, we understand a little better what is possible in working to bring peace and stability to the world.

Don had a way of discussing an issue that helped all of us understand it better.

By using his hands and gestures, he would almost bring life to concepts. By sheer sincerity and conviction, he could lend credibility to an idea; and then in his gentle, disarming manner, he would once again convince us of the rightness of his solution.

Don and I went on a mission for the President some months ago.

In the long hours over the Atlantic we discussed the many aspects and intricacies of our forthcoming encounters.

Through it all Don's focused vision of our objective, his steadfastness of purpose, and his humbleness of approach were crucial to the successful conclusion of the mission.

Even while Don was sick he continued to work with the staff developing concepts for addressing many important and difficult issues.

He would not give up.

His focus was beyond himself and his illness.

We are all very fortunate to have been Don's friends—through his strength of character, we learned excellence; through his humility, we learned restraint; and through his kindness, we learned compassion.

We thank GOD for Don's presence, for the qualities that he brought, for his life of sharing, and for the difference he has made to our lives.

We will carry those memories and thoughts with us forever.

## DONALD ROBERT FORTIER

(Remarks by Richard Perle)

It was so terribly short, the time that we were privileged to share with Don Fortier. But privileged we were. And what was lost in time was made up in the depth of a friendship that enriched our lives, our country and the cause of freedom.

In years too few our friend and colleague burned brightly with wisdom and compassion as he worked tirelessly to make democracy more secure and the world a safer place. For no one are these words of Robert Frost more appropriate than they are for Don:

Nature's first green is gold,  
Her hardest hue to hold.  
Her early leaf's a flower;  
But only so an hour.  
Then leaf subsides to leaf.  
So Eden sank to grief,  
So dawn goes down to day.  
Nothing gold can stay.

In the time he had—that hour of gold—Don moved all who knew him to reach for a higher standard of public service: more thought, more probing, more imagination, more facts; new solutions, new ideas, new approaches. The issue, the place didn't matter. It could be Libya or the Asian subcontinent or Central America. If some day the world is freed from the scourge of terrorism, if India and Pakistan compose their differences, if free institutions replace totalitarianism in Nicaragua, it will be in part because our friend used what time he had to listen and inquire and reflect and then to shape policies and plans and programs with a self-effacing creativity that earned the admiration of us all.

Don was the most-minded of men, guided by a combination of fierce integrity and gentle kindness.

He was more effective than anyone I know at guiding a meeting to a conclusion, coaxing from each participant the contribution he was best suited to make, teasing out ideas from people who may not have known they had them, deflecting the army of departmental nay-sayers who can be counted on to show up at the most stifling of all institutions, the interagency meeting. This great gift, so evident in Don's work, was derived not only from the exercise of a powerful, inquiring mind, but more importantly, it grew out of his thorough decency and deep humanity. He understood how to work with people because he cared about people. And it didn't take very long before they came to feel that and respond to it. Thus he could elicit compromise that eluded others; and he accomplished this by earning the trust and affection of all who knew him. My staff always cringed when my schedule showed a meeting with Don; they knew from experience that Don could fashion a compromise by wresting a cherished position—even from me.

Don harbored no illusions about the world. Tough-minded, he knew of terror and war and intrigue and corruption. But he also knew that if he worked long and hard enough, with care and deliberation and the courage of his convictions, he could make the world a better place. And this he did in the time he had.

We must be grateful for that time. There is a place in our memory to be cherished and a place in our hearts to be enlarged. One day, when Graham Fortier is old enough to understand what we now know, there will be many of us, Allison, to tell him of the pride we felt in knowing that his father was our friend.

## DON FORTIER MEMORIAL SERVICE

(Remarks by Dennis Ross)

In the few minutes that I have today, I would like to talk about some of my impressions of Don Fortier. I guess the thing I enjoyed most about Don was his sense of humor. He had a great laugh, which was triggered most often when he was being kidded. Don never took himself too seriously and could always laugh at himself and at some of his passions.

Aside from his family and his work, golf was his passion. Many may know of Don's reverence for Aristotle, Lincoln, and Churchill, but few realized how high Arnold Palmer ranked in Don's pantheon of heroes. One of Don's most prized possessions was a picture that Palmer had autographed. He talked about Palmer often and he loved to watch him play. I couldn't help thinking that Don had a hand in Palmer's two holes-in-one last week.

Don's admiration for Palmer simply reflected his love for the game of golf. He loved to play golf and always liked to protect his Sundays so he could do so. He could never get enough, and it seemed that whenever he and I played we would always get out too late in the day to ever get a complete round in. But Don would always take it to the limit. He would always want to get in one last hole. Once when we were playing I told him that it was too dark to see the ball and we really ought to stop playing. But he said, "No, I can still see." I said, "OK." So I got up, hit the ball, didn't see it at all, and turned to Don asking, "Where did it go?" Without hesitating, he instantly said, "I didn't see it either, but I heard it go in that direction." The image of Don playing golf, racing around the course, trying to get in that one extra hole will always be one of my favorites.

Another favorite impression of mine was that of Don when he was writing speeches and trying to find just the right Churchill quote to insert in the speech. When he would find just the right passage, he would come and get me, pull out a cigar and read the speech, doing his best Churchill impersonation. In fact, Don's impersonations were quite good and he and I used to do them together. Typically, he'd call me up doing one of his imitations. I'd pick up the phone and hear this Kissingerian voice on the other end telling me my latest analyses were fatally flawed and that it was obviously the result of my hanging around this Fortier fellow.

Well I hung around this Fortier fellow because he was one of a kind, and he had so much to contribute. I am going to miss him, but I take some comfort in knowing that Don shaped the thinking and the approach of a great many people. That will surely be one of his enduring legacies and something that he would be very proud of.

Indeed, like a great professor whose ideas, spirit and genius live on through his students, Don has many disciples who will carry on his work. They are the people that Don brought into the government, who worked for him, who were promoted by him, or who simply benefitted from his counsel. These disciples will carry on, asking the questions Don would have asked; thinking in broad, strategic and narrow, tactical terms; having a vision of what they want to accomplish, even while they recognize the gaps between the real and the ideal, and develop plans for reducing these gaps. Don's disciples will always heed his insistence that they think through not just the first order

consequences of actions, but also the second, third and fourth order consequences. And they will always reflect his determination to question their own assumptions, even as they develop plans guided by those assumptions.

That Don would have this kind of effect on people shouldn't be surprising because those who worked with him know that they were working with the best. David Halberstam may have written about people he referred to as the "Best and the Brightest." But they were neither. They too often lacked historical perspective, a sense of self-doubt, a moral compass, and a basic trust in the American public. Don was lacking in none of these areas, and his belief in the American people was deep and abiding. Perhaps that belief and that trust came from his strong but relatively simple roots in Ohio; or perhaps it came from his work on Capitol Hill and the appreciation he gained for the political process; or perhaps it came from his own deep study of American history.

Don was a very serious student of American history. When he would go on vacation and return, he would tell you not only about his golf game but also about how he had reread the Lincoln-Douglas debates and had generated new insight as a result. That immersion in our history gave Don a profound belief in America's institutions and its people. Along with everything else, that made Don the best. Halberstam may have written about the best and the brightest, but I knew the best and the brightest. Don Fortier was the best and the brightest.

#### WILLIAM C. HOPKINS

#### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. SKELTON. Mr. Speaker, I rise today to honor and pay tribute to an outstanding American and good friend of mine, William C. Hopkins, of Sedalia, who recently passed away. Bill Hopkins was a truly remarkable Missourian whom I had come to admire greatly.

Bill was a man who devoted his time energy to make the world around him a better place. He was a longtime leader in his community, providing leadership in several local civic organizations and in the establishment and expansion of local services. Chief among these is a community college and a children's therapy center. Additionally, Bill Hopkins was a successful businessman and served for 12 years as a special agent for the FBI.

I want the record to note publicly my respect and admiration for Bill Hopkins. Few of us can hope to match his capabilities, but all of us can benefit from an examination of his accomplishments. It is a record we should hope to emulate.

Mr. Speaker, I feel certain that our colleagues join me in extending the sincere condolences of the House to his loving wife Dorothy and their three children.

[From the Sedalia Democrat, Oct. 7, 1986]

BILL HOPKINS: A GENTLE MAN WHO WILL BE MISSED

One of the things that makes Sedalia a nice place to live is the willingness of our citizens to get involved in projects that benefit the community. Bill Hopkins, a man

who exemplified that willingness for more than 30 years, passed away Wednesday.

Although he retired from his insurance career a couple years ago, he never lost his enthusiasm for public-spirited work. At the time of his death at age 71, he still was serving as president of the State Fair Community College board of trustees, a position he'd held since the school opened in 1968. He was also an active Rotarian and a Chamber of Commerce committee chairman.

Hopkins was a friendly, gentleman who will be missed by the many who knew him.

#### TRIBUTE TO DR. ARTHUR MARGOSIAN

#### HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. COELHO. Mr. Speaker, this year marks a major change for the California State University, Fresno Department of Journalism. After a nearly 30-year tenure, Dr. Arthur Margosian has retired from his teaching post, and I know that CSUF faculty and students alike are making a difficult adjustment to life without their daily dose of Art's intellect, guidance and wit.

Art Margosian was born and raised in Fresno, and following a stint with the Air Force, returned in 1956, and began teaching parttime at his alma mater, then known as Fresno State College. Over the years, the institution has grown and evolved into an outstanding regional university, and Art oversaw much of the accompanying growth of the journalism program. He was not only a member of the faculty for three decades, but at various times, served as department chairman and dean of the school of professional studies. In February 1986 he was honored by the California Newspaper Publishers Association as the State's outstanding journalism teacher of the year; a fitting tribute to a deserving educator.

Along with his academic activities, Art has also been a leader in the Armenian community as the former editor of the California Courier and a spokesman for the efforts to see the Turkish government to properly recognize the facts of the Armenian genocide. In addition, he currently serves on the governing board of the California Community Colleges.

Later this month, Art will be honored by his friends, colleagues and former students at a dinner which is appropriately expected to be a sell-out. Although Art will be sorely missed by future Fresno State journalism students, he is quite deserving of his newly acquired status as a retiree. I know that his wife Mabel, and his children and grandchildren will enjoy having him around more, and as one of Art's many admirers, I would like to add my congratulations to the others he has no doubt received.

#### TRIBUTE TO JOHN SEIBERLING

#### HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1986

Mr. DARDEN. Mr. Speaker, I would like to join my colleagues in paying tribute to Representative JOHN SEIBERLING, who has articulated the positions of the people of Ohio's 14th District so well for the past 16 years and is retiring at the end of this Congress.

JOHN, of course, also is one of the most active Members of Congress in matters pertaining to the preservation of our environment and our historic resources. It has been a great pleasure for me to serve on the Public Lands Subcommittee of the Interior and Insular Affairs Committee.

JOHN SEIBERLING is a vigorous outdoorsman who clearly understands the need to preserve our Nation's great physical riches and beauty for the benefit and enjoyment of future generations. Under his stewardship of the Public Lands Subcommittee, more wilderness areas have been designated than during any other period since the Wilderness Act became law in 1964.

Mr. Speaker, we certainly will miss JOHN's leadership, both in the House as a whole and on the Interior and Insular Affairs Committee in particular. But I know all of us wish him well in his future endeavors, and we thank him for his years of distinguished service to his State and Nation.

#### CONGRESSIONAL SALUTE TO STANLEY J. GREJDA

#### HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to Mr. Stanley J. Grejda of Lansford, PA. On October 26, 1986, Mr. Grejda will be honored for his contributions to the community with the presentation of the AMVETS Distinguished Service Award.

Mr. Grejda is certainly deserving of this important honor. Born in Pittsburgh, he has spent much of his adult life in the Lansford area. He enlisted in the Marine Corps in April 1942 and served with distinction in the South Pacific. He has been active with AMVETS ever since.

Mr. Grejda is a hard-working family man. He and his wife, Catherine, have one son and three grandchildren. Mr. Grejda spent over 20 years working with the Tamaqua Evening Courier and has worked with the Reading Eagle since 1971. He is especially well known in our area for his baseball skills. He was a star in the St. Michael's Church league in the 1940's and 1950's and, in keeping with his commitment to the sport, he was instrumental in founding the Lansford Little League in 1958. Since then, Mr. Grejda has served the league in a variety of capacities, including terms as president, treasurer, field manager, umpire, and as manager of several teams. Much of



the league's success can be attributed to his hard work and commitment. Generations of little leaguers can attest to his devotion.

Mr. Grejda is being honored by the AMVETS for this commitment and dedication to Lansford and its little league. I commend him for his contributions and I know that my colleagues will join me in honoring Stanley J. Grejda on this important occasion and in wishing him continued success and good fortune in the years to come.

#### TRIBUTE TO TOM LOEFFLER

#### HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1986

Mr. SCHULZE. Mr. Speaker, I am pleased to be able to pay tribute to our esteemed colleague, the Congressman from much of Texas, TOM LOEFFLER. While his departure will be a loss to us all, I am sure that my colleagues share my sentiment that Texas will be richer with TOM's return to the ranch country he loves so much.

There is a lot I could say about Congressman LOEFFLER. His dedication to this country and his leadership, instrumental in securing the tax reductions of the early 1980's, have earned him a considerable measure of respect among his peers. TOM's ability to work with Democrats and Independents and his knowledge of the legislative process propelled him into the Republican leadership ranks where he is currently chief deputy whip.

I am grateful to have had the opportunity to work with such a competent and intelligent legislator. Although he only turned 40 years old last month, TOM has demonstrated the wisdom and consideration of a seasoned statesman. His work on the Budget and Appropriations Committees had been exemplary, and I know that, though he is leaving this body, we will soon see TOM LOEFFLER again, leading this fellow Texans into the future.

#### MENTAL ILLNESS AWARENESS WEEK

#### HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. EDGAR. Mr. Speaker, I rise today to commemorate this week as Mental Illness Awareness Week and to relay to my colleagues a tragic story of one young woman's fight with mental illness and her family's struggle to find help for their daughter. It is a story of how Congress, in our haste to reform a discriminatory mental health system, has allowed the system to degenerate to the point where those who truly need help are unable to receive it. Ruth Seegrist, the mother of one young victim of our present mental system points out that "just as it was cruel and unjust to indiscriminately lock up the mentally ill years ago, as it is unjust and socially irresponsible to allow the severely ill with established records of violent behavior to fend for themselves. \* \* \* I hope the retelling of this

story will help my colleagues come to a clearer understanding of the disease of mental illness and the need to provide the funds necessary to develop adequate treatment and care. What follows are excerpts from the Philadelphia Daily News and the Delaware County Daily Times that tell the story of Sylvia Seegrist and her battle with mental illness, as seen through the eyes of her mother, Ruth Seegrist. I believe it will convince my colleagues that we must address the issue of reforming our mental health system so that tragedies like this can never happen again.

[From the Philadelphia Daily News, Sept. 1986]

#### MOM: HELP MIGHT HAVE PREVENTED SYLVIA'S RAMPAGE

(By Ann W. O'Neill)

Ruth Seegrist's voice rose in anger as she described for the legislative task force her sense of helplessness and inability to get psychiatric help for her daughter, Sylvia, in the months before the disturbed young woman killed three people and wounded seven in a shooting rampage at Springfield Mall.

"[Sylvia] phoned the crisis center repeatedly, saying she felt like shooting people. Nothing was done," Seegrist said.

"Sylvia cried out for help over and over as her escalating rage pushed her closer and closer to disaster. No one in responsible power heard her cries. No one," the mother declared, pounding her fist on the table for emphasis.

Ruth Seegrist was the first of about a dozen witnesses to address the blue-ribbon panel, a joint venture of the state Senate and House to review mental health commitment laws and procedures. The third of six planned hearings was held in the Delaware County Courthouse in Media.

The panel was formed shortly after Sylvia Seegrist's shooting spree at the mall last October. Panelists included state Sen. F. Joseph Loeper, of Drexel Hill, and Rep. Mary Ann Arty, of Springfield, and Philadelphia legislators Hardy Williams and Bette Josephs.

Ruth Seegrist said she found a bitter irony in the fact that laws that made it difficult for her to commit Sylvia before she hurt anyone provided her with the most costly and thorough treatment she had ever received—after she had killed.

Like most of the witnesses, many of whom had mentally ill family members, Ruth Seegrist urged the panel to reform the commitment laws, giving family members more say and making it easier to get someone committed against their will—before they hurt themselves or others.

She said she resents commitment laws that dictate that mental patients have to show they are dangerous before they can be forced to receive medication and treatment.

"You have not given the severely ill 'civil liberty.' You have merely given them the right to be slaves to their own devastating and debilitating brain disease," Seegrist said.

"Just as it was cruel and unjust to indiscriminately lock up the mentally ill years ago, so it is unjust and socially irresponsible to allow the severely ill with established records of violent behavior to fend for themselves. . . . They are permitted to roam the streets untreated until there is a major catastrophe. And then they are held criminally responsible. . . . What a travesty of justice!"

In June, Sylvia Seegrist, 25, was found guilty but mentally ill on three counts of first-degree murder and seven counts of attempted murder in connection with the mall spree. According to testimony during her trial, Seegrist, a paranoid schizophrenic, had been hospitalized a dozen times in 10 years.

She had assaulted her mother on several occasions, and stabbed a counselor with a fruit knife in 1981. Her longest commitment, court-ordered in connection with the stabbing incident, lasted six months.

"I am convinced that in recent years she was not even kept in the hospital long enough for doctors to learn just what medications and dosages she needed," Ruth Seegrist said.

The task force plans a public hearing in Philadelphia next month.

[From the Delaware County Daily Times, Sept. 1986]

#### SEEGRIST OFFERS POINTERS

Media—Here are Ruth Seegrist's suggestions to improve the state's mental health system:

Patients committed involuntarily because of aggravated assaults should have mental health hearings before being discharged.

The hearing officer—taking into account the patient's full record, not just the latest offense—may assign a case manager or "restricted rights."

The case manager would coordinate the patient's housing, therapy and program. With access to all the patient's records, the case manager would act as an "anchor" or liaison through the mental health system.

"Restricted rights" would be issued if the hearing officer feels the person has a potential for violence. The patient could be re-committed involuntarily when psychotic and before he or she is a "clear and immediate danger."

A mandatory six-week hospitalization would follow and police would be alerted to "restricted" patients after their release. They would be empowered to recommend an immediate commitment if an unusual incident occurs.

#### EARLY INTERVENTION IS LAW

#### HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. BIAGGI. Mr. Speaker, last night, an historic event occurred. President Reagan signed into law legislation that will provide early intervention services to handicapped infants and toddlers. I wish to congratulate the President for signing this important measure, and thank my colleagues for recognizing that these infants and toddlers should receive the early intervention services they clearly need, and deserve.

During the past 15 years, our Nation's commitment to providing the handicapped the avenue for full participation within our society has strengthened and expanded. This law has provided us the opportunity to reaffirm that commitment, a chance to continue to expand the Federal role in ensuring an appropriate education for all children with disabilities.

We have now traveled midway through the 1980's—the decade honoring disabled citi-

zens. But more importantly, we have traveled a great distance since the enactment of Public Law 94-142—the core of America's efforts to provide a free and appropriate education for all children with handicaps. This early intervention law will merely further our goals of equal education, of equal opportunity, of allowing handicapped citizens to move from a life of dependency into a life of productivity and self-sufficiency.

Both Congress and the President have recognized that early intervention services make sense—educationally an economically. Both Congress and the President have recognized that the Federal Government has a major role and a fundamental moral responsibility to develop and sustain the full participation of disabled Americans into our society. And both Congress and the President have recognized that this participation is dependent upon an adequate and effective education. If we really expect our handicapped citizens to take full advantage of the many opportunities this Nation offers, if we really expect our disabled citizens to be full contributing members of society, then we must provide them with the tools necessary to do so—namely, a free and appropriate education.

We have accomplished much with this law, yet we still have more work that needs to be done. What should our future goals be with respect to the education of the handicapped? Perhaps we should look no further than the declaration of independence:

That all men are created equal and independent, from that equal creation they derive rights inherent and inalienable among which are the preservation of life, liberty, and the pursuit of happiness.

#### IN TRIBUTE TO THE FRESNO LIBERTY SINGERS ON OCTOBER 28, 1986—THE STATUE OF LIBERTY'S 100TH BIRTHDAY

**HON. RICHARD H. LEHMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. LEHMAN of California. Mr. Speaker, 1986 marks the centennial of the Statue of Liberty. Since its dedication on October 28, 1886, the Statue of Liberty has held high the beacon of freedom, hope, and opportunity to welcome millions of immigrants and visitors from foreign lands. From that time she has been one of the proudest symbols of the American ideal of liberty and justice for all.

Americans nationwide joined throughout the centennial year in celebration and commemoration of all that Miss Liberty represents. Across America, individuals and businesses and organizations lent helping hands to the restoration of the statue while ceremonies and events paid tribute to her. With great pride I wish to recognize a group of young people in Fresno, CA, who have given their time and energy this year to the commemoration of this Nation's most moving and powerful symbol of freedom.

The Fresno Liberty Singers is a group of teenagers from the Central Valley of California which began with the recording of a song entitled "Happy Birthday, Liberty." The sentiment

expressed in the lyrics sung by these teenagers captured the hearts of all who heard this recording. Through this song, the Fresno Liberty Singers reminded individuals young and old of the ideals that our Nation stands for:

We came from the north, from the south;  
we came from the east, we came from  
the west; just to see the lady that we  
love the best.

Happy birthday, Liberty.

On, what a sight you are to see; with your  
torch held high you light up the sky  
for the whole wide world to see.

You are a lady grand, all throughout the  
land.

You gave us equality—thank you, thank  
you.

How we love you, Liberty and thanks to you,  
we all are free.

Your freedom's light, it shines so bright—  
thank you, thank you.

Happy birthday, Liberty.

The old and the young will all agree that we  
love you best, above the rest.

Hey lady, you are number one with me, Lib-  
erty.

Throughout the summer of 1986, the singers, ranging in age from 14 to 16, traveled throughout California to spread their musical tribute to Laby Liberty's birthday. Television and radio stations throughout the region broadcasted the tribute and featured the group in interviews. Fresno Mayor Dale Doig met with the teenagers in his chambers and issued a proclamation naming their song "Happy Birthday, Liberty" as Fresno's official contribution to the centennial celebration in New York and proclaimed the first week in July as "Statue of Liberty Week." The group has been invited to perform for organizations, businesses, ceremonies, and others.

I rise to honor the Fresno Liberty Singers. In their dedication, energy, and talent, they have given us a powerful glimpse of what our Nation is all about. We are a nation of opportunity for all people, no matter how young or old. We are a nation where people are free to assemble and free to speak. We are a nation where a group of youngsters can pull together and travel to spread the message of freedom, hope, and liberty for which our Nation stands.

In recognition of the importance of the Statue of Liberty to the American people, the Congress, by House Joint Resolution 407, has designated the 12-month period ending on October 28, 1986, as the "Centennial Year of Liberty in the United States." Pursuant to this joint resolution, President Ronald Reagan proclaimed this year as such and called upon the people of the United States to observe this year with appropriate ceremonies and activities. I am proud that the Fresno Liberty Singers have represented the Fresno area and young people everywhere in carrying out this Presidential charge.

#### INVESTMENT TAX CREDIT PROVISIONS

**HON. ROBERT T. MATSUI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. MATSUI. Mr. Speaker, I rise to speak on an important feature of the conference agreement on the Tax Reform Act of 1986 (H.R. 3838) which has recently received congressional approval and is awaiting the President's signature.

The issues here addressed include those arising from expressed concerns that certain provisions in the Tax Reform Act of 1986 may be seized upon as a basis for denial or restriction of investment tax credit allowable on prior years' equipment purchases for acquisitions of equipment placed in service during tax years prior to the effective dates for repeal set forth in the bill.

For those reasons, two of my colleagues on the Ways and Means Committee have joined me in writing to Assistant Secretary Roger Mentz to express our specific concerns in some detail. A copy of our letter follows.

HOUSE OF REPRESENTATIVES,

Washington, DC, October 2, 1986.

Re eligibility of property for investment tax credit under existing law and effect of Tax Reform Act of 1986.

Hon. J. ROGER MENTZ,

Assistant Secretary (for tax policy), U.S. Treasury Department, Washington, DC.

DEAR MR. MENTZ: The undersigned Members of Congress are writing here to apprise you of their views regarding certain issues that have been called to our attention regarding the effect of the Tax Reform Act of 1986 (H.R. 3838) on eligibility of property for investment tax credit under existing law.

The issues here addressed include those arising from expressed concerns that certain provisions in the Tax Reform bill may be seized upon as a basis for denial or restriction of investment tax credit allowable on prior years' equipment purchases for acquisitions of equipment placed in service during tax years prior to effective dates for repeal set forth in the bill.

Our views on these issues are summarized in the statement accompanying this letter.

We commend the views expressed in our accompanying statement to the Treasury and to the Internal Revenue Service for guidance in formulation of policies, rules, and administrative practices for application of the investment tax credit. We in the Congress will maintain continuing oversight of interpretative and administrative rules and positions on the issues addressed here.

Very truly yours,

BILL ARCHER,

ROBERT T. MATSUI,

JOHN J. DUNCAN,

Members of Congress.

STATEMENT ACCOMPANYING LETTER FROM MEMBERS OF CONGRESS TO U.S. TREASURY DEPARTMENT RE EFFECT OF TAX REFORM ACT OF 1986 ON ELIGIBILITY OF PROPERTY FOR INVESTMENT TAX CREDIT UNDER EXISTING LAW

This statement expresses the views of the subscribing Members of Congress in regard to certain issues and concerns that have been called to our attention regarding the



effect of the Tax Reform Act of 1986 (H.R. 3838) on eligibility of property for investment tax credit under existing law.

Concern has been expressed, for example, in regard to those depreciation provisions in the bill as reported by the conferees (new Code sec. 168(g)(4), added by bill sec. 201(a)), which direct that "rules similar to the rules under (existing investment tax credit law Code) section 48(a)(2), including the exceptions contained in subparagraph (B) thereof . . ." shall apply in determining whether property is used predominantly outside the United States.<sup>1</sup>

We do not believe that this or other language in the bill in fact authorizes, or was intended to authorize, the Treasury or Internal Revenue Service to prescribe rules that would have the effect of retroactively denying or restricting the investment tax credit or depreciation allowable under existing law in respect to investments in equipment placed in service prior to the effective dates set forth in the bill for application of its new rules.

Our understanding is consistent with the declaration that "The Congress intends that prior law rules interpreting these (predominant foreign use) exceptions will apply" which appeared in explanation of a comparable provision of the ACRS depreciation provisions in the Economic Recovery Tax Act of 1981 (see p. 91 of "General Explanation of the Economic Recovery Tax Act of 1981, JCS 71-81, prepared by the staff of the Joint Committee on Taxation). Thus it is our understanding that any Treasury regulation or IRS rule purporting to diminish or restrict the property now eligible for investment tax credit under existing law would be invalid by reason of being outside the scope of authority delegated by Congress.

Similarly, some of our constituents have expressed concern that the same section 168(g)(4) could be used as a basis for revoking or otherwise narrowing the liberal ruling treatment heretofore accorded aircraft and vessels under section 48(a)(2)(B)(i) and (iii). Again, we do not believe that this or any other provision in the bill authorizes the Treasury to take a step which would be so sharply at variance with its present published ruling positions. Under current law, the IRS has ruled that an aircraft is eligible for the investment tax credit as long as it returns to the United States every fourteen days unless forces beyond the control of the taxpayer prevent it from doing so (Rev. Rul. 73-367, 1973-2 C.B. 8; LTR 8104069). In the case of a vessel, the IRS has ruled that a U.S. flag vessel documented by the U.S. Coast Guard for use in the foreign or domestic commerce of the United States qualifies for the investment tax credit, even though it is used exclusively outside the United States. (Rev. Rul. 69-509, 1969-2 C.B. 3.) Although the bill repeals the investment credit, after the effective dates prescribed, nothing in the bill should be construed as permitting Treasury or Internal Revenue Service to revoke or narrow its prior ruling policy with respect to aircraft or vessels, or indeed any other transportation equipment.

Another problem called to our attention during our work on the bill involves the eligibility of cargo containers for the invest-

ment credit under current law. We are advised that certain IRS agents, in selected audits of U.S. owners of cargo containers recently have taken the new and highly restrictive position that the owners of such containers are not eligible for the investment tax credit unless they prove that each individual container touched the United States, and touched with some as yet unspecified degree of frequency during its period of service.

This new position would interpret existing investment tax credit law (in Code section 48(a)(2)(B)(v)), which has been unchanged since 1962, so as to deny all or a large part of the credit claimed for prior years' investments in containers by certain members of our U.S. container equipment industry whose tax returns for prior years happen to remain open for audit and adjustment of their tax. Such a result would be manifestly in conflict with the intent expressed by Congress in Code section 48(a)(2)(B)(v) to insure availability of the investment credit for cargo containers of U.S. persons.

We are advised this would represent a substantial change in IRS audit practice, which for more than 20 years was generally to allow all the credit for cargo containers claimed by taxpayers in our U.S. industry. This change is proposed without any evidence of a change in the pattern of usage of cargo containers that would be relevant for tax purposes.

This new audit position has no judicial sanction and is contrary to the prior general audit position of the Internal Revenue Service. Many U.S. owners of cargo containers lease them to foreign companies. In these circumstances, it is clear that such owners would be hardpressed to gather evidence of the movement of individual containers for many previous years. Indeed, the cost of gathering information as to the world-wide whereabouts of containers of U.S. owners, assuming it were even available, could far exceed the value of the credit.

We believe that Congress should not be presumed to have intended to require U.S. owners of containers to expend funds as a condition of eligibility for the credit that would exceed the value of the investment tax credit or to have intended to authorize the Internal Revenue Service to impose administrative standards that would require U.S. owners to trace the movement of individual containers. Such a position is contrary to common sense principles for establishing the whereabouts and credit eligibility of a mass of fungible assets. Containers are made to be interchangeable and are useless if not.

In voting on the Tax Reform bill, we did not intend to embrace any such novel position or to put our stamp of approval on any efforts by the Treasury or the Internal Revenue Service to adopt interpretations that would impose upon U.S. owners of shipping containers such an onerous burden or proof.

We believe there are two principles that should be applied in response to any proposals for such a radical change in tax audit treatment. First, no interpretation should be presumed to be in accordance with the original or current intent of Congress, and particularly of its tax-writing committees, if it would result in denial of the investment credit for an investment made by a member of our U.S. industry in cargo containers that are leased or otherwise used and move about the world in response to the practical commercial necessities of prevailing conditions of world trade.

Second, there should be no change having such a drastic, adverse impact on the competitive position of our U.S. container industry that would result under the new interpretations recently proposed by some IRS field agents unless—

(1) The contemplated change is first evaluated and approved for its economic and tax policy implications at all appropriate policy making levels of the National Office of the Internal Revenue Service, the Treasury Department, and the tax-writing committees of Congress; and

(2) The change of position is imposed, not retroactively and unevenly on a case-by-case basis, but solely prospectively by rules of general application to all similarly situated taxpayers, promulgated through a proposed change in regulations which would be processed in accordance with the usual procedural safeguards accorded interested members of the public.

We should maintain diligent oversight to insure that the Treasury and the IRS adheres to these principles. Indeed, failure to observe either of these principles would result in disparate treatment of similarly-situated members of our highly competitive U.S. container equipment industry. Tax policy makers have no business unnecessarily introducing such inequalities into treatment of competitors in the market place.

We also wish to point out that the restrictive audit position newly devised by certain IRS field agents with respect to cargo containers is contrary to our understanding of the law and is legally defective on a broader ground than the burden of proof considerations previously mentioned.

From the very inception of the investment tax credit in 1962, Congress has included cargo containers of U.S. persons within the liberalized class of movable transportation and communication equipment that is not subject to the restrictive "predominant foreign use" test generally applicable to other types of tangible property. The exceptions to the predominant foreign use test are set forth in subparagraph (B) of Internal Revenue Code section 48(a)(2). The exception for containers covers "any container of a United States person which is used in the transportation of property to and from the United States" (Code section 48(a)(2)(B)(v)). Other transportation equipment covered by exceptions to the predominant foreign use test include "any aircraft which is registered by the Administrator of the Federal Aviation Agency and which is operated to and from the United States" (Code section 48(a)(2)(B)(i)) and "any vessels documented under the laws of the United States which are operated in the foreign or domestic commerce of the United States" (Code section 48(a)(2)(B)(iii)).

With respect to aircraft and vessels, the regulations and published rulings set forth with clarity the standards to be applied in allowing the credit for those classes of transportation assets. Indeed, in the case of a vessel, the regulations (as amplified by Rev. Rul. 69-509, 1969-2 C.B. 3) make it very clear that any U.S. flag vessel documented by the U.S. Coast Guard for use in the domestic or foreign commerce of the United States qualifies for the investment credit, even though the vessel is in fact used exclusively outside the United States.

When the Service published the vessel ruling, it clearly manifested its intention to accept, in the case of a U.S. flag vessel, the U.S. Coast Guard's decision to enroll a vessel in the registry of those eligible to engage in the domestic or foreign commerce

<sup>1</sup> Significantly, this provision of the bill as reported by the conferees omits a clause, which appeared in both the earlier Senate and House-passed versions, which would have granted to the Treasury special regulatory authority respecting these rules.

of the United States as determinative of the vessel's satisfying the investment tax credit requirement that it be operated in the domestic or foreign commerce of the United States. The promulgation of this ruling was necessarily premised upon the Service's acceptance of the proposition that there is no basis in the language of the statute, the legislative history, or the regulations for any requirement that a documented vessel return to the United States at any time during its period of service. Accordingly, the publication of this liberalized ruling occurred only after a considered policy decision by the Service that it would not look behind the Coast Guard's documentation of a U.S. flag vessel and that the Service would not make its own factual determination as to whether such a vessel is, in fact, operated in the foreign or domestic commerce of the United States.

There is no basis in the language of the statute, the legislative history, or the regulations for applying a U.S. contact or frequency of U.S. contact test with respect to containers. In marked contrast, the regulations applicable to aircraft and motor vehicles expressly require that they return to the United States or be operated to and from the United States "with some degree of frequency" (section 1.48-1(g)(2) (i) and (iv)). These regulations properly reflect Congress' explicitly stated intention to impose such a test with respect to such property. H. Rep. No. 1447, 87th Cong., 2d Sess. pp. A19-A20 (1962); S. Rep. No. 188, 87th Cong., 2d Sess. p. 156 (1962). There is, however, no proper or authoritative basis for the few revenue agents' reported attempts to apply the same requirement to containers.

Throughout the history of the investment credit, Congress has consistently accorded cargo containers markedly liberal treatment for purposes of qualification. For example, on a number of occasions the Congress, for purposes of assuring qualification of equipment for the investment tax credit, required that recognition be given to the fact that equipment is designed and constructed for use as complementary or integral parts of an ocean-going vessel or "mother ship". Thus, when Congress repealed the investment tax credit in 1969, it acted to preserve to credit for barges (and "machinery and equipment to be installed on such barges and necessary for their planned use") which are "specifically designed and constructed . . . for use with ocean-going vessels which are designed to carry barges," where credit for the vessel continued to the available pursuant to a binding contract or other type of transitional relief rule (Code sec. 49 (e)(9), added by sec. 703 of the Tax Reform Act of 1969 (P.L. 91-172)). Similarly, in providing a partial investment tax credit for certain subsidized vessels constructed out of subsidy funds established under the Merchant Marine Act of 1936, the Congress acted to assure that the credit would be available not only for "a qualified vessel" but also for "barges or containers which are part of the complement of a qualified vessel" (Code sec. 46(g)(1)(B)). At this juncture, when we are repealing the investments credit, there is no legal or policy justification for our taking any action that might be interpreted as Congressional approval of the restrictive positions of a few revenue agents.

Moreover, Congress' refusal to apply any type of U.S. contact, or frequency of U.S. contact standard, with respect to containers strongly demonstrates that there should be no U.S. contact, or frequency of U.S. con-

tact, test imposed upon containers, as proposed by the agents in selected cases. Although worldwide statistics of container movements suggest that it is likely that a container will at some point make contact with the United States during its years of service, a U.S. container owner would be hardpressed to trace the movements of each container, especially while they are on lease to foreign companies which may not be accountable for the whereabouts of containers. It is hardly likely that Congress would have authorized the Internal Revenue Service to impose administrative standards that would render the liberalized container exception generally useless for most U.S. container owners. Indeed, Congress would never have intended to allow the credit for a costly container vessel ship (whose movements are easily traceable) whether or not the vessel ever touched the United States, but to disallow the credit for all of the relatively inexpensive containers used on such a vessel.

This conclusion is entirely in accord with the structure and underlying policy of Code section 48(a)(2)(B). An examination of the statute reveals that for each exception for transportation equipment where there are specific tests imposed by regulations or rulings, the test is formulated in a manner that is designed to further Congress intent that the investment credit will be generally available for such asset. For example, the frequency test imposed for aircraft is one that the owner can satisfy with reasonable diligence. As liberally interpreted by the Internal Revenue Service, the vessel exception can be easily met. Containers are low-unit-cost, high-volume items and the Treasury or the Internal Revenue Service should hardly be permitted to impose a test for containers that a majority of U.S. container owners could not satisfy without expending more money than the value of the intended tax benefit.

The U.S. courts have consistently held that shipping containers are the functional modern equivalent to the hold of a vessel. See e.g., *Northwest Marine Terminal Co. v. Caputo*, 432 U.S. 249, 270 (1977); *Leather's Best, Inc. v. Mormadynx*, 451 F. 2d 800, 815 (2d Cir. 1971). There is, accordingly, a close relationship between containers and the vessels. Since neither the vessel nor the container exception is premised upon a standard of U.S. contact or frequency of such contact. We believe that Congress always intended that the container exception be interpreted for containers of U.S. owners in a manner similar to the exception for U.S. flag vessels.

Accordingly, any container of a U.S. person should be treated as satisfying the requirement of Code section 48(a)(2)(B)(v) in any case where it meets the safety and customs standards currently prescribed by the United States Coast Guard respecting use of the container in the domestic or foreign commerce of the United States. A container of a U.S. person should be treated as meeting such standards if it is listed in the *Official Intermodal Equipment Register* or similar publication.

We commend the views expressed in our statement to the Treasury and to the Internal Revenue Service for guidance in formulation of policies, rules, and administrative practices for application of the investment tax credit. We in the Congress will maintain continuing oversight of interpretative and administrative rules and positions on the issues addressed here.

DUKE'S DR. RALPH SNYDERMAN  
TO HEAD NIH ARTHRITIS  
BOARD

## HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. VALENTINE. Mr. Speaker, October 1 was a landmark day for the National Institutes of Health. It marks the beginning of a yearlong celebration of the first centennial of NIH, one of the world's largest biomedical research institutions. October 1 also marked the first fiscal year of the new National Institute of Arthritis and Musculoskeletal and Skin Diseases [NIAMS].

I am pleased to report that the Advisory Board for the new Institute has elected as its chairman Dr. Ralph Snyderman, professor of medicine and chief of the Division of Rheumatology and Immunology at the Duke University Medical Center in Durham, NC.

Dr. Snyderman is known nationally for his research in inflammatory response. He received his medical degree from the State University of New York Downstate Medical Center and took his internship and residency training at the Duke University Medical Center, where he is now a member of the faculty.

I know I speak for all the citizens of the Second District of North Carolina in expressing my pride in Dr. Snyderman's achievements and leadership. Through his personal efforts, many Americans will have the opportunity for fuller, richer, healthier lives.

For the information of my colleagues, I am including Dr. Snyderman's testimony on behalf of the National Arthritis Advisory Board earlier this year. At the time of his presentation, Dr. Snyderman was Chairman of the Board's Research Committee.

STATEMENT OF RALPH SNYDERMAN, M.D., MEMBER, NATIONAL ARTHRITIS ADVISORY BOARD, BEFORE THE SENATE SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS, APRIL 29, 1986

I am Ralph Snyderman, Chief of the Division of Rheumatology and Immunology, Department of Medicine at Duke University Medical Center and Chairman of the Research Committee, National Arthritis Advisory Board. I appreciate the opportunity to appear before you to present the recommendations of the National Arthritis Advisory Board.

Disorders of the joint and connective tissues afflict more than 35 million Americans. More than 120 different disorders of the joints and connective tissues are categorized under the broad term "arthritis," a group of chronic diseases that is the Nation's leading crippling. Although the prevalence of arthritis is higher among older persons, an estimated 250,000 children have chronic juvenile arthritis, which, in addition to causing pain and swelling of the joints, can retard growth and lead to early blindness, kidney disease, or death. Arthritis in children is, in fact, more prevalent than was paralytic poliomyelitis during the most severe epidemics of the past. Most forms of arthritis are chronic, and many patients unfortunately require lifelong medical care. The cost each year of hospital care, professional services and drugs for arthritis and the loss of pro-



ductivity from arthritis is estimated at \$18.6 billion.

In 1976, Congress enacted P.L. 94-562, which formally established the National Arthritis Advisory Board. The Board's purpose is to monitor the implementation of the Arthritis Plan, to recommend any changes in the Plan, and to propose to Congress and the Administration appropriate guidelines, policies, and procedures for Federal programs relating to arthritis. My testimony is based upon the Board's findings and recommendations.

Advances in fundamental science are contributing to an improved knowledge of the disease processes and mechanisms of arthritis. A great deal of progress has been made in understanding these chronic, crippling disorders. Some of these diseases now can be partially controlled with medication and other types of therapy.

The research effort in arthritis encompasses three general areas: projects associated with immune dysregulation, autoimmune diseases, rheumatoid factor, antigen-antibody reactions, and immune complex formation; research concerned with the structure and function of connective tissues such as collagen, basement membranes, synovial tissues, and articular cartilage damaged in the rheumatic diseases; and research projects in specific rheumatic diseases (rheumatoid arthritis, degenerative joint diseases, juvenile arthritis, systemic lupus erythematosus, gout, osteoporosis, and heritable disorders). A fourth related area of basic and clinical research involves the study of the musculoskeletal system in normal and diseased conditions.

Specific agents recently have been found that may initiate or trigger rheumatoid arthritis; these include infectious agents such as parvovirus and Epstein-Barr virus. Moreover, only certain persons who are susceptible to rheumatoid arthritis by their genetically determined immune responsiveness appear to develop the chronic and active inflammation of rheumatoid arthritis. Research on newly developed animal models of arthritis is enhancing the scientific knowledge of these diseases.

Osteoarthritis, the most common form of arthritis, affects 16 million people in the United States. One of the most disabling and crippling diseases in older populations, it has been a difficult disease to study. Two recent research developments point to possible advances in our knowledge of osteoarthritis. In the first, biochemical observations indicate that cartilage cells produce the substances that both build and destroy the cartilage; this may lead to an understanding of why damaged cartilage is unable to repair itself and may help in discovering new ways to induce this repair. In the second development, several new experimental models of osteoarthritis offer the hope for greater knowledge of the cause of and new treatments for this disabling disorder.

Remarkable advances in reconstructive surgery for osteoarthritis and rheumatoid arthritis have been made during the past decade. Improvements have been achieved in total joint replacements for severely damaged hips, knees, shoulders, elbows, and wrists. These results have been achieved through the combined research efforts of bioengineers, rheumatologists, materials scientists, and orthopedic surgeons. Loosening of the joint implant after several years remains a problem. Nonetheless, the future holds promise for the development of implants that will provide normal joint function over an indefinite period.

Systemic lupus erythematosus (SLES) is a serious inflammatory connective tissue disorder that involves main organ systems. Research on SLE, a condition that primarily affects young women, continues to be active and productive. More is being discovered about abnormal immunoregulation in SLE; for example, a newly identified defect in complement receptors on cells in lupus patients may be inherited. Dietary manipulation can alter SLE in experimental models in inbred mice; unsaturated fatty acids may inhibit the disease-producing immune reactions in these SLE mice. Hormonal regulation also has been shown to be important in SLE and may explain the predominance of SLE in women.

The research potential is considerable for scleroderma, a serious connective tissue disease, and for the spondylitic (spinal arthritis) group of rheumatic diseases, such as ankylosing spondylitis (AS), Reiter's syndrome, psoriatic arthritis, and the gout-associated arthropathies. The Board believes that research in all arthritis-related diseases is at a critical point for major breakthroughs. New leads are emerging in many areas of investigation. Moreover, the availability of new biomedical research technologies such as monoclonal antibodies, recombinant DNA, molecular genetics, and computers is accelerating the pace of major scientific discoveries, yet needs to be exploited more fully.

The National Arthritis Advisory Board is encouraged by the accomplishments of research into the causes and mechanisms of arthritis and the development of new devices, surgical techniques, and drugs that are used to treat arthritis patients. These accomplishments result largely from the impetus generated by the Arthritis Plan that was developed by the National Commission of Arthritis and Related Musculoskeletal Diseases in 1976. The plan identified the major needs and opportunities in arthritis research and treatment and led to a modest increase in Federal appropriations for arthritis-related projects. However, the base of support for scientific investigation has been reduced in recent years because appropriations have not kept pace with the increased cost of biomedical research. Therefore, the research advances we have seen in the past decade are not likely to be duplicated in the future unless additional resources are provided. This reduction in the research base is a major concern to the Board, especially in light of the new and promising opportunities for progress in the prevention, early diagnosis, and treatment of arthritis.

Congress and the administration share the Board's concern about the impact of arthritis on the Nation. In 1985, the Secretary of Health and Human Services identified arthritis research as a departmental priority initiative and Congress authorized the establishment of a separate National Institute of Arthritis, and Musculoskeletal and Skin Disease (NIAMS) in P.L. 99-158. These actions have laid the foundation for the growth of arthritis-related research programs. However, additional funds must be appropriated before the promise of 1985 can become a reality in 1986 and in the future.

To continue this important program, the appropriation for NIAMS must be increased in fiscal year 1987 and subsequent years. The Board has carefully considered the resources required for the above programs and recommends a total budget of \$178.4 million, including \$3.5 million for administration, for fiscal year 1987. This recommendation includes funds for the following:

#### INDIVIDUAL RESEARCH GRANTS

The percentage of approved grants for arthritis and related research projects that can be funded has declined steadily from about 45 percent a few years ago to approximately 25 percent in fiscal year 1985. In fiscal year 1986, this rate will drop even further under current budget allocations. The Board's recommendations would restore the award rate to approximately 45 percent of approved grants.

#### SPECIALIZED CENTERS OF RESEARCH (SCORs)

One of the most important initiatives of the Board this year is to obtain from Congress support to establish SCORs in the field of arthritis and related diseases. This special research mechanism has been extremely effective in disease areas supported by the National Heart, Lung, and Blood Institute. The Board is convinced that the establishment of Specialized Centers of Research will provide an extraordinarily effective means of concentrating research personnel and resources on three initial areas of priority and opportunity: rheumatoid arthritis, osteoarthritis, and osteoporosis. SCORs are multidisciplinary, having both basic science and clinical research emphasis, ensuring that advances in basic science are rapidly translated into clinical application, and that clinical needs provide the direction for the basic science. The major recent advances in biomedical technology, as exemplified by the field of molecular biology, need to be rapidly applied to research dealing with arthritis-related diseases. SCOR programs provide an important addition to investigator-initiated research projects, and will spur rapid application of new biotechnological techniques to arthritis research.

In its report on the fiscal year 1986 budget for the Department of Health and Human Services, the Committee on Appropriations stated that SCORs "are useful mechanisms for accelerating research in areas where coordinated, multidisciplinary efforts are likely to produce rapid clinical applications of basic science advances." The Committee requested the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases to prepare an assessment of the scientific feasibility and potential benefit of establishing SCORs in arthritis and related diseases. The resulting assessment clearly indicates that the SCOR mechanism would be a valuable adjunct to existing research programs in this area. The Board's recommendations include funds to establish 9 SCORs in 1987, three each in the areas of rheumatoid arthritis, osteoarthritis, and osteoporosis.

#### ARTHRITIS RESEARCH MANPOWER

The Board also is concerned about the lack of adequate funds for the development of future research scientists. Three different types of individual career development awards are used to support arthritis and related research. The Clinical Investigator Award and the Physician Scientist Award are key to providing adequate opportunity for M.D.'s to acquire sufficient research training and experience in modern methods of biomedical technology to become qualified as independent investigators. The Research Career Development Award enables young established investigators, either M.D.'s or Ph.D.'s, to devote themselves entirely to research during a crucial state of career development. The budget for all these three awards has become so restricted that we anticipate a very severe decline in capacity to support current and future can-

didates. Funds for institutional training grants also have been severely restricted in recent years, leading to a steady decline in the number of young investigators selecting a research career. The Board's budget recommendations include additional funds to support these vital programs. The national investment in biomedical research manpower needs to be maintained and fully supported.

#### ESTABLISHMENT OF THE NATIONAL INSTITUTE OF ARTHRITIS, MUSCULOSKELETAL, AND SKIN DISEASES

The creation of this new institute, authorized by P.L. 99-158, will require additional personnel positions and associated funds for essential administrative and scientific functions. The need for these resources was well documented by the sponsors of the enabling legislation. Neither the funds nor the positions have been provided. The Board recommends that 36 additional positions be provided and \$3.5 million be appropriated for this purpose.

The Board appreciates your support for arthritis research and the opportunity to appear before this Subcommittee.

#### NATIONAL ARTHRITIS ADVISORY BOARD

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Lawrence E. Shulman, M.D., Ph.D., National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases.

John R. Waterman, M.D., Department of Defense.

#### Staff

Raymond M. Kuehne.

#### TRIBUTE TO GENE LAWHUN

#### HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. STANGELAND. Mr. Speaker, the impending departure of Gene Lawhun from the Office of the Chief of Engineers here in Washington for new duties as Chief of Planning for the corps' Lower Mississippi Valley Division is good news for him and not so good news for those of us in Congress who have come to depend on his readily available expertise.

As Assistant Chief of the Planning Division in the corps' Directorate of Civil Works, Gene has been an invaluable asset to both the corps and to those of us in Congress who are closely involved with corps activities. We on the Public Works and Transportation Committee have especially found Gene to be a fountain of information, always totally prepared and always willing to be of assistance.

For public consumption, he goes by the name of "Gene" or "D.E.", but now that he is leaving "Redskin country", he may as well admit to Dallas Eugene Lawhun. That would be the same Dallas Eugene Lawhun who hails from Huntington, WV, and who graduated from Marshall University in the same Mountaineer State.

He and his lovely wife, Peg, are the proud parents of Richard and Deborah, although it is well known that his 6½-year-old grandson, Josh, believes that the title "best buddy" is his.

Gene truly embellishes the title "engineer." He is, in fact, a registered professional engineer, and he is recognized as a skilled craftsman with few equals, having built a home.

Over the years, Gene has been an active participant and a major contributor in the long battle to get a major water projects construction bill enacted into law. He has been a familiar and welcomed face to those of us who have worked on the front lines in drafting omnibus water resources legislation.

In fact, Gene was well known both on the Hill and over at the corps for starting just about every speech with a reminder of just how many years it had been since the last omnibus bill.

We all know how he loves to quote statistics, but he may have to drop that one particular number from his repertoire if Congress finally does pass H.R. 6, as it seems poised to do, and if the President signs it into law.

The corps had a farewell luncheon for Gene today. There was a large turnout, as one might have expected given the stature and high esteem enjoyed by the honoree. I know that many of my colleagues were as disappointed as I that a busy House schedule kept us from attending the luncheon.

I understand, however, that it was disclosed at the luncheon that since it is unclear whether the Washington office or the Lower Mississippi Valley Division, with all its political power, actually runs the corps, some of the generals up here aren't sure if they will be calling Gene down in Vicksburg and telling him what to do, or if he will be calling them with directions.

In any event, I know that the valley is getting one of the very best public servants pos-

sible, and I wish Gene and his wonderful family the very best in his new assignment.

I do want to share with my colleagues a letter written to Gene and signed by the leadership of the Public Works and Transportation Committee and our Water Resources Subcommittee.

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON PUBLIC WORKS  
AND TRANSPORTATION,

Washington, DC, October 8, 1986.

Mr. D.E. LAWHUN,  
Assistant Chief, Planning Division, Directorate of Civil Works, Office of the Chief of Engineers, Washington, DC.

DEAR GENE: We would like to congratulate you on your new assignment as chief of Planning for the Lower Mississippi Valley Division of the U.S. Army Corps of Engineers.

While we are certainly going to miss you in Washington, we are pleased to know that LMVD is gaining a top notch employee. In our judgment, the strength of the Corps of Engineers, in fact the one asset that makes it the best agency in the Federal Government, is the quality of its personnel. Your service in Washington has been exemplary and, without question, you have had a major impact on the many accomplishments of the Corps of Engineers. We are especially appreciative of the unselfish assistance you gave the Members and staff of this Committee.

We wish you and your lovely wife Peg success in your new endeavors and expect to see you in Washington from time to time.

Best wishes.

Sincerely,

GENE SNYDER,  
Ranking Minority  
Member.

JAMES J. HOWARD,  
Chairman.

ARLAN STANGELAND,  
Ranking Minority  
Member, Subcommittee on Water  
Resources.

I know, also, that my colleagues will enjoy the following little jingle, appropriately titled "Down in the Valley or Gene's Lament", composed for Gene and dedicated to him at today's luncheon.

DOWN IN THE VALLEY OR GENE'S LAMENT  
(Lyrics by Rangos and Smith)

To the tune of "Down in the Valley"

Down in the Valley, valley so low,  
Congressmen call you, Oh don't you know!  
Down in the office or out on your lawn,  
Hear the phone ring, Gene, It's old Uncle John.

It's old Uncle John, Gene, chewing your can.

What he won't buy, Gene, is non-structural plans.

Here the phone ring, Gene, it's ringing again.

It's Senator Cochran and Jamie Whitten.

Hear Jamie blow, Gene, hear Jamie blow.

The waters are rising from damnyankee snow.

He wants a new levee to keep people dry.

Where's the report, Gene, now don't tell a lie.

The phone is too loud, Gene, it's bothering the dogs.

This time it's a woman, it's sweet Lindy Boggs.

She will be calm, Gene, and she won't rail.



If on your staff, Gene, you've lots of females.

Simon and Bumpers, Prior and Long. Senators call you all the day long. How's the B/C, Gene: is it in the pink? And if it's not, Gene, they'll drive you to drink.

Down in the valley, there's questions galore From Bennett Johnston and Albert Gore. If, you get stuck, Gene, and haven't a clue, Don't call on us, Gene, we will call on you.

TRIBUTE TO RAYMOND E. BALDWIN

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mrs. KENNELLY. Mr. Speaker, I have the sad duty to report to this body the passing of one of the most distinguished public servants in the history of the State of Connecticut—Raymond E. Baldwin.

Ray Baldwin was the Governor of our State, a U.S. Senator, and chief justice of the State supreme court. His public service to the people of the State, and the respect with which they in turn held him, was without bounds.

I believe the remarks of President Colin Campbell of Wesleyan University best show the affection we felt for Ray Baldwin and I submit them for the RECORD at this point.

REMARKS BY PRESIDENT COLIN G. CAMPBELL AT THE FUNERAL OF RAYMOND E. BALDWIN, OCTOBER 8, 1986

I am deeply honored to welcome you this afternoon on behalf of the family of Raymond E. Baldwin. As they have for so many years, Lucian, Raymond, Jr. and Tyler, their wives, children and grandchildren, are today generously sharing an intensely personal moment; sharing with all of us who so loved and respected this extraordinary man. They have been witness to that love and respect which marked Ray Baldwin's legendary career. And they have been much moved by the outpouring of affectionate tributes since his death this past weekend. This is a grateful family. Grateful for your caring, for your expressions of sympathy, and grateful beyond measure, as we all are, for the life we join here today to celebrate.

Raymond E. Baldwin was quite simply one of the most distinguished public servants and one of the finest human beings I have been privileged to know. He was rich in titles and accomplishments but richer still in humane qualities. He only attained all of the highest offices his beloved state of Connecticut can offer—Governor, United States Senator, Chief Justice of the Supreme Court—he carried out each of his many and varied assignments with matchless skill, and even more than skill, devotion. He enriched the life of his time. And what a time that was.

Think of the extraordinary transformation of American society in the 70 years since Ray Baldwin graduated from Wesleyan. Change that was so rapid and so profound over the course of those explosive years that it defies easy comprehension. Yet he was undaunted by that change even when it seemed to threaten his country and his beliefs. Fear was never part of his makeup. He intuitively comprehended the baffling ambiguities and fierce contradic-

tions of a perilous age. A bedrock Yankee conservative—in the noblest sense of that oft-misunderstood term—he was like his hero Abraham Lincoln in holding fast to old virtues and settled practices while staying ever ready to "think anew and act anew" as public needs arose.

Throughout a long political and judicial career, Ray Baldwin always managed to remind us what our country stands for. Both in Hartford and in Washington, he fought injustice and inequality courageously and with an innovative spirit. Never blind to American shortcomings, he called on our native capacity for goodness and indeed greatness. The words "liberty and justice for all" never had the stale ring of stump rhetoric when he uttered them. They were to him bred-in-the-bone truths, as real as sunlight. As a guardian of the public trust for most of his adult life, he sought to make liberty and justice realities for everyone.

A ninth generation American with roots deep in our colonial past, Ray Baldwin drew strength from the Declaration of Independence. He spoke of it as a living document. He seemed to know the Constitution as the framers did, intimately and with deep faith in its permanence despite the pressure of changing circumstance. His belief that the Constitution meant what it said fueled his early and lasting fight for civil rights.

Ray Baldwin was a man of the law and like James Madison, another of his heroes, he believed its "benign magistracy" superior to "the awful coercion of the sword." He viewed the law as civilization's indispensable tool for coping wisely and fairly with the disorder of human experience. That is why he worked as a judicial referee until he was ninety years of age, two decades after he had retired from the bench. That way he could continue to grapple with the complexities and confusions of everyday life, always mindful of the ideal, of what ought to be. This was a source of his strength. He was as comfortable in the bustle of the town as in the cloister of his chambers. Though he never confused Main Street with the heavenly city, he always remembered his obligations to both.

Ray traveled at ease in the company of the mighty, but he was always at heart a local boy, at home with local people. He went to Middletown schools, sang as a choirboy in this fine old church, went to college up on the hill, lived here in town until just a few months ago. What made him so successful a politician was his common touch. He seemed to know everyone, and delighted in talk. To those with whom he worked, he was quick to express appreciation.

His early and lifelong love affair with the Connecticut River, which he explored by canoe as a youth, and in his "stink pot", as he lovingly called her, in later years, gave him endless pleasure. It is no accident that conservation was one of his highest priorities. If we owned him nothing else, we would be forever indebted for Connecticut's fine public forests and parks which he did so much to establish as governor.

In each of our three branches of government, Ray had the uncanny ability to take great hopes, transform them into reasonable expectations and produce admirable and just results.

It was my good fortune to see Ray Baldwin in still another capacity, that of alumnus and trustee of his alma mater. Many here today can recall his beaming face and booming voice when he—well into his 70s and 80s—led fellow alumni in signing Wesleyan songs at campus gatherings. He was

equally involved in the work of the University. As a trustee, he displayed characteristic loyalty, courage, decency and unfailing good humor. In hectic situations, he could be counted on to recall a humorous anecdote that made you laugh while at the same time it shed light on the problem at hand. Discordant urgencies of the moment shrank to their proper size when seen against the larger duty imposed by our obligations to the future.

Duty, for Ray, was never a narrow confining necessity; it was always a joyous call to the best that was in him and, by example, in his colleagues.

How could one man do so much in one lifetime and mean so much to so many people? I have mentioned one source of his strength, his grounding in the history, particularly the legal history, of our country. The other source was his family. For whatever his professional obligations, his life revolved around Edith and their sons and in time their sons' families. So inextricably entwined were their lives that when Edith died Ray was bereft, and for a time confessed to being lost. The pain never left him, but he found solace as he had throughout his life in the company of his loved ones and loyal friends, and in the supportiveness of this parish he had served so faithfully. In his work for the court and numerous organizations and institutions, he continued to find the satisfaction that he derived from serving the public good so tirelessly.

There is never any excess of good men and women. When one of them is lost we grieve, knowing that on such as these civilization depends. So today we mourn Raymond E. Baldwin's death. Though we gather in sorrow, our sadness is tempered by the realization of a long and useful life lived generously and well. How much richer our own lives have been for his having lived among us. We bid him farewell with love for his memory and with pride in what he meant to each of us, to our state, and to our country.

GILMAN SEEKS CREATION OF NATIONAL BACK INJURY COMMISSION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. GILMAN. Mr. Speaker, today I rise to introduce a bill, H.R. 5681 to establish a National Back Injury Commission, which would conduct an extensive study of the nexus between package weight and chronic back injury, disablement, and impairment. Each year in the United States, approximately \$15 billion is spent diagnosing and treating back injuries, with a significant loss of worker productivity and a concomitant burden on worker's compensation and private insurance industries.

Currently, the U.S. Postal Service is the only commercial industry which places a limit on the amount of weight which can be lifted at work. There is compelling evidence in ergonomic studies which indicates that a significant number of back injuries could be avoided if jobs were more effectively designed from a safety standpoint. Perhaps a more cost effective and simple remedy would be to place an appropriate weight limitation on all

packages, so that the general population would be able to handle them without injury.

Virtually none of the hundreds of studies conducted to date have attempted to isolate the variable of weight when researching the causation of back injury. Back injuries are of such frequency and severity, that a number of businesses are suffering from a pronounced reduction in worker efficiency and their continuity in employment.

In addition, such back injuries comprise approximately one quarter of all indemnity claims, and one third of all worker's compensation claims. Just these statistics alone should speak to the relevance of this issue. There does exist strong evidence that having to lift heavy packages or objects is overwhelmingly responsible for back injuries.

Therefore, it becomes manifest that back injuries be fully studied and analyzed, utilizing weight as a focal point, and attempting to keep all others as constant as possible. The long range benefits of placing a weight limit on all packages, whether used for occupational or nonoccupational use, would be highly significant from an economic, medical and social analysis. Additionally, this bill provides Congress with a legislative guidepost for addressing this serious national concern in the future.

The bill creates a 29 member commission, composed of a wide cross section of the business, medical and legal communities, and places a 1 year limitation on the study. Their final report would form the basis for further legislative action designed to prevent back injuries, and their concomitant burden on our health care and insurance industries.

Mr. Speaker, in urging my colleagues to support this bill, which addresses this serious problem that plagues the health of our Nation, I submit the full text of this bill to be inserted at this point in the RECORD for their consideration and review.

#### H.R. 5681

A bill to establish a commission on back injuries

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Back Injury Commission Act of 1986".

#### SEC. 2. FINDINGS.

The Congress finds the following:

(1) The number and severity of occupational back injuries, the expenditures made to treat such injuries, and the resulting impaired efficiency of our work force and general public, are significant national problems.

(2) Such injuries adversely affect not only persons afflicted with such injuries, but also businesses, hospitals and other health care providers, and nonprofit organizations dealing with such injuries.

(3) Such injuries comprise approximately 1/4 of all indemnity claims and 1/3 of all claims for worker's compensation benefits.

(4) Such injuries are of such frequency and severity that businesses are suffering from a pronounced reduction in worker efficiency and continuity in employment.

(5) Preventing such injuries can be more cost effective than paying indemnity claims and worker's compensation benefits.

#### SEC. 3. ESTABLISHMENT.

There is hereby established a commission to be known as the Commission on Back Injuries (hereinafter in this Act referred to as the "Commission").

#### SEC. 4. DUTIES.

(a) IN GENERAL.—The Commission shall study the causes and consequences of occupational back injuries and recommend actions to prevent and alleviate such injuries. Such recommendations shall include actions that should be undertaken by the Federal Government, the governments of the several States, and the political subdivisions of the States, and the business community of the United States.

(b) INVESTIGATION.—As part of the study under subsection (a), the Commission shall investigate—

(1) general causes of occupational back injuries and in particular the extent to which—

(A) the weight of packages commonly lifted by workers,

(B) the instability of such packages,

(C) the height to which workers lift such packages,

(D) differences in the physical capacity of workers to lift such packages, and

(E) the repetitive lifting of such packages by workers,

contribute to such injuries,

(2) the effect that lifting packages weighing more than 50 pounds has on the musculoskeletal system,

(3) the feasibility of requiring that articles be packaged so that the relationship of the weight to the bulk of such package is within the limits of an average worker to lift without causing such injuries,

(4) the effect that claims for such injuries have on the worker's compensation system,

(5) the effect that claims for such injuries have on the private insurance industry,

(6) the effect that treating such injuries have on hospital utilization of available bed space.

(c) CONSULTATION.—As part of the study under subsection (a), the Commission shall consult with individuals who are afflicted by occupational back injuries and with individuals indirectly affected by such injuries, including—

(1) officials of State governments and governments of political subdivisions of States, including school districts and other special purpose districts,

(2) representatives of businesses that are subject to worker's compensation laws,

(3) individuals who purchase personal injury insurance and representatives of organizations that represent such individuals,

(4) representatives of labor organizations,

(5) individuals knowledgeable with respect to health insurance and worker's compensation laws, including attorneys who represent plaintiffs and defendants in tort litigation and worker's compensation cases,

(6) individuals knowledgeable with respect to the insurance industry, including the cyclical nature and the investment practices of such industry,

(7) individuals knowledgeable with respect to engineering, biomechanics, and epidemiology,

(8) individuals knowledgeable with respect to the long-term economic effects of occupational back injuries in countries other than the United States, and

(9) individuals knowledgeable with respect to public health who are concerned with preventing such injuries.

#### SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 29 members appointed by the President as follows:

(1) Two individuals who are knowledgeable with respect to—

(A) the business of underwriting insurance that provides compensation for personal injuries, or

(B) the legal representation of business organizations that underwrite such insurance.

(2) Three individuals who are knowledgeable with respect to—

(A) the economic impact on the materials handling industry that would result from requiring that the weight of packages lifted by workers not exceed 50 pounds, whether in component or final manufactured form, and

(B) the economic feasibility of reducing the package weight of all consumer goods that exceed 50 pounds.

(3) Three individuals who are knowledgeable with respect to the negative biomechanical implications of lifting heavy packages and whether reducing package weight can alleviate such implications.

(4) Two individuals knowledgeable with respect to biomechanical engineering.

(5) Three individuals knowledgeable with respect to the medical treatment of occupational back injuries,

(6) Three individuals who are representatives of industries whose workers have been afflicted by occupational back injuries.

(7) Two individuals who have sought worker's compensation benefits for back injuries.

(8) Three individuals knowledgeable with respect to orthopedics.

(9) Two individuals knowledgeable with respect to statistics.

(10) Three individuals engaged in consumer research regarding occupational back injuries and their causes.

(11) Three individuals who are public health officials.

(b) TERMS.—Members shall be appointed for the life of the Commission.

(c) TIME FOR MAKING APPOINTMENTS.—Appointments under subsection (a) shall be made not later than 30 days after the date of the enactment of this Act.

(d) CHAIRPERSON.—The President shall designate a chairperson from among the members of the Commission.

(e) QUORUM.—Fifteen members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(f) MEETINGS.—The Commission shall meet at the call of the Chairperson or a majority of the members. The Commission shall hold its first meeting not later than 45 days after the members of the Commission are first appointed.

(g) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(h) PAY AND REIMBURSEMENT OF EXPENSES.—A member of the Commission shall serve without pay, but shall be allowed travel expenses, including a per diem allowance, in accordance with section 5703 of title 5, United States Code, for each day during which such member is engaged in carrying out the duties of the Commission.

#### SEC. 6. STAFF AND CONSULTANTS.

(a) STAFF.—The Commission may appoint and fix the pay of such staff as it considers to be appropriate. Such appointments and pay may be made without regard to the pro-



visions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and the General Schedule pay rates, except that no individual so appointed may receive pay in excess of the minimum annual rate of basic pay payable for GS-12 of the General Schedule.

(b) **CONSULTANTS.**—The Commission may procure such temporary and intermittent services of consultants under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the minimum annual rate of basic pay payable for GS-12 of the General Schedule.

#### SEC. 7. POWERS OF COMMISSION.

(a) **IN GENERAL.**—For the purpose of carrying out this Act, the Commission may hold such hearings and undertake such other activities as the Commission may determine to be useful.

(b) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(c) **OBTAINING OFFICIAL INFORMATION.**—Upon the request of the Commission, the head of any department or agency of the United States shall furnish to the Commission any information available under section 552 of title 5, United States Code, and determined by the Commission to be useful in carrying out this Act.

(d) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission on a reimbursable basis any administrative support services the Commission may request.

#### SEC. 8. REPORT.

The Commission shall transmit a report to the President and to each House of the Congress not later than 1 year after the date of the first meeting of the Commission under section 5(f). The report shall contain the findings, conclusions, and recommendations of the Commission as a result of carrying out the duties of the Commission under section 4.

#### SEC. 9. TERMINATION.

The Commission shall cease to exist 30 days after submitting the report required in section 8.

#### SEC. 10. DEFINITION OF WORKER'S COMPENSATION.

In this Act, the term "worker's compensation" means a statutory system established by a State to provide compensation to workers or their dependents in the event of occupational injuries, without legal actions and proof of negligence.

#### SEC. 11. EFFECTIVE DATE.

This Act shall take effect October 1, 1987.

### POLITICAL INFLUENCE EXERTED BY SENIOR CITIZENS

#### HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. COELHO. Mr. Speaker, for years, we in politics have watched the rapid increase in the senior citizen population and wondered how soon it would be before these older Americans fully exerted their political influence.

Well, it now appears the day will be upon us far sooner than we had expected. And the

National Committee to Preserve Social Security and Medicare is in the forefront of the effort to bring that about.

As a result of what must be one of the most sophisticated direct mail efforts ever, not only is the National Committee turning out millions of postcards, petitions, and letters to Congressmen and Senators, but it is also directing senior citizen campaign volunteer workers into House and Senate races all across the Nation.

And, I'm not talking about a handful of volunteers here and another handful or so there. I'm talking about scores and scores and thousands and thousands.

In just one race, a race involving our colleague from New Mexico, more than 300 senior citizens flooded BILL RICHARDSON's campaign headquarters with volunteer worker cards in just a matter of days.

And that's in a district where the National Committee has fewer than 3,000 members. So imagine what they can do in a district where the membership totals 15,000 or 20,000—and there are a number of districts like that across the country.

But, even if they are successful in getting just half of that number to volunteer in the rest of the races where they've endorsed and asked members to get involved—and they've done that for either a House or Senate candidate in nearly 400 of the 435 districts in the Nation—the National Committee can point proudly to turning out some 65,000 volunteers nationwide.

As much as I wish this effort was being made solely for Members and challengers on this side of the aisle, such is not the case.

The National Committee is a bipartisan organization, supporting both Democrats and Republicans in both House and Senate races this year.

The use of direct mail in politics is a recent and sometimes misused phenomenon. Here is a clear case where direct mail can be—and is being—used to reach into the homes of America's seniors and encourage them to participate in the democratic process.

The National Committee to Preserve Social Security and Medicare is to be congratulated for its efforts and I, for one, look forward to ever increasing participation from this fastest growing segment of our Nation, our senior citizens.

### A CONGRESSIONAL SALUTE TO TRINITY LUTHERAN CHURCH

#### HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. YATRON. Mr. Speaker, I rise today to commemorate the 100th anniversary of Trinity Evangelical Lutheran Church in Bechtelsville, PA. The congregation is commemorating this important occasion with a number of celebrations.

The church was founded as a union church for members of the Lutheran and Reformed denominations and was constructed with the assistance of Mennonites in the area. The cornerstone was laid on Whitsunday 1886 and

the church was dedicated on May 7, 1887. The first pastor was the Rev. J.H. Kline who served the congregation for 30 years. The congregation grew steadily for 60 years, so steadily in fact, that the church was forced to split and form a parish in 1946. In 1959, another change occurred, as the parish was dissolved into two separate churches. Since these changes, the church has steadily grown and expanded. Under the current leadership of the Rev. Wayne R. Kaufman, Trinity Lutheran is not only a place of worship but an integral part of the community.

Trinity Lutheran's congregation can certainly be proud of their many accomplishments. For the past 100 years, the church has grown and flourished, providing guidance and support for many generations. I salute the congregation of the Trinity Lutheran Church on their 100th anniversary and wish them continued success and good fortune in the years to come.

### VICTIMS OF HOLOCAUST IN THE UKRAINE

#### HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. EDGAR. Mr. Speaker, despite the fact that this is the busiest time in any Member's term, I would like to take a moment to call attention to a resolution submitted by the American Foundation For Negro Affairs [AFNA] inviting us to join them in the commemoration of the victims of holocaust in the Ukraine in 1932-33. Such acts of extreme cruelty and injustice must be remembered if we are to prevent their recurrence. The AFNA, the Family of Leaders, and the American Foundation for African American Affairs are to be commended for supporting the Ukrainian people in its fight for self-determination. I salute these dedicated individuals who labor against oppression and fight for all our human rights. The following are their resolutions:

#### THE AMERICAN FOUNDATION FOR NEGRO AFFAIRS—RESOLUTION

##### VICTIMS OF HOLOCAUST IN UKRAINE

Our knowledge of the Holocaust of 1932-33 has come to us through personal contact with Ukrainian victims, survivors, relatives and friends . . . and from the worldwide communication system . . . From this vantage point, the 1932-33 Holocaust and the suffering of the Ukrainian people have emerged as among the world's greatest evils inflicted by humans on humankind . . .

We therefore pray, "that Africans and African descendants everywhere" join with "Ukrainians" and other concerned people of the world in support of the Ukrainians' total fulfillment of their historic cause . . .

Therefore, the following Resolution is hereby drafted:

Whereas, the Ukrainians have experienced the Holocaust of 1932-33 with a loss of eight million Ukrainians which occurred through murder and forced starvation, and

Whereas, the Ukrainian Philadelphia Chapter Of The American Friends of the Anti-Bolshevik Block Of Nations remembers the horror of the Holocaust of 1932-33 and expresses fervent hope and prayers that

this crime against humanity shall never happen again, and

Whereas, while this Resolution is being written, terrorism and death are spreading throughout the world; killing the aged, children, and women in: The Ukraine, Afghanistan, South Africa, South America, Israel, and the Middle East, and

Whereas, the United States of America is now engaged in a life and death struggle to prevent the spread of foreign ideologies and its dictatorial rulers, which now have under their bondage, 49% of the world's population, and

Whereas, we respectfully request the President of the United States to renounce the Yalta and Potsdam Agreements and request the United States Congress to ratify this action, thus reinforcing the position of the United States in its previous statement "that the Republic of the Ukraine be free and independent," and

Whereas, we believe that only when all nations and people under bondage by an Imperialistic empire gain freedom, and the right to self-determination, will peace on earth become a reality.

Now, therefore, The American Foundation for African American Affairs, AFNA National Education And Research Fund, and The Family Of Leaders, representing 180 organizations, do hereby pray, that Africans and African descendants everywhere, join with the Americans of Ukrainian origin, as a memorial to those who suffered as a result of these crimes against humanity, and to assure the continuation of the struggle against the inhumane oppression that continues to date in Ukraine and other parts of the world, and

Further, that a copy of the Resolution be presented to The Honorable William Nezwow, President of the Ukrainian Philadelphia Chapter Of The American Friends Of Anti-Bolshevik Block Of Nations, in acknowledging the week of May 18-24 as a week of mourning for the victims of the Holocaust and of the Ukraine, presently now occupied by Russia.

Be it further resolved that a copy of this Resolution be mailed to the President of the Organization Of African Unity (O.A.U.), representing forty-one African governments.

Certified and signed this Fourth day of March, 1986 City and County of Philadelphia, Commonwealth of Pennsylvania, United States Of America.

Sincerely,

SAMUEL L. EVANS,

National Chairman, American Foundation for Negro Affairs, AFNA National Education and Research Fund, and Family of Leaders.

BOARD OF JUDGES, COURT OF COMMON PLEAS OF PHILADELPHIA

Whereas, the Board of Judges of the Court of Common Pleas of Philadelphia joins the City of Philadelphia in acknowledging the Week of May 18 as the period of mourning for the victims of the Ukrainian Holocaust of 1932-33;

Whereas, We remember the past injustices perpetrated during this unfortunate period in which the Russian Government refused to allow European aid programs to help the starving Ukrainians;

Whereas, it is our intent to urge world leaders to be ever vigilant to prevent the reoccurrence of these inhumanities to man.

Now, therefore the Judges of the Philadelphia Court of Common Pleas extends to Americans of Ukraine origin, and to all peoples of this earth, our fullest support for

justice and fair play; and further, We present this Commemoration to William Nezwow, President of the Ukrainian Philadelphia Chapter of American Friends of the Anti-Bolshevik Bloc of Nations, and acknowledge his untiring efforts on behalf of his organization to bring peace and tranquility to people of all races, origins and ethnic backgrounds.

EDWARD BRADLEY,

Presiding Judge,

Court of Common Pleas.

CALVIN T. WILSON,

Secretary, Board of Judges.

Presented this 21 day of May 1986.

#### TRIBUTE TO DR. EOIN MCKIERNAN

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. O'NEILL. Mr. Speaker, I want to take this opportunity to pay tribute to a truly extraordinary American, Dr. Eoin McKiernan, the founder of the Irish American Cultural Institute.

Through his passion for the homeland of his mother and grandparents, Dr. McKiernan has brought an awareness of Ireland and its rich literature, theater, art and music to all Americans, but especially to those of us 44 million Americans of Irish ancestry.

Dr. McKiernan was born in New York City in 1915. He learned the Irish language from his mother in his early years, and later became fluent after attending classes run by the Gaelic Society in New York. After completing his studies and a successful business career, he became a professor at the State University of New York and then head of the English department at the College of St. Thomas, St. Paul, MN.

In 1962, Dr. McKiernan founded the Irish American Cultural Institute, which among other cultural activities, sponsors scholarships to allow Irish students to study in America, summer schools to allow American students to study in Ireland, United States lecture tours by Irish academics, and tours of the United States by Irish theater companies. In another effort to bring Irish Americans closer to their homeland, Dr. McKiernan created the "Trees of Ireland" project, which invites Irish Americans to sponsor the planting of a tree in Irish soil to commemorate their ancestors.

Mr. Speaker, I join thousands of other Americans of Irish descent and countless world leaders in praising the works of Dr. McKiernan. The text of an article on Dr. McKiernan appearing in Ireland of the Welcomes magazine follows:

EOIN MCKIERNAN

(By Desmond Rushe)

Eoin McKiernan is that most rare of modern humans—a dreamer who is wide awake; an idealist who is totally practical. He is also a great rarity among Irish-Americans, for though he is a native New Yorker (born Manhattan, 1915), he is a fluent speaker of the Irish language and is more versed in Irish literature, history, arts and inherited culture than the vast majority of Irishmen. He is a remarkable mixture.

How did he become so? Among early memories he treasures are those of his

mother (Delia Nagle, an emigrant from near Lahinch, Co. Clare), telling old Irish folk tales, singing snatches of songs in Irish and introducing the odd piece of her native tongue into family prayers. His father was a second generation Irish-American with roots in Co. Leitrim.

It was his mother's influence that caused him to attend Irish language classes run by Gaelic Society in New York and, when he was subsequently awarded a scholarship, led him to the Gaeltacht village of Rosmuc in Connemara, where he achieved fluency. And though he was to become, in turn, an executive in Macys department store, a farm manager, professor of English at the State University of New York and head of the English department at the College of St. Thomas, St. Paul, Minn., the Irish cultural heritage remained his consuming passion.

It grieved him to see it being neglected, forgotten, ignored or trivialised by the Irish-American community. I also grieved him that to the general public in America, Ireland came into prominence only once a year in a solurge of St. Patrick's Day Paddy-whackery.

To Eoin McKiernan, Ireland and its people were something else. They meant at glowingly rich inherited culture and a vibrant contemporary scene in literature, theatre, music, painting and sculpture. He set about generating an awareness of what the country and its people are all about in terms of the ancient and the modern, particularly among the 44 million Americans who claimed Irish ancestry in the last U.S. census.

The record of his activities and achievements over the past 25 years is, by any standards astonishing. To him is due the setting up of the Irish American Cultural Institute; the publication of *Eire-Ireland*, a quarterly journal of Irish studies; awards for Irish artists, writers and musicians; scholarships to allow Irish students study in America and summer schools to allow American students study in Ireland; annual visits to the U.S. of Irish lecturers; periodic tours by Irish theatre companies; a 53-episode TV series on aspects of Ireland screened throughout the U.S., and much more.

In 1972, Princess Grace of Monaco told him how highly she admired his work, and became International Chairman of the Institute. In 1969, the National University of Ireland conferred on him an honorary D.Litt. degree and in 1976, the Ancient Order of Hibernians awarded him the John F. Kennedy Medal.

Meanwhile Eoin McKiernan was shuttling between America and Ireland, guiding cultural package tours; meeting Presidents, Prime Ministers and cabinet Ministers; overcoming scepticism; facing pig-headed bureaucracy with terrier tenacity, always promoting his dream. Part of his dream which has taken many years to come to fruition is his Trees for Ireland project. In the realm of practical idealism, it could well become his greatest single triumph.

The concept is vastly appealing. Irish-Americans would be invited to sponsor trees at ten dollars each in commemoration of their forebears or as gifts to others. They would receive certificates indicating the chosen place of planting. Their names would be entered in registers maintained at the nominated forest centres. They would symbolically and literally, be sinking roots in Irish soil. They would be giving themselves a point of ethnic identification and, in the process, they would be enriching their



ancestral land environmentally and economically.

Trees for Ireland blends with peculiar appropriateness Eoin McKiernan's vision and practicality, and a memorial (an inscribed Connemara marble slab on a granite plinth) to mark the first planting was unveiled by the Taoiseach Dr. Garret FitzGerald in September. It is located at Cappaghoosh, Co. Galway in the Maam State Forest. There, 25,000 sitka spruce (of North American origin) have now taken root: they occupy a 15-acre area on the side of a hill which rises gently from one of the small lakes that enhance Connemara's poignant beauty. Other and bigger plantings in other and beautiful parts of the country will follow.

It was the wise of Horace that his poetry would be, for him, 'a monument more lasting than bronze'. That thought is quoted in each issue of 'Eire-Ireland' magazine because Eoin McKiernan, who took a degree in classical languages in addition to one in English literature, agrees with it. Works of the spirit of man make the most lasting of monuments. A sponsored tree can be such a monument in metaphoric terms. His monuments is in his work for Irish culture, and it will outlast any metal.

## SUFFERING IN ETHIOPIA

### HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. ROTH. Mr. Speaker, in hearings just 2 weeks ago before the House Foreign Affairs Subcommittee on International Economic Policy and Trade, administration officials testified that they fear the Marxist Ethiopian regime will resume their controversial resettlement program within a matter of weeks. The same resettlement program, interrupted earlier this year, is said to have claimed the lives of over 100,000 Ethiopian men, women, and children.

This month's cover story of Reader's Digest details the horrors uncovered in Ethiopia by Dr. Rony Brauman, a French physician who directs Doctors Without Borders. It is a story that again exposes the horrible truth about the suffering continuing today in Ethiopia.

For the benefit of my colleagues, I am submitting both the Reader's Digest report and a Washington Times summary of our hearing on this troubling situation.

[From the Reader's Digest, Oct. 1986]

#### FAMINE AID: WERE WE DUPED?

(By Dr. Rony Brauman)

On a hot afternoon in early 1985, I stood on the tarmac of the airport at Addis Ababa, the capital of Ethiopia, and lived a privileged moment. As cargo plane after cargo plane landed, others circled overhead, awaiting their clearance to come in. The Western world's air bridge to Ethiopia was in full swing. In whatever direction I looked, those hulking giants, symbols of the best that is in humanity, were unloading food and grain, tents, blankets, jeeps, even fully equipped hospitals.

Shocked by the terrible images of starvation brought into their homes by television, millions of ordinary citizens throughout Western Europe and North America spontaneously dug into their pockets and gave unreservedly to the charities that asked for

their help. The surge of generosity that I witnessed that day only grew greater as the months passed. A host of rock stars in America recorded the spectacular best-seller "We Are the World" (more than 16 million copies sold) and dedicated 90 percent of the proceeds to African famine relief. Irish musician Bob Geldof founded Band Aid and its American counterpart Live Aid, and organized the hugely successful 16-hour, all-star rock marathon held simultaneously in Philadelphia and London, and beamed to the whole world via satellite. More than \$100 million was gathered in response to the call for help.

In the months that followed, the euphoria that swept over me that day at the airport gradually gave way to bitter disappointment while we watched the cynical betrayal of the international-aid campaign. Here is the harsh truth: your donations have been massively misappropriated by Lt. Col. Mengistu Haile Mariam's Soviet-dominated regime. Money, food and equipment intended for the starving have been hijacked by the authorities and used as a means of pressure on the anti-government peoples of Ethiopia's northern provinces.

Like bait in a trap, Western-donated food is being used to lure the starving from their villages into deportation centers. From there, the people are herded away at gunpoint to barely disguised labor camps.

In the words of my colleague and predecessor at Doctors Without Borders, Dr. Claude Mahuret, now France's Secretary of State for Human Rights: "Western governments and humanitarian groups unwittingly fueled—and are continuing to fuel—an operation that will be described in hindsight in a few years' time as one of the greatest slaughters of our time."

#### HIDDEN FAMINE

We at Doctors Without Borders should have known better. We had first applied to enter Ethiopia in 1982 when the country was in one of its cyclical periods of drought. Since our request was ignored, we served clandestinely in the northern provinces of Tigray and Eritrea, treating the sick and starving. In this region of unrest, we had seen the scorched-earth tactics of Mengistu's army in its attempt to suppress the rebel fronts.

The army's drives into enemy territory were a deliberate attempt to ruin that secessionist part of the country and one of the main reasons why the famine reached such dramatic proportions. Villages suspected of supporting the rebels were systematically pillaged, their stocks of grain confiscated or burned, their livestock slaughtered. Dispossessed of reserves, the peasants were helpless when the cycle of drought struck again. This made them prime candidates for "resettlement" in the southwest, where they could no longer help the rebels.

For two years the Mengistu government hid the famine from the world. But after a lavish celebration of the tenth anniversary of the Ethiopian revolution—at a cost of \$100 million—the government threw open the doors of the country to the Western press. With the rush of TV crews and newspapermen, alarming stories about the suffering were encouraged. The government now did its best to magnify the famine, flying journalists to carefully chosen locations. It took us months to understand that the aim was to make the West pay for the resettlement scheme and help the war effort in the north.

As Western food and medical aid flooded in, the Soviets sent arms. Grain rotted on

docks and in warehouses, because the only trucks available belonged to the army, which did not consider food transport for the starving a priority. Wheat ships were made to wait several days at anchor while Soviet freighters unloaded tanks, ammunition and cement. In November 1984, Ethiopian authorities even brazenly demanded that the United States pay for the rental of government-owned vehicles to distribute the \$100 million of emergency aid that it had sent to Addis.

If Americans were naive in their response to the Marxist government's call for help, so, too, were Doctors Without Borders. We had eagerly accepted the Ethiopians' sudden invitation to join the struggle against famine. By late fall of 1984, we had two teams working in the worst areas. In those days before the international rescue effort was in full swing, there was a shortage of food, medication and supplies. In the vast camp of Korem, 385 miles north of Addis in Welo Province, the 100,000 inmates were dying by the hundreds before we could give them the least care.

#### TERROR RAIDS

When food, tents and blankets first arrived, Dr. Brigitte Vasset, chief of our medical crew at Korem, joyfully ordered all 150 tents to be set up and the blankets distributed: the cold season was already on the land, complicating and worsening the problems of malnutrition. Hardly had her order been given when the camp's Communist Party chief stormed into Dr. Vasset's consulting room to countermand it. "We don't want the camps to be comfortable," he said.

It was a question of life or death, not comfort, but the message was clear. We had assumed that the camps were relief stations where the peasants could regain their strength before returning to their farms after the drought. We were wrong. The government saw them as nothing more than way stations on the road to resettlement, the first step to emptying the north of a large part of its population—over one million people who did not want to leave.

In December Dr. Vasset returned from Addis Ababa to find the camp empty except for babies, the aged and the sick. It was her first experience with a resettlement raid. The army had arrived with its trucks, herded away as many people as the vehicles could carry and driven them off for transport south. Terrorized, the remaining Korem inhabitants who were strong enough fled into the nearby mountains. But stalked by hunger, they soon straggled back, resigned to whatever fate had been decided for them.

Next a quota system was established: so many individuals required from each district; never mind the niceties. Husbands and wives were split up, probably never to see each other again. Hundreds of children were left behind to fend for themselves. The kids who did not die were sent to orphanages to be raised as Mengistu's "new human beings."

Dr. Vasset and her colleagues witnessed three deportation raids at Korem. A total of 17,232 were taken away, almost all of them against their will. By the time of the third raid, the militia moved right into our hospital and convalescence shelters and dragged off those who were too weak to flee. As the militiamen beat them to the trucks with sticks, Dr. Vasset protested that most would not survive the trip. The Party chief shrugged. He had a quota to fill.

We and our brother organizations in the field watched helplessly as the sick, hungry and dying were manipulated and coerced into joining the flood south. Time and again, even when stocks were overflowing, we saw food withheld from the camps while being made abundantly available in nearby resettlement transit centers. The bargain was starkly simple: if you want to eat, come in for deportation.

The same kinds of tactics operated in the countryside far from the camps. Promises of grain distribution brought farmers trudging from miles around to central trapping points where the soldiers were waiting in hiding. A call for free vaccination of cattle served doubly well, because it netted both the farmers and their herds. The farmers joined the lists of resettlers, and the cattle went to the militia. It was after campaigns of this sort that relief workers discovered what otherwise would have been inexplicable: ghost villages with huts, tools and household utensils intact, and crops untended in the fields.

#### SLAVE LABOR

In June 1985 we installed a treatment center at Sek'ot'a, an important northern city. We found desolation. The Ethiopian army had destroyed all the crops, herds and farms in the vicinity. With no food available, the people would become dependent on the government camps, and the rebels would lose their support. To the world's press who were ushered into Sek'ot'a, these masses of barely living humanity were presented as victims of natural calamity—in fact they were victims of the government.

Even the famous drought proved to be something of a false issue. Our organization dispatched a hydrogeologist to Sek'ot'a and he discovered an enormous deposit of readily accessible underground water. At relatively low cost—only a small fraction of what was being raised for famine aid—there could have been water for everyone. Our representations to the government fall on deaf ears. What was desired was not water but a Sek'ot'a emptied of people.

The longer we stayed, the more the horror stories repeated themselves. By the middle of 1985, grain was rotting on the docks at the port of Åseb because trucks that had been donated for its transport were being used in the relentless pursuit of resettlement. Today, I am certain that at least half the deaths in Ethiopia must be attributed directly or indirectly to its own government.

The majority of the deportees serve the government as slave labor on the coffee plantations, which account for two-thirds of the country's hard currency. The death toll in these resettlement villages is appalling. An estimated 15 to 20 percent of the resettlers died in the first three months after being taken from their homes. For these population shifts alone, not taking into account the deliberate starvation instituted in the north, the Ethiopian government has on its hands the blood of at least 100,000 victims.

The failure of the resettlement program has been total, as demonstrated by Cultural Survival, Inc., a nonprofit group of Harvard anthropologists. Their comprehensive study, based on hundreds of interviews with victims of government-imposed resettlement, presents a shattering image of the Ethiopian tragedy. Not only are the work camps unable to feed the Ethiopian people, but these very collectives are prime candidates for future famines.

Even the collective farms, established several years earlier, are still so notoriously inefficient that they consume 90 percent of the government's agricultural investment, while producing barely five percent of the country's farm output. Yet Mengistu and his fellow theorists plow obdurately forward on their corpse-littered path.

#### GUIDED TOURS

As the mass deportations continued, the situation in the field camps and nutrition centers continued to be desperate, in spite of the massive arrival in Ethiopia of foodstuffs from the West. The notables who visited the camps, the charity representatives and even the ambassadors of the donating countries were continually duped by their Ethiopian guides. Every time, the scenario was the same: suddenly, as if by magic, the trucks got through and the sacks of grain were plentiful. The notables returned home to write glowing reports about the efficient distribution system, but as soon as they left, the miracles ceased. The desire to believe in the success of the good cause was so powerful that these people fell into a bizarre kind of voluntary blindness.

I was particularly shocked by the U.N.'s resident representative, and assistant secretary-general installed in Addis, who invariably dismissed our protests with a few condescending phrases. Even when I told him point-blank that the resettlement program which the West's aid had made possible was killing more Ethiopians than the famine was, he answered, "I have no reason to believe that these people left the camps against their own free will." One day I should like to understand how the U.N.'s highest representative in Ethiopia could be unable to see the murderous nature of these deportations, thereby lending a blessing to one of the world's bloodiest and most tyrannical governments.

Numerous and prominent were the victims of the same hoodwinking—show-business stars, Western government ministers, ambassadors—all good and concerned human beings. They usually arrived in the Korem camp by government helicopter or car, spent an hour or so on the standard VIP tour, then were whisked away as swiftly as they had arrived. As far as they could see, all was well.

In June 1985 the government allowed us to set up a regional food-distribution center in Kelala, a sprawling farm district in southwest Welo Province. By then the zeal with which the resettlement was pursued was utterly unbelievable.

To survive, the thousands of malnourished little children at Kelala required small amounts of high-energy food six to eight times a day. We had the food, but authorities refused to allow us to carry out the treatment. The system of nourishment we had proposed was unacceptable, a functionary explained, because it would maintain the population at Kelala. By October nearly all the children—3000 of them—were dead. They were as good as murdered.

#### FINANCE FAMINE

Last December we were ordered out of Ethiopia. Armed militiamen burst into our compounds, seized our equipment and menaced our volunteers. Some of our employees were beaten, and our trucks, medicines and food stores confiscated. We left Ethiopia branded as enemies of the revolution. The regime spoke the truth. The atrocities committed in the name of Mengistu's master plan *did* make us enemies of the revolution.

Today, Ethiopia remains the only country in the region still demanding huge quanti-

ties of food aid—even though the drought has long since ended. It is because the government has destroyed its own agricultural structures. It has prepared future famines. Meanwhile, the mass deportations and the work camps continue, and we in the West are expected to pay for them.

I am convinced that it is morally wrong for us to assist Mengistu and his callous functionaries in carrying out this murderous policy. During the famine, millions in the West responded with unequal generosity, and no doubt saved many people from starvation. How, however, the main cause of death in the northern provinces is no longer famine but forced resettlement.

It is tragic, but what I am saying is this: we have been duped. The best way to save lives now is for the West to demand an end to the forced resettlements. Unless they cease, further food aid will only grease the gears, of Mengistu's killing machine.

[From the Washington Times, Sept. 26, 1986]

#### ETHIOPIA SEEN RESUMING RESETTLEMENT

(By Ed Rogers)

Reagan administration officials yesterday expressed fear that the Marxist Ethiopia regime will resume a resettlement program that is believed to have cost 100,000 lives before it was halted last December.

"We see a serious danger that the Ethiopian government, emboldened by the improved food situation, will resume its forced resettlement program and accelerate other efforts at regimentation," said Alan L. Keyes, an assistant secretary of state.

Chairman Mengistu Haile Mariam, head of the Soviet-backed Ethiopian government, announced in a Revolutionary day speech two weeks ago that the resettlement program will resume shortly, said Mark L. Edelman, an assistant administrator at the Agency for International Development.

Messrs. Keyes and Edelman made their remarks in testimony before a House Foreign Affairs subcommittee.

The subject of the hearing before the subcommittee on international economic policy and trade was a bill sponsored by Rep. Toby Roth of Wisconsin, the panel's ranking Republican. The bill would impose tough economic sanctions against Ethiopia.

The bill has virtually no chance of enactment this year. Nevertheless, Mr. Roth said, the hearing would help keep the issue alive.

"The people of Ethiopia are dying," Mr. Roth said after the hearing. "We know that over 100,000 people have perished because of the resettlement program. We are going to do everything we can to prevent slaughter of these people."

The Ethiopian government in 1984 began a mass movement of inhabitants of the drought-stricken highlands to more fertile lowlands, where they have been forced into crowded villages, Mr. Edelman said.

"This massive program, which is completely changing the fabric of rural Ethiopia, requires families to literally destroy their ancestral homes and relocate in new areas," he said.

"The great fear is that the government's ultimate purpose is full collectivization of all land," he said.

Mr. Edelman quoted from an official Ethiopia "Villagization Handbook."

"The long-term aim of our revolution is, of course, the emancipation of the population from spiritual influence and enhance their belief in materialism," the handbook says.



The handbook also calls for tolerating religious institutions during an interim period in order to "make villagization palatable," he said.

One of the immediate purposes of the relocation program, according to a widely held view, was to isolate members of the population who would support rebel forces engaged in a civil war in the nation's Northern provinces.

The Soviets and the Ethiopians are preparing for a new offensive against rebels in the provinces of Eritrea and Tigre, according to Aradom Tedla, an Ethiopian exile who formerly served as a minister of law and justice.

The offensive will involve 3,000 to 4,000 Soviet officers—the largest number in any of the previous eight offensives planned by Soviet strategists—Mr. Tedla said yesterday.

Separatist rebels in Eritrea have been battling the Marxist government and its predecessor, the regime of the late Emperor Haile Selassie, for nearly 25 years.

Mr. Tedla, who was arrested by the Ethiopian government in 1979 and fled to Somalia in 1980 after his release, spoke on "The Impact of Marxist Rule in Ethiopia" at a recent forum on human rights in Africa.

He is president of the African Human Rights Committee.

Ten years under Col. Mengistu—whose 300,000-man army is the largest in Africa and is fortified with \$3 billion in Soviet arms—have left the country one of "fear, hunger and death," he said.

#### ILLITERACY IN AMERICA: A NON-RACIAL PROBLEM

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. RANGEL. Mr. Speaker, the remarks of Japanese Prime Minister Nakasone concerning illiteracy in America were widely denounced in the media and by national leaders. We should be aware, however, of the comments of local leaders, because these are the people who work most closely with everyday members of the community.

Assemblywoman Geraldine L. Daniels of Harlem has long been an outspoken advocate of equal opportunity for all Americans. She is a leading champion in New York for adequate housing, fair government, and public welfare. Few local leaders can equal her zeal for the betterment of her community.

Assemblywoman Daniels has written a very thoughtful statement on illiteracy and the Nakasone statement. I would like to submit it for inclusion in the CONGRESSIONAL RECORD.

STATEMENT BY ASSEMBLYWOMAN GERALDINE  
L. DANIELS

If news reports are true that the Prime Minister of Japan said that the reason U.S. citizens intelligence is so low or its illiteracy is so high is because of Blacks and Hispanics, statistics do not indicate so. Last May the Department of Education released a Census Bureau study that said between 17 and 21 million U.S. adults are illiterate for an overall rate of nearly 13%. The population of America is over 225,000,000.

The study found that 41% of adult illiterates in the United States live in urban areas compared with 8% in rural areas. Also, said the survey, 56% are under the age of 50 and

50% do not speak English at home. According to education specialist Judith Koloski, two groups make up the bulk of those deficient in literacy skills, "the number of High School dropouts in the country is, at least, remaining steady or decreasing very lightly. These people are added to the pool".

As an Assemblywoman representing Harlem, this means, Black, White, Asians, and Hispanics. Not just Black and Minority, or Japanese in this country.

Speaking about Asians coming to this free country as well as other foreigners, Ms. Koloski said, "the number of foreign born coming into this country adds to the number of illiterates. The first wave of immigrants from Laos and Cambodia were all literate in their own language. The second and third wave immigrants were illiterate in their own languages as well as in ours. They added immediately to the pool.

The Department of Education's Adult Literacy Initiative Director Karl O. Hagler says, "the elderly are also a major factor". This includes all Americans. Not just Black and Minorities.

The Japanese Prime Minister should be very careful in isolating Blacks as being responsible for either America's low intelligence or high illiteracy.

In the first place the Japanese people have never been enslaved. But they have been enslavers. Ask the people of Korea and Manchuria. In spite of being slaves in America, Black Americans have contributed much to the advancement of mankind in the world.

A Black American Man invented the traffic light that the Japanese use today.

A Black American Man invented the shoe last that the Japanese use to make their shoes.

A Black American Man helped develop the telephone that the Japanese use.

It was a Black American Surgeon, Dr. Daniel Hale Williams, who first perfected the techniques of Heart surgery that is performed around the world today that is saving Japanese lives and lives around the world.

It was Black American soliders who treated the Japanese civilly during the occupation of its country.

If Black Americans are so illiterate, I shall immediately ask all Black Americans to stop buying Japanese products unless we get an apology from the Prime Minister.

In conclusion it was not illiterate Black Americans who stole valuable and one of a kind in the world micro chips to improve Japanese computers, so that they could compete against American made computers in the world market.

Also it is Black Americans who always agreed with the American government to not shut out imports from Japan, even though it costs Black Americans jobs.

Japan should do the same. Do not shut out American made goods including Black American made goods.

#### WHAT AMERICANISM MEANS TO ME

**HON. DONALD J. PEASE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. PEASE. Mr. Speaker, again this year it gives me great pleasure to share with my colleagues the following winning essays from the

"What Americanism Means to Me" contest that is an annual event in my district.

#### WHAT AMERICANISM MEANS TO ME

First Prize Winner Mr. James Vaszily, Jr.,  
Junior, Elyria High School, Elyria, OH

"I only regret that I have but one life to lose for my country." This quotation by Nathan Hale is probably one of the first vocal expressions of Americanism in the New World: Americanism that was here to stay. In this quotation, Hale embodies his and his countrymen's allegiance to the ideals of freedom, justice, and equality for all, regardless of race or creed, for which America stands. It is because of the heroic efforts of such men as Nathan Hale, George Washington, and all those that fought in the Revolutionary War that Americanism was born. Americanism shows the world the greatness of the American nation and her people's belief in the ideology and principles of democracy.

It is Americanism that has made this country so great and has proven to the world the true meaning of freedom and equality for all. Americanism is the deep attachment of its citizens to the traditions, interests, ideals, and values that have evolved from a country with political principles that serve all the people. Americanism creates ideals that allow all people to contribute to the glory of this beloved nation. Americanism has allowed scientists in all fields to develop such technological discoveries as the artificial heart, harnessing of atomic energy, computers, and designs for better rockets that will lead to the permanent colonization of space. We would not possess such technological innovations if it were not for Americanism.

Americanism has motivated our literary community to reflect Americanism in their writings. Francis Scott Key, Patrick Henry, and Benjamin Franklin were all brilliant men who produced great works for their country that inspired their countrymen. Authors such as Nathaniel Hawthorne, Washington Irving, Edgar Allan Poe, and Samuel Clemens gave American Literature the world respect that it deserves.

In its greatness, Americanism serves not only the American people, but the whole world. Americanism contributes to all of humanity. U.S.A. for Africa, Live Aid, Peace Corps, and the Red Cross have made our world a better place to live. Martin Luther King, Jr. demonstrated how to use Americanism to serve and benefit everybody in the Civil Rights Movement. Simon Bolivar was inspired by Americanism and brought freedom to five countries in South America. Mahatma Gandhi was also inspired by Americanism and brought freedom to his people peacefully.

Americanism is the defender of world peace. N.A.T.O., the United Nations, and summit meetings with leaders of the Soviet Union demonstrates how Americanism is pioneering for world peace. Americanism is striving to make war extinct instead of mankind. Americanism's goal is to make all men free so they can prosper and live in peace.

It is quite evident how Americanism influences this great nation and the world. Americanism is pride in ourselves and country, self-confidence in ourselves and others to make our country better and stronger, and the love of brotherhood towards all people. Americanism verifies what Abraham Lincoln said—"We are 'a government of the people, by the people, and for the people...'" Americanism strengthens our Great Democracy so that future generations will

be able to inherit the blessings of freedom we enjoy now. We are the only government in the world that offers true democracy and true freedom for all people. It is because of all that the word Americanism embodies that I take the great pride in saying, "I am proud to be an American."

#### WHAT AMERICANISM MEANS TO ME

Second Prize Winner Miss Christine Smith, Junior, St. Paul High School, Norwalk, OH

The words Americanism represents an ideal situation, new beginnings and opportunities. Americanism means freedom. America not only has freed other nations but allows for more freedom than any other country I know of. Freedom of speech, religion, education, press, freedom to pursue a career or to make a dream come true. Our ancestors fought hard for our rights and privileges during the American Revolutionary War. What did Americanism mean to them? It meant patriotism, hard work, and willingness to lay down one's life for one's beliefs.

Americanism is knowledge. Immediate understanding of world events—good or bad. We are barely sheltered from anything. The United States has the best media coverage of all countries of the world. Our country wouldn't be what it is today if we didn't have freedom of the press. This directly goes along with the right to speak one's mind. I feel that is one of the greatest aspects of Americanism. Judging from what history I've had, it seems many great ideas started out not so great but people fought for these ideas by speaking their minds.

For people who aren't familiar with the United States, Americanism is virtually a mystery. Just recently, I have had the experience of meeting and talking with a dissident of the Soviet Union, specifically, a young man named Victor Borovsky, originally from the Ukraine now living in Canada. Americanism is a privilege which has never and will never exist in the Soviet Union. Victor Borovsky introduced new startling ideas of life without freedom to me and 100 other young people. Machine guns, barbed-wire fences, and an environment of violence are three examples of obstacles to everyday life.

I can't even imagine no freedom of religion. To me, what makes a group an intelligent, unique, working organization such as America is the uniqueness of the individuals. Here, we live by our spiritual laws and our government's laws with no worrying—separation of church and state.

Besides religion and personal opinions, there is another way to stress one's individuality: background and ancestry. The United States, termed the melting pot, combines all nationalities. Why, for centuries and even today, do men and women flock to America? It's the "land of the free and home of the brave"; a chance to make something of yourself. Americanism is opportunity. Here, we have the choices to determine what our lives will be like. It's called social mobility. So many great persons have carved their own way to the top—and have stayed there.

Americanism is also responsibility to uphold, to the best of one's ability, one's duties. Duties to the world, to the rest of the country, the community and to one's own self and to God. Americans are leaders. We have to keep this country alive, and give it support. This is done by voting and simply exercising the freedoms given to us.

In summary, the term Americanism entails several ideas and ideals. First, it's free-

dom. Next, Americanism means history—the U.S. has survived a great deal and every part is important to our over-all make-up. It involves duties, patriotism, traditions, mixed cultures, loyalty to each citizen. Americanism represents the beliefs and values shared by Americans and admired by all.

#### DRUG ABUSE ESSAY CONTEST WINNERS

##### HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. SMITH of Florida. Mr. Speaker, today I congratulate 14 students in my district on their outstanding essays against drug abuse. More than 5,000 sixth graders were invited to enter a congressional drug abuse essay contest. These winners were chosen as the best in each of the 14 schools which participated. Of the 14, 5 will compete with essays from other congressional districts around the country.

The students were asked to write their views in 50 words or less on two topics: Part I: "What I Would Do If Offered Drugs" and part II: "As A Good Citizen, How Can I Help My Community?"

The results of this contest show that many of our youngsters do understand the terrible effects of drugs. They all realize that drugs won't solve their problems and that the best solution is to "say no" to drugs. I hope they will be the future leaders of a generation that eliminates this cancer in our society.

I am also very proud of all the participants and the staffs and teachers of the schools. I believe this contest enabled parents and teachers to work together to further educate our children, while they are still young, about the dangers of drugs.

For the benefit of my colleagues, I herewith include the five best essays along with the name of the winner, the school, and the principal. I also have listed the names of the nine other winners.

Winner: Lourdes Bernal, Everglades Elementary School Principal: Dr. Frazier Cheyney.

Part I—If I were offered drugs, I'd just say no! There is no reason for me to accept drugs. Drugs aren't good for me and they won't solve my problems. They'll just make my problems worse. If I say no I'll be helping the fight against drugs.

Part II—As a good citizen I can help my community by reporting any drug activity I see or suspect. I can also help by stopping anyone I can from using drugs. Drugs are harmful to person's lives. They don't only make people addicts, but they also contribute to crime.

Winner: Marci Lerner, Pines Middle School. Principal: Jamie Davidson.

Part I—Besides saying "no" to drugs, I would report the person offering them to a teacher, rabbi or minister. People who push drugs need help, not only from law enforcement but also from drug education programs and people who will listen to their problems.

Part II—I can help my community by becoming involved in community affairs and government. People must be taught that along with civil rights go civil responsibilities. People must be made aware of what

they can do to help others improve the quality of life.

Winner: Alfie Monthei, Attucks Middle School. Principal: Margarita Hall.

Part I—If I was offered drugs, I would say "no thanks." I feel you don't have to be high to have fun.

Part II—I can help my community by setting a good example and not taking drugs, drinking alcohol, or smoking. I can help my community by getting involved in community activities.

Winner: Kristen Meyers, Olsen Middle School. Principal: George Schafer.

Part I—I have an enormous amount of love for my family and if anything ever happened to me due to drugs it would distress them deeply. My life has been fruitful and I would not want to ruin it on something that would only give me temporary relief.

Part II—In today's world I would be frightened to find out about a serious crime. Most citizens would probably feel the same and instead report traffic violations and pick up litter. I hope such problems will be eliminated, but until then that is what I could do for my community.

Winner: Russell Moon, H.D. Perry Middle School. Principal: Dr. Everett Putney.

Part I—Let's take this whole thing into perspective; pleasure is created by things that come naturally, the inner feelings. If offered drugs, I'd reply "no thanks." I'm a person with simple pleasures, the best kind.

Part II—In respect to helping my community, I can simply avoid corruption of the mind and body.

Other winners:

Winner: Lisa Garcia, Annunciation Catholic School. Principal: Lucretia Furst.

Winner: Miriam Valdes, Village Green Elementary School. Principal: Camille King.

Winner: Jennifer Feifer, Nova Middle School. Principal: Suzanne Alvord.

Winner: Luandrala Warner, Driftwood Middle School. Principal: Frank Campana.

Winner: Rotarsha King, North Glade Elementary School. Principal: Herbert Day.

Winner: Christina Morera, Rockway Elementary School. Principal: Tessa Gold.

Winner: Joel Sunstrom, Pioneer Middle School. Principal: Kenneth Black.

Winner: Odenia Rodriguez, Olympia Heights Elementary School. Principal: Clifford Herrman.

Winner: Mark Cates, Palm Springs North Elementary School. Principal: Robert Gray.

#### CONGRATULATIONS TO SNOW HILL ON ITS 300TH ANNIVERSARY

##### HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Ms. MIKULSKI. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues, the 300th anniversary of a very special town on Maryland's Eastern Shore, Snow Hill, MD.

Snow Hill was settled in 1630 by English and Scottish colonists as well as Virginia dissidents. Located along the shores of the Pocomoke River, Snow Hill flourished as a trade center. In October 1686, it received its charter as a town and it is now the 300th anniversary of that charter which Snow Hill celebrates on October 25 and 26, 1986.



In 1742 Snow Hill became the county seat of newly formed Worcester County. Schooners and sloops plied the waters of the Pocomoke River up to Snow Hill which served as a business and political center for the surrounding area. Soon steamboats provided regular contact to Baltimore for passengers and freight. Today, the Pocomoke River continues its role in the community as a recreational waterway.

Snow Hill today is a place rich in historic buildings and traditions. They proudly celebrate their 300th year of history. I join my colleagues from Maryland and across the Nation, particularly First District congressional Representative, Roy Dyson, in recognizing this great center of Maryland's rich colonial heritage.

### TIME RUNNING OUT ON CHILDREN'S VACCINES

#### HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. WALGREN. Mr. Speaker, I want to call to the attention of my colleagues the urgent need for Congress to act on a bill developed in the Energy and Commerce Health Subcommittee and cosponsored by my distinguished colleague, Mr. WAXMAN. The bill, the National Childhood Vaccine Injury Compensation Act (H.R. 5546), has been reported by the committee and awaits action by the Ways and Means Committee which must develop an excise tax on vaccines to pay for the compensation fund. The Ways and Means Committee has had its hands full of late with the tax bill, Superfund and budget resolution, but I do hope they are able to deal with this measure and send it to the House before we adjourn.

I would like to share with other Members an article by Mr. WAXMAN which appeared in today's Washington Post and makes a cogent and compelling case for this bill. The bill is a carefully crafted compromise that addresses a most serious problem.

#### WHEN A VACCINE INJURES A CHILD: A NO-FAULT WAY TO COMPENSATE

Childhood immunization programs have created a public health miracle in this country. In 1952 there were 57,000 cases of paralytic polio; last year there were four. In 1941 there were more than 2,200 deaths from measles in a single year; last year there were two.

Every state requires that children be immunized before they start school. With vaccines, we have avoided thousands of deaths, hundreds of thousands of disabilities and millions of dollars in medical costs.

But these vaccines, which we take for granted now, are not completely safe. Some children will suffer adverse side effects for a few days. Some will face severe reactions, even mental retardation, permanent disability or death. There will not be many such reactions (for polio vaccine, for example, it is literally a one-in-a-million chance), but some children will be hurt.

The particular tragedy and the paradox of vaccine injuries is that these children really are hurt in the line of public duty. They are required to receive vaccinations not just for their own protection but also for the group immunity necessary to protect the popula-

tion from disease and from the catastrophic medical costs of epidemics.

But unlike veterans who are injured in war or workers injured on the job, these children have no place to file their grievances or turn for care. The schools and clinics and private pediatricians who administer the shots are not prepared to take care of lifetime injury.

Many of the families of these children have been turning to the courts for relief. They have brought suits for negligence, for failure to warn, for design defect, for breach of warranty, for inadequate research. Some of these families have won—sometimes millions of dollars. Many more have lost.

But the litigation costs and the occasional million-dollar award have made pharmaceutical firms nervous about the vaccine market. These firms say that this sort of thing can make it less profitable to prevent illness than to treat it. They say that affordable insurance is increasingly hard to find and that they make the best vaccine they know how to and still lose lawsuits. One result, they say, is that they are forced to increase prices drastically, or simply to get out of the market.

These are complex arguments, but it is clear that the vaccine injury controversy has slowed progress in the development of preventive health care. And it is clear that a number of vaccine-injured children are being left to fend for themselves on Medicaid or disability or whatever else may be available.

Many of these arguments have been made this year about other liability fights. But vaccines are a unique product. They are required for all children. They are regulated before, during and after production. They are inherently unsafe. And we cannot afford to be without them.

A broad array of conservatives and liberals, consumer advocates and pharmaceutical lobbyists has crafted a compromise bill—the National Childhood Vaccine Injury Compensation Act—that is now either almost law or almost history. It has passed the review of doctors and parents and manufacturers and lawyers, but it has not yet passed Congress.

The bill would establish a generous no-fault compensation system to pay for the medical, rehabilitation and education costs of those children who are injured. If the injury were particularly severe, the program would pay for lost earnings of the disabled child and for the pain and suffering that he or she endures.

In turn, the bill would limit that child's ability to sue the manufacturer of the vaccine. If an injury is the result of a bad vaccine or one inadequately researched or warned of, then the courts could still make awards. But those children who are the innocent statistics of the necessary war on infectious disease would not have to go to court to get their medical bills paid.

The compensation fund would be paid for by an excise tax on vaccines. The tax would differ on each vaccine, according to how dangerous it is known to be. The final price of a shot would thus reflect its true cost to the society, and those children who avoid the dangers of whooping cough would help pay for those children who reacted to the whooping cough vaccine.

The bill is no one's first choice. The parents' group wants fewer restrictions on litigation and more children eligible for compensation. The manufacturers want more protections from tort action and less specificity about awards. The doctors want to close off malpractice suits.

But almost everyone agrees that the compensation bill is better than the current situation. No one wants to return to the terrors of epidemics of crippling and killing disease.

Congress is dealing with the tax bill and with the budget. Before we leave, we must also finish this ounce of preventive work. We cannot afford the pounds of cure.

### COLUMBIA RIVER GORGE DESERVES FEDERAL PROTECTION THIS YEAR

#### HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. BONKER. Mr. Speaker, the Columbia River Gorge, which cuts through the Cascade Mountains between Oregon and Washington, is an area of unique and dramatic beauty. Its towering waterfalls, verdant forests, and diverse characteristics have awed residents and visitors for centuries. Without immediate Federal protection, more of the gorge's natural beauty will be lost to development.

Complicating the task of preserving the famous scenery of the gorge is the fact that the 85-mile long ravine cuts through six counties and two States, and is home to some 40,000 people. The House and Senate delegations from the area have crafted a measure which can save the scenery without undermining the economic viability of the area. The bill would also balance Federal, State, and local interest in managing the public and private lands in the gorge.

Efforts to protect the beauty of the gorge date back to the 1930's. This year, in the remaining days of the 99th Congress, we are tantalizingly close to enactment of legislation that will accomplish this goal. I commend the following article from the National Journal to the attention of my colleagues and trust that the gorge legislation will get the timely support from Congress it deserves.

[From the National Journal, Oct. 4, 1986]

#### COMPROMISING

The towering cliffs and plunging waterfalls that line the Columbia River Gorge on the Washington-Oregon border "really do take the breath away," exclaimed an eastern conservationist who is no stranger to scenic beauty. "When I first saw the gorge, my initial reaction was: Why didn't they get it protected 50 years ago?"

"They" tried. Since 1937, citizens groups, state study commissions and federal parks officials have been pushing for federal protection of the 85-mile long Columbia River Gorge. Not only is the gorge spectacularly beautiful but it also contains prehistoric Indian structures, campsites that were used by Lewis and Clark, one of the earliest highways and other natural and historic sites that have caught preservationists' fancies over the years. But interstate politics, local opposition and a host of other complications have always stymied the protection efforts.

But preservationists are still trying. This year, they may succeed. Friends of Columbia Gorge, a conservation group headquartered in Portland, Ore., has been holding nonstop meetings with interested Members of Congress to try to patch together a com-

promise Columbia River Gorge National Scenic Area bill (S. 2055).

Whenever the outcome of the latest legislative campaign, the long-running battle for the gorge teaches important lessons about the nature and direction of conservation politics.

Lesson one is a reminder—for idealistic conservationists who have refused to take no for an answer—that the day of massive federal park acquisitions is over, probably forever. For decades, Columbia Gorge protagonists tried to get the federal government simply to buy the land as a national park. Now, they don't even ask.

Even though a moratorium on park acquisitions imposed in the early years of the Reagan Administration didn't last, large land purchases are no longer feasible. It's more than just the multimillion dollar price tag in an era of multibillion dollar budget deficits. Much of the land isn't for sale. Some of it is owned by private parties, including 13 towns and cities within the boundaries of the gorge. Other portions that the federal government owns—such as the hydroelectric power facility at Bonneville and the Dalles dams—aren't available for conversion into a park. In fact, about 50 federal, state and local government agencies have authority over different parts of the gorge.

Lesson two, a corollary of lesson one, is that few large scenic tracts remain unclaimed. When President Grant created Yellowstone National Park as the first national park in 1872, millions of acres of untouched natural beauty were there for the choosing. Little, if any, land in the lower 48 states is now so unfettered. Any proposals to preserve the gorge run headlong into plans—equally justifiable to many who live there—to make use of it. Local developers have residential development plans for parts of the gorge that are adjacent to the urban areas. The timber industry has logging plans for the forest lands owned by the Forest Service.

Lesson three is that lessons one and two don't necessarily mean that special scenic, natural or historic places have to be abandoned. Federal, state and local officials, along with private groups, are working out ingenious ways to protect these sites while permitting late-20th century civilization to proceed unimpeded by conservationists' rules.

The Columbia River Gorge bill is the latest in a series of efforts to tailor protective regulations to the needs of politics of a particular area. The bill would set up a three-tiered arrangement under which the federal government would protect 108,000 acres designated as "special management areas," a bistrate commission appointed by the governors of Oregon and Washington would manage 140,000 acres in which development would be controlled, and the 28,000 acres already in the hands of cities and towns would be exempted from any kind of control.

This would be a variation on such innovative partnerships as the Pinelands National Reserve in New Jersey, which relies on state zoning rules to prohibit or limit development in sensitive parts of the 1 million-acre area and encourage it in others. Similarly, the 225,000-acre Santa Monica Mountains National Recreation Area combines federal, state and private ownership to set various levels of protection and development. In Florida, the campaign to save the Everglades ecosystem is based upon another version of federal, state and private conservation efforts.

The President's Commission on America's Outdoors is struggling to develop a scheme for the national stewardship of all parks and other natural areas. At the center of the commission's vision of the future are what the commission tentatively calls "greenway systems." These are pieces of territory that have been used for various purposes in the past and that the commission believes can be turned into natural or recreational areas. They include utility corridors, old railroad rights-of-way and scenic roads and highways.

While conservationists are enthusiastic about the reuse of abandoned facilities—there's a new organization called Rails to Trails that has been set up solely to seek conversion of abandoned rail lines to nature trails—they are skeptical of a scheme that emphasizes recycling used sites rather than preserving pristine areas.

In the Columbia River Gorge, the conservationists are trying to accomplish a variety of goals at once—to save some relatively untouched natural areas, preserve historically important man-made structures, provide for recreational activities and allow for some economic development. No single model will work on a national scale, but the creativity of combining objectives could serve as a model for those developing a national program.

If the Columbia Gorge bill doesn't pass this year, a different version undoubtedly will be sewn together next year by conservationists, local development interests and the politicians. And if that fails, the various forces that have been sparring since 1937 are unlikely to give up. Lesson four is that these people don't quit.

#### U.S. JAYCEE HEALTHY AMERICAN FITNESS LEADER AWARDS

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mrs. JOHNSON. Mr. Speaker, I rise to congratulate two of the recipients of the U.S. Jaycees Healthy American Fitness Leaders Awards, President Ronald Reagan and Mr. Kirk Bauer, the executive director of the National Handicapped Sports and Recreation Association. These significant awards are administered in cooperation with the President's Council on Fitness and Sports and are sponsored by Allstate Life Insurance Co.

The U.S. Jaycees has demonstrated a keen understanding of the courage and determination which it takes to be a model of fitness for all other Americans. President Reagan has demonstrated his vibrancy both of mind and body time and time again while executing the many tasks of his office. At the age of 75, President Reagan serves as an example to Americans of all ages of the power of healthy living and an optimistic, resilient philosophy of life.

Mr. Kirk Bauer serves as an inspiration to all individuals who have faced obstacles and seemingly impossible challenges and doubted if they measured up to the task. A disabled veteran of the Vietnam war, Kirk Bauer has dedicated himself and his family to achieving health and physical fitness for others by helping them battle their disability. Mr. Bauer has also been recognized for his outstanding serv-

ice in the rehabilitation of other Vietnam veterans. A Bronze Star and Purple Heart recipient for heroism and now the recipient of the Healthy American Fitness Leader Award, Mr. Bauer along with the other winners upholds the fine tradition of service recognized and perpetuated by the U.S. Jaycees.

I applaud the foresight of the Jaycees for their recognition of the importance of fitness in healthy and productive lives and I also applaud Allstate for its sponsorship of this worthy program.

#### PERSONAL EXPLANATION

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. TAUKE. Mr. Speaker, because of the birth of my first son, Joseph Hubble Tauke, I was unable to be present for votes No. 443, the conference report on H.R. 2005, Superfund Amendments and Reauthorization Act of 1986; and No. 444, the House Joint Resolution 750, making further continuing appropriations for the fiscal year 1987. Had I been present, I would have voted "yea" on No. 443 and "nay" on No. 444.

#### THE ICELAND "PRE-SUMMIT"

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mrs. BOXER. Mr. Speaker, President Reagan and General Secretary Gorbachev will meet in just 2 days in Reykjavik, Iceland. All of us hope that they will reach agreement on at least some key issues.

As we wait and watch and hope, I want to call to the attention of my colleagues a recent letter sent by over 50 organizations to President Reagan, encouraging agreement on three major arms control issues.

This large coalition in support of these priorities is unique—and I believe is a clear indication of the breadth and depth of American commitment to the need for meaningful arms control.

Mr. Speaker, the text of the letter, and a listing of the groups signing it, follows:

OCTOBER 8, 1986.

The PRESIDENT,  
The White House,  
Washington, DC.

DEAR PRESIDENT REAGAN: We, the undersigned organizations, urge that our government, as the representative of all U.S. citizens, take the strongest possible steps to end the nuclear arms race. We urge that you put high on your agenda in Iceland a halt to all testing of nuclear and space weapons and reaffirmation of a mutual commitment to abide by all existing strategic arms agreements.

We applaud all progress that can be made toward reductions in intermediate or strategic nuclear missiles. The following measures that we recommend will complement those efforts, and they are easily achievable as they build on already-existing restraints:



U.S. agreement to join the Soviet moratorium on nuclear testing that they have observed since August 1985, and immediate resumption of Comprehensive Test Ban negotiations to codify a permanent ban on testing;

Continuation of the current US/USSR moratorium on antisatellite (ASAT) weapons, since satellites are essential for verification of arms control agreements;

Reaffirmation of a mutual commitment to abide by existing treaties, including the Anti-Ballistic Missile (ABM) and Strategic Arms Limitation Treaties (SALT), to establish an atmosphere in which additional agreements can be negotiated.

We believe that these measures—in addition to other progress on weapons reductions—are the minimum steps that must be taken now to move our world away from the threat of nuclear annihilation. These measures build on the ten arms control treaties negotiated by six previous Presidents.

You travel to Iceland with the hopes of millions of Americans. Your two days in Iceland can produce results which will make our world safer for generations to come.

Nuclear Weapons Freeze Campaign; WAND (Women's Action for Nuclear Disarmament); MEND (Mothers Embracing Nuclear Disarmament); Young Women's Christian Association National Board; Peace Links; Coalition for a New Foreign Policy; Church of the Brethren, Washington Office; National Council of Churches of Christ, Washington Office; Women for a Meaningful Summit; SANE; Presbyterian Church (USA), Washington Office; Women's International League for Peace and Freedom; Unitarian Universalist Association of North America, Washington Office; Church Women United, Washington Office; Feminists International for Peace and Food; and United Campuses to Prevent Nuclear War.

Greenpeace; United Church of Christ, Office of Church in Society; Church of the Brethren, Washington Office; Physicians for Social Responsibility; Council for a Livable World; Network: a Catholic social justice lobby; Union of American Hebrew Congregations; Jesuit Social Ministries; Episcopal Church Washington Office; Veterans Fast for Life; Mennonite Central Committee Washington Office; Institute for Security and Cooperation in Outer Space; Americans for Democratic Action; Friends Committee on National Legislation; Veterans' Peace Coalition; IMPACT; and Center for Creative Non-Violence.

Citizens Against Nuclear War and its member organizations;

Amalgamated Clothing and Textile Workers Union, AFL-CIO; American Coalition of Citizens with Disabilities; American Jewish Congress; American Library Association; American Medical Student Association; American Public Health Association; Americans for Indian Opportunity; Association of Community Organizations for Reform Now, ACORN; Congress of Italian-American Organizations; Friends Committee on National Legislation; Gray Panthers; Greenpeace USA; International Chemical Workers Union, AFL-CIO; International Woodworkers of America, AFL-CIO; League of United Latin American Citizens (LULAC); National Black Caucus of State Legisla-

tors; and National Conference of Black Lawyers.

American Art Therapy Association; American Association of University Women; American Federation of State, County and Municipal Employees, AFL-CIO; American Nurses Association; Americans for Democratic Action; Coalition of Black Trade Unionists; Delta Sigma Theta Sorority; Environmental Action; Friends of the Earth; Graphic Communications International Union, AFL-CIO; International Association of Machinists and Aerospace Workers, AFL-CIO; Japanese-American Citizens League; National Association of Social Workers; National Black Communications Coalition; and National Council for the Social Studies.

National Council of Negro Women; National Education Association; National Union of Hospital and Health Care Employees, AFL-CIO; The Newspaper Guild, AFL-CIO; Nuclear Information and Resource Service; Organization of Pan Asian American Women; Presbyterian Health, Education and Welfare Association; The Ripon Society; Fund for Renewable Energy and the Environment; Union of American Hebrew Congregations; United Church of Christ; United Farmworkers of America AFL-CIO; United Food and Commercial Workers International, AFL-CIO; Women for Racial and Economic Equality; and National Council of Senior Citizens.

National Institute for Women of Color; National Women's Health Network; Older Women's League; Planetary Citizens; Presbyterian Church (USA); Reformed Church in America; Rural American Women; Southern Christian Leadership Conference; Unitarian Universalist Association; United Electrical, Radio and Machine Workers of America; United States Student Association; National Urban League; and Young Women's Christian Association.

## WASTE END TAX

HON. CLAUDE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Miss SCHNEIDER. Mr. Speaker, yesterday, the House voted on final passage of a historic Superfund bill. Regrettably, it did not include a waste-end tax. I would like to submit for the RECORD the following information explaining the elements of the waste-end tax, which was included in the House's version of the Superfund legislation.

The Superfund financing bill approved by the House includes a tax on the disposal of hazardous waste that has been endorsed by the Administration. The tax would be limited to disposal of federally regulated hazardous waste in facilities regulated under the Resource Conservation and Recovery Act (RCRA).

The waste-end tax is a fair financing mechanism because it is limited to those waste disposal activities that have caused the Superfund problem. The House bill exempts from the tax all waste-water treatment, incineration, and recycling, as well as mining and paper wastes.

In addition to having the enthusiastic support of the White House, the waste-end tax has been endorsed by the Congressional Budget Office, the Office of Technology Assessment, the National Governors Association, the Environmental Policy Institute, a broad array of manufacturers, and economists such as Murray Weidenbaum, former Chairman of the Council of Economic Advisors (CEA), and William Nordhaus, former CEA member.

### Rates and Revenues (House Compromise)

\$500 million over five years.

Rates rise gradually from \$9.25 to \$11.75 per ton over five years for federally regulated hazardous waste placed in all land disposal facilities (except injection wells) regulated under Resource Conservation and Recovery Act.

Establishes rate of \$1.05 per ton for injection wells to allow for dilute nature of injected wastes.

### The House bill exempts the following from the waste-end tax

All wastes not covered by RCRA on the date of enactment.

All mining and paper wastes.

All waste management activities exempt from the RCRA system, including temporary on-site storage.

Most forms of treatment, including wastewater treatment, incineration, and recycling.

Wastes removed from Superfund sites during cleanup.

### The waste-end tax is fair, because

According to 1985 Treasury testimony, "the tax would be paid in large measure by those industries that generate the hazardous wastes that are believed to be responsible for many of the existing Superfund sites."

It would include industries that currently generate large volumes of waste, but do not pay feedstock taxes (such as commercial waste disposal companies).

### A waste-end tax is workable because

The tax is based on existing RCRA rules, regulations, and reporting requirements. According to the Treasury Department, "the Internal Revenue Service would not be required to develop new information systems to collect and enforce the tax, nor would taxpayers be required to maintain separate books and records."

Revenue estimates from the waste-end tax are conservative, because they allow for the reduction of waste disposal in response to the disincentive effects of the tax and the upcoming bans on land disposal.

A study by the American Bar Association's Tax Committee found that a waste-end tax could be workable.

According to EPA and the Treasury Department, the tax would not create a significant incentive for midnight dumping: "Because the cost of the tax is small compared to the cost of the RCRA sanctions, generators of small quantities of hazardous waste would have virtually no incentive for illegal disposal."

More than twenty states have had workable waste-end taxes in place for several years.

### A waste-end tax would not place an unreasonable burden on chemical companies because

The chemical industry manages the overwhelming proportion of its waste in wastewater treatment impoundments and injection wells. Wastewater treatment im-

poundments are exempt from the tax, and injection wells are subject to lower tax rates.

*A waste-end tax would not affect the petrochemical industry's trade position significantly because*

The impact of a domestic waste-end tax on international trade would be "miniscule" when compared to other factors, according to Treasury testimony in 1985.

The waste-end tax can be avoided through investment in such tax-exempt activities as incineration or recycling. Our European competitors have already opted for high-technology treatment. West Germany, our second largest competitor, generates only one-third as much toxic waste per citizen as the U.S.

HON. DAN ROSTENKOWSKI, OCTOBER 1, 1986.  
*Chairman, House Committee on Ways and Means, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: We are writing to reaffirm our opposition to the use of broad-based taxes for Superfund. No matter how they are structured, broad-based taxes share one distinguishing feature: they would be imposed on manufacturers irrespective of their contribution to the hazardous waste problem. Broad-based taxes thus violate the "polluter-pay" principle that is a cornerstone of federal environmental policy. Studies show that, whether measured according to current waste management practices or past contribution to abandoned dumpsites, the petrochemical industry is responsible for 70 to 83% of the Superfund problem.

We strongly support a waste-end tax and urge its inclusion in any Superfund financing package for the following reasons. First and most obviously, it establishes the clearest nexus between Superfund and the kind of industrial waste management practices that have been linked to the cleanup problem. That is why the Administration supports it, and why the Treasury Department informed the Committee that "the tax would be paid in large measure by those industries that are believed to be responsible for many of the existing Superfund sites." We note that some of the companies we represent will be subject to a waste-end tax, to the extent that they engage in manufacturing activities that generate waste for land disposal.

The logic of requiring industries that dispose of hazardous waste in landfills to contribute to Superfund is irrefutable. That is why the waste-end tax has been endorsed by economists such as Murray Weidenbaum and William Nordhaus as well as the Office of Technology Assessment, the Congressional Budget Office, and the Environmental Policy Institute. Not long ago, as Members of the Committee may remember, the most enthusiastic proponent of waste-end taxes was the Chemical Manufacturers Association, which argued that, "A waste-end tax would internalize the cost of waste disposal by placing its cost on the waste disposed of today, not on someone else tomorrow." The Dow Corporation went as far as to commission a public opinion poll that showed overwhelming support for a waste-disposal tax; ARCO commissioned a study by Bill Nordhaus that concluded that, "a waste disposal tax would be a useful and environmentally sound source of revenues."

It is well established that the waste-end tax, which has received far more study than any of the other financing mechanisms before the conference committee, is administratively feasible. The Treasury Department and the EPA both concluded after a

thorough review that a waste-end tax could be easily administered as it would be based on existing RCRA rules, regulations, and reporting requirements. According to Treasury, "the Internal Revenue Service would not be required to develop new information systems to collect and enforce the tax, now would taxpayers be required to maintain separate books and records." The American Bar Association's Tax Committee, after exhaustive review, concluded that the waste-end tax was workable.

We also strongly support relying on a petroleum excise tax to provide a major portion of Superfund financing. Oil is the basic feedstock from which petrochemicals are derived; in addition, oil wastes have been found at scores of Superfund sites. Yet a tax on petroleum would be spread among all users of oil products, including the industries we represent. A 12 cent tax per barrel of oil would add about a quarter of a penny to the price of oil products. These low rates would not affect consumers, the petrochemical industry or independent refiners, and are dwarfed by the much higher severance taxes imposed by states like Texas. It is not surprising that the oil lobby has produced no evidence that a petroleum excise tax would be harmful to their industry in any way.

Finally, we encourage the use of general revenues, as is provided in current law, to supplement the financing of Superfund. The administration has expressed support for relying in part on a general revenue contribution as an alternative to establishing new, broad-based taxes.

The conference committee stands at an important crossroads. It must decide whether to risk a Presidential veto by enacting an unpopular broad-base tax that will be inflicted on thousands of businesses with no connection whatsoever to the hazardous waste management problem, or to stand by the "polluter pays" principle that guides our environmental policy. We urge the committee to take the wiser course.

We appreciate your steadfast support of the position that the polluting industries should bear the major share of the cost of financing Superfund, and ask you to stand by that principle as the reauthorization process draws to a close.

Thank you for considering our views.

Sincerely,

American Furniture Manufacturers Association, Grocery Manufacturers of America, Caterpillar Tractor, Inc., Deere & Co., Phillip Morris, White Consolidated, Inc.

American Compressor Co.

Athens Products

Aurora Steel Products

Bedding Products

Blaw-Knox Construction Equipment Co.

Jerguson Gage & Valve Co.

Capes Vulcan Inc.

Edison Products Co.

Eureka Co.

Franklin Manufacturing

Frigidaire Company

G.R. Manufacturing

Gerard Metal Craftsmen

Heatex Inc.

Hupp Co.

KCP Co.

Kelvinator International

National Union Electric Corp.

Philco International

Richards-Wilcox Manuf. Co.

Tappan Company

Universal Nolin

Viking White Sewing

Webster City Products.

#### WHAT OTHERS SAY ABOUT THE WASTE-END TAX

"The underlying philosophy of this approach (the waste-end tax) would be to reward those who minimize future risks and costs to society through the use of preferred alternatives which permanently reduce the risks involved in hazardous waste management." Office of Technology Assessment (OTA), March 1983.

"Taxing producers rather than polluters does little to curb the actual dumping of waste. A waste-end fee on hazardous waste disposal would be more economically sound. It would (1) provide an incentive to reduce the actual output of hazardous waste, (2) promote development of recycling and reuse systems, (3) encourage alternative disposal technologies, and (4) cover the disposal of products produced overseas. In short, re-writing the Superfund law so that it is more fair would also help protect the environment—and would probably save money at the same time." Dr. Murray L. Weidenbaum, Center For Study of American Business, Washington University, August 1984.

"A tax on waste disposal makes sense. It would provide a fiscal incentive—the kind the private sector understands—to minimize the generation and facilitate the disposal of hazardous wastes." David Frieberg, National Center For Legislative Research, August, 1984.

"The Congress finds that in order to adequately protect human health and the environment from hazardous substances, pollutants, and contaminants it is necessary to create a waste-end tax on the land disposal of hazardous substances which will discourage the environmentally unsound disposal of hazardous substances and provide additional revenues for the Superfund." Amendment Adopted By Unanimous Voice Vote, Floor of House of Representatives, 9 August 1984.

"(Under a waste-end tax) changes in behavior may include a reduction in the quantity of waste disposed or generated, higher costs for on-site waste-management and higher prices for off-site waste management. Careful tax design can ensure that the adverse consequences of these economic affects are minimized and that the changes that do occur will be consistent with overall policy goals.

"The experience of several states indicates that, in spite of some initial difficulty in estimating revenues, the waste-end tax is also capable of generating significant amounts of revenue." The Environmental Protection Agency, A Report To the Congress On The Agency's Experience With Superfund, December 1984.

"Recent EPA figures show that over 120 billion pounds of hazardous waste are disposed of on or in the land every year. The current method for paying to clean up abandoned sites requiring corrective action provides no incentive for disposers to reduce this waste. A waste-end tax would, for the first time, provide a direct pocketbook incentive to minimize the land disposal of hazardous waste. A waste-end tax would internalize the cost of waste disposal by placing its cost on the waste disposed today, not on someone else tomorrow." The Chemical Manufacturers Association, Spring 1985.

"Fees and taxes on the landfilling of waste, and waste-end taxes on the generation of waste, are direct mechanisms for making other waste management options more competitive with the use of landfills



for some waste." "Reducing Hazardous Waste Generation", National Academy of Sciences, Spring 1985.

"By taxing the disposal of wastes at rates which encourage treatment or recycling alternatives, the Schneider/Wyden proposal will increase the revenue flowing into the Superfund Trust fund while diminishing the amount of waste being discarded . . . Your contribution to the Superfund Debate is a careful approach to encouraging the shift of wastes to treatment and recycling facilities which will increase in number as generators find the increased cost of disposal working against their profit margins." John L. McCormick, The Environmental Policy Institute, 16 April 1985.

DEPARTMENT OF THE TREASURY,  
Washington, DC, September 26, 1985.

HON. BYRON L. DORGAN,  
House of Representatives,  
Washington, DC.

DEAR MR. DORGAN: We are writing in response to your September 11, 1985 letter requesting information on the waste-end tax proposed by the Administration as part of the funding mechanism for the Superfund reauthorization. The attachment contains answers to the questions you submitted regarding the Administration's waste-end tax. We trust this information adequately responds to your concerns.

We appreciate your support of the waste-end tax. In contrast to broad-based corporate taxes, a waste-end tax would be paid by the industries that generate the hazardous waste believed to be responsible for many of the existing Superfund sites. Thus, we share your view that a waste-end tax is an appropriate funding source for Superfund.

Thank you for your interest in the Administration's tax proposal. We appreciate the opportunity to respond to your inquiry and look forward to continuing to work with you on the reauthorization of Superfund.

Sincerely,

RONALD A. PEARLMAN,  
Assistant Secretary  
(Tax Policy).

LEE M. THOMAS,  
Administrator, Environmental Protection Agency.

Enclosure.

## LOSS OF "POLLUTER PAYS" PRINCIPLE

**HON. DENNY SMITH**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. DENNY SMITH. Mr. Speaker, yesterday, the House approved an extension of the Superfund Program. My home State of Oregon is one of the most environmentally aware States in the Nation, and I had very much hoped to support the extension. It saddened me greatly to be unable to do so.

I was pleased to support the Superfund legislation which was approved by the House earlier in the session. That legislation offered a commonsense solution to the question of who should pay for Superfund. We said simply: "Those who make the mess, must pay to clean it up."

This "polluter pays" principle has been the guiding philosophy of Superfund since the program's inception. This House very wisely re-

sisted numerous attempts to do away with the principle, and, instead, to substitute a new and radical value-added tax—the first step on the road to a national sales tax.

Unfortunately, the conference committee went against the will of the House, and presented us with an entirely new tax which never had the benefit of a hearing. By passing this landmark tax, we have violated the "polluter pays" principle. Now, many segments of our society will pay a high price.

Our environment will pay because Congress has removed an incentive for companies to stop polluting.

Our farmers and others will pay in higher fuel taxes.

American business will pay with the new tax—even if they have absolutely no connection with toxic wastes. Products of medicine will be treated just the same as producers of toxic sludge.

Consumers will pay because businesses will be forced to pass on their tax increase in the form of higher prices.

All Americans will pay, because Congress has now set the machinery in motion for a national value-added tax—in reality, a national sales tax. We are setting a very dangerous precedent with the imposition of such a tax. The new business tax can be raised with ease—and you better believe that the big spenders back here have never met a tax they didn't like—or hike.

Even though I could not support this radically new and unfair funding mechanism, I stand with other Members of Congress in urging the Superfund administrators to get their bureaucracy in shape, and to run a smooth and efficient cleanup program.

## TRIBUTE TO GEORGE J. KOSANOVICH

**HON. JOE KOLTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. KOLTER. Mr. Speaker, it gives me great pleasure for this opportunity to recognize George J. Kosanovich for his outstanding accomplishments and his dedication of many years to the armed services of the United States.

George Kosanovich was born May 14, 1920, as the only child to Mike and Eva Kosanovich, and he was graduated from Homer City High School, whereupon he attended Indiana State Teachers College. After having been inducted into the Army in 1942, George studied mechanical engineering.

George Kosanovich's exemplary behavior was first clearly demonstrated in his service in the Army. While in the Army, George Kosanovich rose to the position of a squad leader to the 120th Combat Engineers of the 29th Infantry. Because of his committed demeanor and natural leadership ability, George was quickly promoted to platoon sergeant. It didn't take long for his command to recognize that Sergeant Kosanovich was a natural born leader, capable of handling the responsibility of his men's lives.

George Kosanovich received several honorary medals while in active service during the

war. For example, George never stood behind the lines in service of his country but instead, he was a direct participant in the D-day invasion. Sergeant Kosanovich was part of the first wave of Allies to hit Omaha Beach, attempting to secure a beachhead during the first crucial hour of the D-day invasion. Those first units sustained heavy losses and Sergeant Kosanovich's unit was not spared the cost as they sustained an 80-percent casualty rate. Sergeant Kosanovich himself received shrapnel wounds in action which necessitated his evacuation to a stateside hospital. It was through the gallant sacrifices of Sergeant Kosanovich and countless others that the Allies secured success.

On September 27, 1945, George was discharged from Thomas England Hospital and returned to the private sector. Until 1950, Mr. Kosanovich worked at the R&P Coal Co., he resigned to take a managerial position with Mr. Phillips Department Store in Indiana and served there until his retirement in 1971, but Sergeant Kosanovich's involvement with the military did not end in 1945, because he is dedicated to the men who have served in the defense of our Nation. You see, Mr. Kosanovich is known as the watchdog for veterans. He is affectionately described as a man who has lived, breathed, and will die Mr. V.F.W.

George Kosanovich is a life V.F.W. and a life American Legion member. In the veterans organization, George Kosanovich held many offices as well as received many awards for his committed service to the V.F.W. In 1964, George was named chairman of the Pennsylvania V.F.W. State Golf Committee. He has held post, district, and State level V.F.W. offices. In 1972-73, he was named All State Post Commander by the State of Pennsylvania. In 1972 through 1975, he held the position of the commander of the Indiana City United Veterans Organization. In 1973 George was named Veteran of the Year for his outstanding service to Indiana County veterans. Also in 1973, George was named State membership director, and has received National Aide to Camps appointments for the past 14 years. George Kosanovich served as secretary to the United Veterans War Council. For over 20 years he has been a member of the Disabled American Veterans Voiture No. 798, and is a member of the Military Order of the Purple Heart.

George J. Kosanovich also is a family man, being married to the former Helen Harris, and is the father of two daughters, Debra Lynn Funnel and Reverend Cathy Higgins. As you can see, George Kosanovich is an active community participant of many years. Not only is he active in veterans' affairs, but he is also involved in social and fraternal organizations.

THOMAS B. McGUIRE, JR. DAY

**HON. H. JAMES SAXTON**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. SAXTON. Mr. Speaker, as the Representative from the 13th District of the Great State of New Jersey, and on behalf of the Honorable James Courter, I am proud to com-

mend the Honorable Thomas H. Kean, Governor of New Jersey, for proclaiming November 7, 1986, Thomas B. McGuire, Jr., Day.

Maj. Tommy McGuire was born in Ridge-wood, NJ, and received a college education at the Georgia Institute of Technology. In 1941, when he was in his third year at the Georgia Tech, Maj. Tommy McGuire left school to volunteer his service in the U.S. Army Air Corps as an aviation cadet.

On January 7, 1945, during a hectic dog-fight over Los Negros in the Philippines, Maj. Tommy McGuire attempted to save a fellow pilot under attack by a Japanese fighter by consciously maneuvering his P-38 Lightning into an untenable position at an extremely low altitude. This caused his P-38 to snap roll, plunging him inverted into the ground. He was pronounced missing in action.

Maj. Tommy McGuire's was credited with 38 aerial combat victories, making him the second highest American ace of World War II. He also received the Distinguished Service Cross, 3 Silver Stars, 6 Distinguished Flying Crosses, and 15 Air Medals. In addition, Gen. George C. Kenny, 5th Air Force, Pacific Theatre, said of him, "His loss was one of the worst blows I took in the whole war." Gen. Dwight D. Eisenhower awarded Maj. Tommy McGuire the Medal of Honor—posthumously.

On September 17, 1949, McGuire Air Force Base was named in honor of the late Maj. Thomas B. McGuire, Jr. As New Jersey's only Air Force base, and known as the "Gateway to NATO", it serves as the Headquarters for the 21st Air Force, Military Airlift Command, the 438th Military Airlift Wing, and the Military Airlift Command NCO Academy East. It is also the headquarters for the New Jersey Air National Guard, its two flying units the 108th Tactical Fighter Wing and the 170th Air Refueling Group; the 514th Military Airlift Wing; and the USAF Reserve.

With historical heritage dating back to the American Revolution, New Jersey continues in that tradition through voluntary contributions of money and manpower from every corner of the State. Private citizens, veterans groups, the civilian business and industrial sector, organized labor, religious and fraternal organizations and others, are all intent on perpetuating the spirit of patriotism in our Nation by constructing a special memorial and tribute to this New Jersey wartime hero, Maj. Thomas B. McGuire, Jr.

Mr. Speaker, Mr. COURTER and I endorse Maj. Thomas B. McGuire, Jr., Day, as proclaimed by the Honorable Thomas H. Kean, Governor and commander in chief of the Militia Forces of the Great State of New Jersey.

#### BISHOP CONNARE MARKS 50TH YEAR IN PRIESTHOOD

#### HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. MURTHA. Mr. Speaker, I want to take a moment to make special recognition of some milestones passed recently by Bishop William G. Connare of the Catholic diocese of Green-bury, PA.

On May 8, 1985, Bishop Connare marked his silver anniversary as bishop of the 224,000 Catholics in the counties of Westmoreland, Fayette, Armstrong, and Indiana. On June 15, a special mass was celebrated in the basilica of St. Vincent Archabbey marking the anniversary of the 50th year of his ordination to the priesthood. And it has also been announced that later this year Bishop Connare will be retiring.

Bishop Connare has throughout those years been a church leader at the local, diocesan, national, and international levels. Moreover, he has been an integral part of the lives of all the residents of the area as a community leader.

Think for a moment about all the change and turmoil that has occurred in our world and in western Pennsylvania over the 26 years he has led the Greensburg diocese. His spiritual leadership during times of assassination, of unemployment, of natural disaster, of local and national tragedy, of spiritual and family crisis has helped the lives of thousands of families to survive and to persevere whatever the hardship, task, or burden.

While we in Government have talked a great deal over the past few years about the strength and rejuvenation of the American family, reflect for a moment on how much the families in our area have benefited over the years at times of celebration, loss, or crisis from the leadership of Bishop Connare.

Our greatest strength as a nation comes from the individual caring and concern which our citizens express for one another. Bishop Connare's life has been, and will continue to be, a monument to that American strength and what is finest about our communities and our Nation.

Put quite simply: we have all had our lives enriched within the Greensburg diocese, within Pennsylvania, and within America through the friendship, leadership, hard work, and dedication of Bishop William G. Connare.

#### THE 50TH WEDDING ANNIVERSARY OF GENE AND CLARA HARRAH

#### HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. PANETTA. Mr. Speaker, it is with great pleasure that I inform my colleagues of the 50th wedding anniversary of a wonderful couple, Gene and Clara Harrah, of the Monterey Peninsula in California.

Gene and Clara Harrah are not only a couple that has made great contributions to the Monterey Peninsula but they are also close and longtime friends of mine. They will be celebrating their anniversary this New Year's Eve, and their daughters are organizing a marvelous tribute to them from their many friends. This statement will be a part of that tribute.

Gene is a native Californian, having been born in the Los Angeles area. Clara is almost a native Californian. She was born in Minnesota, but her family moved to the Los Angeles area when she was 3 years old. They met in

1930 at the restaurant run by Clara's brother and sister-in-law, and in 1936, on New Year's Eve, they were married.

Gene had the good fortune to be stationed at Fort Ord when he served in the Army, and, inevitably, he and Clara fell in love with the area. They never left, and we who also have the good fortune to reside on the Monterey Peninsula are all the more lucky for that fact.

Gene practiced law in the Monterey area for 20 years after leaving the Army. My father was among his clients. Then, Gene was appointed to the municipal bench, where he has served with distinction. Clara is noted as a fine hostess, and her culinary skills have pleased the palate of family and friends alike.

Gene and Clara have two lovely daughters, Shirley and Jean, both of whom still reside in California.

Mr. Speaker, Gene and Clara Harrah have lived a rich life and have now shared half a century together. I think their marriage is a tribute to their quality as human beings and serves as an inspiration to all of us. I count myself fortunate to have them as friends, and I know my colleagues join me in wishing them good health and fortunate for many years to come.

#### DISINFORMATION: MOSCOW'S ORWELLIAN DISTORTION

#### HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. BROOMFIELD. Mr. Speaker, the Soviet Union's interference in the freedom of expression extends far beyond its own borders. The unwarranted seizure or expulsion of foreign correspondents, illustrated most recently in the Daniloff case, is fairly common by Moscow's standards, and the Soviet press is known to be nothing more than a mouthpiece for the Communist government. However, Soviet infringement on freedom of information and opinion has a lesser known, more sinister side. The Soviet Union is engaged in a large-scale effort to manipulate foreign audiences through disinformation. In an Orwellian distortion of truth and fabrication, the Soviets use forgeries and agents of influence to disinform unwitting foreign journalists and audiences under a KGB-administered program they call *aktivnyye meropriyatiya*, the Russian term for active measures.

Good journalism relies on verifiable information from confirmed sources. In recognition of this, the U.S. Government has sought closer cooperation with the press. Though in the past the United States gave a blanket no comment to leaked documents, efforts are now under way to combat Soviet active measures. An interagency working group, formed by order of President Reagan, is actively seeking and exposing Soviet disinformation.

Identifying Soviet active measures, a practice once considered antidote or red-baiting, is necessary in today's world as the Soviets attempt to present a new, disingenuous public image. Realizing that their own newspapers have little credibility in the East or the West, the Soviets attempt to influence the



readership or foreign newspapers with their fabrications.

Several examples of Soviet active measures have been identified and traced to Moscow. The hand of the KGB has been found in faked documents regarding the Korean Airliner shot down by Soviet fighters in 1983 and in forged United States diplomatic cables concerning international efforts to investigate Bulgarian involvement in the attempted assassination of Pope John Paul II. Forged letters and diplomatic cables have been issued by Soviet agents under the names of United States officials ranging from President Reagan to Herbert Romerstein, the United States Information Agency's specialist on Soviet active measures.

In an attempt to add credibility to these forgeries, Soviet Embassies abroad collect official United States letterheads and documents, which in turn are inscribed with fabricated messages and given to gullible foreign publications. Forged documents, identified at a rate of about 25 per year, are occasionally mailed or leaked to Western news agencies, and even more often to the Third World press, in an attempt to manipulate world opinion. Some of these forgeries are easily identifiable, largely because of the Soviets' inability to duplicate perfectly English grammar, idioms, spelling, or bureaucratic jargon.

When a British Intelligence Officer, Kim Philby, defected to Moscow in 1963, he significantly raised the quality of Soviet disinformation. Philby proofread major forgeries and corrected the stilted grammar and misspellings that make such documents more easily identifiable. In this connection, the recent defection to Moscow of a former American Intelligence Operative, Edward Howard, must be viewed with consternation by specialists in detecting documents forged by the KGB. A person familiar, as he is, with the inner working of the United States Government, could enhance substantially the believability of Soviet disinformation.

President Reagan's Strategic Defense Initiative [SDI] is the latest target for Soviet active measures. The Soviets have embarked on a campaign to discredit President Reagan and SDI with fabrications and misinterpretations, aimed in particular at our Western Allies. The current debate in the West between the proponents and opponents of SDI is a valuable process that is characteristic of democracy. Citizens of free countries are voicing their opinions publicly, unhindered by the apparatus of a police state. After drawnout public debate, the ultimate decision will most likely be reflected at the ballot box by the honest and open electoral process that Western democracies guarantee their citizens. Unfortunately, there is a third party, hiding in the shadows, hoping to undermine these democracies for their own interests through subversion and fabrication. This third party is, of course, the Soviet Union.

## HOSTAGES IN BEIRUT: YOU ARE NOT FORGOTTEN

**HON. EDWARD F. FEIGHAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. FEIGHAN. Mr. Speaker, Americans everywhere are overjoyed that Nicholas Daniloff is back home in the United States safe and unharmed. After more than 2 weeks of negotiations by Secretary of State Shultz, administration patience paid off, and now President Reagan and Chairman Gorbachev will meet in Reykjavik, Iceland, to discuss arms control, human rights, and regional issues. The Daniloff affair severely strained relations between the Soviet Union and the United States. Now let's hope we are back on a responsible diplomatic course.

But as our eyes turn to Iceland, we must not forget our American hostages in Beirut, including Terry Anderson and David Jacobsen. These two men were taken hostage 18 months ago by the Islamic Jihad and have been held in captivity ever since without any indication from their kidnapers that they will soon be released.

Terry Anderson, 38, in a videotape appeal said, "It hurts to see the propaganda and bombast with which the administration solved the problem of Mr. Daniloff, a citizen like us who was imprisoned for only a short time." Mr. Anderson questioned how any official could justify the interest, attention, and action given in the Daniloff case and the relative inattention paid him and David Jacobsen.

On the same videotape, in a message directed at President Reagan on behalf of all five American hostages in Lebanon, David Jacobsen asked: "Don't we also deserve the same attention and protection given Nicholas Daniloff?"

I think they do. In a letter to Secretary of State Shultz on October 6, I urged the administration to pursue negotiations with the Syrian Government over the release of our Beirut captives. Secretary Shultz has expressed his willingness to discuss with anyone the situation of our hostages in Lebanon. He raised this issue with Syrian Foreign Minister Farouk al Sharaa and it is reported that the Syrian Government is committed to doing what it can to gain the release of our hostages. These leads must be followed.

White House spokesman Larry Speakes stated, "If those who are holding the hostages would step forward for discussion, that might move the process forward." This remark signals a shift in emphasis in the administration's policy, which rejects any negotiations over the kidnapers' demands for the release of 17 Shiite terrorists who are jailed in Kuwait.

Mr. Speaker, the administration should note the offer of Peggy Say, sister of kidnaped U.S. journalist Terry Anderson, to come to Beirut to negotiate his release. These are her words: "Tell me who you are willing to talk to about Terry's freedom and the freedom of the other American hostages. Please name the person you would be willing to negotiate with. I will ask that person to meet with you."

Peggy Say is a courageous woman whose voice the administration should heed. It must

determine who is holding our hostages in Beirut and press them for their release. The American people will support the President and the Secretary of State in this endeavor.

## TRIBUTE TO HENRY RIZZO

**HON. ALAN WHEAT**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. WHEAT. Mr. Speaker, on Sunday the local chapter of the Sons of Columbus, a civic organization in Missouri's Fifth Congressional District, will honor the recipient of its annual Columbian of the Year Award. The Sons of Columbus chapter was organized in 1964 to promote the image of Italian Americans in Kansas City by encouraging its members to share the strengths of their community with the larger community of Kansas City.

The Sons of Columbus remind us that our Nation has an old and proud heritage. They encourage each of us to live up to the hopes and dreams of the explorers who sought a better world and discovered a new world. Each year, the Sons of Columbus honor a member of their community who has lived up to these ideals and succeeded in his or her commitment to improving the community and the city.

Mr. Henry Rizzo, a friend, a neighbor, and an outstanding public servant, deserves to receive this prestigious award this year. In one of Kansas City's proudest communities, Henry Rizzo stands out as an example of what is best in our Nation. The honor bestowed by the Sons of Columbus to Henry Rizzo deserves recognition.

As a young man with a great future, Henry Rizzo has earned this award and our respect. His service to his community began with his involvement in his parish church, the Holy Rosary Catholic Church. Since then, his concern for his community, his city and his State typify the goals and aims of the Sons of Columbus.

As Henry grew, his concern for his community broadened. Graduating from DeLasalle High School, Henry attended Central Missouri State University. Studying business administration, Henry's understanding of the small businesses in his neighborhood and the needs and concerns of his neighbors grew and matured.

Now, Henry Rizzo shares his understanding with the State of Missouri as an elected official representing his family, his business, and his community in Jefferson City.

Mr. Speaker, Henry Rizzo is not driven by a desire for personal recognition but by a genuine concern for the needs of people. It is fitting that his tireless dedication to his community is being formally acknowledged. I want to congratulate Henry Rizzo on his award and ask my colleagues to join me in a salute to this outstanding public servant.

TRIBUTE TO REPRESENTATIVE  
JOHN F. SEIBERLING

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 8, 1986

Mr. MITCHELL. Mr. Speaker, it gives me great pleasure to join the other Members of this body in a salute to my good friend and colleague JOHN SEIBERLING. JOHN and I came to Congress together in 1971, and I can say without hesitation, that the 14th District of Ohio will have trouble replacing this individual who has unselfishly devoted that last 16 years to his constituents in Akron.

We all know JOHN as a man of conviction, a man with a conscience. His creative leadership on environmental issues, and legislation to preserve our Nation's natural and historic heritage, has led him to receive numerous awards from various environmental groups over the years. His interests are not confined to the environment however, along with being floor manager for antitrust legislation and being an active member of the Arms Control and Foreign Policy Caucus, during those tumultuous years when our men fought in Vietnam, JOHN led the fight in Congress to bring about a complete U.S. military withdrawal from Vietnam.

Yes, Mr. Speaker, the 14th Congressional District of Ohio will miss JOHN SEIBERLING very much, and this House, and indeed the Nation, will suffer from his absence in the Congress. I know that JOHN wants to get back home and spend more time with his family and enjoy the fruits of his labor on behalf of the scenic Cuyahoga Valley, but I know that he will continue in some special way to make significant contributions to this country and to its esthetic beauty which he has fought so hard to preserve.

CHOKING ON THE ARMY'S FOOD  
CONTRACT

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. STARK. Mr. Speaker, the Washington Post reports today that the Army has granted a \$139,000 contract to the University of Maryland to conduct a study of how to prepare healthy food that tastes good. I submit that the Army asking a college food service about healthy, tasty food is rather like Phyllis Diller asking Joan Rivers about beauty aids. There isn't much expertise on either side.

What the Army is expert at is spending a lot of money on some pretty worthless projects. It resists spending money to test the Bradley fighting vehicle to make sure it won't blow up or sink with soldiers inside, but it will fritter away a pretty good chunk of money to determine whether breaded veal parmigiana and lumpy mashed potatoes taste better with a little less salt in them. When I was in college and the Air Force, all the food looked and tasted alike, anyway, and we buried it all in catsup to make it edible.

If we want to conduct a taste test, I'm sure we could do it for a lot less than \$139,000. And if we want to know more about the culinary preferences of soldiers, why not run this test in Army mess halls instead of the ivory towers of the University of Maryland? All we would have to do is look in the garbage cans at the end of the cafeteria lines to know what our soldiers prefer. In the end, the Army will still have to run a massive disinformation campaign to convince its soldiers that its food is going to be any better. I hope it doesn't cause any spokesmen to resign.

Mr. Speaker, we are told that the way to a man's heart is through his stomach. We are also told that an Army travels on its stomach. But the Pentagon seems to think that the way to anyone's heart is through his pocketbook. It seems to think that if it can give out enough pork barrel contracts and sweetheart deals that it can buy public support for the massive defense buildup. I don't buy it. Secretary Weinberger loses a lot of credibility when he claims that the House has cut defense to the bone and unilaterally disarmed the United States and then somehow finds \$139,000 for this. Credibility is in short supply in the administration right now. This doesn't help their position.

DUE PROCESS RIGHTS MUST BE  
PROTECTED FOR SAVINGS &  
LOANS

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. MANTON. Mr. Speaker, the events of the last 10 days relative to the FSLIC bailout legislation have served to focus attention upon the regulatory nightmares that have befallen many and continue to face countless of our Nation's savings and loans. As Majority Leader JIM WRIGHT has attempted to make clear to the Federal Loan Bank Board, all too often Federal regulators have failed to work in a constructive manner with our savings institutions, relying instead upon extreme measures—such as placing institutions into receivership—without exploring other available measures such as the infusion of capital and loan restructuring to protect the integrity of the institution and assure the safety of depositor's funds. The problems that have recently plagued certain sectors of the economy and particular areas of the country have indeed promoted Federal regulators to examine the loan portfolios of many of our banks and savings and loans, and we all recognize the need for such vigilance to protect the savings of our citizens.

Mr. Speaker, a disturbing facet of this situation has been illustrated by a recent Federal court ruling construing the rights of an association after Federal regulators have placed the institution in receivership. More accurately, this ruling illustrates a construction of the statute which declares that the association has virtually no right to question the determinations and decisions of Federal regulators.

In *Guaranty Savings & Loan Association v. Federal Home Loan Bank Board*, 794 F.2d

1339, the 8th Circuit Court of Appeals held on July 9, that after the Federal Savings & Loan Insurance Corporation ["FSLIC"] takes over a savings and loan association as receiver, the subsequent judicial proceeding under 12 U.S.C. § 1464(d)(6)(A) is not a full trial de novo but instead a very narrow one restricted to the administrative record upon which the Federal Home Loan Bank Board (the "Board") originally acted.

The key provision of the statute provides: In the event \* \* \* [a receiver is appointed], the association may, within thirty days thereafter, bring an action in the U.S. district court for the judicial district in which the home office of such association is located \* \* \* for an order requiring the Board to remove such \* \* \* receiver, and the court shall upon the merits dismiss such action or direct the Board to remove such \* \* \* receiver. [Emphasis added.]

Mr. Speaker, it appears to me that when Congress used the phrase, "upon the merits", it intended a complete, full and fair hearing before a Federal district court, not limited to the record which the Board had chosen to rely upon in taking over the savings and loan association. Without such a full hearing, the association is never accorded due process.

Let us look at what actually occurs in these cases. The Board determines that a receivership is called for, appoints FSLIC as receiver and, in the case of a State-chartered FSLIC-insured institution, obtains the concurrence of the appropriate State official that grounds for the receivership exist. After the appropriate State official concurs in the Board's determination, FSLIC's appointment as receiver takes effect and FSLIC takes over the subject association without any prior notice of any kind. There is good reason for this. First, the Board may have to act in an emergency situation—for example, where there is a run on the association. Second, if it acted with notice, there might be a sudden dissipation of assets or a concealment of records. Thus, Congress clearly intended that the Board would have authority to move quickly in these situations and without affording the association an opportunity to challenge the basis for the Board's determination.

As a result of this procedure, however, the record establishing the grounds for the appointment is one assembled by the Board, giving the Board the opportunity to pick and choose among the documents in its possession those that will establish the grounds, such as insolvency, that will support the appointment. The association, on the other hand, does not have access to all, if any, of its records to prove that the Board acted improperly, without an adequate basis, or against the record as a whole.

Both because of this basic inequity, and also because the association obviously must have its day in court and a due process hearing, Congress provided for a judicial proceeding "upon the merits" to determine what the true facts are, on a complete and full record. To hold, as the eighth circuit did, that the only hearing to which the association is entitled is one limited to the record which the Board chose to compile as a basis for its own emergency action is not only directly contrary to



Congress' intent but a denial of the association's due process rights. This is a particularly egregious situation in view of the fact that the Board hearing is nonpublic and ex parte.

On a complete record, for example, the association might be able to show that the Board was in error and that substantial assets which were neglected or overlooked by the Board made the association solvent. Or it might show that the Board acted for wholly improper reasons. The point is that only by the development of a full record, and a decision by a court on all the facts, can the Board be properly challenged in regard to what is, after all, a drastic action: The sudden, virtually unimpeachable takeover of a private business.

It is my understanding that the 8th Circuit interpretation is being challenged by the parties, and I would hope that whatever other court review is available would focus upon the true congressional intent rather than giving a cramped interpretation of this important statutory language.

#### LEGISLATION TO SUSPEND YUGOSLAVIA'S MFN STATUS

**HON. PHILIP M. CRANE**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 9, 1986*

Mr. CRANE. Mr. Speaker, today we have the opportunity to issue a strong statement on the persecution of American citizens travelling in communist countries. Mr. Pjeter Ivezej, a U.S. citizen from the Detroit area, has been sentenced by Yugoslav authorities to 7 years in prison for peacefully demonstrating near the Yugoslav Embassy here in Washington 5 years ago. In addition, two other naturalized Americans from Yugoslavia have been arrested in the past month and are being held in Yugoslavia with no charges specified.

This outrageous treatment of American citizens cannot continue. Although these cases have not received nearly the same media coverage as that of the Daniloff case, the injustice that they are suffering is certainly no less than that experienced by Mr. Daniloff. Any country, Communist or non-Communist, that violates the generally accepted principles governing the treatment of foreigners must be dealt with harshly and quickly. To do otherwise, will ensure that an increasing number of Americans will await a similar fate at the hands of repressive Communist governments.

The time for a negotiated settlement in the case of these three Americans is rapidly coming to an end. The time for action is at hand. For this reason, I join with Representative Broomfield and several of our distinguished colleagues on the Foreign Affairs Committee in introducing legislation that would suspend Yugoslavia's most favored nation [MFN] trading status until such time that the President certifies that there are no Americans being illegally detained in Yugoslavia. At the present time, Yugoslavia is one of the few Communist countries that enjoys our preferential MFN trading status.

To permit the Government of Yugoslavia to violate the rights of American citizens, and then at the same time, to grant them preferen-

tial trading status is ludicrous. If they insist on illegally imprisoning our citizens, then the least we can do is to stop bailing out their economy.

In an effort to free our captive Americans, I would also urge the administration to apply economic pressure on the Government of Yugoslavia. For instance, the President has the power to ban future Eximbank loans and other foreign assistance to Yugoslavia. If Yugoslavia is going to act with total disrespect for the rights of American citizens, then they should have to suffer the consequences of our retaliation.

Congress must take immediate action on this legislation, or else we will in effect be sealing the fate of these three Americans. I, for one do not want to go into the holiday season knowing that these U.S. citizens are paying the price for our inaction. Through a unified and concerted effort we were able to secure the release of Nicholas Daniloff. Let's apply the same pressure against Yugoslavia and unite these men with their families. I urge your support of our effort.

#### CONGRATULATIONS TO BETTY BUTLER

**HON. MANUEL LUJAN, JR.**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 9, 1986*

Mr. LUJAN. Mr. Speaker, on behalf of myself and other members of the New Mexico delegation, I would like to bring to the attention of my colleagues the outstanding work of one of our constituents who is doing something constructive about a serious problem.

In a relatively short period of time we, as a nation, have become painfully aware of terms such as abused, missing, runaway, throw-away, latch-key, exploited children, as well as of teenage drug addiction. It seems there is a daily account in our newspapers of a child being misused or in trouble in some way. It is a national tragedy which will require a herculean effort to rectify.

Betty Butler, herself a mother of seven, founded a program in 1982 which she calls "Identifi-Find-A-Child/Safety Smart" program. The program originally was designed to provide fingerprinting, dental identification, educational and outreach awareness to children, parents, teachers, and communities throughout the State of New Mexico. With the help of "thumbs-up" puppets she designed and her Safety Smart series of educational booklets, Mrs. Butler conducts seminars in the school system for the very young children teaching them to take responsibility for their own safety. The children interact with the puppets and are educated in a nonthreatening manner.

The program has grown to encompass older children and Mrs. Butler brings seminars to children from kindergarten through the 12th grade on a grade/age level. Older students learn safety covers everything in their environment which can be harmful to them such as drugs, alcohol, and even giving in to peer pressure.

Over the past 4 years, Mrs. Butler has given numerous workshops and trained over 750

volunteers. She has received recognition for her work from the President, from the Governor of New Mexico, many city mayors, the New Mexico State School Superintendent, the New Mexico PTA, the National Volunteer Action Center, and is listed as a referral source in "Action", the Department of Justice Child Safety Booklet.

Now, on October 19, Mrs. Butler will receive the Award of Honor from the National Safety Council.

We would like to congratulate Mrs. Butler and to commend her for her dedication and hard work.

#### LEGISLATION TO AMEND THE BANKRUPTCY CODE

**HON. JOHN F. SEIBERLING**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 9, 1986*

Mr. SEIBERLING. Mr. Speaker, on July 17, the LTV Corp. filed for protection under chapter 11 of the U.S. Bankruptcy Code. At the same time, LTV notified more than 60,000 retirees that it would no longer pay the company's share of their health and life insurance benefits.

After a firestorm of adverse publicity, LTV reversed itself, and asked for permission from the bankruptcy court to restore health and life insurance coverage to its retirees. The company's unwise and legally dubious decision to unilaterally abrogate its obligations to pay for retiree benefits covered under a collective bargaining agreement has prompted the Congress to take a long, hard look at the protections under the Bankruptcy Code accorded to employees of a bankrupt company.

Terrible though the impact of the demise of a major corporation may be on its present employees, they at least are entitled to unemployment compensation, whatever Federal supplemental compensation may be in effect at the time, and job training. Unless the employees are near retirement age, they also have at least a hope of reentering the workforce.

The same cannot be said for those who have retired before the bankruptcy. Retirees depend, often entirely, on whatever pension and insurance benefits they have earned during their career. It is wholly unreasonable to take away a retiree's pension and insurance and then expect him to go back to work—if he is employable at all—in order to make ends meet. Retirees health insurance, pension benefits, and life insurance ought to be unassailable. But as the LTV experience so bitterly points out, those benefits may indeed be lost.

With that in mind, I am today introducing legislation to establish a new fifth priority under section 507(a) of title 11 for the unsecured claims of retired former employees for any health insurance plan, employee pension plan, or employee life insurance plan, subject to certain limits. Pension claims would be limited to \$90,000 per each retired former employee less the benefits paid to such employee under ERISA. Life insurance would be limit-

ed to that which provides \$10,000 in death benefits for each retired former employee.

Mr. Speaker, the mere establishment of a priority claim does not necessarily mean that sufficient assets will exist to fully satisfy the claim. But enactment of my bill would at least provide one small layer of protection for retirees, who have worked for their retirement benefits and find themselves without them.

H.R. 4300

## HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. DREIER of California. Mr. Speaker, it appears certain that the House will not bring up for consideration H.R. 4300, the Parental and Medical Leave Act, before Congress adjourns. However, I am dismayed over recent rumors that suggest a renewed effort next year to enact similar legislation. For this reason, I want to make clear my opposition to H.R. 4300, and pledge my commitment to fight any future legislation to implement a federally mandated uniform leave policy.

While H.R. 4300 has been lauded by its supporters as "pro-family" legislation, I fear it as I do the "wolf disguised in sheep's clothing." Labeling H.R. 4300 as a pro-family bill is totally misleading.

Certainly the issues of child-care and parental leave demand our attention as more women enter the workforce. No one denies that employment demographics are changing and that society must adapt to meet the needs of men and women who seek better ways to mix work at home and in the market. While this change is often stressful, legislation like this is not the answer.

A national "family policy" which purports to reconcile women's new roles as both mothers and breadwinners does not necessarily make a family happier or more well-adjusted. H.R. 4300 is a Pandora's box, not a panacea for the tough choices that many Americans are now making for themselves and their children.

I am concerned about the potential impact H.R. 4300 will have on the American family through the business community. I fear this legislation will inadvertently fuel job discrimination by inhibiting employment of "family-oriented" men and women. In addition, imposing federally mandated leave policies discourages the creation of new jobs and penalizes small businesses who employ over 70 percent of the work force.

According to a survey by the National Federation of Independent Business [NFIB], about one-third of small firms do not offer any health insurance to their employees because they cannot afford it. Requiring these small firms to provide additional benefits will exacerbate the problem, making it even more difficult for small businesses operating on slim profit margins to stay in business.

Simply mandating a benefit does not increase the total benefits package available to employees. Any additional benefit required reduces or eliminates some other equally attractive benefit, thus destroying the flexibility employers and employees need to meet individual needs.

Businesses are as individual as the employees that work for them. Each operates under different seasonal, social, and economic demands. In light of these differences, a uniform national standard on parental leave and child-care is not practical. I believe these issues can be more effectively addressed at the private sector level where flexibility is maintained, enabling employers and employees to determine the benefits that best meet their needs.

The small business community is so concerned about uniform paid leave legislation that it categorically rejected H.R. 4300 and other national mandated employee benefit proposals during the White House conference on small business. In fact, only liability insurance crisis was considered a higher priority to the conference delegates. As a member of the House Small Business Committee, I've found the concerns of the small business community to be totally justified.

H.R. 4300 is well-intentioned legislation, but it will lead to unforeseen consequences for businesses and more important, the American family. I am pleased that H.R. 4300 will not be considered this year, and plan to oppose any future attempt to resurrect legislation mandating employee benefits in the future.

## A GOLDEN ANNIVERSARY OF SERVICE

### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. LEVIN of Michigan. Mr. Speaker, I rise to pay tribute to the officers and members of the Ferndale Chamber of Commerce. Originally organized as the "Ferndale Boosters" in 1916, they were officially chartered in 1936 and are presently observing their 50th anniversary.

This group of business people work, not only to promote business and industry in their community, but to maintain the unity and concern that exists in their city. They demonstrated a continuing interest in the welfare of all the residents of Ferndale by their active promotion and participation in many of the programs sponsored by the service organizations in the community.

I congratulate this organization for its history of dedicated service and the promotion of the spirit of free enterprise, and I extend every good wish for their continued success.

## PERSONAL EXPLANATION

### HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. BORSKI. Mr. Speaker, I was unavoidably absent on October 9 when the House of Representatives considered the conference report on H.R. 2005, the Superfund reauthorization bill. Had I been present, I would have voted "aye."

As a member of the Public Works Committee and as a strong supporter of the Superfund bill, I would like to commend the chairman of the Subcommittee on Water Resources, Mr. ROE, and the chairman of the Energy and Commerce Subcommittee on Commerce, Mr. FLORIO, for their outstanding leadership in developing a fair and balanced bill that addresses the Nation's hazardous waste cleanup crisis.

After more than 2 years of deliberation and negotiation, the House has finally reached agreement on a greatly expanded Superfund Program. The conference agreement provides \$9 billion over the next 5 years to cleanup the Nation's worst abandoned hazardous waste sites and uncontrolled leaking underground storage tanks. It establishes ambitious cleanup schedules and stringent cleanup standards, as well as increased penalties for violators of the Superfund law.

I am particularly pleased that the conference agreement contains a meaningful community right-to-know program that will enable the public and emergency personnel to obtain detailed information about chemical threats that may exist in their communities. When H.R. 2005 was considered by the Public Works Committee, I was involved in efforts to include language which ensures that communities would be prepared in case of accidents and provides citizens with information on the routine release of chemicals in their neighborhoods which may pose long-term health threats.

Mr. Speaker, I believe the agreement approved by the House on October 9 establishes a stronger Superfund Program that has the resources and the mandate to protect the health and safety of the American people. I urge prompt approval by the President of this landmark commitment to a cleaner environment.

## TRIBUTE TO JIMMY B. CLARK

### HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. DIXON. Mr. Speaker, it is my deep pleasure to bring to the attention of my colleagues the accomplishments of my friend, Mr. Jimmy B. Clark of Los Angeles, CA, on the occasion of his retirement from local 47 of the American Federation of Musicians.

For 30 years Clark has worked to promote the professional interests of musicians. During his tenure he worked, ably and effectively, to improve musician's wages and working conditions. Clark, himself a talented musician, has played in musical groups since his boyhood in South Bend, IN—through high school and college, in jazz and military bands, in Chicago and New York, and with the greats, among them Duke Ellington.

Aside from his great love of music and service to the music world, Clark dedicated his career in a more general sense to service to others. He is a charter member of the Hollywood branch of the NAACP, and has served there as chairman of the Labor Industry Committee. He is a member of the Kappa Alpha



Psi fraternity, and recently was recognized for his 50-year membership. He currently serves as a member of the board of directors of Save Our California Kids (SOCK) of the California Youth Authority. Clark has made his contributions felt in many areas, and in doing so, touched many lives.

At the close of this fruitful career, it gives me great pleasure to join with Jimmy's family, friends, and coworkers in wishing him well.

#### TRIBUTE TO JOYCE KILMER

#### HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. DWYER of New Jersey. Mr. Speaker, it is an honor to bring to the attention of my colleagues the centennial anniversary of the birth of one of America's most treasured poets, Joyce Kilmer. This gifted writer was born December 6, 1886, in New Brunswick, NJ, part of the Sixth Congressional District which I am honored to represent.

The City of New Brunswick and the State of New Jersey have shown their gratitude for the many accomplishments and contributions to our literary heritage made by Joyce Kilmer, who was killed in France as a soldier in the First World War. His untimely but heroic death on the battlefield in 1918 was a great and tragic loss, yet even at such a young age, he left behind him a body of work that will endure forever.

Among the many memorials to Joyce Kilmer is a street bearing his name in the city of New Brunswick, and Camp Kilmer, which was dedicated in his honor in 1942 during the Second World War. He is celebrated throughout the Nation with parks, forests, and clubs, all in recognition of his valor and unique literary talents.

Joyce Kilmer attended Rutgers College and was graduated from Columbia University in 1908. He taught Latin in New Jersey, wrote extensively for magazines, and in 1913 was appointed to the staff of the New York Times Sunday Magazine Section and Review of Books.

Several volumes of Kilmer's poems have been published and stand as a compelling testament to his talent and insight. His poems have deeply enriched our literature, and it is most fitting that as we approach the centennial year of his birth, we pause and pay tribute to the man and his work.

#### PAY EQUITY

#### HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Ms. OAKAR. Mr. Speaker, today I am introducing legislation which will permit members of the U.S. Park Police and the U.S. Secret Service Uniformed Division to receive premium pay in the same manner as other employees of the Federal Government. My bill would no longer exclude the Park Police or the

Secret Service Uniformed Division from coverage of that portion of title 5 of the U.S. Code.

Prior to the full implementation of the District of Columbia Home Rule Act (Public Law 93-198) in 1975, the Metropolitan Police Department of the District of Columbia, the U.S. Park Police and the Executive Protective Service were all considered to be Federal agencies under the control of the Congress, which had direct responsibility for compensation for all three law enforcement agencies. Since the implementation of home rule, the District of Columbia is no longer considered a Federal agency for purposes of employee compensation. The Council of the District of Columbia enacted the Comprehensive Merit Personnel Act, which permits employees of the D.C. government, including the Metropolitan Police Department, to bargain collectively for wages and other forms of compensation. However, the U.S. Park Police and the Executive Protective Service—now called the U.S. Secret Service Uniformed Division—were not covered by the Comprehensive Merit Personnel Act, and were not employees of the District of Columbia.

Congress enacted legislation in 1976 for the U.S. Park Police, and in 1980 for the U.S. Secret Service Uniformed Division, which required that basic pay for those two entities be set by Congress. This legislation, coupled with the impact of the Home Rule Act and the D.C. Comprehensive Merit Personnel Act, thereby severed the common origins of the Metropolitan Police, the Park Police and the Secret Service Uniformed Division. It created an anomaly whereby members of the Park Police and the Secret Service Uniformed Division, who are clearly Federal employees, are excluded from the definition of "employee" for purposes of entitlement to premium pay under title 5 of the U.S. Code. Such premium pay had previously been granted by the Congress through special provisions of the District of Columbia Code, which no longer applies to them. Thus, the U.S. Park Police and the Secret Service Uniformed Division, are the only Federal employees who are not eligible for any premium pay, because they no longer fall within the provisions of the D.C. Code, which provides for collective bargaining of wages, and they are specifically excluded from the applicable provisions of title 5, U.S. Code.

The legislation I am introducing today provides an easy resolution of this inequity. It requires only a minor modification to title 5 of the U.S. Code to correct what appears to have been an oversight. There is no conceivable reason that we should distinguish employees of these two Federal law enforcement agencies from other Federal employees with regard to eligibility for premium pay for overtime, night work, standby duty, Sunday and holiday work, and hazardous duty. It is only through a quirk of history that these employees are now excluded from both the Federal premium pay laws and from the D.C. Code which authorizes collective bargaining for premium pay.

It is essential that we treat these valued employees of the U.S. Park Police and the Secret Service Uniformed Division equitably and provide them with premium pay in the same manner as other Federal employees.

Mr. Speaker, I urge my colleagues to support this legislation.

#### THE SIXTH-GRADE WINNERS, HEALTHY MIND—HEALTHY BODY—NO DRUGS CONTEST

#### HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. GOODLING. Mr. Speaker, nine schools in my district participated in the "Healthy Mind—Healthy Body—No Drugs" contest this year. The sixth-grade contestants each wrote 50 words on "What I Would Do If Offered Drugs" and "As A Good Citizen, How I Can Help My Community."

The overall winner of the local contest, Christine Butczynski from Carlisle, has had her entry submitted in the national contest. As you are aware, the final winner will receive national recognition and be invited to visit Congress, the White House, and participate in the week-long 1987 Cherry Blossom Festival.

Tremendous efforts are being made at all levels of government and in the private sector to fight this war against drugs. From reading the essays of Christine and her first four runners-up, it is encouraging to see that our youngsters are aware of the detrimental effects of drugs and are willing to do something about it. The enthusiasm among these sixth-grade students in assisting in our battle against drug abuse is remarkable, as you will see when you read their essays, which are printed below.

#### CHRISTINE BUTCZYNSKI

I would say NO and walk away. I would tell a responsible adult what happened and see if that kid could get counseling so he doesn't hurt himself anymore, or someone else.

"Keep Kids Safe" would be my motto. I wouldn't want a parent going through the nightmare of losing a child.

#### JALONDA WOODYARD

If I were offered drugs, I would simply say, "No!" Why should I ruin my life? Drug abuse is a terrible thing. Together we can end it.

To help my community, I can start by being involved. One thing to think about is drug abuse. We have to fight.

#### HOLLY MCGLAUGHLIN

If offered drugs, I'd say NO. I'd then run to the nearest safe place. Later I'd describe the man to the police so they'd catch him.

A group of teenagers, like me, could explain to younger kids what drugs are. Hopefully we'll lead them to the right choice about drugs.

#### MENDY SECHRIST

If offered drugs, one answer comes to my mind: NO! Drugs hurt and harm. who wants to do that to their bodies anyway? Say NO!

As a citizen, I feel my job is to be an "informer". I'd spread the word of the pain, guilt, and strings attached to drugs.

JENNIFER HINES

If I were offered drugs I would say, "NO!" I don't need drugs. They don't help me with my problems, only create worse ones.

I would help my community by telling others the facts about drugs. If I knew someone was taking drugs I would get them help.

S. 2129

**HON. RON WYDEN**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 9, 1986*

Mr. WYDEN. Mr. Speaker, today we stand ready to send a bill to the President that will give consumers some immediate relief to the high cost of liability insurance. I would like to commend the efforts of the gentlemen from New York and New Jersey for all their hard work in getting us to this point.

This self-help measure provides nurse/midwives, truckers, restaurant owners, child care centers, small businesses and other insurance consumers with the bargaining power they need to cope with the rising cost of liability coverage. The Federal role remains limited in this bill. It doesn't repeal the McCarran-Ferguson Act. It doesn't create any new bureaucracies, and it won't cost the Federal Government anything.

Groups that are priced out of the current market would benefit from this act in two important ways. First, this legislation would give a group sharing similar risks the opportunity to set up their own insurance cooperative. This cooperative would be chartered in one State and be able to operate nationwide under one set of rules. Because the establishment of an insurance cooperative is beyond the ability of certain groups, this legislation provides a second option. This second option would allow a group of insurance consumers with similar risks to pool their buying power and form a purchasing group that could find group coverage with an insurance company. This is very important because members of these groups will be able to obtain more favorable terms, rates, and conditions of liability coverage on a uniform group basis. Both of these options would give insurance consumers greater leverage in the marketplace.

There has been some discussion about whether this legislation sufficiently protects consumers. In fact, State insurance commissioners will have more tools to protect consumers in a risk retention group under this bill than they do under more traditional forms of insurance. These consumer protection measures are not meant to be used to arbitrarily frustrate the formation and operation of risk retention and purchasing groups. Under these provisions, a State should be able to protect the public without unduly hindering the operation of these groups.

The subject of financial responsibility has been given special attention in this legislation. This legislation is not meant to undermine the ability of a State to set standards of financial responsibility as a condition for obtaining a license or permit to do business or perform a service in a State. However, this provision does not provide States with the authority to

inhibit the formation of risk retention or purchasing groups. As stated in the House committee report, any such discriminatory use of State authority would be contrary to the intent of this legislation.

I would like to comment briefly on one of the provisions added by the other body. Section 11(c) of the legislation before us seeks to establish a rule of interpretation with regard to this legislation and a similar provision on Pollution Liability Insurance included in the Superfund Amendments and Reauthorization Act of 1986. The intent of section 11(c) appears to amend the recently passed Superfund bill so as to have the provisions of this legislation prevail where there may be a conflict.

Frankly, I do not believe this provision accomplishes that objection. It is a well-established rule of statutory interpretation that where two statutes address a single issue, the one which is most recently enacted will prevail. Similarly, it is impossible for this statute—should it be enacted before Superfund—to amend a new Superfund bill which is not yet enacted. Regardless of the provision in this statute, when the President signs that subsequent act—should it take place in that order—the subsequent measures will be enacted as the President signs it.

I hope that the President promptly signs the Superfund amendments which were passed yesterday by the House, and that this issue does not arise.

However, if the circumstances occur as I have suggested, let there be no mistake that those in this body do not believe that section 11(c) will have any effect.

All of us have in our districts businesses and people who provide services are still having trouble finding liability insurance. This lack of affordable liability insurance is endangering key sectors of the economy. Tourism and outdoor recreation are vital industries to the economy of Oregon. Yet recreation outfitters and other such groups in my State are hard-pressed to find affordable insurance coverage for their outdoor recreation activities on public lands. Obtaining permission to conduct these activities on public lands often requires liability coverage. This legislation will provide this group with an important alternative when seeking to find this necessary insurance.

This legislation is no cure-all, but it's a strong step in the right direction. Our constituents have demanded that Congress act. Let's send this bill to the President for signing.

**MEDICAL SERVICE PROGRAM OF INDIANA COUNTY, PA****HON. JOE KOLTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 9, 1986*

Mr. KOLTER. Mr. Speaker, I rise today to pay tribute to a volunteer, nonprofit service organization located in Indiana County, PA, which has helped provide hundreds of unemployed individuals with low cost or no cost health care. The Medical Service Program of Indiana was initiated in late 1984 and has served well over 1,600 people in less than 3 years. The program was started to expand the

range of health care available for those individuals who cannot afford to pay for health care, and who have no health care plans of their own. The Medical Service Program has recruited many local physicians, dentists, optometrists, and pharmacists who provide services at a minimal cost. It also acts as a referral agency, directing those individuals who need medical treatment to the proper sources of care and publicizing the availability of such care to the unemployed of Indiana County.

For the past 3 years this remarkable nonprofit organization has existed solely through the generosity of the Indiana County commissioners' annual donation and donations from a variety of other local sources. It has operated on a shoestring budget of less than \$6,000, mostly due to the dedication of its director, Mr. Gary Lefebvre. This young man, unemployed initially himself, has worked thousands of hours to help the unfortunate of Indiana County. His strength and perseverance has been a shining light which has led many others to help as well.

Mr. Speaker, I want to offer my sincerest and deepest thanks to these courageous individuals of Indiana who have shown through their kind deeds and actions that the proud people of Indiana County do care for their own. I salute them and hope that one day the terrible malady of unemployment will be erased from Indiana County forever.

**PTO AUTHORIZATION****HON. ROBERT W. KASTENMEIER**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 9, 1986*

Mr. KASTENMEIER. Mr. Speaker, during House floor debate on H.R. 2434—to authorize appropriations for the Patent and Trademark Office in the U.S. Department of Commerce, a concluding paragraph was not printed in the daily edition of the CONGRESSIONAL RECORD (October 2, 1986). Due to the importance of this paragraph, I have made the necessary correction in the permanent record. In addition, I would like to share it with my colleagues before enactment of the reauthorization legislation.

The text of the paragraph follows:

Mr. KASTENMEIER. The overall agreement is made contingent on three further policy factors. First, the appropriation/user fee percentage for funding automation—70/30 percent—in no way sets a precedent for future authorizations. It may be that either less or more user fees will be used to fund automation in the future. Second, the compromise clearly proceeds on the assumption that automation of the Patent and Trademark Office operations should proceed. Finally, the Office's retention of user fees—or "back door" spending—must be carefully examined in the next authorization. What needs to be scrutinized is not charging fees for certain activities, but whether fees can be retained by the Office, and how fee decisions are made in the public interest.



TRIBUTE TO THOMAS P.  
O'NEILL, JR., SPEAKER OF THE  
HOUSE

**HON. SALA BURTON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mrs. BURTON of California. Mr. Speaker, as the time approaches for Speaker O'NEILL's retirement, I want to add my comments to the host of accolades that will accompany him as he departs these Halls. Although our Speaker seeks retirement from this office, the wisdom and humanity that have graced his tenure as Speaker will always remain here with us as the outstanding hallmarks of his service to the Nation.

The very special friendship and concern he has shared over the years, and particularly during my term in the Congress, will always be valued and remembered. The "Boys at Barry's Corner" are testimony to the enduring friendships he has sustained with so many. "Tip" has never forgotten his roots and we will never forget his big heart and good will.

The compassion and concern he has demonstrated toward those who are less privileged and outside the mainstream of luxury are the monuments that will remain in our memories. The legacy "Tip" imparts to our world is a lifetime of caring and that of a great Speaker.

May I extend to "Tip," and to Millie, my very best wishes as they begin this new chapter and my sincere hopes for happy and fulfilling days ahead. We will miss you, "Tip."

IRRESISTIBLE OFFER

**HON. G.V. (SONNY) MONTGOMERY**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. MONTGOMERY. Mr. Speaker, the Army has once again demonstrated its commitment to the new GI bill. The active duty side of the Army has already shown this new Educational Assistance Program is a very effective recruitment tool and the Army continues to do the job. Now the Army National Guard is coming on strong by using great creativity in publicizing the new GI bill program (Chapter 106 of title 10, United States Code) available to the Guard and Reserves.

Designed by Col. C.E. Rhodes, Chief of the Army Personnel Division, the Army Guard is distributing wallet-size information cards which describe the benefits available under the Chapter 106 Program as well as eligibility requirements for participation. In bold letters on the front of the card appear the words "irresistible offer." What young person would pass by and not investigate this bold assertion? I have no doubt that a great many high quality young men and women will join the Army Guard as a direct result of reading this informative card.

I want to extend my congratulations to the Honorable James Webb, Assistant Secretary of Defense for Reserve Affairs, Maj. Gen. Stuart H. Sherman, Jr., Deputy Assistant Sec-

retary of Defense for Reserve Affairs, Lt. Gen. Emmett H. Walker, Jr. (retired), former Chief, National Guard Bureau, Maj. Gen. Herbert R. Temple, Jr., Chief, National Guard Bureau and Brig. Gen. Richard Dean, Acting Director, Army National Guard. The support that all of these individuals are showing for the new GI bill is encouraging to those of us who worked so hard to establish this vital, needed program.

**LAURA JOY WITTENBERG  
CELEBRATES BAT MITZVAH**

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. BERMAN. Mr. Speaker, on November 8, 1986, Laura Joy Wittenberg will celebrate her bat mitzvah at the Brandeis-Bardin Institute. Before her parents, Richard and Joyce Wittenberg, family, friends, and congregation, Laura will be taking her place as an adult member of the religious community. The ceremony will include Laura's recitation from the Torah and her personal statement reflecting on her life and studies thus far and how she perceives her place in future society.

When I hear of children like Laura, I am optimistic about our future. I know from Laura's father that she is the kind of child that is going to make a positive difference in this world. Her beauty, intelligence, and concern for her fellow human beings will allow her to achieve much. I have no doubt that she will succeed in the sense of personal accomplishments, but also in the sense that she will make substantial contributions to society.

It is my honor to wish Laura success and happiness on this important day; and to the entire Wittenberg family mazel tov. May Laura and her brothers David and Kevin always be a source of pride.

PERSONAL EXPLANATION

**HON. WILLIAM E. DANNEMEYER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. DANNEMEYER. Mr. Speaker, unfortunately due to a previous commitment in my congressional district, I could not attend the session on Tuesday, October 7, and subsequently missed four votes. Had I been present I would have voted:

"Yea" on rollcall No. 434, final passage of H.R. 5445 as amended, to amend chapter 96 of title 18, U.S. Code pertaining to civil RICO; "Nay" on rollcall No. 435, final passage of House Resolution 2880, as amended, to provide a temporary extension of the interstate transfer deadline for the H-3;

"Yea" on rollcall No. 435, final passage of H.R. 5215, to authorize construction by the Secretary of Agriculture of a salinity laboratory at Riverside, CA; and

"Nay" on rollcall No. 437, final passage of H.R. 2868, to settle Indian land claims in the town of Gay Head, MA.

TRIBUTE TO HANS H. DOE

**HON. RON PACKARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. PACKARD. Mr. Speaker, Mr. Hans H. Doe, a Vista, CA resident since 1946, will be retiring from the board of directors of the Metropolitan Water District of Southern California on October 20, 1986.

Mr. Doe has served the water community of California faithfully for over 35 years, the last 27 years of which he served continuously as a member of the MWD board representing the San Diego County Water Authority.

Some of the projects of benefit to San Diego County during his tenure include the construction of the State water project at a cost of over \$2 billion, construction of Lake Skinner and its Robert A. Skinner Treatment Plant at a cost of over \$30 million and, most importantly, the development of a water system allowing MWD to deliver an ample supply of imported water to nearly 13 million persons in the counties of Los Angeles, Orange, Riverside, San Bernardino, Ventura, and San Diego.

Mr. Doe started this extensive water career in 1950 on a "temporary" basis—the rest is history.

I would like to salute the outstanding accomplishments of Mr. Hans Doe and his wife Margaret. It is through dedication to service, foresight, and long-range planning that the citizens of San Diego County enjoy the fruits of his labor.

MAY THE MEETING IN ICELAND  
PRODUCE AN EXIT VISA FOR  
IDA NUDEL

**HON. PATRICIA SCHROEDER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mrs. SCHROEDER. Mr. Speaker, in the spirit of the approaching meeting between President and Chairman Gorbachev in Iceland, I wish to remind my colleagues of the situation of Ida Nudel. I hope that the efforts of the President to discuss humanitarian issues will lead to an exit visa for this courageous woman.

For 15 years, Ms. Nudel has been seeking an exit visa so that she may join her sister, Ilana Fridman, in Israel. She has assisted other refuseniks and their families. For her efforts, she has been denied an exit visa repeatedly, treated violently, arrested, tried, and sentenced to exile in Siberia, where she lived for 4 years. While there, she was beaten and then housed in a barrack lacking electricity, water, and heat at a time when temperatures dropped to 40 degrees below zero.

When Ms. Nudel returned to Moscow, she was not allowed to live in her home. It is often difficult for refuseniks to find a place to stay, so it took her several months to find a place in Bendery, Moldavia.

I am very concerned about the conditions under which Ms. Nudel is living now. Recent reports indicate that the way she walks and looks show that her health is very poor. She has been harassed in her efforts to obtain medical care. Her sister has told us that people are afraid to be her friend and that she is very lonely.

I hope that the Soviet Union will take the humanitarian route and give Ms. Nudel an exit visa soon so that she may be reunited with her family.

#### TRIBUTE TO LOTTIE MASSIE

#### HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. HUBBARD. Mr. Speaker, I would like to pay tribute to Lottie Louise Robinson Massie of Hopkinsville, KY, who died Saturday, September 13, 1986, at the age of 75.

Lottie Massie was a dear friend to many in Hopkinsville and western Kentucky. A native of Hopkinsville, she was the daughter of the late Frank and Addie Merriweather Robinson. She was a retired schoolteacher, having taught for 24 years in the Christian County school system at Booker T. Washington and Indian Hills elementary schools at Hopkinsville. In addition, she taught at an elementary school for 5 years in western Tennessee.

Mrs. Massie was a longtime active member of the Virginia Street Baptist Church in Hopkinsville, spending many years teaching Sunday school classes there. She was also very active in her community, having performed volunteer work for the Pennyrite Museum, the Red Cross, and the Medco Center Nursing Home.

Survivors of Lottie Massie include a son, Daniel Frank Massie of Louisville, KY; a daughter, Vivian Hicks of Hopkinsville; a brother, Milton Robinson of Ripley, TN; three sisters, Gladys Bronaugh and Sarah Cruce, both of Indianapolis, IN, and Piccola Bundrent of Louisville; and three grandchildren. Her late husband, John Daniel Massie, predeceased her in 1977.

Lottie Massie was a great asset to Hopkinsville and Christian County, and she will be missed for years to come.

My wife Carol and I join with the many friends of this outstanding Kentuckian in extending our sympathy to the family of Lottie Massie.

#### TRIBUTE TO THE PAYNE CHAPEL AFRICAN METHODIST EPISCOPAL CHURCH

#### HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. LELAND. Mr. Speaker, I would like to take this opportunity to pay tribute to the Payne Chapel African Methodist Episcopal Church in Houston, TX. The church will be celebrating its 100th anniversary during the week of October 12, 1986.

The theme of this celebration is "A Salute to 100 Years of Victorious Christian Service" and is a fitting tribute to the history of Payne Chapel. From the time of the church's founding in 1886 on the 1500 block of Hill Street in Houston, the church has been an active, progressive force in the community.

The guiding spirit which led to the founding of Payne Chapel originated in a group of black members of a segregated church in Philadelphia. They left that institution in 1787 and inspired the founders of Payne Chapel 100 years later.

Today, under the leadership of Reverend Arthur J. Bundage, the church's members continue to be active participants in the community. I commend Payne Chapel African Methodist Episcopal Church for its years of service to Houston, and I congratulate the church and its members on this, their 100th anniversary.

#### PRICE-ANDERSON ACT: LEAD-OFF ISSUE FOR 100TH CONGRESS

#### HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. MARKEY. Mr. Speaker, yesterday, I addressed the House on the apparent demise of the Price-Anderson Act renewal legislation for this year. I find it unfortunate that the House was unable to debate the Price-Anderson renewal bill before adjournment since current law is so inadequate in providing coverage to victims of nuclear accidents.

Today, I want to make sure that all Members understand where we stand on this legislation. The Price-Anderson Act expires on August 1, 1987. In other words, the 100th Congress will have a full 7 months in which to renew and improve the Price-Anderson Act. Given the enormous amount of time and effort invested into the issue this year, I expect the 100th Congress will act with dispatch to pass this legislation.

The major issues left unresolved by the committee consideration of this bill are few, albeit significant. Unfortunately, it was the opinion of the Rules Committee that the unresolved issues were not few enough to let the bill go to the floor this year at this late date in the schedule. Nevertheless, I expect this legislation, or similar legislation next year, to be considered under an open rule and resolved in a relatively short time period early next year. As we all know, the beginning months of a new Congress are not overflowing with legislative activity. I am confident that there will be ample time in the spring of next year for Congress to fully debate and approve Price-Anderson renewal legislation.

As chairman of the subcommittee which has wrestled with this issue for 5 months, and as a member of both of the committees with jurisdiction for commercial nuclear accident liability, I can assure all Members that this issue will be the first item on the nuclear legislative agenda next year. Renewal of Price-Anderson is very very important to the nuclear industry, and it is very important to those citi-

zens living near nuclear powerplants. There will be a substantial amount of pressure from both of these constituencies for the 100th Congress to move swiftly to renew this legislation. The Congress next year will not shrink from that responsibility. There will be a Price-Anderson renewal bill considered by the House before the summer next year, and I plan to work with all my colleagues to insure that a strong Price-Anderson bill is enacted well before the August 1, 1987, expiration date.

#### TEMPLE EMANU-EL

#### HON. DON EDWARDS

OF CALIFORNIA

#### HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. EDWARDS of California and Mr. MINETA. Mr. Speaker, we would like to ask you and our distinguished colleagues to join us in saluting Temple Emanu-El in San Jose, CA, as they celebrate their 125th anniversary in Santa Clara County.

In 1861, the population was sparse in the Santa Clara Valley, but there was great promise for growth because gold had been discovered in the Sierra Nevada just 12 years before. Many people were lured to leave their homes in Europe and the Eastern United States to seek their fortunes in commerce and trade. On August 5, 1861, a meeting was held to organize a Hebrew Society in San Jose, CA. The officers of this fledgling congregation were Jacob Levy, president; Jacob Rich, vice president; Morris Lubliner, secretary; Solomon Eisner, treasurer; Mayer Levy, L. Morris and Hyman Rich, trustees.

The name Bickur Cholim, meaning visiting the sick, was adopted and the purpose of this society was threefold: First, it was to establish a house of worship; second, it was to provide care for the sick and needy; and third, it was to provide a consecrated burial place.

In 1863, a land search and building campaign was formed so that Bickur Cholim could have its own site. And in August 1870, their first facility was dedicated at San Antonio and Third Streets. The synagogue prospered, but remained small. In 1940, the 70-year-old synagogue was forced to close due to an unexplained fire. Following the fire, numerous churches loaned the congregation their facilities. During this time, the congregation began to grow, in step with the burgeoning growth of the Santa Clara Valley.

In 1948, the new building became a reality and Bickur Cholim became Temple Emanu-El, meaning God Be With Us. The new facility was completed and opened its doors at University and Myrtle Street.

From 1948 to 1961, Temple Emanu-El saw unprecedented growth as families came from Europe and the Eastern States, not unlike the original influx of settlers. But it wasn't commerce and trade which lured them here to the Valley of Hearts Delight, rather the space and engineering industry. In 1955, the Temple



House was completed, and in 1958 the school building was dedicated.

Membership reached more than 1,000 families, and over 600 students filled the school in 1971. In 1976, the school was renamed the Rabbi Joseph and Rosalie Gitin Religious School in honor of their then-retiring Senior Rabbi and his wife.

Throughout the years, the leaders of the temple have distinguished themselves in the community and the surrounding cities have always recognized the value of their leadership. Business and industry have also recognized the special talents of Temple Emanu-El members, and a number of businesses which were established in the 19th century by its early members still bear those illustrious names.

Therefore, we ask you, Mr. Speaker, and our colleagues to join us in honoring and celebrating the 125th anniversary of Temple Emanu-El. We sincerely hope the next 125 years of achievement will match the first 125 years.

## INTELLECTUAL PROPERTY AND TRADE

**HON. ROBERT W. KASTENMEIER**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 9, 1986

Mr. KASTENMEIER. Mr. Speaker, intellectual property and trade issues are now a dominant part of our policy discussions. Without question, the American creative genius has been nurtured by strong legal tradition of protecting the property rights of intellectual property owners. As we undertake a discussion of these issues my colleagues may benefit from two recent articles from the New York Times. These articles articulate why this issue is no complex.

[From the New York Times, Oct. 5, 1986]

COPYRIGHTS ARE AS VITAL AS MERCHANDISE

(By Elliott Hurwitz)

Itaewon, a sprawling commercial district in South Korea's capital of Seoul, is a bargain-hunter's paradise. In shops and on the streets, vendors hawk audiotape cassettes for \$2.50—before any bargaining starts. Authentic-looking Louis Vuitton handbags are \$12, and Gore-Tex running suits, which sell for \$150 in the States, go for \$45. The standard price for all types of Reebok athletic shoes is \$10. The major constraint facing shoppers is not paying for, but physically carrying, all the products they would like to buy.

The products sold in Korea, as in many other Asian and Latin American countries, are frequently counterfeits—illegal copies of popular branded merchandise. Some may be of poor quality, but most seem to be well made and cannot be distinguished from the real thing. Some may indeed be the real thing: Many foreign companies have their goods made in Korea, and local factories can easily turn out extras.

In Korea and many other Asian countries, however, all this may be changing, as their governments move to strengthen the protection afforded to "intellectual property." Specialists use this term to denote a wide range of goods and services, including branded merchandise and patented prod-

ucts, as well as creative work, such as books and movies.

Degrees of permissiveness vary among countries. In some, protection may be adequate for patented products, but weak for new technologies or services such as semiconductor chips, computer software, data bases, or telecasts. And in other countries, formal legal protection may be sufficient, but enforcement lacking.

In an encouraging move last July, Korea, settling a trade dispute with the United States, said that it would submit strong legislation to its National Assembly to increase the protection given to sound recordings and computer software. Additional legislation will be submitted extending patent coverage to numerous chemical and pharmaceutical products currently unprotected. Enforcement of copyrights is to be strengthened, and Korea will study the feasibility of extending protection to data bases, computer chips, and cable and satellite television broadcasts. Finally, Korea has said it will also join certain international intellectual property conventions.

The Korean agreement stands as a benchmark in the acceptance of intellectual property protection as a major trade issue. As the agreement is carried out, it will dramatically improve the protection afforded to those specific products and services in which the United States has a strong competitive advantage.

While Korea has taken the lead, other Asian nations are moving to strengthen protection as well; in Singapore, a copyright bill is working its way through Parliament; in Indonesia, officials have said they will submit such a bill later this year; in Malaysia, the parliament is considering a proposed copyright law.

Violation of intellectual property rights is by no means limited to Asia, however. There have also been reports that signals from satellites owned by American cable companies have been captured and illegally retransmitted on cable system in Central America. The cable operators then charge their subscribers for the signals they acquire for free.

As the American comparative advantage in the manufacture of many goods has declined, the Reagan Administration has insisted that creative or artistic products where we still have an important edge—in computer software, music cassettes, or Hollywood films, for example—be protected from piracy. In bilateral negotiations, officials have made it plain to our trading partners that we are unwilling to tolerate illegal copying of our branded merchandise while we maintain complete protection for their goods and open markets for their manufactures.

At the same time, the Administration has often met resistance from nations where protection of intellectual property may not be part of the prevailing culture. Until recently, many overseas governments were unwilling or unable to crack down on illegal duplication of products. In this context, it is significant that Korea agreed to strengthen the protection afforded to precisely those products in which the United States has a strong advantage.

More important, however, our trading partners have come to realize that protecting intellectual property affords them important benefits. For example, effective patent protection is a strong incentive to foreign technology owners to license products or participate in joint ventures in countries like Korea. Such ventures can provide a strong stimulus to developing economies.

Fundamentally, stronger intellectual property protection demonstrates a nation's commitment to integrate itself more fully into the world trading system and to undertake the obligations, as well as receiving the benefits, of this system. No nation wishes to be known as a haven for counterfeiters.

The trend toward stronger protection of intellectual property is likely to continue. The need was one focus of the new trade round discussed recently by trade ministers at the conference of the General Agreement on Tariffs and Trade in Uruguay. This round will not only reduce tariffs on manufactured goods, as has been done in the past, but is also expected to reduce obstacles to trade in agricultural products and services. The move toward inclusion of intellectual property in the new trade round recognizes the emergence of this issue as one of considerable importance to the world's major trading powers.

## A HIGH COST TO DEVELOPING COUNTRIES

(By Kyung-Won Kim)

Last July 21, the Republic of Korea agreed with the United States to increase its protection of patents, copyrights and trademarks. The negotiations were difficult, in part because the changes were widely viewed in Korea as having been won by the economic power of a large country from a smaller one. The United States claimed that Korea must change its intellectual property rules in order to insure international norms of fairness.

The Korean public, however, remembers that the United States was not as preoccupied about fairness when it enjoyed a trade surplus with Korea, a situation that lasted for nearly 40 years only ended a few years ago. And today, more than one-third of Korea's annual exports to the United States are covered by such import restrictions as quotas, excessive "dumping" margins and repetitious "temporary" relief measures.

Historically, Koreans have not viewed intellectual discoveries or scientific inventions as the private property of their discoverers or inventors. New ideas or technologies were "public goods" for everybody to share freely. Cultural esteem rather than material gain was the incentive for creativity.

The development of patent and copyright protection in Korea is similar to what has happened historically in other developed nations. Patent and copyright protection is provided by a country only when it has intellectual property that needs to be protected, that is, when its inventors and artists are close to catching up with the state of the art in their fields.

When that happens, patent, copyright or brand-name protection becomes an incentive to further research and production—whereas, in an early stage such protection had been an obstacle to obtaining technology.

This process was characteristic of other countries exhibiting rapid development, including the United States. Korea, in fact, has agreed to protect intellectual property at a far earlier stage of industrialization than either the United States or Japan. Many early American writers were never able to collect royalties on their works because there was no copyright protection.

In the 19th century, the United States often recruited skilled foreign workers who could bring new, sometimes secret, technology with them. The recent agreement between Korea and the United States is far superior to the record of any similar developed country.

Innovation and technology "diminish gradually the real price of almost all manufacturers," as Adam Smith wrote. To encourage this creation process, societies provide incentives; patents and copyrights. But, patents and copyrights can also create obstacles to development. They grant monopoly power to discoverers and inventors.

The exercise of monopoly power, in almost all cases, results in much higher prices and, thus, less use of ideas, designs, and productive techniques by the world. A critical problem for poor developing countries is drastic price increases in such necessities as processed food, prescription drugs and textbooks.

In recent years, the increase in real interest rates has driven up the relative real price of patents and placed a further damper on developing-country growth where patents are enforced. Scholars may argue about exactly how much enforcement drives up the price of technology, but the historical record is clear; developing countries have rarely paid the price in the past.

As its economy has grown, Korea has become sensitive to the value others place on protecting the property rights of inventors, artists, and the manufacturers of brand-name products. The protection of intellectual property rights is, however, only a part of the effort that Korea has made to integrate its economy into the industrialized world.

The first steps were taken in the late 1970's when Korea, despite a chronic current account deficit and a large foreign debt, began removing controls that limited imports well before the United States began pressing Korea to open its economy.

Today, more than 92 percent of the different products traded internationally can be freely imported, a record unmatched by any developing country with a per-capita gross national product of only \$2,000. Also, Korea has started to open up industries to foreign investment that had previously been closed or restricted. Foreign banks provide services through 50 branches operating in Korea; 20 of them from the United States.

Still, some Americans argue that Korea should make more rapid changes. They fail to recognize that opening industrial and financial markets and fully protecting intellectual property require our companies and workers to adapt to major changes. This takes time.

A sudden, comprehensive liberalization of the Korean economy would cause Korea to plunge into a deep recession. Failure to take that into consideration threatens the Korean political consensus in support of free and fair trade.

Korea remains committed to free and fair trade and is moving as fast as economic conditions and political support permit. It is one of the few developing countries that has supported the United States in its call for a new GATT round designed to dismantle growing protectionism in world markets. Korea believes that its record deserves better recognition than it has received.

#### NEED TO ASSURE SAFE USE OF ARTIFICIAL GROWTH HORMONE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 1986

Mr. WAXMAN. Mr. Speaker, today I am introducing H.R. 5695, a bill to assure the ap-

propriate and safe use of artificially produced growth hormone.

Mr. Speaker, this bill would have the same effect as H.R. 5653, which I introduced on October 6, but includes the addition of a provision delaying the effective date. My remarks in the RECORD concerning H.R. 5653 certainly apply to this bill as well. I would only add that there is substantial support in the sports medicine community for placing human growth hormone into schedule II of the Controlled Substances Act.

A recent article in the August 10, 1986, Washington Post notes that a number of physicians, including the chief medical officer for the U.S. Olympic Committee, favor making this hormone a controlled substance. Action is urgently needed to prevent this important medication from becoming abused by athletes, anxious or pushy parents, and unprofessional physicians.

Classification of artificial human growth hormone as a schedule II substance would in no way limit the proper use of this drug, nor would it inhibit necessary research. It would, however, provide appropriate safeguards against the deliberate and potentially life-threatening abuse of this product.

Mr. Speaker, I ask my colleagues to join with me in taking this small step to protect the public while scientific research continues on the safety and efficacy of using artificially produced human growth hormone.

Without objection, I ask that the following article entitled: "Growth Hormone Proves To Be Tempting for Athletes" from the August 10 Washington Post be printed in the RECORD at this point.

#### GROWTH HORMONE PROVES TO BE TEMPTING FOR ATHLETES

(By Dave Sell)

*"And there seems to be little doubt, therefore, that chronic administration of exogenous human growth hormone also will produce a human giant, and perhaps a giant athlete with gargantuan abilities!"—Dr. William N. Taylor.*

The use of anabolic steroids has been a fact of life for some athletes for more than a decade, but in the last few years something new has found its way into the medicine cabinets. The substance is human growth hormone, and it has some athletes and physicians convinced it could lead to a world in which sprinters run the 100 meters in less than eight seconds and 308-pound William Perry is too small to play professional football.

Human growth hormone is used almost exclusively to treat children suffering with dwarfism, a condition that occurs when the pituitary gland fails to produce enough of the hormone naturally. Only since October, when a mass-produced synthetic form of the hormone was approved for use, has it begun to be used in research.

Those athletes using it, doctors say, are under the impression that they will gain height (depending on their age) and lean muscle mass and will better utilize fat. Athletes, who obtain growth hormone mainly through the black market, are also attracted to it because, as of now, there is no test to detect it.

Still, because there has been no definitive research completed on the hormone's effects—beneficial or harmful—there is considerable disagreement among doctors and

others close to the issue as to whether there is any beneficial effect for athletes.

Some are convinced that use of growth hormone could lead to the day that, instead of cheering for The Frigge, fans would be yelling for three-bedroom colonials. Others aren't so sure. And a number of experts say they think growth hormone should be classified as a controlled substance until those questions are answered.

Taylor, a Tucker, Ga., physician with an emphasis on sports medicine, has studied and written about the misuse of steroids and growth hormone by athletes. Of growth hormone he said, "I'm convinced it will enhance height and muscular strength."

#### YOU CAN'T TRUST ATHLETES

"There's no question that it's been used by a lot of athletes," said Terry Todd, a former power lifter who is a professor of physical education at the University of Texas, where he was the host of a seminar on the subject earlier this year.

Taylor attended the seminar, as did Robert B. Kerr, a southern California physician who said he has prescribed growth hormone for about 100 athletes, though not in the last two years; and Don H. Catlin, chief of clinical pharmacology at UCLA Medical Center and director of drug-testing during the 1984 Los Angeles Summer Olympics, who said he would never prescribe growth hormone for athletic performance reasons.

"I don't think the use of growth hormone is a widespread problem in the sense of anabolic steroids," Catlin said. "Sure some have tried it to see, but the magnitude is probably low. I don't know that, but I deduce the amount is low because I've talked to athletes one on one and . . . I asked them, and some would say, 'Well, maybe, I tried it but it doesn't work.'"

"I'm not surprised that it doesn't; though, again, it's not knowing the facts. But the amount taking it is really quite small. In my opinion, which comes from my knowledge of internal medicine, endocrinology and the study of growth hormone, I don't see any beneficial effect. The only evidence is Dr. Kerr's articles in muscle magazines and anecdotes. I know of no scientific evidence that it works. But I also know of no evidence that it doesn't work."

Kerr said the hormone is used extensively in Europe and "I believe it is an anabolic agent." He said he no longer prescribes it because athletes, particularly body-builders, don't follow his instructions.

"I used to think that because so many were taking black market anabolic steroids that, if the physician gave a little guidance and said to them that a little will give them the gains they want without taking the other things, it would be better," Kerr said. "But they take what I prescribe and supplement it with five or six other things. I've changed my mind. You can't trust athletes."

The possible side effects include diabetes, hypertension and a condition known as acromegaly. The condition, which results from an oversupply of growth hormone, can leave a person with Neanderthal-like facial features, larger hands and feet, thicker skin, heart disease and shorter life expectancy.

Kerr said that the amounts he gave were small.

"When you take large amounts, you're going to see acromegaly," Kerr said. "What I was using in adults was one-fifth of what they use in a 8- to 10-year old."

Normally, growth hormone is produced by the pituitary gland and is responsible for



triggering growth, either directly or by activating other chemicals in the body, during the growth years which end at about age 17. However, the Human Growth Foundation, located in Bethesda, estimates that in the United States there are 10,000 to 15,000 children whose pituitary glands don't produce enough of the hormone. If the disease, referred to as dwarfism, isn't treated, the children may reach adult heights of substantially less than five feet.

#### INFECTION A DANGER

Until the synthetic human growth hormone was approved for use by the Food and Drug Administration, the only source of the hormone was through extraction from the pituitary glands of human cadavers. And, according to the company producing the synthetic hormone, it took 50 human cadavers to keep one child supplied with the hormone for one year. That meant two things: a) the supply was extremely low and b) the cost was extremely high, upward of \$20,000 a year. However, in the spring of 1985, the natural hormone was taken off the market when it was linked to four deaths from Creutzfeldt-Jakob disease, an extremely rare brain infection.

But the purity problem and the supply barriers may be lessened now that Genentech Inc. of South San Francisco has been allowed to market its synthetic human growth hormone, which has a trade name of Protropin.

Although the greater supply will mean a happier future for children with dwarfism, it also will increase the likelihood that the hormone will find its way to athletes through a doctor's prescription or the black market.

A Genentech spokesperson, acknowledging the possibility of misuse by athletes, said the company will distribute the synthetic hormone only through hospital pharmacies to about 500 pediatric endocrinologists and 500 adult endocrinologists who also treat children. The spokesperson added, "There is no clinical study that indicates any advantage to an adult in taking growth hormone."

Because of the short supply, and the ethical problems involved with doing tests on humans, there has not been a thorough scientific study done to measure what effect human growth hormone has on normal adults or normal children, and what the side effects are for those two groups. That leaves only anecdotal evidence, theory and more questions than answers.

"It's not okay to make superficial dogma based on no research," Taylor said. "It gets you into trouble every time." He proposes that the hormone be registered as a controlled substance. Currently, human growth hormone is available through prescription.

#### PARENTS WANT AN EDGE

Even with all the questions, Dr. Rebecca Kirkland, a professor of pediatrics specializing in endocrinology at Baylor University, said she gets several calls a week from parents inquiring about growth hormone for their children.

"They think the growth hormone will give their child an added advantage," said Kirkland, who added that she usually persuades them to simply wait.

Not all parents are so easily persuaded. Taylor recalled the father of a 16-year-old, 6-foot-6 basketball player coming into his office with his own supply of growth hormone.

"The father came in and said, 'How much do I give him?'" Kerr said. "He had obtained it from a Florida health club."

As more companies produce the synthetic hormone, Taylor thinks it's "only a matter of time" before it becomes readily available to athletes.

Said Kerr: "When you have an overabundance, there is a greater likelihood of it getting on the black market. There's also a lot of fake products on the black market, and people pay fantastic prices for them."

Taylor, Todd, Kerr and Dr. Robert Voy, chief medical officer for the U.S. Olympic Committee, favor making the hormone a controlled substance.

"The drug ought to be controlled to give research scientists five to 10 years to work with it," Taylor said. "We have no clue what it really does. It does have potential to increase height and the potential for abuse. If a doctor is willing to write down the [Drug Enforcement Administration] number for a drug, he's saying it's for a legitimate purpose. Now, if he wants to write it for 50 athletes . . . it's like penicillin—it's difficult to follow."

Dr. Richard P. Bowles, a family practitioner with an interest in sports medicine, would like to see human growth hormone classified as a Schedule II controlled substance. Schedule II, the second-most tightly controlled of the five classes, includes cocaine. (Schedule I includes drugs such as heroin for which there is no acceptable medical use, according to the DEA.)

#### TRACKING SCHEDULE II DRUGS

Substances on Schedule II cannot be prescribed by phone, cannot be refilled, must be stored in a vault or safe and must be carefully recorded. The DEA also has a computerized method for tracking Schedule II drugs. Misuse of a controlled substance can bring stiff criminal penalties and, depending on the classification, can include physicians losing their licenses if the substance is prescribed illegitimately.

"It is both wonderful and fearsome," Bowles said of the hormone's capabilities. And of the effort to have it controlled, he said, "That way it would still be available and it still can be prescribed. But it can give a severe sting for abusers, enough so that the use in that regard would be curtailed."

Dr. John Gueriguian, an FDA supervising medical officer who was involved with the Genentech case, said, "We have to count on the medical integrity of the doctors who should prescribe it for legitimate purposes. People would have to be immensely stupid to take it if they didn't need it. It doesn't work [to build muscle], it costs too much, it's detrimental to yourself and may be illegal."

Others aren't so sure that will keep all athletes from trying it.

"We'll bury our heads in the sand and forget about it," Taylor said. "It's a major cancer in the fitness revolution. It's only been since '84 that the medical profession said steroids were effective. Before that we said it was a placebo. That is the most ridiculous scenario and it got us into the problem with steroids, and I think it's unprofessional—hear no evil, speak no evil, see no evil, and don't stir up any trouble."

Said Todd: "It's somewhat similar to the position people took on anabolic steroids until they became laughingstocks."

Like steroids, the use of human growth hormone is one more attempt at better performance through chemicals.

"That tells you about the value system and competitive motivation of some athletes," Todd said. "They want to win awfully bad."

## FREEZE ON FULLY AUTOMATIC FIREARMS

### HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 1986

Mr. STUMP. Mr. Speaker, recently Members of Congress received a letter that misrepresents the issues surrounding the recently enacted freeze on fully automatic firearms. To set the record straight, the freeze was enacted despite expert testimony that such action would not impact on crime, as it would not address the problem of illegally owned, manufactured and/or converted full-auto-fire weapons.

This past Congress, Bureau of Alcohol, Tobacco, and Firearms [BATF] Director, Stephen F. Higgins, testified before the Subcommittee on Crime that "law enforcement problems are caused by illegally converted machineguns, not legally registered machineguns. We recommend stronger restrictions on conversion parts and against a ban on registered machine guns."

Legally registered machineguns are not a problem. That is a fact made abundantly clear by the 52-year record of lawful machinegun ownership, a record which confirms that no crime has ever been committed by those owners with those guns.

The National Firearms Act was enacted in 1934. It requires the registration of all automatic firearms and the payment of a \$200 transfer tax on every firearm acquired. In order to acquire an automatic firearm, a person must be 21 years of age, undergo an extensive background check by the FBI, be fingerprinted and photographed, and have his chief local law enforcement officer approve his application. In the more than 50 years the law has been in effect, there is not one documented instance of any firearm acquired under the NFA being missed in a criminal act. An astounding record, to be sure.

This spotless record has left gun control advocates without ammunition to support the freeze, and they are once again reduced to blaming lawful gun owners for the actions of criminals.

Mr. Speaker, the inaccurate information represented by this letter, a letter which offers no proof that there is an "ever-increasing" problem with lawfully owned machineguns and that contradicts the direct testimony of Federal law enforcement, points up the need for full and fair hearings on this topic. I hope that the 100th Congress will do just that.

#### PERSONAL EXPLANATION

### HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 1986

Mr. CLINGER. Mr. Speaker, on October 9, 1986, I was absent for one vote on the floor of the House of Representatives. Had I been present, I would have voted in the following fashion:

Rollcall No. 446: Motion to adjourn, the House rejected a motion to adjourn, "no."

**KILDEE HONORS GENESEE  
COUNTY CHAPTER OF THE  
MICHIGAN TOWNSHIPS ASSO-  
CIATION**

**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 10, 1986*

Mr. KILDEE. Mr. Speaker, I rise today to bring to the attention of my distinguished colleagues in the House of Representatives the twenty-fifth anniversary of the Genesee County Chapter of the Michigan Townships Association. The Genesee County chapter will celebrate this important milestone on October 16, 1986.

The Genesee County chapter was founded in 1961 with the intention of helping charter members become more responsive to the needs of their respective communities. By sharing thoughts and information through monthly meetings and education sessions, the members of the chapter have created a better understanding of township government and how it should best operate on all levels. Through the continuing efforts of this chapter, Genesee County has township government that is unsurpassed. Not only is Genesee County township government effective and competent, but it is also compassionate and dedicated to the needs of the people it represents.

By maintaining a direct working relationship with legislators and officials on local, State and Federal levels, the Genesee County chapter has been a valued partner in the creation of implementation of legislation and governmental policy that has been beneficial to the citizens of Genesee County. The Genesee County chapter is concerned not only with those citizens and issues within its immediate jurisdiction, but also those lying in neighboring chapters as well. By effectively participating in such projects as the building and improvement of sanitary sewers, public water systems, emergency services, planning and development, public transportation, and solid waste facilities, the chapter and its members have helped improve the quality of life for all the people in Genesee County.

Mr. Speaker, during the past 25 years, the Genesee County Chapter of the Michigan Townships Association and its members have displayed exceptional leadership and responsiveness to their communities and those around them. I am confident that the great successes of the chapter over the past 25 years will only be surpassed by actions and accomplishments still to come. I would like now to ask all my colleagues in the U.S. House of Representatives to join me in paying tribute to the Genesee County Chapter of the Michigan Townships Association, upon the occasion of its 25th anniversary.

**EXTENSIONS OF REMARKS**

**TRIBUTE TO HON. JOHN F.  
SEIBERLING**

SPEECH OF

**HON. PETER W. RODINO, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 8, 1986*

Mr. RODINO. Mr. Speaker, I rise to join my colleagues in tribute to a dear friend and one of the finest members of this great body who will retire at the end of this session—the Honorable JOHN F. SEIBERLING of the 14th District of Ohio.

JOHN SEIBERLING was born into a world of privilege. He is the grandson of the founder of the Goodyear Tire & Rubber Co. But despite his great wealth and prominent ties, he has never forgotten those in our society who are not so blessed. If JOHN's work in Congress could be summarized in one word, it would be compassion. He has consistently championed the needs of the least protected members of our society—the poor, the elderly, the handicapped, minorities, children. For this work, JOHN will be remembered by the thousands of Americans, in his district and throughout the Nation, whose lives he touched. They will remember him as a man of rare decency.

JOHN was first elected to the House of Representatives in 1970. During his 16-year career in the House, he has successfully led efforts to win millions of dollars in Federal funds for businesses, housing, health care, and the arts in the 14th District.

An ardent conservationist, JOHN authored the American Conservation Corps Act to establish a program for hiring America's youth to work to preserve public lands. To give you an idea of JOHN's commitment to preserving the beauty of the Nation's parks and wilderness areas, consider that a computer printout of wilderness protection bills he has managed is at least 9 feet long!

JOHN was one of the first Members of this body to condemn the insanity of the Vietnam war, and he has continued to be a staunch advocate for peace.

Since 1971, JOHN has been one of the most dedicated members of the House Judiciary Committee, which I chair. His sensitivity and judgment were indispensable during one of our Nation's darkest hours—the impeachment proceedings against President Richard Nixon.

The Judiciary Committee has also benefited from JOHN's antitrust expertise. Before his election to Congress, JOHN was a successful antitrust lawyer for over 20 years. He has fought to ensure that the Nation's laws governing the merger of big businesses reflect a sensitivity to consumers, employees, and the communities in which firms operate. JOHN has played a key role in the passage of every antitrust law during the last 16 years. The most important antitrust initiative of this era, the Hart-Scott-Rodino Act of 1976, bears the imprint of JOHN SEIBERLING's counsel and leadership.

He also was a key member of the National Commission for Review of Antitrust Laws and Procedures during the late 1970's, which spawned five crucial antitrust reform measures that passed the House and became law

*October 10, 1986*

in 1980. More recently, he has helped to shape the National Cooperative Research Act of 1984, the Municipal Antitrust Act of 1984, and the House Vertical Restraints Resolution of 1985.

Throughout this period, JOHN SEIBERLING has steadfastly resisted the cries of special interests for exemptions from antitrust laws. He is, in short, a man with a vision for free enterprise at its noblest and best.

Although I join my colleagues in expressing sadness at the news of JOHN's retirement, I wish him well in the coming years. His unique compassion, wisdom and commitment will be missed by those of us in the House and in the Judiciary Committee, but his legacy will live on for many years as all Americans continue to benefit from his legislative skill.

**PORTUGAL TO HONOR  
HOLOCAUST HERO**

**HON. TONY COELHO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 10, 1986*

Mr. COELHO. Mr. Speaker, as the only Portuguese American in Congress, it is with immense pride that I am able to announce that the Portuguese Government will posthumously award Dr. Aristides de Sousa Mendes do Amaral e Abranches its national medal of honor.

After 46 years of repudiation as an insubordinate bureaucrat, Dr. de Sousa Mendes will be rightfully returned to a place of dignity as a hero of the holocaust. You may be aware of the case of Dr. de Sousa Mendes, a Portuguese consular official in Bordeaux, France, who saved 30,000 Jews and others in 1940 by issuing them Portuguese visas so they could flee the oncoming Nazi invasion. Dr. de Sousa Mendes made a decision to save human lives at the risk of his own. Recalled to Lisbon by the Portuguese Government, he was removed from the diplomatic corps. Disgraced and forbidden to practice law, he was unable to make a living and died penniless in 1954.

His family never forgot his sacrifice, and their struggle to erase the damage done to his name, has not been in vain.

I commend the Portuguese Government for giving this issue the consideration it deserved. In particular, I want to thank Prime Minister Anibal Cavaco Silva, President Mario Soares, and Foreign Minister Pedro Miranda for their efforts in "righting" this "wrong."

House Joint Resolution 469, a resolution I introduced earlier this year to pay tribute to Dr. de Sousa Mendes for his selfless effort to save innocent lives, now has nearly 100 cosponsors. In view of Portugal's announcement, and the short time remaining in this session, I will introduce a new resolution next year with the expectation that its approval by Congress will coincide with Portugal's tribute to its newly recognized national hero.

It is my further pleasure to share with my colleagues this article that appeared in the Los Angeles Times.



[From the Los (CA) Angeles Times, Oct. 5, 1986]

**FAMILY'S LONG QUEST ENDS HISTORICAL  
EXILE FOR HERO  
(By Doug Smith)**

Retired postal worker Sebastian Mendes of Saugus received a telephone call recently that signaled the fulfillment of an aching goal that has possessed him and his brothers and sisters most of their lives.

Theirs was a quest for honor that spanned four decades and followed the children of a Portuguese diplomat as they dispersed throughout the world after World War II. Today, five are dead; the remaining nine are growing gray with age.

They have waited and worked a lifetime for what they sought; the vindication of their father's slandered name.

The call last month brought word from a congressman's office in Washington that they had got it. The Portuguese government had agreed—after 46 years—to repudiate its condemnation of their father as an insubordinate bureaucrat and, instead, to honor him as a hero of the Holocaust.

Aristides de Sousa Mendes do Amaral e Abranches was the Portuguese consul to Bordeaux who defied his own country's orders in 1940 and granted passage out of France to thousands of Jews fleeing Nazi persecution. Some historians have compared his efforts to those of Swedish diplomat Raoul Wallenberg.

De Sousa Mendes paid dearly for his insubordination. Thrown out of the foreign service in disgrace, he died a pauper while the dictator he had disobeyed let others take credit for his good deeds.

Although the rest of the world eventually acknowledged De Sousa Mendes as the proper hero, the government of Portugal never formally erased the taint from his name. But that soon will change, thanks in part to the intercession of several members of Congress.

To celebrate their success, Sebastian Mendes and as many as three of his brothers will gather Oct. 20 at the Simon Wiesenthal Center for Holocaust Studies in West Los Angeles in a ceremony that will bring together some of the growing circle of friends who helped them.

The Mendes brothers expected to attend were among several of the diplomat's children who, dispossessed in their homeland, scattered to Belgium, Canada and the United States. Four settled in California, raised families, worked at careers, mourned the death of brothers and sisters and finally came to retirement age.

They never forgot.

At first they had used whatever small and ineffective devices they could muster from halfway around the world to rattle Portuguese dictator Antonio de Oliveira Salazar's regime, usually by asking local newspapers to print their story. This accomplished little.

"As long as Salazar was in power, nothing could be done," said the 10th of those children, Sebastian Mendes, 62.

He and his brother Carlos, 64, of Los Angeles had done nothing to ingratiate themselves with that regime. Both were Americans, having been born in Berkeley during their father's tour as consul there in 1943 they abandoned neutral Portugal to join the American Army for the European invasion.

After the war, Sebastian Mendes said, he traveled to Portugal briefly for a last visit with his parents, then ventured to America, where he discovered that his accounts of his father, steeped in European intrigue and

retribution, found a no more receptive audience than did his thick accent.

In the 1950s, Sebastian Mendes wrote his father's story in a book, "How a Portuguese Hero Saved Thousands of Jews During World War II."

The book told a story that, although not widely known, has since been confirmed by historians of the Holocaust and Portuguese diplomatic papers.

It begins in Bordeaux in June, 1940, when frantic Jews and other refugees were streaming to the south of occupied France away from the Nazis. Their goal was Lisbon. As the Portuguese consul, De Sousa Mendes found thousands of people seeking visas to cross Franco's Spain on the escape route across the Pyrenees.

Requests for visas were supposed to be cleared by wire through the Portuguese national police, the PIDE. But, according to a later foreign ministry investigation, applicants "waited in vain" for clearance "unless they had to do with individuals of 'pure race' or blue blood... in which case the permits came quickly."

Dictator Salazar had decided to stop issuing visas to Jews, according to the 1976 report of the foreign ministry.

Faced with this moral crisis, De Sousa Mendes chose conscience over obedience. He began issuing visas on demand to all refugees.

In his book "The Redemption of the Unwanted," historian Abram L. Sachar described the ordeal this led to: "Both the streets around the consul's headquarters and around his home were overflowing with families who clamored for exit visas. De Sousa Mendes took as many into his home as could be accommodated until all rooms, staircases, floors and the roof and basement could hold no more."

"There De Sousa Mendes, his wife and children... all helped to prepare the scores of visas which De Sousa Mendes stamped hour by hour through three days until exhaustion compelled him to pause for rest."

Historian Yehuda Bauer called the marathon of visa writing "perhaps the largest rescue action by a single individual during the Holocaust."

Although the number of refugees who received visas from De Sousa Mendes during the three-day period cannot be documented, estimates run as high as 30,000, at least 10,000 of them Jewish.

It was over in three days. As quickly as possible, the foreign ministry sent a replacement to dispatch De Sousa Mendes home. There he was stripped of his diplomatic title, forced into retirement without compensation and barred from practicing his profession of law. He slipped gradually into poverty.

Sebastian Mendes, who was then just 20, remembers that refugees would come to the Mendes house in Cabanas de Viriato in rural Portugal and "applaud my parents in the street."

De Sousa Mendes never renounced his decision, not even in the face of disgrace and poverty. Upon his death in 1954, he was forgotten in his homeland, but not by his children.

Their first real glimmer of hope was not to come until 1967, and then from Israel rather than Portugal or the United States.

Receiving testimony from Jews who escaped through his help, Yad Vashem, the Israeli Martyrs and Heroes Remembrance Authority, placed Mendes among the Righteous Gentiles "who sacrificed their personal security to save the lives of the innocent."

Despite that recognition, the Mendes family found no reception in Portugal, where the Salazar regime was growing ever more repressive. Salazar died in 1970. His regime hung on until the revolution of 1974.

Elisa Joana, one of the Mendes children who remained in Portugal, pressed the new democratic government to reexamine her father's story.

In June, 1976, an officer of the foreign ministry turned in a meticulously documented report concluding that De Sousa Mendes had been illegally punished for an act of insubordination that had ultimately brought recognition to his country.

The author reported that, after the praise had begun to come forth, Salazar still rejected his 1945 appeal for reinstatement and allowed loyal diplomats to take credit for the shepherding of refugees.

The report spoke of the "profound disillusionment" that the Mendes family suffered and recommended that the government immediately consider the posthumous reinstatement of De Sousa Mendes and the "reparation of damages, material and moral, which were unjustly caused by the ministry for foreign affairs."

Today there are conflicting opinions about why those recommendations were not followed. De Sousa Mendes' sons believe that Salazar holdouts in the ministry were able to bury the report.

Luis de Sousa, press counselor at the Portuguese Embassy in Washington, conceded that the case has been "gathering dust," but denied that this was through any ill intent.

The resistance finally began to break last year. Elisa Joana Mendes got the story into the Capital, a Lisbon newspaper. Several American newspapers picked up the story. Then the American Congress stepped in.

Another of Sebastian's brothers, 55-year-old Oakland draftsman John Abranches, was introduced to Rep. PETE STARK (D-Alameda), who read a statement of praise for De Sousa Mendes into the CONGRESSIONAL RECORD.

This spring the story came to the attention of Rep. Tony Coelho (D-Fresno), who said it touched his pride as the first Portuguese-American elected to Congress.

Coelho and Rep. Henry A. Waxman (D-Los Angeles) pushed a resolution of praise for De Sousa Mendes through Congress this summer. And in August, they sent a letter, signed by 70 congressmen, to Portuguese President Mario Soares, urging him to honor the diplomat.

The case to a rapid conclusion last month. On an official visit to the United States, Portuguese Prime Minister Anibal Antonio Cavaco Silva and Foreign Minister Pedro Pires de Miranda sought Coelho out for discussions on other topics. Coelho said he told them he had only one item on his mind—the De Sousa Mendes case.

Several days later, Coelho was told President Soares had promised to give De Sousa Mendes an award.

What award it will be and when it will be given have not yet been decided, said a Portuguese Embassy official.

Whatever the medal, the meaning is clear. After 46 years, De Sousa Mendes will finally be a hero in his own land.

Recently, in his Saugus town house, surrounded by Dali-like paintings, thick books and other objects d'arts that subtly recalled the postal clerk's background as a European intellectual, white-haired Sebastian Mendes mused on the end of his quest.

"It's like it's finally coming to an end and it's all been good news," he said. "Now we're

waiting to know when we will go there to accept it."

He broke momentarily into tears when told that his name had appeared in a short 1943 article in *The Times* reporting on his leaving Portugal to join the American Army. It was one more scrap of evidence that Mendes is a name of honor.

# THE CARTER PRESIDENTIAL CENTER

## HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 1986

Mr. RAY. Mr. Speaker, on October 1, the new Carter Presidential Center in Atlanta was dedicated, and President Reagan was the featured speaker. The President's remarks were very appropriate for the occasion, and his words were conciliatory toward former President Carter with whom he has had many differences.

I want to insert in the record the text of President Reagan's speech and call my colleagues' attention to it. It is a beautiful tribute that was well received by its Georgia audience last week.

The speech follows:

### REMARKS BY THE PRESIDENT AT THE DEDICATION OF THE CARTER PRESIDENTIAL CENTER

THE PRESIDENT. President and Mrs. Carter, Reverend Clergy, Governor, Mr. Mayor, the distinguished guests here, ladies and gentlemen, I want you to know that I often get invited to library dedications. There aren't that many people still around who knew Andrew Carnegie personally. (Laughter.) But President Carter and Mrs. Carter, it is indeed an honor for Nancy and me to be here. None of us today need feel any urge, in the name of goodwill, to downplay our differences. On the contrary. In a certain sense we can be proud of our differences, because they arise from goodwill itself—from love of country, for concern for the challenges of our time, from respect for, and yes, even outright enjoyment of, the democratic processes of disagreement and debate.

Indeed, from the time of Thomas Jefferson and Alexander Hamilton, frank debate has been a part of the tradition of this republic. Today, our very differences attest to the greatness of our nation. For I can think of no other country on Earth where two political leaders could disagree so widely, yet come together in mutual respect. (Applause.) To paraphrase Mr. Jefferson: We are all Democrats, we are all Republicans, because we are all Americans. (Applause.)

Now, it occurs to me after the tour that Nancy and I just completed, that in dedicating the Carter Presidential Center, we have set ourselves no easy task. To name just a few of the Center's aspects, there are facilities for organizations that will address President Carter's special concerns, such as human rights, and some 27 million documents that scholars will be poring over for decades to come.

Of course, the Carter Presidential Center will mean something different for each of the millions who will visit it and benefit from it each year. But going through the Jimmy Carter Library just now, and admiring the many photographs and films, it struck me that perhaps the central gift that this Center will give to the nation is a

story—a story of one man's life—a story that is distinctively American.

In one of its aspects, the story of President Carter is the story of the family in which he grew up. Jimmy Carter's father taught him the virtues of hard work and self-discipline: From the time he was six, he knew that when the farm bell rang, James Earl, Sr. expected to see him out of bed and going to work with everybody else.

President CARTER. Amen. (Laughter.)

The PRESIDENT. He and his sisters and brother—Gloria, Ruth, and Billy—gave each other strength and support, Ruth especially providing counsel through all the long years, all the joys and disappointments, until her death in 1983. He misses her still, as do all who knew her.

Miss Lillian, Miss Lillian who went to work for the Peace Corps in India at the age of 69. Miss Lillian taught Jimmy Carter charity and justice. She taught him to care for all, regardless of race, especially those weaker and less fortunate than himself. And she taught him to laugh. Surely, Mr. President, James Earl, Sr., Ruth, and your precious mother, Miss Lillian, are with us today as we dedicate this Center in honor of one who loved you so much.

In another of its important aspects, the story of President Carter is a story of the South. For when Jimmy Carter was born on this date in 1924, many southerners knew only poverty, and millions lived lives that were separate and unequal because of the color of their skin. There's a photograph inside the Library that sets the scene—A little boy is drinking from a fountain—he is black. He's drinking from that particular fountain because on a tree next to the fountain there's a sign that reads: "Colored."

Well, the world has changed now. It has changed because men and women like Jimmy Carter stood up in church to protest the exclusion of black people from worship. And it has changed because Jimmy Carter spoke those words in his inauguration address as Governor of Georgia: "I say to you quite frankly that the time for racial discrimination is over . . . No poor, rural, weak, or black person should ever again have to bear the additional burden of being deprived of the opportunity for an education, a job, or simple justice." (Applause.)

That old world has been replaced by a new South, a South that combines the best regional traditions of pride and hospitality with a new sense of openness and opportunity for all. For at the same time they were combatting discrimination, Southerners like Jimmy Carter were hard at work, applying new techniques to farming, opening new businesses, and encouraging new industry. And in so doing, they were expanding economic opportunity and raising levels of education at historic rates. One need only look at Atlanta—bustling, prosperous Atlanta—to see that the South has truly risen again, transformed, self-confident, moving vigorously on to still greater justice and opportunity.

So, in dedicating this Center today, I want to express what all of us feel today in this beautiful Georgia landscape: That this celebration is in a sense a celebration of the South—the new South that Jimmy Carter helped to build. (Applause.)

Yes, yours is a powerful story of family and region—yet for all that, Mr. President, I cannot help thinking that in perhaps its most important regard, yours is a story of dedication to so many of the fundamental values that made our nation flourish, and grow great. Certainly the value of hard

work is apparent throughout your life. There were those early days of manual labor on the family farm; then came the years in the Navy, working for a man never known for being an easy task-master, Captain, later Admiral, Hyman Rickover.

Jimmy Carter distinguished himself under Captain Rickover for his application to duty—for using his gifts, in particular, his superb intelligence—to the utmost. He would likewise distinguish himself when he returned to the family farm and expanded it, again in his early political life as State Senator and Governor, and perhaps most dramatically in those two grueling years during which he made political history, going from "Jimmy Who?" to use the cartoonists' phrase, to 39th President of the United States. (Applause.)

Beyond hard work there are the values of perseverance, loyalty, and family—I've already mentioned the family in which President Carter grew up, but of course I must mention the family he and Rosalynn raised. And as a grandfather myself, I can't resist pointing out that the Carters' four children have been joined by four grandchildren.

And then there's perhaps the most basic value of all, the value of faith—faith that endures, faith that gives strength and consolation and joy. President Carter is above all a man of faith; time and again throughout his life, at moments great and small, President Carter has turned to prayer.

When he learned that President Kennedy had been assassinated, Jimmy Carter knelt outside the farm warehouse in prayer. When he became President himself, it was prayer that sustained him. He knew that—well, he knew what I have learned myself—that, as Lincoln put it, the burdens of the highest office in the land would be intolerable without the help of the Almighty. (Applause.) And I wouldn't be surprised to learn that when he got up this morning, President Carter said a prayer of thanks for all that would happen on this day. So it is that when we dedicate this Center, Mr. President, we dedicate an institution that testifies, as does your life itself, to the goodness of God, and to the blessings He bestows upon those who do their best to walk with Him. I can think of no greater gift that you could make to our Nation.

Well, I must thank you once again, Mr. President, for inviting us to be here today. It has been a high honor indeed. I'm afraid we won't be able to linger after the program is concluded. Congress is still in session, and, as you know, somebody has to keep an eye on them. (Laughter.) So, I wonder whether I might close now with a few personal words—words, if you will, from one President to another.

Mr. President, you and Rosalynn know that the White House is a place that resonates with history, with memories. And as you know, Mr. President, these White House images, these memories, provide hope and inspiration to anyone who lives there. They remind him that he has examples of greatness to live up to. And they let him know that, whatever challenges he faces, others have faced challenges like them.

And I must tell you, Mr. President, that your countrymen have vivid memories of your time in the White House still. They see you working in the Oval Office at your desk with an air of intense concentration, repairing to a quiet place to receive the latest word on the hostages you did so much to free, or studying in your hideaway office for the meeting at Camp David that would mark such a breakthrough for peace in the



Middle East. Others will speak today, Mr. President, of all phases of your political career and your policies.

For myself, I can pay you no higher honor than to say simply this: You gave of yourself to this country, gracing the White House with your passion and intellect and commitment. And now you have become a permanent part of that grand old house, so rich in tradition, that belongs to us all. For that, Mr. President, I thank you, and your country thanks you.

And there is only one thing left to say. From the 40th President to the 39th, happy birthday. (Applause.)

And, Mr. President, if I could give you one word of advice: Life begins at 70. (Laughter and applause.)

Thank you all. God bless you all. (Applause.)

### THE INTERCOLLEGIATE ATHLETE AT RISK

**HON. ALTON R. WALDON, JR.**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 1986

Mr. WALDON. Mr. Speaker, last week as a part of the Congressional Black Caucus Weekend I had the pleasure of convening a workshop entitled "The Intercollegiate Athlete at Risk." The excellent panel which gathered included Coach Lenny Wilkens of the Cleveland Cavaliers, Commissioner Robert Moorman of the Central Intercollegiate Athletic Association, Valerie Thomas of the NFL Players Association, Robert J. Minnix, an investigator with the National Collegiate Athletic Association, Coach Hank Ford of Hampton University, Coach Chuck Granby of Andrew Jackson High School in Cambria Heights, NY., Brig Owens of the NFL Players Association, and Anthony Cotton, a sportswriter with the Washington Post. I would at this time like to share with my colleagues some of my remarks and highlights of the conference.

College sports represents many of the good attributes which are America. The spirit of amateur competition at its best happens here on our campuses. Young men and women pursue excellence daily, developing their strength and physical skills. These young people become our heroes as we celebrate the victories and share the suffering in their defeats. Their winning and losing seems so pure for we know most play for the love of the game and for the opportunity to be among the best.

Our colleges and universities represent excellence. We maintain our strength as a country because of the training our schools provide. It is no surprise that the pursuit of scholastic excellence should occur where athletic superiority is pursued. For a sound mind and a sound body is truly the best combination.

For many of today's athletes the pursuit of excellence on the playing field and the pursuit of excellence in the classroom are conflicting directly with one another. The resulting effect being that many of today's college athletes are inadequately prepared for life following their college careers. The obstacles to obtaining an education are numerous, ranging from social pressures to the time pressures of competing in the world of intercollegiate sports.

One college football coach was quoted as saying that "athletic scholarships are based on need, if I need him then he gets the scholarship". If this is the prevalent attitude then it should be no surprise that the young athlete regards his sport as his first priority and the classroom as a distant second.

For many, the dramatic death of Len Bias will serve as a byproduct of the current state of intercollegiate athletics. His death from a cocaine overdose forced much attention on the issue of drug abuse and the abuse of our college athletes. Upon closer examination of the Len Bias case we see that he was flunking three courses in his final semester at the University of Maryland. Some say that he was doing relatively well for he was only 21 credit hours short of graduation.

Where does the black college athlete stand in the current state of college athletics? For black America our excellence at sports has been undeniable. Many talented young black people are highlighted as sports heroes on our college campuses and deservedly so. When they reach the college ranks they have worked hard, developed their natural skills, and risen to the top. These young people have the chance to hone their skills and perhaps earn a living playing professional sports but if the pros are not in their future they have earned the opportunity to gain an education as an athlete on scholarship. Now we approach the dilemma. Too many intercollegiate athletes are not being allowed to gain that education but instead are used for their talents. The black college athlete is a pawn.

Big time college sports means money. Big money. The 64 teams in the NCAA men's basketball tournament made a total of \$22 million. College football teams earned \$41 million from bowl games. The University of Michigan from sports earned total revenues of \$15 million. And there are the upfront benefits to a university. Doug Flutie brought Boston College not only \$10 million but as a result of the positive publicity he generated, admissions applications increased by 25 percent.

These numbers make the talented college athlete a valuable commodity. The schools enhance their coffers and their reputations through their sports programs. But they are truly putting the intercollegiate athlete at risk.

During the workshop, the panelists focused on what can be done to help our intercollegiate athletes overcome the obstacles that stand in their way under the present system. Until changes are made within the current system a solid support structure for the young athlete to obtain the proper advice must be developed. This guidance must be there for the athlete from the time the athlete becomes aware that he/she has a special talent. The athlete needs guidance and support in order to avoid becoming a victim of their sport.

The panel agreed that a black youngster is at a disadvantage from the outset due to an absence of readily available guidance. The illusion and realities that the college recruiter presents to student, parents, and coaches is appetizing. The possible material rewards for all involved, especially the recruiting university, pale the benefits of scholarship and maintaining the rules which have been established by the NCAA.

There has been a breakdown in the traditional support systems available to black youth. In the past the family, the church, guidance counseling, and community organizations have served as a structural support system for youngsters such as the athletes we are concerned about. Currently these traditional support vehicles have proved to be inadequate and disadvantageous to the young black athlete. Surrogate guidance can be provided, however with the stakes so high and those involved coming from different levels of sophistication different avenues of advice must be open. Those giving the guidance must be educated regarding the recruitment practices of the college coaches and be able to spot situations where the athlete will be used as a tool of the college or university. They must be aware of all the potential obstacles that can stand in their way from them receiving what they deserve as outstanding and accomplished athletes.

The current educational system is inadequately preparing young black people. This is a national problem which is only highlighted by the black intercollegiate athlete. We must strive not only for our athletes but all black youth to receive a proper education so that they will be able to compete academically with their fellow students when they move on to college.

When the individual needs of the athlete were discussed the panel continually came back to the general social needs of youth particularly in black America. Adequately educating our young is central to addressing many of our social concerns as evidenced by our discussion. One young woman in the audience who had attended the University of Maryland in the mid 1970's asked why were these issues so talked about today when the same problems were evident during her college days. She stated that it was a shame that tragedy must occur before problems are addressed.

In 1929, the Carnegie Foundation for the Advancement of Teaching issued a report exploring "commercialized sports" on college and university campuses. Along with specific recommendations, the report urged the schools to remember that their primary mission was to serve the country as an "exponent of its highest intellectual life." I don't believe our schools of higher education have abandoned this cause but they have to be realistic about the profits available from their sports programs. These profits do pay for libraries, dormitories, science labs, and other capital needs of an educational institution.

### THE COMMON SENSE IN GOVERNMENT PURCHASING ACT

**HON. RON WYDEN**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 1986

Mr. WYDEN. Mr. Speaker, as we all know too well, the Federal Government has a lot to learn about the way it buys products and services. One cannot pick up a newspaper or magazine or turn on a news program without learning about yet another story of how the

Government has paid exorbitant prices for common products or how taxpayer dollars have been wasted on something that either doesn't work or far exceeds the actual Government needs.

There is a real problem with the way the Government goes about buying the products and systems it needs to carry out its required functions. While at times the Government has a particular need that can only be served with a specially designed product, Government agencies have become accustomed to having products and systems specially designed, with detailed specifications, instead of first looking to the commercial marketplace for products that can meet its requirements.

An example of these buying practices is the integrated circuit or microchip. The Government will buy some \$2 billion worth of microchips this year with most of them manufactured to Department of Defense specifications. Those integrated circuits will cost between 3 and 10 times that of commercial chips without any appreciable increase in capability or reliability. Other such examples abound. It takes over 20 pages of specifications to buy hot chocolate and 17 pages of specifications to buy olives.

Unfortunately, these problems are not new. They have been created by a system that has been built piece by piece by unorganized piece over the last 35 years. Regulations and procedures have been added a few at a time, often with the good intention of protecting the Government from a few unscrupulous contractors or a few incompetent or dishonest government purchasing officers. The system that has resulted, however, honors form over good management and business judgment. We have taken away the initiative of both contractors and government employees to seek the best value for the Government. Indeed, we have created a system in which only the most adventurous or, perhaps at times, only the most foolhardy dare participate.

These problems continue to exist today for a variety of reasons. We in Congress have not paid enough attention to them. Government procurement policymakers have not given them the management attention they require. We have not trained our procurement personnel in the proper procedures for buying commercial products. Indeed, we depend upon "competition by specification" rather than "competition by performance."

I am introducing legislation today that will help solve some of these problems and bring some common sense back into Government procurement. This legislation would require civilian Government contract personnel to look first to the commercial marketplace for the items they need to buy. It is very similar to a military procurement provision that was incorporated into the Department of Defense authorization bill for fiscal year 1987.

Now many of my colleagues may not consider this a revolutionary idea—and they are right. For at least the past 15 years, Government and industry reports and agency initiatives have all recommended that the Government make better use of the products in the commercial marketplace rather than relying on Government-written, detailed design specifications.

A comprehensive commercial product procurement policy can save the Government money, save the commercial vendors money, increase competition as more companies are willing to sell their products to the Government, decrease acquisition lead time and overhead costs, and increase product quality and capabilities as the latest proven technology is incorporated into commercial products at a far faster rate than the Government can write specifications.

I would like to say that my legislation is unnecessary. Unfortunately, I cannot. We have created a system where program managers and contract officers are more likely to make decisions based upon protecting their careers and avoiding publicity rather than obtaining the best value for the Government. After 15 years of reports and agency generated initiatives that have failed, I believe it is time Congress acted.

The basics of my legislation and the solution to some of these problems are straight forward. Each executive agency must comply with a two-step process in order to purchase the products it needs. First, the agency must define its requirements in such a way as to take advantage of commercial products and other nondevelopment items to the maximum extent practicable. This means that at the very beginning of the acquisition planning process, Government procurement officers must look to the commercial marketplace to determine if existing products can meet their needs. And if existing items cannot meet the stated needs, the Government procurement officers need to go back to the actual users to determine if the needs are correctly stated or to determine if maybe they can't be changed so that existing products can be used.

The second step is just as simple. Executive agencies are required to buy commercial and other nondevelopment items to the maximum extent practicable. This is not policy direction. This is not just hortatory language that the agencies can ignore. This is a positive mandate directing agency personnel to take advantage of a proven procurement method that will benefit both the Government and commercial vendors.

Once this legislation is enacted, what we will no longer see or hear about are the stories that involve 33 pages of detailed design specifications on how to make dehydrated potatoes that can be sold to the Government or 20 pages of specifications for Federal hot chocolate. With technology-based items involving computer technology and advanced electronics, the potential savings are even greater as the Government can eliminate much of the research, development, and testing costs it now pays for when buying products developed to government specifications.

Mr. Speaker, we can no longer afford to support a procurement system that does not incorporate the advantages of an existing and sophisticated commercial marketplace. We must begin now to retrain our government purchasing officers to depend on good management practices and commercial products and procedures. We will save money. We will encourage small and currently disinterested companies to begin competing for government business as the process is simplified. And we will buy products that work.

## GAO DOES NOT AND SHOULD NOT HAVE ACCESS TO CIA CONFIDENTIAL FUNDS TRANSACTION RECORDS

**HON. BOB STUMP**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 1986

Mr. STUMP. Mr. Speaker, when the executive branch and the Congress established the Central Intelligence Agency after the Second World War, they recognized that the effective conduct of intelligence activities requires secrecy. In the laws establishing the CIA and providing its basic authorities, they took great care to provide for such secrecy, and subsequent legislation has preserved it. One critical aspect of that secrecy is protection of information relating to CIA financial transactions integral to sensitive intelligence activities. For this reason, the laws of the United States do not give the Comptroller General, who heads the General Accounting Office, a right of access to CIA financial transactions with confidential funds, a right to those laws grant to the intelligence committees of the Congress.

The subject of GAO access to records has arisen in the context of title II of the Military Construction Appropriations Act, as incorporated in the Continuing Appropriations Resolution, 1987, which provides for a program of \$100 million in assistance to the Nicaraguan Democratic Resistance. Title II permits the President to designate the agency or agencies which will administer the \$100 million. If the President designates, for example, the Department of State or the Agency for International Development to administer all or part of the program funds, the GAO will have access to the financial transactions and related records for that portion. If the President finds it necessary for the success of the program to designate the CIA to administer all or part of the aid program funds, the GAO will not have access to those financial transactions and related records to the extent that the CIA receives the funds by transfer and expends them as confidential funds under section 8(b) of the CIA Act. The intelligence committees of the Congress will, however, have full access to those transactions and records. Consequently, if the President designates the CIA to administer the funds for support of the Nicaraguan Democratic Resistance, then the intelligence committees of the Congress, and not the GAO, will perform the role of oversight of CIA use of and accounting for the funds.

The Congress addressed the secrecy of intelligence activities in the statute creating the CIA. Section 102(d)(3) of the National Security Act of 1947 (50 U.S.C. 403(d)(3)) provided that "the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure." As the Supreme Court has stated, with this provision "Congress vested in the Director of Central Intelligence very broad authority to protect all sources of intelligence information from disclosure." (*CIA v. Sims*, No. 83-1075, slip op. 9 (1985))

Two years later, the Congress enacted the Central Intelligence Agency Act of 1949 (50



U.S.C. 403a et seq.), providing the administrative and financial authorities that CIA needed to conduct its activities effectively, such as the authority to transfer to and receive from other agencies funds free from restrictions on the appropriations from which the funds are transferred. The CIA Act contained provisions for maintaining the secrecy of CIA activities, including specifically the secrecy of CIA financial transactions. Section 6 of the CIA Act provides that:

The Agency shall be exempted from [a repealed act] and the provisions of any other laws which require the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency.

Section 8(a) of the CIA Act provides that:

Notwithstanding any other provisions of law, sums made available to the Agency by appropriation or otherwise may be expended for purposes necessary to carry out its functions

And section 8(b) provides that:

The sums made available to the Agency may be expended without regard to the provisions of law and regulations relating to the expenditure of Government funds; and for objects of a confidential, extraordinary, or emergency nature, such expenditures to be accounted for solely on the certificate of the Director and every such certificate shall be deemed a sufficient voucher for the amount therein certified.

In commenting in 1948 on a draft of the CIA Act, the Comptroller General acknowledged the importance of maintaining strict secrecy in CIA activities. Then-Comptroller General Lindsay Warren stated that:

While [the procurement, funds transfer, and confidential funds sections] of the proposed enactment provide for the granting of much wider authority than I would ordinarily recommend for Government agencies generally, the purposes sought to be obtained by the establishment of the Central Intelligence Agency are believed to be of such paramount importance as to justify the extraordinary measures proposed therein. The importance of obtaining, correlating, and disseminating to proper agencies of the Government intelligence relating to national security under present international conditions cannot be overlooked. In an atomic age, where the act of an unfriendly power might, in a few short hours, destroy, or seriously damage the security, if not the existence of the nation itself, it becomes of vital importance to secure, in every practicable way, intelligence affecting its security. The necessity for secrecy in such matters is apparent and the Congress apparently recognized this fully in that it provided in section 102(d)(3) of Public Law 253, that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure." (B-74185, Mar. 12, 1948).

Taken together, the National Security Act provision for the protection of intelligence sources and methods, the CIA Act provision exempting CIA organization, functions, and personnel data from laws requiring disclosure, and the CIA Act provision for CIA confidential funds—also occasionally called unvouchered funds or certificated funds—provide clear authority for secrecy in the conduct of intelligence operations, including the secrecy of CIA financial transactions with confidential

funds. With respect to CIA financial transactions with confidential funds under section 8(b) of the CIA Act, the secrecy for which the law provides excludes the GAO from access to the transactions and related records.

The Comptroller General's authorities and responsibilities concerning financial records of Federal agencies stem from several sections of title 31 of the United States Code. Section 712 of title 31 contains a general direction to the Comptroller General to "investigate all matters related to the receipt, disbursement, and use of public money;" to "analyze expenditures of each executive agency the Comptroller General believes will help Congress decide whether public money has been used and expended economically and efficiently;" and to "make an investigation and report ordered by either House of Congress or a committee of Congress having jurisdiction over revenue, appropriations, or expenditures." As a general matter, to the extent that this direction to the Comptroller General might be construed to carry with it an implied instruction to Federal agencies to disclose information to the Comptroller General, section 102(d)(3) of the National Security Act and sections 6 and 8 of the CIA Act provide the authority under which, should the secrecy essential to the success of intelligence activities so require, the Director of Central Intelligence could decline to provide information requested by the Comptroller General on the basis of section 712. In any event, because Congress has legislated very specifically with respect to GAO access to CIA confidential funds transactions under section 8(b) of the CIA Act, the general provisions of section 712 would not govern that specific issue.

Section 3523(a) of title 31 provides: "Except as specifically provided by law, the Comptroller General shall audit the financial transactions of each agency." Section 8(b) of the CIA Act, especially when considered together with section 102(d)(3) of the National Security Act and section 6 of the CIA Act constitutes a law providing otherwise, so that the GAO auditing requirement of section 3523(a) does not apply to CIA confidential funds transactions under section 8(b).

Similarly, with respect to government unvouchered funds transactions, section 3524(a)(1) of title 31 provides:

The Comptroller General may audit expenditures, accounted for only on the approval, authorization, or certificate of the President or an official of an executive agency, to decide if the expenditure was authorized by law and made. Records and related information shall be made available to the Comptroller General in conducting the audit.

However, section 3524(d) provides that section 3524 "does not \* \* \* affect the authority under section 8(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403j(b))." Thus, section 3524 does not permit the General Accounting Office to audit CIA confidential funds transactions under section 8(b) of the CIA Act.

Section 716(a) of title 31 provides:

Each agency shall give the Comptroller General information the Comptroller General requires about the duties, powers, activities, organization, and financial transactions of the agency. The Comptroller Gen-

eral may inspect an agency record to get the information. This subsection does not apply to expenditures made under section 3524 or 3528(e) of this title.

The inartfully drafted reference to section 3524 makes section 716 inapplicable insofar as it might otherwise require the CIA to give the Comptroller General information or access to records concerning CIA confidential funds transactions under section 8(b) of the CIA Act.

Section 716(c) of title 31 authorizes the Comptroller General in certain circumstances to bring a civil action in Federal district court to enforce his subpoena for Federal agency records, but section 716(d)(1) provides that the Comptroller General may not sue to enforce his subpoena if the record sought "related to activities the President designates as foreign intelligence or counterintelligence activities." Thus, section 716 would not permit the Comptroller General to sue in Federal district court to enforce a subpoena he issued seeking records relating to CIA confidential funds transactions under section 8(b) of the CIA Act.

Although the Congress has determined by law that the GAO should not have access to CIA confidential funds transactions under section 8(b) of the CIA Act, those transactions remain subject to strict controls. The CIA Office of Finance develops and implements systems to account for all CIA funds, maintains the records and accounts of CIA financial operations, and performs audits. Independently within the CIA, the CIA Office of Inspector General conducts financial and program audits of CIA components, including program audits pursuant to audit standards set by the Comptroller General. In these audits, the CIA Office of Finance and the Office of Inspector General have access to CIA financial records, including confidential funds transactions under section 8(b) of the CIA Act and related records.

While the Congress recognized that the secrecy essential to intelligence activities required that GAO not have access to CIA confidential funds transactions under section 8(b) of the CIA Act, the Congress also recognized that, given the extraordinary nature of intelligence activities, occasions might arise in which the necessities of good government require that an authority external to the CIA review such transactions. Thus, in the very statute in which Congress made clear that the GAO would not have access to section 8(b) confidential funds transaction information (31 U.S.C. 3424), the Congress provided that:

Information about \* \* \* a financial transaction under section 8(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403j(b)) may be reviewed by the Permanent Select Committee on Intelligence of the House and the Select Committee on Intelligence of the Senate.

Thus, the two Intelligence Committees of the Congress enjoy clear and full authority to review CIA confidential funds transactions under section 8(b) of the CIA Act, should they find it necessary to do so.

The statutory scheme established by the Congress with respect to access to CIA confidential funds transactions excludes the GAO from such access but permits the intelligence committees of the Congress to act as an ex-

ternal review authority. This system properly accommodates two compelling governmental interests: maintenance of the secrecy essential to intelligence activities and proper accountability for public funds.

**KILDEE HONORS COURT  
STREET UNITED METHODIST  
CHURCH ON ITS 150TH ANNI-  
VERSARY**

**HON. DALE E. KILDEE**

OF MICHIGAN  
IN THE HOUSE OF REPRESENTATIVES  
*Friday, October 10, 1986*

Mr. KILDEE. Mr. Speaker, I rise today to bring to the attention of my distinguished colleagues in the House of Representatives and to the Nation a celebration that will be held October 12 through 19, 1986, in Flint, MI. Through these dates, the Court Street United Methodist Church of Flint is observing its 150 years of service.

Added to the State Register of Historic Sites in 1979, the Court Street United Methodist Church is the oldest organized church in Flint. In the early 1830's the church's founder, Rev. William Brockway, came to Flint once a month to preach. His first sermons were held in the Wait Beach Bar and later in the Stage and Wright store. In 1836, Reverend Brockway assisted in the founding of the Flint River Mission. Later, the mission was to become the Court Street United Methodist Church. In 1841, trustees of the church sought land in order to erect their first building. They procured two lots on the corner of Court and Church Streets, still the site of the church today. Their first building was completed in 1844. The new church building became a meeting place for both civic and religious functions but, unfortunately, on March 19, 1861, the church and its contents were destroyed by fire.

With everlasting faith, members of the church managed to gather enough funds to build a new and larger building which was completed in August of 1861. By 1888, however a larger church was needed because of growing membership. A larger church was completed 1 year later but remained intact for only 3 years. Another fire ravaged the church and nearly destroyed it.

The fourth and present church was built in 1893. At the time of its completion the church was capable of seating more than 10 percent of the Flint population. In 1929, the church added a school room, a gymnasium, and a caretaker's apartment to benefit the growing congregation.

The Court Street United Methodist Church has helped keep the faiths and hopes of its congregation alive through the pioneer settlements, several wars, the birth of General Motors in Flint, and the Great Depression. Through its 150 years in existence, the church has faithfully served its parishioners and the community in a very unselfish and admirable manner.

Mr. Speaker, the Court Street United Methodist Church and its members continue to be a pillar in our society. It is with great honor that I pay tribute to this very fine religious in-

stitution on the occasion of its 150th anniversary.

**TRIBUTE TO RABBI BERNHARD  
H. ROSENBERG**

**HON. JOSEPH J. DiOGUARDI**  
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES  
*Friday, October 10, 1986*

Mr. DiOGUARDI. Mr. Speaker, I rise today to pay tribute to Rabbi Bernhard H. Rosenberg, who is an outstanding member of the community, and was recently honored at Yeshiva University.

Rabbi Rosenberg's educational background began at Yeshiva University where he graduated from the Rabbinical School. He later went on to receive two master's degrees from Yeshiva and is currently a doctoral candidate there. He is an expert in his field and a well known author and spokesman.

Rabbi Rosenberg has had a very significant impact on the Midchester Jewish Center. Through his hard work and dedication, he has been able to double the membership in the last 5 years. Currently, Rabbi Rosenberg is a member of the Rabbinical Council of America, the New York Board of Rabbis and the Westchester Holocaust Commission. He is also special assistant to Westchester County Executive Andrew O'Rourke and the police chaplain of the Metropolitan Police Conference of the State of New York. In addition, he is a representative for Yonkers to the President's Holocaust Committee. He founded the Hebrew Academy Day School of Yonkers and has served as chaplain at the Albert Einstein Medical Hospital, Peekskill Community Hospital, as well as a number of Geriatric Centers.

Rabbi Rosenberg has devoted his life to serving others. As a family man, a member of the clergy and a prominent member of the community, he is truly a model citizen and should be recognized for his efforts, as he was at Yeshiva University. I would like to take this time to pay a much deserved tribute to Rabbi Bernhard Rosenberg.

**NAACP FREEDOM FUND DINNER**

**HON. PETER W. RODINO, JR.**

OF NEW JERSEY  
IN THE HOUSE OF REPRESENTATIVES  
*Friday, October 10, 1986*

Mr. RODINO. Mr. Speaker, it will be my great honor to be a guest at the 72d Annual NAACP Freedom Fund Dinner in Newark on October 24. The dinner will take place at the Quality Inn and will feature the Honorable Sharpe James, mayor of Newark, as guest speaker.

This dinner will be a special occasion for me and for the many Newark residents who care deeply about justice and equality. It will be a time to reflect on the gains we have made—the landmark Civil Rights Acts, the Voting Rights Act and extension, designation of Martin Luther King, Jr.'s birthday as a national holiday, passage of sanctions against the South African Government. It will be a time to recall the difficult struggles—marches,

arrests, sit-ins—necessary to bring about these gains. We will celebrate the warm friendships forged in those difficult days and recommit ourselves to meeting the challenges that lie ahead—challenges posed by those in the Reagan administration who seek to turn back the clock on civil rights and return to the constitutional "dark ages."

Mr. Speaker, I salute civil rights champions like Ezella Johnson and Sally Carroll, chairpersons of the Freedom Fund Dinner; Keith Jones, president, Newark NAACP; John Woods, first vice president; Delores Carter, second vice president, Daisy Stokes, secretary; Denise McCoy, assistant secretary; Mamie Hale, treasurer—all of the Newark branch of the NAACP.

Mr. Speaker, it is a great privilege and pleasure to take this opportunity to pay tribute to the NAACP, of which I am proudly a lifetime member, and to its many activists, in Newark, and throughout our great land.

Thanks to their hard work and devotion to justice and equality, this Nation will remain a place where all of its citizens are free to pursue and realize their dreams.

**THE TAX REFORM ACT OF 1986**

**HON. ALFRED A. (AL)  
McCANDLESS**

OF CALIFORNIA  
IN THE HOUSE OF REPRESENTATIVES  
*Friday, October 10, 1986*

Mr. McCANDLESS. Mr. Speaker, legislation, and the issues surrounding it, is seldom black or white. Most bills that we consider in the House of Representatives have good points and bad points. However, when it comes to the one vote on final passage, we must look through the shades of gray, and make a black or white decision. That was the case with H.R. 3838, the Tax Reform Act of 1986.

I have been a strong advocate of tax reform. Our tax system is so complex and bewildering that individuals are often forced to employ a tax attorney or accountant to correctly negotiate the jumbled array of IRS laws, regulations, and rulings. The effect has been to erode the voluntary compliance on which our system relies, and turn otherwise law-abiding citizens into law breakers, thereby increasing the burden on those who continue to meet their tax responsibilities.

Consequently, there are many provisions of H.R. 3838 that have my strong support, particularly the reduction in the marginal tax rates and the tough new minimum tax on corporations. In addition, the legislation will take 6 million of the Nation's working poor off the tax rolls. While our tax laws were never designed to tax low-income families, many of these people were added to the tax rolls over the years because of "bracket creep." President Reagan's Economic Recovery Tax Act of 1981 [ERTA] provided for the indexing of the tax tables and put an end to tax increases on individuals whose wages were merely keeping pace with inflation. H.R. 3838 takes the next step and eliminates the tax liability of the low-income victims of bracket creep.



Had the procedure allowed, I would have voted for those provisions and others. However, the procedure for final consideration of the tax bill before the House provided for only one vote—up or down—on the entire package. Therefore, H.R. 3838 had to be evaluated in its entirety.

When the President first proposed a reform of our tax laws, he said that the objectives were fairness, growth, and simplicity. Those are the standards, I told my constituents, by which I would evaluate and judge any tax reform package. After careful consideration and much deliberation, I reached the conclusion that H.R. 3838 did not meet those objectives, and that the negative features of the tax bill outweighed the positive. Consequently, I voted against H.R. 3838, and I would like to take this opportunity to outline some of my concerns about the legislation.

#### I. FAIRNESS

**Retroactive provisions:** As a matter of principle, I believe that changes in the law should be prospective—that is, effective in the future. Retroactive changes in the law should be avoided unless there is some compelling reason to do otherwise. Retroactive provisions have the effect of penalizing people for making decisions and relying on the current provisions of the law. As justification for retroactive effect, some argued that there were provisions and loopholes which should not have been a part of the Tax Code. That argument, however, ignores the fact that Congress put those provisions in the code and people, acting in good faith, relied on the law and made legal and binding commitments.

Among the retroactive provisions of the tax reform bill are the abrupt elimination of the Accelerated Cost Recovery System [ACRS] method of depreciation, the new "passive loss" rules that apply to real estate, and the elimination of the Investment Tax Credit [ITC], retroactive to January 1, 1986.

I am also very concerned about the retroactive changes in taxation of civil service and public employee retirement. It is simply not fair to our policemen, firemen, teachers, and other Federal, State, county, and city employees to retroactively change the rules under which they will receive their retirement benefits.

**Consumer interest:** H.R. 3838 eliminates the interest deduction for consumer credit. While I agree that the Tax Code should not encourage debt, I am concerned about the retroactive effect that the new law will have by eliminating the interest deduction for purchases already made. In addition, there is a question of priorities. The tax reform bill retains the interest deduction for second home mortgages. In view of the number of jobs and tax revenues that the second home industry generates in my congressional district and elsewhere, I believe that deduction is important and support its retention. However, that does raise the question of the priority of allowing a deduction for a second home, but not allowing a deduction for the family car or for a washing machine bought on an installment plan.

**(C) Sales tax:** It has long been the policy of the Federal Government that individuals should not have to pay tax on taxes paid to State and local governments. H.R. 3838 departs from that tradition and eliminates the deduction for sales tax. In effect, the tax bill es-

tablishes a Federal policy of favoring States which rely on income and property taxes, while discriminating against those States which rely on sales taxes as their chief source of revenue. All State taxes should be treated equally.

**(D) Marriage penalty:** Individuals should not be penalized with higher taxes just because they happen to be married. ERTA provided some relief in the form of the marriage penalty deduction. That deduction is eliminated by H.R. 3838.

**(E) Transition rules:** H.R. 3838 also contains some 300 "transition rules." A transition rule is nothing more than special consideration given to a particular taxpayer, while denying the benefit of that consideration to other taxpayers. In principle, I am opposed to transition rules. If such a large number of exceptions and transition rules are necessary, then perhaps we should not change the law. All should have to play by the same tax rules. It is not fair to include some under a transition rule while denying coverage to others.

Furthermore, it is both interesting and distressing to note that the benefits from the transition rules seem to be heavily distributed among the more senior members of the Senate Finance and House Ways and Means Committees. The price tag for the transition rules in H.R. 3838 is estimated to be \$10 billion over the next 5 years. It will be very difficult for us to explain to our constituents why so many provisions and deductions important to them were eliminated while special interest provisions prevailed.

#### II. GROWTH

**(A) IRA's:** I am strongly opposed to the elimination of the deduction for Individual Retirement Account [IRA's] for most people. At a time when the U.S. savings rate is one of the lowest among the industrialized nations, it is ill-advised to remove one of the most successful incentives for people to save. IRA's not only encourage people to provide themselves with a source of retirement income, they also provide a source of capital formation, which is essential to business in the creation of new jobs. Furthermore, in one of the more onerous provisions of H.R. 3838, if both spouses work and one of them is covered by a pension plan, even if the other one is not, neither spouse would be eligible for an IRA.

**(B) Pension plans:** With regard to pension plans, particularly 401(k) plans, the Tax Reform Act of 1986 represents the fourth major change in the pension laws in the past 5 years. I am concerned that as a result of yet another change in conjunction with new limits on participation, many companies, particularly smaller ones, are likely to drop their plans altogether. That would have a devastating effect on savings and capital formation. Currently, 79 percent of all savings in this country is generated by business and not by individuals.

**(C) Capital gains:** Capital gains treatment, another key incentive for investment, capital formation, and the creation of new jobs, is also eliminated by H.R. 3838. The effect will be retroactive as assets must be held for a minimum of 6 months before qualifying for capital gains treatment. Consequently, assets which were acquired with the expectation of capital gains treatment, will be adversely and

retroactively impacted. With a maximum marginal rate of 33 percent, the legislation represents a potential 61 percent increase over the current capital gains rate.

While we were told that the change was needed to raise revenue, history has shown that when Congress raises the capital gains rate, revenue decreases. When Congress has lowered the capital gains rate, revenues increase. One estimate of lost revenue caused by asset stagnation was \$40 to \$100 billion over the next 5 years.

The loss of capital gains treatment is combined with the failure of tax reform to provide for the indexing of the basis price of an asset. Without indexing, the increased value of an asset that is attributable to inflation is taxed as income. As an example of this inequity, if an individual purchased a house in 1975 for \$50,000 and sold the house today for \$90,000, according to the IRS, there would be a taxable gain of \$40,000. (Under current law, the maximum tax on that gain would be \$8,000; under H.R. 3838, the maximum tax would be \$13,200.) The law and the IRS ignore the fact that a 1986 dollar is worth 49 cents in comparison to the purchasing power of a 1975 dollar. To keep pace with inflation, the homeowner would have to sell the home for over \$100,000 just to break even. As it is, the homeowner must pay tax on what is, in reality, a loss. This is a problem in current law, and one which is compounded by the elimination of capital gains treatment by H.R. 3838.

**(D) Real estate and housing:** Changes in the treatment of real estate investments are estimated to cost that industry millions of dollars. While reforms in this area are needed, it must be acknowledged that additional taxes on real estate are likely to have two adverse effects: first, increased costs will be passed on to tenants in the form of increased rents; and second, fewer incentives to provide housing will result in less housing being made available.

There should be a distinction between "tax shelters" and legitimate economic real estate investments; however, H.R. 3838 provides for the same broad-brush treatment of all real estate investments, particularly with regard to "passive losses." Real estate owners and investors who materially participate in the management and operation of their real estate interests should be treated the same as material participants in other businesses. Losses that result from actual cash expenses should be deductible. Furthermore, the effect of these changes is retroactive as applied to existing investments.

**(E) Farming:** At a time when many American farmers are having a difficult time making ends meet, this legislation will have a particularly adverse impact on them. Two provisions of current law on which they rely, income averaging and the investment tax credit, are repealed. Because of the forces of nature, farmers' incomes fluctuate dramatically from 1 year to the next. Consequently, farmers often use income averaging to level their incomes from good years over bad ones. At the same time, many farmers have used the ITC to purchase expensive equipment and machinery.

**(F) ITC and ACRS:** Beyond farming, the repeal of the ITC will further cripple the ability

of U.S. companies to compete in a highly competitive world market. The ITC and the ACRS method of depreciation have been used effectively by U.S. industry to retool and expand, and in the process, create 10 million new jobs since 1982. I have grave reservations about repealing two key elements of the economic recovery.

### III. SIMPLICITY

Unfortunately, the idea of simplifying the Tax Code was lost in the process. Without question, it will be simpler for those who will be dropped from the tax rolls. After all, it is simpler not to file a return than to file one, even if one files a short form or a form 1040 EZ. However, as I noted earlier, those people should not have been on the tax rolls in the first place. For those who must continue to file a return, there is no simplicity. Some have cited the reduction from 14 tax brackets to 2 as simplicity. That claim may be exaggerated as most people find it relatively simple to check a tax table once taxable income has been calculated. So from that perspective, it really does not matter that much how many brackets there are. Computations and calculations necessary to get to taxable income really have not been simplified.

In many respects, the new so-called two bracket tax is more complicated than the current rates. In 1987, there will be five brackets. Thereafter, there will be at least four rates—15, 38, 33, and back to 28. There will be added complications with the 5 percent surcharge, the phasing out of the 15 percent rate, and the phasing out of the personal exemption.

H.R. 3838 does not represent real tax reform or a replacement of the cumbersome current Tax Code, but adds another 1,000 pages to it. Together with the implementing regulations which will take years to promulgate, there will be a dramatic addition to the 33 lineal feet of bookshelf space currently needed to hold the Tax Code and IRS regulations.

### IV. BUDGETARY IMPACT

Of an even stronger concern, is what H.R. 3838 will do to the effort to balance the federal budget. In surveying my district, and seeing the same results reflected in surveys around the country, the American people are much more concerned with the deficit and efforts to control it than they are with tax reform. While not perfect, and certainly not to everyone's complete satisfaction, Gramm/Rudman represents the last best hope that the Federal Government will balance the budget any time in the near future. The Gramm-Rudman Balanced Budget law sets a maximum deficit for the next 5 years, reducing the deficit by \$36 billion each year, and resulting in a balanced budget in fiscal year 1991.

H.R. 3838 will provide an increase in Federal revenues of \$11 billion in fiscal year 1987. Based on past history, Congress will use that amount to avoid any spending reductions needed to meet the fiscal year 1987 Gramm-Rudman deficit target of \$144 billion. The real problem will come in fiscal year 1988 when revenues are expected to drop by \$17 billion. The fiscal year 1988 Gramm-Rudman deficit target is \$108 billion. The deficit reduction situation in fiscal year 1988 will be this:

	Billions
Gramm-Rudman reduction .....	
(\$144-\$108=\$36).....	\$36
Revenue shortfall.....	17
To offset the non-reductions in fiscal year 1987 .....	11
The amount of deficit reduction required in fiscal year 1988 .....	64

If recent history is any sort of guide, it is safe to say that Congress is not going to reduce spending by \$64 billion in a single year. That means one of two things will happen: (1) there will be a push to have massive tax increases in fiscal year 1988; and/or (2) that will be the end of Gramm-Rudman and any possibility of balancing the federal budget anytime in the near future. I do not regard either alternative as acceptable.

### V. OTHER CONCERN.

H.R. 3838 represents the fourth major change in our tax laws in 5 years. No organization or business can engage in any necessary long-range planning in the face of constantly changing tax laws. There will be more changes as Congress will have to enact additional legislation embodying so-called technical corrections amendments in succeeding years to correct problems arising from this bill. Instead of rushing to pass this measure in the closing days of the 99th Congress, it would have been far more responsible to take the time necessary to work on the legislation until we had perfected it and eliminated the retroactive and abrupt changes in the Tax Code. A tax reform package of this magnitude should be phased in over a period of years, providing for a smooth transition, without retroactive provisions.

The general thrust of H.R. 3838 is a tax shift of \$120 billion from the individual sector to the business sector. While I am a strong supporter of the principle that everyone should pay his fair share of tax, and for that reason, support the new minimum tax, it must be noted that ultimately, it will be the individual, as a consumer, that will pay the increased taxes in the form of increased prices. As a result of those increased prices, many businesses will face more exposure to foreign competition. With more money going to the government, there will be less money for modernization, expansion, and the creation of new jobs. Another result will be that business will be forced to borrow more money, which will likely drive up interest rates. It is cruel to promise a taxpayer a \$10 to \$20 a month reduction in personal income taxes when that same individual will have to pay more than that as a hidden tax in the form of increased rent and higher prices for consumer goods.

### CONCLUSION

I would have liked to have been able to vote for the Tax Reform Act of 1986, but despite the hard work of many people, H.R. 3838 was seriously flawed. It did not measure up to its goal of fairness, growth, and simplicity. It was a good beginning, but not a satisfactory finished product. Consequently, I did not vote for it. Congress could have done better and produced a true tax reform bill. Unfortunately, the sentiment of tax reform seemed stronger than substance.

## OPPOSE THE SALE OF FORT DERUSSY

### HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 1986

Mr. ABERCROMBIE. Mr. Speaker, the defense, Military Construction and Treasury/Postal Service portions of the continuing resolution passed by the Senate contain provisions that would direct the Department of Defense to sell the mauka—inland—portion of Fort DeRussy, Honolulu, HI to the State or local governments. I strongly urge that the House conferees oppose this provision in conference.

As you may know, the proponents of the sale of the mauka portion of Fort DeRussy are seeking to build a convention center, and perhaps other commercial developments, on the site.

There are a number of strong arguments against this course of action, but none are stronger than the effect on the morale of the U.S. Armed Forces of such a sale. Fort DeRussy is a former coast artillery installation located on beachfront property. It now serves as a rest and recreation center for members of the armed services stationed not only in Hawaii, but throughout the world.

These facilities, which include the Hale Koa Hotel—set aside for use by military personnel and their families—are vital to the maintenance of morale in the U.S. Armed Forces. Every year they host thousands of active duty and retired military personnel and their families. The Fort DeRussy complex provides a much needed and all too rare opportunity for those who serve our Nation in uniform to relax in a pleasant, wholesome atmosphere which promotes family togetherness and stability.

During the Vietnam war it served as a haven for countless troops on rest and recreation leave from the war zones of Southeast Asia. I am informed that more than 10,000 U.S. military personnel were married and/or honeymooned there during those years. The effect on morale if we were to undermine the integrity of Fort DeRussy with a convention center or commercial development could be devastating.

There is also the question of military readiness to be considered. Contrary to common misconceptions, the mauka portion of Fort DeRussy is currently being used as an operational U.S. Army facility. It serves as the headquarters of the IX Corps of the U.S. Army Reserve. IX Corps is the only corps-level headquarters for the U.S. Army in the entire Pacific-Asia area. The contemplated sale would force the relocation of this headquarters, a move which could seriously disrupt the ability of the Army to maintain a state of readiness and accomplish its mission.

In addition, the move would cost millions of dollars. There is already vociferous local opposition to the idea of the city or the State paying for the Fort DeRussy property. Under these circumstances there is no assurance that the Federal Government would not ultimately be asked to bear the cost.



Civilian residents of the area, it should be noted, are strongly opposed to the dismemberment of Fort DeRussy. At this time, relations between the Army and local civilians are excellent. But neighborhood residents are concerned that the sale would increase traffic—already heavily congested—in the area. Development of a convention center would make it a virtual gridlock.

The area in question is used jointly by military and civilian personnel. Numerous cultural and entertainment events, attracting both military and civilian participants, are held at Fort DeRussy. Sale of the mauka portion would adversely effect the capacity of the installation to continue hosting these events. For these reasons and others, the sale of Fort DeRussy would jeopardize the military-civilian harmony which has prevailed until now.

In addition, I believe it would be advisable for Congress to defer consideration of any legislation concerning the disposition of the Fort DeRussy property until after the November elections in order allow the people of the city and county of Honolulu to express their opinion on the question. An initiative proposal is on the ballot which would amend the Honolulu City charter to require that the area remain open space, a proposal obviously at variance with the plans now under consideration. Finally, the Armed Services Committee is considering holding hearings on the issue in December. Any decision on this matter should await consideration of testimony taken at that hearing.

It should be noted, Mr. Speaker, that among those organizations, both military and civilian, opposing the sale of Fort DeRussy, are:

AFL-CIO.  
 Waikiki Residents' Association.  
 Waikiki Neighborhood Board No. 9  
 (Chair: Wright Hiatt).  
 Honolulu Downtown Neighborhood Board  
 (Chair: Ellie Kupau).  
 McCully/Moiliili Neighborhood Board  
 (Chair: Kurt Mitchel).  
 Hawaii's 1000 Friends.  
 The Retired Officers Associations—Hawaii  
 (TROA).  
 The Association of the United States  
 Army—Hawaii (AUSA).  
 The Air Force Association—Hawaii.  
 The Navy League—Hawaii.  
 The Armed Forces Committee—Hawaii  
 Chamber of Commerce.  
 Veterans of Foreign Wars.  
 The American Legion.  
 Am. Vets.  
 Reserve Officers Association.  
 Ft. DeRussy Chapel Association.  
 Hawaii State Veterans' Council.  
 U.S. Coast Guard Auxiliary.  
 Marilyn Bornhost (Chair: Honolulu City  
 Council).  
 U.S. Army Retirement Council

#### MARITIME DEFENSE COMMISSION

**HON. JOHN R. McKERNAN, JR.**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 1986

Mr. McKERNAN. Mr. Speaker, this country is faced with a dilemma, whether to preserve our shipbuilding industry, our merchant fleet

and the maritime training institutions which represent equally important components of the U.S. merchant marine, or to let this "fourth arm of defense" continue its rapid decline.

It is crucial to understand that the United States is an island nation dependent upon the seas for defense, as well as trade; to understand that from a national security perspective, we need a strong merchant marine with the maritime manpower and mobilization base to back it up. I will not spell out the details of the frightening decline in numbers of U.S. ships and the diminishing share of the U.S. foreign trade carried on U.S.-flag vessels, nor will I dwell on specific reasons for this decline. Rather, I wish to bring to the attention of my colleagues a recent development which will help heighten the understanding of why a strong U.S. merchant marine is crucial to our national security. In particular, I refer to recent steps toward the creation of a commission to study the defense-related aspects of the merchant marine.

On October 19, 1984, the President signed legislation which established a commission to study the problems relating to the transportation of cargo for national defense purposes in time of war or national emergency and the capability of the U.S. merchant marine to provide this transportation.

Last Friday, the President forwarded to the Senate Armed Services Committee the names of those individuals nominated to be commissioners. In addition to the Secretary of the Navy and the Administrator of the Maritime Administration, who will cochair the Commission, those nominated to serve are: Adm. James Holloway, USN, retired, former Chief of Naval Operations and now president of the Council of American-Flag Operators; Shannon Wall, president of the National Maritime Union; William Haggett, president and CEO of the Bath Iron Works Corp.; Joseph Sewall, chairman of the board of trustees of the Maine Maritime Academy; and, Edward Carlson, chairman and CEO of United Airlines.

Mr. Speaker, I am very pleased that two outstanding citizens from the State of Maine are among this group. Joe Sewall, president of the James W. Sewall Co., recently retired, after 15 years from the Maine State Senate where, for 8 years, he served as president. Over the years, he has served as trustee or director of various boards and organizations and is currently the chairman of the board of trustees of the Maine Maritime Academy, the foremost maritime training institution in the country. I believe that his knowledge of maritime issues and his government and organizational experiences will prove to be an invaluable contribution to the efforts of the Commission. Bill Haggett represents the largest private employer in my State, a shipyard recognized as a leader in the technological advancement of the U.S. shipbuilding industry—a reputation for which Bill deserves much of the credit for developing. He is a business leader in the State and beyond and, as chairman of the board of the Shipbuilders Council of America, brings a unique and valuable perspective to the Commission's work.

The decline in all segments of the maritime industry is alarming. Increasing foreign competition and continued pressures on our national budget have rendered impractical many of our

current maritime policies. It is imperative that we begin to address this decline and develop effective strategies to ensure that our merchant marine remains a strong vital force. It is, therefore, essential that the Commission begin its task and I ask you to join me in urging the Senate to move expeditiously in confirming the nominations submitted by the President.

#### SHOULD WE LIFT THE POLISH SANCTIONS?

**HON. DOUG BEREUTER**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 1986

Mr. BEREUTER. Mr. Speaker, just as positive steps by the Government of South Africa would mitigate United States support for sanctions against South Africa, the recent release of political prisoners in Poland should be met with some measure of approval by our country. A lifting of U.S. sanctions against that country is one possible step. If the Polish-American Congress is right in saying that the Jaruzelski regime offered the amnesty because of the sanctions, then the sanctions may have served their purpose. Most importantly, as the editorial in the Lincoln Journal of October 5, 1986, points out, President Reagan is not the type of man who will shrink from need to reimpose the sanctions if necessary. While this Member is not yet convinced of the wisdom of a complete removal of sanctions, the Journal's editorial argues well for this proposal. I commend the editorial to my colleagues.

[From The Journal-Star, Oct. 5, 1986]

#### END THE POLISH SANCTIONS?

Before there were sanctions against South Africa, there were sanctions against Poland. Now the question in Washington is whether the last of those sanctions should be lifted, restoring normal relations between the United States and Poland.

Several of the steps taken against the Warsaw government in 1981 after its crack down on the Solidarity trade-union movement and imposition of martial law have already been reversed in response to concessions by Poland. These include a ban on U.S. landing rights for Polish airlines and U.S. objection to Polish membership in the International Monetary Fund.

Now Poland's Communist leader, Gen. Wojciech Jaruzelski, has announced the release of 225 political prisoners. Is it time, then, to lift the ban on U.S. guaranteed credits to Poland and restore that country's most-favored-nation status in trade with the United States?

The Polish-American Congress and a number of congressional supporters of Poland say yes. Economic conditions forced the Jaruzelski government to grant the amnesty in hopes that the sanctions would be ended, they say. Their fear is that if their expectations are not fulfilled, the Communist leaders will slip back into more repressive measures.

That may, in fact, be already happening. Friday the Warsaw government declared illegal a council formed by former underground Solidarity activists and threatened them with imprisonment.

Some officials in the Reagan administration, however, caution against hasty action. In 1984, they point out, Poland rearrested 12 of 300 political prisoners who had been released. By retaining the last of the sanctions, they argue, Washington may be able to prevent another such retrogression.

Clearly, though, the United States has an interest other than the welfare of the Polish people in seeing their country alleviate its economic problems. Lifting the trade and credit restrictions would help Poland generate the foreign exchange necessary if it is to repay its \$32 billion debt to Western banks. If U.S. sanctions remain, Washington could be made the scapegoat for Poland's continued economic decline.

President Reagan, as a hard-line anti-communist, is in a good position to offer a carrot to the Warsaw regime. No one could doubt that he would reimpose sanctions if Jaruzelski and company backslide.

But if Reagan wants more reassurance before acting, an opportunity is at hand. Warsaw is obviously influenced by Moscow. Let the president ask Soviet leader Mikhail Gorbachev in Iceland next weekend whether Warsaw can be counted on to act appropriately if sanctions are ended.

## VIOLETIONS OF HUMAN RIGHTS

### HON. JOSEPH J. DiOGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 1986

Mr. DiOGUARDI. Mr. Speaker, I rise today to condemn the continued repression and forced assimilation of Turkish-Bulgarians by the Bulgarian Government. Once again human rights have been ignored and violated by a government behind the iron curtain.

One year ago I rose before the House and depicted the horrid conditions faced by this minority in Bulgaria. In the last year, there has been no progress toward freeing the Turkish-Bulgarians from the tight grip of tyrannical rule.

The problem at hand is not new. However, it has escalated in recent years. In 1947, minorities were allowed to preserve their culture through the teaching of their language and heritage. From that point, conditions deteriorated. By the early 1970's, the teaching of the Turkish language in Bulgarian schools had ceased. Turks protesting this decision were imprisoned immediately. In 1984, the Turks were devastated by the cold hearted tactics of the Bulgarian Government. At that time, the Bulgarian Government conducted a deplorable name changing campaign, forcing Turkish-Bulgarians to change their Turkish/Moslem names to Slavic/Christian names.

In present day Bulgaria, nearly 1 million people, 10 percent of the population, are Turkish. Nonetheless any display of Turkish culture results in arrest.

I once again call for an end to these gross violations of human rights. As the leader of the free world, it is our obligation to protect the rights of those individuals less fortunate than ourselves.

## THE VOLUNTEER SERVICE PROMOTION ACT

### HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 1986

Mr. WYDEN. Mr. Speaker, today I am introducing the Volunteer Service Promotion Act of 1986. I am pleased that my colleagues PAT WILLIAMS and BILL GOODLING, from the Education and Labor Committee, are joining me as original sponsors of the bill.

Mr. Speaker, volunteering is a great American tradition. From covered wagon days to the present, the tradition of "neighbor helping neighbor" has been a cornerstone of our heritage.

Recognizing and promoting volunteer service is what this bill is all about. And it comes at a critical time. Given the cutbacks in governmental spending for many social services, the impending changes in the tax laws relating to charitable contributions and the increased incidence of poverty, there is a tremendous need for more volunteers.

Unfortunately, our society doesn't do enough to encourage volunteers. Often, they hardly even get thanked. And it's expensive to volunteer given today's high costs of transportation and insurance.

It's high time Congress did more to encourage and recognize the special contributions of volunteering Americans. And that's what this legislation would do.

Under our bill, volunteers in selected programs would be able to earn credits for their service. Any person over 65 could volunteer in exchange for a credit when they serve any other person over 65 or a low-income child. These credits could be accumulated and those earning them would have the option to use them for similar services for themselves and their families when needed.

No new Federal funds are needed to implement this bill and no new Federal bureaucracies are created. The bill requires the Administration on Aging to use existing funds to establish 5 to 15 volunteer service credit programs for elderly people under the Older Americans Act. Those programs would be operated by the State offices on aging, an established network of State agencies serving the elderly.

A particularly exciting aspect of the bill is that it would promote closer ties between the generations by allowing elderly people to earn credits by serving low-income children. For example, many communities are in desperate need of child care or tutors for disadvantaged youths and the elderly are in a unique position to be able to give these services.

Finally, the bill allows volunteers to donate their credits to others who are in greater need of the services they have earned. This will encourage capable individuals to volunteer in order that a family member or friend—as well as the person directly receiving their services—could benefit.

Mr. Speaker, volunteers—specifically elderly volunteers—are a great resource for our country. I believe the legislation we are introducing today gives us the opportunity to test a prom-

ising idea for strengthening that great resource.

I want to thank my two good friends, Mr. WILLIAMS of Montana and Mr. GOODLING of Pennsylvania, who have joined me in offering this legislation and I am looking forward to working with them toward the passage of the bill.

## FURTHER INTO THE ABYSS

### HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 1986

Mr. GARCIA. Mr. Speaker, the downing of an airplane by the Nicaraguan army with three Americans on board is first of all a tragedy for the families of those who died, as well as the family of Eugene Hasenfus. My sincere condolences to those families.

Beyond that, however, I am deeply concerned that this incident is not the exception but the rule as to the conduct of the so-called secret war in Nicaragua. This is just the tip of the iceberg. The more money we send to the contras, the more complicated our involvement will become, and the more complicated that involvement, the more likely it is that U.S. troops may become directly involved. It is, indeed, a slippery slope.

It is in that light that I am inserting a number of articles in the RECORD on this incident. I hope my colleagues will take a moment to read and reflect on the magnitude of this incident.

[From the Washington Post, Oct. 10, 1986]

CAPTURED AMERICAN SAYS CIA RAN SUPPLY MISSIONS—PRISONER SAYS FLIGHTS COORDINATED FROM EL SALVADOR

(By Julia Preston)

MANAGUA, Nicaragua, October 9.—Eugene Hasenfus, an American prisoner of the Sandinista Government, said today he has been part of an extensive air resupply operation for the Nicaraguan rebels run from a Salvadoran Air Force base by CIA employees.

"The people I met in El Salvador, that I knew, were all company people," Hasenfus said, using a term commonly used to refer to the CIA.

"These company people were about 24 to 26 personnel," Hasenfus continued. "They consisted of flight crews, maintenance crews, drivers and two Cuban nationalized Americans that worked for the CIA that did most of the coordination of these flights and overseen [sic] all our housing projects, transportation projects and also refueling and some flight plans."

[Elliott Abrams, assistant secretary of state for inter-American affairs, said in Washington Thursday that there is "no relation at all between the CIA" and Americans aiding in resupply efforts. Abrams suggested Hasenfus' statements were a result of Nicaragua putting "pressure" on him.]

Hasenfus spoke at a press conference this morning called by the Nicaraguan military, and was accompanied by the chief of Army intelligence, Capt. Ricardo Wheelock, and a translator.

He made a slow, sparsely worded, wooden statement that seemed to have been rehearsed beforehand with his captors. Hasenfus did not stumble over his words or appear



to be giving unfamiliar information. But the prisoner did not answer questions from reporters.

In response to shouted complaints from the journalists as Hasenfus was led away from the stage, Wheelock asserted that the American prisoner had requested not to be required to answer reporters' questions.

Hasenfus gave the names of two alleged CIA employees who conducted the Salvadoran operation as "Ramon Medina" and "Max Gomez."

Wheelock said Hasenfus has told Sandinista Army officers that "he is a worker for the CIA. He use the word 'worker,' rather than 'employee.'"

Two Americans, William Cooper and Wallace Blaine Sawyer, and an unidentified Latin American were killed when their C123K cargo plane was shot down Sunday in southern Nicaragua. Hasenfus was the only survivor.

Hasenfus said Cooper contacted him in June 1986 about a job as an air freight handler to fly over Central America. He said he was hired by a company called Corporate Air Services, based out of Southern Air Transport, an air cargo firm in Miami reported to have had extensive links to the CIA in the past.

The captive said he flew 10 flights into Nicaragua, in DHC4 Caribous and C123Ks.

Six flights originated at the Ilopango base of the Salvadoran Air Force on the outskirts of San Salvador. The routes of these missions, he said, took them down the western coast of Nicaragua over Pacific waters, then east across the northernmost part of Costa Rica and north into Nicaragua.

Four flights began at Aguacate, a Honduran military air facility in central Honduras, Hasenfus said. He said the missions carried small arms and ammunition. "These were dropped to the contras," Hasenfus added, referring to the Nicaraguan rebels.

Wheelock said Hasenfus had "co-operated" with his interrogators.

Sandinista officials have suggested Hasenfus could face trial here. His public comments could affect the Nicaraguan government's decision to prosecute him.

Most of the information given at the press conference could not be independently verified from Managua in the time available today.

However, contra and Salvadoran sources confirmed the presence of at least one man of Cuban origin living and working at the Ilopango base who they believed to be linked to an American intelligence agency. The man was said to have been coordinating air resupply and other aspects of the contra operation in El Salvador for some time.

Wheelock displayed a pile of logbooks and documents he said were recovered from the plane's shattered wreckage. The documents included two small red flight logbooks with pilot Sawyer's name handwritten in the front. One bore the name and address of Southern Air Transport on the front leaf. They covered flights piloted by Sawyer from April 1985 to September 1986.

Another document was what appeared to be a flight log bearing the marking 824, apparently a registry number for the crashed aircraft.

Sandinista intelligence officers provided a list of 34 American-sounding names cited in Sawyer's logs as crew members on his flights.

Wheelock said Sandinista intelligence had learned from Hasenfus and from documents found in the wreckage that Medina and Gomez, the alleged CIA employees, did not

fly on any resupply missions but controlled all operations from their headquarters at the Ilopango base. Reporters were not shown documents backing up Wheelock's allegations on this point.

Hasenfus said he was paid \$3,000 a month for his work as a "kicker," pushing cargo out of the planes over Nicaragua. Wheelock quoted Hasenfus as saying the money was deposited directly to his bank account in Marinette, Wis.

The remains of the two American crash victims were turned over to U.S. officials at midafternoon in a raucous melee among journalists at the embassy gate.

A U.S. official said the Nicaraguan government had agreed to drive a truck with the two coffins through the gate. Instead, government employees carried the coffins from almost two blocks away and left them on the street outside, attracting a swarm of press.

Nicaraguan authorities cremated the remains without advising the embassy, a U.S. official said. A statement issued late tonight said the embassy "abhors the ghoulish behavior" of Nicaragua in the incident.

The embassy noted that no U.S. official has been allowed to talk with Hasenfus despite repeated requests. "This raises serious questions about other rights of Mr. Hasenfus that may have been violated," Alberto Fernandez, the embassy spokesman, said.

[Abrams said in Washington, "There is no prediction when we will get access" to Hasenfus. "The question is why, [and] the obvious answer is to maintain pressure on him." Abrams added: "I haven't the slightest doubt they're telling him if he says the right thing he'll be out soon and if not he'll be in jail . . . This is an outrageous violation of international law and we will continue to insist on our rights."]

[From the New York Times, Oct. 10, 1986]  
U.S. PRISONER IN NICARAGUA SAYS C.I.A. RAN CONTRA SUPPLY FLIGHTS  
(By James LeMoine)

MANAGUA, NICARAGUA, October 9.—An American captured when a plane delivering supplies to rebels was shot down here said today that the supply flights were directly supervised by members of the Central Intelligence Agency in El Salvador.

"Two Cuban naturalized Americans that work for the C.I.A. did most of the coordination for the flights and oversaw all of our housing, transportation, also refueling and some flight plans," the prisoner, Eugene Hasenfus, said at a news conference here with Nicaraguan officials seated beside him.

Mr. Hasenfus then named the two reported C.I.A. officials and gave the most detailed account so far of rebel supply operations out of El Salvador and Honduras. His statements are being treated as a major political victory by the Nicaraguan Government.

#### PLANE IN "STING" OPERATION

"I was told we were working out of the El Salvador Air Force base at Ilopango," Mr. Hasenfus said. "We would be flying into Honduras to an air base called Aguacate and there we would load up small arms and ammunition and fly into Nicaragua. There it would be dropped to the contra."

The American prisoner looked healthy and Nicaraguan officials said he had been well treated. But reporters could not verify the conditions under which he has been held and questioned, and Mr. Hasenfus's future treatment could depend on the statements he is willing to make here.

[The Drug Enforcement Administration said the plane that was shot down was earlier involved in a United States "sting" operation against the Nicaraguan Government. And Senator Dave Durenberger, the chairman of the Senate Select Committee on Intelligence, challenged the White House to acknowledge what he said was its role in the plane's flight.]

#### A SENSITIVE MOMENT

The incident comes at a sensitive moment when Congress is about to release \$100 million in aid to the rebels. If the C.I.A. was involved in the supply effort, as Mr. Hasenfus says, it would appear to violate Congressional restrictions and directly contradict repeated statements by Reagan Administration officials that the downed plane was part of a purely private effort by American supporters of the Nicaraguan guerrillas.

If, on the other hand, the rebel supply effort was run by a private American organization, as the Administration says, the group appears to have had impressive resources that allowed it to hire former C.I.A. personnel, maintain dozens of Americans in El Salvador, warehouse tons of equipment, buy military transports and fly repeatedly in and out of El Salvador, Honduras and the United States.

Mr. Hasenfus, who is 45 years old, said Nicaraguan rebel supply flights from the main military air base at Ilopango in El Salvador and rebel bases in Honduras were not only supervised by the C.I.A., but were supported also by more than 25 employees of an American company based in El Salvador. These employees appear to have ferried more than 130,000 pounds of military equipment to rebel forces.

#### PRISONER APPEARS NERVOUS

The American prisoner appeared nervous and spoke slowly, staring straight ahead. Nicaraguan officials said he did not want to answer questions and Mr. Hasenfus left the stage after talking for about 10 minutes. A Nicaraguan intelligence officer said Mr. Hasenfus had spoken because he was demoralized and felt abandoned.

Officials said they still had not decided if he would be put on trial.

Mr. Hasenfus is being detained in the Ministry of the Interior and has been interrogated for two days, according to Nicaraguan officials. They added that it is uncertain when American diplomats or Mr. Hasenfus's wife, Sally, will be allowed to see him. However, the radio here said Mrs. Hasenfus had visited him.

"His situation is very difficult," said Capt. Ricardo Wheelock, head of Nicaraguan military intelligence. "He is a mercenary who has been shot down."

Several documents reportedly taken from the downed rebel plane, including logbooks, registration certificates, Salvadoran Air Force identity cards and personal papers were shown to a reporter for two hours and appeared to support key parts of Mr. Hasenfus's account.

#### BODIES LEFT OUTSIDE EMBASSY

But other aspects, such as his supervision by C.I.A. agents in El Salvador cannot be independently confirmed by a reporter here and are not documented in the papers captured by the Nicaraguans.

The bodies of two American crew members who died when the rebel plane crashed were taken to the American Embassy in coffins this afternoon and left on the street outside the main gate by Sandinista police in what appeared to be a propaganda ges-

ture. The bodies were later taken inside by embassy employees.

Mr. Hasenfus said the Americans all worked for a company called Corporate Air Services in El Salvador, which he said was part of the Southern Air Transport Company in Miami.

Nicaraguan officials charge that both companies work for the C.I.A., Mr. Hasenfus said Corporate Air Services is based at the Salvadoran Air Force base outside the capital of San Salvador.

Captain Wheelock said Mr. Hasenfus had told interrogators that he believed he was working for the C.I.A. when he agreed to join rebel supply flights as a specialist in freight loading. Mr. Hasenfus did not repeat that reported statement at the news conference today.

But he did describe working for eight years for a C.I.A.-operated airline in Southeast Asia, Air America, which he said also once employed the American chief pilot of the downed rebel plane. The pilot died, along with the American co-pilot, when a Sandinista rocket hit the plane over southern Nicaragua on Sunday.

Mr. Hasenfus added that he was approached five months ago by the former Air America pilot, William J. Cooper, with whom he worked flying supplies to C.I.A. agents at remote airstrips in Laos, Cambodia, Thailand and Vietnam from 1965 to 1973. From 1960 to 1965, Mr. Hasenfus said, he was in the Marine Corps.

He said he was paid \$3,000 a month plus all expenses for working as a loader on rebel supply flights over Nicaragua. The money was deposited directly into his account at the Pestigo Bank in Marinette, Wis., according to Sandinista officials. It is not clear who paid the money.

The documents found on the rebel C-123 military supply plane included Salvadoran Air Force identity cards that describe the three American crew members, including Mr. Hasenfus, as United States military advisers in El Salvador.

In a statement today, the Salvadoran Army high command denied any involvement in the rebel supply flights. A spokesman at the American Embassy in El Salvador has also denied that any of the American crew members were working as United States military advisers in El Salvador.

One of the crew member's wallet carried the business card of a Robert W. Owen and listed a Washington address and telephone number. Another business card in the wallet was for a Mr. P.J. Buechler, listed as working for the State Department's Nicaraguan Humanitarian Affairs Office. The office was in charge of sending nonlethal aid to Nicaraguan rebels over the last year.

(From the Christian Science Monitor, Oct. 8, 1986)

SECRET CONTRA AID: PUBLIC OR PRIVATE?  
DOWNED AIRCRAFT RAISES NEW QUESTIONS  
ABOUT CIA INVOLVEMENT  
(George D. Moffett III)

WASHINGTON.—The downing of a transport plane over Nicaragua Monday raises new questions about US support for the anti-Sandinista contra guerrillas.

A government spokesman in Managua said Eugene Hasenfus, the survivor of the downed aircraft, which was filled with arms apparently destined for the US-backed Nicaraguan resistance, identified himself as a US military advisor based in El Salvador.

Secretary of State George Shultz, responding at a news conference yesterday,

conceded the plane was chartered by Americans. But he insisted that "they had no connection with the US government at all."

Several private analysts say the crew of the downed aircraft, while probably having no official US connection, may nevertheless have been acting at the direction—or at least with the foreknowledge—of the Central Intelligence Agency (CIA).

US officials say the government has remained at arm's length from private groups that have supported the contras during the period when US funding was cut off.

But retired US Army General John Singlaub, who has spearheaded private efforts to channel arms and supplies to the contras, said Sunday on the CBS program "60 Minutes" that CIA director William Casey has "indicated approval, and he has been encouraging."

At least two Americans, members of paramilitary organizations backing the five-year contra war, have been killed inside Nicaragua in recent years.

Last August Congress approved \$100 million in mostly military aid to the contras. The legislation provides for US training and arms shipments to the 20,000-man contra force. But those activities are barred until the contra aid package clears a final legislative hurdle, expected before Congress adjourns.

Under existing ground rules that accompanied the passage of \$27 million in humanitarian aid to the contras last year, the CIA is denied any direct or indirect operational role in supplying or training contra forces.

A spokesman for the CIA, Sharon Foster, said yesterday there was no CIA connection with the aircraft and said the pilot "is not associated in any way with the agency."

"Congressional restrictions prohibit the agency from supporting the contras and we have not violated the law," Foster said.

But some critics of the Reagan administration's Central America policy say they're not convinced.

"The Reagan administration has a long record of ignoring the Congress on Nicaragua," says Laurence Birns, director of the Council on Hemisphere Affairs. "The leit-motif of US policy has been with or without permission we won't abandon support for the contras."

Critics point out that the US has long been eager to create a viable southern front, based in Costa Rica, to complement the main contra strength now concentrated on the Honduran border. They speculate that the aircraft shot down over Nicaragua may well have been contracted at the behest of US officials, or at least with their knowledge, for the purpose of delivering supplies and trainers to a covert Costa Rican base camp or directly to contra forces operating inside Nicaragua.

"There's no question that the US is involved in strengthening the second front since that's been a long-term strategic desire within the Pentagon," says another Washington-based Nicaragua expert.

Intelligence gathering missions over Nicaragua are legal. But military experts point out that it's unlikely the US would use such old and slow-moving aircraft for such purposes.

Nicaraguan authorities say the C-123 was shot down by Sandinista forces using Soviet-supplied, portable anti-aircraft rockets. They said the plane was crewed by four American military personnel including Hasenfus, the one survivor.

The Nicaraguans have so far produced no evidence of their claims, noting that bad

weather has so far prevented military officers from escorting newsmen to the crash site.

Spokesmen for the Sandinista government say the aircraft was loaded with 50,000 rounds of ammunition plus Soviet-made assault rifles and grenades. One source familiar with CIA operations says it is a common practice for the agency to supply Soviet-made weapons purchased on the international arms market to allow plausible deniability in just such cases.

Congressional sources say even if Nicaragua was to prove Hasenfus was a US military advisor, it's unlikely that Congress would reverse itself on contra aid in an election year.

"It's not likely that anything, including this, will throw contra aid off track now," says one congressional aide.

But if administration denials are proved false, Congress could eventually act to tighten the restrictions that accompany new US aid to the contra forces. US military personnel would be barred from operating within 20 miles of the Nicaraguan border, though non-American advisors working under contract could accompany the contras inside Nicaragua.

(From the Washington Post, Oct. 10, 1986)

FLIERS' NETWORK SHARES OLD CIA LINKS

(By Joanne Omang and Joe Pichirallo)

The cargo plane shot down Sunday in Nicaragua with three Americans and a load of weapons aboard was part of a shadowy worldwide network of private contract airlines and independent pilots who share past links to the Central Intelligence Agency and continuing taste for adventure.

People now or previously involved in the network suggested in interviews yesterday that an informal brotherhood of Vietnam war veterans of covert action operations has been reactivated in Central America to transport goods to Nicaraguan rebels, known as contras, who are trying to overthrow the leftist Sandinista government. They agreed that the CIA, while it may not be directly involved, keeps an eye on the proceedings.

"There is a large group of unemployed or underemployed pilots who have airplanes, who are vying with one another, bidding for the flying jobs that exist in Central America," retired major general John K. Singlaub said at a news conference. "Some of them haul fresh vegetables from Guatemala to the United States. The same airplane that last week was hauling cantaloupes . . . next week may be hauling bullets."

Singlaub, who has boasted in the past of buying arms in other countries for the contras, vehemently denied published reports that he had been behind the flight of a Fairchild C123K cargo plane in which pilot William J. Cooper of Reno, Nev., copilot Wallace B. Sawyer Jr., of Magnolia, Ark., and an unidentified Latin American were killed.

Singlaub said he believed CIA denials of links to the flight, although the flight's sole survivor, Eugene Hasenfus, of Marinette, Wis., told reporters in Nicaragua yesterday that he was "a worker" for the CIA.

"In the past people have sincerely believed they were working for the CIA when they were not," Singlaub said. "If you're working for the CIA there would be an air rescue effort standing by" as the plane enters enemy territory, Singlaub continued. "There would be all sorts of electronic surveillance" to warn of possible attack. "Obviously this one had none of that," he said.



Elliott Abrams, assistant secretary of state for inter-American affairs, said in an interview that it is "predictable and logical" that "there is a small circle of people who fly into hostile territory carrying military supplies." They "are ex-Vietnam, ex-CIA, ex-Air America," the CIA's Vietnam-era cover airline, and have worked in Africa and elsewhere.

There is "no relation at all between the CIA and these people," Abrams said. However, "the CIA is asked to report on events in Central America, and among things they report on to us is some of this activity . . . but they do not direct it, directly or indirectly, wink or nod, or steer people. It's illegal," Abrams said.

Under a 1984 law that barred CIA aid to the contras, the agency may still do "intelligence sharing" with them but may not train, arm, equip, advise or otherwise direct any contra activity. That restriction will be lifted under the \$100 million U.S. contra aid package awaiting final approval in Congress.

State Department officials said yesterday that the restriction may be technically lifted already under the terms of the temporary omnibus spending bill in effect through today. "We view it as not lifted and are acting as though it is not; some people would get angry if we did otherwise," Abrams said.

Nevertheless, the House Judiciary subcommittee on criminal justice said yesterday that it will investigate possible violations of law in the plane crash incident, joining probes already under way by the Senate Select Committee on Intelligence and Foreign Relations Committee.

Senate Majority Leader Robert J. Dole (R-Kan.) complained that the facts of the case "just don't, shouldn't anyway, add up to banner headlines or lead stories." Hasenfus, "being paraded from pillar to post by some Sandinista goons just so the press can get a good camera angle, becomes the symbol of all kinds of imagined evil," Dole said. "If you stick to the facts, it isn't much of a story."

A report in the Long Island newspaper Newsday cited defense sources as saying funds for the flight, an estimated \$250,000, were provided by Saudi Arabian officials, but Saudi spokesmen denied any government links. The report cited Senate intelligence committee staff sources as saying that the officials may have acted on their own, possibly through retired Air Force major general Richard Secord, a former adviser to Defense Secretary Caspar W. Weinberger on Mideast arms.

Secord was unavailable for comment, but other sources close to the Saudis said his links with them virtually ended in 1983 when he left the Defense Department.

William M. Leary, a history professor at the University of Georgia and author of a history of CIA covert operations in Southeast Asia, said the dead pilot Cooper, like Hasenfus, once worked for Air America.

Leary said he met Cooper in Reno, Nev., while doing research for a new book on Air America. Cooper had been a Navy pilot in the Pacific during World War II and showed Leary a commendation letter from the late Adm. William F. Halsey, Leary said.

Cooper flew jets for the Navy in the Korean war and later was the chief pilot for Air America's C123 cargo planes, flying rice and guns from the Udorn air base to CIA-backed hill tribes in Laos.

"Sure, he was in it for the money and the adventure, but he was also a patriot," Leary

said. "The Sandinistas couldn't have given him enough money to get him to work for them." Nearly 60, Cooper "was looking for a job" when Leary last saw him a year ago. "I guess he found it," Leary said.

"The network wouldn't really be possible unless the American government took a benevolent attitude toward the whole thing," he said. "There's no U.S. money or personnel, but . . . you don't get across to Salvadoran military bases on your own."

Intelligence officials told members of Congress Wednesday that the downed plane had flown to Nicaragua out of Ilopango air base in El Salvador, a tightly guarded military facility. Knowledgeable sources who recently traveled to El Salvador said yesterday that a four-member American flight crew apparently lives in a barracks at Ilopango, maintaining contra airplanes parked there and contract airline planes that come in periodically, an account that tallies with Hasenfus' remarks.

Leary said Southern Air Transport Inc., which employed copilot Sawyer until last year, had a Latin American division and an Asian division when it was owned by the CIA between 1960 and 1973. When the CIA sold all its proprietary lines in 1973, "it retained friendly relations" with the airline, he said.

Southern Air was purchased to provide support to two other CIA-owned airlines operating in the Far East—Air America and Air Asia—according to Lawrence R. Houston, general counsel to the CIA who retired in 1973.

"This was sort of a family of companies working closely together," Houston recalled in a telephone interview yesterday. He said Southern Air helped with legitimate commercial work, although some of its crew members "from time to time might have been assigned to Air America."

When Southern Air was a CIA front, Houston said, two of its stockholders and directors were Percival Flack Brundage and E. Perkins McGuire, respectively director of the old Bureau of the Budget and an assistant secretary of defense during the Eisenhower administration. Both are now dead.

The third director and stockholder was Stanley G. Williams, and when the CIA sold the company, Williams bought it, Houston said. But Williams is no longer listed in Florida state corporate records, and a secretary yesterday said he is no longer with the company.

The company's current chairman is James H. Bastian, a former Washington, D.C., lawyer, the records show. Bastian did legal work for Southern Air when it was owned by the CIA and also was a lawyer for Air America, according to Houston and published reports.

Efforts to reach Bastian and other Southern Air officials have been unsuccessful.

According to a 1976 report by the Senate Select Committee on Intelligence, the CIA decided to sell Southern Air because "the political realities and future operational requirements in the postwar era of Southeast Asia . . . did not call for such a transport operation."

Houston said that, after the firm was sold, "so far as I know we [the CIA] had no further dealings with it."

Houston said he doubted that the plane downed in Nicaragua was linked to the CIA because it would be "rather ridiculous" to use a firm already publicly linked to the agency.

In a Wednesday statement, Southern Air spokesman William Kress said the company

did not own or operate the downed aircraft. He said in published interviews that Southern Air did maintenance work on the plane, but would not say who contracted for the work.

Records of the Dade County Aviation Department show that a C123 with registration identical to the downed craft was parked for servicing at Southern Air from July 29 through Aug. 4.

## LET'S PROTECT SSDI RECIPIENTS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 1986

Mr. FRANK. Mr. Speaker, yesterday, along with more than 20 of my House colleagues, I introduced a concurrent resolution to express the sense of Congress regarding continued adherence to the vital reforms mandated by the Social Security Disability Benefits Reform Act of 1984—an identical resolution was filed in the other body by Senator KERRY. We introduced this resolution because of our concern that the important reforms contained in that law, and the positive steps that have been made in improving the SSDI System since its enactment, are being threatened by recent Social Security Administration proposals calling for increased SSDI workloads and speeded up processing of both continuing disability reviews and new applications. We think it is essential that Congress send a message now, before any decisions about increased workloads become final, that we will not tolerate any administration actions which frustrate the intent of the 1984 law or return the SSDI program to the chaos which existed before the bill was passed.

Those of us who were serving in this body in the 97th and 98th Congress will no doubt recall the flood of phone calls and letters which came into our offices during that period from disabled people who had been unjustly removed from the SSDI rolls. In fact, it was largely because of the extraordinary public outcry from around the country that Congress became aware of the overly zealous manner in which the Reagan administration was conducting the continuing reviews of SSDI recipients' eligibility, and ultimately approved the 1984 reform legislation.

That legislation—which became law under the strong leadership of the gentleman from Texas [Mr. PICKLE], who at that time chaired the Subcommittee on Social Security—required a series of reforms which were designed to ensure that all SSDI recipients and applicants would receive the fair treatment to which they are entitled. But, above all, the legislation made it clear that Congress would no longer tolerate the kind of wholesale removal from the SSDI rolls which had occurred between 1981 and 1983.

I think it is an especially apt tribute to the care and thoroughness with which Congressman PICKLE drafted the bill to note that it was approved in the House with only one dissenting vote, and in the Senate unanimously. Though we all knew that enactment of this legislation was only a first step, I think we

were also confident that the reforms it contained would put the SSDI Program back on the right track. And, we have seen significant improvements in the management of the program over the last 2 years. I know that the complaints my office has received have dwindled to almost nothing, and the same thing has been true for most other Members of Congress. In addition, the allowance rates for new applicants have been increasing, and the number of cases being appealed to the administrative law judge level have been declining.

But, a recent directive from SSA requiring the adoption of certain "simplification initiatives" may make it more difficult for applicants to present their cases and to understand why they have been denied eligibility. These proposals, when coupled with the freeze on the hiring of new examiners and the plan to resume continuing disability reviews, could spell the end of the improving trend we have witnessed in the SSDI Program. In fact, according to SSA's own statistics, the workloads for some States could increase by as much as 50 percent.

Mr. Speaker, there is no reason now, just when the program is getting back to normal, to undertake a drastic, new expansion of the program. Let's give the 1984 reforms time to work, and proceed at a more reasonable pace. Passage of this resolution will send that message to the administration and the thousands of people around the country who depend on SSDI benefits. I am pleased that Congressman PICKLE has signed on as one of the original cosponsors of this resolution, and I urge my colleagues to join us as cosponsors.

I am submitting for the RECORD a copy of the resolution and a recent Washington Post article on this issue:

#### H. CON. RES. —

Concurrent resolution to express the sense of Congress regarding efficient and compassionate management of the Social Security Disability Insurance SSDI Program

Whereas Congress established the Social Security Disability Insurance [SSDI] program in 1956 to improve the quality of life for disabled Americans;

Whereas the decisions of the Social Security Administration to require an increased caseload for SDI examiners and expand the continuing disability review process caused several hundred thousand recipients to be removed improperly from the SSDI rolls during the period of 1981 through 1983;

Whereas the widespread termination and denial of benefits for eligible disabled Americans during such period created undue hardship for countless deserving individuals;

Whereas more than 60 percent of the recipients who appealed a decision to terminate or deny benefits were ultimately successful in reversing the decision;

Whereas the substantial increase in the number of appealed cases drained millions of dollars from the Social Security Trust Fund;

Whereas Congress passed (with only one dissenting vote) the Social Security Disability Benefits Reform Act of 1984 in order to end the inconsistent and frequently arbitrary manner in which the Social Security Administration was applying disability standards, as well as to restore public faith and confidence in the SSDI Program;

Whereas since enactment of such Act, there has been, as intended by Congress, a

marked improvement in the SSDI review process and the beginning of a restoration of public confidence in the program; and

Whereas recent budget proposals by the Social Security Administration for the fiscal year 1987 indicate that there will be an increase in the SSDI workload for many States, thus threatening a return to the chaos that existed prior to the 1984 act; Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)* That it is the sense of Congress that—

(1) the Social Security administration should not—

(A) reduce the staff of State Disability Determination Services or increase the workload of SSDI examiners to levels that would prevent adequate case development in accordance with the standards established in the Social Security Disability Benefits Reform Act of 1984, or

(B) initiate any other action that would impair the ability of examiners to determine eligibility for benefits in accordance with the requirements of such Act; and

(2) the Social Security Administration should place higher priority on assisting States in both complying with the 1984 reforms and improving the accuracy with which SSDI eligibility is determined.

[From the Washington Post, Sept. 13, 1986]

#### STATES ASKED TO INCREASE DISABILITY CASELOADS

#### HILL CRITICS FEAR MOVE WILL THREATEN CHANGES

(By Spencer Rich)

The Social Security Administration has asked state agencies that handle federal Social Security disability claims to boost employe workloads by about 20 percent in fiscal 1987, bringing protests from some officials that the effort will undermine procedural changes approved by Congress two years ago.

Social Security Commissioner Dorcas Hardy, in a statement issued through her office, said the increased caseloads "are not a national speedup" but just an attempt to improve efficiency. She said the goals were set after consultation with several states and are fair and reasonable.

But David MacCabe, deputy director of the Texas disability determination office, said, "They are asking us to speed up determinations without enough resources. . . . We haven't really implemented what Congress wanted us to do."

In 1984, Congress made it harder for the government to remove people from the disability rolls, after a speedup in reviews that started in 1981 forced 495,000 off the lists and prompted charges of unfairness and shoddy procedures. About 214,000 were restored on appeal.

The Social Security Administration pays state agencies to make initial eligibility rulings when people apply for Social Security and Supplemental Security Income disability benefits, and also to review people already on the rolls to see if they are still too disabled to work.

Federal payments to the agencies in 1987 will be about \$741 million, about the same as this year's; Social Security disability benefits in 1985 totaled nearly \$19 billion.

According to the Social Security Administration, in the first 11 months of fiscal 1986 the average annual caseload rate per employe in the state agencies was 165. SSA has set a goal of 195 as the national average for fiscal 1987, an 18 percent increase. While

nearly all states will be required to increase their caseloads, those far below 195 will not be required to reach it in one jump.

Kasper M. Goshgarian, deputy commissioner of disability determination services in Massachusetts, said he feared that if enough pressure is exerted for bigger caseloads, the problems of 1981-82 would recur.

A letter drafted by Rep. Barney Frank (D-Mass.) and signed by his state's House members and senators warned Hardy that "a drastic speedup in case processing at this point" could severely damage the program and "threaten a return to the situation we faced in 1981."

Goshgarian said that "if you overwhelm" employes with cases, they will not be getting enough evidence on applicants' medical conditions and "not aggressively making all the telephone calls to get information" needed to rule fairly.

Social Security spokesman Jim Brown said that under Hardy's goals nearly all states will be asked to increase their caseloads per employe in 1987, including many that already are at or higher than 195. He said 22 states already exceed that figure.

Hardy, responding to Goshgarian, said Massachusetts ranks 46th in productivity, with an average annual caseload per employe of 121 for the first nine months of fiscal 1986. This had risen to about 138 in the third quarter of the year. Brown said Massachusetts is expected to reach at least 158 in fiscal 1987.

In mid-1986, the District of Columbia's average annual rate of cases handled per employe was 109, according to Brown; the 1987 requirement is 128. In Maryland, the mid-1986 rate was 128; next year's is 171, he said. Virginia is expected to raise its rate from 178 to 188.

#### HEMOCARE QUALITY ASSURANCE ACT OF 1986

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 1986

Mr. ROYBAL. Mr. Speaker, I rise today, as Chairman of the House Select Committee on Aging, to introduce the "Homecare Quality Assurance Act of 1986" [HCQA]. HCQA is an important first step for Congress in ensuring the quality of care received by all persons in their homes whether it is provided under Medicare, Medicaid, the Social Security block grant, or the Older Americans Act.

The need for this legislation became apparent in the findings of the American Bar Association's [ABA] study of home care quality, "The Black Box of Home Care Quality," which was released at the committee's July 29th home care hearing. The ABA report outlines the disturbing lack of knowledge about the quality of care provided in the home setting, the alarming potential for quality problems, and the inadequacy of our current quality assurance system when it comes to home care. The findings of their report make it clear that we need to develop standards and monitoring mechanisms which will ensure that home care services are reliable and of the highest quality possible.

"The Homecare Quality Assurance Act," for which I am asking your support, addresses the



deficiencies the ABA report cites in our current quality assurance system. The act covers all home care services provided under Medicare, Medicaid, the Social Security block grant, and the Older Americans Act and includes the following provisions: establishes a home care consumer bill of rights; sets home care quality standards; creates quality assurance monitoring mechanisms through PRO's and the states; expands the State Ombudsman Program to include home care services; calls for a strong consumer role in monitoring activities; requires that agencies have plan of care and care coordination policies; requires that sanctions and penalties be available to ensure compliance; provides for training and certification of all home care providers; and calls for research and demonstration projects and the collection of data on the use and quality of home care services.

While home care services generally enjoy a good reputation, we are deeply concerned by the potential for quality problems in light of the rapid growth in home care services in recent years, the increased financial pressures on home care providers under cost containment, the absence of adequate Federal and State quality assurance systems for home care, the lack of training for home care personnel, and, most importantly, the vulnerability of the elderly and disabled home care consumer.

Clearly, home care plays a vital role in permitting older persons to continue living independently or with families in the community. Yet, providing care in the home carries the risk of poor care, unreliable services, and outright neglect, abuse and exploitation. It is therefore imperative that we have in place a means of ensuring the quality of home care services if we are to be successful in providing elderly and disabled persons with the opportunity for a meaningful, healthful and independent life.

In this spirit, I urge you to join me in demonstrating that congressional concern for quality care does not stop at the hospital or nursing home door—but extends into what is potentially the most vulnerable care environment of all, the home.

Mr. Speaker, I include the summary of the "Homecare Quality Assurance Act of 1986" in the RECORD:

**THE HOME CARE QUALITY ASSURANCE ACT OF 1986 (HCQA), H.R. 5680**

**A Bill to Establish a Quality Assurance System For Home Care Services**

**PURPOSE**

H.R. 5680, "The Homecare Quality Assurance Act of 1986" (HCQA), is designed to promote the health, safety and well-being of individuals receiving health and social services in their homes under Medicare, Medicaid, the Social Services Block Grant and the Older Americans Act by establishing: a federal bill of rights for home care consumers; home care quality assurance standards; monitoring and sanctioning mechanisms for home care; quality assurance research and demonstration projects; and data gathering requirements.

**THE BILL**

H.R. 5680, "The Homecare Quality Assurance Act of 1986" (HCQA), is a first step toward ensuring the quality of care provided to persons in their home under Medicare,

Medicaid, the Social Services Block Grant, and the Older Americans Act. HCQA is based largely on the findings of the American Bar Association's report, "The Black Box of Home Care Quality" which reports serious deficiencies in our current quality assurance system when it comes to home care. Bill Provisions include the following:

Establishes a federal bill of rights for home care consumers under Medicare, Medicaid, the Social Services Block Grant and the Older Americans Act.

Sets home care quality assurance standards and requires compliance as a condition of participation under Medicare, Medicaid, the Social Security Block Grant, and the Older Americans Act.

Requires that home care agencies have plan of care policies which identify services to be provided, provide a means for identifying additional client needs and include coordination mechanisms with other service agencies.

Requires that home care agencies have appropriate administrative policies including governance structures, fiscal and personnel management, and client records.

Requires that PROs provide quality assurance monitoring of all health agencies funded under Medicare or Medicaid, expending at least as many resources on quality assurance as on cost containment.

Requires that states have a quality assurance monitoring mechanism for home help services funded under Medicaid, the Social Services Block Grant Program and the Older Americans Act.

Requires that states establish a Consumer Advisory Board (CAB) which conducts oversight activities, provides input into the award and evaluation of the PRO and home help monitoring mechanisms and receives input from home care beneficiaries.

Requires that PROs, state home care monitoring mechanisms and Ombudsman Programs have toll-free hot-lines to receive questions and complaints from beneficiaries, providers and others concerning home care quality issues.

Requires that sanctions, including civil penalties, be available to ensure compliance with quality assurance standards.

Requires that DHHS establish training requirements for all individual delivering home care services and fund training programs for personnel and caregivers, and requires that states develop certification requirements for homemakers, home health aides and personal care attendants.

Requires that DHHS establish guidelines and provide funding for home care quality assurance studies and demonstration projects.

Amends the Older Americans Act to include a Nursing Home Facilities and Home Care Ombudsman Program to investigate and resolve nursing home and home care service complaints and to provide information on nursing home and home care services.

**BACKGROUND**

**Growing Need:** With the rapid increase in the number of older persons and the availability of funding (albeit limited) to support services, home care has mushroomed over the past two decades, but with virtually no provisions to ensure the quality of care delivered. While four percent of the population of the United States was 65 or over in 1900, that age group is now 12 percent. In 1900, some three million persons were sixty-five and older compared to twenty-eight million in 1984. That number of older persons is expected to increase even more dramati-

cally over the next several decades, reaching over sixty-four million by the year 2030. More importantly, the greatest percentage of growth is in the number of persons in the 85 and older category. While the rest of the population increased by 9.1 percent over the past ten years, the 85+ population grew by 56.6 percent. It is this group of individuals who have the greatest need for home care and other long term care services, as they are at the greatest risk of chronic illnesses and limitations in functional abilities. An estimated 31.6 percent of those 85 years and over need assistance with personal care.

**Rapid Growth in Services:** Concurrently, there has been a rapid growth and expansion in the home care market. Between 1966 and 1986, the number of certified home health agencies grew from 1,275 to 6,005. Since 1982, certified home health agencies have increased by 55 percent. Although home health care consumes only three percent of the Medicare budget, it is the fastest growing segment of that budget. From 1974-83, Medicare expenditures for home health increased at an annual rate of 25 percent. Investor-owned agencies increased by 300 percent between 1982 and 1984. Proprietary home health care agencies now make up more than 30 percent of Medicare certified agencies, up from six percent in 1979. In addition, there are many home care agencies providing only support services or a mix of support and health services. While no accurate figure exists documenting the number of agencies or programs which provide these services, the American Bar Association estimates that they may number 10,000.

**Inadequacy of Current Quality Assurance System:** Despite this dramatic growth in home care, little is known about the quality of care provided. As such, home care quality remains a "black box"—a virtual unknown. There is a lack of data about who is providing these services, how many people are being served and how many public and private dollars are going into home care. Most importantly, little objective data are available on the quality of home care. The data that do exist are primarily anecdotal and range from statements of "excellent services" to "horror stories." Of particular concern is the in-home location of services that makes the actual delivery of care virtually invisible and, therefore, largely beyond the easy reach of public or professional scrutiny.

Quality standards for home care are, at best, inadequate. Further, what monitoring occurs at the federal level focuses largely on reimbursement fraud and abuse. Although Medicare conditions of participation provide standards for the delivery of home health care, these standards have been criticized as only providing "paper" compliance. Further, federal quality assurance standards and monitoring systems for home help services, i.e., home care services other than home health services, are virtually nonexistent. The quality assurance standards and monitoring systems that are available for home help services are provided by the states or local units of government. The American Bar Association reports that thirty-four states and the District of Columbia have some regulation of home care. In the majority of these cases, regulations mimic the Medicare conditions of participation and focus on home health care rather than the broad array of home care services.

*Vulnerable consumers*

Certified home health agencies grew from 1,275 in 1966 to 6,005 in 1986. Between 1982 and 1984 alone, they increased by more than 50%.

The total number of home care agencies, including both Medicare and non-Medicare, is estimated to be as high as 10,000—over a 50% increase from 1982.

Investor-owned agencies increased by 300% between 1982 and 1984. Proprietary home health care agencies are more than 30% of Medicare certified agencies, up from 6% in 1979. Investor-owned hospital and nursing home chains operated 145 home health facilities in 1985, up by 96% from 1984.

The major growth areas in home care have been in high technology services and paraprofessional services such as homemakers. These are the areas in which there has been the least oversight and regulation for quality assurance.

Home health care is the fastest growing portion of Medicare. Between 1974 and 1983, Medicare reimbursement of home health providers grew 25% annually.

1980 Title XX expenditures for community based care were over \$2 billion. Older Americans Act expenditures were over \$724 million.

In 1982, the disabled elderly spent \$2 billion out of pocket for home based care and durable medical equipment and supplies.

*Inadequate quality assurance system*

The location of home care services makes their actual delivery essentially invisible and beyond the easy reach of public or professional scrutiny.

Medicare Conditions of Participation stop at "paper" compliance. Standards do not stipulate the amount of training required by home health aides nor are clients routinely interviewed to determine the quality of care provided.

There are few sanctions for inadequate or poor quality home health care outside of decertification for Medicare certified home health agencies. Federal quality assurance systems for home help services are virtually non-existent.

DHHS reports that, since 1981, only 23 providers have been "involuntarily terminated" from the Medicare program for failure to comply with required standards. Yet, 40% of 60 certified providers in one state with an active quality monitoring system were deficient in "coordination of patient services and 70% were deficient on "conformance with physicians orders."

Quality of homemaker/personal care and home health aide services were reported to be a major problem by a majority of the case managers interviewed in the National Long Term Care Channeling Demonstrations.

Sixty-five percent of over 1,000 home care professionals recently surveyed indicated that quality of care in community based services was a key issue of concern.

While 34 states and DC have home care regulations, most simply cite the Medicare home health regulations and do not regulate the non-health component of home care. Virtually none provides for consumer rights or grievance procedures.

## EXTENSIONS OF REMARKS

## PRESIDENTS CONTROL FOREIGN POLICY

## HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 1986

Mr. SOLOMON. Mr. Speaker, I wish to bring to the attention of this body a timely editorial which appeared this morning in a hometown newspaper, the Schenectady Gazette.

This editorial clearly expresses a truth that is imbedded deeply in our Constitution—that our foreign policy is in the hands of the President, and not in the hands of 535 little Secretaries of State at this end of Pennsylvania Avenue.

Mr. Speaker, incalculable harm has been done to our foreign policy by congressional interference since the Vietnam war. And now that the President is about to meet with Secretary Gorbachev in Iceland, we would do well to heed the advice of this editorial.

"And Congress," it states, "should not try to impose a nuclear test ban against presidential wishes."

It concludes by saying that "Congress should exert its authority over spending and leave negotiations to the executive."

With that reminder, Mr. Speaker, I'm sure other Members of this body join me in wishing President Reagan success in these important preliminary talks.

## ARMS CONTROL AND THE BUDGET

President Reagan departed for the non-summit summit in Iceland with a final blast at a congressional effort to guide arms control. House leaders responded by nothing that the president had rejected conciliatory offers and indicating they would hang tough. Much of the bluster on both sides is empty rhetoric, but the House does have some important weapons limits in its proposed spending bill and should leave them there.

The president went on the radio last Saturday to ask Congress not to hinder his summit talks by imposing arms control provisions that would make the Soviets less inclined to negotiate. But the president is not going to Iceland to negotiate an arms treaty. Even he says that the purpose of the meeting is to prepare for another meeting. Congress should be not a bit concerned about how the proposed bill would affect the Iceland tete-a-tete.

Lawmakers should be concerned, though, about what happens at the arms reduction talks in Geneva, and—especially in a budget measure—on the economic effect of the arms race in this country.

The president is right to insist that he, and not Congress, should control arms talks. But he is wrong to twist that into an argument for a blank check from Congress. The president should propose weapons development plans in accordance with defense needs and possible negotiations. But he must sell Congress on the need for them because lawmakers determine spending levels.

Some of the arms control provisions included in the House "continuing resolution," which authorizes 1987 spending, are inappropriate. Specifically, Congress should not tell the president to abide by the unratified SALT II treaty. Compliance with this agreement is voluntary and a matter of negotiation with the Soviets. The White House has the right to decide this issue.

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And Congress should not try to impose a nuclear test ban against presidential wishes. A test ban would be a highly desirable element of a weapons treaty, but the administration must negotiate it.

On the other hand, the House is within its rights to freeze funding for the so-called Star Wars missile defense system, and block production of a new generation of chemical weapons. Congress controls the purse strings on such programs and can properly set conditions on spending. A final proposal to bar testing of antisatellite weapons is therefore also justified because it defines what type of antisatellite program Congress is funding—a research program. Testing would bring the project into a development phase, and by barring testing Congress is blocking development.

The squabble between Reagan and Congress involves important principles that are only obscured by talk of tied hands, summit meetings and continuing resolutions. Both sides should abandon the rhetoric, Congress should exert its authority over spending and leave negotiations to the executive.

## WHAT PRICE SANCTUARY

## HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 1986

Mr. DREIER of California. Mr. Speaker, during our debate on comprehensive immigration reform, we have all heard many facts and figures depicting the critical nature of the crisis. For the record I would like to submit the following assessment of the effects of illegal immigration on Los Angeles. Despite its brevity, its author, Los Angeles County Supervisor Peter F. Schabarum, presents a comprehensive picture of the economic and social strain millions of undocumented aliens are putting on the Los Angeles community. I recommend this report to any of my colleagues who are in doubt as to the need to regain control over our borders:

## WHAT PRICE SANCTUARY?

(By Peter F. Schabarum)

Politicians and citizens of all backgrounds are divided, sometimes bitterly, over the issues of illegal immigration and political refugees. But America is a nation of immigrants and there is deep compassion for those who come here in search of a better life. Emma Lazarus captured that spirit with her inscription on the State of Liberty: "Give me your tired, your poor, Your huddled masses, yearning to breathe free . . ."

My own grandparents were examples of the American immigrant dream. My grandfather, a German engineer, migrated to Mexico where he met and married my Mexican grandmother. They eventually immigrated legally to California with their children and became U.S. citizens. There were no welfare programs then and they and all the other immigrants worked hard to pay for food, clothing and shelter.

Today, those programs and more are available to immigrants, both legal and illegal, and Los Angeles County is staggering under the burden of caring for all those who come to our shores.

By the chance of geography, according to the U.S. Census in 1980, 49.8 percent of all



undocumented aliens in the U.S. were in California, 64.3 percent of those settled in Los Angeles County.

Let me share with you some more eye-opening statistics:

Los Angeles County is home to an estimated 1 million undocumented aliens.

Los Angeles County has more undocumented aliens than all other states combined, with the exception of New York, Texas and the entire state of California.

It costs local taxpayers more than \$200 million each year to provide health, justice and social services for this population;

The County Department of Health Services will spend \$115 million this year on health care for the more than 600 illegal aliens who daily occupy beds in the five County hospitals—none of which is reimbursed by the State or Federal government;

Approximately 70 percent (or 18,000) of the babies born in County hospitals are to undocumented alien women. These babies are automatically American citizens and are eligible for the welfare rolls and all other benefits available to U.S. citizens;

48,000 children per month whose mothers are undocumented aliens receive benefits costing county taxpayers a monthly \$8 million;

If congress passes one of the several immigration reform bills before it, the county will be saddled with a staggering \$300 million cost per year to provide health and welfare for these newly legalized residents; and

62,500 political refugees are already on the county's welfare rolls as the result of previous congressional decisions.

The Board of Supervisors has no quarrel with the humanitarian aspect of providing public services to refugees and illegal immigrants. There are strong moral and public health reasons which dictate that public services be made available to these people. We are concerned, however, with the question of who has ultimate responsibility for paying for those services. We believe that obligation belongs to the federal government. After all, they have sole responsibility for controlling immigration into the United States and that responsibility includes providing for an orderly process of entry to the United States. As it is, our treasured "melting pot" is in danger of overflowing and putting out the flame.

Despite the above facts and contrary to federal law, the Mayor and a City Council majority, have by proclaiming Los Angeles a sanctuary, touched off a storm of protest. And, the public has a right to be angry.

Who will take care of these people? Not the Mayor or the Los Angeles City Council.

The burden will fall squarely on the taxpayers of Los Angeles County. I think this is morally and financially unacceptable.

#### IMMIGRATION REFORM

**HON. GERALD D. KLECZKA**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 1986

Mr. KLECZKA. Mr. Speaker, I believe that immigration reform is desperately needed, and I support many of the bill's provisions. Specifically, I support employer sanctions and legalization for undocumented workers who have established roots in this country.

However, I voted against the rule and the bill because it contained the Schumer legalization plan. I do not believe that the House

should have considered this legislation under a rule which prohibited, the bill's most controversial component, the Schumer proposal, from being voted on or amendment.

Certainly, the modified Schumer plan for farmworkers is less onerous than his earlier proposal. However, it still allows illegal immigrants who have briefly worked in agriculture to gain temporary resident status and subsequently to become citizens. It also permits additional farmworkers to enter this country as residents and later to become citizens. This legalization plan goes too far and would not serve the interests of the country as a whole.

The cost of the Schumer proposal is more than we can bear during this time of budget crisis; if 250,000 workers were granted resident status, the public assistance costs associated with legalizing these workers is estimated to be \$900 million by 1991.

In addition, unemployment in the United States remains very high, and there is little doubt that the large numbers of newly admitted workers would compete for jobs with workers already in this country.

I think that this legislation will help to reduce the flow of undocumented workers in this country. However, I fear that the U.S. taxpayer and the average worker may have to bear an unfairly heavy burden to accomplish this goal.

#### A TRIBUTE TO HULDA CROOKS

**HON. JERRY LEWIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 1986

Mr. LEWIS of California. Mr. Speaker, it is with great pleasure and admiration that I bring to your attention a most remarkable lady, Mrs. Hulda Crooks of Loma Linda, CA. Two months ago today, I joined Mrs. Crooks as she attempted her 23d ascent of Mount Whitney, the highest mountain in the continental United States at 14,494 feet. This achievement alone stands as a remarkable testimony to her dedication and determination. Most remarkable, however, is that Mrs. Crooks still climbs mountains at the young age of 90.

Mrs. Crooks was born on a farm in Saskatchewan, Canada, on May 19, 1896. Married to Dr. Samuel Crooks of Loma Linda, Mrs. Crooks pursued hiking and later mountain climbing with encouragement from her husband prior to his death in 1950. Since that time, Mrs. Crooks has scaled 97 different mountain peaks, each one represented by a colorful patch on her well-traveled backpack.

As a result of less healthier days some years ago, Mrs. Crooks is today an ardent promoter of healthful living. She began her physical regimen by walking and later pursued more vigorous exercise by jogging. An active member of the Loma Linda Lopers, a 400-member health and fitness group, she presently holds eight world records for women over the age of 80. In addition, she recently wrote a book, "Trails, Trials and Triumphs," proclaiming that life really begins after 60. Speaking on health and physical fitness up to a dozen times each month and having devoted many years to hospital work in dietetics

and research, Mrs. Crooks still works as a medical literature researcher and walks up to 100 miles each month to stay in shape.

In 1962, at the age of 66, Mrs. Crooks made her first ascent of Mount Whitney. She has been going back to her mountain each year, making the difficult climb 22 times and being turned back only three times because of bad weather. Her greatest desire is helping others, especially young people, realize the value of good health and how to achieve it. "If I can influence young people," she says, "I feel I have done something worthwhile." She demonstrates to people of all ages that one is never too old to pursue a healthier lifestyle. "Older people tend to feel their lives are over when they reach 65," she says. "They think they are all done. But there is a lot of good living after 65 if you have an interest in life."

Above all else, Mr. Speaker, Mrs. Crooks exudes hope and enthusiasm. "You must always have hope for the future," she reminded her friends on the trail with her recently. And, most importantly, Mrs. Crooks is a woman of deep devotion who fervently believes our lives should be a reflection of God's will and that we live by God's grace. Clearly, the example and inspiration she provides for men and women, both young and old, is simply remarkable. Please join me today in recognizing this most outstanding and deserving lady, adoringly known by her many friends as "Grandma Whitney."

#### IRINA RATUSHINSKAYA IS RELEASED FROM PRISON IN KIEV

**HON. PATRICIA SCHROEDER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 1986

Mrs. SCHROEDER. Mr. Speaker, I am pleased to inform my colleagues that Irina Ratushinskaya, Soviet poet and human rights activist, was released last night from the K.B.G. prison in Kiev.

In 1983, Ms. Ratushinskaya was arrested and sentenced to 7 years hard labor for her activities in the human rights movement. She became active in the movement after she and her husband were refused permission to emigrate several times. Last summer, Ms. Ratushinskaya was moved from a labor camp in Mordavia to the K.B.G. prison in Kiev.

Ms. Ratushinskaya was released unconditionally Thursday night. She plans to apply to go to Great Britain for medical treatment. While she was in prison, reports indicated her health was bad and she was suffering from a number of ailments without receiving adequate medical treatment.

When we speak of the spirit of Iceland, this is what we mean. I applaud the Soviets for this initial humanitarian gesture and hope that they will release other human rights cases that we have all been following for years.

**CLARIFICATION OF H.R. 5445:  
CIVIL RICO REFORM**

**HON. GEORGE W. GEKAS**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 10, 1986*

Mr. GEKAS. Mr. Speaker, since the battle to reform civil RICO began almost 1½ years ago, I have strongly supported those who sought a effective change in the law that would eliminate the widespread misuse of the statute.

As ranking minority member of the Criminal Justice Subcommittee, which ultimately reported H.R. 5445, I joined with the gentleman from Virginia [Mr. BOUCHER] in pressing for the adoption of a prior-criminal-conviction requirement. Despite the overwhelming support that the prior-criminal-conviction requirement had garnered in the subcommittee, the Judiciary Committee, and the House itself, we agreed to compromise in order to see to it that Congress provided substantial relief to the victims of civil RICO this year. I note that the Criminal Justice Subcommittee would not have reported out the language that was embodied in H.R. 5445 without the support of the minority members.

We have agreed to support the further compromise embodied in the amendment to H.R. 5445 in order to facilitate our ultimate goal of ending as immediately as possible the misuse and abuse of civil RICO. Our support was premised on certain elements of the compromise.

First, H.R. 5445 provides for the immediate detrebling of damages in the vast majority of civil RICO actions. Automatic treble damages remain only if the suit is for injury to a government entity or if the plaintiff is seeking to collect treble damages from a defendant who first has been convicted of certain criminal acts. In the latter cases, treble damages can be collected only from the defendant who has been convicted.

All other plaintiffs, with one narrow exception, will be able to collect only actual damages plus attorney's fees. In particular, if the plaintiff's claim is based on behavior that falls within the coverage of State or Federal securities laws, then he cannot use civil RICO to collect anything beyond actual damages plus attorney's fees. Because one of our major concerns has been with the abuse of civil RICO to evade the standards and limitations of the securities laws, recovery under section 1964(c)(2)(B)(ii) would not be available to those plaintiffs who can collect on a securities law remedy.

But, moreover, recovery of punitive damages would not be available to a plaintiff when the alleged behavior of the defendant is remediable under securities laws. I must emphasize this focus on behavior and not on the ability to recover of a specific plaintiff. For it may be that the securities laws do not give that individual plaintiff standing to press the particular claim or he may have done something, or failed to do something, that renders an otherwise valid securities claim invalid. If the plaintiff is complaining of conduct that falls within the realm of the securities laws, so that those laws provide some sort of remedy, a plaintiff

**EXTENSIONS OF REMARKS**

can no longer use civil RICO to create a multiple damage Federal remedy.

Second, this detrebling is to be effective immediately in virtually every case in which there has not yet been a jury verdict or judgment assessing liability against the defendant. We have provided one limited exception to that rule. It may be that, in the rare case, some peculiar circumstances will exist that justify resurrecting a plaintiff's ability to collect treble damages. The only instance that I can think of now would be where the plaintiff decided not to bring another valid treble-damage claim because he thought he had a RICO claim, and it is now too late to bring the other cause of action.

Simply because the plaintiff has pressed his case to a certain point, or does not have another treble damage remedy, will not be an adequate ground to let him seek treble damages. The bill explicitly makes the time cutoff the entry of judgment or a jury verdict; if the case has not gone that far, we have decided to remove the treble damages. Nor can there possibly be anything "unfair" about a plaintiff only being able to collect actual damages and attorney's fees simply because he has no other way to collect multiple damages. Actual damages is what a prevailing plaintiff normally recovers in Federal cases; even under this bill a plaintiff will have the unusual benefit of recovering his attorney's fees if he wins. Thus, the unfairness necessary to preserve the right to recover treble damages must be extraordinary and manifest.

Third, the statute of limitations is tied, in most cases, to the accrual of the plaintiff's cause of action or to the end of the injury to him, not to the last act in the alleged "pattern of illicit activity." In order to end the misuse of the statute, we had to eliminate the open-ended liability that exists under the current statute, which allows a plaintiff to revive claims for old injuries simply by linking them to a recent act in the alleged "pattern" of most recent vintage. H.R. 5445 eliminates that potential for this open-ended liability.

Fourth, we want to make sure the courts understand that the "pattern" requirement is intended to limit civil RICO to cases where there is persistent criminality as reflected in a series of criminal transactions or episodes, not just a single unlawful episode that includes several acts. The specific minimum requirements that we impose are necessary, but not necessarily sufficient, to the allegation of a "pattern" and not intended to limit further development of the law in the wake of the discussion in footnote 14 of the Sedima decision.

I have not touched upon all the elements of the compromise proposal. I reiterate the points I made during floor consideration of this bill concerning my hope for its further development consistent with the position I have supported from the beginning of the 99th Congress.

*October 10, 1986*

**TRIBUTE TO MRS. MARIA RUSSO  
VALLUZZI**

**HON. ROBERT G. TORRICELLI**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 10, 1986*

Mr. TORRICELLI. Mr. Speaker, I rise in honor of Mrs. Maria Russo Valluzzi of Hasbrouck Heights, NJ, on the occasion of her 100th birthday.

Mrs. Valluzzi reached the age of 100 on October 8, 1986. She was born in New York City, the child of Italian immigrants. Her husband, John Valluzzi was employed by the law enforcement agencies of Bergen County for 43 years.

Mrs. Valluzzi has lived from the age of gaslights and horse-drawn carriages to witness an American presence on the Moon and the atomic generator. Hers has been a full life enriched by 5 children, 11 grandchildren, 18 great grandchildren, and 6 great, great grandchildren.

We do her honor as she celebrates this significant milestone in her life. May she enjoy continued good health as she lives out her years with her loving family.

**CHILD ADVOCACY UNIT**

**HON. THOMAS M. FOGLIETTA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 10, 1986*

Mr. FOGLIETTA. Mr. Speaker, next year this Nation will celebrate the 200th anniversary of our Constitution. A major focal point of this celebration will be in Philadelphia, our first capital. Philadelphia is a city of many firsts.

One of our firsts is in the area of juvenile protection. Ten years ago, in 1976, the Child Advocacy Unit of the Defender Association of Philadelphia was established by Alice Tuohy O'Shea, Esq. It was the first court-approved federally funded effort to integrate the juvenile system with groups responsible for protecting the interests of dependent children.

Public Defenders are mandated to provide legal representation for the criminally indigent: children as well as adults. The child advocacy unit was approved by then chief defender Vincent Zaccardi out of concern that many children were going through the juvenile process without legal representation.

The child advocacy unit soon attracted supporters from throughout the judicial system by showing that it could be an effective tool for the prevention of juvenile delinquency at its first surfacing. These children were not perpetrating crimes but were high risk predelinquents who were innocent victims of societal or parental problems.

The child advocacy unit became fully operative in July 1976 under a Federal LEAA grant. The unit's original goal under judicial act was the protection of a child who was abused or neglected or deprived, and the representation of a child going through family court on involuntary commitments under the Mental Health and Mental Retardation Act of 1966.



As the new and intriguing legal concept took hold, an informal standard was developed by which judges could be guided in the appointment of child advocates in family court in Philadelphia. That standard was: "Where there is a divergence of interest between parent and child, the child should have independent legal representation." As judges rotated through Family Court to Adoptions, Women's Division, Domestic Relations, and Adult Court, those judges took the "divergence of interest" standard with them. They began appointing child advocates in areas of the law never anticipated by the defenders. The judges began appointing child advocates in:

First. Divorce Court, where the child had become a pawn between embittered and battling parents;

Second. Adoptions, where the mother had withdrawn consent after the child had been placed with the adoptive parents;

Third. Paternity suits where the mother was refusing visitation because the father was allegedly not the natural father, or was refusing to pay support for the child; and

Fourth. Legal assistance to minor patient donors at Children's Hospital in Philadelphia.

All of these formalized procedures were legal breakthroughs on problems which had not been previously recognized in the law.

This is the Tenth Anniversary of the Child Advocacy Unit. In this decade, a body of lawyers and social workers realized three major accomplishments. They are:

First. Preventing juvenile delinquency: Children with problems which could lead to juvenile delinquency are being discovered before it is too late to assist them.

Second. Preventing continuing child abuse: Providing constant monitoring and assurances of mandated social services, medical care and educational progress for parents and children.

Third. Stabilizing family units: Getting at the root of societal and parental problems which are the cause of child abuse and which in turn are acted out by child victims who do not have the tools of judgment nor the life experience to make life directing decisions themselves.

This pioneering effort and its expertise and experience is available to other States and jurisdictions by the simple task of asking.

On this tenth anniversary of the Defender Child Advocacy Unit of Philadelphia, I ask my esteemed colleagues of the House of Representatives to join in acknowledging this dedicated group of lawyers, social workers and supportive staff who in their decade of service have legally represented tens of thousands of Philadelphia children.

Mr. Speaker, for this record I salute:

Attorneys, Alice Tuohy O'Shea, Esq. founder of Child Advocacy Unit, William Norvel, Esq. chief, Child Advocacy Unit, Mary Cole, Esq., Sarah Nerken, Esq., Valerie Jones, Esq., David Mullins, Esq., Gwendolyn Bright, Esq., Agnes Wilson, Esq., Julius Jackson, Esq., Shawn Lacy, Esq., Douglas Dick, Esq.

Social workers, Dr. Najma Davis, DSW, Michael Lewis, BSW, Charles McKinney, MSW, Thomas Curran, MSW, Claire Rosenstein, MSW, Samia Cherry, MSW, Ann Park, MSW, Jacqueline Robbins, BSW, James Bembrey,

MSW, Michael Connery, BSW, MPsy, J.D., Esq.

Administrative staff, Jennifer Willis, Katherine Easton, Gerry Bussy, Jeanne McDevitt, Renee Evans, Debra Kessler.

Investigations, Robert Reed, Gloria Richardson.

And the many social service graduate and undergraduate students, and law students who had the opportunity of doing their practicum with the Defender Child Advocacy Unit and who contributed greatly to the growth and development of child advocacy in Philadelphia.

#### TAXATION OF MUTUAL LIFE INSURANCE COMPANIES

#### HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 1986

Mr. GEPHARDT. Mr. Speaker, I would like to call the House's attention to a problem that has arisen concerning the taxation of mutual life insurance companies under the provisions of the Deficit Reduction Act of 1984 (DEFRA). I am certain that the Congress intended to treat all segments of the life insurance industry fairly, but there is one provision of the 1984 legislation that has unintentionally caused considerable inequity in the taxation of small- to mid-sized mutual companies. This is not a situation where any company or group of companies is at fault; it is the law itself that creates these inequities. I also understand that the Treasury Department is unhappy with this key provision of the law which has proved very difficult to administer.

I am referring to section 809 of the Internal Revenue Code. In essence, this section establishes a special add-on tax for mutual companies only. The tax is calculated by assuming that all of the mutual companies—some 125 companies in all—are one big company. The problem with this approach is that there are tremendous disparities in the size of these mutual companies. If one of the huge companies has poor earnings, everyone else in the mutual segment experiences a tax increase, regardless of their own economic performance.

This is precisely what happened in 1984. Two of the large mutuals reported smaller than expected earnings, which caused every other company's taxes to be considerably higher than expected. Moreover, there is nothing a smaller company can do about this increased liability, and no way to anticipate it in their business planning. In short, this "socialization" of the mutual tax burden has created enormous problems for the great majority of mutual companies.

Section 809 was supposed to resolve the difficult question of how to divide the tax burden of the industry between stock and mutual segments. It is my hope that Congress, working with the Treasury Department and the insurance industry, can examine this issue next year to ensure that all segments of the mutual life insurance industry are treated equitably.

#### PJETER IVEZAJ IS COMING HOME

#### HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 1986

Mr. BIAGGI. Mr. Speaker, I am delighted by the announcement that after several days of strong protest from this body and others, the Yugoslavian Government has decided to release Pjeter Ivezaj, an American citizen who was arrested in July while visiting his relatives in Yugoslavia.

I want to commend United States diplomats in Yugoslavia for negotiating the release of Mr. Ivezaj, and I want to extend special praise to the distinguished gentleman from Michigan, Mr. BROOMFIELD, for the leadership role he has played in bringing about this very positive development. In addition, I want to recognize the significant contribution the Albanian community in this country made to the successful resolution of this important case. It was largely through their vocal expression that we were informed of this human rights tragedy and we were moved to action. That was particularly true of the large Albanian community in my home area of New York City and Westchester County, where concerned members of the Albanian community, such as Peter Camaj and so many others, kept vigil over the plight of Pjeter Ivezaj and even traveled to Washington to ensure a strong U.S. Government response.

A strong U.S. response did occur and for good reason. Pjeter Ivezaj, who had emigrated to the United States in 1972 from Yugoslavia, became a United States citizen and works as a high school teacher in Sterling Heights, MI. As an ethnic Albanian, with a great love of life and basic freedoms, Mr. Ivezaj took part in protests in the United States against the ill treatment of Albanians in Yugoslavia. That was in 1981, and was typical of millions of other freedom loving Americans from all ethnic backgrounds who enjoy the fundamental right of freedom of expression. Mr. Ivezaj broke no U.S. law. In fact, his outspokenness about the ill treatment of his fellow man is encouraged and rewarded in this great country of ours.

However, the Communist Government of Yugoslavia had another view, and when Mr. Ivezaj traveled to Yugoslavia in July to visit his family there, he was promptly arrested for anti-Yugoslav activities associated with his protests here in America. That was a human rights violation of the highest order, but the situation only grew worse 2 days ago when Mr. Ivezaj was sentenced to 7 years in prison for his activities.

Fortunately, the Yugoslavian Government was persuaded to see the grave injustice they committed and they took corrective action. However, it seems likely that this happy ending to such a tragic story would never have happened if Pjeter Ivezaj was not an American citizen, with all our power at his disposal. But, what about the millions of other freedom lovers in Yugoslavia and other captive nations around the world? They are denied the freedom of expression, and when

they do dare to speak out in protest of their repressive treatment, they are often imprisoned or otherwise persecuted. Until the day comes when the treatment of Pjeter Ivezaj is never repeated, not threatened, we, as leaders of the free world, cannot rest in our pursuit of basic human rights for all people.

Welcome back to freedom Pjeter Ivezaj and long live the freedom loving spirit of Albanians everywhere.

### UNFAIR APPROACH TO GENERAL REVENUE SHARING FUNDING

**HON. JIM ROSS LIGHTFOOT**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 10, 1986*

Mr. LIGHTFOOT. Mr. Speaker, I am very disappointed by action taken by the Rules Committee with regard to funding for general revenue sharing in the continuing resolution, the omnibus appropriations bill for fiscal year 1987. As reported by the Appropriations Committee, this bill contained funding for general revenue sharing at a level equal to three-fourths of last year's level. The Appropriations Committee achieved this by making a small across-the-board cut in other funding in the bill. The bill was on its way to the floor of the House when members of the Rules Committee took it upon themselves to delete this funding from the bill without allowing Members an opportunity to offer an amendment to restore any of these funds or change the way in which they are allocated.

I recognize the tremendous pressure we are under to make significant reductions in the Federal deficit, which this year reached its all-time high. As my record clearly indicates, I have been a strong supporter of efforts to reduce the Federal deficit through reductions in Federal spending. However, in doing so I have tried very hard to maintain a standard of fairness. In voting for cuts in spending I have tried to ensure that no single sector of society would bear an unfair share of the burden of deficit reduction—whether it be education, senior programs, nutrition, or programs supported by general revenue sharing.

It is this basic standard of fairness that I believe is violated by the Rules Committee's action to delete all general revenue sharing funds from the fiscal year 1987 appropriations bill. This is particularly unfortunate in view of the fact that there are more constructive ways we could have approached the general revenue sharing dilemma. We could have reduced expenditures under the program by targeting the funds to the most needy communities. At the very least, we could have phased out the program over a number of years to give communities that rely heavily on general revenue sharing time to adjust. Almost every Federal program is taking a cut this year, but few are getting the rug completely pulled out from underneath them.

Last year the Government Operations Subcommittee on Intergovernmental Relations held a hearing at Council Bluffs, IA, which is located in my district. As a result of testimony presented at that hearing and others held by

the subcommittee, as well as input from hundreds of my constituents, I acquired an appreciation for the importance of general revenue sharing to rural communities, particularly those located in the Farm Belt. One of the most attractive characteristics of the program is that it comes with few strings attached, letting the community, not the Washington bureaucracy, decide how the funds can best be used.

Earlier this year the Government Operations Committee, of which I am a member, passed a bill, H.R. 1400, to reauthorize general revenue sharing for an additional 3 years. Although I supported cuts in the program that I thought were fair, I voted for final passage of the bill in hopes of keeping the program alive in some form. I was looking forward to the fate of this program being determined by thorough debate on the floor of the House, not by a snap decision made by a few Members in a small committee room.

Mr. Speaker, at this time we do not appear to have an opportunity to restore funds for general revenue sharing. However, I remain committed to fair treatment of this program and I look forward to an opportunity to address this matter in that regard. I urge my colleagues on the Rules Committee to reverse their decision and allow general revenue sharing to come before the full House for debate.

### INTRODUCTION OF OLDER AMERICANS SERVICE CREDIT DEMONSTRATION PROGRAM ACT OF 1986

**HON. WILLIAM F. GOODLING**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 10, 1986*

Mr. GOODLING. Mr. Speaker, I am pleased to join the gentleman from Oregon [Mr. WYDEN] as an original co-sponsor of the Older Americans Service Credit Demonstration Program Act of 1986.

This measure would amend title IV of the Older Americans Act of 1965 and authorize the Commissioner on Aging to award grants to the States for demonstration projects designed to provide senior citizens with services in return for certain volunteer services provided by these seniors to other individuals.

I believe that the general concept underlying this proposal has merit and deserves careful consideration by the Committee on Education and Labor, on which I am privileged to serve, when it considers legislation to reauthorize the Older Americans Act. Clearly, the reauthorization of the Older Americans Act will be a top-priority item on the committee's agenda for the 100th Congress.

While I do have reservations regarding some provisions now incorporated in the bill, I am co-sponsoring this measure today so that it will be readily available to all interested parties for their review, comment, and recommendations.

### TAIWAN'S MARTIAL LAW

**HON. STEPHEN J. SOLARZ**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 10, 1986*

Mr. SOLARZ. Mr. Speaker, Chiang Ching-kuo, the preeminent leader of Taiwan and head of the Nationalist Party, announced on Wednesday his intention to end martial law. The announcement itself is a significant step: With varying degrees of severity, martial law has been in effect since 1949. Yet friends of Taiwan and friends of democracy will also be watching with hope and expectation to see how the declared intention is transformed into reality.

The announcement that martial law will be lifted holds out the promise of a fully democratic political system. Whether this potential for pluralism will be fulfilled will be seen in the weeks and months ahead. It is my personal hope that the termination of martial law will result in guarantees of freedom of the press, freedom of expression, and freedom of assembly, in the legalization of the newly proclaimed Progressive Democratic Party and other parties which may be formed, and an increase in the number of elected officials in central representative and executive bodies.

At this juncture, however, I wish to pay tribute to President Chiang for taking this significant step. Partly as a result of his past efforts in the economic, social, and political field, the people on Taiwan have readied themselves to participate broadly in the political process. I am sure that they wait expectantly for the opportunity to do so.

### THE SOVIET UNION AND THE HELSINKI FINAL ACT—PROBLEMS IN SOVIET OBSERVANCE OF PROVISIONS FOR THE FREE FLOW OF INFORMATION

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 10, 1986*

Mr. LANTOS. Mr. Speaker, today I rise to call the attention of my colleagues to a coordinated initiative being undertaken by myself and other members of the International Parliamentary Group for Human Rights in the Soviet Union [IPG]. My IPG colleagues in the parliaments of many other Western countries will be addressing common themes regarding human rights in the Soviet Union in the coming weeks in their own home parliaments.

Today, Mr. Speaker, I would like to address an aspect of human rights which has become, in the wake of recent events, an even more important issue in Soviet human rights than was thought before—the free flow of information.

Nicholas Daniloff was freed last week, but not until after his basic human rights had been obstructed for 30 days and his liberties, as promised him through the Soviet agreement to the Helsinki Final Act, were denied. On November 4, 1986, the Vienna Review Confer-



ence of the Conference on Security and Cooperation in Europe will convene. The Vienna conference will be the latest in a series of review conferences which periodically convene to review compliance among the 35 signatory states with all aspects of the Helsinki Final Act and to consider possible new commitments which the signatory states may wish to undertake.

According to Basket III of the Helsinki Final Act, the Soviet Union and the other 34 signatories pledged to:

Facilitate the freer and wider dissemination of information of all kinds, to encourage cooperation in the field of information and the exchange of information with other countries, and to improve the conditions under which journalists from one participating State exercise their profession in another participating State.

While the Soviet Union signed this document indicating its acceptance of these ideals over 15 years ago, in reality, the Soviet Union has attempted to control and restrict all facets of information flowing into and out of the country.

The Soviet Union restricts the free flow of information in three central areas: First, the broadcast and reception of international radio programs within the Soviet Union; second, the dissemination of Western information including newspapers, periodicals, and television; and third, working conditions of journalists within the Soviet Union.

To facilitate the freer and wider dissemination of information of all kinds:

First, in the area of broadcasting, the Soviets restrict the flow of information by jamming the incoming radio signal from foreign broadcasts. This is done by putting deliberate interference on the same frequency as the incoming signal so that listening to the broadcasts becomes exceedingly difficult.

Between 1975 and 1979, the Soviets ended jamming of Western broadcasts such as the BBC, Deutsche Welle, and the Voice of America. Since 1980, however, the Soviets have increased the scope and intensity of their jamming of such broadcasts by building additional jamming stations. To further discourage listening, the Soviets have made it illegal to disseminate false information based on foreign broadcasts.

To encourage cooperation in the field of information and the exchange of information with other countries:

Second, the Soviets restrict access to Western publications and strictly control the dissemination of all other forms of information entering the country. Western publications are often kept in closed stacks at public or university libraries and subscriptions by Soviet citizens is prohibited. There are very few Western television programs in the Soviet Union, and those which are shown have been edited according to strict ideological standards.

To improve the conditions under which journalists from one participating state exercise their profession in another participating state:

Finally, this area, Mr. Speaker, is one which, in the wake of the very recent arrest and detention of U.S. News and World Report journalist Nicholas Daniloff, the Soviet Union can obviously be held in tremendous violation of international standards. The case of Mr. Dani-

loff, while a glaring example of a horrible violation of this specific part of the Helsinki final act, must not be viewed as an isolated one. Just 2 weeks ago, another journalist, this time Canadian, was detained in Moscow. Other journalists suffer constant harassment and are regularly threatened by the KGB with prosecution on baseless charges. Equally, Soviet journalists experience severe repression, including confinement in psychiatric hospitals, for writing any articles critical of the Soviet regime.

My colleagues and I in IPG believe that the free flow of information, as well as other issues in Soviet human rights performance, must remain squarely on the agenda at the Vienna Review Conference. We also believe that, as President Reagan and Secretary Gorbachev move toward a second summit and meet again in Iceland this week, that the issue of human rights must be placed on the forefront of the agenda. For it is only with agreement and adherence to such documents as the Helsinki final act, where human rights maintain a high profile, that we can go on to thinking about agreements in other areas of discord between our two countries. We must agree to treat our own people fairly and with respect to their fundamental rights as human beings, before we can negotiate about other matters of conflict.

Mr. Speaker, the democratic signatories of the Helsinki Final Act must strengthen their support for human rights in the Soviet Union. The democracies must insist that there be balanced progress in all areas of the final act if East-West relations are to improve. Thus, any new agreements in the areas of military, security, and economic relations reached in Vienna must be accompanied by similar accords in human rights and by guarantees of performance under existing agreements.

**MS. JESALYNN WASHINGTON:  
BLIND WORKER OF THE YEAR**

**HON. JOHN J. LaFALCE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 10, 1986*

Mr. LaFALCE. Mr. Speaker, I rise today to give proud recognition to a young woman who has been chosen this year's Peter J. Salmon Blind Worker of the Year. Ms. Jesalynn Washington was recently selected by National Industries for the Blind in cooperation with the General Council of Workshops for the Blind as the outstanding blind worker participating in the Javits-Wagner-O'Day Act Program. The Blind Worker of the Year Award was named after the late Dr. Peter J. Salmon, one of the Nation's leading contributors in the field of blindness and instrumental in the late 1930's in the passage of the Wagner-O'Day Act (now the Javits-Wagner-O'Day Act). The Javits-Wagner-O'Day Act provides meaningful and remunerative employment to thousands of blind Americans nationally.

Ms. Washington was born with congenital cataracts and, by the age of 16, her vision was reduced to light perception and shadows. She finds great determination from a sense of healthy competition. An example of this can be seen in her past accomplishments in swim-

ming and running. She is active in her church by participating in both the choir and the church council.

For the past 11 years, Ms. Washington has been employed by the Blind Association of Western New York in Buffalo, NY. Although her vision is limited to light perception, she is proficient.

## NATIONAL FORUM PROJECT

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 10, 1986*

Mr. MILLER of California. Mr. Speaker, student leaders across America have embarked on an ambitious and laudatory project to educate themselves about nuclear arms. The resolution I am introducing today, with my colleague Mr. LEACH of Iowa, expresses the support of Congress for their efforts.

Begun by students at the Milton Academy in Milton, MA, the signature of every high school student in America on a petition requesting a nationally televised educational forum on nuclear arms, with President Reagan as a participant.

The forum will be educational and nonpartisan, presenting a full discussion of all opinions and viewpoints. There will be speeches by four nationally known experts, who will then be questioned by a panel of high school students.

The project has already received support from the National Convention of Student Council Presidents, the National Education Association, and the National Association of Secondary School Principals, which gave the project address labels for the 22,000 high schools in America. Volunteers have raised funds to mail the petitions, and have already met with executives at NBC, ABC, and CBS, who have expressed interest in the project.

This is a very ambitious undertaking which will obviously require the cooperative efforts of millions of youth. It is their way of trying to help themselves get more involved, to better understand what every American President since 1945 has agreed is the critical challenge of our age—nuclear arms.

We must support their desire for understanding of these complex questions. The "National Forum" project is not about telling them what to think. It is about giving them the information necessary to think for themselves.

It is, after all, soon going to be their world, and these will be their decisions. We should be proud of their desire to know, to involve each other in a broad-based young citizens movement. It represents the best kind of student activism.

I am submitting this straightforward concurrent resolution in support of the "National Forum Project" for the RECORD.

H. CON. RES. 409

Concurrent resolution expressing the support of Congress for the petition drive of the National Forum requesting a televised educational forum on nuclear arms issues

Whereas high school students must be able to make informed decisions about the future of our country;

Whereas educating high school students regarding nuclear arms issues will help students make vital decisions on such issues;

Whereas free and open discussion is an important hallmark of American democracy; and

Whereas the National Forum is uniting high school students through a petition drive requesting the major television networks to hold a televised educational forum on nuclear arms issues: Now therefore be it

*Resolved by the House of Representatives (the Senate concurring), That the Congress supports the National Forum in its effort to unite high school students through a petition drive requesting the major television networks to hold a televised educational forum on nuclear arms issues.*

#### JOHNSTOWN LODGE OF ITALIAN SONS AND DAUGHTERS OF AMERICA HONORS STATE SENATOR MARK SINGEL

#### HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 1986

Mr. MURTHA. Mr. Speaker, it is a pleasure to join with the Johnstown Lodge of the ISDA on October 25 in honoring State Senator Mark Singel.

A member of the Pennsylvania State Senate since 1980, Mark is particularly proud of his work on a low-interest loan program to help unemployed homeowners facing mortgage foreclosure. Mark is presently the Democratic Party's nominee for Lieutenant Governor, a position from which he would head the Governor's Energy Council and be able to give an additional boost to our coal efforts.

It has been a distinct pleasure over recent years to work with Mark on a number of projects for our area including road revitalization, employment opportunities, coal development, and community assistance.

Mark has brought to the State senate and to the present campaign an enthusiasm, dedication, and integrity that has been the hallmark of his public service career.

One of the keys to Mark's attitude was recently mentioned when he said he was tired of seeing people write off the manufacturing industry. Mark said we need to make an effort to try and do everything you can to help heavy industry, not just give it up for lost. That's the kind of "can do" philosophy that has symbolized Mark's career.

It's a pleasure to recognize his efforts and to look forward to working with Mark Singel for many more years to come.

#### LOUISVILLE TEAM TAKES NATIONAL TENNIS CHAMPIONSHIPS

#### HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 1986

Mr. MAZZOLI. Mr. Speaker, I commend to the attention of my colleagues the athletic achievements of a group of my friends from home who recently "brought home the gold"

by winning the USTA/Volvo Tennis League National Championships at Seabrook Island Resort, Charleston, SC.

The league championships culminate a nationwide competition of adult tennis teams. On the road to the championship, the Louisville team took on all comers at the local, State, regional, and national levels. The Louisville team emerged as the only team with an unblemished record.

The Louisville area enjoys a strong local tradition of tennis excellence and, as a community, has hosted numerous national tournament events. Recently, Louisville was considered as the site of this year's Davis Cup finals because of its rich tennis tradition. This national championship will add to this tradition.

On another note, the Louisville contingent humbled much younger opponents in their march to the national title. The average age of the Louisville team is over 55 years "young"—the "youngest" is my friend, Sonny Bass, who is 65. For those like myself, who are in their fifth decade, this is sweet revenge on the baby boomer generation.

I am proud to be able to share with my colleagues the remarkable feat achieved by this group of athletes from my hometown, who have distinguished themselves, their city, and the sport of tennis.

At this point, I would like to recognize the members of the team who contributed their considerable talents to this championship season: Gary Tucker, coach/captain; Lewis "Sonny" Bass; Jerry Fangman; Tom Faszold; Charles Francke; Ted Hartmann; Cliff Johnson; Irv Kupper; Richard Schreck; Bill Spaulding; Rich Stuedle; and last, but certainly not least, my friend and fellow Notre Dame alumnus, Bill Welch.

#### TRIBUTE TO TOM LOEFFLER

SPEECH OF

#### HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 7, 1986

Mr. DE LA GARZA. Mr. Speaker, because I had a conference committee meeting which I could not leave, I did not have the opportunity to say "adios" to my coworker from the United States-Mexico border TOM LOEFFLER. In his years in Washington, TOMMY's made his mark. He's always kept his border beginnings in mind knowing whence he came.

His years in the Congress were made more productive by virtue of his splendid background of association with former President Ford as well as with former fellow Texan and U.S. Senator John Tower. As TOMMY LOEFFLER leaves us we can only say *vaya con dios*.

#### ED MARKEY DID NOT SABOTAGE THE PRICE-ANDERSON BILL

#### HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 10, 1986

Mr. SWIFT. Mr. Speaker, today's Washington Post carried an article that describes the unsuccessful efforts to increase the nuclear industry's liability limits in the Price-Anderson Act. Three House committees, including the Energy and Commerce Committee on which I serve, have devoted substantial attention to this matter over the past year. It is disappointing to all of us that we will not be able to resolve the issue this year, and will have to start over again in the 100th Congress.

In the Post article, Ed Davis, a spokesman for the nuclear industry, charged that Ed Markey, chairman of the Energy Conservation and Power Subcommittee, was responsible for "sabotaging a compromise piece of legislation." I know Mr. Davis, and think highly of him; however, his statement in the Post is simply inaccurate. Ed Markey, along with many other members of the Energy and Commerce Committee, including Chairman DINGELL, RON WYDEN, DENNIS ECKART, and myself, sought a rule that would allow certain amendments to the floor vehicle. This was not an effort to sabotage a compromise bill. We were merely seeking to obtain the procedure we all understood would be followed when the compromise bill was drafted.

When our committee marked up H.R. 3653, the Price-Anderson bill, in July, we added several provisions that strengthened the legislation. Here is a brief description of the key strengthening amendments adopted by the Energy and Commerce Committee: the Markey amendment to automatically adjust Price-Anderson's liability limits so as to keep up with inflation; the Eckart amendment to apply Price-Anderson to nuclear accidents involving diverted materials; the Wyden amendment to require full compensation for victims of accidents at Federal nuclear reactors; and the Swift amendment to require automatic payment of compensation to victims of nuclear waste accidents.

As we negotiate a floor vehicle with our sister committees—Interior and Science and Technology—they were unwilling to accept any of our key amendments. Nevertheless, because we wanted to move the legislation along, we agreed to a floor vehicle without these key provisions, but with the understanding that we could offer amendments on the floor.

What happened after that was not sabotage of legislation. Rather, committee leaders continued to try to work out a bill that everyone, including the Energy and Commerce Committee, could unite behind on the floor. We all knew that negotiations with the other body would be tough, and that if we could work out our differences before going to the floor we would have a stronger hand. As it turned out, however, we were unable to agree upon a bill that we all could support. Unfortunately, by that time it was so late in the session that



many members feared that amendments on the floor would disrupt the dynamics of the bill and prevent agreement with the other body.

No Members acted in bad faith. No one is to "blame." The so-called compromise bill was negotiated last August under one set of assumptions. By the time we got to the Rules Committee earlier this week, we were operating under entirely different circumstances.

When we take up Price-Anderson next year, I hope that we can do so without any misperceptions about what caused its demise this year. We had legitimate disagreements that simply could not get resolved before the calendar ran out. But to charge "sabotage" is neither accurate nor helpful to the process.

**THE CENTENNIAL OF THE  
BAKERY, CONFECTIONERY  
AND TOBACCO WORKERS  
UNION, LOCAL 6**

**HON. ROBERT A. BORSKI**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 10, 1986*

Mr. BORSKI. Mr. Speaker, I rise to recognize the outstanding contributions and dedication the members of the Bakery, Confectionery and Tobacco Workers Union, Local 6 of Philadelphia. The union will celebrate 100 years of service to its members and the city of Philadelphia on October 25. I ask my colleagues to join me as I salute this important group.

Founded in Philadelphia in 1886, local 6 began as a small group of German bakers who struggled for industry recognition and better working conditions. The journeymen bakers faced fierce opposition by the industry, and the union remained small until the passage of the National Industrial Recovery Act which was replaced by the National Labor Relations Act in 1935.

In 1942, the Bakery and Confectionery International Union conferred jurisdiction over the candy workers upon local 6. By 1978, the tobacco workers merged with the B&C to form the modern Bakery, Confectionery and Tobacco Workers Union.

Over the years, the union has faced and surmounted the challenges of increased automation of the industry and has been in the forefront of the fight for equal opportunity employment for minorities and women. Local 6 has also fought to improve the quality of life for its members outside the shop. For example, the union had conducted an outstanding drug counseling and rehabilitation program for its members and their families. Further, it has actively contributed to the Philadelphia community through its involvement with such charitable groups as the United Way.

Mr. Speaker, I would like to commend both the members and leaders of this important union for their dedication to fairness, equality, and an improved environment in the workplace. Clearly, the undying contribution of the forefathers of the union and the continued involvement of subsequent leaders has played an important role in the establishment of fair and adequate working conditions for individuals all over the city of Philadelphia. I rise to

commend these individuals and I ask my colleagues to join me as I salute them on the 100th anniversary of their years of service to Philadelphia.

**HAWKINS INDEPENDENT  
SCHOOL - DISTRICT INITIATES  
DRUG TESTING**

**HON. RALPH M. HALL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 10, 1986*

Mr. HALL of Texas. Mr. Speaker, I rise today in tribute to a great group of students and a dedicated school superintendent and faculty—backed up by concerned parents and students in the Hawkins, TX, Independent School District—a part of my Fourth Congressional District in northeast Texas.

There is no way to express the pride I feel to Superintendent Coleman Stanfield, to John Chadwell, president of the District Health Committee, to Student Body President Deanna Jackson, and to C.A. Trent, president of the Hawkins Independent School Board, and members Glenn Jackson, Hugh Rutherford, Frank Rucker, Buddy Holmes, Gary Bowles, and Dennis Wright.

To reinforce House passed legislation to combat drug abuse, the Hawkins Independent School District has initiated a drug testing program for all junior and senior high school students who wish to participate in extracurricular activities. I commend this fine body of students and administrators for taking the steps to eliminate drug use in their community and in our Nation.

Public opinion polls show that Americans find the drug problem one of the most serious facing the Nation today and the Hawkins Independent School District echoed this by approving funds for a drug testing program.

Students will be tested for the use of 19 drugs including amphetamines, cocaine, marijuana, barbiturates, and steroids. Students who fail the test will be retested immediately. If students fail a second time, they will be suspended from participating in extracurricular activities for 90 days, but will not be suspended from school.

Two other Texas school districts have followed the precedent and have introduced drug testing for their athletes, but Hawkins is the first to extend it to all extracurricular activities.

I applaud this community's efforts to control a nationwide problem and hope that other school districts are quick to follow suit. The Wood County Community Health Risk Reduction Committee, and Project Director Mary Gunn, have helped to provide a noble pattern for others to follow.

Again—Mr. Speaker—and Members—I congratulate this great cooperative and productive program—and I am very lucky to represent and to associate with the citizens of Hawkins and Wood Counties—for they have evidenced the character to care and the ability to achieve.

**SPRINGTIME IN FREMANTEL,  
AUSTRALIA**

**HON. DUNCAN HUNTER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 10, 1986*

Mr. HUNTER. Mr. Speaker, it's springtime in Fremantel, Australia. The breezes are light and the water is calm, but there's something happening in the land Down Under. I doubt the Australians are happy about it. The team from New Zealand is tied for first place—with an American team. Not just any American Yachting team but the Stars and Stripes from my home, San Diego.

With a record of 4-0 in the first series, the Stars and Stripes is well on its way to bringing the Victorian trophy back to America to a new home on the golden shores of San Diego.

I realize, as you do, that we are only at the beginning of a three-round series of eliminations. Having defeated two Italian teams, the Italia and Azura, Newport Beach's Eagle, and Great Britain's White Crusader, we have to meet all 13 of the entries again in two more rounds. But since the Stars and Stripes is handling the light spring breezes better than many had expected, I'm confident that they will fare just as well when summer's 25-knot gusts arrive. With traditional American confidence, we look forward to seeing Dennis Conner and his outstanding crew sailing to victory in January.

After having the prize on the east coast for 132 years and in Australia for the last 4, we look forward to welcoming the cup to its new home in San Diego. However, we don't want the Aussies to be distraught over their loss. I'm positive they'll see the cup again; San Diego is beautiful year round, and they have my personal invitation to visit as often as they like.

**HONORING JOHN FITZGIBBONS  
ON HIS RETIREMENT**

**HON. SILVIO O. CONTE**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 10, 1986*

Mr. CONTE. Mr. Speaker, I rise today to mark the retirement of John Fitzgibbons, longtime educator in the Westfield public schools.

Jack Fitzgibbons began his long and impressive career as a teacher at the Granville Elementary School in 1957 before moving to the Westfield public school system.

During the next 23 years, Jack faithfully remained at the Abner Gibbs School and the Westfield Middle School, where he affected the lives of thousands of young students. However, I would like to point out that his efforts did not stop there. Along with his commitments to the above-mentioned schools, Jack accepted additional responsibilities as the Director of the Head Start Program and as a driver education instructor at the Westfield High School.

It is infrequent in this age to find a person who has demonstrated the strong sense of

commitment it requires to serve the same system for such a long period of time. The people of Westfield can take pride in the fact that faithful and consistent work of someone

such as Jack Fitzgibbons is responsible for the success of our Nation's youth.

I salute Mr. Fitzgibbons for a successful career as an educator, a citizen, and as a truly outstanding human being. However, as much

as I am glad to have been given this opportunity to speak on his behalf, the pleasure is diluted in the knowledge that Jack Fitzgibbons will leave a void in the public school system of Westfield that will not easily be filled.

Mr. Speaker, I am pleased to have the opportunity to speak on the behalf of Mr. Jack Fitzgibbons.

Mr. Fitzgibbons is a dedicated and successful educator who has served the Westfield Public Schools for many years. He has been a member of the Westfield School Board and has been instrumental in many of the school's achievements.

Mr. Fitzgibbons is a man of high integrity and a strong sense of responsibility. He has been a leader in the school community and has been a role model for many of the students.

Mr. Fitzgibbons is a man of many talents. He is a skilled teacher, a dedicated administrator, and a strong leader. He has been a member of the Westfield School Board and has been instrumental in many of the school's achievements.

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