

## EXTENSIONS OF REMARKS

## PRODUCT LIABILITY REFORM

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. DINGELL. Mr. Speaker, the Committee on Energy and Commerce last year reported the Uniform Product Safety Act of 1988, the first piece of product liability reform legislation ever to be approved by a congressional committee. I was pleased to support the efforts of the Product Liability Coordination Committee with respect to this issue and look forward to working with the PLCC again in the 101st Congress.

As our committee observed in its report on the Uniform Product Safety Act of 1988:

U.S. competitiveness has been adversely affected and . . . manufacturers, product sellers, consumers, and claimants have been deprived of a fair and balanced product liability system.

Product liability reform legislation, by establishing uniform standards and rules of liability, will promote increased safety in the manufacture and use of products sold in commerce while at the same time fostering innovation and the development of new products by reducing manufacturers' uncertainty about the dangers of litigation. Despite the obvious advantages that would flow from such reform, a small but vocal minority of narrow interest groups still seeks to thwart needed change. These few, motivated by the desire for a totally risk-free society and in some cases even by profit, prey upon others' natural aversion to risk to advance their own agendas.

In an excellent article published in the January 23, 1989, issue of the *New Republic*, Henry Fairlie analyzes the relationship of our current product liability and tort systems to what he terms "America's morbid aversion to risk." He traces the origins of this phenomenon and examines both its seen and unseen costs. In particular, he notes:

One pernicious moral effect of America's growing fear of risk: a commensurate diminution of the notion of individual responsibility for one's actions.

While I do not necessarily subscribe to every word in the piece, I do find Mr. Fairlie's comments regarding product liability to be cogent and compelling. They should be of particular interest to Members who are concerned about our Nation's competitiveness in both the industrial and scientific spheres. For that reason, Mr. Speaker, I am submitting Mr. Fairlie's article for insertion in the *RECORD* and urge my colleagues to give some thought to the important points he makes.

[From the *New Republic*, Jan. 23, 1989]FEAR OF LIVING—AMERICA'S MORBID  
AVERSION TO RISK

(By Henry Fairlie)

In January 1967 the first Apollo spacecraft caught fire during a test on the launchpad. Three astronauts were killed. The nation was shocked and horrified, all the more so because the screams and scrambles of the astronauts could be clearly heard. But although there was a congressional hearing, and some delay of the manned flights, the Apollo program went smartly ahead, with the full understanding and support of the nation, and within 18 months Apollo 11 landed on the moon, ahead of the deadline set by John Kennedy. The Apollo disaster was not graven on the public mind as a rebuke to America's confidence in its technology, or taken as the occasion to preach that Americans must learn the limits to their energy and power.

Nineteen years later, the space shuttle Challenger was destroyed before our eyes on television. It was a spectacular tragedy, the result of human miscalculation and technical failure, neither of which should have been present, perhaps, but both of which are understood risks in the still dangerous enterprise of space flight. Yet the prevailing mood in America so panicked NASA that it took almost three years to send up another shuttle. NASA even reached the stage, as members of its staff said, of taking so many precautions that it was in danger of enlarging, instead of diminishing the possibility of malfunction.

In the 19 years between these tragedies, the idea that our individual lives and the nation's life can and should be risk-free has grown to be an obsession, driven far and deep into American attitudes. Indeed, the desire for a risk-free society is one of the most debilitating influences in America today, progressively enfeebling the economy with a mass of safety regulations and a widespread fear of liability rulings, and threatening to create an unbuoyant and uninventive society. As many studies show, this is strikingly an American phenomenon, one that seems to have taken root in yet another distortion of the philosophy of rights underlying the Constitution, as if the Declaration of Independence had been rewritten to include freedom from risk among the self-evident rights to life, liberty, and the pursuit of happiness. This morbid aversion to risk calls into question how Americans now envision the destiny of their country.

If America's new timorousness had prevailed among the Vikings, their ships with the bold prows but frail hulls would have been declared unseaworthy. The Norsemen would have stayed home and jogged. Columbus's three tubs would not have been allowed to sail; as it was, one was left wrecked on American shores. The Vikings and Columbus were exploring what was as unknown to them then as our solar system to us today, and it is not only the practical achievements of such venturing that are frustrated by the desire for a risk-free society. Something of the questing endeavor of the human spirit is also lost. The Vikings made sagas of their explorations, as Europe-

an and English literature flowered during the great Age of Exploration. There once was, but there is not now, a promise of saga in America. Its literature has retreated into a preoccupation with private anxieties and fretting.

At Three Mile Island, the fail-safe system worked. The power station switched itself off. There was a scare, but no disaster. Yet Three Mile Island in the American mind is an emblem of catastrophe. Nuclear power in America, as in no equivalent industrial or industrializing nation, has been almost paralyzed although it is the only sufficient, efficient, and relatively safe source of energy that can avoid the greater risks of pollution and the "greenhouse effect." Of course there is a risk in nuclear power, and there should be thorough inspections and safeguards. Of course, also, there is such a thing as a level of risk that is unacceptable. But in America the threshold of tolerable risk has now been set so low that the nation is refusing to pay the inevitable costs of human endeavor. Stand beneath the majesty of the Grand Coulee Dam, or gaze up at the marvel of the Brooklyn Bridge—"O Harp and Altar," as Hart Crane sang of it—and count the number of lives lost in their construction. But then feel the power, even the beauty, of both dam and bridge, and weigh the cost of lives against the benefits they have brought.

The origins of the widespread refusal to accept a sometimes high level of risk as a normal and necessary hazard of life lie in the early 1970s. As America lost heart in the prosecution of the war in Vietnam, the energy of the dissenters—the vanguard of the "Me Decade"—turned to lavish care for the environment, the snail darter, and their own exquisite, often imagined, physical and emotional well-being. The simultaneous loss of faith in American technology was part of the same phenomenon; technology, it was observed, not only fouled the environment, but had proved incapable of winning a war against guerrillas in the jungle. And beyond this, of course, has been the growth of the larger belief that science itself has somehow betrayed us, that it promises evil and not beneficence.

The loss of courage and faith has manifested itself in many ways, but it has found its most immediately dangerous expression in tort (liability) law. Tort law is not only threatening to make the economy uncompetitive, it is warping the American legal system and its judicial philosophy. As Peter W. Huber observes in *The Legal Revolution and Its Consequences*, "No other country in the world administers anything like it." Tort law was "set in place in the 1960s and 1970s by a new generation of lawyers and judges. . . . Some grew famous and more grew rich in selling their services to enforce the rights they themselves invented."

In November a court in Albany seriously had to consider a claim for \$1 million in damages against New York state, brought by a woman who, while she was sunbathing on the beach in a public park on Long Island, was hit in the neck by a Frisbee being tossed between a nine-year-old boy and a 20-year-old woman. Her lawyer con-

● 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.

tended that the Frisbee was a "dangerous instrument" that should not have been allowed on the beach. (Since the idea of the Frisbee was taken from the bakery of that name where the workers whizzed pie plates to each other, rather than laboriously carry them, are we to assume that today the Occupational Safety and Health Administration would have stepped in to stop this skilled, efficient, rapid, but clearly "dangerous" method of conveyance?) At least this woman's claim was thrown out: the judge observed that she could have moved to another part of the beach if she feared injury from these alarming flying objects. Consider also the mother who sued a baseball club because her son was injured by a ball fouled back to their seats. It may well be that they had chosen seats there because her son had hopes of capturing a foul ball as a trophy, in which case the risk was known and invited by the mother; in any event, blame cannot be said to lie with the club, the hitter, or the ball. Here we see one pernicious moral effect of America's growing fear of risk: a commensurate diminution of the notion of individual responsibility for one's actions.

Claims of others' liability for our plights are, with the support of judges, lawyers, and juries, producing a "tort tax" on goods and services. They amount to a \$300 billion levy on the American economy, observes Huber, that "accounts for 30 percent of the price of a stepladder and 95 percent of the price of childhood vaccines." The development of tort law has been particularly vicious in its effect because of another phenomenon peculiar to the United States—the award of huge punitive damages (as opposed to nominal damages, intended only to compensate the victim for the actual injury inflicted). The flagrant injustice of many of these awards was illustrated in a case brought against the Monsanto Company that sought damages for 65 plaintiffs for alleged personal injuries from one of the company's products used to make wood preservatives. After the longest-running trial in American history, the jury awarded each plaintiff one dollar in nominal damages, but then, "in a burst of tortured reasoning," as Monsanto Chairman Richard J. Mahoney says, awarded \$16 million to the plaintiffs in punitive damages.

There is no justification for this. The Supreme Court has recently agreed to hear a case in which the constitutionality of huge punitive damages will be tested. In an earlier case, Justices Antonin Scalia and Sandra Day O'Connor observed that "this grant of wholly standardless discretion to determine the severity of punishment appears inconsistent with due process." Meanwhile, the awards further frustrate, if they are not crushing, the spirit of innovation in American business. The Conference Board in 1988 conducted a survey of chief executive officers. It showed that uncertainty over potential liability had led almost 50 percent to discontinue product lines, and nearly 40 percent to withhold new products, including beneficial drugs. The fault lies not only with the "wholly standardless discretion" allowed to juries to determine the severity of the punishment, but with the present power of a single jury to decide what conduct is liable for punitive damages.

The result of all this, says Justice Richard Neely of the West Virginia Supreme Court, author of *The Product Liability Mess*, is that "as a state court judge much of my time is devoted to ways to make business pay for everyone else's bad luck." When the step of a stepladder breaks because it was

made of defective material, the payment of reasonable damages to the injured party is just. But as anyone with any household experience knows, sometimes a broken stepladder is just a broken stepladder, the result of bad luck; and surely each of us has the individual responsibility to approach any stepladder with some circumspection. The prevailing attitude in America is that people should be safeguarded against not only negligence but bad luck; it has become all too easy for lawyers to manipulate jurors who generally are scientifically ignorant and believe that they can be guaranteed a risk-free society.

One confirmation that the obsessive American aversion to risk is a growth of the last two decades is the proliferation in that time of academic and quasi-academic literature on risk, with such titles as "Public Perceptions of Acceptable Risks as Evidence of Their Cognitive, Technical, and Social Structure." The conclusions of much of this literature were drawn together in 1982 by Mary Douglas and Aaron Wildavsky in *Risk and Culture*, their own still impressive critique of this phenomenon. Among the interesting questions asked by the authors is "Why is asbestos poisoning now seen to be more fearsome than fire," especially when asbestos was introduced and welcomed as a prevention of injury or death by fire? The question is made even more interesting by Mahoney's revelation that Monsanto "abandoned a possible substitute product for asbestos just before commercialization, not because it was unsafe or ineffective, but because a whole generation of liability lawyers had been schooled in asbestos liability theories that could possibly be turned against the substitute." In principle, Douglas and Wildavsky note, a society selects which risks it will worry, and perhaps even legislate, about in the hope of diminishing or eliminating them. But why do Americans seem to be more concerned about the risks of pollution than about the budget deficit, economic stagnation, and even war?

Who are the people who promote the intolerance of risk in contemporary America, and select which risks the society should worry about? It is reasonable and almost certainly correct to assume a link between the attitudes that have led to the slowing of such new and promising industries as space technology and nuclear power, the gross development of liability law and litigation, the concern about environmental pollution, and the finicky attention to one's bodily health, comfort, and even purity. Together they form a syndrome. The people who are environmental extremists are likely also to be exorbitantly fussy about the risks to their bodily purity from a multiple of pollutants, natural and artificial, not much concerned about the progress of the space and nuclear power industries, automatically against manufacturing companies in liability cases, and generally uninterested in creating and maintaining a productive industrial economy.

From such people are drawn the staffs and membership of the special interest groups that have sedulously promoted America's risk aversion. Douglas and Wildavsky counted some 75 national environmental groups alone, and thousands more at state and local levels. By something like sleight of hand they represent themselves as public interest groups, but in fact these risk-averse groups speak for a very clear special interest: those who work not in manufacturing industries, but in the now vast services sector, including government and

corporate bureaucracies, and who manufacture nothing. In short, they do not get their hands dirty. So it is easy for them—it does not violate their "class interest"—to be indifferent to creating a productive industrial economy. It is no sweat off their backs if a manufacturer is closed down, and its workers laid off for environmental reasons. The risk-averse groups are drawn from a privileged class.

Since it is in the interest of these groups to multiply regulations and strengthen their control of the economy, they have encouraged the growth of government bureaucracy (federal, state, and local). The federal environmental agencies have grown like a coral reef into this bureaucracy and are as indestructible. Since their bureaucrats also wish to keep their paper-shuffling jobs, they work hand in glove to promote yet more regulation of the manufacturing sector of the economy.

One of the reasons why an aversion to risk has taken hold in America is the manner in which the American political system has developed during precisely the same two decades as the growth of the movement for a risk-free society. All the influences that have been observed and analyzed—the decline of parties, the proliferation of committees and subcommittees and the undermining of seniority in Congress, and the development of the primary electoral system—have given advantage to single-issue special interest groups. Direct-mailings have provided special interest groups, as well as candidates, with direct access to the voters without having to work through the established political institutions that would have forced them to adjust their own aims to accommodate the broader national interest. Never has it been so evident that, as Macaulay wrote to his American correspondent H.S. Randall, the biographer of Jefferson, "your Constitution is all sail and no anchor." Those now filling the sails are the special interest groups, of whom the risk-averse are the most successful. European countries, in contrast, simply have not permitted the sacrifice of their political systems to the single-issue special interests. Strong parties compel these special interests to adjust to the national interests.

But these groups could not have been so destructively successful if Americans had not already suffered a loss of faith in their nation—a loss of faith in the science and technology on which American progress has been built (while paradoxically they look to science to create their version of a risk-free country); a loss of faith in America's inexhaustible possibilities, its sense of limitlessness; a loss of faith in the ever-advancing frontier, even, as Kennedy proclaimed, the exploration of the new frontier in space. And with it all, a loss of the American adventuring spirit, of the American gusto whose absence the world now laments, the gusto that, until the 1960s, blew like a fresh wind around the globe, showing what could be accomplished in so short a time by a nation that did not shrink from risk but found it a challenge.

There is something grossly at fault in the conception of the Vietnam War Memorial and the false veneration it excites. It is not, like the Iwo Jima Memorial, a monument to heroism, or even to sacrifice. It is a monument to a loss of life that is seen as wasteful and dishonorable. The feelings it excites reflect a nation that is coming to believe that even war should be fought without risk to its fighting men or risk of defeat.

A nation should lament the deaths, and succor the survivors. But it cannot forever be counting its dead.

**UDAG PROGRAM SHOULD BE REAUTHORIZED**

**HON. JAMES A. TRAFICANT, JR.**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation that would reauthorize the Urban Development Action Grant [UDAG] Program at a level of \$225 million a year for fiscal years 1990 through 1993.

Mr. Speaker, since coming to Congress, I have been an outspoken supporter of both the UDAG and the Community Development Block Grant [CDBG] Programs. For the past 8 years, the Reagan administration attempted to cut back or eliminate these programs. Up until last year, Congress consistently blocked these efforts and was able to maintain funding for these programs. Unfortunately, last year in the fiscal year 1989 HUD-Independent Agencies appropriations bill, Congress provided no new funding for the UDAG Program. I believe that this was a serious error and the legislation I am introducing today is an attempt to correct this mistake.

Like many of my colleagues and like countless mayors, county supervisors, city council members, and other local officials, I recognize the central importance of the UDAG Program to local governments—especially in areas which have been devastated by economic hard times. In many instances, UDAG's provided funding for projects that otherwise would not have gone forward. The UDAG Program provided communities that are struggling economically with hope and assistance. UDAG's gave distressed communities the helping hand so vital to their economic revitalization efforts.

Mr. Speaker, the UDAG Program did work and it should not be allowed to die. Many times a UDAG will provide a community with the push it needs to get back on its feet and help itself. Most importantly, UDAG's put private money to work and they stimulate private investment in economically distressed regions.

This is an important bill Mr. Speaker, and I urge all of my colleagues to lend it their strong support. The full text of this bill is as follows:

H.R. —

*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 "UDAG Reauthorization Act of 1989".

**SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 1990 THROUGH 1993.**

The second sentence of section 119(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5318(a)) is amended to read as follows: "There is authorized to be appropriated to carry out this section \$225,000,000 for each of the fiscal years 1990 through 1993."

**EXTENSIONS OF REMARKS**

**SEC. 3. EXTENSION OF URBAN COUNTY COMPETITION RULE.**

Section 515(g)(2) of the Housing and Community Development Act of 1987 is amended by striking "October 1, 1989" and inserting "October 1, 1993".

**TRIBUTE TO LEANNA BROWN**

**HON. JIM COURTER**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. COURTER. Mr. Speaker, I rise today in tribute to one of New Jersey's most dedicated and committed public servants for 20 years, Senator Leanna Brown.

Leanna has distinguished herself to the citizens of Morris and Passaic Counties through the 20 years of dedicated service in local and State government. Her overwhelming support from her constituency is a tribute to her unique leadership, loyalty, and dedication to the citizens of New Jersey. Her record of excellence in previous leadership positions as assemblywoman for 3 years, freeholder of Morris County and director for 8 years, and her first elected position as councilwoman in Chatham Borough have earned her the respect and admiration of all of the citizens she has represented and all those, including me, with whom she has worked.

In Trenton Leanna has been actively concerned with increasing international trade, and by being a member of the Governor's Commission on International Trade she has promoted trade offices in the Orient.

Beyond her significant achievements as a public servant, Leanna Brown has also been active in charity work, and, in particular, has been admired for her work for children. In recognition of her dedication and countless hours in her charity work and public service she has received numerous awards, including the Woman of Achievement Award from the Douglass College New Jersey State Federation of Women's Clubs, Issues & Action Award '88 Award from the New Jersey Council of Churches, and the Salute to Policy Makers Award from the Executive Women of New Jersey, to name a few.

Leanna Brown has unselfishly served New Jersey throughout her 20 years of public service and has gained a reputation among her peers and constituency for the highest integrity and abilities. The people of Morris and Passaic Counties and the State of New Jersey are indeed lucky to have such a capable and respected individual to represent their needs in the State capitol. I take great pride in noting her accomplishments to my colleagues.

**JAPAN STRIKES UNFAIR DEAL WITH UNITED STATES**

**HON. GERALD B.H. SOLOMON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. SOLOMON. Mr. Speaker, I've always been a staunch supporter of free trade, but free trade must also be fair trade.

Once again, I regret to report, Japan has shown that it employs a double standard when it comes to its trading partners, of which America is the most important.

Our recent effort to sell Japan F-16 fighters has been instructive. A recent New York Times editorial on the subject tells the story, which I place in today's RECORD.

**THE LOSING FIGHTER DEAL WITH JAPAN**

An American negotiating team trying to sell F-16 fighters to Japan was defeated last month and is now in Tokyo to receive its second humiliation.

Japan wants to buy 140 new fighter planes. General Dynamics makes the world's best fighter, the F-16, in numbers that assure unmatched economy. Furthermore, by buying American, Japan could reduce the trade surplus that so aggravates its major trading partner and help alleviate the burden America bears in defending, among other countries Japan.

Surely in this case, Japan will buy American, no? No. Japan prefers to develop the FSX, loosely patterned on the F-16, at more than twice the cost. In an agreement signed last month in Tokyo by the retiring Ambassador, Mike Mansfield, General Dynamics has been designated a subcontractor, with a promise of 35 to 45 percent of the development work. In gratitude, the company will hand over all the necessary F-16 technology.

Has the Defense Department given away the store? Its negotiators worked harder than it looks. At first the Japanese insisted on developing a wholly new fighter. The Pentagon finally induced Japan to base the plane on the F-16. New technology developed for the FSX will be made available to the U.S., for military though not commercial use.

Still, the deal is one sided and unfair. Japan shuts out American companies when it wishes to develop a new industry. Japan's insistence on developing the FSX may not relate to its effort to build up its aviation industry. Even so, the rejection of a superior American product seems familiar, and unfair.

Japan argues that defense is in a special category, and it is quite true that many countries like to build their own major weapons systems. But Japan and America have a special relationship. They are major trading partners; America shoulders the heavier part of their mutual defense, spending 6.5 percent of its gross national product on defense compared with Japan's 1 percent. The resources America diverts to defense have a lot to do with the trade imbalance that so benefits Japan.

The Defense Department, having agreed that Japan will develop most of the FSX, has now sent a team to Tokyo to plead for a share of the production contract. Agreeing to that seems the least Japan could do.

In the case of the F-16, the United States had every reason to expect that Japan would want to buy American, and every reason to be disappointed at the grudging concessions Japan has made to the two countries' common interests.

## THE FILIPINO VETERANS FAIRNESS ACT

### HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. MINETA. Mr. Speaker, today I reintroduced legislation to remedy the unfair situation faced by Filipino nationals who are serving in the U.S. Navy.

Under current law, Filipino servicemen are not allowed the same opportunity to apply for U.S. citizenship afforded other aliens serving in the U.S. Armed Forces. The bill, the Filipino Veterans Fairness Act, would amend the Immigration and Nationality Act to provide special immigrant status for certain aliens serving at least 4 years in our Armed Forces.

Under the terms of our military base agreement with the Republic of the Philippines, Filipinos may enlist in the U.S. Navy without first obtaining residence in this country. But many Filipinos who have enlisted in the U.S. Navy are unable to qualify for naturalization under existing law because they have not first been admitted for permanent residence in the United States. Thus, these Filipinos have no immigrant status at all.

Under U.S. law, all aliens must be admitted to this country for permanent residence before they may enlist in the U.S. Armed Forces. But upon admission for permanent residence and completion of 4 years of honorable service, U.S. law allows these aliens to be naturalized.

The legislation I have reintroduced today would provide special immigrant status for aliens serving in our Armed Forces and allow those service members to take advantage of existing law. The passage of this bill will remedy the current inequality between loyal Filipino service members and other alien enlistees.

The faithful military service of these Filipinos is symbolic of their devotion to the United States. The reenlistment rate for Filipino servicemembers is more than 90 percent. Their loyalty to the United States is documented throughout history and the need for their fair treatment is long overdue.

## A TRIBUTE TO MR. IRA FREEMAN

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to an outstanding leader of our community, Mr. Ira Freeman. On January 20, Ira concludes his term as president of the Sun Valley Area Chamber of Commerce.

Ira Freeman is a man of tremendous talent, dedication, and effort. During his tenure, the chamber of commerce has experienced great growth. He coordinated a Clean Up Program which enlisted the aid of local schools and various businesses and organizations in Sun Valley and served as the liaison between the Sun Valley Area Chamber of Commerce and the Sun Valley Residents Association, creating

an on-going project for community and graffiti clean-up. Ira is also responsible for the chambers' Hispanic Business Committee to increase the level of participation by Hispanic owned businesses in chamber affairs.

Ira Freeman's contributions to the community extend beyond the chamber of commerce. His seemingly infinite energy has improved the quality of life for all who live and work in the San Fernando Valley. He is owner of Key Pharmacy and is past president of the Professional Pharmacist Society of San Fernando Valley. Ira was recognized by the University of the Pacific as recipient of the Preceptor of the Year Award for training pharmacy students. He is a founding patron of the Valley Free Clinic, a family planning facility. Ira Freeman also cosponsors San Val a valley little league team.

Ira has earned many well-deserved awards, including the 1985 State Assembly Humanitarian Award, Juvenile Justice Connection Project Man of the Year, and Small Business Person of the Year for Sun Valley, just to name a few.

It is my honor to ask my colleagues to join me in saluting Mr. Ira Freeman, an asset to our community, and a dedicated citizen.

## WHAT CAN YOU DO WITH LEFTOVER FOOD?

### HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. STARK. Mr. Speaker, with all the parties in Washington last week, much food was consumed and much food was wasted. However, thanks to Robert Egger's food transportation project, some food was redirected to hungry people.

Last Thursday, the Washington Post published a very discouraging article on area hotels refusing to donate leftover food to needy people. This triggered a published response in Friday's Post about Robert Egger, who already was working to provide assurance to hotels that they could donate food in good faith without fear of liability.

For my colleagues who may have missed the articles, they are reprinted here. To contact Robert Egger to pick up leftover food, phone 234-0707.

Congratulations to Senator DAN COATS for being the first person on the Hill to avail himself of the D.C. Central Kitchen's service.

[From the Washington Post, Jan. 19, 1989]

## TOSSING THE EXTRA SALAD: HOTELS REFUSE TO DONATE PARTY LEFTOVERS TO NEEDY

(By Jim Naughton)

In this week of inaugural excess, Bryna Monsein thinks her story has particular relevance.

Two weeks ago, the Bethesda resident decided to donate the leftovers from her daughter's wedding reception at the Mayflower Hotel to the Community for Creative Non-Violence. "Wonderful food," she says. "Blackened sirloin, shrimp scampi, chicken piccata, wonderful pasta."

But the Mayflower, fearing it would be liable if anyone became ill, refused.

"I was really sad," she says. "To think of all that food going into the garbage was just pitiful."

But not unusual. A number of local hotels, citing health regulations, insurance and public relations concerns, refuse to redistribute food they haven't served. Still, caterers, who would presumably have the same concerns, have earned a reputation for being generous with their clients' extra food.

"Somehow caterers have been more sensitized than hotels and restaurants," says Carol Fennelly of CENV.

Hotel managers say it is not a question of sensitivity.

"Once food is dispensed, at no time could it be given away," says Paul J. Sacco, general manager of the Omni Shoreham Hotel. "Health laws would dictate that you would not be able to reissue it."

Sacco's opinion was echoed by other hotel managers, but, according to Sidney Hall, chief of food protection for the District's Department of Consumer and Regulatory Affairs, "There are no such regulations." Hall says hotels can donate food to charity "so long as the food is wholesome and has not been used by former patrons."

But Kevin McPhee, director of food and beverages at the Mayflower, insists that the hotel is legally liable for the food it prepares.

"It is not a question of donating food. We donate food. But donating food that has already been prepared for another purpose, that is another question," he says. "Particularly hot food. If it has to be reheated it is exposed to potential bacteria. We're very careful about these things. We have that liability."

But Fennelly says hotels are protected from liability for food "donated in good faith" by "Good Samaritan" laws in the District, Maryland and Virginia.

Still, some catering directors, like Brent Ashton at the Omni Shoreham, are wary of "loopholes in the law."

Hall says the only condition he is aware of is that food be "transported in the proper vehicle. . . . Hot food must be kept hot. Cold food cold."

Fennelly characterizes the hotels' position as "baloney. . . . They can do it if they choose to. A lot of restaurants use it as an excuse not to give food away."

"I think a lot of the hotels couldn't necessarily be bothered," says the Rev. John Adams of So Others May Eat, an ecumenical food agency. "It's certainly not against the law."

Bryna Monsein, who doesn't want others to repeat her experience, has sought legal recourse. Her attorney—Earl Colson of Arent, Fox, Kintner, Plotkin and Kahn—has written a letter that he hopes will serve as the basis for future agreements between hotels and relief agencies. In it, a charity acknowledges "that we have received the food in good condition," and promises "to refrigerate and otherwise keep the food in a sanitary condition suitable for consumption."

The agency agrees to release the hotel "from any claim that may arise because of your having supplied this food." And also promises to "indemnify you against any claim made by any homeless person to whom we have provided portions of this food."

"It will stand up in court" as a contract, Colson says. "Whether a hotel will say, 'Oh, that does it,' and contribute the food, I don't know."

Kevin McPhee of the Mayflower says he has seen similar documents before. "What I don't know is, if tested, would it hold?"

In lieu of a test, Monsein recommends a client investigate a hotel's donation policy before booking an event.

"My feeling is if people knew about it, they would make these arrangements in the beginning," she says. "All it involves is saying, 'Will you please?'"

[From the Washington Post, Jan. 20, 1989]

**LEFTOVERS FOR THE HUNGRY ROBERT EGGER'S FOOD TRANSPORTATION PROJECT**

(By Jim Naughton)

If you've begun to wonder what a point of light looks like, meet Robert Egger.

Last year the 30-year-old District resident quit his job as a restaurant manager to help feed the city's hungry. This morning he'll inaugurate the D.C. Central Kitchen, an organization dedicated to transporting leftover food from hotels and restaurants to shelters and soup kitchens.

Egger, who worked in area restaurants for 10 years, says he undertook the project because restaurateurs and hoteliers threw away huge quantities of food, believing there were no sanitary, legally authorized procedures for donating it.

To overcome their reluctance, Egger, an experienced food handler, bought a van outfitted with a large new refrigerator and is drawing up a contract to absolve donors from liability for illnesses caused by any food donated "in good faith."

The initial response has been encouraging. Joe & Mo's, Tila's, Movable Feast catering and the American Foreign Service Club are among the businesses that have signed a letter of support. The Washington Restaurant and Beverage Association is profiling the Kitchen in its upcoming newsletter, and Leonard Hickman, executive vice president of the Washington Hotel Association, says he plans to call Egger and "see what we can do."

Egger, who will make his first pickups this morning at Holiday Inns in Georgetown and Arlington, is certain that the Kitchen will succeed. His chief worry is that it will succeed too well, too soon.

"I think we are going to be bombarded," he says with a mixture of delight and trepidation. "With all the parties in this town. All the corporate cafeterias. All the banquets. I'm already concerned that we are going to need another van."

The seed for the Kitchen was planted four years ago when Egger and his wife Claudia began working with hunger relief efforts sponsored by Grace Episcopal Church and the Salvation Army.

"We always tried to avoid having to go out on the food delivery truck," he says. "But then when we finally did . . . I know it sounds corny, but it really did change our lives dramatically."

While Egger, who'd managed the Child Harold and Clyde's in Georgetown, threw himself into raising the \$50,000 it took to open and insure the Kitchen, Claudia, executive assistant to a local attorney, supported the couple. The pieces fell into place early this month, and Egger, now working on a small salary, seized on Inauguration Week, with its myriad banquets and receptions, as a propitious time to start.

The Kitchen is currently a have-truck-will-travel operation, but in April, Egger and Jack White, executive director of the Coalition for the Homeless, plan to open a newly renovated industrial-sized kitchen on Flori-

da Avenue NW where crudité plates can be converted into salads and stews.

White made the kitchen available after meeting Egger last year. "He walked in my door one day and said, 'I have an idea,'" White recalls. "It just so happened that his idea met my need. We have what I would describe as an inadequate food program. We're always lacking salad, fresh fruit, the very stuff he's likely to get the most of."

Egger also plans to offer an eight-week food preparation program taught by volunteer chefs who will train homeless people who apply through the coalition.

"In other words it's the homeless preparing food for the homeless," Egger says. "I think we could train some good-caliber entry-level people, even assistant-chef-level people."

"That's what will distinguish what he's doing from other programs," says Rick Stack, a founder and former director of the Capitol Area Community Food Bank.

Stack, who sits on the Kitchen's board of directors, helped Egger research similar programs last year in New York, Philadelphia and Atlanta.

"What the restaurants did in Atlanta to assuage their concern about liability is they would intentionally produce more than they could sell and give that surplus to Atlanta's Table," Stack says. "I know that's what Robert is hoping will happen in the local hospitality industry."

**WOMEN'S AND MEN'S CAUCUSES  
FETES VICTOR R. RODRIGUEZ**

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. TOWNS. Mr. Speaker, on Saturday, September 24, 1988, the Women's and Men's Caucuses for Congressman EDOLPHUS "Ed" TOWNS held their Annual Dinner Dance at the Fleur De Lis Restaurant. As part of this annual event, the Caucuses honored Victor R. Rodriguez.

Victor Rodriguez, though born in Puerto Rico, was raised in the Brownsville and East New York sections of Brooklyn, in a family of four brothers and seven sisters. After attending the Brooklyn public schools, he enlisted in the U.S. Marine Corps, where he served in the Vietnam war receiving several medals for gallantry and two purple hearts. Following his return to the States, Victor was assigned M.P. duty at the Pentagon in Washington, DC, until his discharge in July 1970.

Mr. Rodriguez enrolled at Brooklyn College in 1971, graduating 6 years later with a B.S. in physical education. He immediately became a teacher at Thomas Jefferson High School, teaching classes to non-English speaking students. While at Thomas Jefferson, he also coached both the junior varsity and varsity football teams for 10 years.

In 1977, Victor re-enrolled in the masters program at Long Island University, receiving his M.S. in bilingual education in June 1979. Continuing his education, Mr. Rodriguez enrolled at Long Island University again; this time in pursuit of a professional diploma in supervision and administration, which he received in August 1981.

In March 1982, Victor became assistant principal at I.S. 171, in which capacity he served for 5 years. In April 1987, he became principal of P.S. 159. For Victor, being a principal has been the ultimate challenge. He says that "seeing young minds blossom and youngsters grow is a joy. It is a joy because we are molding the minds and bodies of the future. A future filled with high hopes and attainable dreams."

Victor is living proof of that. I extend my sincerest congratulations to Victor on his many accomplishments, and my best wishes for a successful and fulfilling future.

**INTRODUCTION OF STUDENT  
LOAN LEGISLATION**

**HON. TIMOTHY J. PENNY**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. PENNY. Mr. Speaker, I rise today to introduce legislation to restore the ability of postsecondary schools to make federally guaranteed loans to their students.

By way of background, in 1986, a provision was included in the reauthorization of the Higher Education Act of 1965 to allow postsecondary schools to act as lenders in the Federal student loan programs. Many members of the Education and Labor Committee at that time felt, as I did, that such a change would expand the number of likely lenders for students to choose from when applying for guaranteed loans, would generate income to allow schools to expand institutional-based aid or nonguaranteed loans to students, and would assist in the reduction of defaults on federally backed student loans.

During the debate on the higher education technical amendments last Congress, critics charged that under the 1986 provision schools would make loans and immediately turn them over to secondary loan markets and therefore would not develop a long-term commitment to a lending program. This concern led to a repeal of the 1986 provisions. This legislation addresses that concern by stipulating that institutions who make loans to their students will be required to hold those loans until the beginning of the grace period of the loan. This requirement will insure that schools do not routinely make loans and immediately sell them to other lenders in the secondary loan market.

Mr. Speaker, this legislation is really very simple: it grants schools the opportunity to make loans to their students that banks and other lenders have long enjoyed. Last Congress, over 30 Members were cosponsors, and several educational organizations, including the American Council on Education, and the National Association of Student Financial Aid Administrators, endorsed this legislation.

When we are searching for ways to increase the amount of aid available to students and examining proposals to reduce the growing student loan default problem, let me suggest, Mr. Speaker and colleagues, that this legislation is an important start in addressing both policy concerns.

The bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 435(d)(2) of the Higher Education Act of 1965 is amended—

(1) by inserting "and" at the end of subparagraph (B); and

(2) by striking out everything after subparagraph (B) and inserting the following:

"(C) shall not, as a regular practice, sell or assign the loans made under this part to any other eligible lender except after the borrower ceases to carry at least one-half the normal full-time academic workload (as determined by the institution)."

## A BILL TO LIMIT SOUTH AFRICAN INFLUENCE AND CONTROL OF UNITED STATES BUSINESS ENTERPRISES

**HON. MICKEY LELAND**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. LELAND. Mr. Speaker, when Congress passed the Comprehensive Anti-Apartheid Act of 1986, it sought to make apartheid economically and morally untenable by prohibiting certain United States investments in South Africa.

Unfortunately as of 1985, United States affiliates of South African companies hold an estimated \$84 billion in total assets. Furthermore, South Africa continues to increase its stake in key American industries. For example, Minorco, a South African controlled company, is making a hostile bid for Consolidated Gold Fields—a British concern with strategic mineral assets in the United States. A successful acquisition would give South Africa a greater hold on the international mining industry. Because the use of apartheid-generated profits in such a manner provides economic and social stability for South Africa and fuels apartheid, it should be eliminated.

Today, I am introducing a bill to close this loophole in the Anti-Apartheid Act. Quite simply, this bill prohibits South African business enterprises, persons or governments from acquiring, purchasing or owning 5 percent or more of voting securities of any United States business enterprise. While South African persons can continue to invest minimally in the United States they will not be able to exert control over U.S. corporations.

Our past actions suggest that Americans find apartheid so morally abhorrent that we chose not to associate with such a racist system. If we are to be philosophically consistent, if we are to maintain a congruent policy, and if we seek to send a clear message to South Africa, we must end South African investment in the United States. To permit this practice to continue would be hypocritical.

I urge you to support this bill and help end the tragedy that is apartheid.

H.R. —

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

## SECTION 1. MEASURES TO LIMIT THE INFLUENCE AND CONTROL OF SOUTH AFRICANS IN UNITED STATES BUSINESS ENTERPRISES.

(a) No South African person may directly or indirectly acquire, purchase, own, or hold 5 percent or more of the voting securities of any business enterprise incorporated, chartered, or organized in the United States.

(b) For purposes of this Act the following terms have the following meanings:

(1) The term "South African person" means—

(A) any person resident in South Africa or subject to the jurisdiction of South Africa;

(B) any individual, branch, partnership, associated group, association, trust, estate, corporation, or other organization organized under the laws of South Africa, and the Government of South Africa (including a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency); or

(C) any entity of which 5 percent or more of its voting securities is directly or indirectly owned or controlled by any person or entity under subparagraphs (A) and (B).

(2) The term "business enterprise" means any organization, association, branch, or venture which exists for profitmaking purposes or to otherwise secure economic advantage, and any ownership of any real estate.

(3) The term "associated group" means two or more persons who, by the appearance of their actions, by agreement, or by an understanding, exercise their voting privileges in a concerted manner to influence the management of a business enterprise. Each of the following are deemed to be an associated group:

(A) Members of the same family,

(B) A business enterprise and one or more of the officers and directors.

(C) Members of a syndicate or joint venture.

(D) A corporation and its domestic subsidiaries.

(e) For purposes of this Act in determining any percentage of the voting securities, the voting securities shall be deemed to consist of the amount of the outstanding voting securities, exclusive of any voting securities held by or for the account of the issuer or a subsidiary of the issuer.

(d) A South African person in violation of subsection (a) shall divest ownership of such voting securities as are in violation of the limitation under such subsection within one year after the date of the enactment of this Act.

(e) The United States or any person aggrieved may bring a civil action in an appropriate district court for equitable relief with respect to any violation of this Act. If a plaintiff other than the United States is a prevailing party in such an action, the court shall award costs and reasonable attorney fees to that plaintiff. For purposes of this subsection a "person aggrieved" shall include any shareholder, officer, employee, or employee representative (including designated collective bargaining agent) of a company whose voting securities are acquired, purchased, owned, or held (either directly or indirectly) in violation of this Act.

## BLACK COLLEGES GET A BOOST

**HON. WILLIAM (BILL) CLAY**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. CLAY. Mr. Speaker, I am pleased to share with my colleagues the following article from the St. Louis Lighthouse. In it, Tony Brown brings attention to the growing consciousness and responsibility among the black community toward higher education. I found this article encouraging, because it illustrates how our contributions enable our children to achieve at black colleges and universities, and to overcome the barriers to social and economic equality.

[From the St. Louis Lighthouse, December 1988]

**COSBY'S DONATE \$20 MILLION**

(By Tony Brown)

Bill Cosby and Camille Cosby gave \$10 million each to Spelman College and demonstrated that the only color of freedom is green. They also reminded the world that the freedom of Black people is the responsibility of Black people.

While not having millions of dollars, thousands of Blacks who graduated from White colleges are making the same point another way. In a desperate attempt to find one another and survive in hostile settings, they are intensely involved in "networking"—a modern term for "extended family."

Black college students, who ten years ago would not have visited a Black college campus, are now stampeding Fisk (enrollment up 19%); Florida A and M (up 15%); South Carolina State (up 9%); Jackson State (up 12%); and Alabama State (up 14%).

Norfolk State University most outstanding science programs in the country with a guaranteed education, has grown to an all-time student enrollment of 8,000. And if you want to get into Hampton University, start applying a few years early.

What's happening? It's not what Newsweek magazine and the majority of the White Press is reporting. Whenever they report on Black colleges or other self-help projects, they select the worst-case scenario.

That's why Black people must listen to a different drummer.

Woodie King, Jr., director of the Broadway play "Checkmates," is doing just that. The White critics knocked Ron Milner's writing, King's directing and the overall production, but Black audiences love it. As a result, a potential flop has turned into a hit.

The 100 Black Men of Atlanta raised \$60,000 in a fundraiser with "The White Girl," my movie that will hit the theaters in June, 1989.

"Atlanta Students Give Anti-Drug Movie Rave Reviews" read the headline in The Atlanta Journal and Constitution. "They applauded during the anti-drug statements, boogied in their seats during the dance scenes and cheered when the dope dealer got his due," the Journal said.

"Hey, it was real. The movie told me not to use drugs, and then showed me why," said Marquis Smith, 14, a ninth-grader at Fulton Senior High.

The Journal also explained that "the \$60,000 in proceeds from the Atlanta showing will go to the civic club's 'Project Success' program. Under the nine-year endeavor

or, 31 Archer High School students have been adopted by members and will receive full tuition to an accredited college of their choice upon graduation."

"This fundraiser premiere of 'The White Girl' is a unique way of raising money for our scholarship program and getting the anti-drug message out to young people," said John Grant of The Atlanta Black Men.

"Those on hand gave the movie and message a rousing thumbs up," wrote Keith Thomas in *The Atlanta Journal*.

Meharry Medical College sold 2,000 tickets (\$50 and \$100) for its sold out premiere in Nashville. St. Catherine Church (AME Zion) in New Rochelle, N.Y.; the Black-owned Norfolk Community Hospital and Norfolk State University; and the Black MBAs and Alpha Phi Alpha Fraternity of Dallas are other groups that have held recent fundraisers in this newly-discovered atmosphere of self help.

We will continue to make the movie available to our community until June of 1989 (Info: 212/575-0876).

There is a new spirit of self-help born out of a new reality that White people and White institutions are not going to free Black people.

Not many, perhaps no one else, can do what Bill and Camille Cosby did, but we can all give something—no matter how small—to a Black charity.

"Thumbs Up" to all who try.

#### RENTAL REAL ESTATE RELIEF

**HON. J.J. PICKLE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. PICKLE. Mr. Speaker, today, I am introducing legislation to modify the passive loss rules enacted as a part of the Tax Reform Act of 1986 and to restore a significant measure of fairness and justice to owners of rental real estate. This bill would reinstate a general tax deduction for cash losses by rental real estate owners. Such a limited deduction would ease the burden sustained by active real estate owners in tough economic times and at the same time maintain one of the principal goals of the 1986 Tax Reform Act of eliminating tax shelters. I introduced this measure during the 100th Congress, and in my judgment the need for this revision is greater than ever.

The passive loss section was a cornerstone of the antitax shelter provisions of the 1986 Tax Reform Act. Generally, I believe these rules are accomplishing their goals. However, the rules go beyond eliminating real estate tax shelters. Unfortunately, their sweeping nature not only stops individuals from deducting paper losses—such as depreciation expenses—but also prevents taxpayers from claiming current business deductions for the cash expenses associated with owning and maintaining rental real estate properties. In other words, the passive loss rules will only allow the real estate owner to defer the deductibility of a loss even if the loss is a true economic or out-of-pocket cash expense.

The bill I am introducing today would allow owners of rental real estate to claim a current tax deduction for only that portion of the owner's cash out-of-pocket expenses—such as utility, insurance, and repair expenses,

State and local property taxes, and interest payments—which exceed rental income from the property. Only those rental property owners who actively or materially participate in the ownership and management of the property would qualify for the deduction. Passive investors in the property would be excluded and paper losses would continue to be deferred for all rental property owners.

The inability to deduct out-of-pocket cash expenses presents a significant problem to owners of rental real estate, particularly to those owners in areas, such as my district of Austin, TX, undergoing economic difficulties. Many of these owners find themselves in an economic situation where the current rental income from the property is less than the legitimate, ongoing expenses of owning and operating the property. This creates a "negative cash flow" situation. For example, there may be an unforeseen lag between tenants, rent control ordinances, an unusually high vacancy rate which keeps rental income down, or non-payment of rent. Additionally, operating expenses may be unusually high because of escalating insurance premiums, adjustments to tax assessments, costs of responding to vandalism and zoning restrictions, and common expenses incurred to repair or renovate an otherwise unmarketable property.

What these taxpayers must do during these unfortunate periods is fund the difference between the rental income they receive and the expenses of maintaining the property, with cash out of their pocket. This negative cash flow, up until the 1986 Tax Reform Act, was fully and immediately deductible by the taxpayer/owner as an expense incurred for the production of income.

My constituents have informed me that the real-world effects of the inability to deduct cash losses are that rental housing properties in economically weakened real estate markets are abandoned. Owners are now discouraged from undertaking the risks associated with redevelopment and rehabilitation of existing projects, rents are increased on those properties with tenants, and because abandonments and foreclosures are more possible, the loan portfolios of the Nation's already deeply troubled financial institutions are further weakened.

Mr. Speaker, during the conference of the 1986 Tax Reform Act, when the House conferees were presented with passive loss rules by the Senate, I attempted to rectify the provision to allow true cash losses sustained by nonpassive owners to be immediately deductible. In conference, I argued that this particular section of the bill was too harsh and needed to be corrected. Unfortunately, the decision was made to enact the passive loss rules, as is, and correct the consequences later.

Mr. Speaker, no matter how much I would like to introduce this legislation with a retroactive effective date, believing that troubled rental real estate owners are deserving of such relief, I am obliged to recognize that budgetary constraints will only permit that the bill be prospective in nature. The legislation is therefore effective beginning the first tax year following the date of enactment.

I believe now is the time to address this principal shortcoming in the 1986 tax changes affecting rental real estate. Importantly, my bill

would help sustain active property owners with high cash losses who would otherwise have little recourse but to submit to foreclosure proceedings. Without the ability to deduct cash losses, these people have little incentive to hold on to troubled properties. Besides its immediate help to economically-distressed individuals in the real estate business, my bill will help ease the growth of foreclosed properties and consequently reduce the overwhelming strain on resources of our financial institutions.

Mr. Speaker, I call on my colleagues to join me in a genuine opportunity to help remedy the major problems the passive loss rules have created for real estate owners and investors.

#### LEGISLATION TO REAUTHORIZE HUD HOUSING COUNSELING PROGRAM

**HON. JAMES A. TRAFICANT, JR.**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to reauthorize a housing counseling program that was enacted into law in the last Congress. Last fall, the House-Senate conference report on H.R. 4800, the fiscal year 1989 HUD-Independent Agencies appropriations bill instructed the U.S. Department of Housing and Urban Development to use some of the \$3.5 million appropriated in the bill for HUD housing counseling programs to implement a new counseling program I had authorized in the Housing the Community Development Act of 1987, Public Law 100-242.

The legislation I am introducing today would reauthorize this new program at a level of \$10 million a year for fiscal years 1990 and 1991. Under this program, HUD is authorized to make grants to nonprofit housing counseling organizations. These grants can be used to provide counseling to all homeowners—even those with conventional loans. Previously, HUD counseling programs only covered FHA and other HUD-backed loans. Eligibility for assistance would be limited to those homeowners with good credit and work histories who have been unable to make mortgage payments due to conditions beyond their control.

As enacted into law last year, my legislation would require that lenders, in sending out delinquency notices, also include information on where the homeowner can go to get counseling from HUD-approved counseling agencies. HUD must establish a toll-free number homeowners can call to get information on HUD-approved counseling assistance. HUD will also have to take action to ensure that housing counseling services are available throughout the country—especially in areas with high foreclosure rates.

Mr. Speaker, the approval of this bill and the subsequent appropriation of funds will allow this vital program to continue to assist homeowners. Housing counseling agencies have a proven record of helping homeowners avoid foreclosures. By assisting struggling families to keep their homes, housing counseling agencies help to keep the American

dream of home ownership alive. By preventing foreclosures, these agencies also save the Federal Government millions of dollars every year. Federal money spent on housing counseling programs is a wise investment of the taxpayers' hard earned money and will, in the long run, help to reduce the deficit.

I urge all Members to enthusiastically support this important legislation.

H.R. —

*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 "Homeownership Counseling Reauthorization Act of 1989".

#### SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 1990 AND 1991.

The first sentence of section 106(c)(8) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(8)) is amended to read as follows: "There is authorized to be appropriated to carry out this section \$10,000,000 for each of the fiscal years 1990 and 1991".

#### SEC. 3. EXTENSION OF PROGRAM.

Section 106(c)(9) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(9)) is amended by striking "September 30, 1989" and inserting "September 30, 1991".

### A TRIBUTE TO DAVID W. DOWD

#### HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. COURTER. Mr. Speaker, I would like to pay posthumous tribute to David W. Dowd, a man who devoted his life to his family, his community, and the State in which he lived.

Born in West Orange, NJ, Mr. Dowd attended Villanova University, later receiving a law degree from Rutgers University. He was a product of New Jersey, and he never hesitated to return the gifts the State bestowed upon him.

Mr. Dowd served his country in the Second World War in the Army Air Force. After the war he spent time playing professional baseball in the New York Yankees organization, and semiprofessional hockey in Philadelphia.

Mr. Dowd also pursued a long career in State politics. He served in Livingston on the township council, and later as mayor. He was a Republican State senator for Essex County from 1967 to 1970.

Mr. Dowd was a loving father and husband. He leaves behind his wife Congetta, six children, and nine grandchildren. We are all bereaved at the loss of Mr. Dowd, but those who knew him may take pride in the long and faithful service he gave to his community and his country.

### SHENENDEHOWA HIGH SCHOOL BOYS SOCCER TEAM IS NATION'S BEST

#### HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. SOLOMON. Mr. Speaker, Shenendehowa High School in Clifton Park, NY, can boast of the best boys soccer team in the entire United States. Not just in their league, or their city, or their county, or their State. Best in the entire country.

Led by cocaptains Mike Bartoletti and Hector Campos, Shenendehowa finished the season with a 23 to 0 record.

In addition, these boys are true All-American types, active in their community and as good in the classroom as they are on the field.

Mr. Speaker, it is my pleasure to place the names of these outstanding young student-athletes on the RECORD. I'm sure you and every Member join me in saluting them.

SHENENDEHOWA HIGH SCHOOL BOYS VARSITY SOCCER TEAM, CLIFTON PARK, NY 1988

Goalkeepers—Dan Traver, Scott Vandermill.

Midfield—Jeff Winterton, Dan Doyle, Neal Clinton, Steven Karbowski, Gannon Fisher, Jeff Koziol, Jeff Weygant.

Backs—Mike Bartoletti, Mark Donoghue, Jeff Bolger, Cassidy Jones, Ned Chiarenza, Brian Darovic, Phil Hatfield, Richard Barron, Erik Swanson.

Forwards—Niles Joseph, Hector Campos, Shawn Cassella, Kevin Smith.

Managers—Sharon Britt, Allison Ciegierski, Cherie Yaksta.

Coaches—Mike Campisi, Matt Chura (Asst.).

#### FLIGHT ATTENDANTS DUTY TIME

#### HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. MINETA. Mr. Speaker, today I am introducing legislation to deal with the apparent and continuing inability of the Federal Aviation Administration and the Department of Transportation to establish rules prohibiting excessive duty hours for airline flight attendants.

Petitions for rulemaking urging FAA and DOT to deal with this problem were filed close to 4 years ago. On November 1, 1985, I and my colleagues, Congressmen Howard, OBERSTAR, LEHMAN, and EDWARDS, and Congresswoman SCHROEDER, wrote to the FAA Administrator urging him to initiate a rulemaking proceeding. No action was taken in response to our letter.

I wrote again in April 1988 renewing our request. On June 13, 1988, I received an answer from Administrator McArtor stating that over the past 2 years the FAA had conducted a thorough analysis of the pending petitions; that this rulemaking continued to have priority for the agency, although over the past 2 years other projects had been given higher priority due to their urgency or a mandate by

Congress; and that a decision on whether to go forward with a rule will be made shortly.

Yet despite this promise of a decision by the FAA, none was forthcoming last year. This led me to introduce a bill on September 27, 1988, and to hopefully prompt the Department of Transportation and the Federal Aviation Administration into action.

Now, 3 months later, in the new Congress, with no decision having been made to date, I again find it necessary to deal with the problem by legislation.

Since there is no question that excessive fatigue can interfere with the performance of responsibilities affecting aviation safety, the Federal Aviation Administration has imposed limitations on work hours for airline pilots, flight engineers, flight navigators, mechanics, dispatchers, and air traffic control tower operators. I see no reason why the rationale for these limitations does not require adopting regulations to ensure that flight attendants are adequately rested so that they will be able to perform their important safety functions proficiently.

Flight attendants have important safety responsibilities in dealing with such problems as rapid depressurization, cabin fires, passenger illness or injuries, hijackings, and situations requiring evacuation of an aircraft. Flight attendants are also responsible for taking routine measures to ensure that an aircraft cabin is safe, ensuring that doors are closed, that baggage is safely stowed, and so forth. Attendants are also responsible for detecting conditions during a flight which may indicate a safety problem. I do not think that it can be seriously argued that excessive fatigue would not interfere with a flight attendant's ability to carry out these responsibilities.

Some collective bargaining agreements may include limitations on duty hours which adequately protect against fatigue. However, not all attendants are covered by union contracts.

The matter of excessive duty hours is not a theoretical problem. FAA has advised us that they are aware of cases in which flight attendants have been required to work for as long as 24 consecutive hours. In the accident involving Galaxy Airlines in Reno, NV in 1985, the NTSB investigation disclosed that at the time of the accident, two flight attendants had been on duty for over 18 hours and were scheduled to continue on duty for an additional 7 hours.

My personal preference, and the approach which has generally been followed by the Aviation Subcommittee in dealing with safety problems, is to have the necessary regulations developed by the Federal Aviation Administration rather than the Congress. FAA has the staff resources, the expertise, and the established procedures to gather the necessary information and develop regulations on complex technical problems. The legislation I have introduced is consistent with this approach. The legislation directs DOT and FAA to issue a notice of proposed rulemaking on flight attendant duty time by 60 days after date of enactment and to issue final rules 180 days later.

However, in the event FAA fails to carry out these statutory directives, the legislation imposes regulations establishing duty hour limi-

tations for flight attendants. The regulations would limit flight attendant duty time to a maximum of 14 to 20 hours, depending on the type of flight and require prescribed periods of rest after each duty period. For any flight scheduled for 8 or more hours of flight time, the attendants must be given a rest break of at least 1 hour during the flight. The legislation also requires that flight attendants must be given a minimum of eight periods of rest of 24 consecutive hours at their domicile each calendar month, and at least one period of rest of 24 consecutive hours every 7 days.

I believe that these requirements are reasonable and will prevent excessive duty periods, while giving the airlines flexibility to use their work force efficiently. I recognize that this is a highly technical and complex area and I would welcome suggestions on how these regulations could be improved. As I have indicated, my preference would be for the Congress to not get into the business of adopting the regulations at all, but for the Federal Aviation Administration and the Department of Transportation in the Bush administration to carry out their responsibilities to protect aviation safety by issuing regulations prohibiting excessive duty hours for airline flight attendants. The safety of airline passengers requires nothing less.

#### A TRIBUTE TO EMEK HEBREW ACADEMY

### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. BERMAN. Mr. Speaker, I rise today to recognize the work of a fine educational institution in my community, Emek Hebrew Academy, a citadel of Jewish education. On January 8, 1989, Emek Hebrew Academy celebrated 29 years of outstanding academic achievement.

Emek Hebrew Academy was established to instill, preserve, and teach traditional Orthodox Jewish values. With a current enrollment of 530 students from grades nursery through eighth, Emek is the largest Orthodox Hebrew Day School in the San Fernando Valley. The academy has an excellent reputation in the academic arena and has been a role model for similar institutions of learning. Under the leadership of Rabbi Yochanan Stepen, Rabbi Philip Wachsmann, Mrs. Evelyn Sass, and Rabbi Eliezer Eidlit, Emek is fast becoming a center for intensive Jewish adult education and community outreach programs and continues to play a major role in offering the entire San Fernando Valley Jewish community innovative educational programs and vital community services.

It is a pleasure to ask my colleagues to join me in saluting the Emek Hebrew Academy. The academy has an impressive record of being dedicated to the preservation of Jewish culture, heritage, and tradition. It is an honor to have such a fine educational institution in the 26th District.

#### EDEN EXPRESS—GREAT SUCCESS

### HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. STARK. Mr. Speaker, please join me in honoring one of the most noteworthy causes and innovative businesses in my district. The Eden Express is a model for disabled worker training that should be noted and emulated nationwide.

The Eden Express is an 82 seat restaurant located in Hayward, CA. Founded in 1980 by Sheila Martinsen and Celia Bjerkan, the restaurant is headquarters for a groundbreaking project in which disabled workers (with disabilities such as manic depression, deafness, schizophrenia, and learning impairments) are trained to live in the mainstream and hold steady jobs.

So far the program has turned out more than 400 graduates, 90 percent of whom have moved on to paying jobs. But the Express's most significant achievement has more to do with giving its employee-students a sense of confidence in dealing with some of life's most demanding and necessary responsibilities. The employee-students of this restaurant are learning the intricacies of proper social interaction, grooming, personal budgeting, math, reading, and perhaps most importantly, adjusting to the stress frequently encountered in everyday life.

Through this program, director of training Barbara Cymrot gives the employees a chance to shake the wrenching sense of failure that can often plague the disabled. Meanwhile, with time and careful promotion, executive director Barbara Lawson has established the Eden Express as a pleasant retreat with competitive standard of service and cooking.

Once again I would like to express my gratitude and congratulations to the contributors, owners, and managers of Eden Express, the employers who have put Express graduates to work, and the worker-students who through perseverance, are striving to make life a more pleasurable and satisfying experience.

People magazine of October 10, 1988, contained an excellent description of the Eden Express story, which I would like to reprint at this point in the RECORD. The only thing the article did not bring out clearly enough is that it is a very good restaurant and the food is excellent!

THE EDEN EXPRESS, A RESTAURANT WITH A MISSION AS WELL AS A MENU, TEACHES THE DISABLED TO FEND FOR THEMSELVES

(By Michelle Green, with Michael Alexander)

It is early morning, and the Eden Express seems much like any other unpretentious little eating house in the blue-collar town of Hayward, Calif. The 82-seat restaurant buzzes with the chatter of the breakfast crowd as the youthful, well-scrubbed staff moves about among the butcher-block tables. The newcomers take a seat by the window, and Sean, a heavyset waiter in a striped apron, ambles over to hand them their menus. "Thank you," they say. "You're welcome," he replies, and he means it.

Returning to take the order, Sean pulls a notepad from his pocket, squints at the page and laboriously writes E-G-G-S. But the second customer wants something more complicated. "I'd like the eggs scrambled on the muffin," he says, "not poached, and I want them dry." A look of mild panic flashes in Sean's blue eyes. A subtle kick under the table, from his companion, prompts the diner to simplify his request. He asks for toast instead, and Sean breathes a little inward sigh of relief.

As the tabletop placards explain, the Eden Express is unlike any other restaurant in America. Sean, 20, is learning-disabled, and his co-workers are afflicted with manic depression, deafness, schizophrenia and other disabilities. Founded in 1980, the restaurant is headquarters for a groundbreaking project in which students like Sean are trained to live in the mainstream and rescued from a life of hopelessness. "We give these kids a chance to start dreaming again, to start believing they have a chance to make it out there," says director Barbara Lawson. "The majority of them had given up on themselves."

Celebrating its eighth anniversary this week, the program has turned out more than 400 graduates, 90 percent of whom have moved on to paying jobs. But the Express's most significant achievement has more to do with pride than with paychecks. In afterwork seminars and counseling sessions, Sean and his classmates are learning the intricacies of proper social interaction, grooming, personal budgeting, math and reading—all of the skills they will need in the marketplace. Armed with new confidence, they will have a chance to shake the wrenching sense of failure that often plagues the disabled. "My kids are really proud of me," reports Denise, a 33-year-old learning- and hearing-impaired graduate who passed through Eden's gate and now works as a baker's assistant at Safeway. A single mother of two, she had never held a regular job before she was hired by the supermarket chain in July. "When I got my first paycheck, I was real excited—I went and framed it," she says. "Now my dream is to move from where I'm living into a nicer neighborhood."

Not surprisingly, the program has the enthusiastic support of the mental-health community. Wrote psychiatrist and author Dr. Maryellen Walsh in her 1985 book *Schizophrenia*: "To call Eden Express another rehab project is to call Paris another town, Picasso another artist, and Dietrich just another pretty face."

The Eden Express was conceived by activists with more vision than capital. In 1978 Sheila Martinsen and Celia Bjerkan, both mothers of children who suffered from mental illness, heard about a restaurant in San Rafael that had once served as a workshop for the mentally disabled. Determined to create similar opportunities for children like their own, the two women seized on the idea and scoured Hayward for financial support. Christ Presbyterian Church put up \$25,000, and 300 volunteers helped transform a rundown pizza parlor into the tidy Eden Express. (The name is taken from a book by Mark Vonnegut, son of Kurt, about his battle with schizophrenia.) Keeping the project afloat, however, was another matter; within seven months, the Express was \$30,000 in debt and one month from bankruptcy.

When Lawson, 51, a social psychologist, heard in April 1981 that the Eden Express needed an executive director, she was only

mildly interested. "I said, 'Oh, I'll just look at it. But there's no way I'll deal with it,'" she remembers. "It was already in the hole." Then the project caught her fancy. "I saw that I could train people," she says, "and put them in the marketplace where they were needed."

A vibrant extrovert with a master's degree in public administration, Lawson, a mother of three, seemed just right for the job. She had not only spent much of her life working with the handicapped, but she knew the restaurant business as well. She and her second husband had once owned an ice-cream parlor in Lafayette, Calif. Lawson also brought to the job a profound understanding of the destructive force of mental disability: Her 27-year-old daughter, Lori, is severely retarded and had been institutionalized since the age of 14. Divorced from Lori's father and struggling through the end of her second marriage, Lawson had fought to keep her own life going while she tried to get the best care for her frustrated, unhappy daughter.

As soon as she was hired, Lawson began soliciting new funds from foundations, corporations (including Chevron, IBM and Safeway), churches and, eventually, such giant charities as the United Way. She established a \$2,500 training fee for the four-month program—a charge which, depending upon a student's disability, is often paid by state and federal agencies. And she trimmed operating costs to the bone. "The restaurant was set up to be competitive, but it wasn't," she says. "People in Hayward thought of it in terms of a school cafeteria. I think they thought it was just a little non-profit thing that got a lot of freebies."

Community response was lukewarm at first. "We had a lot of volunteers walking up and down the street handing out fliers and stuff," says Lawson. "But people said, 'Oh, I feel so sorry for those people, I don't want to come in.' The thing that eventually made a huge difference is that we have trainees delivering goods, going to the post office, to the grocery store. And the public has learned that these people are not frightening."

With time—and careful promotion—the Eden Express established itself as a pleasant retreat with competitive standards of service and cooking. "If we're not doing a good job, the customers just won't come back," says Lawson. "They don't care whether you're dealing with the disabled or not. If you don't get the food out quick, and it's not good food, then the heck with it."

Given the fact many of the trainees have spent their lives on the fringes—living on the streets or locked away in hospitals—it's hardly surprising that service occasionally slips. In ordinary restaurants, waiters only fantasize about snapping at rude customers; at the Eden Express, students with inadequate self-control have occasionally told them off. "Actually, there have been more [outbursts] from the customers than the trainees," says Lawson. "It's tough to get the service real good, because the minute a trainee gets good, we get 'em out there and into jobs."

Trainees begin slowly. Assigned to the laundry room at first, they work up to more demanding jobs in the kitchen and the dining room. Director of training Barbara Cymrot (who admits that she buses the occasional table, in addition to monitoring the progress of her 31 students) says that learning to handle stress is the job skill her charges need most. "You might learn how to wash dishes at 10 a.m., when there are

relatively few people in the restaurant," she explains, "but all of a sudden you might be washing dishes at noon, and someone runs in and screams, 'Where are the forks?' Or let's say you dropped something and broke it. Well, some of these people might not show up the next day because they don't want to admit it. We want people to work through these situations here."

A manic depressive who has simply walked out of other jobs when they became too demanding, Jeanette, 31, has been at the Eden Express for three weeks, setting up the salad bar and baking cookies. "I feel I can kind of work at my own pace here," she says. "A lot is being expected of me, but I don't feel pressured."

Jeanette and her colleagues work at the restaurant from 15 to 40 hours a week, and their hourly wages are based on productivity; beginners receive 98 cents an hour, and the most advanced students earn \$4.25. Tips are funneled into a scholarship fund. "It's a good program," Jeanette says. "Everyone is pulling together."

Despite the project's conspicuous success, Lawson and the board of directors are still facing challenges. With an annual budget of \$380,000, the Eden Express is running in the red. Food sales, training fees and grants cover the overhead, but training expenses eat up potential profits. A recently signed contract to bake 300 dozen cookies a week for a California cookie company will bring in an estimated \$10,000 yearly, but it won't solve the biggest problem facing the Express—a downtown renewal project that will drive up the program's \$2,300-a-month rent or, more likely, force the restaurant to look for new quarters.

Some of the project's well-placed supporters will undoubtedly help cushion the blow. Hayward Mayor Alex Giuliani has served as guest chef, and city council members occasionally stop in for an Eden burger. "They're all in our corner," says Lawson. "They're concerned about us." But the biggest vote of confidence—and certainly the most encouraging—comes from employers who have put Express graduates to work. "They see that our folks know what they're doing," says training director Cymrot, "and they call to say, 'Send me two more.'"

#### WOMEN'S AND MEN'S CAUCUSES FOR CONGRESSMAN ED TOWNS TO HONOR CLEO HARRIS SMITH

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. TOWNS. Mr. Speaker, on Saturday, September 24, 1988, the women's and men's caucuses for Congressman EDOLPHUS "Ed" TOWNS held their annual dinner dance at the Fleur De Lis Restaurant. As part of this annual event, the caucuses chose to honor Cleo Harris Smith.

Cleo is director of human services and associate director of hospital administration at Woodhull Medical & Mental Health Center in Brooklyn, NY. She joined the staff at Woodhull as the associated director of social work in psychiatry in 1983, and was promoted to her current position in early 1984.

Ms. Smith has distinguished herself as an innovative administrator whose professional

expertise is sought throughout New York State for technical assistance and professional consultation in proposal writing, program development, audit preparation, and as a lecturer in a diverse range of human service areas such as domestic violence, sexual assault, and child abuse.

Prior to joining the staff at Woodhull, Ms. Smith held directorships and professional positions at the East New York Mental Health Clinic, Inc., St. John's Episcopal Hospital, St. John's Episcopal Hospital Psychiatric Clinic, and Brooklyn Jewish Hospital.

As an active and involved professional, Ms. Smith is an adjunct associate professor of social work at New York University School of Social Work, holds membership on the New York University Field Advisory Board, National Association of Social Workers, the National Association of Black Social Workers, National Society for Health Manpower Education and Training [Ashet], NASW Registry of Clinical Social Workers, New York State Division for Youth—cochairperson, advisory board—Society for Hospital Social Work Directors, American Hospital Association, the Discharge Planning Association of New York, and the Alpha Kappa Alpha Sorority, Inc.

Ms. Smith, a native of Missouri, holds a B.A. degree from the University of Missouri, Columbia, MO, and a masters degree in social work from New York University.

The recipient of numerous grants and fellowships, she is a certified social worker and in recognition of her outstanding accomplishments in the field, she obtained the rank of diplomate in clinical social work in 1987.

I extend my sincerest congratulations to Cleo on her many accomplishments, and my best wishes for a successful and fulfilling future.

#### THE 1988 REPORT OF THE COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

#### HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mrs. BOGGS. Mr. Speaker, the Honorable Warren E. Burger, Chairman of the Commission on the Bicentennial of the United States Constitution released the Commission's 1988 annual report earlier this month. The report summarizes many of the activities the Commission plans for 1989 when the 200th anniversary of the Congress, the Presidency, and passage of the Judiciary Act of 1789 are observed.

I would like to include the text of this report in the RECORD since it contains much useful information.

COMMISSION ON THE BICENTENNIAL OF THE U.S. CONSTITUTION, WARREN E. BURGER, CHAIRMAN

At the beginning of its official life, the Commission resolved that some "fireworks and parades would be appropriate" but that, in the words of the Chairman's first Bicentennial speech, the Commission's prime ob-

jective would be "to give ourselves a five-year history and civics lesson."

Now, with the advent of the year 1989, Americans are looking forward to two historic celebrations.

Following on the heels of oath-taking by President Elect George Bush in Washington on January 20, the New York Commission will celebrate the 200th anniversary of the First Congress on March 4 and the inaugural of George Washington April 30, 1789.

The 200th anniversary celebration will begin April 16 with the reenactment of Washington's journey by carriage from his Mount Vernon, Va., home to New York City, the first capital under the federal Constitution.

The First Congress had already begun to gather there on the prescribed date, March 4, but not until April 1 did the Congress obtain a quorum and organize the House of Representatives, and until April 6 formally constitute the Senate.

On April 7 the two houses counted the ballots of the first electoral college and notified Washington by the slow and irregular postal communications of the time that he had been unanimously elected first President of the United States.

The reenactment of Washington's seven and one-half day journey to the nation's capital, by an actor wearing authentic period clothing and accoutrement, will symbolize for today's generations the fantastic changes in American life from two centuries ago.

Today George Washington's seven days' journey takes fifty minutes by air, only a little more than four hours by automobile and there is, of course, instant communication by radio, television, and telephone via space satellites.

"But it is also designed to emphasize the continuity and durability of the Constitution over the same 200-year span," Warren E. Burger, Chairman of the Constitution Bicentennial Commission, pointed out in a formal statement.

"The great breakthrough of representative government, with sovereignty still vested in the people themselves, has not only survived these sweeping social, economic, and technological changes but all its fundamental guarantees and rights are intact and stronger than ever."

The New Year marks the third in a five-year series of nationwide programs keyed to the bicentennial anniversary of the Constitution, coordinated and supported by the official national commission created by Congress in 1986.

The programs continue through 1991, when the work of creating the Constitution essentially as it still exists today was completed with adoption of the Bill of Rights, the first ten amendments.

"The Bill of Rights made explicit some of the most precious, fundamental, and zealously guarded of our rights and privileges as Americans under what is now the world's oldest written constitution," Burger commented, "including the indispensable freedom of religion, speech, press, and assembly."

The year 1987 marked the anniversary of the drafting of the Constitution, completed on September 17, 1787, and heralded with national celebrations radiating out from Washington and Philadelphia.

In 1988 the anniversary of the Constitution's ratification occurred, and this year is the anniversary of the formation of the federal system itself, its powers carefully separated among an executive, legislative, and judicial branch.

The last significant date in the five years of programs will be December 15, 1991, anniversary of the final ratification of the Bill of Rights.

In addition to national events and ceremonies, the Commission is coordinating and supporting thousands of local and regional activities (including 108,000 schools), carried out to a great extent by volunteer services and financing.

Among other things, more than 10 million pocket-size copies of the Constitution have been distributed through a variety of channels.

Other activities include community-college forums, student essay contests, a student re-enactment of the constitutional Convention, adult community forums, films, television programs on famous constitutional cases and publications.

(A summary of highlights of Constitution Bicentennial programs is attached; major projects are indicated by asterisks. Further details may be obtained from the Commission.)

#### YEAR END REPORT, COMMISSION ON THE BICENTENNIAL OF THE U.S. CONSTITUTION

As the second full year of the Commission's five-year program of awareness and education comes to a close, it is safe to state that Americans are being exposed more than ever in our history to the events that led to the writing and development of our Constitutional form of government. The programs that have been developed, the events that have been staged, have all increased the awareness of this unique document. Many of them are ongoing, which means that an even greater number of Americans will be exposed to the history and civics lesson of the Constitution Bicentennial.

The following is a sampling of the programs and events of 1987 and 1988 to make our citizens aware of the Constitution.

#### EDUCATIONAL PROGRAMS

##### Essay Contests

The Commission sponsored two essay contests in 1987, one for high school students (co-sponsored by USA TODAY/Gannett) and one for law school students developed by West Publishing Company. Fourteen thousand essays were entered from 50 states and the District of Columbia and Puerto Rico.

##### Roads to Liberty Tour

American Express Company provided funding for the "Roads to Liberty: The Magna Carta to the Constitution" tour, which carried many historic documents (including an original Magna Carta) to over 100 cities from March to September, 1987. The 64-foot long trailer exhibited an original draft of the Magna Carta of 1215, a facsimile of the Mayflower Compact, an original draft of the Constitution, the Northwest Ordinance of 1787, the Connecticut Resolves and other documents which were viewed by millions of Americans.

##### Pocket Constitutions

Easily the most popular of all Commission publications is the 43-page pocket Constitution. This booklet contains the original text of the Constitution, the amendments, a list of historic dates in the development of the government under the Constitution, plus a unique descriptive word index. To date, over 10,000,000 have been distributed by the Commission and other entities.

##### The Walt Disney Company

Established an exhibit to the Bicentennial at DisneyWorld and DisneyLand; donated

large murals of the Christy painting "The Signing of the Constitution" to 207 state capitols and federal buildings.

Xerox Corporation and RJR-Nabisco provided funding for September 16, 1987 "A Celebration of Citizenship," televised live from the steps of the U.S. Capitol by ABC.

##### National Bicentennial Competition

Working with the Center for Civic Education (Calabasas, Calif.), millions of senior high school students are taught a comprehensive course on the Constitution. Schools are then invited to participate in a competition, testing their students' knowledge of Constitutional matters against other schools. Continued success in the competition leads to the national finals in Washington in the spring. The top three schools in each state received awards with the state winner traveling to Washington for the national finals. In 1988, Gompers High School, San Diego, Calif., won top honors over 44 other state winners. New curricula have been developed for this year for fifth and eighth grades.

##### Convention Reenactment

Winners of the national essay writing competition from 50 states, the District of Columbia and the overseas territories, spent three days in historic Williamsburg, Virginia, in September 1987. They wrote their own "constitution," in mock convention held at the College of William and Mary. Their Constitution "tracked" the original, but added a line item veto power for the President, as well as a balanced budget amendment.

##### Historical Pictorial Map Contest

Designed to encourage the study of geography and history as it pertains to the Colonial and Founding Period, the contest is open to youngsters from fourth grade to high school. Outline maps and historic timelines have been sent to thousands of schools with assistance from National Geographic and United Parcel Service.

##### Education Grants

This annual program continues to be one of the foremost efforts in encouraging enhanced teaching of the Constitution in schools. In two years, the Commission has awarded \$4.2 million to over 100 teacher training and curriculum development projects in 38 states. Another round of grants will be announced in late Spring 1989.

##### College-Community Forums

A series of public discussions has been designed to stimulate discussion and insight on the workings of each branch of government. These will include faculty, local leaders, journalists and citizens in a community setting.

##### Adult and Continuing Education

A program of learning materials on the Constitution for adult education has been developed. These materials will be used by schools and organizations that serve the adult learner. The Commission is also developing a "brown bag" lunch discussion series for government employees.

##### Department of Defense

One of the Commission's most zealous supporters in promoting the Bicentennial message, the Defense Department has developed numerous programs for use by military as well as civilian audiences. These include a "Constitution Commitment," which includes a re-affirmation of the induction oath by service personnel, pledging to "pro-

tect and defend" the Constitution. Through the Department of the Army the D-O-D has also produced considerable resource material that has been disseminated to public schools and libraries as well as military bases.

#### *Bicentennial School and Bicentennial Campus Programs*

All elementary, junior high (middle) and high schools, as well as all post-secondary institutions, are eligible. To become a Bicentennial School or Campus, an ongoing educational effort on the Constitution must be developed to offer various events and programs during the school year. To date, over 500 schools, junior colleges, colleges and universities have been recognized.

#### *Educational Material*

With assistance from Scholastic, Harcourt Brace Jovanovich, Bell Atlantic, Polaroid, ABC, CBS, National Geographic Society, United Parcel Service and the Liberty Bell Foundation, the Commission has provided quality educational material to 108,000 schools.

#### *"Equal Justice Under Law"*

Five historic Constitutional court cases on video tape are being distributed to education media centers, luncheon clubs and service organizations.

#### *"Constitutional Journal"*

A series of vignettes on the writing and ratification by award-winner author Jeffrey St. John is being republished in book form, and will be disseminated by the Commission to libraries and schools nationwide.

#### *DAR Essay Contest*

With Commission cosponsorship, the Daughters of the American Revolution is holding a special essay contest for high school juniors and seniors. The topic is: Under the Constitution, how do our responsibilities as We The People influence the Presidency and Congress in the discharge of their duties? The entry deadline is January 15, 1989.

#### *Public Information*

The Commission continues to offer the services of its Speakers Bureau and historic project registry.

#### *PUBLIC AWARENESS PROGRAMS*

##### *A Celebration of Citizenship*

On September 16, 1987, millions of Americans watched on ABC-TV as President Reagan, Chief Justice Rehnquist, Speaker James Wright with other leaders of Congress joining with Chief Justice Burger, Chairman of this Commission on the steps of the Capitol for a tribute to the Constitution. The program, sponsored by RJR-Nabisco and Xerox, ended with the President leading 140,000 people gathered in person plus millions via radio and television, in reciting the Pledge of Allegiance as the House and Senate had done a week earlier.

#### *Constitution Week*

As a follow up to the successful CELEBRATION OF CITIZENSHIP in September, 1987, the Commission launched an effort in 1988 to make Constitution Week (September 17-23) an annual, meaningful commemoration. Literature was distributed to thousands of local entities, encouraging them to take part.

#### *Constitution Day, 1987*

Philadelphia, site of the 1787 Constitutional Convention, was the scene of a mammoth three-hour parade on the 200th anniversary of the signing of the Constitution. Hundreds of bands, floats and military units

marched through the city, as millions watched on television. At 4:00 (e.s.t.), the bells of the ringing of a replica of the Liberty Bell by 13 children representing the original states signalled the sounding of bells around the world in a 200-second salute to the signing. In the evening, an entertainment gala and lavish fireworks display provided a fitting climax to the day.

#### *Journalism Awards*

In 1988, the Commission, working with the National Press Foundation (print) and the Ohio State University (radio/television), presented awards to working journalists who produced the best stories in 1987 on the Bicentennial. A similar award for print journalists is planned for 1989.

#### *Public Service Campaign*

Working with the Advertising Council and a volunteer ad agency, the Commission has developed a series of print, radio and television ads dealing with the Constitution Bicentennial.

#### *Project Literacy*

The Commission is working with the PROJECT LITERACY U.S. (PLUS) to promote civic literacy. Viewers who respond to PLUS public service announcements on ABC-TV receive a Commission pocket Constitution, as well as literature on literacy.

#### *Designated Bicentennial Communities*

In an effort to make the Constitution Bicentennial a truly "grass-roots" commemoration, the Commission encouraged towns, cities, counties and states to set up their own bicentennial commissions to plan activities for their citizens. All 50 states, two territories and over 2,500 local entities established a commission to coordinate local events.

#### *Independence Day Parade*

The July 4th Parade in Washington, D.C., was a truly national event in 1987, as the Commission provided funding and program support which enabled the parade, with a Ratification theme, to be seen nationwide on public television stations.

#### *Ethnic, Racial Minority, Disabled Programs*

The Commission continues to create programs that involve all Americans, including the Constitution in braille.

#### *Bicentennial Products*

More than 90 firms have created merchandise designed to create awareness of the Constitution and generate interest in the Bicentennial by use of the official Commission logo. The latest Commission catalog displays many of these items.

#### *Regional Bicentennial Leadership Conferences*

Over the past two years, the Commission has sponsored 20 such conferences, bringing together state and local Bicentennial leaders, educators and civic, service and ethnic organization leaders to discuss methods of involving more Americans in the Bicentennial commemoration.

The success of the Commission in bringing the Bicentennial to the attention of the American public has been greatly enhanced by corporations, government agencies and service and civic groups. This assistance has been invaluable to us as we attempt to make the American public aware of the history of the Constitution, and its relevance in today's society.

#### *Corporate America*

McDonalds developed trayliners with Bicentennial themes; Roy Rogers has developed trayliners with Bicentennial themes;

General Mills distributed millions of cereal boxes with anecdotes about the Constitution on the side panel; International Paper and Champion International produced millions of school lunch milk cartons with Bicentennial messages and logos; CitiCorp and Phillips Petroleum printed and distributed millions of the Commission's pocket Constitutions; American Hotel and Motel Association arranged for the Preamble and other Constitutional information to be placed on trayliners at hotel and motel coffee shops; AT&T and US Sprint provided international telephone calls to newly naturalized U.S. citizens after a Commission-sponsored induction ceremony on September 17, 1988; Reynolds Flexible Packaging has created "All-American" sandwich wrap, which features the Commission logo on one side and a quiz on the ratification of the Constitution on the other; ABC Television featured the Bicentennial in a program on adult literacy, developed a series of Constitutional anecdotes using Saturday morning cartoon characters to present the Constitution story to youngsters.

#### *Network Television*

ABC also presented a two-hour special on the Constitution September 16, 1987; CBS Television produced a series of one-minute vignettes on the Constitution in 1987, and a series on the Presidency in 1988.

In addition, CBS presented "It's Freedom, Charlie Brown," the Constitutional Convention featuring Charles Shultz's Peanuts characters; NBC Television used its program aimed at young teenagers Main Street to present a forum for explaining the Constitution; CNN produced a long series of short vignettes on various Constitutional themes.

Federal Agencies developed significant programs during the first two years of the Bicentennial. Significant contributions were made by the Department of Defense, the National Park Service, the Veterans' Administration, Office of Personnel Management, Immigration and Naturalization Service and many others.

#### *THE FUTURE*

During the third year of the Bicentennial, we look forward to commemorating the actual genesis of our federal system. Here are some historically significant dates you may be interested in:

January 7: The first Presidential electors are chosen.

February 4: Presidential electors choose George Washington as the first President, and John Adams as Vice-President.

March 4: The First Congress convenes in New York. Programs in New York are planned by the New York State and New York City Commissions.

April 7: The electoral ballots are counted.

April 16-23: George Washington travels from Mount Vernon to New York City after being notified of his election.

April 30: George Washington is inaugurated as the first President of the United States.

July 27: In one of its first acts, Congress creates the Department of Foreign Affairs (Later the State Department).

August 7: The War Department (later the Defense Department) is established by Congress.

September 2: The Treasury Department is created by Congress.

September 22: The office of Postmaster General is established.

September 24: The Federal Judiciary Act, providing for a Chief Justice and five Asso-

ciate Justices of the Supreme Court, and 13 district courts is approved by Congress.

September 25: Twelve proposed amendments to the new Constitution submitted by Congressman James Madison are sent to the states for ratification by the Congress.

### SENTENCING COMMISSION UPHELD

**HON. ROMANO L. MAZZOLI**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. MAZZOLI. Mr. Speaker, I commend to the attention of my colleagues the following article which appeared in the Washington Post on January 19, 1989, describing the Supreme Court's overwhelming decision upholding the constitutionality of the 1984 Sentencing Reform Act.

As a member of the House Judiciary Committee which helped craft the 1984 act, I applaud the Court's decision. The wide application of the Sentencing Commission's guidelines in Federal cases will lead to more uniform and more fair sentencing.

Finally, I hope the Sentencing Reform Act will fulfill the dire predictions of its opponents who have said it will put more felons in more jails for longer periods of time.

The Post article follows:

**COURT BACKS RULES ON SENTENCING—DECISION REMOVES DOUBTS ON VALIDITY OF 1984 REFORM ACT**

(By Al Kamen)

The Supreme Court yesterday upheld the constitutionality of a sweeping overhaul of federal sentencing rules designed to reduce disparities in sentencing by limiting a judge's discretion and abolishing parole.

The court, in an 8-to-1 decision, put to rest doubts about the validity of thousands of sentences imposed under the Sentencing Reform Act of 1984 and overturned rulings by at least 150 district judges who had declared the law unconstitutional.

The U.S. Sentencing Commission, a seven-member panel established by the law to develop the new rules, estimated the court's action would require resentencing only 100 to 150 defendants sentenced by judges who opposed the law.

Justice Harry A. Blackmun, writing for the court in *Mistretta v. U.S.*, rejected claims that the law violated constitutional requirements of separation of powers among the branches of government or delegated excessive authority to the sentencing commission.

Commission Chairman William W. Wilkins, Jr., a federal appeals judge, hailed the ruling as "one of the most important decisions handed down by the court this decade," and said the guidelines "dramatically improve the federal criminal justice system by ensuring more uniform, fair and truthful sentences."

Under the old system, judges had broad discretion in imposing terms, a situation that led to substantial disparities in sentences for similar crimes.

The new determinate sentencing, which covers crimes committed since Nov. 1, 1987, and affects about 40,000 federal defendants each year, eliminates virtually all discretion and makes the process more systematic. An "offense level" is assigned to each crime along with a mathematical formula provid-

ing for harsher or more lenient penalties depending upon a broad number of variables, such as age of the defendant or prior offenses.

Under the old system, someone sentenced to nine years in prison might be eligible for parole in three years. Under the new system, with parole eliminated, the same offender must serve nine years, with a maximum reduction of 54 days per year for good behavior while in prison.

Critics of the guidelines, in addition to having constitutional concerns, said they established substantially harsher penalties for many crimes and would worsen chronic prison overcrowding.

Alan B. Morrison, a Washington attorney who represented a Kansas City, Mo., drug dealer appealing a sentence under the new rules, said the "guidelines mean a lot more people are going to jail for a lot longer periods." Morrison said the ruling will "dramatically reduce" plea bargaining, leading to a substantial increase in the number of trials.

Wilkins agreed the new penalties are harsher for certain violent crimes or drug violations and for white collar crimes. "We are going to see an increase" in the prison population, he said, "but I don't think we are going to see any crisis in the prison system" as a result of the guidelines.

Blackmun, in a 51-page opinion that he said was "too long, I fear," acknowledged that the commission, which must include three judges among its seven members, "unquestionably is a peculiar institution within the framework of our government. Our constitutional principles of separated powers are not violated, however," Blackmun said, "by mere anomaly or innovation."

Making the commission part of the judicial branch "is not unconstitutional," he said, "unless Congress has vested in the commission powers that are more appropriately performed by the other branches or that undermine the integrity of the judiciary."

Blackmun said Congress did not improperly abdicate its obligations to make laws when it allows a commission to set the guidelines. Congress gave sufficient policy direction, he said, leaving the commission "the sort of intricate . . . task for which delegation to an expert body is especially appropriate."

Justice Antonin Scalia, the lone dissenter, said the majority "falls to recognize that this case is not about commingling" of the branches of government, "but about the creation of a new branch altogether, a sort of junior-varsity Congress.

"It may well be that in some circumstances such a branch would be desirable," Scalia said, "perhaps the agency before us here will prove to be so. But there are many desirable dispositions that do not accord with the constitutional structure we live under. And in the long run the improvisation of a constitutional structure on the basis of currently perceived utility will be disastrous."

Conservatives and liberals praised the ruling. Solicitor General Charles Fried, who had urged the court to uphold the law, said the guidelines were needed because "more moderate measures consistently failed" to correct what he said were "ugly, unjustified and often racially disparate sentences between judges and sometimes by the same judge. It was the shame of the federal judiciary."

And Sen. Edward M. Kennedy (D-Mass.), a sponsor of the 1984 law, said "today's decision clears the way for long overdue reform

of the current chaotic and unfair federal sentencing procedures . . . It is time to end the gross disparities in sentencing that permit too many convicted offenders to avoid any real punishment for their crimes."

Of the nearly 40,000 federal defendants who were sentenced in the 12 months after the guidelines went into effect Nov. 1, 1987, 5,651 committed crimes after that date and could have been sentenced under the guidelines, according to the commission. Of that number, only 1,187 were sentenced under the old system, but the time has run out to appeal in many of those cases. In addition, some defendants have already completed their sentences and others are likely to face stiffer sentences under the guidelines and are not expected to appeal.

### THE WOLFSONIAN FOUNDATION

**HON. WILLIAM LEHMAN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. LEHMAN of Florida. Mr. Speaker, the Wolfsonian Foundation provides Miami with the cultural, historical, and educational enrichment that the Smithsonian has provided for Washington and the visitors to our Nation's Capital.

Mickey's horizons reach beyond just Miami. He is an unofficial but important United States presence in Italy, especially in Genoa and its vicinity. He has assumed responsibility and supported financially, a huge share of the Columbus Discovery Commemorative Fund that in 1992 will help to celebrate the 500th year anniversary of the discovery of America. However, Mickey and I share a special common interest. He is a railroad passenger enthusiast and a dedicated supporter of Amtrak.

As chairman of the Transportation Appropriations Subcommittee responsible for Federal support of Amtrak, I greatly appreciate having staunch allies like Mitchell Wolfson, Jr. For the benefit of my colleagues, following is some additional information on the accomplishments of my public spirited friend.

The Miami based Wolfsonian Foundation was established by Mitchell Wolfson, Jr. in 1986 to support and promote the collection, preservation, scholarly research, conservation and educational activities in the field of decorative, design and propaganda arts in the United States and abroad. The Foundation oversees the Mitchell Wolfson Jr. Collection of Decorative and Propaganda Arts, which consists of nearly 40,000 objects, primarily of American, British, Italian and German design created between 1875 and 1945. Selected objects continue to be added to the Collection with attention to the artistic, historic, social and cultural context in which each work was created. The Foundation also sponsors scholarly publications, seminars, conservation activities, and will soon provide study facilities for visiting scholars, as well as traveling exhibitions and an advanced computer data retrieval program providing scholars from around the world with access to the entire collection.

The Foundation is presently working on the development of two public institutions and their related programs: a research, study center and museum storage facility in Miami Beach Florida, and a house museum

with galleries for changing exhibitions related to the collection in Genoa, Italy. The Miami Beach facility is scheduled for completion in 1990, while the Italian entity, Castello Mackenzie-Wolfson, is presently being restored prior to opening in 1992 as part of the Columbus Quincentenary activities in Italy.

**PRESIDENT GEORGE BUSH'S  
INAUGURAL ADDRESS**

**HON. ROBERT H. MICHEL**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. MICHEL. Mr. Speaker, on Friday, January 20, President George Bush made his inaugural address. It conveyed a spirit of warmth and good will, sincerity and strength. I was particularly impressed by the style, combining a conversational tone with an emphasis on ideas and values. In short, the President's address was a personal view of a public philosophy. As such, I believe it to be not only a memorable speech, but one that can serve as the philosophical and conceptual foundation of a successful administration. Too often the noble sentiments of an inaugural address are forgotten amidst the clash of political and ideological battles. President Bush's speech, however, is rooted in common sense and ordinary language. I believe its message can serve as a guide to action.

At this point I wish to include in the RECORD, the text of President George Bush's inaugural address, as printed in the New York Times, Saturday, January 21, 1989.

[From the New York Times, Jan. 21, 1989]

**THE 41ST PRESIDENT: ASPIRATIONS, "NATION STANDS READY TO PUSH ON"**

Following is a transcript of President Bush's Inaugural Address yesterday in Washington, as recorded by The New York Times. Because of slips in Mr. Bush's delivery, two sentences—indicated by italics—are taken from his prepared text.)

Mr. Chief Justice, Mr. President, Vice President Quayle, Senator Mitchell, Speaker Wright, Senator Dole, Congressman Michel and fellow citizens, neighbors and friends.

There is a man here who has earned a lasting place in our hearts and in our history. President Reagan, on behalf of our nation I thank you for the wonderful things that you have done for America.

I've just repeated word for word, the oath taken by George Washington 200 years ago, and the Bible on which I placed my hand is the Bible on which he placed his. It is right that the memory of Washington be with us today, not only because this is our Bicentennial Inauguration but because Washington remains the father of our country. And he would, I think, be saddened by this day. For today is the concrete expression of a stunning fact: our continuity these 200 years since our Government began.

We meet on democracy's front porch, a good place to talk as neighbors and as friends. For this is a day when our nation is made whole, when our differences for a moment are suspended. And my first act as President is a prayer—I ask you to bow your heads.

"Heavenly Father, we bow our heads and thank You for Your love. Accept our thanks

for the peace that yields this day and the shared faith that makes its continuance likely. Make us strong to do Your work, willing to heed and hear Your will, and write on our hearts these words: 'Use power to help people.' For we are given power not to advance our own purposes nor to make a great show in the world, nor a name. There is but one just use of power and it is to serve people. Help us remember, Lord. Amen."

I come before you and assume the Presidency at a moment rich with promise. We live in a peaceful, prosperous time but we can make it better. For a new breeze is blowing and a world refreshed by freedom seems reborn; for in man's heart, if not in fact, the day of the dictator is over. The totalitarian era is passing, its old ideas blown away like leaves from an ancient, lifeless tree.

**"A NEW BREEZE IS BLOWING"**

A new breeze is blowing—and a nation refreshed by freedom stands ready to push on. There's new ground to be broken and new action to be taken. There are times when the future seems thick as a fog; you sit and wait, hoping the mist will lift and reveal the right path.

But this is a time when the future seems a door you can walk right through—into a room called Tomorrow. Great nations of the world are moving toward democracy—through the door to freedom. Men and women of the world move toward free markets—through the door to prosperity. The people of the world agitate for free expression and free thought—through the door to the moral and intellectual satisfactions that only liberty allows.

We know what works: Freedom works. We know what's right: Freedom is right. We know how to secure a more just and prosperous life for man on earth: through free markets, free speech, free elections and the exercise of free will unhampered by the state.

For the first time in this century—for the first time in perhaps all history—man does not have to invent a system by which to live. We don't have to talk late into the night about which form of government is better. We don't have to wrest justice from the kings—we only have to summon it from within ourselves.

We must act on what we know. I take as my guide the hope of a saint: In crucial things, unity—in important things, diversity—in all things, generosity.

America today is a proud, free nation, decent and civil—a place we cannot help but love. We know in our hearts, not loudly and proudly but as a simple fact, that this country has meaning beyond what we see, and that our strength is a force for good.

Have we changed as a nation even in our time? Are we enthralled with material things, less appreciative of the nobility of work and sacrifice? My friends, we are not the sum of our possessions. They are not the measure of our lives. In our hearts we know what matters. We cannot hope only to leave our children a bigger car, a bigger bank account. We must hope to give them a sense of what it means to be a loyal friend, a loving parent, a citizen who leaves his home, his neighborhood and town better than he found it.

**TAKING MEASURE OF SUCCESS**

And what do we want the men and women who work with us to say when we're no longer there? That we were more driven to succeed than anyone around us? Or do we stop to ask if a sick child had gotten better, and stayed a moment there to trade a word of friendship.

No President, no government can teach us to remember what is best in what we are. But if the man you have chosen to lead this Government can help make a difference, if he can celebrate the quieter, deeper successes that are made not of gold and silk but of better hearts and finer souls; if he can do these things, then he must.

America is never wholly herself unless she is engaged in high moral principle. We as a people have such a purpose today. It is to make kinder the face of the nation and gentler the face of the world.

My friends, we have work to do. There are the homeless, lost and roaming. There are the children who have nothing—no love, no normalcy. There are those who cannot free themselves of enslavement to whatever addiction—drugs, welfare, the demoralization that rules the slums. There is crime to be conquered, the rough crime of the streets. There are young women to be helped who are about to become mothers of children they can't care for and might not love. They need our care, our guidance and our education, though we bless them for choosing life.

The old solution, the old way, was to think that public money alone could end these problems. But we have learned that that is not so. And in any case, our funds are low. We have a deficit to bring down. We have more will than wallet; but will is what we need.

We will make the hard choices, looking at what we have, perhaps allocating it differently, making our decisions based on honest need and prudent safety. And then we will do the wisest thing of all: We will turn to the only resource we have that in times of need always grows: the goodness and the courage of the American people.

**A NEW KIND OF ACTIVISM**

And I am speaking of a new engagement in the lives of others—a new activism, hands-on and involved, that gets the job done. We must bring in the generations, harnessing the unused talent of the elderly and the unfocused energy of the young. For not only leadership is passed from generation to generation, but so is stewardship. And the generation born after the Second World War has come of age.

I've spoken of a thousand points of light—of all the community organizations that are spread like stars throughout the nation doing good. We will work hand in hand, encouraging, sometimes leading, sometimes being led, rewarding. We will work on this in the White House, in the Cabinet agencies. I will go to the people and the programs that are the brighter points of light, and I'll ask every member of my Government to become involved. The old ideas are new again because they're not old, they are timeless: duty, sacrifice, commitment, and a patriotism that finds its expression in taking part and pitching in.

And we need a new engagement, too, between the Executive and the Congress. The challenges before us will be thrashed out with the White—with the House and the Senate. And we must bring the Federal budget into balance. And we must insure that America stands before the world united: strong, at peace and fiscally sound. But, of course, things may be difficult.

We need compromise; we've had dissension. We need harmony; we've had a chorus of discordant voices. For Congress, too, has changed in our time. There's grown a certain divisiveness. We've seen the hard looks and heard the statements in which not each other's ideas are challenged, but each

other's motives. And our great parties have too often been far apart and untrusting of each other.

It's been this way since Vietnam: That war cleaves us still. *But, friends, that war began in earnest a quarter of a century ago; and surely the statute of limitations has been reached.* This is a fact: The final lesson of Vietnam is that no great nation can long afford to be sundered by a memory.

A new breeze is blowing—and the old bipartisanship must be made new again.

#### AGE OF THE OFFERED HAND

To my friends—and yes, I do mean friends—in the loyal opposition—and yes, I mean loyal—I put out my hand, I'm putting out my hand to you, Mr. Speaker, I'm putting out my hand to you, Mr. Majority Leader. For this is the thing: This is the age of the offered hand. And we can't turn back clocks, and I don't want to. But when our fathers were young, Mr. Speaker, our differences ended at the water's edge. And we don't wish to turn back time, but when our mothers were young, Mr. Majority Leader, the Congress and the Executive were capable of working together to produce a budget on which this nation could live. Let us negotiate soon and hard, but in the end let us produce.

The American people await action. They don't send us here to bicker. They asked us to rise above the merely partisan. In crucial things, unity—and this, my friends, is crucial.

To the world, too, we offer new engagement and a renewed vow: We will stay strong to protect the peace. The *"offered hand" is a reluctant fist; but the fist, once made, is strong and can be used with great effect.*

There are today Americans who are held against their will in foreign lands, and Americans who are unaccounted for. Assistance can be shown here and will be long remembered. Good will begets good will. Good faith can be a spiral that endlessly moves on.

"Great nations like great men must keep their word" When America says something, America means it, whether a treaty or an agreement or a vow made on marble steps. We will always try to speak clearly, for candor is a compliment. But subtlety, too, is good and has its place.

While keeping our alliances and friendships around the world strong, ever strong, we will continue the new closeness with the Soviet Union, consistent both with our security and with progress. One might say that our new relationship in part reflects the triumph of hope and strength over experience. But hope is good. And so is strength, and vigilance.

#### ALL PART OF A CONTINUUM

Here today are tens of thousands of our citizens who feel the understandable satisfaction of those who have taken part in democracy and seen their hopes fulfilled. But my thoughts have been turning in the past few days to those who would be watching at home—to an older fellow who will throw a salute by himself when the flag goes by, and the woman who will tell their sons the words of the battle hymns. I don't mean this to be sentimental. I mean that on days like this we remember that we are all part of a continuum, inescapably connected by the ties that bind.

Our children are watching in schools, throughout our great land. And to them I say, thank you for watching democracy's big day. For democracy belongs to us all and

freedom is like a beautiful kite that can go higher and higher with the breeze. And to all I say: No matter what your circumstances or where you are, you are part of this day. You are part of the life of our great nation.

A President is neither prince nor pope, and I don't seek "a window on men's souls." In fact, I yearn for a greater tolerance, and easy-goingness about each others attitudes and way of life.

There are few clear areas in which we as a society must rise up united and express our intolerance and the most obvious now is drugs. And when that first cocaine was smuggled in on a ship, it may as well have been a deadly bacteria, so much as it hurt the body, the soul of our country. And there is much to be done and to be said, but take my word for it: This scourge will stop.

And so, there is much to do; and tomorrow the work begins. And I do not mistrust the future; I do not fear what is ahead. For our problems are large, but our heart is larger. Our challenges are great, but our will is greater. And if our flaws are endless, God's love is truly boundless.

Some see leadership as high drama, and the sound of trumpets calling. And sometimes it is that. But I see history as a book with many pages—and each day we fill a page with acts of hopefulness and meaning.

The new breeze blows, a page turns, the story unfolds—and so today a chapter begins: a small and stately story of unity, diversity and generosity—shared and written together.

Thank you, God bless you God bless the United States of America.

#### WOMEN'S AND MEN'S CAUCUSES FOR CONGRESSMAN ED TOWNS HONORS NAPOLEON R. COCKERN

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. TOWNS. Mr. Speaker, on Saturday, September, 24, 1988, the Women's and Men's Caucuses for Congressman EDOLPHUS "Ed" TOWNS held their annual dinner dance at the Fleur De Lis Restaurant. As part of this annual event, the caucuses chose to honor Napoleon R. Cockern.

Napoleon Cockern was born and raised in Louisiana and attended the public schools of Franklin Parish. He entered the Armed Forces in 1950, serving his country for 22 years, retiring in 1972 having reached the position of chief warrant officer.

Mr. Cockern attended the University of Maryland, Harford Community College, the University of Omaha, and Queens College, receiving a bachelor of science in education as well as a bachelor of science degree in military science.

Widely traveled throughout the United States and more than 100 foreign countries, Napoleon is currently employed as a senior logistic engineer with Unisys in Great Neck, NY.

Cockern is a member of Bridge Street AME Church, where he is treasurer of the senior board of stewards, chairman of the commission on media ministry, cochairman of the public relations commission, member of the fi-

nance committee, and member of the board of directors of the Bridge Street Credit Union.

An active member of his community, Napoleon Cockern is treasurer of the H. Frank Carey Dads Association and past secretary of the Franklin Square Police Boys' Club. In addition, he is a life member of the Retired Officers Association, American Association of Retired Persons, DAV of the United States, and a member of the 11th Congressional District Service Academy Review Board.

His wife, Catherine, is an administrator with the New York City Board of Education. His son, Alan, is a freshman at Carey High School; his daughter, Salome, is a sophomore at Duke University in Durham, NC. In his spare time, Napoleon coaches community soccer, basketball, baseball, and softball teams.

Napoleon Cockern is truly an asset to our community. I extend my sincerest congratulations to Napoleon Cockern on his many accomplishments, and my best wishes for a successful and fulfilling future.

#### PECOS AND EAST FORK OF JEMEZ WILD AND SCENIC RIVERS BILL

#### HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. RICHARDSON. Mr. Speaker, many people have a vision of New Mexico filled with brilliant red mesas, azure skies and quiet expanses of remote desert. While New Mexico is blessed with these scenic assets, it also includes snow-capped peaks and wild rivers rushing through alpine forests and lush mountain meadows. Today, I am proud to introduce legislation adding two of New Mexico's high mountain rivers, the Pecos and the East Fork of the Jemez, to the National Wild and Scenic Rivers System.

The Pecos River, renowned in folk tales of the West, originates high in the Pecos Wilderness of the Santa Fe National Forest. Flowing from headwaters above timberline in the Sangre de Cristo Mountains, the Pecos descends through rugged granite canyons alternating with mountain meadows in small, beautiful high elevation valleys. Popular wilderness camping and swimming areas, waterfalls and trails are bound by a rich mosaic of aspen, spruce, fir, and alpine meadows. This 13.5-mile segment is entirely in the wilderness.

The Pecos then enters a broader section of the canyon that is more accessible and is very popular for fishing. After 4 miles, the Pecos is joined by the Rio Mora, a major tributary which also originates high in the wilderness. The canyon then narrows into the area known as the "Pecos Box." The river is flanked by large granite walls that rise several hundred feet. This entire section of the river from the headwaters through the Pecos Box to the small community of Terrazo, approximately 20.5 miles, is designated as a wild and scenic river in my bill.

The East Fork of the Jemez River originates in the Valles Caldera, as a small meandering stream in the vast, grassland crater. Flowing south and west, it cuts a rugged, sheer-walled

canyon by the time it reaches the Santa Fe National Forest boundary. In the national forest, the river continues in the canyon containing the southern-most extension of Canadian dogwood. The river flows past a small campground, under a highway, and again enters a rugged stretch of canyon. The sheer rhyolite cliffs and huge boulders are crowned with thick forests of Engelmann Spruce and mixed conifer. The river flows from canyon wall to canyon wall, making passage impossible without wading, swimming or rock scrambling. Swimming and fishing holes are found in smooth rock basins and cracks. Occasional wide areas in the canyon are filled with lush meadows.

The East Fork continues through more rugged canyon, passing near Jemez Falls campground and a hot spring, finally joining with the Rio San Antonio to form the Jemez River at Battleship Rock picnic area. This legislation would designate the 11-mile segment of the East Fork from the national forest boundary to the confluence with the Rio San Antonio as a wild and scenic river.

The East Fork flows through the heart of the most popular recreation area in the Jemez Mountains. It is less than a 2 hour drive from Albuquerque and Santa Fe, and less than an hour from Los Alamos and the Espanola Valley. A popular hiking trail runs along the river and will be nominated for national recreational trail status upon completion. The East Fork and the canyon area are within the feeding zone of the peregrine falcon. The State listed Jemez Mountain Salamander, unique to the Jemez Mountains, is also found within the river canyon.

Designation of the Pecos and East Fork of the Jemez as wild and scenic rivers will ensure their protection and highlight the value of these rivers as important recreation resources in northern New Mexico. The free-flowing character of the rivers and the high water quality will be maintained. The U.S. Forest Service has recommended both the Pecos River and the East Fork of the Jemez River for wild and scenic designation in the Santa Fe National Forest management plan. Almost all of the river segments included in this bill are on national forest land. Therefore, under the Wild and Scenic Rivers Act, there will be no authority for condemnation of private inholdings. In addition, the Forest Service concludes that wild and scenic designation will have little effect on present timber harvesting and grazing because the Pecos is in a wilderness area and the East Fork is managed with an emphasis on semiprimitive non-motorized recreation.

Mr. Speaker, this legislation will protect and highlight the historic Pecos River and the beautiful East Fork of the Jemez River for the enjoyment of present and future generations. I urge my colleagues to join me in adding these two great New Mexico rivers to the National Wild and Scenic Rivers System. Thank you.

## IN MEMORIAM: JOHN E. LAWE

## HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. MANTON. Mr. Speaker, it is with a deep sense of sadness that I rise to mark the death of John E. Lawe, president of the Transport Workers Union of America, who passed away on January 5, 1989, after a long battle with cancer. John Lawe was one of the most respected and effective labor leaders in the Nation. John was also an influential leader in the Irish community. He was someone I was indeed proud to call a friend.

Mr. Speaker, John Lawe emigrated from Ireland in 1949 at the age of 30. He went to work for the Fifth Avenue Coach Co., and for 17 years he serviced and drove buses in Manhattan. During this time, he was active in Transport Workers Union [TWU] Local 100. He began his successful union career in 1953 when he became shop steward at the company's 132d Street garage. He also served as a division recording secretary and chairman, and vice president of local 100. In 1977, he became president of local 100. He led the union during a very difficult time of labor-management strife, and intraunion struggles. However, John was successful in strengthening the union. He was known as a tough, but fair and affable negotiator who always won as many union demands as possible.

In 1985, he was elected international president of the TWU of America. In addition to his TWU duties, John served as second vice president of the New York City Central Labor Council and vice president of the New York State AFL-CIO.

Mr. Speaker, John Lawe was born in 1919, in Kilglass, Strokestown, County Roscommon. As the son of an Irish immigrant, I deeply respected and admired John Lawe. My father was also born in County Roscommon, and like John, immigrated to America. John took every advantage of the opportunities available to him in the United States, and he rose to become a leader in the labor movement. But John never forgot Ireland, and he was always an active and prominent figure in the Irish-American community. In 1986, he was named "Irishman of the Year" by the Grand Council of United Emerald Societies for his outstanding work on behalf of the victims of repression in Northern Ireland. In 1987, he served as grand marshal of the St. Patrick's Day Parade. John was also a key figure in the Irish-American labor coalition.

Mr. Speaker, those of us concerned about the repression of the Catholic minority in Northern Ireland lost a strong and powerful voice with the death of John E. Lawe. However, I am certain the work John Lawe did for the victims in Northern Ireland will continue to be felt in the years ahead. John will be missed, but his legacy will endure forever.

Mr. Speaker, I want to extend my deepest sympathies to John's wife, family, and friends.

## A TRIBUTE TO DAVID COBB

## HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. CLEMENT. Mr. Speaker, today I would like to honor a man who coined a phrase that helped my hometown, Nashville, TN, a place that is known worldwide.

Mr. David Cobb, an announcer at WSM radio in Nashville, flagship station for the "Grand Ole Opry," is the man who coined the phrase . . . "Music City, USA."

A radio pioneer, Mr. Cobb recently passed away at the age of 76.

He spent 35 years with WSM Incorporated and was one of the first three announcers at the Grand Old Opry. He was also the staff announcer heard nationally on NBC Television programs in the 1940's, so I am sure that many of my colleagues and millions of Americans have heard his voice in their living rooms.

Around the year 1960 Mr. Cobb ad libbed that "the sounds listeners were hearing on WSM radio came from 'Music City, USA.'" country music.

Although this contribution by Mr. Cobb is invaluable and will last through the ages, it is only one of the many significant contributions he made to his city and industry during his illustrious career.

It is only fitting and proper that he be recognized and saluted for a life that touched so many persons in such a positive way.

I want to submit an article printed in the Tennessean newspaper in Nashville that honors this man. It also recognizes his accomplishments and contributions to his hometown and his industry. I urge all of my colleagues to read this article and realize that Mr. David Cobb was a unique individual who will be sorely missed.

## EX-WSM ANNOUNCER DAVID COBB, 76, DIES

(By Clara Hieronymus)

David Cobb, 76, who coined the phrase that was to identify Nashville all over the world as "Music City, USA" has died following heart surgery.

In keeping with his wishes, the body was cremated and there will be no funeral service. A private memorial is to be held at a future date.

Mr. Cobb's 35-year affiliation with WSM Inc.—1937-1972—is bound up with the history of music in Nashville.

He was an announcer with the AM station before the days of FM radio and, with Louie Buck and Judd Collins, was one of the first three announcers at the Grand Ole Opry.

His death came Saturday in Park View Medical Center where he had been admitted on Dec. 9 and underwent surgery Dec. 14 for atherosclerosis.

WSM production manager Tom Bryant said Mr. Cobb was the staff announcer heard nationally on NBC programs in the 1940s, and recalled that he was the announcer for the WSM broadcasts of the Nashville Symphony Orchestra.

"He had a vast store of classical knowledge and, for years, hosted every music show on the station. He was especially fond of light classical music and hosted a long-

time evening music program for B.H. Stief Jewelers," Bryant said.

WSM's Grant Turner recalled that Mr. Cobb had a Sunday night music show called *The World of Classical Music*, and that in 1947 he was the first announcer for Ernest Tubbs' Midnight Jamboree.

His range of interests was wide in music, especially classical music, and in the literature and history of music.

He did a number of network programs for WSM, and served a year as president of AFTRA, the television and radio performers' union, and was a member of its board of directors at the time of his death.

Another colleague, Ottis Devine described him as "a very talented man who did a wonderful job for WSM."

It was about 1960 that Mr. Cobb, according to an account in *The Nashville Tennessean*, ad libbed that "the sounds listeners were hearing on WSM radio were coming from 'Music City, USA.'"

The reporter added in that Nov. 5, 1964, item that "David didn't bother to copyright the phrase or even to boast that he had dreamed it up. But it hit with an impact seldom felt in the industry. His chance remark led to a slogan which has been repeated countless times and has become the symbol of Nashville."

Former WSM President John DeWitt recalled him as "a very unusual and a very bright person who was different from most radio people. He had different ideas from other people, a well-educated man though not a standard type. He would always connect through with something bright and unusual."

"Back when FM first came on the scene, he would create a symphony situation as he described the music to be played, and even supplied the applause afterward. He was always a sort of maverick, but he was usually right."

Back in the 1940s, according to longtime WSM staffer Judd Collins, Mr. Cobb was "a pleasant guy to be around. I always thought he was a little smarter than the rest of us. He was a good announcer, with more of a feel for classical music than for country."

He was as off-beat in his dress and appearance as he was in his attitude toward life. He often sported a mustache or a beard before anyone else considered it appropriate. He got along well with country music people who appreciated his wit and candor.

And, it's true that he enjoyed being outspoken and individualistic. After his retirement from WSM, he became a frequent writer of letters to the editor and his strongly opinionated but logical letters earned him annual invitations to *The Tennessean's* Three Star Forum banquets, which he attended without fail.

He also wrote items for *The Tennessean's Nashville Eye* column, with often acrid, off-the-wall personal observations which elicited strong reactions—both pro and con—from other readers.

Collins spoke of him as a man with remarkable recall and pronounced dramatic flair.

"He made friends for WSM," Collins said. Irving Waugh, who succeeded Jack DeWitt as WSM president, spoke of Mr. Cobb as a unique individual who was "totally his own man. He had a brilliant mind that was packed with quickly retrievable information. David was a free thinker when there weren't many free thinkers around."

"He was part of what I think of as a very unique staff: Judd Collins, Lionel Ricau, Ott Devine, Louie Buck and David. It was a time

when radio was heavily news oriented and recorded information was not permitted except as sound effects.

"There were no recorded spots, but this team did news, classical music, and sports, with backup choral singers and piano. David could do all of it, everything except sports."

Mr. Cobb, a native of Cleveland, is survived by his wife, Jeanne; a son, Tony, of Baltimore; and three grandchildren. He and Jeanne celebrated their 50th wedding anniversary last March.

His father was a medical doctor and his mother an amateur musician who encouraged her son's interest in music.

He was not interested in going to college and was self-taught in music, literature and theater, and once taught a course in music appreciation at the University of Tennessee-Nashville.

He played classical guitar, and acted in productions in the old Community Playhouse, including *Oliver* with the late Barbara Moore, and in *Dracula* at Franklin's Pull-Tight Players theater, among other shows.

He had roles in several films, including *Rhinestone*, *Love Leads the Way*, and *The Life of Jesse James*. He often said that the highlight of his life was getting to go to Hollywood to be in *Rhinestone*.

During World War II, Mr. Cobb served in the Navy and was assigned to heavy cruiser duty in the battles of Okinawa and Iwo Jima.

**PUBLIC LAND RIP-OFF: OIL SHALE LANDS GOING FOR \$2.50 AN ACRE**

**HON. NICK JOE RAHALL II**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. RAHALL. Mr. Speaker, today I am introducing legislation aimed at stopping one of the biggest public land rip-offs in the history of this Nation.

Under the guise of a law enacted in 1872 to promote mineral development, thousands of acres of public lands claimed to contain valuable oil shale deposits have been sold for a mere \$2.50 an acre. That was not a typographical error. On a per acre basis, the Interior Department has, and still intends to, sell off Federal lands for less than what it costs to buy a six-pack of Coca-Cola.

This practice, Mr. Speaker, is an affront to the American people who are entitled to expect from their Government the responsible and sound stewardship of our national public lands heritage.

I am honored to say that joining in the introduction of this bill are the distinguished chairman of the Committee on Interior and Insular Affairs, MO UDALL; the chairman of the Subcommittee on National Parks and Public Lands, BRUCE VENTO; the chairman of the Subcommittee on Water and Power Resources, GEORGE MILLER; the chairman of the Subcommittee on Interior, SIDNEY YATES; and the gentleman from Colorado, who tirelessly fought for the enactment of this very same legislation during the last Congress, BEN NIGHORSE CAMPBELL.

This legislation addresses claims made for oil shale lands prior to 1920 under the auspices

of the mining law of 1872. Under that law, a citizen could locate a mining claim to "valuable mineral deposits" whose physical "discovery" was required before the claim could be considered valid. A valid claim entitled the holder to exclusive possession of the surface for the purposes of mining the claim and title to the minerals extracted. The locator of the claim could also seek title to the land from the Federal Government upon a showing that the claim was valid, which entailed proving the claim was properly located, represented a discovery of a valuable mineral deposit and that a prescribed minimal amount of work had been conducted on the claim. The title would be issued in a form known as a patent for \$2.50 per acre for an oil shale placer claim.

For oil shale, this practice was ended in 1920 by Congress with the Mineral Leasing Act under which oil shale could only be leased from the Federal Government in return for payment of rentals, royalties, and bonuses with the Government retaining title to the land and the minerals. However, while the 1920 act prohibited further claiming of oil shale lands, section 37 of the statute—the "Savings Clause"—stated that valid oil shale claims existing on the date of enactment were still eligible to receive patents if maintained in compliance with the Mining Law of 1872.

Which leads us to 1986, when a Colorado district court judge in one of those decisions which brings howls of protest paved the way for the issuance of 41 patents for oil shale claims on approximately 82,000 acres of public lands. The case should have been appealed. However, in a move that caused many of us to scramble for our history books to read up on the Teapot Dome scandal, the Interior Department instead choose to enter into a settlement agreement with the claim holders and title to these lands has since been transferred for \$2.50 an acre to companies and individuals holding the claims. This action created renewed public and congressional interest in this matter.

Today, approximately 1,600 unpatented claims are still in existence covering about 228,000 acres of public land. From the time the claims were made prior to 1920, little to no mining-related work has been done on them. The land certainly has not been utilized for the purpose for which the claims were located, being oil shale development. In fact, it is highly questionable whether these claims have been held all of these years in compliance with the law. In effect, many of the claims may not be valid and should be extinguished.

Mr. Speaker, the Congress in enacting the mining law of 1872 and the Mineral Leasing Act of 1920 intended for these statutes to promote and facilitate mining on public lands. Yet, for the most part, the holders of oil shale claims have managed to elude the intent and purpose of these laws. Despite the fact that many of these claims have been held for over 100 years, the claim holders have yet to taken any actions to develop them. I would submit that the holders of these oil shale claims have had ample opportunity to move toward the development of the mineral resource which they have claimed under the mining laws. It is, in

effect, long past the time for them to fish or cut bait.

There are other public interest issues at stake here as well. These lands hold significant wildlife, agricultural, recreational, scenic, and other values. The continued existence of dormant oil shale claims impedes the management of these lands, and the disposal of this property by patent significantly jeopardizes our national policy of multiple use of public lands not withdrawn for specific public interest purposes.

The legislation we are introducing today is the same bill which overwhelmingly passed the House in 1987. It would prohibit the issuance of patents for any oil shale claim for which a patent application had not been filed and all requirements for a patent had not been fully complied with by today, the date of introduction of the bill. The Secretary would also be required to undertake an expedited program to determine the validity of all unpatented oil shale claims within 2 years after enactment. If a claim is found to be invalid, it would be canceled.

For holders of valid oil shale claims, the legislation provides them with the option of either converting the claim to an oil shale lease or continuing to maintain the claim in compliance with a new diligent development expenditure requirement. The legislation would also ensure that any person who holds an oil shale lease or oil shale claim would be required to reclaim the site and post a bond before disturbance of the site to guarantee the reclamation.

Mr. Speaker, it is my intention as chairman of the Subcommittee on Mining and Natural Resources to move this bill in an expedited fashion.

**STEVEN COHN HONORED BY  
WOMEN'S AND MEN'S CAUCUSES  
FOR CONGRESSMAN ED  
TOWNS**

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 24, 1989*

Mr. TOWNS. Mr. Speaker, on Saturday, September 24, 1988, the Women's and Men's Caucuses for Congressman EDOLPHUS "ED" TOWNS held their annual dinner dance at the Fleur De Lis Restaurant. As part of this annual event, the caucuses chose to honor Attorney Steven Cohn.

Steve Cohn was born and raised in Williamsburg, NY, attending P.S. 122 and Boys High School. Steven went on to New York University for his B.A., Brooklyn Law School for a J.D., and received a master of law from New York University Law School.

Steve has been an active community and political leader for the past 15 years, having served for the past 6 years as the Democratic State committeeman—district leader—of the 50th Assembly District—Fort Greene, Greenpoint, and Williamsburg.

Steve has been honored by many organizations, including the United Negro College Fund, North Brooklyn Development Corp., Opportunity Development Agency, and the Green Oaks Citizens Clubs, naming but a few.

Steve's district is the most ethnically and religiously diverse district in New York State. One of Steve's proudest achievements is his ability to unify all of the ethnic and religious groups in his district, having them come together on high moral ground.

Steve is a partner in the Brooklyn Heights law firm of Goldberg & Cohn and is a member of many community organizations.

I extend my sincerest congratulations to Steve on his many accomplishments, and my best wishes for a successful and fulfilling future.

**A TRIBUTE TO HABITAT TO  
HUMANITY AND ELECTRIC BOAT**

**HON. CLAUDINE SCHNEIDER**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 24, 1989*

Miss SCHNEIDER. Mr. Speaker, one of the more pressing problems facing Rhode Island is the lack of affordable housing available to moderate income families. Rhode Island's greatest resource in our effort to build more affordable housing is our people. I would like to take this opportunity to recognize two groups, Habitat for Humanity and General Dynamic's Electric Boat Division, for their dedication and hard work in addressing the need for affordable housing. I would like to enter into the CONGRESSIONAL RECORD an article from Together, a General Dynamics publication, as an example of what can be achieved by people offering their time and labor to help others.

**JESUS DIDN'T SECLUDE HIMSELF IN THE  
SUBURBS**

The neighborhood around Elma and Broad streets in South Providence, R.I., is what people not up on the latest jargon might call "run-down." The three-decker clapboard tenements, built in the 1920s to house the laborers in the state's textile industry, stand neglected or abandoned. The stores on Broad Street are protected by heavy bars on windows and doors. On most weekends, this is where you can find Daniel Di Blasio, a shipfitter at Electric Boat's Quonset Point facility, applying his carpentry skills for Habitat for Humanity, a national organization that builds or rehabs homes for low-income families. "Jesus," says Di Blasio, "didn't seclude himself in the suburbs."

**I LOVE PEOPLE IN DEED, NOT JUST IN WORD**

If not measured by miles, South Providence is a long way from the city's suburbs. A couple of blocks from the first house that Rhode Island's Habitat chapter is constructing on Elma sits the abandoned Roger Williams Housing Project, its barracks-like buildings a refuge for drifters and forbidden playground for children. Gentrification, the return of middle-class residents into deteriorating city blocks, has come to some sections of the area. But much of it is still available for the kind of project that attracts Habitat

and the volunteers who support the organization's goal: "Building houses in partnership with God's people in need."

"There is a great need for low-cost housing in Providence," says the Rev. Carol Millette, president of Habitat-Rhode Island and an Episcopal deacon at St. Peter's and St. Andrew's Church. "What's available is either substandard or overpriced." The duplex at 29 Elma Street won't be. The two families chosen by Habitat's selection committee, headed by Di Blasio, will have contributed about 500 hours of "sweat equity" to the building's construction, and will then pay about \$350 a month on their no-interest 20- to 25-year mortgage. Almost all labor on the house is voluntary, and many of the construction materials and tools are donated by local merchants. Habitat's funds for the purchase of everything else that's needed comes from donations by churches and individuals or from no-interest loans.

Habitat has built more than 3,000 homes since it was founded in 1976. The pace of construction is accelerating. In 1987, the organization built 1,200 dwellings and hopes to reach 2,000 in 1988. With volunteers such as Di Blasio, this goal seems realistic. "I love people in deed, not just in word," he says. "I believe in demonstrating our love through actions. To me, each house (built) is a sermon showing God's love."

Seventeen teenagers from the Baptist Youth Fellowship of the First Baptist Church in Penfield, N.Y., are preaching a sermon of their own in Groton, Conn. To the tunes of soft rock, they are painting and sawing and hammering on the house at 97 Truman Street, a house purchased for rehabbing by the Habitat chapter of South-eastern Connecticut. The group of 12- to 18-year-olds is led by Kathy Thon on this, their second Habitat project of the summer. "First we stayed at school in South Carolina and worked on a house there," she says, "and then we looked for something in New England. We'll put in 40 hours this week. We're sleeping at the Old Mystic Baptist Church and go for a swim every day after work because there is no shower."

There is a shower in the house on Benham Street that is within walking distance of Electric Boat Division. The division has leased the building for \$1 a year to Habitat's Project Coordinator, Karen Hall. "This allows me to donate two-thirds of my compensation to Habitat," says Hall, "to recruit labor, deal with inspectors and solicit publicity for our projects. The house on Truman Street is the first property our chapter bought. We had it totally gutted, we're stripping the exterior and rebuilding the interior. Electric Boat is giving us a lot of fixtures like furnaces and water heaters from properties that were demolished. The place on Truman Street is going to be a two-family home for low-income families. We've already selected one family."

Much of the progress on this project was achieved with the help of Hank Buermeyer, senior program coordinator on the division's United Kingdom Trident submarine program. Buermeyer is on Habitat's board of directors and has the professional contacts in Groton that make licensed electricians and plumbers show up and needed construction material appear. He and the kids from upstate New York are part of a housewarming coming soon to Truman Street.

**INTRODUCTION OF THE NATIONAL GROUND WATER CONTAMINATION RESEARCH ACT OF 1989**

**HON. SAM GEJDENSON**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. GEJDENSON. Mr. Speaker, I am pleased to rise today to announce that I have recently reintroduced the National Ground Water Contamination Research Act that the House of Representatives overwhelmingly accepted by a vote of 399 to 15 in the 100th Congress.

As you well know, ground water contamination is one of the most serious environmental problems facing this Nation. It has occurred all over the country and the number of wells closed because of contamination increases every day. Ground water supplies almost one-half of the Nation with drinking water, and 90 percent of the Nation's rural population with drinking water.

My home State of Connecticut provides an alarming example of how fast the ground water contamination is growing. When I first introduced this legislation in 1985, 1,000 wells had been closed because of contamination in Connecticut. Since December 1985, 200 more tainted wells have been discovered in Connecticut, adding up to a total of 1,200 wells closed across the State.

My interest in the ground water problem goes back to 1982, when I met with families living on pink row, in Montville, CT, who had just learned that their water was contaminated with trichlorethylene [TCE], a cancer-causing chemical. I cannot even begin to convey the fears and frustrations of the parents who discovered that for years their children had been drinking and bathing in water tainted with toxic chemicals.

In addition to the health risks, ground water contamination has serious economic consequences. At a congressional field hearing in Hartford, Ms. Jane Shea of Ellington, CT, testified that her home became virtually worthless after it was discovered that her well was contaminated with the pesticide ethylene dibromide [EDB]. During the 2-year period that her neighborhood struggled with the EDB problem, not a single home was sold in the area. And the cost of extending the town water lines to the homes with tainted wells was over \$500,000.

Stories like these are becoming all too common. Every State in the Nation has had wells closed because of contamination and the problem is getting worse.

Unfortunately, a major barrier to the protection of this critical resource from contamination is the lack of basic information on the problem. Industry, environmentalists, farmers and State and local officials all agree that more information is needed now. The primary purpose of the National Ground Water Contamination Research Act is to provide up-to-date information to the Federal, State, and local decisionmakers who need it.

This legislation is identical to H.R. 791, which was passed by the House last year. It authorizes a comprehensive Federal ground

**EXTENSIONS OF REMARKS**

water research effort by the U.S. Geological Survey, the Environmental Protection Agency [EPA] and the Department of Agriculture [USDA]. This bill establishes an Interagency Ground Water Research Committee to coordinate the efforts of the different agencies and to ensure that there is no duplication of research efforts. It also recognizes and increases the strengths of the Federal agencies with major ground water research responsibilities.

This bill authorizes \$81 million in new spending over the next 3 years. In the long run, measures to protect ground water, like this one, will cost far less and yield far better results than emergency responses to individual cases of ground water contamination. The \$9 billion Superfund Program is a sad example of the exorbitant costs of cleaning up ground water.

For two reasons it is vital that the Federal Government develop a comprehensive and coordinated body of ground water information. The first is that ground water contamination knows no boundaries. It may be impossible for local authorities to clean up a polluted well if the source of contamination is in another State or town. Second, the State and local agencies who must deal with contamination problems as they happen need the most comprehensive and up-to-date information available. As we learn about sources of contamination, ways that pollutants move through aquifers and methods of cleanup, we need to provide that information to officials around the country who can benefit from it.

Mr. Speaker, I strongly urge my colleagues to join me again in supporting the National Ground Water Contamination Research Act. This legislation is a crucial first step that the Federal Government must take to solve the Ground Water contamination problem. Until we understand what is causing contamination and how widespread it is, we will continue to simply throw money at the problem in response to individual cases. The National Ground Water Contamination Research Act will provide the information that we need to develop intelligent solutions to ground water problems.

**LEGISLATION TO RELIEVE BELEAGUED DOMESTIC FOOTWEAR INDUSTRY**

**HON. WILLIAM F. GOODLING**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. GOODLING. Mr. Speaker, today I am introducing in the 101st Congress legislation to maintain the 17-percent share of the U.S. market which supports our domestic footwear industry.

My legislation will provide 5 years of relief for this beleaguered industry—which has an aggressive strategy with which to acquire new equipment, increase productivity, and reduce the price gap. The bill retains imports at record levels; there will be no rollback. The industry will benefit from market expansion only.

In all the political debate in the last Congress concerning H.R. 1154, the Textile and

Apparel Trade Act of 1987, the sad state of the domestic footwear industry was forgotten. Also forgotten is the fact that the International Trade Commission [ITC] has unanimously voted relief for the industry four times in 10 years—only to have the executive branch deny action in all but one instance.

Most recently, in 1985 the ITC viewed the rise in import penetration from 49.5 percent in 1980 to 71 percent in 1984 with serious alarm. Taking into account the wage differential—Taiwan, \$1.31/hour; Korea, \$1.01/hour; Brazil \$0.72/hour, the closed markets and high tariffs which divert imports to the world's only open market here in the United States, the fact that other countries' shoe industries are directly or indirectly subsidized, and the national security implications of the reduced industry capacity, the Commission unanimously voted global relief. The administration refused to act on the ruling, and the industry experienced a further 10-percent increase in market penetration in the following 2 years.

Nor has the happy state of the economy as a whole assisted the footwear industry. I have recently learned that yet another footwear company will close a factory in Hanover, PA, in March. In this instance, the rising cost of labor is to blame. However, some of the 200 jobs my district is losing could have been saved if the administration had acted—or the Congress had voted to override the President's veto of the Textile and Apparel Trade Act—because the industry needs the time provided by my legislation to continue its modernization. Automation is less labor intensive, but an automated open plant produces more jobs than any closed facility.

Struggling against unfair competition, the industry has not been idle. Despite the cost, and knowing the wave of the future, our footwear industry has modernized itself into the most technologically advanced in the world. Additional technology can be brought on line to further reduce the wage differential, but further capital investment is difficult to justify for an industry which has experienced 371 plant closings in the past 7 years.

For the shoe industry, which still employs 141,000 across 38 States, this is not a political question, it is a matter of survival.

**ALASKAN OIL: LET'S NOT EXPORT A VITAL RESOURCE**

**HON. HOWARD WOLPE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. WOLPE. Mr. Speaker, in 1973, Congress opened Alaska's North Slope for oil production, but insisted that its output be consumed within the United States unless exports could be shown to be in the national interest. These restrictions, repeatedly reaffirmed by a bipartisan Congress, have reduced U.S. dependence on OPEC oil, increased U.S. conventional military preparedness, and saved consumers billions of dollars.

Section 7(d) of the Export Administration Act of 1979, which contains the current export restrictions, will expire on September 30, 1990. There are those, including Pacific Rim

countries, who would like to see these restrictions eliminated. However, such a move would make no sense from the standpoint of American economic and national security interests. That is why Congresswoman OLYMPIA SNOWE and I have introduced legislation, H.R. 567, to extend indefinitely the Alaskan oil export restrictions in their current form.

Today, all 2 million barrels per day of Alaskan North Slope production, representing over 25 percent of total U.S. crude output, is consumed domestically. The goals of maximizing national energy self-reliance and defense preparedness which were the foundation of the original restrictions remain as valid today as when they were adopted in 1973.

The export of Alaskan oil will only further increase U.S. dependence on oil from the unstable Persian Gulf region. With imports accounting for over 40 percent of our current oil consumption, and expected to exceed 50 percent by the early 1990's, it makes little sense to increase the vulnerability of our industrial and military facilities to unpredictable supply disruptions. It also makes little sense to undermine the critical development of a more self-sufficient energy system—especially after the grim lessons taught us by the oil embargo of the late 1970's.

Exports of Alaska's North Slope oil would wipe out much of the U.S.-flag tanker fleet which carries Alaska oil to the lower 48 States and Hawaii. The displacement of the tanker fleet would not only cost an estimated 60,000 to 75,000 jobs, but the loss of trained, active crews in our mercantile fleet would also diminish our long-term defense preparedness. We also would be forced to increase our reliance on foreign-flag tankers to carry imported oil in peacetime and domestic oil in the event of a crisis.

Some have argued that exporting Alaskan oil would improve the U.S. balance of trade. First, any oil exported would require the importation of an equal quantity of foreign oil—with no guarantee that the price would not be higher than our own export rate. Second, any positive impact the oil exports could have upon our trade balance with Japan would be largely cosmetic, masking the continuing inequities in our trading relationship in key manufacturing and agriculture sectors.

Finally, net Federal revenue losses would result if Alaskan oil were to be exported. While exports would increase some Alaskan and Federal tax revenues, these benefits would be more than offset by lower tax revenues from the shipping sector, defaults on federally guaranteed shipping loans, writeoffs on infrastructure investments, and increased ship-related defense spending.

Every aspect of the American economy which depends on, or is affected by, petroleum has benefited from the restrictions on the export of Alaska North Slope crude. I urge my colleagues to join in promoting our national energy and security interests by again reaffirming the congressional determination to prevent the unwise export of Alaskan oil.

**WOMEN'S AND MEN'S CAUCUSES  
FOR CONGRESSMAN ED  
TOWNS HONORS ROSALIND  
"ROZ" GALARDI**

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 24, 1989*

Mr. TOWNS. Mr. Speaker, on Saturday, September 24, 1988, the Women's and Men's Caucuses for Congressman Edolphus "Ed" Towns held their annual dinner dance at the Fleur De Lis Restaurant. As part of this annual event, the caucuses chose to honor Rosalind "Roz" Galardi.

Roz was born Rosalind Caslin, in Bensonhurst, Brooklyn of parents who were active in veterans' organizations and the Democratic Party, where her father was a district captain for many years.

Roz, now a resident of Queens, NY, still holds Brooklyn dear to her heart, noting that while you can take a person out of Brooklyn, you can't take Brooklyn out of the person. She is employed by the New York State Liquor Authority, as an investigator for New York City Alcoholic Beverage Council Board.

While a Brooklyn resident, Ms. Galardi resided in East New York's Spring Creek Area, where she raised her two sons, Gary, a carpenter, and Ken, a recent graduate of Syracuse University, holding a degree in chemical engineering. A founder of the Flatlands Heights Civic Association, she served as its secretary for many years. In addition, she was a charter member of Community Planning Board No. 5 in East New York for over 10 years, and served as secretary for two terms of office.

Roz has been a member of the Women's Caucus for Edolphus "Ed" Towns for 4 years, and was journal chairperson for the 1987 annual dinner dance.

Roz is a shining example of the kind of commitment and dedication which serves to better our communities. I am proud to have Roz as a member of the Women's Caucus and I look forward to working with her in the years to come.

**TECH-PREP EDUCATION ACT,  
H.R. 22**

**HON. WILLIAM D. FORD**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 24, 1989*

Mr. FORD of Michigan. Mr. Speaker, on January 3, 1989, I introduced H.R. 22, the Tech-Prep Education Act. It will amend the Carl D. Perkins Vocational Education Act to establish a program of Federal matching grants to consortia of secondary and postsecondary institutions to encourage the implementation of 4-year tech-prep education programs linking the last 2 years of secondary school with the first 2 years of postsecondary education. Such programs are generally known as "two plus two," hence the number of the bill, H.R. 22. Tech-prep education is a combined high school/postsecondary program

which, first, leads to a 2-year degree or certificate, second, provides technical preparation in at least one mechanical, engineering, industrial or practical field, third, provides a high level of competence in mathematics, science, and communications, and fourth, leads to job placement.

Our society needs workers well trained in technology and well versed in basic skills if we are to forge a world-class work force for the future. Today, some education or training beyond high school is required for entry into about 50 percent of all job classifications. By the mid-1990's it is predicted that 75 percent of all job classifications will require some postsecondary education. The work force of the future will need large numbers of computer operators and programmers, laboratory technicians, nurses, dental hygienists, paramedics, travel agents, police officers, mechanics, welders, and technicians in areas such as broadcasting, aerospace, electronics, heating, air-conditioning, instrument and appliance repair, robotics and waste treatment. Training for these and many similar occupational specialties is a principal goal of tech-prep education. In addition, those trained in a tech-prep education will also have high level competency in the basic skills of mathematics and communications so that they can continue to learn and to adapt to the rapidly changing workplace of the future.

I would also hope that tech-prep education would make a contribution to alleviating the problems of youth unemployment and high school dropouts.

A recent study indicates that the unemployment rate among 20- to 24-year-olds with less than a high school diploma was 32 percent. The rate for those in the same age group who were high school graduates was 15 percent, while the unemployment rate for those with 1 to 3 years of postsecondary education and those with 4 or more years of postsecondary education were 9 percent and 6 percent respectively. Providing a well structured and integrated program that bridges high school and postsecondary education will open the doors to the job market and to well-paid professional careers for young Americans.

Today, one in four high school students do not complete high school. At that rate, out of approximately 45 million students in elementary and secondary education, 11 million of them will not complete high school. Tech-prep education by providing a richer, more focused, more practical, and more challenging program for many high school youth can play a role in drop out prevention.

The Tech-prep Education Program is aimed primarily at the two middle quartiles academically of the typical high school. It is not designed to replace the existing vocation education programs which provide students completing the 12th grade with entry level job skills. Rather it is intended to broaden vocational education so that students can have available a somewhat more rigorous program that extends from the last 2 years of high school through the first 2 years of postsecondary education. In addition, it is intended to offer an alternative for the many students in the current high school "general education" curriculum. These students very frequently

graduate from high school with neither entry level job skills nor a clear path to postsecondary education.

It is important to remember that all those who will be in the work force by the year 2000 are already alive and in school today, and a great skilled worker shortage is approaching unless we act to forestall it. The greatest threat to our future economic security and productivity is unskilled workers. In a recent article titled "Finding Workers to Fill the Jobs," David Broder notes, "Skill shortages, rather than job shortages, are likely to become the dominant labor problem of the future."

For students preparing to pursue a 4-year college degree, the high school college prep curriculum provides in most cases a well functioning bridge designed to give students the coursework needed for college admissions and success. The articulation between secondary and postsecondary technical education is much less well developed. High schools and the providers of postsecondary technical education frequently are operating in isolation from each other. Tech-prep education is designed to bring them together for the benefit of the students and America's future economic needs.

It is imperative that high schools and postsecondary education work together in developing and implementing educational programs that will serve the greatest numbers of young Americans. These are the people who will determine the future economic health of our Nation. These are the people who will keep our airplanes flying, our water flowing, our computers humming, our cars running, our goods and services produced and sold and our laws enforced in a society saturated at every level with technology and information.

I introduced a bill comparable to H.R. 22 in the last Congress and circulated it widely among educators for their comment. I was very gratified by the hundreds of enthusiastic responses. For example, in a recent survey of school board members by the National School Boards Association, nearly 92 percent of the respondents agreed that Federal encouragement for coordinating secondary and postsecondary vocational curricula was desirable. This was the largest consensus in favor of any position regarding Federal vocational education policy. Tech-prep education is an idea that has been developed and tested by educators across the Nation. In several States tech-prep education is being implemented in some areas. Federal support of tech-prep education through H.R. 22 will accelerate and broaden the adoption of this important educational innovation.

I hope that my colleagues will cosponsor H.R. 22. If you would like to cosponsor, please contact Gloria Gray-Watson of my staff at 225-6295.

The text of H.R. 22 follows:

H.R. 22

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

SECTION 1. SHORT TITLE.

This part may be cited as the "Tech-Prep Education Act".

SEC. 2. PROGRAM AUTHORIZED.

(a) GENERAL AUTHORITY.—Title IV of the Carl D. Perkins Vocational Education Act is amended—

- (1) by redesignating part F as part G;
- (2) by redesignating section 451 as section 461; and
- (3) by inserting after part E the following new part:

"PART F—TECH-PREP EDUCATION

"SEC. 451. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) rapid technological advances and global economic competition demand increased levels of skilled technical education preparation and readiness on the part of youths entering the workforce;

"(2) effective strategies reaching beyond the boundaries of traditional schooling are necessary to provide early and sustained intervention by parents, teachers, and educational institutions in the lives of students;

"(3) a combination of nontraditional school-to-work technical education programs, using state-of-the-art equipment and appropriate technologies, will reduce the dropout rate for high school students in the United States and will produce youths who are mature, responsible, and motivated to build good lives for themselves;

"(4) the establishment of systematic technical education articulation agreements between secondary schools and community colleges is necessary for providing youths with skills in the liberal and practical arts and in basic academics and with the intense technical preparation necessary for finding a position in a changing workplace;

"(5) by the year 2000 an estimated 15,000,000 manufacturing jobs will require more advanced technical skills, and an equal number of service jobs will become obsolete;

"(6) more than 50 percent of jobs that are currently developing will require skills greater than those currently provided by existing educational programs;

"(7) dropout rates in urban schools are currently 50 percent or higher, and more than 50 percent of all Hispanic youth drop out of high school;

"(8) each year, as a result of 1,000,000 youths dropping out of high school with inadequate preparation to enter the workforce, the United States loses \$240,000,000,000 in earnings and taxes; and

"(9) employers in the United States pay an estimated \$210,000,000,000 annually for formal and informal training, remediation, and in lost productivity as a result of untrained and unprepared youth joining, or attempting to join, the workforce of the United States.

"(b) PURPOSE.—It is the purpose of this part—

"(1) to provide planning and demonstration grants to consortia of local educational agencies and community colleges, for the development and operation of 4-year programs designed to provide a tech-prep education program leading to an associate degree for youths; and

"(2) to provide, in a systematic manner, strong, comprehensive links between secondary schools and institutions of higher education.

"SEC. 452. PROGRAM AUTHORIZED.

"(a) GENERAL AUTHORITY.—The Secretary of Education shall make grants to pay the Federal share of the cost of activities carried out under this part to consortia of—

"(1) local educational agencies or area vocational schools serving secondary school students; and

"(2) nonprofit institutions of higher education which offer a 2-year associate degree program or a 2-year certificate program and which are qualified as institutions of higher education pursuant to section 481 of the Higher Education Act.

"(b) AMOUNTS OF GRANTS.—

"(1) FEDERAL SHARE.—The Federal share of the cost of any activity carried out with assistance under this part may not exceed—

"(A) for the first year that a grant is received, 100 percent of such cost with respect to planning purposes;

"(B) for the second year that a grant is received, 80 percent of such cost with respect to implementation and operation;

"(C) for the third year that a grant is received, 70 percent of such cost with respect to operation;

"(D) for the fourth year that a grant is received, 60 percent of such cost with respect to operation; and

"(E) for the fifth year that a grant is received, 50 percent of such cost with respect to operation.

"SEC. 453. TECH-PREP EDUCATION PROGRAMS.

"(a) GENERAL AUTHORITY.—Each grant recipient shall use amounts provided under the grant to develop and operate a 4-year tech-prep education program.

"(b) CONTENTS OF PROGRAM.—Any such program shall—

"(1) be carried out under an articulation agreement between the participants in the consortium;

"(2) consist of the 2 years of secondary school preceding graduation and 2 years of higher education, with a common core of required proficiency in mathematics, science, communications, and technologies designed to lead to an associate degree in a specific career field;

"(3) include the development of tech-prep education program curriculum appropriate to the needs of the consortium participants; and

"(4) include in-service training for teachers that—

"(A) is designed to train teachers to implement effectively tech-prep education curriculum;

"(B) provides for joint training for teachers from all participants in the consortium; and

"(C) may provide such training in weekend, evening, and summer sessions, institutes or workshops.

"(c) ADDITIONAL AUTHORIZED ACTIVITIES.—Any such program may—

"(1) provide for training programs for counselors designed to enable counselors more effectively to recruit students for tech-prep education programs, ensure their successful completion of such programs and their placement in appropriate employment; and

"(2) provide for the acquisition of tech-prep education program equipment.

"SEC. 454. APPLICATIONS.

"(a) IN GENERAL.—Each consortium that desires to receive a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary shall prescribe.

"(b) FIVE-YEAR PLAN.—Each application submitted under this subsection shall contain a 5-year plan for the development and implementation of activities under this part.

"(c) APPROVAL.—The Secretary shall approve applications based on their potential to create an effective tech-prep education program as provided for in section 453.

"(d) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to applications which—

"(1) provide for effective employment placement activities or transfer of students to 4-year baccalaureate degree programs;

"(2) demonstrate commitment to continue the program after the termination of assistance under this part; and

"(3) are developed in consultation with business, industry, and labor unions.

"(e) EQUITABLE DISTRIBUTION OF ASSISTANCE.—In making grants, the Secretary shall ensure an equitable distribution of assistance among the States and among a cross section of urban and rural consortium participants.

"SEC. 455. REPORTS.

"Each grant recipient shall, with respect to assistance received under this part, submit to the Secretary such reports as may be required by the Secretary to ensure that such grant recipient is complying with the requirements of this part.

"SEC. 456. DEFINITIONS.

"For purposes of this part:

"(1) The term 'articulation agreement' means a commitment to a program designed to provide students with a nonduplicative sequence of progressive achievement leading to competencies in a tech-prep education program.

"(2) The term 'tech-prep education program' means a combined secondary and postsecondary program which—

"(A) leads to an associate degree or 2-year certificate;

"(B) provides technical preparation in at least 1 field of engineering technology, applied science, or mechanical, industrial, or practical art or trade;

"(C) provides competence in mathematics, science, and communications (including through applied academics); and

"(D) leads to placement in employment."

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 3 of the Carl D. Perkins Vocational Education Act is amended—

(1) in subsection (a), by striking "(other than part E)" and inserting "(other than parts E and F)"; and

(2) in subsection (d)—

(A) by inserting "(1)" after "(d)"; and

(B) by adding at the end the following new paragraph:

"(2) There are authorized to be appropriated \$200,000,000 for the fiscal year 1990 and such sums as may be necessary in each of the 4 succeeding fiscal years to carry out part F of title IV, relating to tech-prep education."

**ROD RODENBERGER**

**HON. ROBERT J. LAGOMARSINO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. LAGOMARSINO. Mr. Speaker, I rise to take note today of the retirement of Ronald J. "Rod" Rodenberger as marshal of the Santa Maria, CA, Judicial District.

Rod has served Santa Barbara County for the past 33 years. He began his career in law enforcement in 1955 as a member of the Santa Barbara County Sheriff's Department. He was on the force of the sheriff's office for 13 years, working out of the Santa Maria substation. The last 6 of those years he was head of the juvenile division. He is a former

member of the Juvenile Officers Association of Southern California and was awarded a life membership in the PTA for his work with young people in the community.

Elected marshal of the Santa Maria Judicial District in 1968, he was subsequently reelected to three more successive 6-year terms.

During his tenure as marshal he has labored to upgrade and modernize the marshal's office in northern Santa Barbara County. He secured POST [peace officers standards and training] education for all his officers. He instituted a legal services specialist position into his staff to aid in prompt, cost-effective process service and to free up deputies for more involved duties. This program is a first and a model for more efficient use of tax funds.

He designed and supervised the installation of holding facilities in the county building where prisoners awaiting court appearances can be securely retained. He planned and had installed a security alarm system in all the courts which assures the safety of court personnel and the public.

During his time in office he has served as president and vice president of the Judges, Marshals and Constables Association of the Tri-Counties. He worked 3 years as State director for the Marshals Association of California and has been a member of the finance and legal procedures committee, and the professionalization and training committee of the State Marshals Association as well as serving on the legislative committee of that body. He has, as well, served as chairman of the credentials committee of the Marshals Association. He was treasurer for the State Marshals Executive Council for 4 years.

At present Marshal Rodenberger is on the Law Enforcement Advisory Board for Allan Hancock College. He also serves the community as a commissioner for parks and recreation in the city of Santa Maria.

Before entering law enforcement Rod was a professional baseball player. He was a third baseman for the Reno Silver Sox, a farm club for the then-New York Giants. After leaving professional sports he played for the Santa Maria Indians semipro baseball team and still holds the all-time batting average record for the team. Playing the full season he posted a 0.508 batting average in the 1955 season. He shared his interest in the game with youngsters in Santa Maria while serving as vice president of the South Side Little League in the late 1960's and early 1970's.

Rod served with the U.S. Army in Korea during that conflict and was involved in extensive action during the fall and winter campaigns of 1951.

Rod and his wife, Phyllis, are the parents of 8 children and grandparents of 11.

Mr. Speaker, I know I speak for the entire community when I say that we are grateful for the service Rod has given to the people of Santa Maria, and on behalf of the U.S. Congress, I want to commend him and wish him well on the occasion of his retirement.

**ANNOUNCEMENT OF THE 1989 CONGRESS-BUNDESTAG STAFF EXCHANGE**

**HON. E. THOMAS COLEMAN**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. COLEMAN of Missouri. Mr. Speaker, since 1983 the United States Congress and the West German Parliament, the Bundestag, have conducted an annual exchange program in which staff members from both countries observe and learn about the workings of each other's political constitutions first hand and convey the views of members from both sides on issues faced by both countries. The exchange also provides an opportunity for the development of professional relationships which will be beneficial to both countries over the long term.

This exchange program is one of several sponsored by both public and private institutions in the United States and West Germany to foster better understanding of the institutions and policies of both countries.

This year, eight congressional staff members will visit Germany over the Easter recess period. They will spend about 10 days in Bonn attending meetings conducted by members of the Bundestag, Bundestag staffers, and representatives of political, business, labor, academic, and media institutions. They will spend a weekend in the district of a Bundestag member. The program will conclude with a visit to Berlin during which the delegates will meet with the representatives of the West Berlin Government and United States Government representatives in both West and East Berlin.

A comparable delegation of Bundestag staffers will come to the United States in late June for a 3-week period. They will attend similar meetings here in Washington and will visit the districts of Members of Congress over the Fourth of July recess.

The program is truly a two-way street; accordingly, participants should be experienced Hill staffers so that they can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag sends senior staffers to the United States and a number of high ranking members of the Bundestag take the time to meet with our staffers. The United States has tried to reciprocate.

Therefore, participants should have a demonstrable interest in, if not some direct responsibility for, political, security, trade, or environmental issues as they relate to Europe in general and Germany in particular. In addition, U.S. participants will be expected to help plan and execute the program for the Bundestag staffers when they visit the United States. Among the contributions participants should expect to make the planning and conducting topical meetings for the Bundestag staffers and hosting one or two of the staffers in their Member's district over the Fourth of July.

Applications for participation in the United States delegation will be reviewed initially by the Congressional Staff Group on German-American Affairs; final selection of the delega-

tion will be made by the United States Information Agency.

Senators and Representatives who would like a member of their staff to apply for participation in this year's program should direct them to submit a résumé and cover letter in which they state why they believe that they are qualified and giving some assurance of their ability to participate during the time stated to Bill Inglee, House Foreign Affairs Committee, 808 House Annex 1, by Wednesday, February 15.

**EQUAL OPPORTUNITY FOR MEDICAL LICENSURE AND RECIPROCALITY ACT OF 1989**

**HON. JIM BATES**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. BATES. Mr. Speaker, today I am introducing the Equal Opportunity for Medical Licensure and Reciprocity Act of 1989.

This legislation will prohibit discrimination against foreign medical graduates. It would prohibit a State from subjecting a foreign medical graduate who has completed residency training in the United States and who has obtained a license to practice medicine in any State, to any condition or requirement that materially differs from those applied to graduates of U.S. medical schools. The purpose of the legislation is to eliminate the discrimination against medical doctors who have graduated from medical schools outside the United States and Canada. These doctors have repeatedly experienced discrimination in initial licensure, reciprocity, job promotions, hospital privileges, reimbursement, residency, medical staff appointments, and professional society membership. This legislation only applies to medical doctors that are licensed and practicing medicine in the United States.

In the United States today, there are 500,000 practicing physicians, 122,000 of whom are foreign medical graduates [FMG's]. That means that one out of four physicians in this country have received their medical education from outside the United States and Canada. All of the practicing foreign medical graduates are legal residents of the United States and many are naturalized citizens. Nobel prizes have been awarded to several FMG's.

Yet last year a hearing by the House Energy and Commerce Committee's Subcommittee on Health and the Environment revealed that foreign medical graduates are suffering from overt and covert discrimination in licensure, reciprocity, jobs, hospital privileges, promotions, and publications. The subcommittee hearing demonstrated that different standards, different tests, hidden decisions, and outright rejection of approval to practice in a State or to be allowed on a hospital staff are methods which are applied to this group. At my request the General Accounting Office is currently conducting a study of the discrimination which foreign medical graduates face today.

I, and all fairminded Americans oppose discrimination in any form. History tells us that if

discrimination is tolerated against any one group, then it can be directed toward any group. This legislation would help to ensure that foreign medical graduates are a part of the best available medical system. Foreign medical graduates are a part of a medical profession that recognizes talent and quality medicine as the primary and constant concern. For this reason, this legislation should have the support of any individual or group that seeks the common ground of excellent health care. This measure seeks to unify the medical profession in a professional way.

The July 1988 Council on Graduate Medical Education report, prepared by the U.S. Department of Health and Human Services, recommended that the Federal Government "should not establish policies which would discriminate against medical school graduates on the basis of citizenship, immigration status, or medical school location." It is with that intent that I urge my colleagues to support this legislation.

**WOMEN'S AND MEN'S CAUCUSES FOR CONGRESSMAN ED TOWNS HONORS WARREN GEORGE MILLER**

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. TOWNS. Mr. Speaker, on Saturday, September 24, 1988, the Women's and Men's Caucuses for Congressman EDOLPHUS "ED" TOWNS held their Annual Dinner Dance at the Fleur De Lis Restaurant. As part of this annual event, the caucuses chose to honor Warren George Miller.

Warren George Miller was born and raised in Panama, where he attended the public schools. George, as he is known in Brooklyn, graduated from Panama's National Institute, majoring in music. While in Panama, George successfully chaired a committee to establish a high school in the Canal Zone for minority students. He also served as President LaGuardia's campaign manager in the Canal Zone.

In 1957, George migrated to the United States with his wife Daisy, and his children Delia and Warren, Jr. A gifted musician, George played with top Latin musicians in Panama and the United States, such as Tito Puentes. He also worked with many American jazz artists, including Eartha Kitt, Dinah Washington, and Peggy Lee, among others.

George also worked for the Baltimore and Ohio Railroads, as a foreman clerk, and also with Chemical Bank. Very active in community affairs in Brooklyn's East New York, George is now working as Security Coordinator for the New York City Board of Education, Community School District 19.

George Miller is a true asset to our community. I extend my sincerest congratulations to him on his many accomplishments, and my best wishes for a successful and fulfilling future.

**"KEEPING THE DREAM ALIVE" GALA**

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. PALLONE. Mr. Speaker, one of the many legacies that was left to us by Martin Luther King, Jr., was the sense that caring for one's fellow man is one of the highest callings one can follow. Doctor King literally gave his life in the fight to gain justice and equality for all of our citizens so it is entirely fitting to bring recognition to those who, in the pursuit of their own lives, have dedicated themselves to helping others.

I am pleased to extend that recognition to 38 of my constituents who were honored at the "Keeping the Dream Alive" gala for their contributions to community service. I want to particularly thank the Monmouth County alumnae chapter of Delta Sigma Theta sorority and its president Mrs. Willie F. Robinson for holding the gala which took place at the Eatontown Sheraton.

Those who were honored, their sponsoring organizations, and the roles in which they distinguished themselves are as follows:

**LIST OF PERSONS HONORED AT THE "KEEPING THE DREAM ALIVE" GALA, SATURDAY, JANUARY 21, 1989**

Alpha Kappa Alpha Sorority: Lambda Omega Omega Chapter: \*1. Minola Buden—Education; 2. Wanda Williams-Finney—Political Action; 3. Mary Pat Jones—Christian Endeavor; 4. Rozann Patton—Occupation; \*5. Sylvia Thomas—Education.

Alpha Phi Alpha Fraternity: 1. Rev. Anthony Hodges—Christian Endeavor; 2. Woodrow Holmes—Occupation; 3. Kenneth Morgan—Community Service; 4. Enoch Peters—Education.

Asbury Park High School: 1. Kenneth C. Jordan—Education.

Asbury Park Middle School: 1. Sidney L. Wells—Education.

Central Jersey Business and Professional Women's Club: 1. Tonya Greenwood—Occupation; 2. Stelma C. Sancious—Christian Endeavor; 3. Frances Williams—Community Service; 4. Helen W. Scott—Education.

Continental Societies, Inc.: North Shore Chapter: 1. Blanche Jones—Political Action; 2. Juanita Robinson—Education; 3. Elizabeth Williams—Occupation.

Drifters: 1. Shirley S. Williams—Community Service.

Faith Baptist Tabernacle: 1. Frances Holman—Community Service.

Kappa Alpha Psi Fraternity: Asbury-Neptune Chapter: 1. Karl Crudup—Education; 2. Darryl Daniels—Political Action; 3. Jesse Galloway—Community Service; 4. Frank Wilson—Occupation.

Monmouth County Business and Professional Women's Club: 1. Agnes Epps (posthumously)—Community Service.

N.A.A.C.P.: Asbury-Neptune Chapter: 1. Rev. Vernon McGowen, Jr.—Community Service/Christian Endeavor.

Monmouth County Men's Club: 1. Thomas D. Marshall—Education.

National Council of Negro Women: 1. Girdie B. Washington—Christian Endeavor. Neptune Junior High School: 1. Yvonne Dean—Education.

Neptune Township Board of Education: 1. James Terrell—Education.

Omega Psi Phi Fraternity: Asbury Neptune Chapter: 1. Ermon K. Jones—Community Service; 2. Judge Lawrence M. Lawson—Occupation; 3. Bernard Oates—Christian Endeavor.

St. Augustine Episcopal Church: 1. Rev. Sandra A. Wilson—Christian Endeavor; 2. Marie S. Williams—Community Services; 3. Henrietta Zachary—Education.

St. Thomas Episcopal Church: 1. Clinton Crocker—Community Service.

Volunteers in Courts and Corrections: Asbury Park Juvenile Conference Committee: \*1. Henrietta Zachary—Community Service.

#### CAMPAIGN FINANCE REFORM

### HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. MAVROULES. Mr. Speaker, I am pleased to be an original cosponsor of H.R. 14, a comprehensive and necessary campaign finance reform package. I hail my colleagues, Congressmen COELHO, SYNAR, and LEACH for their leadership in introducing this legislation that will modify and reform our present system of congressional campaign financing.

In my judgment, campaign reform is necessary if we are to achieve the ultimate goal of restoring public confidence in our electoral process. In order to do so, I believe that any campaign reform bill passed by the Congress must, first and foremost, achieve two important objectives. It must increase the influence of the individual voter in each congressional district, and it must lessen Congress' dependence on Political Action Committee contributions.

Shockingly, campaign spending for congressional campaigns increased from \$60.9 million in 1975-76 to more than \$194 million in 1985-86. This whopping increase in campaign cost should be and is a bipartisan concern. Besides being a shameful waste of resources, this level of expense forces members to spend, large amounts of their time fundraising; time often better used addressing the needs of the Nation.

This proposal effectively addresses my areas of concern. The legislation reduces the role, and therefore influence, of political action committees, it places reasonable limits on campaign spending, and it allows greater participation of individual voters. This bill limits, for the first time, the total PAC contributions a House candidate can receive and establishes spending limits and a matching public funding system.

The Coelho-Synar-Leach bill contains two major provisions that move toward these goals. Regarding greater individual voter participation, candidates must demonstrate local involvement by raising 10 percent of the spending limit from individuals, 80 percent of which must be contributed from home State residents in amounts of \$250 or less. As recently as 1974, small individual contributions represented 50 percent of the total contributed to House candidates. However, by 1986 small contributions amounted to only 15 per-

cent of the total. This section will return thousands of small contributors to the electoral process.

Since 1977, political action committee contributions to House candidates have increased from \$15 to \$82 million. According to Common Cause, winning House candidates received 45 percent of their contributions from PAC's; it appears that we are moving quickly toward a time when a majority of members will receive more than half of their contributions from PAC's. H.R. 14 will ensure that those candidates who qualify for matching funds receive no more than \$100,000 per 2-year election cycle from PAC's.

Another important provision of H.R. 14 will voluntarily cap campaign spending. Those candidates who agree to a spending limit of \$400,000 become eligible for partial matching funds in the general election. The bill also contains other reforms dealing with independent expenditures, negative advertising, the amount of personal funds which a candidate may contribute, and other enforcement issues.

Mr. Speaker, as I have said before, when our Founding Fathers designed our constitutional government some 200 years ago, they envisioned a bicameral legislature which was accountable and responsive to the American people. The high cost of campaigns and our present method of financing them has raised serious doubts as to whether our present system is meeting those lofty goals. If we fail to seize this unique opportunity we may ultimately run the risk of losing the confidence of a vast majority of the electorate.

Most of us can well remember the circumstances surrounding the passage of the Presidential Elections Campaign Act more than a decade ago. I am confident that the lessons gained from that experience will allow us to work together in a bipartisan manner to bring about a new system which is fair and open to everyone; a system not unlike the one envisioned 200 years ago.

#### HONORING LOU ELLA WALLING

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. BROWN of California. Mr. Speaker, today in my home town of Riverside, Lou Ella Walling will be honored as the 1989 Soroptimist Gold Key Award winner. I would like to pause for a moment and recognize this valuable member of our community.

Each year, the Soroptimists honor a person that exemplifies the spirit of voluntarism. It is plain to see why Lou Ella Walling has been chosen for the 1989 award. She has been an active volunteer in the areas of cultural arts, children, the handicapped, and women's organizations for over 20 years. As part of her service, she has presided as president of the Riverside Imperial Epilepsy Society, the Victoria Garden Club, the California Federation of Women's Clubs, the Visiting Nurses Association, and the Riverside Woman's Club.

Our Nation is enhanced because volunteers willingly work to improve the lives of innumerable individuals, to make communities more

beautiful, to make art more accessible to everyone, and in general, to improve the lives of each and every one of us. We in Riverside have been especially blessed because Lou Ella Walling has served her community so well. She is especially deserving of the Soroptimist's Gold Key Award and I am sure my colleagues will join with me in recognizing her here today.

#### TRIBUTE TO BROTHER BOOKER T. ASHE

### HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. MOODY. Mr. Speaker, I am privileged to honor Brother Booker T. Ashe for 25 years of service to the Milwaukee community.

As director of the House Peace Community Center, Brother Ashe has provided a sanctuary for the sick, the impoverished, the hungry, and the desperate. He provides the support, concern, and understanding that is absent from the lives of those who seek assistance.

All too often, caring and compassionate people sit idle, perhaps feeling that their individual efforts would have little effect on the problems facing our country. Brother Ashe demonstrates the tremendous good that one man, intolerant of cruelty and suffering, can accomplish.

Brother Ashe entered the Capuchin Order in June 1951 and has dedicated his life to helping others through a variety of activities and organizations. He has served as president of the National Black Clergy Caucus and was a member of the board of directors of the National Office for Black Catholics. He was also a member of the board of the National Catholic Conference for Interracial Justice and he served on the board of the National Association for the Advancement of Colored People.

Locally, Brother Ashe is a past chairperson of the Milwaukee Commission on Community Relations. He has also served on the Milwaukee Council on Alcoholism, the Volunteer Action Center, the Board of Directors of Catholic Social Services, and many other worthwhile and vital community groups. His endless energy and dedication inspire all of us to remember those less fortunate and to work to end the pain and suffering they endure.

Mr. Speaker, I am proud to honor Brother Booker T. Ashe for his unselfish service to Milwaukee and our country.

#### HAPPY 100TH BIRTHDAY MRS. KALINOWSKI

### HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mrs. SCHROEDER. Mr. Speaker, Caroline Kalinowski will be 100 years old today and I want to wish her a very special happy birthday.

Mrs. Kalinowski came to the United States from Poland when she was 16. She married

Martin Kalinowski, a coal miner in Pennsylvania, and when he died in 1926, she had the responsibility of raising four young children. She also taught herself to read and write English, and worked in the garment industry in Brooklyn until she was 72 years old.

Mrs. Kalinowski, who now lives in Denver, has five grandchildren and five great-grandchildren.

Happy birthday Mrs. Kalinowski.

## ROE VERSUS WADE

### HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. WEISS. Mr. Speaker, January 22, 1989, marked the 16th anniversary of the historic Supreme Court decision in Roe versus Wade affirming a woman's constitutional right to choose to have an abortion under certain circumstances. Every year since 1973, polls have indicated that the majority of Americans have continued to support this landmark ruling.

With this month's Supreme Court decision to examine a Missouri abortion statute, however, a very vocal minority has stepped up its attacks on the Roe versus Wade ruling. As the Court could use the Missouri case to reconsider Roe versus Wade, now is an especially crucial time for us to reaffirm our commitment to the fundamental right to choose to have an abortion. As Members of Congress, it is our responsibility to protect the rights of the people, no matter how outspoken the opponents may be.

Abortion is legal, and must remain legal.

It is estimated that prior to 1973, hundreds of thousands of women a year were forced to rely upon abortions that put their health and lives at risk. Hundreds of women died annually as a result of botched abortions, and thousands of women suffered permanent disability as a consequence of failed abortions in their homes and on the network of back-alley abortionists. I saw the results of this butchery as a young prosecutor in New York charged with investigating and prosecuting those performing illegal abortions.

We must never return to such a perilous, potentially lethal situation. The Roe versus Wade ruling allowed women to make the very difficult and personal decision to end unwanted pregnancy without risking prosecution, mutilation, or death.

Over the course of the past 16 years, Congress has faltered in its duty to protect the rights set forth in the Roe versus Wade ruling by passing measures that have denied certain women their constitutional right to choose to have an abortion. Our Government is currently straddled with an abortion policy that discriminates against poor women, women in the Armed Forces, military dependents and retirees, women incarcerated in Federal prisons, Peace Corps volunteers, residents of the District of Columbia, and Native American women who receive their medical care through the Indian Health Service.

The commencement of a new administration and a new Congress marks an ideal time

to begin remedying the tragedy of this discriminatory policy. As we commemorate Roe versus Wade, we must pledge to guarantee safe and accessible abortion services to the poor as well as the rich. And as we face potential Supreme Court reconsideration of the ruling, we must unite and demonstrate our strong commitment to maintaining right to choose for all women.

## LONNIE M. NELMS: A DEDICATED PUBLIC SERVANT RETIRES

### HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. MONTGOMERY. Mr. Speaker, outstanding public service should not go unheralded. It is, therefore, my pleasure to share with my colleagues a glimpse of the career of a dedicated Federal worker whose service to his country has spanned more than three decades.

On December 3, 1988, Mr. Lonnie M. Nelms of Corinth, MS, retired as Director of the Corinth National Cemetery, a post he assumed in August 1981. Almost 6,500 veterans and family members are interred in this picturesque, beautifully-manicured 20-acre cemetery.

Since 1958, Mr. Nelms has held a series of positions throughout the South in the Veterans' Administration's National Cemetery System, which consists of 113 cemeteries in 38 States and Puerto Rico. For his compassionate and dedicated service in behalf of our Nation's deceased veterans and their families, he has been recognized by the VA's Chief Memorial Affairs Director with the Department of Memorial Affairs' Outstanding Career Award.

Mr. Nelms is an Army veteran who served from 1954 to 1956 in France and Germany.

Mr. Speaker, I know my colleagues will want to join with me in congratulating Mr. Nelms for the high caliber and longevity of his government service and in conveying our best wishes for a healthy, happy retirement.

## REPEAL OF SECTION 89 EMPLOYEE BENEFIT RULES

### HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. LaFALCE. Mr. Speaker, on behalf of myself and 34 of our colleagues, I am introducing legislation today to repeal section 89 of the Tax Code relating to employee benefit plans. Section 89, which was enacted as part of the Tax Reform Act of 1986, is intended to ensure that employer-sponsored benefit plans are fairly distributed among all employees, regardless of salary level.

I want to emphasize, Mr. Speaker, that we fully support the intent of section 89 and applaud its ultimate goal of encouraging employers to expand health insurance coverage among the working uninsured. But we are

concerned that the new law, which took effect January 1, is so complicated and the compliance burden so costly that it may well have the opposite effect.

Section 89 requires all employers to conduct a series of complex statistical tests to determine if their employee benefit plans, principally health and life insurance, are distributed fairly between highly paid and rank-and-file employees.

Business owners will face costly data-gathering requirements and complicated valuation rules to measure the eligibility and benefit provisions of each of their benefit plans. If a benefit plan fails the statistical tests required by section 89, highly paid employees would be taxed on the value of the excess benefits they receive. And if a business fails to report to IRS the amount of excess benefits provided to employees, the employer will also face tax penalties.

Mr. Speaker, section 89 is so complex that the Treasury Department has yet to issue regulations implementing the new law. Last year's Technical Corrections Act imposed a deadline of November 15, 1988, but still no regulations have been issued to provide definitions and guidance to employers.

The extreme complexity of section 89's benefits testing requirements, the costly administrative burden it imposes, and the lack of any formal guidance from Treasury makes it very difficult, if not impossible, for employers to comply with the law.

The compliance burden will fall particularly hard on small businesses because of their heavy reliance on part-time workers and their high rates of employee turnover, and because they simply cannot afford the costs of hiring outside consultants.

As a result, section 89 will likely have an adverse impact on the expansion of health insurance coverage. Those firms that do not now offer health benefits will be further discouraged from doing so, and those that do provide health plans may be inclined to reduce their benefits or terminate their plans altogether.

It is for these reasons that I am introducing legislation to repeal section 89. Repeal of the law will give Congress an opportunity to review the potential impact on employers and to examine reasonable, simplified alternatives to achieve the policy goals of assuring fair distribution of employee benefits and reducing the ranks of the uninsured.

## A TRIBUTE TO REV. D.B. WALKER

### HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. DERRICK. Mr. Speaker, I rise today to recognize a truly special man, Rev. D.B. Walker of Honea Path, SC.

On January 14, Reverend Walker was honored by his Liberty Baptist Church family for 40 years of faithful, sincere, and efficient ministry.

Born in Anderson County, SC, D.B. Walker attended Anderson County public schools. He

graduated from Benedict College in Columbia, SC, received a masters degree in education from A&T University in Greensboro, NC, and was a public school teacher for 26 years. An honorably discharged veteran of World War II, he served much of his time in uniform overseas. He is married to the former Amanda McPhail and they are the parents of two daughters.

As a teacher and now a minister, D.B. Walker has inspired and touched countless lives. I believe a poem on "Greatness" by C.E. Flynn that was included in the tribute's souvenir bulletin states it best:

"A man is as great as the dreams he dreams,  
As great as the love he bears;

"As great as the values he redeems,  
And the happiness he shares.

"A man is as great as the thoughts he thinks,  
As the worth he has attained;

"As the fountains at which his spirit drinks,  
And the insight he has gained.

"A man is as great as the truth he speaks,  
As great as the help he gives;

"As great as the destiny he seeks,  
As great as the life he lives."

Please join me, Mr. Speaker, in congratulating a great man—Rev. D.B. Walker—for four decades of spiritual guidance to his Honea Path congregation. He has my heartfelt thanks for his contributions to the community. And I want to wish him God's continued blessings.

#### A TRIBUTE TO TIMOTHY PATRICK FURLONG

#### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Ms. PELOSI. Mr. Speaker, I rise today in memory of Timothy Patrick Furlong. A native of Dallas, TX, and a resident of Washington, DC, Tim Furlong was an attorney, an activist and fundraiser in the Democratic Party. He was a long-time aide and political associate of U.S. Senator LLOYD BENTSEN. Tim served as a cochairman of the 1988 Washington Gala for the Dukakis-Bentsen Presidential campaign.

Because of Tim's love of politics and knowledge of history and the political process, he was able to provide counsel and assistance to a wide range of elected officials, political candidates and causes. He was a tenacious fighter for what he believed—yet always gracious and dignified in victory or defeat. As a leading lobbyist on Capitol Hill, Tim was well known to Members of Congress and political leaders nationwide where he helped to achieve legislative solutions to a range of public policy problems. Tim earned a reputation for his substantive approach, political savvy and honesty.

A founding partner in the Washington, DC law firm of McAuliffe, Kelly, Furlong, Aldrich & Siemens, he was a former partner in the California and Washington law firm of Manatt, Phelps, Rothenberg & Evans.

Tim loved running, bicycling, football, reading and travel and was a connoisseur of fine wines and foods. His generosity and helping hand were shared by all. He pursued quality in

all his endeavors and, above all, in his relationships with his family and friends.

He is survived by his parents, Pat and Katy Furlong; his brother and sister-in-law, Dennis and Dede Furlong; two nieces, Shea and Maggie Furlong; many aunts, uncles and cousins and countless friends across the country. Tim's older brother Michael passed away in March 1988.

Tim was a wonderful friend to each and every one of us. His zest for life, his love and his thoughtfulness will continue to be a very special part of our lives.

#### OUTSTANDING CITIZENS OF BEAVER COUNTY, PA

#### HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. KOLTER. Mr. Speaker, I rise today to honor two truly outstanding citizens of Beaver County, PA, in my Fourth Congressional District.

The Upper Beaver Valley Jaycees have chosen Joseph Sabella of New Brighton as "Man of the Year," and Dr. Betty Steege of Beaver as "Woman of the Year." Both are to be honored at a distinguished service awards ceremony.

Mr. Sabella, a graduate of New Brighton High School, my alma mater, has served the Jaycees in many fine capacities, including that of JCI senator. His achievements have also been exemplified in various Fourth District community organizations, especially in the area of advocacy for the handicapped. Joe Sabella is certainly a living example of the leadership abilities cherished by the Jaycees.

Dr. Steege is recognized and applauded for her tremendous efforts with Beaver Valley service organizations. Her many years of volunteering have greatly benefited local communities. Betty's significant contributions to local business, education and community development have left a positive lasting impression with area citizens. Her tradition of service, in fact, continues as she begins her term as the first woman president of the United Way of Beaver County.

I rise today to ask my colleagues to join me in congratulating Joseph Sabella and Betty Steege upon their reception of the distinguished service award, and I also commend the Upper Beaver Valley Jaycees for the distinction of conducting the longest continuously run project in the history of the Pennsylvania Jaycees organization.

#### THE OUTLOOK FOR REFUSENIKS IS MIXED

#### HON. JAMES McCLURE CLARKE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. CLARKE. Mr. Speaker, as we begin the work of a new Congress, let us not forget a continuing problem: the denial by the Soviet Government of the right of free emigration. Al-

though many have been released in recent months, the problem is by no means solved.

Let me focus on two refusenik families who illustrate the two sides of the situation.

After many years of waiting, Yuly Kosharovsky has finally been told that he can emigrate. Like many others, he kept faith during the grim years when only a few hundred were allowed to leave each year, when harassment and economic hardship were the predictable results of applying for permission to leave. Despite the risks, Yuly learned Hebrew and became a Hebrew teacher, an activity the Soviet authorities tried by threats and intimidation to discourage. As other veteran refuseniks have been allowed to leave in recent years, Yuly has stepped forward as a spokesman and champion of the many who remained. Articulate and persuasive in English as well as Russian, Yuly did much to keep world attention directed to this continuing injustice. Now, at last, after years of waiting while his beard began turning grey, Yuly Kosharovsky and his family have been told they are free to go.

The Igor Uspensky family illustrates the other side of the situation. They are victims of an unfair and arbitrary Soviet policy that bans emigration of persons in possession of state secrets. There are two problems with that policy. One is that the definition of state secrets is so broad that persons who worked as language teachers and meatcutters have been denied exit permission on the ground of state secrecy. The second problem is that despite President Gorbachev's promise to put a time limit of 5 years on the use of that rule after the end of access to secrets, no limit appears to be in effect. Igor Uspensky and his wife Inessa have been denied repeatedly on secrecy grounds since 1979, most recently in November of last year. Their son Slava, who has never had access to secrets, applied separately and was turned down as well. The Uspensky family has suffered enough. The Soviet Government should let them go.

Mr. Speaker, the Soviet Union has signed international agreements recognizing the right of free emigration. They are therefore under obligation to dismantle their emigration procedures and let people leave who want to do so, except those under prosecution for legitimate crimes. At the very least, the Soviet authorities should put a time limit on secrecy refusals, end the ability of relatives to block emigration, and cancel the pointless requirement that emigrants be invited to go abroad by a close relative already there. This Congress will not be satisfied while those steps remain to be taken.

#### THE DEDICATED SERVICE OF THE SIMMONS FAMILY

#### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mrs. MORELLA. Mr. Speaker, I would like to draw your attention to the family of Gary and Brenda Simmons of Cabin John, MD. This unique family has provided years of dedicated service to the people of Montgomery County,

MD. In fact, every Simmons over 16 years of age has served in the fire/rescue service in Montgomery County.

Gary is a volunteer assistant chief for the Cabin John Park Volunteer Fire Department, and was formerly a paid firefighter for the Bethesda Fire Department. For many years, Brenda has been the official photographer for both the CJPVFD and the Bethesda-Chevy Chase Rescue Squad. Gary and Brenda's children, Wade and Erica, have served with both Cabin John and Glen Echo Fire Departments as volunteer firefighters and ambulance technicians since first becoming eligible at 16, and Gary and Brenda's youngest son Justin will soon be old enough to follow suit.

I am sad to report that the Simmons' will soon be moving from Maryland's Eighth Congressional District to Georgia's First. Although the citizens of Montgomery County will no longer have the fine services of the Simmons family, I understand that the newest constituents of my colleague, LINDSAY THOMAS, are planning to join a volunteer fire department near Savannah. Although I have lost a real community asset, I would like to thank the Simmons' for their service and to wish them the best of luck in Georgia.

**A TRIBUTE TO FLOYD AND LYNN HALL**

**HON. CARROLL HUBBARD, JR.**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 24, 1989*

Mr. HUBBARD. Mr. Speaker, I want to pay tribute today to a wonderful couple, Floyd Benjamin Hall and Pearl Lynn McCormick Hall, who reside in Metropolis, IL.

Both Mr. and Mrs. Hall are ill and have spent many weeks at Western Baptist Hospital in Paducah, KY.

Their talented daughter, Joyce Lynn Hall Hubbard, has been in western Kentucky and Metropolis the past several weeks, assisting her parents.

The many relatives and friends of Floyd and Lynn Hall are aware of the many accomplishments of this couple for their community, for their church—Metropolis' First Baptist Church—and for countless people in western Kentucky and southern Illinois.

Among those specially helped by this beloved couple was this Member of Congress. In 1967 Floyd and Lynn Hall greatly assisted me—at age 29—in defeating an 8-year incumbent for the office of State senator from Kentucky's First District.

The main reason they supported Carroll Hubbard for State senator in 1967 was that I had married their only child, Joyce Lynn Hall, on August 20, 1966.

Floyd and Lynn Hall were also very helpful to this Member of Congress when I was re-elected State senator in 1971.

In 1974, Floyd and Lynn Hall were very helpful to their son-in-law when I was elected to the U.S. House of Representatives, defeating a 16-year incumbent in the Democratic Party primary election.

They have been of tremendous help to me through the years.

I admire their efforts to win the battle now against serious illnesses which currently caused physical weakness and dependency.

Three Kentuckians of whom Floyd and Lynn Hall are understandably very proud are their daughter Joyce and their only grandchildren—Kelly Lynn Hubbard, a 19-year-old sophomore at Duke University in Durham, NC, and Krista Leigh Hubbard, a 15-year-old sophomore at Langley High School in McLean, VA. Krista would probably appreciate it being mentioned that she will be 16 on Wednesday of next week—February 1.

Naturally, those of us who know, love, and appreciate Lynn and Floyd Hall wish for them a speedy, complete recovery. Our prayer is that God will richly bless them now and always.

**TRIBUTE TO ROLAND J. LEDEBUHR**

**HON. BOB CARR**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 24, 1989*

Mr. CARR. Mr. Speaker, I rise to recognize a remarkable individual, Roland Ledebuhr, for receiving the National Association of Realtors, National Distinguished Service Award. I am honored to serve as his Representative in Congress.

This is an honor awarded to those few members who have served with great distinction for years at all levels of organized real estate.

Roland Ledebuhr captures the essence of the Distinguished Service Award through his uncompromising high ethical standards. His life's basic principle of living by the Golden Rule, a concept on which our own code of ethics is founded, is evident in his many accomplishments.

Roland has always been a pillar of strength for the realtors. The leadership posts he has held in the local, State, and national associations are many and broad based. He has held positions of importance and great responsibility, and he has excelled in the execution of his duties, thereby solidifying the level of respect which realtors continue to hold for him.

Roland has been instrumental in steering the National Association of Realtors, the Nation's largest trade and professional association which represents nearly 800,000 members involved in all aspects of the real estate profession. He continues to serve his fellow realtors unselfishly, giving of his time and good counsel.

**HONORING VELMA NOONAN**

**HON. DOUG WALGREN**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 24, 1989*

Mr. WALGREN. Mr. Speaker, it is with pride that I rise today to honor a most distinguished constituent and friend of mine, Velma Noonan. Velma is retiring from United Mental Health, Inc., where she has been instrumental in building a strong grass-roots mental health co-

alition of consumers, families, advocates, and providers. Velma has not only led that coalition in improving services and supports for mentally ill persons, but has also been a valuable resource for those of us responsible for Government policy. Velma Noonan has worked tirelessly to build a better world without seeking public attention and recognition.

Although Velma is retiring, I have no doubt that her involvement will continue to serve as a fine example for those of us who care about the community in which we live.

Mr. Speaker, I ask you and my colleagues to join with me in recognizing Velma Noonan and commemorating her services to the mental health community.

**THE RETIREMENT OF MRS. MARY PRINGLE SYMONDS**

**HON. C. THOMAS McMILLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 24, 1989*

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to pay special tribute to a member of my community who, through her uncompromising dedication to the preservation of historic Annapolis, has created a living monument for her fellow Marylanders and the Nation. Mary Pringle Symonds has served unselfishly for over 25 years as a volunteer, commissioner, and president of Historic Annapolis, Inc.; a model organization blending corporate and private sector commitment to the preservation of historic Annapolis.

Mrs. Symonds began her work in Annapolis in 1963 as a volunteer for the Historic District Commission. She spent many long hours generating interest in the pre-Revolutionary seaport of Annapolis which had once served briefly as the capital of the newly formed United States. From 1969 to 1977, Mrs. Symonds served as the first president of the Annapolis Historic District Commission. It was under her leadership that the William Paca House (circa 1765) was restored for the 1976 Bicentennial celebration.

In 1977, Mrs. Symonds became president of Historic Annapolis, Inc. It was in this position that she was most able to promote the historic preservation of Annapolis through local, county and State channels. As Mrs. Symonds retires from her 10-year term as president of Historic Annapolis, Inc., she leaves a cultural legacy to all those fortunate enough to visit the National Historic Landmark of Annapolis.

Although I regret Mrs. Symonds' retirement, I am heartened by the fact that she will continue to serve on the board of Historic Annapolis, Inc. I am proud to offer my congratulations to Mrs. Symonds and extend my best wishes to her. I am sure that my colleagues will be pleased to join me in this much deserved salute to Mrs. Symonds and her work.

## A TRIBUTE TO EUGENE ENDRES

## HON. DOUGLAS APPLIGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. APPLIGATE. Mr. Speaker, it gives me a great deal of pleasure to bring to the attention of my colleagues in the U.S. House of Representatives and to the American public the induction of Mr. Eugene Endres of New Philadelphia, OH, as an honorary member of the Tuscarawas County Chamber of Commerce. This is, indeed, an honor as only one other person has this distinction.

Born in New Philadelphia, OH, in 1917, Gene has remained in his hometown throughout his life dedicating it to his family, friends, and his profession. His chosen field of a florist began some 53 years ago when he entered the family business in New Philadelphia and of which he served as president for the past 37 years until his retirement last year. It was in this capacity that Gene's reputation as a rose grower became known throughout the floral industry in both this country and in others. He has traveled extensively, always promoting the floral industry, with particular emphasis on the rose, and Tuscarawas County.

Because of his contributions to the industry, Gene has been honored many times by many different groups including the Ohio Agricultural Society and the American Floricultural Society which inducted him into their hall of fame. He also has served as president of Roses, Inc.

Those who know Gene Endres are well aware of his lifetime contributions outside of his profession, as well. Dedicated to the Tuscarawas County area, Gene never misses the opportunity to tout the virtues of the area and all that it has to offer. He has contributed much to the development of the New Philadelphia area by his generous offering of his personal time and resources. Those outside his county who know of it probably have heard about it from Gene.

This most recent honor of confirming upon Gene Endres an honorary membership of the Tuscarawas County Chamber of Commerce is a fitting tribute to a man that has contributed so much.

Mr. Speaker, I am very fortunate to be the representative of an area that has as one of its residents a man like Gene Endres. He is one of which many of us are proud for what he has accomplished and who I am proud to call a friend.

## VIOLET ELEMENTARY SCHOOL DEDICATES NEW LEARNING CENTER

## HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. BONIOR. Mr. Speaker, it is my honor to announce that on February 2, 1989, the Violet Elementary School in St. Clair Shores, MI, will dedicate a new learning center to its former principal of 15 years and a good friend of mine, Ms. Elvira T. Hauslein.

As the first principal of Violet elementary in 1960, Ms. Hauslein helped establish and maintain an innovative curriculum for her students. She initiated an outdoor camping program, coordinated a school-to-school project with an elementary school in Israel, and created an international exchange with another elementary school in Godrich, ON, Canada. She also served on the State curriculum committee for health, physical education, and recreation from 1959-61.

The scope of the curriculum she administered at Violet elementary was not confined to regional and international interests. Her knowledge of the aerospace field brought the entire universe to her students. After witnessing the launch of Apollo 17—the only night launch of the Apollo program—Ms. Hauslein brought back souvenirs to her students, enabling them to share the experience as well.

Ms. Hauslein took an active role in aerospace education during a time when our Nation was just beginning to explore beyond our atmosphere with manned flights. She was a member of the Michigan aerospace education curriculum committee, the Air Force Association, the Civil Air Patrol's aerospace education division, and the National Aerospace Education Council. From 1961-62, she served as the Michigan Education Association's assistant program chairperson for aerospace education and later as the group's chairperson.

Her dedication to education found her serving as a representative to the Macomb County radio council. From 1960-62, she arranged programs to tell the story of education to radio listeners across Macomb County.

It is in recognition of the spirit Ms. Hauslein brought to education that the Hauslein Learning Center will continue to satisfy the curiosity of young boys and girls who are fortunate to attend Violet Elementary School.

## HON. M. EUGENIA CHARLES, PRIME MINISTER OF DOMINICA, SPEAKS TO THE FUTURE MIAMI CONFERENCE ON THE CARIBBEAN

## HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 24, 1989

Mr. FASCELL. Mr. Speaker, I recently attended the Conference on Central America and the Caribbean which is held each year in Miami, FL. This annual conference brings together political and governmental leaders from Central America and the Caribbean with officials of the American Government, representatives from Congress, academic experts on the area, and a wide variety of business and corporate representatives who are interested in helping with economic development in the region. The conference has grown in importance over the years and is now regarded as one of the most important forums for multilateral contacts in the region.

At the closing banquet of this outstanding conference, the Honorable M. Eugenia Charles, the Prime Minister of Dominica, delivered an inspiring speech which I believe should be of interest to the Congress and to the public.

ADDRESS BY M. EUGENIA CHARLES, PRIME MINISTER OF DOMINICA, FRIDAY, DECEMBER 2, 1988, MIAMI CONFERENCE ON THE CARIBBEAN

Honorable heads of government, Dr. West, other distinguished guests, ladies and gentlemen. Earlier today, I proposed that we look backward.

Now, it is time to look forward. It is time to spread on the record a message from this Conference to those who will be trying to respond to Caribbean Basin concerns over the coming year.

As our chairman this noon, Mr. Brooks, noted, I have been coming to many of these Conferences, and they are not all alike. In every year, of course, they represent an opportunity for doing business, and the informal networking is reinforced by program sessions that cast light on some of the problems and opportunities pertaining to the various most promising areas of business.

But on the policy side, Miami Conferences do differ year to year. Sometimes, when new initiatives have emanated from Washington or great decisions hang in the balance in Congress, the Conference has provided a platform for U.S. policymakers to display their wares, so to speak, for the benefit of the Caribbean consumer. It is an opportunity to educate the business and government leaders in the Caribbean, or in Central America, on the details and purposes of external policies that affect them. This is true not only of U.S. policy—though it does tend to affect us in the region most of all—but of other industrialized trading partners and aid providers which have sent high-level officials to this Conference.

Sometimes, however, especially when there is a hiatus in U.S. policy during a change of Administration, the Caribbean Basin comes out from under the shadow of great-power policymaking, and the spotlight is able to fall upon our own vision of our future.

This is one of those years.

As in 1980, this Conference offers a special opportunity for the leaders of the Caribbean Basin to challenge the incoming U.S. Administration with a call for action on a Caribbean agenda according to our own priorities. We know that President-elect Bush—who has twice participated in the Miami Conference in years past—is no stranger to the concerns of our region. Our hopes are high that the spirit of the CBI will carry forward unabated, and indeed that we will experience a rebirth of enthusiasm in the effort to make the CBI even stronger and more effective.

But it would be unfair to expect Mr. Bush to step forward at this time with a blueprint for Caribbean Basin policy in the new Administration. It is more appropriate for us to lead the way, by examining the issues among ourselves, and pointing out what needs to be done.

We have had a busy week, with very substantive programs in the individual session, and a long day of policy dialogue today. Those of us who had the stimulating experience of participating in this afternoon's "policy forum" now understand why Peter Johnson has been describing this session all along as sort of a Phil Donahue Show with Dante Fascell as the Phil Donahue.

Well, as I lay no claim to the talents of a Donahue—or a Fascell—I promise tonight to be mercifully brief.

There are basically two messages I would like to leave you with. The first is addressed to those outside our region. It is a message

of what the people of the Caribbean Basin need and expect from those who claim to care for us and for our future. The second is addressed to ourselves—the public and private-sector leaders of the Caribbean and Central America.

First, the outside message.

We all know the issues—more trade access, better incentives to attract investors, getting more mileage out of tourism, getting the financial aid needed for infrastructural and human resource development. These are issues that affect all our trading partners and aid providers—the British, the Europeans, the Canadians, the Taiwanese, now potentially the Japanese and others—in addition to the Americans. But giving due regard to where and when we are meeting, I would like to target a few recommendations directly at Mr. Bush and members of the incoming 101st U.S. Congress.

In respect to trade, we are counting on the improved market access promised to be forthcoming in CBI-II. I am encouraged to have heard this week that the legislation will be resubmitted immediately and action could come as early as April. I can only say that it is time for the dragging of feet to stop and the Caribbean agenda to be moved to the top of the pile. For the last two years we have been hearing that there is great support for a bill to boost the CBI—if the trade bill all gets done first, and if the tax bill all gets done first, if the Canada treaty gets done first. One can't help thinking of the Caribbean as cast in the role of Cinderella, who gets to go to the ball if the scrubbing and washing is done and she finds something suitable to wear. It's time to send the message that the countries of the Caribbean have been the forgotten stepchild long enough.

During the past year we in the Caribbean and Central America have had many opportunities to express our views on the CBI-II legislation, and I believe there is broad consensus behind the Gibbons Bill. In my view, if the Congress really wants to help the Caribbean, it must be willing to look again at the exclusion of textiles and leather goods. There must be a willingness to look at quantity, and to realize that the level of exports from CBI countries to the U.S. market is simply not going to hurt U.S. producers.

Aside from new legislation, however, much can be done to improve access to the U.S. market. Many of the obstacles we face are procedural ones, from Customs regulations, agricultural regulations, or other bureaucratic hurdles. None of us is suggesting that the United States relax its standards or do anything that would bring harm to the U.S. population, like admitting fruit with fruitflies. But we have to ask which of all these regulations serve a real purpose, and which are merely hangovers from the past which no one has looked at recently. And it's not too late to implement one idea that had come out early on in the CBI discussions—putting U.S. agriculture inspectors on-site in the CBI countries so that if perishable products are going to be rejected, it happens before rather than after someone pays to ship them to Miami.

Market access, however, is still not enough. It must be complemented—as the original CBI contemplated—with investment incentives. The fact today is that we in the Caribbean welcome investors and give them every encouragement, knowing their plants will mean jobs and foreign exchange earnings. But they don't get any corresponding incentive from the United States. The next Congress would do well to consid-

er restoring the concept of the investment tax credit.

At the same time, it is critically important that Congress leave in place the only existing program that offers an incentive to investors—Puerto Rico's 936 program. I know that many have expressed frustration over the flow of funds from the 936 initiative, and it is extremely important that any remaining bureaucratic obstacles, whether on the part of the U.S. Treasury or of Puerto Rico, be put aside. I would like to note, however, that Dominica has in fact already benefited from this program, and I would encourage others to explore it more creatively. I might add that I myself fail to see what is regarded by many in the region as so objectionable about signing Tax Information Exchange Agreements. Dominica has a TIEA in effect, and I foresee no possible harm that will come to us on that account.

The 936 program at its full potential could provide the tool we need to recapture the interest of the U.S. private sector. For a while, after the launching of the CBI by President Reagan, there was a spurt of high interest by U.S. corporations in exploring the region, but the level of interest needed to really make the CBI concept work has not continued. We need to bring it back.

The original CBI had three components—trade, aid and investment. Like the missing investment component, the aid component was indispensable. Foreign assistance—at meaningful levels and disbursed in an effective manner—must still be seen as an essential part of U.S. policy toward the Caribbean Basin.

This afternoon Congressman Fascell told us that for all practical purposes the Caribbean Basin wouldn't be getting any more U.S. aid, the victim of the U.S. budget squeeze and the earmarking of funds for other parts of the world. We are supposed to accept this as part of political reality.

Well, it is not acceptable. The importance of peace and democracy in the nations surrounding the United States to the security of the United States is part of political reality. The dependence of Caribbean democracy on the ability of our nations to meet the economic needs of our people is part of political reality—for us as elected Caribbean leaders, and, yes, for the United States of America.

For the less developed islands of the Caribbean, particularly, the breaking down of tariff barriers will avail us little if we cannot get the assistance we need to develop our infrastructure and our human resources.

Development assistance, after all, is not money down a rat hole, as many persons apparently believe. Nor are the Caribbean economies the basket cases they were once taken for, even a few years ago. Thanks in part to the CBI and the aid that accompanied it, our finances are now in better shape. Most countries of the region are showing growth in every sector—industry, agriculture and tourism. It is penny wise and pound foolish to deny the modest help that can make us truly self-supporting just a few years over the horizon.

An effective aid program also has as much to do with the way money is spent as with the total amount allocated. I often feel that a small package of money given to us directly, with full accountability in how it is spent, would go a long way further than the same money given to outside contractors and consultants to implement projects for us.

I also feel that something is amiss in the allocation of funds among aid recipients

worldwide. While it is important to help the poorest of the poor, it is also important to help those who are also poor but are making a real effort to get out of poverty, and have a real prospect for doing so. The per-capita income test as applied to the small countries of the Caribbean totally obscures their genuine development needs, and should be done away with.

Another aspect of U.S.-Caribbean relations that cannot be emphasized enough is the ongoing process of consultation. Earlier today I applauded the extensive consultation process that produced the CBI. And this Miami Conference forum itself illustrates the great value of coming together for dialogue, both among the countries of the region and with the U.S. and other developed nations.

But consultation must be an ongoing process. Three days a year at the Miami Conference are not enough. Initial discussions leading to new legislation two or three times a decade are not enough. The type of hearings and dialogue that have taken place today should be going on not just at international meetings but within our countries as well.

I would like to emphasize, however, the importance of listening to the right people. It is most unfortunate and counterproductive when meetings are called and persons are invited to speak on behalf of the region who do not in fact represent either the grass-roots institutions of the countries, the political sentiments of the majority of the people, or the substantive expertise in the matters discussed.

It is time for American decision-makers, in Congress, in the Administration, even in corporate boardrooms, to make the extra effort to listen to what the people of the region themselves, their elected leaders, are actually saying. This Conference is an important part of that process.

In closing, however, I would like to direct a few suggestions not to our American hosts but to ourselves, the public and private-sector leaders of the Caribbean Basin.

If we have gotten nothing else from CBI, we have learned that we are one. We are a region, indeed with unique nations but with many common interests. We can work together.

Today the countries of the Caribbean islands and Central America, along with our larger neighbors North and South, are working together. We are cooperating more and more closely in the war against narcotics trafficking. We are working closely on the CBI-II policy effort. We are discovering more opportunities for intra-Caribbean and cross-Caribbean-Basin trade and joint ventures.

We can look to the future with hope. When we look to Europe, we needn't see the coming unitary market in 1992 as an approaching doom. There is no reason why a free market, approached effectively, cannot enhance our own opportunities.

When we look to Asia, we need not just see competitors for our jobs and exports. We can also see potential investors and joint venture partners and tourists and lenders.

As we in the Caribbean stand at the crossroads between the CBI's access to the U.S. market and Lome's access to the European market, we can use this dual advantage to attract trade and investment from all over the world.

In the spirit of that challenge, we face with confidence the wave of elections coming up over the next year in the Caribbean and Central America.

In the spirit of that challenge, we look forward with confidence to working with a new U.S. President and Congress, and with the nations of Europe and Asia—so many of them represented here.

In the spirit of that challenge, we can go forth from here with confidence to build the economic institutions, the political institutions, the educational resources, and the

broadly shared prosperity our people want and deserve. Thank you very much.

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