

EXTENSIONS OF REMARKS

GEN. COLIN POWELL—REMARKS
ON THE U.S.-FLAG MERCHANT
MARINE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. SOLOMON. Mr. Speaker, a strong Merchant Marine Fleet is vital to our national defense and economy. Without a strong fleet, the United States would become dependent on foreign ships, thus endangering its ability to respond to crisis situations overseas.

On June 15, 1992, Gen. Colin Powell, Chairman of the Joint Chiefs of Staff, delivered the commencement address to the U.S. Merchant Marine Academy. In his remarks, General Powell talked about the strategic importance of the U.S.-flag merchant marine and American merchant mariners. His statements clearly rebut the comments made in the Wall Street Journal and by other critics demeaning both the role played by the merchant marine during the Persian Gulf war and the need to maintain a strong maritime industry to meet future national defense needs. General Powell said the following:

Since I became Chairman of the Joint Chiefs of Staff, I have come to appreciate first hand why our merchant marine has long been called the nation's fourth arm of defense.

The American seafarer provides an essential service to the well-being of the nation, as was demonstrated so clearly during Operations Desert Shield and Desert Storm. Merchant Marines . . . worked side-by-side with soldiers, sailors, airmen, Marines and Coast Guardsmen to get the job done that needed to be done. . .

Fifty years ago today, U.S. merchant vessels operated by your forbears were battling the frigid seas of the North Atlantic to provide the lifeline to our allies in Europe. The sacrifice of those mariners was essential to keeping us in the war until we could go on the offensive. . . In World War II, enemy attacks sank more than 700 U.S. flag vessels and claimed the lives of more than 6,000 civilian seafarers. . .

For too many years, the pivotal contribution of the merchant marine to our victory in World War II has been overlooked. But now the situation has begun to be rectified. America is eternally grateful to all those who served in our merchant marine over the years for their efforts, their commitment and their sacrifice in defense of our beloved America. They are second to none. . .

Sealift was the workhorse of our deployment and sustainment operations. Ninety-Five percent of all equipment and supplies reached the Persian Gulf by ship. . . We also activated the Ready Reserve Force for the first time. By late February, there were some 500 merchant marines employed by the Military Sealift Command serving in the Gulf on the high seas. . .

The war in the Persian Gulf is over, but the merchant marine's contribution to our

nation continues. In war, merchant seamen have long served with valor and distinction by carrying critical supplies and equipment to our troops in far away lands. In peacetime, the merchant marine has another vital role—contributing to our economic security by linking us to our trading partners around the world and providing the foundation for our ocean commerce.

The United States today remains the world's leader, with global interests and responsibilities. We are a maritime nation. Our strategy demands that we have access to foreign markets, to energy, to mineral resources, and to the oceans. We must be able to project power across the seas.

This means that not only do we need a strong Navy, but a strong maritime industry as well. For, as the brilliant naval strategist Alfred Thayer Mahan once wrote, "Sea power in the broad sense . . . includes not only the military strength afloat, that rules the seas or any part of it by force of arms, but also the peaceful commerce and shipping from which a military fleet naturally and healthfully springs, and on which it securely rests." . . .

Our strategy requires us to be able to project power quickly and effectively across the oceans to deal with the crisis we couldn't avoid or protect. Sealift will be critical to fulfilling this strategic requirement. We learned a lot of valuable lessons from our lift operations in support of Desert Shield/Desert Storm. Many of these were incorporated into our new Mobility Requirements Plan—a blueprint for what we believe is needed to fulfill our armed forces' lift requirements in support of our new strategy. . . The plan also acknowledges that the merchant marine and our maritime industry will be vital to our national security for many years to come. . .

The key to investment, the one that really matters, is our investment in quality people. . . Few occupations require the high standards U.S. seamen must meet and the demonstrated skills they must acquire to pursue their career. It is your skills and those of your buddies in the Armed Forces that will help America maintain its position of leadership in the world.

I am here to tell you that we still need you. Do not let anyone suggest to you otherwise.

Mr. Speaker, General Powell was right when he said that America needs a strong merchant marine fleet to maintain our position as a world leader on the oceans. I urge every Member of this House to work toward strengthening our merchant marine fleet.

TRIBUTE TO GERALDINE GEORGE-
FOUSHEE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, I rise today to join my constituents in paying

tribute to a longtime friend and a dedicated public servant, Mrs. Geraldine George-Foushee. Gigi, as we all know her, has dedicated her professional life to law enforcement and service to her community. A Newark resident who graduated from Newark's public schools, she went on to earn a masters degree in social work. Gigi served her community as a police officer with the Newark Police Department and later as a detective in the Essex County Sheriff's Office.

Gigi Foushee was the first African-American woman to serve as deputy mayor for the city of Newark and the first to serve as executive director of Newark's Alcohol Beverage Control Board. In 1991, Gigi achieved another first, she became the first African-American woman in New Jersey's history to be appointed warden of the Essex County Jail, the largest jail in New Jersey.

She was recently appointed by Chief Justice Robert N. Wilentz, of the New Jersey Supreme Court, to serve as a member of the New Jersey Supreme Court Task Force on Minority Concerns. Gigi continues to participate in numerous committees and task forces which are committed to addressing the concerns of the people of this community. As a result of her activities and accomplishments, she has received numerous community and law enforcement awards.

Gigi Foushee is a mother, a wife, and an excellent role model for our young people. Her service to this community will always be appreciated and remembered. She is an inspiration to us all. Mr. Speaker, I ask that all of my colleagues join with me in recognition of a truly extraordinary woman, Mrs. Geraldine "Gigi" Foushee.

AMTRAK NEEDS LABOR REFORM

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. SHUSTER. Mr. Speaker, I commend to my colleagues the following editorial, which appeared in the Altoona Mirror, a newspaper in my 9th Congressional District of Pennsylvania. Concise and to the point, the piece describes why, without significant and immediate labor reforms, Amtrak may well find itself without any Federal funding this year. This editorial is a solid enunciation of the issue and I commend it to my colleagues and anyone else interested in the future of Amtrak.

AMTRAK NEEDS LABOR REFORMS

The freedom to make good business decisions, not government subsidies, offers Amtrak the best chance at long-term survival.

Despite Sen. Arlen Specter's words of support for Amtrak in Altoona, the nation's passenger railroad could derail without the reforms being supported by U.S. Rep. Bud Shuster. Those reforms would reduce Amtrak's overgenerous severance package and

● 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.

allow the railroad to contract out for non-food services, such as equipment repair.

Amtrak has an absurd severance package under which workers are eligible for each year they work, up to a total of six years, if they are laid off or moved more than 30 miles from their current job assignment.

This means Amtrak wants to abandon an unprofitable line, it may wind up paying employees for six years even though they are not working.

A bill backed by Shuster would reduce the maximum severance package to six months.

The other major reform would allow Amtrak to contract out work, other than food service. Currently the passenger railroad is prohibited by hiring outside contractors if it would affect a member of the bargaining unit.

Amtrak's repair facilities need to be upgraded at a cost of hundreds of millions of dollars. The General Accounting Office estimates \$260 million is needed for Amtrak's primary maintenance shops in Beach Grove, IN.

This is money that Amtrak doesn't have and the Federal government does not need to spend. The nation's freight railroads, such as Conrail, have the capacity to do some of Amtrak's repairs on a contract basis.

Why should American taxpayers be forced to fork over \$260 million to complete a major upgrade at just one of Amtrak's repair facilities when private companies should do their work?

Unfortunately, not everyone sees the need for immediate changes.

Shuster last week stopped discussion on the reform legislation after 38 members of the committee moved to give Amtrak and its unions 270 days to negotiate new contract provisions.

This would just continue to drag Amtrak's problems out. If Amtrak and its unions can not reach an agreement in 270 days, then President Clinton would appoint a Presidential Emergency Board, which would have 60 days to review the matter. Then the dispute would go to Clinton. He can take whatever time is needed, possibly years, before making a decision.

Amtrak may not have that long. The passenger railroad's federal funding is \$993 million for the current fiscal year. The House Appropriations Subcommittee on Transportation has cut the amount to \$728 million for the next year and made the money contingent on passage of legislation offering significant labor reforms.

Without changes, Amtrak could find itself without any federal money, which would virtually kill the passenger rail service and undermine the unemployment and retirement systems for all railroad employees. This could be disastrous.

We agree that the United States needs a passenger railroad, but the only way to guarantee that is to free Amtrak of the shackles that keep it from making the best business decisions. That's what the legislation supported by Shuster does and why it should be enacted.

INTRODUCTION OF THE EFFICIENT FLEET MANAGEMENT ACT OF 1995

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, spread throughout Washington, DC, and

roaming in all corners of our country are more than 250,000 cars and trucks that make up the civilian Federal motor fleet. Last year, the GAO reported that only the IRS was in compliance with existing law which requires agencies to take advantage of the most cost-effective fleet management practices available.

Today, I am introducing a bill to require the Office of Management and Budget to supervise the awarding of competitive contracts in acquiring and operating the Federal fleets. This bill will save taxpayers at least \$1 billion over 5 years.

Mr. Speaker, this Congress must demand that Federal agencies account for all the costs of their fleets and be held accountable to minimize those costs. I urge all of my colleagues to join me in supporting this legislation.

PERSONAL EXPLANATION OF VOTE ON HOYER AMENDMENT ON H.R. 1561

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. CLINGER. Mr. Speaker, on June 8, I voted "No" on rollcall No. 362, an amendment offered by Mr. HOYER to the American Overseas Interests Act of 1995. Mr. HOYER's amendment declares that the United States supports the efforts of the Government of the Republic of Bosnia and Herzegovina to defend itself against aggression, and directs the President to lift the arms embargo against the Bosnian government. As you recall, the amendment passed 318-99.

Like my colleagues in the House, I am troubled by the horrific violence and blatant human rights abuses in the Balkans and frustrated by the continued failure to find a peaceful resolution to the conflict. Furthermore, I share my colleagues' good intentions of seeing the devastating war in Bosnia come to an end or at least allowing the Bosnian government to defend itself against Serbian aggression.

However, I feel it would not be wise to act on this matter over the objections of our NATO allies in Europe who remain opposed to lifting the arms embargo against Bosnia. Given that it is their troops who are on the line and that a rapid escalation in fighting would put our friends in Europe in harm's way, I cannot support lifting the arms embargo at this time. In all, I am convinced that the United States should work with NATO before making any dramatic shift in our policy toward Bosnia. To do otherwise will only weaken our valuable alliance with NATO.

HONORING JOSEPH PICKLE, CLYDE McMAHON, SR., JOHN TAYLOR, AND OWEN IVIE

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. STENHOLM. Mr. Speaker, the Texas State Senate recently passed resolutions hon-

oring four of its native sons who reside in Big Spring, TX. Big Spring is in the 17th District of Texas which I am privileged to represent here in the House.

Joseph "Joe" Pickle, a retired editor of the Big Spring Herald who, for more than 46 years, has chronicled the history of the Colorado River Municipal Water District. Joe has worked very hard on behalf of the water district, and has served as the only secretary-treasurer they have ever had. In addition, he has been a tireless advocate for the Big Spring community and plays an active role in civic affairs.

Clyde McMahon, Sr., a long-time Big Spring resident who served as the operator of McMahon Concrete for more than 25 years. During Clyde's service with the Colorado Municipal Water District, no city under its jurisdiction ever had to curtail or ration the use of water. In addition to his invaluable service to the water district, he has donated his time and leadership skills to numerous civic and community activities.

After 31 years of loyal service to the public, John L. Taylor is retiring as a member of the board of the Colorado River Municipal Water District. With John's guidance, the district underwent a \$40 million expansion, and he provided outstanding leadership when he served as president during the completion of the Lake Ivie Reservoir and pipeline project. John has given generously of his time to other worthy community activities.

Owen H. Ivie is a well-known engineer and public servant, and has garnered numerous awards relating to his profession. His leadership in obtaining a permit for a reservoir was so appreciated by the Colorado River Municipal Water District board of directors that they named the reservoir the "O.H. Ivie Reservoir" in his honor. His knowledge and expertise, as demonstrated by a long and successful career, have certainly made him worthy of legislative recognition.

Mr. Speaker, I respectfully request that the Texas Senate resolutions honoring these four outstanding individuals be included in today's CONGRESSIONAL RECORD. I would also like to thank and commend them for their dedicated service to Big Spring and to the great State of Texas.

SENATE RESOLUTION

Whereas, The Senate of the State of Texas is proud to pay tribute to Owen H. Ivie on the auspicious occasion of his retirement from the position of general manager of the Colorado River Municipal Water District; and

Whereas, The Colorado River Municipal Water District was created in 1949; since that time, with no local, state, or federal taxes involved in the funding of any district project, the Colorado River Municipal Water District has developed three reservoirs along the Colorado River in West Texas to help ensure a long-term water supply for the region; and

Whereas, As a promising young man Owen Ivie joined the water district on January 1, 1953, after having served as project superintendent for Freese and Nichols on the Lake Thomas project; his talents and abilities were quickly recognized, and he rose rapidly through the ranks; and

Whereas, He became assistant general manager in 1958; on April 22, 1965, this exemplary public servant was named general manager; and

Whereas, Characteristics of his tenure are ability, responsiveness, and commitment to do what is best for the citizens of Texas; and

Whereas, Noted for his honesty and integrity, Mr. Ivie has earned the respect and friendship of his colleagues; and

Whereas, Well known in his profession, he has been honored several times: he was named Engineer of the Year by the Permian Basin Chapter of the Texas Society of Professional Engineers in 1964; Conservationist of the Year for 1986 by the Texas Water Conservation Association and Man of the Year in 1986 by the Big Spring Area Chamber of Commerce; and

Whereas, This distinguished gentleman was presented the Service to the People Award by the Texas Section of the American Society of Civil Engineers in October, 1986, was named president of the Texas Water Conservation Association in 1988, and in 1990, was named Outstanding West Texan by the Texas Chamber of Commerce; and

Whereas, Upon completion of the district's Stacy project in 1990, the Colorado River Municipal Water District's Board of Directors named the reservoir in honor of Mr. Ivie, who had overseen the arduous process relating to the permitting of what is now known as the O. H. Ivie Reservoir; and

Whereas, Throughout his long and successful career, he has been supported and sustained by his lovely wife, Yvonne, and their three daughters; and

Whereas, The State of Texas has benefited enormously from the wisdom and expertise of this illustrious public servant, and he is certainly deserving of legislative recognition; now, therefore, be it

Resolved, That the Senate of the State of Texas, 74th Legislature, hereby commend the life of service of Owen H. Ivie and congratulate him on his well-deserved retirement; and, be it further

Resolved, That a copy of this Resolution be prepared for him as an expression of the highest esteem of the Texas Senate.

SENATE RESOLUTION

Whereas, The Senate of the State of Texas is pleased to recognize Joseph "Joe" Pickle on the momentous occasion of his retirement as secretary-treasurer of the Colorado River Municipal Water District; and

Whereas, The Colorado River Municipal Water District was created by the 51st Legislature on May 31, 1949; since that time, with no local, state, or federal taxes levied for the funding of any district project, the Colorado River Municipal Water District has developed three reservoirs along the Colorado River in West Texas to help ensure a long-term water supply for the region; and

Whereas, For more than 46 years, this outstanding gentleman has chronicled the history of the water district; he has served as the only secretary-treasurer of the Colorado River Municipal Water District and has attended 316 out of a total of 324 meetings; and

Whereas, He attended the first organizational meeting of the district in 1946 as an employee of the Big Spring Herald; Joe Pickle has been on the job ever since; he retired from the newspaper as its editor in 1975 and continued to serve the district by taking on the additional duties of media liaison as well as serving as secretary-treasurer; and

Whereas, Concerned about the well-being of the residents of West Texas, he has been active in the on-going promotion of Big Spring, West Texas, and the Colorado River Municipal Water District; and

Whereas, A former president of the Big Spring Area Chamber of Commerce, he has

also been recognized by that organization as Man of the Year; and

Whereas, A man who believes in giving back to his community, he has been instrumental in many community projects; and

Whereas, A longtime supporter of Boy Scouts, he has been presented the Silver Beaver Award, scouting's highest honor; he is also a past Scoutmaster of Troop One, the first troop west of the Mississippi; and

Whereas, A man of deep religious convictions, he has been an active member of the First Baptist Church of Big Spring and has served as president of the church board of trustees; and

Whereas, The State of Texas has benefited enormously from the service, wisdom, and expertise of this eminent public servant, and he is truly worthy of legislative recognition; now, therefore, be it

Resolved, That the Senate of the State of Texas, 74th Legislature, hereby applaud the career of service of Joseph "Joe" Pickle and congratulate him on his well-deserved retirement; and, be it further

Resolved, That a copy of this Resolution be prepared for him as an expression of the highest regard of the Texas Senate.

SENATE RESOLUTION

Whereas, It is indeed fitting and appropriate for the Senate of the State of Texas to pay tribute to Clyde McMahon, Sr., of Big Spring on the momentous occasion of his retirement from 22 years of distinguished service with the Colorado River Municipal Water District; and

Whereas, Throughout his long and dedicated career, Mr. McMahon has served effectively and conscientiously to the benefit of the citizens of West Texas; since 1952, no city served by the Colorado Municipal Water District has ever curtailed or rationed the use of water; and

Whereas, Created on May 31, 1949, the Colorado River Municipal Water District has developed three reservoirs along the Colorado River in West Texas to help ensure a long-term water supply for the region; directors of the district are appointed by the member cities and revenue bonds finance all projects with no local, state, or federal taxes involved in the funding of any district project; and

Whereas, In the beginning, the three-member cities of Big Spring, Odessa, and Snyder had a combined population of 56,000; today, the water district serves a 32-county area that totals 450,000 persons; and

Whereas, Mr. McMahon moved to Big Spring in 1953 after working on a highway project at Sterling City and, for nearly 25 years, operated McMahon Concrete before turning over the management of the company to his son in 1977; and

Whereas, Through the years, Clyde McMahon has become deeply involved in civic and community affairs freely offering his time and expertise; he served as president of the school board and was a two-term president of the Young Men's Christian Association; he was head of the United Way, the American Business Club, and the Texas Ready-Mix Association and worked on the Industrial Foundation; and

Whereas, A former president and director of the Big Spring Area Chamber of Commerce, the esteemed gentleman was named "Man of the Year" of the organization in 1974 in honor of his notable contributions to his community; now, therefore, be it

Resolved, That the Senate of the State of Texas, 74th Legislature, hereby express its deepest admiration to Clyde McMahon, Sr., for his invaluable accomplishments during

his years of service with the Colorado River Municipal Water District and extend best wishes to him for a most rewarding retirement; and, be it further

Resolved, That a copy of this Resolution be prepared for him as an expression of the highest regard of the Texas Senate.

SENATE RESOLUTION

Whereas, The Senate of the State of Texas takes pride in recognizing John L. Taylor of Big Spring who is retiring after 31 years of loyal service on the Board of the Colorado River Municipal Water District; and

Whereas, Following its creation in 1949, the Colorado River Municipal Water District developed three reservoirs along the Colorado River in West Texas to help ensure a long-term water supply for the region; the district now serves a number of cities in a 32-county area that totals 450,000 persons; and

Whereas, John Taylor joined the board of the Colorado River Municipal Water District in 1964 and in 1983 became the district's fourth president; and

Whereas, A talented and resourceful individual, he has shared in the direction of over \$40 million worth of district expansion, and it was during his tenure as president that the district's Lake Ivie Reservoir and pipeline projects was completed; the district capacity now totals 1,247 million acre-feet of permitted storage on the Colorado River; and

Whereas, While serving on the board, Mr. Taylor handled his responsibilities with exceptional skill and dedication, and his work included chairing the Colorado River Municipal Water District's personnel committee and serving on the water rate committee; and

Whereas, An exemplary gentleman and a leader in his community, John Taylor served as president of the Big Spring Area Chamber of Commerce and was recognized as its Man of the Year; he also served as a city council member and as mayor pro tem of the City of Big Spring; and

Whereas, As a member of the Board of the Colorado River Municipal Water District, John Taylor has contributed greatly to the welfare of the communities in the district's area, and his presence on the board will be missed by his colleagues and by the citizens of West Texas; now, therefore, be it

Resolved, That the Senate of the State of Texas, 74th Legislature, hereby commend John Taylor on his many years of distinguished service with the Colorado River Municipal Water District and extend to him best wishes for the retirement years ahead; and, be it further

Resolved, That a copy of this Resolution be prepared for him as an expression of esteem from the Texas Senate.

DRUG ENFORCEMENT ADMINISTRATION OPPOSES THE USE OF MARIJUANA AS MEDICINE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. SOLOMON. Mr. Speaker, in a June 21 information release the Drug Enforcement Administration [DEA] denounced a recent article in the Journal of the American Medical Association [JAMA] which advocated the use of marijuana for medicinal purposes. Thomas Constantine, administrator of the DEA, stated:

I am very concerned about the JAMA commentary that advocates the medical use of marijuana. Marijuana is listed as Schedule I under the Controlled Substance Act because it has a high potential for abuse and no currently accepted medical use.

There is very little evidence of positive medicinal uses of marijuana. According to Constantine, organizations such as the American Glaucoma Society have expressed "concern over the harmful effects of marijuana and the lack of solid research demonstrating that its use would do more good than harm." And this is not due to lack of research. Since 1971, the DEA has registered 1,605 applicants as qualified to do research with marijuana.

With the drug problem growing at tremendous rates, we must not legitimize marijuana by using it in our hospitals. As Constantine states:

At a time when drug use represents a major threat to our society, in particular our youth, it is extremely important to rely upon sound medical studies rather than anecdotal information to determine the proper place of marijuana under the Controlled Substances Act.

THE INDEPENDENT CONTRACTOR TAX SIMPLIFICATION ACT: FAIRNESS FOR SMALL BUSINESSES AND WORKERS

HON. JON CHRISTENSEN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. CHRISTENSEN. Mr. Speaker, today I am introducing the Independent Contractor Tax Simplification Act. My bill, which has 100 original cosponsors, is designed to remedy the concern which received the most votes of any issue at the White House Conference on Small Business earlier this month. In a nutshell, the bill clarifies the difference between contractors and employees in Federal tax law.

Today, the IRS uses a 20-factor test to distinguish an independent contractor from a full-time employee. This archaic policy has caused small businesses endless problems. First of all, the test is confusing enough to foil good-faith efforts to put individuals in one category or the other. Second, the confusion gives the IRS the power to force whole classes of workers from one category to the other. It has happened to truckers, to paper-delivery people, to travel agents, to hard-working people from every walk of life.

Mentioning the tortured distinction between employees and contractors is a sure-fire way to infuriate Main Street business people. They are the ones who can't afford the fancy lawyers and CPA's it takes to out-guess the IRS. And when you're in a gray area, you're in trouble no matter how much you spend—because the IRS can decide differently on two seemingly identical cases. This has wreaked havoc on businesses across the country.

For these and other reasons, clarifying tangled Federal tax provisions with respect to the distinction between full-time employee and independent contractor status has emerged as the top priority of the Nation's small business community. As I mentioned, this month the

White House Conference on Small Business gave the most votes of any issue to the independent contractor issue. Think about that: of the hundreds of items that the small business community needs, this single issue emerged as the first order of business for policy makers. It sent me a strong message when the Nebraska delegation of the Conference told me this topped their list, as well.

My bill will substitute a new, far simpler set of criteria for determining who is not an employee—a new approach to an old problem. Today's law paints a dizzying portrait of every possible factor which would make someone an employee. This bill would instead sketch clearly and starkly who would qualify as an independent contractor for tax purposes. By defining the restricted class—contractors—instead of the general class—employees—my bill avoids laying out a labyrinth of rules. Once the distinction is clarified, the problem should all but disappear.

I plan to press this legislation in Ways and Means and hope Chairman ARCHER will bring it up as soon as possible. And let me just say this too: I believe that with the groundswell of support this bill is already getting, including the backing of seven committee chairmen and 14 Ways and Means members, we will pass it in this Congress.

H. R. 1972

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 "Independent Contractor Tax Simplification Act of 1995".

SEC. 2. FINDINGS.

The Congress finds that:

(1) Simplifying the tax rules with respect to independent contractors was the top vote-getter at the 1995 White House Conference on Small Business. Conference delegates recommended that Congress "should recognize the legitimacy of an independent contractor". The Conference found that the current common law is "too subjective" and called upon the Congress to establish "realistic and consistent guidelines".

(2) It is in the best interests of taxpayers and the Federal Government to have fair and objective rules for determining who is an employee and who is an independent contractor.

SEC. 3. STANDARDS FOR DETERMINING WHETHER INDIVIDUALS ARE NOT EMPLOYEES.

(a) IN GENERAL.—Chapter 25 of the Internal Revenue Code of 1986 (general provisions relating to employment taxes) is amended by adding after section 3510 the following new section:

"SEC. 3511. STANDARDS FOR DETERMINING WHETHER INDIVIDUALS ARE NOT EMPLOYEES.

"(a) GENERAL RULE.—For purposes of this subtitle, and notwithstanding any provision of this subtitle to the contrary, if the requirements of subsections (b), (c), and (d) are met with respect to any service performed by any individual, then with respect to such service—

"(1) the service provider shall not be treated as an employee,

"(2) the service recipient shall not be treated as an employer, and

"(3) the payor shall not be treated as an employer.

"(b) SERVICE PROVIDER REQUIREMENTS WITH REGARD TO SERVICE RECIPIENT.—For

the purposes of subsection (a), the requirements of this subsection are met if the service provider, in connection with performing the service—

"(1) has a significant investment in assets and/or training,

"(2) incurs significant unreimbursed expenses,

"(3) agrees to perform the service for a particular amount of time or to complete a specific result and is liable for damages for early termination without cause,

"(4) is paid primarily on a commissioned basis, or

"(5) purchases products for resale.

"(c) ADDITIONAL SERVICE PROVIDER REQUIREMENTS WITH REGARD TO OTHERS.—For the purposes of subsection (a), the requirements of this subsection are met if—

"(1) the service provider—

"(A) has a principal place of business,

"(B) does not primarily provide the service in the service recipient's place of business, or

"(C) pays a fair market rent for use of the service recipient's place of business; or

"(2) the service provider—

"(A) is not required to perform service exclusively for the service recipient, and

"(B) in the year involved, or in the preceding or subsequent year—

"(i) has performed a significant amount of service for other persons,

"(ii) has offered to perform service for other persons through—

"(I) advertising,

"(II) individual written or oral solicitations,

"(III) listing with registries, agencies, brokers, and other persons in the business of providing referrals to other service recipients, or

"(IV) other similar activities, or

"(iii) provides service under a business name which is registered with (or for which a license has been obtained from) a State, a political subdivision of a State, or any agency or instrumentality of 1 or more States or political subdivisions.

"(d) WRITTEN DOCUMENT REQUIREMENTS.—For purposes of subsection (a), the requirements of this subsection are met if the services performed by the individual are performed pursuant to a written contract between such individual and the person for whom the services are performed, or the payor, and such contract provides that the individual will not be treated as an employee with respect to such services for purposes of this subtitle.

"(e) SPECIAL RULES.—For purposes of this section—

"(1) If for any taxable year any service recipient or payor fails to meet the applicable reporting requirements of sections 6041(a), 6041A(a), or 6051 with respect to a service provider, then, unless such failure is due to reasonable cause and not willful neglect, this section shall not apply in determining whether such service provider shall not be treated as an employee of such service recipient or payor for such year.

"(2) If the service provider is performing services through an entity owned in whole or in part by such service provider, then the references to 'service provider' in subsections (b) through (d) may include such entity, provided that the written contract referred to in paragraph (1) of subsection (d) may be with either the service provider or such entity and need not be with both.

"(f) DEFINITIONS.—For the purposes of this section—

"(1) SERVICE PROVIDER.—The term 'service provider' means any individual who performs service for another person.

"(2) SERVICE RECIPIENT.—Except as provided in paragraph (5), the term 'service recipient' means the person for whom the service provider performs such service.

"(3) PAYOR.—Except as provided in paragraph (5), the term 'payor' means the person who pays the service provider for the performance of such service in the event that the service recipients do not pay the service provider.

"(4) IN CONNECTION WITH PERFORMING THE SERVICE.—The term 'in connection with performing the service' means in connection or related to—

"(A) the actual service performed by the service provider for the service recipients or for other persons for whom the service provider has performed similar service, or

"(B) the operation of the service provider's trade or business.

"(5) EXCEPTIONS.—The terms 'service recipient' and 'payor' do not include any entity which is involved in whole or in part by the service provider."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding at the end the following new item:

"Sec. 3511. Standards for determining whether individuals are not employees."

(c) EFFECTIVE DATE.—The amendments made by this Act shall apply to services performed after December 31, 1995.

NATIONAL LITERACY DAY 1995

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, I am pleased to ask my colleagues to join me in observance of National Literacy Day on July 2, 1995. As we move into a technologically advanced, 21st century economy, it is imperative that the American people are equipped with the tools they will need to navigate in such a milieu. Basic literacy is a fundamental prerequisite to survival in our rapidly-developing world. While literacy does not guarantee success and prosperity in a third wave culture, illiteracy does forebode a life of poverty and despair.

When 30 million Americans cannot read, and over 42 million are functionally illiterate, we are relegating these individuals to a life on the cusp of viability and hopelessness. Furthermore, through the economic underemployment that an illiterate populace engenders, we are continuing to underutilize the resources which we possess. As a result, by the year 2000, we will need to retrain 50 million workers to enable them to compete in the new economy. Additionally, the Nation will spend over 225 billion dollars per annum because of the insufficiencies of illiterate workers.

Over the past 10 years, we recognized our commitment to literacy through a nationally observed Literacy Day. Today, I ask that we recognize July 2, 1995 as a day in which we both praise the efforts of those who have worked to increase our national reading capacity, and promote awareness of the shortcomings continually inherent in our educational system.

For example, in my home State of New Jersey, project Focus on Literacy, spearheaded by executive director Caryl Mackin-Wagner has worked tirelessly to increase statewide literacy. However, on the other hand, in New Jersey alone, there are over 800,000 people who are illiterate, and countless others who suffer from functional illiteracy.

This kind of awareness of both our successes and failures is crucial if we, as a Nation, hope to triumph over illiteracy. Therefore, Mr. Speaker, I ask that we again observe National Literacy Day on July 2, and continue our arduous journey toward a literate America.

RECOGNITION OF FRY METALS OF ALTOONA, PA

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. SHUSTER. Mr. Speaker, I rise today to recognize one of the major employers in my district, Fry Metals of Altoona, PA. An employer of over 210 men and women, they specialize in the production and sale of solder and Aquaclean non-lead metal used for pewter statues and figurines. In fact, Fry Metals is the largest tin-lead fabrication center under one roof in the world. Annual sales exceed \$40 million. Founded in 1979, it has come to represent the highest quality workmanship in its field with the ability to service the entire U.S. solder market.

While it is a leader in the field of metal production, Fry Metals is also leader in the community as well. Understanding the need to service more than its customers, Fry Metals has gone out of its way to service the community. Fry Metals is a company of the highest integrity whose commitment to public service is a tribute to itself and to my district.

Recently Fry Metals showed us that it is also a leader in our Nation. Inola Casting Works designed a pin commemorating the tragic bombing of the Alfred P. Murrah Federal Building in Oklahoma City. The intent of this project was to sell the pins and donate the funds to the 75 children who lost parents in this tragedy. As Inola Casting Works is one of Fry Metals largest clients, the company stood to make a sizable profit from this venture. Instead, Fry Metals selflessly donated all the metal involved in making these pins to Inola Casting. To date, the sale of these pins has raised over \$100,000 for the victims of this tragedy.

I applaud the actions of Fry Metals. It is a company that continually works to improve its standing in the marketplace, in the community and in the Nation. I thank Fry Metals for its efforts in response to the Oklahoma City tragedy, and wish the company best of luck and continued success in the future.

A BRIEF HISTORY OF UNION COUNTY, NJ, RESIDENTS WHO SERVED IN CONGRESS, 1833-1911

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, with Representative Erza Darby's passing in 1808, no natives of Union County were sent to either body of Congress until the 23d Congress in 1833. While greater Elizabeth may have qualified for its own seat by modern standards of apportioning congressional districts by population, under New Jersey's method of electing its House Members at-large, it was entirely a hit-or-miss proposition. This method of electing House Members statewide was abandoned by New Jersey in 1843 pursuant to the Congressional District Act, which passed Congress on November 11, 1842.

Union County's dearth of citizens in Congress ended with the election of Thomas Lee of Port Elizabeth—now a part of Elizabeth—in 1832. Representative Lee was the third top vote-getter in the State with over 24,000 votes, entitling him to 1 of New Jersey's 5 congressional seats. Born in Philadelphia in 1780, Representative Lee moved to Port Elizabeth in 1805 and became a merchant, shipbuilder, and landowner. His public life began in 1813, when he became judge of the court of common pleas. In 1814, he was elected to the New Jersey General Assembly and served one term. Elected as a Jacksonian Democrat to Congress when that party swept every seat in the New Jersey delegation, he rose after his reelection in 1834, this time coming in fourth place, to chairman of the Committee on Accounts. He returned to Port Elizabeth after his service in Congress and founded the Port Elizabeth Library and Academy. He died in Port Elizabeth in 1856.

Serving briefly with Congressman Lee in the 24th Congress was William Chetwood, a member of the Whig Party from Elizabeth. Representative Chetwood won a special election to fill the vacancy created by Philemon Dickerson of Paterson, who was elected Governor of New Jersey in 1836. Representative Chetwood was sworn in to the House on December 5, 1836. His tenure in Congress was extremely brief, lasting less than 3 months. During his service in Congress, he served on the House Committee on Public Expenditures. Because of his short tenure in the House, and also because it was customary at this time for freshmen not to make speeches on the House floor, Representative Chetwood did not participate in floor debate or introduce legislation.

Before coming to Congress, Representative Chetwood was a lawyer, and served in the Whiskey Rebellion of 1794 as an aide-de-camp to Maj. Gen. Henry Lee. After Representative Chetwood's short service in Congress, he returned to Elizabeth to resume his law practice. He died in 1857.

With the departure of Representatives Chetwood and Lee from Congress, Union County was again without a favorite son in either body of Congress until 1873. During this period of 36 years, House Members who represented the Union County area tended to be

either from New Brunswick to the south, or Newark or Jersey City to the north.

One notable House Member who was not a resident but represented Union County during this time was William Pennington of Newark. Elected in 1858, Representative Pennington took the seat previously held by his cousin Alexander Cumming McWhorter Pennington. Representative Pennington has the distinction of being both the last Speaker to represent Union County in the House, and also the last Speaker to fail to be reelected before Speaker Tom Foley's defeat last year—Pennington would lose after one term of Nehemiah Perry in 1860 by 398 votes. Apparently, Representative Pennington's main qualification for Speaker was his unknown position on the top issue of the day, slavery. On the eve of the Civil War, Representative Pennington was elected Speaker as the least objectionable compromise candidate. A deadlocked House spent 8 weeks debating and balloting before electing Representative Pennington on the 44th ballot by voice vote. As a freshman Member, he proved to be a less-than-adequate Speaker, and utterly ignorant of parliamentary procedure to the point of reportedly asking the advice of a page. He returned to Newark after his defeat, and died in 1862 from an overdose of morphine evidently administered by mistake.

Union County sent its first resident in over three decades to Congress in 1872 with the election of Amos Clark of Elizabeth. Born in Brooklyn in 1828, Clark moved to Elizabeth and established himself in the real estate business, where he became one of the largest landowners in the city. He was also the founder of the First National Bank of Elizabeth. His first foray into politics was as a member of the Elizabeth City Council from 1865 to 1866. From there, he served in the State Senate for one term, 1866–69, before being elected 3 years later as a Republican to the 43d Congress.

Although he would only serve one term, he was defeated for reelection by Miles Ross, the Democratic mayor of New Brunswick, Congressman Clark's legislative record was not unremarkable. He introduced seven bills as a freshman legislator, but only spoke on the House floor once, regarding amending the National Currency Act. One of the bills he sponsored was to improve the channel between Staten Island and Elizabeth, an issue I expect to address as a member of the House Water Resources and Environment Subcommittee. Representative Clark did manage to get one bill he introduced passed in the House, a bill incorporating the Washington Market Co. Unfortunately for him, this legislation died in the Senate.

After leaving Congress, Congressman Clark moved to Norfolk County, MA, but retained business interests in Elizabeth. He died in Boston in 1912, and is buried in Elizabeth.

Union County's next native in Congress was John Kean. The Kean family name is familiar to all New Jerseyans, as the Keans have a long and distinguished history of service of their country. John Kean won election to the House in 1882 by defeating incumbent Miles Ross with 48.2 percent of the vote. Representative Kean was born in 1852 at Ursino, the Kean ancestral estate in Union Township.

Ursino is now called Liberty Hall, and it was originally the home of New Jersey's first Governor, William Livingston.

Representative Kean was educated at Yale University and Columbia Law School. Although a lawyer, he was primarily interested in banking and manufacturing.

During Representative Kean's first term in the House, he was appointed to serve on the House Public Building and Grounds Committee, and the House Banking and Currency Committee. He spoke on the floor twice during his freshman term, on Chinese immigration and a rivers and harbor appropriations bill. The bills Representative Kean sponsored included eight private relief bills, as well as a bill to protect Atlantic fisheries, a bill regarding bankrupt municipalities, and a bill concerning pensions for prisoners-of-war.

Representative Kean's early congressional career was twice interrupted by his lack of success at the polls. In 1884, he was unsuccessful in his bid for reelection against Robert S. Green, garnering 46 percent of the vote.

Like Representative Kean, Robert S. Green was also a Union County resident. Born in Princeton in 1831, he attended Princeton University, studied law, and established his legal practice in Elizabeth, where he was active in Democratic politics.

While in Congress, Representative Green served on the Committee on Elections and the Committee on Private Land Claims. He introduced 25 bills, 20 of which were private relief bills, mainly concerning pensions. The public bills he introduced included legislation to erect a public building in Perth Amboy and Elizabeth, respectively.

Representative Green served only one term in the House. Instead of seeking reelection to the House, Representative Green ran and won the governorship of New Jersey with 47.4 percent of the vote. He resigned his seat in Congress to assume New Jersey's highest office on January 17, 1887.

After serving one term as Governor, Representative Green served as vice-chancellor of New Jersey, and as a judge. He died in Elizabeth in 1895.

Representative Kean came back and was reelected to the House in 1886, again with approximately 46 percent of the vote. In his second term, Representative Kean reintroduced his bill to protect Atlantic fisheries, reintroduced Representative Green's bill to erect a public building in Perth Amboy, and also introduced a bill to aid the Stevens Institute of Technology.

Representative Kean lost his House seat for the final time in 1888 to Jacob A. Geissenhainer, a Democrat from Freehold. In 1892, he ran and lost a race for Governor to George T. Werts, garnering 47 percent of the vote. His political fortunes changed in 1899, however, when Representative Kean returned to Congress yet again, this time as a U.S. Senator.

During Kean's tenure in the Senate, he would serve on the Committee on Claims and the Committee on Foreign Relations. Later in his first term, he chaired the Committee on the Geological Survey from 1901–1903—this committee was abolished in 1921—and later served as the chairman of the Committee on Audit and Control the Contingent Expense of

the Senate. He was reelected in 1905, and served until his retirement in 1911. He died in 1914.

In between John Kean's House and Senate stints, reapportionment created an open congressional seat in Union County for the 1892 election. This seat was filled by Elizabeth resident John T. Dunn, who narrowly defeated his Representative opponent with 50.4 percent of the vote. With the exception of the 65th Congress (1917–1919), after Dunn's ascension to the House, Union County would never again be bereft of having at least one of its citizens in Congress.

Representative Dunn was born in Tipperary, Ireland in 1838. He and his father emigrated to America during the Irish potato famine when Dunn was 7 years old. His father placed him with a farmer for rearing and private tutoring, but the young Dunn was unable to handle the hardship of farm living, and he ran away at age 11 to become a cabin boy on a trading vessel in the West Indies. After this adventure, Representative Dunn returned to Elizabeth, was schooled at home, became a local businessman, and entered public service as an Elizabeth alderman in 1878. The next year, he was elected to the New Jersey general assembly, where he attained the speakership of that body in 1882.

After Dunn left the Assembly in 1882, he decided to become a lawyer, and at the age of 44 was admitted to the bar and began practicing in Elizabeth. A decade later, Dunn was elected to the 53d Congress. While in Congress, Representative Dunn served on the Committee on Claims. He reintroduced Representative Green's bill to build a Federal building in Elizabeth, and also sponsored two private relief bills.

As a member of the House Transportation and Infrastructure Committee, I found it interesting to discover that Representative Dunn was very active in advocating public works projects for New Jersey. For example, Representative Dunn participated in the debate on whether to build a bridge across the Hudson River, connecting New Jersey and New York City. Dunn also sponsored legislation to build a drawbridge across Newark Bay, connecting Elizabeth and Bayonne. Similar legislation to Dunn's bill would pass the House under his leadership. Unfortunately, this bill, which would have built what could be considered a forerunner of what many of my constituents call the Turnpike Bridge, died in the Senate.

Representative Dunn was denied a second term by the voters, losing in a landslide with 38.6 percent of the vote. After his single term in Congress, Dunn returned to Elizabeth and resumed his law practice. He died in Elizabeth in 1907.

Representative Dunn's career on Capitol Hill was abruptly ended by Charles N. Fowler, his Republican opponent and fellow Elizabeth resident. Representative Fowler was born in Lena, IL in 1852 and attended public schools. Fowler was well-educated, garnering degrees from Yale and the law school at the University of Chicago. He left the law for banking, however, and helped to organize the Equitable Banking Co. in 1886, and became its president in 1887. To pursue his business interests, Fowler moved east in 1883, settling in the quaint little township of Cranford, which

had only incorporated 13 years before. After living in then-rural Cranford for 8 years, he moved to Elizabeth in 1891.

After his election in 1894, Fowler would be reelected to the seven succeeding Congresses, averaging 54 percent of the vote. Early in his congressional career, Fowler primarily introduced legislation that had local rather than national implications. For example, he reintroduced legislation previously introduced by Representative Green to build a public building in Elizabeth. He also introduced legislation building on the work of Representative Dunn concerning a bridge over Newark Bay. Also in his first term, he sponsored a bill to improve the Rahway River, a small yet scenic river that twists through Cranford.

Fowler rose to become chair of the Committee on Banking and Currency from 1901 to 1909. He attracted national attention for his pronounced opinions on financial matters and as a relentless and uncompromising advocate of currency reform. He had acrimonious disagreements over the latter issue with such figures as New York Senator Nelson H. Aldrich and Senator Kean. His most continuous combat, with Speaker Joe Cannon, eventually led to his deposition from the chairmanship of the Banking and Currency Committee. As my colleagues may know, Speaker Cannon (R-IL) was perhaps the most powerful Speaker of the House ever, and would usually take tough action against any dissident Republican Member.

In 1910, Fowler sought the Republican nomination for the U.S. Senate, but was denied. After leaving the House in 1911, Fowler resumed his banking activities in Elizabeth. He also successfully developed marble quarries in Vermont, where a town is named for him. In 1918, he published a comprehensive book on currency.

Fowler moved to Orange in 1930, and died there in 1932. He is interred at Fairview Cemetery in Westfield.

GRAVESITE OF UNKNOWN REVOLUTIONARY WAR VETERAN TO HONOR ALL UNKNOWN VERMONT SOLDIERS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. SANDERS. Mr. Speaker in 1935 in Plymouth, VT, the grave of an unknown soldier in the American Revolutionary War was discovered. It was found on land owned by a nature conservancy. That year the Daughters of the American Revolution placed a marker and a flag at the grave.

Today, it is my honor to introduce legislation to authorize the President to award the Medal of Honor to the Unknown Vermonter who gave his life while serving in the Continental Army in the American War of Independence. This tribute is especially fitting now that the Vermont legislature has approved legislation designating this unknown soldier's gravesite as an official site to honor Vermont soldiers of all wars who never returned home and whose ultimate fate is unknown.

I also ask that two recent articles from Vermont newspapers be reprinted in the CON-

GRESSIONAL RECORD to underscore the merit and significance of continuing to recognize the profound sacrifice made by all American veterans to secure and preserve our freedom.

[From the Burlington Free Press, Apr. 8, 1995]

REVOLUTIONARY WAR SOLDIER HONORED

MONTPELIER.—An unnamed soldier buried in Plymouth after the Revolutionary War has been selected Vermont's official unknown soldier following approval of a resolution this week by the Vermont Senate.

The soldier, buried on land owned by a nature conservancy, is believed to have died as he was returning from the Revolutionary War.

According to oral history, the soldier died at a stream a few hundred yards from the wooded knoll where he is buried. The grave was exhumed in 1935, and a body was found. That year the Daughters of the American Revolution placed a marker and a flag at the grave.

The designation honors Vermont soldiers of all wars who did not return home, said Rep. John Murphy, D-Ludlow, who introduced the resolution in the House, where it was approved in February. A July 4 ceremony is planned at the gravesite near the historic Crown Point Military Road in Plymouth.

[From the Burlington Free Press, Mar. 1, 1995]

VERMONT UNKNOWN SOLDIER MAY SERVE AGAIN—LEGISLATURE CONSIDERS DESIGNATION FOR GRAVE

(By Molly Walsh)

PLYMOUTH.—A nameless Revolutionary War soldier who was buried in a remote, wooded grave roughly 220 years ago may finally find an identity.

The soldier, believed to have died a few hundred yards from Vermont's historic Crown Point Military Road as he returned home from battle, will be designated Vermont's official unknown soldier if a resolution introduced Tuesday in the Legislature is approved.

The designation would honor Vermont soldiers of all wars who never returned home and whose ultimate fate is unknown, said Rep. John Murphy, D-Ludlow, who expects the resolution to be discussed in the House today. It would also give the forgotten soldier, who is buried atop a secluded knoll overlooking the stream where he may have taken his last drink, a place in history, even if he lacks a name.

"History reflects those people that have given their utmost support and their lives in some cases, and I think the young people of the country should understand history on the national level and the state level," Murphy said.

The grave is located off Vermont 103, about one-half mile northeast of Lake Ninevah and just north of the Mount Holly-Plymouth line. The land where it sits is owned by The Wilderness Corporation, a Vermont conservation group that owns 3,000 acres in the area, which it opens to hiking, skiing and other recreational uses.

The grave itself is one-third of a mile from a branch of the historic Crown Point Military Road, today a patchwork of paths, town roads and overgrown woods that is frequently hiked by history buffs.

But during the French and Indian Wars, as well as the Revolutionary War, the 77-mile road was traveled by soldiers heading to strategic positions at Fort Ticonderoga and Crown Point, N.Y.

The road, built from 1759 to 1760, stretches from the Connecticut River on the east side of the state to Lake Champlain on the west. There are several graves of Revolutionary War soldiers along and around the road and its many branches.

The grave that was chosen for the designation was selected for its peaceful setting and because the oral history surrounding the soldier's death is compelling.

That history, passed down for generations, holds that the soldier was returning home from battle and stopped to drink at a stream with a comrade. He reportedly died on the spot and was buried on the knoll overlooking the stream.

A local landowner told the story to the Rev. William Ballou of Chester. Ballou, who was also a Boy Scout master, investigated the site and confirmed the grave's location on Oct. 19, 1935. A month later the Chester Boy Scouts cleared brush from the site and placed a wooden marker on the old road that goes by the grave. That year the Daughters of the American Revolution also placed a marker and a flag at the head of the grave. Whether the oral history is true, no one can be sure. But that does not matter to the Rev. Charles Purinton Jr., chaplain and family services coordinator for the Vermont National Guard, who launched the designation effort.

"Nobody really does know what happened," Purinton said. But he believes one thing is certain about the soldier: "He was doing his duty like Vermonters ever since."

If the House and Senate approve the resolution, a July 4th ceremony is planned at the knoll where the soldier is buried and a simple plaque will be erected. It would be the first recognition of this kind in Vermont.

Maj. Gen. Donald Edwards, the state adjutant general, said that if the designation is made, no great influx of visitors to the site is anticipated. Other than the plaque, he does not expect any changes.

"We think it's classic Vermont, why change it?" he said. "We are not going to build any great big monuments or anything." However, the site's remote beauty could be its downfall. The path from the dirt road to the grave is uphill, rocky and overgrown. It would be difficult for handicapped people to navigate.

That's a major drawback, said John Bergeron, vice president of the Vietnam Veterans of America Chapter One in Rutland. "A lot of veterans are getting up there in age," he said. "Certainly access to the place will be a problem."

But the solitude hanging in the air over the grave covered by field stones and snow inspires contemplation of what put him there. And that makes the site special, said Scott McGee, president of the Wilderness Corporation.

"It is touching to go there and to contemplate what may have occurred and to think about who may lie there and what he may have done," McGee said. "There is a sense of history that starts to surround you when you go to the site."

HAWAII PUBLIC RADIO

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. ABERCROMBIE. Mr. Speaker, during this Congress we are going to have the opportunity to debate the vital role of public broadcasting in the educational and cultural development of our Nation.

As we discuss this issue I want to share with my colleagues an article that was given to me earlier this year regarding the merits of national public radio. Specifically, the author extols the virtues of Hawaii Public Radio. Public radio is unique and adapts to the cultural, geographical and regional differences in the United States. For instance, while Hawaii Public Radio broadcasts "Morning Edition" and "All Things Considered" from national public radio they also read the news in Hawaiian and provide the daily news from the Pacific. This is an addition to the classical, jazz, blues, and sundry other programs that anyone can tune into and enjoy. No other radio station provides such a variety of programs to its listeners.

Mr. Speaker, diversity strengthens and brightens the fabric of our society. There is a place for Hawaii Public Radio in our society and we must continue to support it. I commend this article to my colleagues and ask that it be printed in the RECORD at this point.

[From the Maui News, Dec. 15, 1994]

MAKING THE MAUI SCENE

(By Rick Chatenever)

Amazing—the Newt Age isn't even upon us yet, but the media is already back as the target of choice. From both sides. First White House Chief of Staff Leon Panetta likened incoming Speaker of the House Newt Gingrich to "an out-of-control radio talk-show host." Trying to become the Gingrich that stole Christmas, Newt wasted no time suggesting that the government should pull the plug on public broadcasting.

How easy it is to forget public broadcasting's role in creating a climate that made someone like Newt possible. True, it probably has something to do with his talents (you'd be an over-achiever, too, if your name was Newt). And it probably has something to do with tapping into the mood of a just plain irked nation. Hey, why can't anyone figure out what's wrong?—Hey, why can't anyone fix it?—

But PBS was right there with the other panel shows, ushering in the "don't talk while I'm interrupting!" shout fests that have now replaced TV analysis from Washington, D.C. insiders.

Is it politics, journalism or show business?—You be the judge. The players move back and forth freely—Pat Buchanan leaves "Crossfire" to run for president, David Gergen leaves "The MacNeil-Leher Report" to try to straighten out the Clinton White House, Mary Matalin and James Carville run opposing presidential campaigns, then go on to live out their own Kathryn Hepburn-Spencer Tracy movie.

When Al Gore debated Ross Perot on the merits of NAFTA, they did it with all the maturity of a couple of second graders, fingers in ears, taunting. "I'm rubber, you're glue . . ."

In this climate, he with the longest wind wins, and the spoils go to the most bellcose.

Rush rules the roost . . . but you can bet Newt can't wait to get into the act.

Before he does, I'd like to offer a few words in praise of Hawaii Public Radio.

NPR, or PRI, or whatever it calls itself to try to stay out of Jesse Helms' direct line of sight, is where the dial of my car radio is most of the time. I quote it regularly. I bore friends with stories of whatever obscure character has shown up as an interview subject that day.

KKUA is a magic link, from the two lane roads criss-crossing this island to . . . Everywhere Else. Just mentioning names of NPR voices—Bob Edwards, Cokie Roberts, Baxter Black, Click and Clack, Andre Codrescu, Bailey White, Daniel Shore, Noah Adams, Garrison Keillor, Sylvia Pajoli, Neil Conan, Cory Flintoff, Nina Totenberg, even Frank Deford, when he's not getting to carried away with the sound of his own voice—is enough to draw smiles from those of us who share the habit. When I get together with friends from the Mainland, we discover NPR is something we all have in common. It's the tom-tom beat for the global village. Not to mention, the place to listen to classical music.

It's a daily link to what one of my Native-Hawaiian friends still insists on referring to as *America*. But listening to it from this side of the Pacific is mo' better. Many—many—have been the times when the voice on the radio was coming from Sarajevo, or inner-city Chicago, or Moscow, or London or New Orleans . . . while the view through the windshield was of a cloud-draped Haleakala . . . or whales sporting off Sugar Beach . . . or rainbows disappearing in a West Maui mountain valley. . . .

Where else can you hear the latest in the O.J. Simpson case, or get the inside scoop on Clinton White House strategy, as you drive the kids to school through a cane field . . . ?

Where else is the six o'clock news read in Hawaiian? Where else is the latest political upheaval in Papua, New Guinea—they happen regularly, and sound like Marx Brothers movie scripts—cause for a daily update?

On a radio dial dominated by demographics and marketing niches, and crowded with stations all trying to sound like each other, only better, Hawaii Public Radio is definitely something else.

Mirroring this unique world we live in is one thing. Making it a better place is something else. Just being a source of pleasure in its own right is something else again.

Hawaii Public Radio succeeds amazingly well on all counts.

WHAT THE AMERICAN PEOPLE WANT

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. SMITH of Texas. Mr. Speaker, the American people sent us to Washington to balance the budget. We now have a balanced budget that restores this American dream.

The American people sent us to Washington to deflate the uncaring Federal bureaucracy that meddles in and micromanages their lives. Our conference budget eliminates dozens of needless commissions, streamlines agencies, and consolidates departments.

The American people sent us to Washington because they are tired of Alice in budgetland gimmicks and games and want honest kitch-

en-table accounting. By ending the deceptive practice of baseline budgeting, we've ended Congress' shell game, which raided the family budget for the ever-increasing Federal budget.

The American people sent us to Washington to cut Federal spending and we have. We eliminated 283 programs: some wasteful, some outdated, some duplicative, and some run better by families, communities, and neighborhoods.

The American people sent us to Washington to save and protect important entitlement programs by controlling the spiraling growth that threaten them. We do this by our plan to fix, save, and improve Medicare.

Mr. Speaker, it's not the Government's money to take. It's the family's money to keep. Vote for the balanced budget that we've agreed upon. Reduce the Federal budget to increase the family's budget.

TRIBUTE TO CHIEF HAROLD V. MOORE, HAZEL CREST POLICE DEPARTMENT, HAZEL CREST, ILLINOIS042

HON. MEL REYNOLDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. REYNOLDS. Mr. Speaker, I stand today to acknowledge a truly outstanding community leader. I would like to first thank Chief Harold V. Moore for his tireless efforts in protecting the citizens of Hazel Crest, Cook County, State of Illinois. Chief Moore has served the community honorably and with dedication for the last 31 years.

The community of Hazel Crest has certainly benefited from Chief Moore's service, and for that I would like to offer him a sincere "thanks" on behalf of the residents of Hazel Crest.

I would like to also wish him a fulfilling and restful retirement. I hope he enjoys reflecting on his many accomplishments and know that we will always remember his commitment to the community.

ST. JAMES EPISCOPAL CHURCH IN FORT EDWARD, NY, CELEBRATES 150TH ANNIVERSARY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. SOLOMON. Mr. Speaker, those of us who live in the 22d Congressional District can boast of living in one of the most historical regions of the country.

In so many cases, the old churches in the district, along with their spiritual functions, often serve as virtual museums of area lore, with their registries and records of baptisms and marriages of historical figures, and growth patterns which reflect and parallel the growth of the area.

One such church, in fact one of the foremost examples, is the St. James Episcopal Church of Fort Edward, NY which is celebrating its 150th anniversary.

Fort Edward, NY first appears in the history books as part of the historic battleground between Albany and Montreal. During the early years of Fort Edward's existence, changes were taking place in the social and economic life of the community that facilitated the growth of the church. With the construction of the Champlain canal and the economic development of the Hudson river trade route, the Fort Edward community was growing and right along with it the Episcopal Church of St. James.

On May 21, 1845, the cornerstone of the Church of St. James was laid. Since that day, the Church of St. James has overcome many fiscal problems that endangered the future of the organization. This congregation, however, did not give up without a fight and through the grace of God and the faith of the community, the Church of St. James is alive and well today.

Even though the congregation is not a very large one, the members are happy to be together and worshipping in their own sanctuary in Fort Edward. Mr. Speaker, this small group of people exemplify faith and camaraderie. The church is successful because the people within it work to make one another stronger. This congregation demonstrates how church communities all across America enhance strong families and sound communities.

Throughout its long history, this church, like so many others in the area, has been the focus of community life and a bastion of the best virtues society has to offer. Mr. Speaker, please join me in expressing congratulations and best wishes to St. James Episcopal Church on the commendable occasion of their 150th anniversary.

SUNRAYCE '95 AND THE SOUTH DAKOTA SCHOOL OF MINES & TECHNOLOGY

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. JOHNSON of South Dakota. Mr. Speaker, I would like to take this opportunity to congratulate the South Dakota School of Mines & Technology's solar car team for their outstanding efforts as first time participants in Sunrayce '95.

Sunrayce is a 1,150-mile cross country race for solar cars, starting in Indianapolis, IN and ending in Golden, CO. The race is jointly sponsored by the Department of Energy and General Motors, and its efforts are twofold. First, to promote student interest in technology and the environment. The 36 university-sponsored solar cars represent the best and the brightest engineering students, who designed their solar powered cars from the bottom up using advanced environmentally sound technology. Second, Sunrayce, which draws a large crowd, helps increase public awareness for a clean environment. It enables the public to get excited about new technology and ideas. Additionally, Sunrayce allows students to show off their talent, and capture the attention of big names in the industry who are looking to recruit, by impressing them with their ideas and abilities.

As a first time participant, the South Dakota School of Mines & Technology solar car team did exceptionally well. I am extremely proud of the School of Mines & Technology's efforts to participate in this worthy promotion of new technology, and the key role it will have on the environment in the turn of the century. It is truly a fantastic way to educate students and encourage public awareness.

I ask my colleagues to join me in recognizing and congratulating the South Dakota School of Mines & Technology for their outstanding participation in Sunrayce '95.

KOREAN APPRECIATION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. RICHARDSON. Mr. Speaker, I recently had the opportunity to meet face-to-face with leaders of North Korea and discussed a variety of important issues facing our two nations including a pending nuclear accord.

My talks also focused on the need for our two countries to work jointly to resolve the cases of some 8,200 Americans who are still listed as missing in action from the Korean war. Certainly, the families of these missing Americans believe progress must be made on this important front before closer relations develop between our two countries.

Those American servicemen who returned from the Korean war know that we can work with Koreans. In fact, many of these veterans fought side by side with Koreans from the south as we battled the north. And many of these relationships between American and Korean servicemen that were first made more than four decades ago continue today.

In fact, a constituent of mine from Las Vegas, NM, Fredric Stoessel who served in Korea, recently told me about a reunion he had with his roommate aboard the U.S.S. *DH Fox* DD779. Mr. Stoessel's roommate, Un-Soh Ku, was a serviceman in the Korean military and recently retired as a captain in the ROC Navy. Mr. Stoessel was so moved by Mr. Ku's comments of appreciation to America and our people that he has asked me to share his speech with my colleagues in the Congress so that all of our constituents can have access to his gratitude.

At a time when we are trying to resolve outstanding issues with the North Koreans and bridge the gap between all Koreans and Americans, I believe Mr. Ku's speech will be a welcome addition to the increased dialog.

Chairman of the D.H. FOX Reunion, Ladies and Gentlemen: It is a great honor for me and my wife to attend at this reunion meeting, and I would like to extend my sincere appreciations to my old D.H. FOX shipmates who make me possible to be here after 40 years we had to part. 40 years! It's a quite long years anyway. I'm glad I'm still alive and you people are still here.

I don't know if it is proper place and time to mention about late ADM, DAER, but it is a most regrettable for me ADM. is not here with us. Probably old shipmates of D.H. FOX would remember, ADM. DAER was not only the CAPT. of the FOX but a great teacher for me. I was a just kid when I was assigned to

USS FOX and it was a my first assignment as a naval officer who has just graduated from KOREAN NAVAL ACADEMY.

I think it is my duty to report about my country after the Korean War, because my country was saved by the United States when we had a sudden attack from North Korea in 1950. USS D.H. FOX is the one of saver of my country, and most brave and brilliant crew of D.H. FOX is here tonight. I am proud of these old shipmates we fought against North Korea and communists shoulder to shoulder.

After the Korean war in 1953, almost everything was destroyed in every field, and we had to rebuild my country from nothing. From the beginning, thanks again, your great country gave us economic, military and other necessary assistances to stand alone, and our people were working hard not only to stand alone, but to make a step forward to develop the country.

Now, I am happy to report about my country, that my country has grown economically very fast, and one of four Asian Dragon, so called, that means New industrialization country with per capita of more than \$6,000. We are working hard to catch up developed countries now.

Politically, we are now a member of UN organization, and we are doing our best to cooperate with other UN members for the world peace, economic development and other world issues. As you all know, your country helped my country under UN flag during the Korean war, and we owe so much to the UN. Now, our turn to return as much as possible contributions for the world, and we are glad to have the capabilities to do so.

We are still one of your closest allies, and I am sure the relations will remain forever. Militarily, your armed forces are stationed in my country with our government and the people's request to protect North Korea's threat. As you all know, North Korea is the only Stalinist communist country remain in the word. But we are making our every effort to unify Korea, and we are sure, very near future, we are able to accomplish unified Korea. The international trend is our side and we hope North Koreans will soon open their eyes for the freedom.

The other fields including social, cultural, and etc., have developed satisfactory, and what I would like to say is that these developments in Korea is the fact, but if Korea is not there will be nothing. Korea's existence was very in danger when we had North Korea's attack in 1950, and your country including you, the crew of the USS D.H. FOX protected against North Korea's invasion, and we are now here. Perhaps, my deep appreciation to you, are not enough, but I would like you to understand I am saying "Thank you" from the bottom of my heart.

After D.H. FOX assignment, I returned to my country and served as a naval intelligent officer ROK Navy until my retirement in 1970 with rank of captain.

Through my life, the most unforgettable life is with D.H. FOX. Because it was my first assignment and all of shipmates were so kind and guide to me a navy life. I feel shame on myself that I lost contact with such nice my old shipmates for 40 years. Anyway, I'm here for reunion and will never lose the contact even over 60 years old man.

Well, before closing my speech, I hope you understand my awful English. If any of you happened to have any opportunity to visit Korea, please contact with me. I and my wife will be very happy to have an opportunity to serve you as your friend.

Thank you, thank you very much.

A MAN OF TWO WORLDS

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. BOEHLERT. Mr. Speaker, an aide to General Washington remarked that the different tribes of Indians "say there never was such a man and never will be another."

They were talking about Sir William Johnson (1715-1774), a man of two worlds, who served as the King of England's agent among the Six Nations and a celebrated Mohawk Iroquois chief.

He was a central character in the struggle for survival among pioneers and Indians in the northern frontier of colonial America. He was born in Ireland and came with few resources to America where he managed his uncle's estates on the New York frontier. Due to his toil, vision, and leadership, the region developed by attracting more immigrants and exploiting its rich soil and strategic location, despite arduous winters, exotic plagues, trading disputes, and the guerrilla warfare that threatened every living being on that frontier.

A prominent military achievement in his career was his building of an alliance among poor farmers and Iroquois that, against all odds, defeated the professional French armies at the Battle of Lake George and helped the English win control of North America in the French and Indian War (1754-1763).

Author Robert Moss is also a man of two worlds. He is a writer with a talent for bringing an important—and almost forgotten—part of our history back to life. He completed an historical novel entitled, "The Firekeeper," which will be published by Tom Doherty for Forge Books on July 5. Through his narratives, which are backed by extensive historical research, the images and emotions of our ancestors are quickened in a high-intensity drama. He "makes the bones live" by remaining faithful to documented academic sources yet granting himself "license to drive a horse and carriage through the gaps."

In cooperation with British Ambassador Sir Robin Renwick, Maurice Sonnenberg, and United South and Eastern Tribes President Keller George Senators DANIEL PATRICK MOYNIHAN and ALFONSE D'AMATO, Representative MICHAEL McNULTY, and me, Forge publisher Tom Doherty will host a reception on July 11, the anniversary of Sir William's death, in the Capitol honoring Robert Moss and his upcoming publication that ought to be destined for the best seller list.

There is a vignette from Robert Moss's book that helps us understand Johnson and his special role among the pioneers and the Indians. Johnson is fighting to win the favor of the Mohawk leaders, particularly the ruling clanmothers. But the Mohawks are suffering from an outbreak of smallpox that has been introduced to them through infected blankets given to them by unscrupulous land speculators, and the women are understandably increasingly wary of white influence on their lands and way of life. Johnson is trying to inoculate the diverse ethnic peoples of the valley against the disease, and he offers to "take the seed of the white death" into his own body

and show the Indians that it will help them live.

After Johnson rose in influence in the Iroquois Confederacy, earning the title "The Firekeeper," he also gained recognition as the sole superintendent of Indian Affairs in North America for the British crown, and was awarded a patent of baronetcy. Truly a man of two worlds, by the conclusion of the French and Indian wars, Johnson secured on his own terms, a moment of peace in the valley. "I will be Sir William * * * but I will bear my own arms, and my supporters will bear my own crest, not a hand-me-down from the users of Ireland."

The need to weave a fabric from the world of our past into present is imperative. As this book goes to press, many of the historic resources, including battlefields, forts, homes, and buildings that are mentioned in this drama, are threatened by local, State, and Federal budgetary stringency. It is necessary to inspire citizens to action and form partnerships to help protect valuable sites that serve to instruct our citizens about the Nation's past. In our own Mohawk Valley, a nonprofit organization is being developed, the Northern Frontier Project, by visionaries who have found in the sacrifices of our ancestral past a pathway for a better future. This project will educate others about our history and promote economic development and tourism opportunities that will help us retain and enhance our many sites and resources.

I consider myself one of the luckiest Members of Congress, to have a Robert Moss, a man of two worlds, who's able to travel among the spirit world and the real world, the past and the present, to tell the stories of our heroes and villains, of virtue and vice. He's not just chronicling history, he's bringing it to life through remarkable stories about an under-reported part of America, and helping people to understand events, victories, and tragedies that are essential to understanding who we are and what cooperation among cultures it took to get us here.

Lastly, with cooperation again in the valley, we can dream about all the possibilities that we can achieve. Thank you Robert Moss. The people of the valleys salute you and your work and wish you that greatest success.

I am including for the RECORD "The World of the Firekeeper," which was prepared by Robert Moss for this event.

THE WORLD OF THE FIREKEEPER

The North-East frontier was the decisive frontier in American history. In the 1600s and 1700s, New York, New England, and Pennsylvania were the scene of three gigantic and often tragic struggles: between the newcomers and the native inhabitants, between the British and French empires, and between Loyalists and Patriots. The battles that were fought here—especially at Saratoga and Oriskany, in upstate New York, in 1777—decided the fate of the American Revolution and opened the way to the West.

In many ways, it was on this first frontier, already 150 years old by the end of the French and Indian Wars, that a distinctively American identity was born—diverse, self-reliant, impatient with the Old World conceptions of inherited rank and station. The first wave of mass immigration from Europe came from Europe to New York in 1710, with the arrival of 3,000 Palatine Germans. Colonial

New York and Pennsylvania became the first "melting pots," with the rising tide of immigrants from many nations.

On the Northern Frontier, the pioneer settlers encountered two families of Indian nations: the Iroquoians and the Algonkians. Before first contact with Europeans, five Iroquois nations, guided by a prophet called the Peacemaker, had come together to form a great Confederacy whose constitution impressed Ben Franklin so powerfully that he recommended it as a model to the divided colonists. Renowned for their oratory and statecraft, feared by their enemies as ruthless and courageous fighters, the Iroquois commanded two vital river-roads through the forests that were all-important in early trade and warfare: the Hudson-Champlain route between New York and Canada, and the Mohawk River-Oswego route that led from the English colonies towards the Great Lakes and the North American heartland.

The warrior Iroquois were also a matriarchal society. A Mohawk myth recalls how a woman led the people's long migration across the north of the continent to an area near modern Quebec City and finally down into the Mohawk Valley. The clanmothers picked the chiefs, and the women occasionally "de-horned" a chief who failed in his duties. The women insisted on the ancient teaching that a chief must consider the consequences of his actions down to the seventh generation after himself.

But the arrival of the Europeans threw traditional Iroquois society into turmoil. The newcomers brought firearms and metal tools; it became vital to have these. The newcomers created a new appetite for alcohol, which was previously unknown to the Woodland Indians, and which they had little ability to metabolize. The traders wanted furs—and increasingly, land—in return for guns and goods and liquor. The Iroquois were soon caught up in savage warfare with neighboring tribes over the control of the fast-diminishing supplies of beaver and other furs. Their losses in battle were less devastating than the terrible inroads of alien diseases—smallpox, influenza, and measles—to which the Indians had never been exposed and for which traditional healers had no remedies.

By the early 1700s, caught up in a struggle for survival, the Iroquois were deeply divided. Should they side with the British or the French, or stand neutral, in the conflict between world empires that was now being played out on American soil? Should they reject their ancient spiritual traditions—which taught the necessary balance between humans, the earth and the spirit worlds and the supreme importance of dreaming—or follow the God of the foreigners who came with cannons and horses?

Into this scene walked William Johnson (1715-1774), one of the most extraordinary men in American history. His Irish roots and his rise to power and fortune on the first frontier are described in vivid detail in "The Firekeeper." Johnson came to the New World, like so many other immigrants, in hopes of getting ahead. Starting out as a trader and farm manager in the Mohawk Valley, he eventually succeeded in making himself one of the richest men in the colonies. Through fair dealings and by immersing himself in their lives and customs, Johnson developed a personal influence among the Iroquois that enabled him to persuade them to fight on the British side in the French and Indian wars. This was a decisive contribution to the eventual British victory, since the British never won a significant battle in the American woodlands without the

help of Iroquois scouts and auxiliaries. As an amateur general, Johnson led a restive force of New England militiamen and Iroquois rangers to victory over a professional French commander at the Battle of Lake George.

But the significance of Johnson's achievement, in the history of the American frontier, goes much deeper. Though he became the King's Superintendent of Indians, he was as much the Iroquois agent to the colonists as the King's agent among the Indians. Indeed, he became an adopted Mohawk warchief before he held a commission from the Crown. He championed the Iroquois against land-robbers and racist officials, like the British general who advocated killing off the Indians en masse during Pontiac's revolt by spreading smallpox among them with the aid of infected hospital blankets. Johnson promoted Indian school and inoculation against the smallpox virus, once the method (first observed in Africa) became known in the colonies. He encouraged Iroquois women to go into business as traders. He introduced new crops and methods of agriculture. In his later life, with a Mohawk consort—known to history as Molly Brant—at his side, Johnson presided over a remarkably successful experiment in interracial cooperation.

Johnson's homes in the Mohawk Valley—Fort Johnson and Johnson Hall, both memorably described in "The Firekeeper" and "Fire Along the Sky"—are well-preserved and open to visitors, as are many of the other sites of frontier New York, such as Fort William Henry (scene of the Battle of Lake George), Fort Ticonderoga, the Saratoga battlefield, the Old Stone Fort at Schoharie, Fort Plain, Fort Stanwix, and Old Fort Niagara. Sadly, funding problems have led to the—hopefully only temporary—closing of the Oriskany battlefield site, scene of the first American civil war as well as a critical turning point in the American Revolution. Budget constraints threaten other sites. As Robert Moss comments, "I hope my historical novels will help revive public interest in the places where—in so many ways—America was born. The Iroquois say that a tree without roots cannot stand. I believe they are right."

Asked to explain how *The Firekeeper* differs from previous accounts of the North-East Frontier, Moss explains:

"First, I tried to give the women their revenge. Amongst white Europeans, the 18th century was pretty much a man's century. But the dominant character in "The Firekeeper," in many ways, is Catherine Weissenberg. She is a historical figure—a Palatine refugee who came to the colonies as an indentured servant and became Johnson's life partner (though never his wife) and the mother of his white children. Another powerful character in the book is Island Woman, a member of a lineage of women healers who became Mother of the Wolf Clan of the Mohawk Nation. Through her eyes, we see the women's mysteries and the reverence for women within a native culture whose primary pronoun is she not he.

"Second, in the *Firekeeper* I have married executive archival research to oral tradition, both from Native Americans and from descendants of Valley settlers. To borrow a phrase from the anthropologists, I have "upstreamed" what I have learned about native culture and spirituality today to help illuminate how things may have been then.

"Third, I have tried to go inside the mindset—the interior worlds—of different people and peoples. In "The Firekeeper," you can read a blow-by-blow account of a battle, a traders' sharpening, or a machiavellian plot

laid in a back room. Or you can find yourself deep inside the realms of the shaman, for whom the dream world is the real world and spirits walk and talk at the drop of a feather. I tried to make the book as multi-dimensional as its players."

ESSAY CONTEST WINNERS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. HYDE. Mr. Speaker, I love to get involved with projects that involve our younger generation. One of the projects I sponsor every year along with the high schools and junior high schools in my district, is an essay contest. I asked the high school students to write about how we amend the Constitution and how is it different than passing a law, and the junior high students were to write about life in colonial times. I would like to thank Mrs. Vivian Turner, the former principal of Blackhawk Junior High School, who judged the hundreds of entries received. I want to congratulate Chanda Evans from Addison Trail High School and Kathleen Steinfelds of Mary, Seat of Wisdom School in Park Ridge the first place winners for their very creative papers. I was very impressed with the essays and want to share them with my colleagues.

HOW DO WE AMEND THE CONSTITUTION?

WHY IS IT DIFFERENT THEN PASSING A LAW?

(By Chanda Evans)

Most people realize that changing the structure of the Constitution is a difficult process, and much more involved than passing a law. What most people do not know is the methods of proposing and ratifying an amendment set forth in the Constitution, or any of the specific differences between amending the Constitution and passing a law. The United States Constitution provides two methods of proposing and ratifying an amendment, both of which allow the interests of the national and the state government to be taken into consideration equally.

The first step in amending the Constitution is to have the amendment proposed by one of two possible ways. An amendment can be proposed by a two-thirds vote in both houses of Congress, or by a National Constitutional Convention called by Congress, on a petition from the legislatures of two-thirds of the states. All amendments proposed thus far have originated from Congress.

The second step is getting the proposed amendment ratified. The Constitution also provides for two alternative methods of ratification, both methods however, leave the ratification decision to the states. Article V of the Constitution sets out two distinct modes of state ratification, leaving the choice of mode to the Congress. For each amendment proposed, whether by Congress or by a national convention, Congress must choose whether to submit the amendment to state legislatures or to conventions in each state for ratification. If the proposed amendment is given to the state legislatures for ratification, a total of three-fourths of the states must agree for the amendment to be passed. Of the thirty-three amendments that have been proposed, thirty-two have been sent to the state legislatures for ratification. The second method involves sending the pro-

posed amendment to the state conventions for ratification. During this process each state must choose delegates, who will then vote for or against the amendment. For this method of ratification there must also be a total of three-fourths (thirty-eight) of the states in agreement.

Having the Constitution amended is a difficult process simply because of the many people that must agree on an amendment for it to become passed. Our founding fathers included these alternative means of both proposing and ratifying amendments in an effort to balance the power between federal and state factions, while allowing input from the common people.

A Constitutional amendment and a law are both rules that the people of the United States must obey. However, the processes that take place are quite different. Although Congress's role in amending the Constitution and in passing a law are similar, there are some differences; the percentage of votes required, the President's role, and the approval process.

Both a proposed amendment and a law are put before Congress for a vote. For each of these the two houses of Congress must also approve identical forms of the amendment of law. A law however, may only be introduced by a Senator or Representative while Congress is in session. The major difference between the voting processes in Congress is the percentage of votes required. In the amendment process a two-thirds vote is required, sixty-six percent. When passing a law a simple majority vote is required, as low as fifty-one percent. This difference obviously makes it easier for a law to get a passing vote in Congress.

The second difference between the amending and the law making process is the President's role. When an amendment is being proposed and ratified it goes through Congress or a Constitutional Convention, then the states. The President has no part in this procedure. When a law is being passed it goes directly to the President after being voted on in Congress. In this situation, the President has three choices. He can sign it, allowing it to become law, he can veto it, or he can ignore it and allow it to become law in ten days (excluding Sundays) without his signature. The President has a much greater role in the law making process, and has a direct influence on the content of the bill.

The third difference between amending the Constitution and passing a law is the approval process, more specifically, who is involved in it. When an amendment is put up for ratification it must go to the state legislatures or the state conventions for approval before becoming an official amendment. A law, on the other hand, requires no approval or input from the states. When passing a bill into law it requires only the majority vote of Congress and the signature of the President. However, if the President decides to veto the bill Congress can override his decision by two-thirds vote in both houses. This process makes passing a law a decision involving only the legislative and executive branches, or possibly just the legislative branch. This is clearly a decision of the federal legislation, requiring little or no assistance from the state government. This process effectively cuts out the state government, unlike the amendment process that requires an agreement between the state and national government to be passed.

At the Constitutional Convention of 1787 George Mason of Virginia said, "Amendments will be necessary, and it will be better to provide for them, in an easy, regular and

constitutional life than to trust to chance and violence." Our forefathers obviously realized that laws would change and evolve over the years, and that new laws they couldn't even visualize at that point would be needed as times also changed. Fortunately, they also realized that the process to change the very framework and structure of the government, the United States Constitution, must be a much more controlled process. By providing two different methods of proposing and ratifying amendments to the Constitution they made sure that such major changes would be made in agreement by the state and national government. Protecting the interests of both factions, and also reflecting the interests of the people.

TIMES TO REMEMBER

(By Kathleen Steinfelds)

Snowshoes . . . candlelight . . . fireplace
. . . animal fur . . . buckets of water . . .

All of these are images of life in colonial America. Life was very harsh, especially when compared to life in twentieth century Park Ridge.

Colonial life was centered around the family—much more so than modern American life. Because colonial families were relatively isolated and because each member of the family was counted on to help the entire family survive, family members were close and worked as a team. Chores were distributed: milking cows, feeding chickens, tending crops, chopping firewood, keeping the house in repair and as weathertight as possible, making candles, keeping the fire, collecting water for washing, for watering gardens and animals, making clothes, hunting meat, making food, and caring for younger children. All of these demanded energy and concentration. Often things like schooling became a luxury because education itself was not mandatory for survival. Each family had to be able to provide all basic necessities on its own. Sometimes trading would allow for special treats such as ready-made cloth from overseas, special foods, and shoes.

These things are often taken for granted in modern America where families rarely work together, or, for that matter, rarely even see each other. They have become disjointed as each person pursues independent interests and activities. How often does the nuclear family even sit down at the table to eat a meal together? Does this help explain the disintegrating family of modern America?

Colonial families were large. Many hands were needed to share the workload. Life expectancy was shorter and there was a higher infant mortality rate. Nowadays, families are much smaller and do not have such a strong common focus.

In colonial times the hearth or fireplace was the center of the home, the place from which came both food and warmth. The location of the fireplace affected the way buildings were built. There were few openings to the outside, to minimize heat escaping and for security. Nowadays, the kitchen is still the center of many homes, the source of food, but because of central heating, houses have gotten more complex and full of windows.

Children in colonial times usually worked with their parents whether it be as farmer, cooper, weaver, or blacksmith. Children learned a trade. Each child was important. Nowadays, parents typically go off to work someplace else and the children have little or no connection to the parents' place of work or to the work they do.

In colonial times schooling was not mandatory and schoolhouses were often one-room with a single teacher for many grades. Today

schools are much larger and have many teachers, often even more than one per grade.

Colonial Americans came to this New World, abandoning friends, families, and the life they knew to face a challenging new life. Often immigrants came seeking the opportunity to worship God as they wished: Puritans in New England, the Quakers in Pennsylvania, and the Catholics in Maryland. Religion was probably especially important because of the hardships their life imposed. Even if they could not regularly have formal services, God was an important part of life. Today religious freedom is guaranteed, and perhaps even taken for granted.

Gone are the snowshoes, the candles, and the hearth and so too it seems the family-centered life which characterized colonial times.

THE REPUBLIC OF CAPE VERDE'S
INDEPENDENCE DAY: REACHING
BACK, LOOKING FORWARD

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. FRANK of Massachusetts. Mr. Speaker, today, as the 20th anniversary of the Republic of Cape Verde's independence approaches, I want to take a moment to commemorate this anniversary and mention the people that have made it possible. As a nation committed to protecting individual freedom and establishing economic stability through democracy, the country's independence celebration is a testament to the will of the Cape Verdean people who, brought together by their struggle for freedom and the archipelago's environment, remind us of their American counterparts. Indeed, Cape Verdeans are very familiar with American history; they are, in fact, an integral part of it. Since the 18th century, Cape Verdeans have represented an assiduous and determined part of the American spirit, particularly in New England. Cape Verdeans were builders of the whaling and fishing industry, cultivators of the cranberry bogs and workers in the textile mills. Their arts and crafts have enhanced the beauty of our lives, and their songs and dances have touched our hearts and our souls. So this year we celebrate the Republic's independence and our own acknowledgment of the Cape Verdean role in American culture at the 29th annual Festival of American Folklife, which opened last week at the Smithsonian in Washington, DC. In the future, we look forward to participating in the growth of a nation abroad and the celebration of its traditions at home.

REDUCTION IN VIP AIRCRAFT

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. DeFAZIO. Mr. Speaker, we have spent a great deal of time this week debating the Federal budget. I believe all Members can agree on the need to eliminate unjustifiable

spending. At least one item in the Department of Defense budget falls into this category: the Pentagon's huge fleet of VIP aircraft. I have joined with 10 of my colleagues in introducing legislation to sell off some of these "generals' jets," which would result in a budget savings of at least \$130 to \$200 million a year.

The Department of Defense has a fleet of about 600 aircraft that are used to transport senior military personnel and civilian officials. About 500 fixed-wing planes and 100 helicopters perform administrative support missions. These aircraft do not include the Presidential aircraft, the 89th Military Airlift Wing, such as Air Force One, nor are they used for operational transport of troops. Rather, they are used for airlift transportation in support of command, installation, or management functions.

The General Accounting Office found that size of the administrative aircraft fleet—often called Operational Support Aircraft—far exceeds the wartime requirements, even according to the Pentagon's own estimates. Only 48 OSA were used "in theater" during the gulf war. This suggests that OSA aircraft's main role is not wartime, but peacetime. Even in the United States, the gulf war saw the services using much less than one-half of their inventory. The Commission on Roles and Missions also recommended reducing the size of the OSA fleet. In 1993, the Joint Chiefs report concluded that OSA inventories exceed wartime requirements. The Air Force concurred with the Joint Chiefs in 1994.

However, nothing has yet been done to eliminate the excess aircraft.

The public first heard about the aircraft issue last fall when a high-ranking Air Force general made a very expensive flight from Italy to Colorado. Although the flight was made for administrative purposes, and much less expensive commercial flights were available, a single general and his aide spent more than \$100,000 for the trip. The Air Force is even using their OSA planes to fly Air Force cadets to Hawaii to watch football games.

Perks at the Pentagon are no more justifiable than perks in any other agency of the Federal Government. If Congress is to have any hope of balancing the budget during the coming decade, we must focus our attention on reducing budget outlays. This means ending some programs that have little justification. Our bill would offer the American people significant reduction in spending that could either reduce the Federal debt or fund other, more critical spending priorities.

Mr. Speaker, I ask my colleagues to join me in bringing high-flying generals down to Earth. Let's save taxpayer dollars by paring this Pentagon perk.

INTRODUCTION OF THE ADOPTION INCENTIVES ACT OF 1995

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. KENNEDY of Massachusetts. Mr. Speaker, today I am introducing the Adoption Incentives Act of 1995 in an effort to encourage more adoptions in our country.

This bill will provide a range of tax incentives to adoptive parents to help them build families through adoption. Specifically, the bill will make adoption assistance benefits to military and private sector employees for non-recurring adoption expenses tax-free, and allow penalty-free and tax-free withdrawals from individual retirement accounts [IRA's] for adoption expenses.

There is a desperate need for adoption in our country. Today, almost half a million children are in foster care. Some of these kids languish in the foster care system for more than 5 years, bouncing from one home to another. Between 85,000 and 100,000 of these children are legally free and waiting to be adopted. An additional 3 million children were reported abused or neglected in 1993. Many may need a safe haven—a welcoming home that adoption could provide.

One major obstacle to finding permanent, loving homes for these children is the cost of adoption. The average cost of a private or nonagency adoption is conservatively estimated at \$10,000 and can run as high as \$45,000. Many adoptive families have to mortgage their homes or borrow money from relatives to build a family.

In response, 180 of the Fortune 1,000 companies have established corporate programs that provide financial assistance to employees to help cover adoption expenses. Behind borrowing money and mortgaging homes, reimbursement benefits provided by employers are the third major way in which parents finance adoptions. These benefits average \$2,000 per adoption. In 1993, corporate adoption assistance programs facilitated 2,000 of the 50,000 adoptions that occurred.

The private sector has been especially creative in providing incentives for adoption. We must do more to encourage their efforts—as this bill does.

A similar adoption assistance program was established for military personnel in the defense authorization bill of 1991. Military families are entitled to up to \$2,000 to cover adoption-related expenses. Launching this program sent a positive signal to adoption agencies that were often reluctant to start the adoption process due to frequent relocations of many military families. As a result, almost 2,500 children have been adopted with this assistance.

The Adoption Incentives Act would also permit penalty-free and tax-free withdrawals from IRA's for adoption costs. Many of the tax proposals now pending before Congress would allow penalty-free IRA withdrawals for college tuition, buying a first home, or caring for an elderly parent, as well as catastrophic medical expenses. Shouldn't adoption be encouraged in this same way? The answer is clear—adoption is also an investment in the future.

Mr. Speaker, it is time that we send the message that adoption is a valued way of building a family and a future for our children. It is a goal we should all support.

EDITORIAL ON AFFIRMATIVE ACTION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. FILNER. Mr. Speaker and colleagues, I want to share with you the insights of John E. Warren, editor and publisher of the San Diego Voice & Viewpoint, an African-American newspaper published in my hometown.

In a recent editorial, Warren wrote:

As America appears to be gearing up to make affirmative action the new symbol for the age old attack on the idea of equality and fairness for Blacks in this country, first, then all other groups but White males, it is extremely important that the Black response be one of reason, power, and direct results.

While it is fine to pen letters and speeches of response to the Pete Wilsons who would ride the horse of bigotry and racism into the U.S. Presidency if permitted, those letters and speeches must not become substitutes for direct action. The well known question is then asked: "What can African-Americans do to reach the moral conscious of an increasingly White America that appears to think it has done too much for too many who said things were not fair and now think that fairness is becoming an inconvenience as times get harder in a changing economy?"

Perhaps the key can be found in the paraphrase of a very old proverb "he who controls himself is better than he who controls nations."

Blacks continue to spend billions of dollars in every facet of the American economy with no economic demand for returns on our investments. We spend \$300 billion dollars a year collectively and we are begging a nation and its leaders to treat us "morally right" when we have not assumed the "moral responsibility" for ourselves.

African-Americans must remember that this country is now following a contract on America instead of the U.S. Constitution which Wade Henderson of the NAACP rightly called "our contract with America."

Consider that African-Americans have a vote, but most won't bother to use it. We have disposable income for clothes, too many of which are designed for our youth as gang attire, but we don't make these clothes. We buy new cars all over San Diego—many of which are the same as the ones sold by our one Black owned car dealership, but purchased from people who neither care for us or our communities.

We buy liquor, cigarettes, potato chips, butter and toilet tissue in larger numbers than any other ethnic group and make no demands in return. Some of those very people who benefit from our care-free spending habits use those same dollars to buy political votes across this nation that are now focused against our common good—the right to a job based on fairness and merit, the right to social insurance in time of need, the right to food, shelter and education, not based on the color of our skin but the status of our birth as American citizens.

Perhaps if we went on a selective spending spree where we truly examine how much we spend and what we spend it for, America might rediscover that the issue is not affirmative action after all but one of spending our dollars in such a way that our adversaries will be glad to support us.

We have almost 300 Black owned newspapers in America, yet too many of us would rather get our news from CSPAN or USA Today.

The San Diego Voice & Viewpoint believes that when we harness our votes, the Pete Wilsons of the nation will be closed out of Presidential politics, no matter how much money and bigotry they have. When we harness our dollars, companies that don't hire us or advertise in our newspapers will be forced to make decisions about whether they need our market share.

When we harness our spending, and make our styles the internal commitment to ourselves and our people rather than external fashions, we will affect the American economy. When we harness ourselves the NAACP will have enough money in one, five, ten, twenty and fifty dollar donations to move in 30 days to the position of a financially debt free and sufficient organization to fight for "colored people."

When we harness our ability to focus beyond knee jerk reactions to things we hear, we will turn off the vulgar television and radio and CD sounds daily bombarding our very souls and return to the God of our silent tears and of our parents' weary years to find new hope not in what they call us or say about us, but in what we do for ourselves and each other.

Yes, there is a backlash against affirmative action that now reaches to the Supreme Court, but by the power of God almighty, we have not even begun to use our powers of reason, our available economic response and the identification of desired results. Our future is in our hands. The real question is: "African-Americans, what will you personally do as a response to this latest attack?"

IMPROVING EDUCATION FOR CHILDREN WITH DISABILITIES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. KILDEE. Mr. Speaker, today, I am honored to introduce the administration's proposal for improving education for children with disabilities under the Individuals With Disabilities Act [IDEA].

Since enactment of Public Law 94-142, the Education for all Handicapped Children Act of 1975, results for children with disabilities have improved greatly. Before the enactment of that groundbreaking law, 1 million children with disabilities were excluded from school altogether, and several were in dehumanizing institutions. Today, one of the basic goals of the IDEA has been met—children with disabilities have access to education.

The Department of Education has undertaken a very thorough process in preparing this legislative proposal. They consulted with parents, educators, and hundreds of others concerned with improving the education of children with disabilities, including congressional staff from both sides of the aisle. They asked for public comment in the Federal Register and received over 3,000 responses. During more than 1 year of consultation, they heard about the strengths of the law, including its focus on individualized approaches, its protection of the rights of children and their families, and its support for innovative approaches for teaching.

The administration's proposal makes improvements to the IDEA to ensure that the fundamental objectives of the law are more likely to be achieved, while preserving existing rights and protections for children and their families. This proposal is based on six key principles that are designed to improve results for students with disabilities:

1. Align the IDEA with State and local education reform efforts so students with disabilities can benefit from them.

2. Improve results for students with disabilities through higher expectations and meaningful access to the general curriculum, to the maximum extent possible.

3. Address individual needs in the least restrictive environment for the student.

4. Provide families and teachers—those closest to students—with the knowledge and training to effectively support students' learning.

5. Focus on teaching and learning.

6. Strengthen early intervention to ensure that every child starts school ready to learn.

As Congress undertakes its review of this legislation, I am certain we will reaffirm our commitment to the basic purposes of the IDEA and the recognition of the Federal role in ensuring that all children with disabilities are provided with the equal educational opportunity that the Constitution guarantees. We now have the opportunity to take what we have learned over the past 20 years and use the administration's proposal to update and improve this law. I commend the administration for their bold initiative and look forward to working with the committee in seeing it through to its final passage.

**EIGHTH ANNUAL STAR AWARDS
RECOGNIZE ACHIEVEMENTS BY
NEW JERSEY YOUTH**

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. ANDREWS. Mr. Speaker, I rise today to recognize the accomplishments of a group of high school students who have succeeded in their studies, academic and vocational, despite the barriers which they faced. On June 1, 1995 in Atlantic City, a group of 34 outstanding youths from the State of New Jersey were honored and awarded for their perseverance at the Student Training Achievement Recognition [STAR] Awards.

The STAR Awards, created by the Garden State Employment and Training Association, and sponsored by members of the business community, aim to increase awareness of education and its relationship to employment. The awards are given to youth who are determined to be at risk and who, despite the most difficult of circumstances, either completed their high school education, or who dropped out of high school but completed a training program and obtained a job.

Some of the obstacles which these youths overcame include physical or sexual abuse and neglect; family trauma such as divorce, unemployment, or death; school-age single parenthood; physical and emotional handi-

caps; and contact with the judicial system which led to conviction or designation as a delinquent. Many of the youngsters honored with these awards overcame more than one of these barriers.

Each Private Industry Council in New Jersey participated in the nomination process, designating a young member of the local community who fought against seemingly insurmountable odds and emerged a winner. The following individuals are the recipients of the 1995 STAR Awards:

Chad B. Jenkins; Wanda Lopez; S. Jonathan Deauna; Ramon Mejia; Jessica M. Carter; Mark Anthony Logan; Gerald F. Wynkoop, Jr.; William Alcazar; Michael McDonald; Olga Sierra; Paris Armwood; Tywanda Whitefield; Brenda Carpenter; Carla Owens; Robyn Murgas; Nicole Richardson; Lakiesha Stokes; Barbara Gomez; Tonia Singletary; Tyese Nichols; Marilyn Sanchez; Ivelys Bruno; Kisha Ann Franklin; Sujeil Rosa; Morris E. Lawson; Madelyn Ramos; Gregory Wertz; Linda Kulick; Lisa Beckett; Sean Devaney; Yanette Gonzalez; Jessica Corchado; Monique Gallman; and Jason Kinney.

The recipients of the STAR Awards are an inspiration to millions of students in similar circumstances throughout the country. They are a shining example of youth who became responsible members of the community despite circumstances which might have prevented them from doing so. I salute these extraordinary young men and women.

**THE SMALL BUSINESS
REGULATORY BILL OF RIGHTS**

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. DUNCAN. Mr. Speaker, today I have introduced the small businesses regulatory bill of rights.

This country's small businesses are drowning in a sea of paperwork. Recently, the Occupational Safety and Health Administration [OSHA] released a list of its most frequently cited violations. The top three on the list were directly related to paperwork, and they alone accounted for over 10,000 citations in 1994.

Additionally, the Small Business Roundtable reports that in 1993 the actual costs of businesses to comply with Federal regulations were \$581 billion. Small businesses cannot afford the accounting departments, chemists, and lawyers that it takes to comply with the ever-increasing and confusing regulations issued by the Federal Government.

Last year, the Federal Government added over 68,000 pages of rules and regulations to the millions already on the books. In fact, the regulatory process has become so complex that the Federal Register now teaches classes just so individuals can better understand the rulemaking journal.

The economy of this Nation is based on small businesses. Ninety-five percent of all the businesses in this country are classified as small businesses. They represent the American Dream. Individuals risk life savings in

order to pursue the American Dream only to see it destroyed by Federal bureaucrats.

I believe that the small business regulatory bill of rights will help our small businesses thrive once again. This bill requires Federal agencies to develop a no-fault program to assist small businesses with compliance. It also requires agencies to give owners 60 days to correct violations before assessing fines.

Small business men and women will no longer be treated like criminals by Federal regulators. This legislation will make agencies notify owners of their rights during inspections. This bill will also prevent agencies from harassing small business owners by exempting them from inspections for 6 months once they have been found in compliance with regulations.

We all want a safe working environment for Americans. The question is how do we best provide this environment without generating regulations that destroy thousands of jobs and impede the ability of a business to earn even small profits. I think everyone would agree that a safe working environment is of no use if the regulations that establish it are so severe that they prohibit a business from being successful and staying open.

I think this country could boom once again if we could get our Federal government under control and let the free enterprise system work as it was designed to do.

I look forward to this Congress passing the small business regulatory bill of rights in an effort to help this Nation's small businesses grow.

**FEDERAL OIL AND GAS ROYALTY
SIMPLIFICATION AND FAIRNESS
ACT OF 1995**

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. CALVERT. Mr. Speaker, today I am introducing the Federal Oil and Gas Royalty Simplification and Fairness Act of 1995. This bill amends the Federal Oil and Gas Royalty Management Act with respect to leases of Federal lands and the Outer Continental Shelf [OCS], but does not affect leases on Indian lands. The goal of my legislation is to establish certainty in procedural matters for royalty payors in their dealings with the Department of the Interior, eliminate certain burdensome reporting requirements and simplify others so as to streamline the royalty management program and provide for the equitable collection of royalties.

Approximately 80 percent of the nearly \$1 billion annual Federal onshore mineral revenues are generated from oil and gas royalties, as is nearly all of the \$3 billion collected annually from CCS lessees. Obviously, the Nation benefits from this revenue stream and it's in our best interest to maintain a royalty system that encourages private industry to participate in onshore and offshore oil and gas development, where appropriate.

But, Mr. Speaker, a serious shortcoming for the industry today is that effectively there is no statute of limitations concerning the Federal

Government's auditing of royalty payments. This means that an oil and gas producer's books are never closed out and the Department of the Interior may inquire into royalties owed on production from many decades ago. While the DOI agency charged with such auditing, the Minerals Management Service [MMS], has worked toward a policy of closing out audits within a 6-year period, the Government is not now statutorily required to meet that goal. The Fairness Act would do so prospectively, that is, for production from the date of enactment forward the Secretary of the Interior would be barred from bringing actions against lessees 6 years after the obligation to pay royalty accrues. Of course, the time limitation does not run where fraud is alleged, nor when tolling agreements are reached by the parties.

Another inequitable provision of current law which the Simplification and Fairness Act addresses is the requirement that interest be paid by lessees who have underpaid their royalties, yet the Government does not pay interest on overpayments. My bill establishes reciprocity with respect to interest payments, but first requires a royalty payor—and the Secretary—to "cross-net" royalty overpayments against underpayments among all one's public domain or acquired lands leases within any State or collectively for OCS leases. This will effectively reduce interest obligations the Federal Government would owe on overpayments and provide the industry with a mechanism to simplify their procedures within each State in which they do business on Federal leases.

Other provisions of the Simplification and Fairness Act grant relief for small producers who pay royalty out-of-pocket, provide enforcement and compliance relief for producers of de minimis amounts of oil and gas, streamline onerous and costly reporting requirements and thereby reduce the Federal Government's cost of royalty accounting without loss of revenue to the U.S. Treasury nor to the States which share in the onshore mineral leasing revenues.

Mr. Speaker, I urge my colleagues to cosponsor the Federal Oil and Gas Royalty Simplification and Fairness Act of 1995. Let's provide certainty for our domestic industry in its dealing with the Department of the Interior and establish an equitable royalty system for lessor and lessee alike.

REMEMBERING REBBE MENACHEM MENDEL SCHNEERSON, ZT"V

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. NADLER. Mr. Speaker, this evening, Shabbos Korach begins, and Jews around the world will observe the mitzvah of lighting Shabbos candles. But this shabbos also marks the first *yahrzeit* of the Lubavicher Rebbe.

The Rebbe was the spiritual leader of the Lubavicher Chasidim, but he was also revered and respected as a great *tazaddik* by Jews and non-Jews around the world. Indeed, his work still lights the learning and daily mitzvot

EXTENSIONS OF REMARKS

of Jews everywhere. Through the Chabad movement, schools, high technology communications, Mitzvah Mobiles, publications, lectures, and most of all a profound commitment to the importance of Jewish thought, belief and ethics, the Rebbe made an incalculable contribution to the spiritual lives of all people.

The Rebbe lived through pogroms, two world wars, the rise and fall of communism, the Holocaust and tremendous personal challenges. But his idealism, his learning, and his faith shone through it all and inspired millions.

This week the Rebbe was honored by the presentation of a Congressional Gold Medal, authorized by legislation I was privileged to cosponsor. Members of Congress and religious leaders, including the Chief Rabbi of Israel, Rabbi Yisrael Meir Lau, Shlita, paid tribute to the Rebbe.

Mr. Speaker, the Rebbe's *yahrzeit* offers us an opportunity to reflect on and remember the life, work and contributions of the Rebbe. The Rebbe remains a figure of historic importance. I commend the example of his life to all my colleagues.

TRIBUTE TO GUY R. DOTSON, SR.

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. GORDON. Mr. Speaker, I rise to thank a devoted resident of my hometown of Murfreesboro and a great friend, Mr. Guy R. Dotson, Sr., for his 26 years of distinguished service as district attorney general for Rutherford and Cannon Counties and to congratulate him on his retirement.

A lifelong middle Tennessean, General Dotson was born in Elora, TN. A graduate of Franklin County High School, he received his B.A. from the University of the South and his law degree from the University of Tennessee. General Dotson was appointed district attorney by Gov. Buford Ellington in 1969. He was elected district attorney general in 1970 and re-elected in 1974, 1982 and 1990.

He will be missed not only by his associates in the district attorney's office, but also by the police departments of Murfreesboro, Smyrna, LaVergne, Eagleville, and Woodbury along with the sheriff's departments in Rutherford and Cannon Counties. He has served with distinction all the citizens of the 16th Judicial District.

Rutherford County is indeed losing a valuable leader who has shown all of us what it means to serve and undoubtedly will continue to do so. Rutherford County's loss, however, is a big gain for General Dotson's five grandchildren, who will be the new beneficiaries of his energy and attention. The golf course beckons him as well.

Please join me and all other middle Tennesseans in wishing him well in his retirement.

THE SPECIAL OLYMPICS WORLD GAMES

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mrs. KENNELLY. Mr. Speaker, tomorrow, the eyes of the world will turn to Connecticut as the Special Olympics World Games open in New Haven. More than 7,000 athletes from 140 countries will compete in such sporting events as basketball, gymnastics, cycling, sailing, powerlifting, and golf.

Since the first World Games in 1968, the Special Olympics have highlighted the skill and determination of these very special athletes. Their dedication is inspirational and their skills impressive.

The people of my home State of Connecticut have opened their hearts and homes to athletes, coaches, and families from around the world. Every town in the State is hosting a delegation. These games are expected to draw thousands of international visitors, ambassadors, and heads of state. For the first time, the President of the United States will open these games. We owe our special thanks to Tim Shriver and former Governor Lowell Weicker, who have heightened the visibility of these 1995 World Games.

I look forward to the next 2 weeks—let the Games begin.

CALLING FOR A CONSTITUTIONAL AMENDMENT TO ABOLISH THE DEATH PENALTY

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. GONZALEZ. Mr. Speaker, I rise today to introduce a joint resolution proposing a constitutional amendment to prohibit capital punishment within the United States. I believe that the death penalty is an act of vengeance veiled as an instrument of justice. Not only do I believe that there are independently sufficient moral objections to the principle of capital punishment to warrant its abolition, but I also know that the death penalty is meted out to the poor, to a disproportionate number of minorities, and does not either deter crime or advance justice.

At a time when South Africa's highest court, in the first ruling of the new multiracial Constitutional Court, has just abolished the death penalty—on grounds that it is a cruel and inhumane punishment that does not deter crime but which does cheapen human life—as part of the post-apartheid quest for democratic government and a just society in that country, we should live up to no lower of a standard in our continuing effort to uphold democracy and justice in our own land.

Violent crimes have unfortunately become a constant in our society. Every day people are robbed, raped, and murdered. We are surrounded by crime and yet feel helpless in our attempt to deter, to control, and to punish. The sight of any brutal homicide excites a passion

within us that demands retributive justice. We have difficulty comprehending that which cannot be understood. Mr. Speaker, we will never comprehend the rationale of violent crime, but the atrocity of the crime must not cloud our judgment and we must not let our anger undermine the wisdom of our rationality. We cannot allow ourselves to punish an irrational action with an equally irrational retaliation—murder is wrong, whether it is committed by an individual or by the State.

Violence begets violence. I cannot help but wonder if the vigilante executions that are becoming more frequent in our country, whereby citizens arm themselves and mete out capital punishment for crimes such as "tagging" as happened in California and recently in my own district in San Antonio, and knocking on one's front door and acting disorderly as happened in Louisiana, and numerous other incidents where property crimes are met with a lethal response, are a direct result of the atmosphere of violence embraced by our Federal and State governments as a proper response to problems. Indeed, I wonder whether the overall escalation of violence in our society perpetrated by criminals can be traced to the devaluation of human life as exhibited by our governments.

The United Nations Universal Declaration of Human Rights states, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." The death penalty is torture, and numerous examples exist emphasizing the cruelty of the execution. Witness Jimmy Lee Gray, who was executed in 1983 in the Mississippi gas chamber. During his execution he struck his head repeatedly on a pole behind him and had convulsions for 8 minutes. The modernization to lethal injection serves only as an attempt to conceal the reality of cruel punishment. Witness the execution by lethal injection of James Autry in 1984. He took 10 minutes to die, and during much of that period he was conscious and complaining of pain.

Despite the obvious mental and physical trauma resulting from the imposition and execution of the death penalty, proponents insist that it fulfills some social need. This simply is not true. Studies fail to establish that the death penalty either has a unique value as a deterrent or is a more effective deterrent than life imprisonment. We assume that perpetrators will give greater consideration to the consequences of their actions if the penalty is death, but the problem is that we are not always dealing with rational actions. Those who commit violent crimes often do so in moments of passion, rage, and fear—times where irrationality reigns.

Rather than act as a deterrent, some studies suggest that the death penalty may even have a brutalizing effect on society. For example, Florida and Georgia, two of the States with the most executions since 1979, had an increase in homicides following the resumption of capital punishment. In 1984 in Georgia, the year after executions resumed, the homicide rate increased by 20 percent in a year when the national rate decreased by 5 percent. There can be no disputing the other evidence—murders have skyrocketed in recent years, as have State executions. The government cannot effectively preach against violence when we practice violence.

The empty echo of the death penalty asks for simple retribution. Proponents advocate that some crimes simply deserve death. This argument is ludicrous. If a murderer deserves death, I ask you why then do we not burn the arsonist or rape the rapist? Our justice system does not provide for such punishments because society comprehends that it must be founded on principles different from those it condemns. How can we condemn killing while condoning execution?

In practice, capital punishment has become a kind of grotesque lottery. It is more likely to be carried out in some States than others—in recent years more than half of the Nation's executions have occurred in two States—Texas and Florida. My home State of Texas led the Nation in 1993 with 17 executions, more than three times the number of executions in the State with the second highest rate. The death penalty is far more likely to be imposed against blacks than whites—the U.S. Supreme Court has assumed the validity of evidence that in Georgia those who murder whites were 11 times more likely to receive the death sentence than those who kill blacks, and that blacks who kill whites were almost 3 times as likely to be executed as whites who kill whites. It is most likely to be imposed upon the poor and uneducated—60 percent of death row inmates never finished high school. And even among those who have been sentenced to die, executions appear randomly imposed—in the decade since executions resumed in this country, well under 5 percent of the more than 2,700 death row inmates have in fact been put to death.

It cannot be disputed that most death row inmates come from poverty and that there is a definite racial and ethnic bias to the imposition of the death penalty. The statistics are clear, as 92 percent of those executed in this country since 1976 killed white victims, although almost half of all homicide victims during that period were black; further, black defendants are many times more likely to receive the death sentence than are white defendants. A 1990 report of the General Accounting Office found that there exists "a pattern of evidence indicating racial disparities in the charging, sentencing, and imposition of the death penalty. . . . In 82 percent of the studies, race of victim was found to influence the likelihood of being charged with capital murder or receiving the death penalty." Similar statistics can be found in my area of the country with regard to individuals of Mexican-American descent; in fact, similar practices once prevailed with regard to women. The practice was to tell the murderer to leave town if he killed a Mexican-American or a woman, as the feeling was that the murder must have been justified. We may have moved beyond that point, but not by much. It is as much a bias in favor of the "haves" and at the expense of the "have-nots" as anything else.

Racial and ethnic bias is a part of our Nation's history, but so is bias against the poor. Clearly, the ability to secure legal assistance and to avail oneself of the best that the legal system has to offer is based on one's financial status. The National Law Journal stated in 1990, "Indigent defendants on trial for their lives are being frequently represented by ill-trained, unprepared court-appointed lawyers

so grossly underpaid they literally cannot afford to do the job they know needs to be done." The American Bar Association has admitted as much.

The legal process has historically been replete with bias, as well. We have a history of exclusion of jurors based on their race; now, the Supreme Court has sanctioned the exclusion of multi-lingual jurors if witnesses' testimony will be translated—this is particularly significant in my area of the country, in San Antonio. Further, we have executed juveniles—children, actually, as well as those with limited intelligence. Only four countries besides the United States are known to have executed juvenile offenders in the past decade: Bangladesh, Pakistan, Iraq, and Iran. That's some company to be in.

There are moves on in Congress to speed up the execution process by limiting and streamlining the appeals process. But when the statistics show how arbitrarily the death penalty is applied, how can we make any changes without first assuring fairness? If the death penalty is a fair means of exacting retribution and punishment, then isn't fairness a necessary element of the imposition of capital punishment? There are no do-overs in this business when mistakes are made.

The imposition of the death sentence in such an uneven way is a powerful argument against it. The punishment is so random, so disproportionately applied in a few States, that it represents occasional retribution, not swift or sure justice. My colleagues, I implore you to correct this national disgrace. Nearly all other Western democracies have abolished the death penalty without any ill effects; let us not be left behind. Let us release ourselves from the limitations of a barbaric tradition that serves only to undermine the very human rights which we seek to uphold.

The evolution in thinking in this area has progressed in nearly all areas of the world except in this country, where the evolution halted and even began reversing itself in recent years as the Federal Government has moved to execute Federal prisoners and States such as Texas have accelerated State executions. But among our country's most highly-educated and high-trained legal specialists, the evolution has been restarted. Former Supreme Court Justices Lewis Powell and Harry Blackmun came to the conclusion in recent years that capital punishment constitutes cruel and unusual punishment. Congress should pursue the line of thinking espoused now by these legal scholars in recognizing that capital punishment is unconstitutional and that this should be declared in a constitutional amendment. I urge my colleagues to join me in this effort.

RESTRICTIONS ON TRAVEL TO NORTH KOREA NEEDED

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. KIM. Mr. Speaker, I rise today to introduce legislation that would limit congressional travel to North Korea until the President certifies to Congress that North Korea does not

have a policy of discrimination against Members and employees of the Congress in permitting travel to North Korea on the basis of national origin or political philosophy.

As I am the only Korean-American ever to serve in Congress and am also a member of the House International Relations Subcommittee on Asian and Pacific Affairs, Speaker of the House NEWT GINGRICH and International Relations Committee Chairman BENJAMIN GILMAN encouraged me to lead a special, bipartisan assessment mission to North Korea. This would be the first Republican-appointed congressional mission to North Korea in 40 years.

The United States Congress will be required to approve of any further assistance or technology transfers to North Korea. Congress will also play an important role in determining the pace and scope of future diplomatic and trade relations between Washington and Pyongyang. Therefore, it is important for Congress to have an accurate and complete assessment of the situation in North Korea conducted by a select group of its own Members. A dialogue with North Korea's leaders and a first-hand examination of the implementation of the recently achieved Agreed Framework regarding North Korea's nuclear developments would clearly benefit the congressional decisionmaking process and ensure that as accurate and complete information as possible would be available to Congress. Without question, the nuclear crisis on the Korean Peninsula is one of the most important national security concerns of the United States today.

Regrettably, the North Korean Government has rejected the dates I have proposed for this bipartisan mission. Initially, Pyongyang indicated that the dates I had proposed were inconvenient for the North Korean Government. Yet, North Korea invited a minority Democratic Member of Congress to Pyongyang for one of the same periods of time I had proposed. This incident coupled with North Korea's latest rejection confirms to me that North Korea is afraid of allowing me and this special delegation into North Korea.

I believe Pyongyang is afraid because I am of Korean origin and am fluent in Korean. I know the culture and the people. I would be able to talk directly to the people and accurately read the expressions on their faces. I would be able to see and understand things—some very subtle—that other Americans would miss. In other words, the North Korean regime knows it cannot mislead or fool me.

While I believe my national origin is, in large part, the reason for North Korea's rejection, Pyongyang has also cited my fair and legitimate questioning of some of North Korea's actions, including its human rights record. It is telling that North Korea has rejected this mission knowing that it has the endorsement of the new Republican leadership of the House of Representatives. Thus, I also believe that my political philosophy—a philosophy different from that of the Member who was invited to North Korea—was a factor in North Korea's decision. I have carefully chosen the words political philosophy because I am not convinced that party affiliation alone is a determining factor for North Korea. I am aware that the recent request of a ranking Democratic member of the Senate Foreign Relations Committee to meet with North Korean officials was

also rejected. Many of his views about the situation in Korea are similar to mine.

Unfortunately, I do not believe that North Korea realizes that its policy of picking and choosing the Members of Congress with whom it will cooperate is perceived by my colleagues here in Congress as an insult to the United States and to the United States Congress. We cannot cede to North Korea the right to determine which Members of Congress should represent Congress in a bilateral dialog. All U.S. Representatives and Senators are equal in their respective Chambers. No one of us has more constitutional rights than the other. We cannot allow North Korea to create different classes of Members of Congress.

Furthermore, the way that the North Koreans have chosen to snub Congress should make us even more suspicious about Pyongyang's true level of sincerity towards their other interactions with the United States, including the commitments they claim to have made in the recent nuclear agreement. I can no longer see how some in the Clinton administration can be so confident that North Korea will comply in both letter and spirit with the recent nuclear deal when Pyongyang sends the opposite signal through its disgraceful treatment of Congress.

It is ironic that in his reply to me, the Minister-Counselor of the North Korean Mission to the United Nations in New York—the channel which is used to communicate with Pyongyang—claims that his country wants harmony and reconciliation between North Korea and the United States. As the only Korean-American in Congress, I am in the unique position to communicate best with North Koreans and assess the sincerity of this claim.

Yet, in the same letter North Korea rejects the very mission that the new Republican leadership in Congress has approved to explore this subject. Actions speak louder than words and North Korea's actions appear to be very illogical and self-destructive. It appears that North Korea has thrown away an exceptional opportunity to further the reconciliation process it claims to want.

Those of us closest to the Korean issue in Congress have patiently put up with North Korea's insulting behavior. But, enough is enough. North Korea is politically and economically bankrupt. Without question, Pyongyang needs better relations with the U.S. Congress far, far more than the Congress needs a dialog with Pyongyang. Thus, until the President can certify that North Korea has reversed its discriminatory policy towards Congress, the legislation I am introducing today would preclude any official congressional travel to North Korea. It would ensure that the U.S. Congress maintains the dignity and respect it deserves.

Mr. Speaker, I invite my colleagues to co-sponsor this responsible legislation and join me in sending a strong, clear message to North Korea.

TRIBUTE TO PRESIDENT SOGLO OF BENIN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. BURTON of Indiana. Mr. Speaker, I would like to express my support for the initiatives of the Government of Benin. Benin, a country the size of Pennsylvania with a population of 5 million, is located in West Africa on the Gulf of Guinea. It captured international attention when in 1991 it was the first African nation to democratically elect a head of state, President Nicephore Soglo, a former World Bank director and friend of the United States of America.

Over the last 5 years President Soglo and his administration have instituted a series of economic reforms intended to reduce debt, increase exports, control inflation, and foster growth in general. By 1992 Benin's economy began to respond and by the first quarter of this year, economic growth was evident. As a result of this economic turnaround, investment possibilities abound in many of Benin's industries, especially oil production and agriculture. Benin is clearly one African country setting out to disprove the notion that the continent is becoming marginalized.

One of the most important of Benin's economic reforms was the devaluation of its currency, the CFA franc, in 1994. As a member of the West African Monetary Union, Benin uses the CFA—French for African Financial Community—franc which is tied to and supported by the French franc and is fully convertible. The overvalued CFA franc had skewed the economy towards trade rather than investment which is necessary for growth. "Finance & Development" magazine stated in a June, 1995 article that, since the devaluation, member countries of the franc zone have made great strides toward economic recovery. The goal of the devaluation was to help member nations regain competitiveness by shifting resources from low growth sectors, often artificially protected, to sectors where the country enjoyed a comparative advantage. These objectives were largely met in Benin, as evidenced by the growth in GDP, limited inflation, and improved balance of payments.

Benin has numerous resource-based enterprises which offer many investment opportunities for American businesses. One of the most promising is oil and gas. An offshore petroleum field is located near Cotonou, the principal city in Benin, and 4 billion cubic meters of gas reserves were recently discovered in the Seme oil field. These discoveries have generated serious attention in the World Bank plans for a major natural gas trunk line from Nigeria to run west through Benin, Togo, and Ghana.

Recently, many American investment houses have started to see Africa as an economic area on the cusp of exploding growth, the last true emerging market.

Mr. Speaker, the U.S. Government must support all efforts of African nations like Benin to democratize and continue on the path of economic reform and growth. The Government

of Benin's efforts will mark a new era not only in West Africa but in all of Africa.

THE FLAG IS THE SYMBOL OF
OUR COUNTRY

HON. ENID G. WALDHOLTZ

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mrs. WALDHOLTZ. Mr. Speaker, the U.S. flag is the symbol of our country. It is proudly carried into battle, and it is the basis for our national anthem. It's more than a simple piece of cloth; it is the symbol of what we stand for as a nation.

Over the years, Congress has repeatedly attempted to pass legislation that would prevent desecration of our national flag. Each time, the public has expressed their overwhelming and enthusiastic support.

Unfortunately, and in my view incorrectly, the U.S. Supreme Court has ruled that burning the American flag is merely a form of free expression, and the Court overturned Congress' attempt to reflect the public's desire to protect this Nation's most treasured symbol. With that ruling, the Supreme Court left us with no alternative but to pass a constitutional amendment.

The Court's action left us with an ironic result: It is illegal to deface a mailbox or to mangle our currency—either act carries a criminal penalty—but it is not illegal to desecrate the flag. Personally, I am not comfortable with what that says about our values as a Government.

In the wake of the Supreme Court action, 49 States have passed resolutions calling on Congress to pass a constitutional amendment to protect our flag from desecration and send it back to the States for ratification. I would have preferred to resolve this issue with statutory language rather than through a constitutional amendment, but we have already attempted that. Congress is not able to pass a statute which we can guarantee will not be overturned by the Supreme Court.

Our action reflects the will of the American people to protect and preserve the most cherished symbol of this great Nation.

POLITICAL ADVOCACY WITH
TAXPAYER DOLLARS

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. ISTOOK. Mr. Speaker, please include the following remarks in the RECORD regarding "Political Advocacy with Taxpayer Dollars."

POLITICAL ADVOCACY WITH TAXPAYER DOLLARS VIOLATES THE RIGHTS OF ALL TAXPAYERS

(Testimony of Representative Ernest J. Istook, Jr., June 29, 1995, before the House National Economic Growth, Natural Resources and Regulatory Affairs Subcommittee)

It is time to end taxpayer funded political advocacy! Over 40,000 organizations receive over \$39 billion in Federal grant funds di-

rectly. Preliminary examination of the problem makes it apparent that grant abuse is rampant and needs to be addressed with systemic reform. Systemic reform must not be targeted at any particular group nor any particular political philosophy but must allow the U.S. Congress to perform its fiduciary responsibility to the American taxpayer. That responsibility requires the Congress to track Federal Budget dollars to their usage point.

I feel strongly that these Federal dollars represent the hard work of many Americans who deserve the assurance that when they are compelled to pay taxes, that these tax dollars are being used appropriately. Using tax dollars for political advocacy not only violates the principles of free speech and free association. Just as the U.S. Supreme Court has ruled (*Aboud v. Detroit Board of Education*, 1977) that compulsory union dues cannot be used to fund political activity, so, too, compulsory taxes should not be used for this purpose. The legislation several of us are working on is but one step, though a major step, in stopping some of the fraud, waste and abuse that plagues the Federal Budget.

The various attempts at addressing taxpayer-funded political advocacy problem have proven to be inadequate. Were this not the case the problem would not continue to be a significant problem. The IRS Code restrictions on many of the non-profit organizations and the Byrd amendment in 1990 have all proven to be inadequate. Though it is technically illegal to use taxpayer funds for lobbying, schemes have been created to circumvent the law. These include automatically sending a certain percentage of grant money to cover overhead for the lobbying arm, and subgranting funds to other organizations, in which case the audit trail ends. Sometimes the laws that exist are so vague and unenforceable that they are not satisfactory. An example of this is the lobby registration and reporting requirement for Congress. Lobbying is not defined in the law, so lobbyists only report time and expenses for time on Capitol Hill, not time spent in the office studying the issues, making phone calls to prepare for visits, etc. The Byrd amendment never defined appropriated funds, so funds are no longer considered appropriated after they've been deposited into the organization's checking account.

The goal is not and never should be to restrict free speech. Instead, the goal is to avoid the use of tax dollars to subsidize the private speech of those who have political connections or who rely on taxpayers' money to advocate their political views.

Upon examination of this problem, I feel the following principles must be put into law regarding the usage of Federal funds by Federal grantees:

a. The term "lobbying" is too narrow to be useful for this purpose. The broader term "political advocacy" should be used and defined under the law. This definition would extend to Federal grantees engaging in political campaigns, lobbying the legislative or executive branch agencies from the Federal to the state and local level, and engaging in efforts to influence general and specific public policy through confirmations, referendums or judicial action.

b. No federal funds should be used for political advocacy.

c. No grant funds should be used to provide support to other organizations who, in turn, conduct political advocacy.

d. No organization that receives a federal grant should, in turn, grant those funds to

others, except as provided in the authorizing law that created the organization (i.e. the Institute of Peace, the Corporation for Public Broadcasting, etc.) Such grantees should be under the same obligation as if they received the Grant directly from the Federal government. Current law does not require this. This will not include state and local governments, but would include any private entity which receives federal grant funds, passed through to them by state or local governments.

e. Any Federal grantee should be subject to an audit, at the government's request, and must prove "by clear convincing evidence" that any funds used for political advocacy did not come from Federal funds. Grantees are expected to use "generally accepted accounting principles" (GAAP) in keeping records. This provision will not require any unusual accounting methods, and will deter, in fact, "creative" or otherwise lax accounting.

f. The federal dollar should be followed to its point of use. This will insure Congress is able to insure each taxpayer dollar is appropriately used for its intended purpose.

g. Information about all of these grants should be available to the general public.

CASE STUDY: THE NATURE CONSERVANCY

We have already heard testimony today about the Nature Conservancy's use of Federal taxpayer dollars to crush local opposition to a nature sanctuary. This action, even if it were authorized by Congress, violates the rights of the citizens of that county in Florida. The Nature Conservancy, from what we know in this case, used at least \$44,000 from the Department of Commerce to National Oceanic and Atmospheric Administration (NOAA), plus \$75,000 (most likely Federal funds) from other organizations' subgrants.

In the Nature Conservancy's "NOAA Performance Report for the Quarter Ending September 30, 1993," they discuss 21 items, 19 of which are clearly political advocacy under the definition I expect to outline in my proposed legislation. Items included preparing testimony for people to testify before Congress and ad campaigns. Please notice their item 17, which states that they spent money for this effort:

Developed and directed plan to counter opposition's push for a county-wide referendum against the establishment of the Sanctuary. Recruited local residents to speak out against referendum at two Board of County Commissioners hearings. Organized planning conference call with members of the Center for Marine Conservation, the Wilderness Society, and the Nature Conservancy to discuss plan. Plan was successful in blocking referendum (a 3-2 vote), and generated many positive articles and editorials using many of the messages discussed in plan.

They blocked a public vote on their plan. This is raw political activity. It does not deserve a subsidy from the voters who they sought to silence.

The issue is not which organization was bigger, more organized, etc. I would be just as disturbed with any other group Federal grant dollars and using those dollars to crush local opposition to their members' goals.

We have the right to freely associate with those who espouse principles that we endorse. The key word here is "freely." When tax dollars are used for political advocacy, this is not, by any definition, a free speech or free association.

FIRST AMENDMENT PROTECTION

Some opponents have a general misconception that it is unconstitutional to prevent

organizations, especially non-profit organizations, from engaging in political advocacy with taxpayer dollars. Nothing could be further from the truth. It is, in fact, unconstitutional to permit recipients of federal funds from engaging in political advocacy with those dollars. In the case of *Rob Jones University v. United States*, the Supreme Court noted that, "When the Government grants exemptions or allows deductions, all taxpayers are affected; the very fact of the exemption or the deduction for the donor means that other taxpayers can be said to be indirect and vicarious 'donors'." In 1977, the Supreme Court ruled in *Abood v. Detroit Board of Education* that it was unconstitutional to require teachers to contribute to a union where the dues were used to support ideological causes the teacher opposed. The court said that taxpayers should not be required, either directly or indirectly, "to contribute to the support of an ideological cause [they] may oppose." Where recipient organizations receive both a tax exemption and government funding and then use government funds to engage in political advocacy, it is clear the government, and hence the taxpayers, are both supporting the political views advocated by the recipient organization. The Supreme Court noted several years ago in *First National Bank of Boston v. Bellotti* that where governmental action "suggests an attempt to give one side of a debatable public question an advantage in expressing the views to the people, the First Amendment is painfully offended."

Thus the right of free speech also includes the right not to speak. It includes the right not to support causes or ideologies with tax dollars. No taxpayers should be compelled to support ideological causes or political points of view with which the taxpayer disagrees. This is very important because taxes compulsory, not voluntary. Thus the federal government has a special duty to protect free speech and prevent, whenever possible, the infringement of the free speech of all taxpayers.

This position is clearly supported by the Supreme Court. On May 23, 1983, the United States Supreme Court unanimously upheld the right of the Federal government not to subsidize the lobbying activities of private, nonprofit, tax-exempt organizations. In the case of *Regan v. Taxation with Representation of Washington*, 51 U.S.L.W. 1588 (1983), Taxation with Representation of Washington (TWR), a nonprofit corporation organized to promote what it conceived to be the "public interest" in the area of federal taxation, applied for tax-exempt status under Section 501(c)3 of the Internal Revenue Code. The IRS denied the application because a substantial part of the organization's activities consisted of lobbying activity. TWR sued based on First amendment and equal protection under the fifth amendment. The court rejected TWR's contention that the government may not deny their application for tax-exempt status. The Supreme Court stated:

Both tax exemptions and tax-deductibility are a form of subsidy that is administered through the tax system. A tax exemption has much the same effect as a cash grant to the organization of the amount of tax it would have to pay on its income. . . . Congress has not infringed any First Amendment rights or regulated any First Amendment activity but has simply not chosen to subsidize TWR's lobbying out of public funds. . . . A legislature's decision not to subsidize the exercise of a fundamental right does not infringe on that right and thus is not subject to strict scrutiny. It was not irrational for Congress

to decide that tax-exempt organizations such as TWR should not further benefit at the expense of taxpayers at large by obtaining a further subsidy for lobbying. . . . We have held in several contexts that a legislature's decision not to subsidize the exercise of a fundamental right does not infringe the right. . . . It is also not irrational for Congress to decide that, even though it will not subsidize substantial lobbying by charities generally, it will subsidize lobbying by veterans' organizations. . . . Congress is not required by the First Amendment to subsidize lobbying. . . . Congress—not TWR or this Court—has the authority to determine whether the advantage the public would receive from additional lobbying by charities is worth the money the public would pay to subsidize that lobbying, and other disadvantages that might accompany that lobbying." (*Regan v. TWR*) 461 U.S. 540 (1983)

There is no attempt in our proposed legislation to suppress or limit the First Amendment rights of recipient organizations. There is no ideological classification to apply this to some groups while exempting others. That would not be right. The same standards must apply to all organizations, regardless of their place on the political spectrum. Potential federal grantees would remain free to engage or not to engage in political advocacy as they see fit. I repeat, potential federal grantees would remain free to engage or not to engage in political advocacy as they see fit. They are simply prevented from receiving a tax-paid subsidy for their political advocacy.

Our legislation also should not be compared to the anti-lobbying bill in the 103rd Congress. There is no attempt in this bill to curb or restrict grass-roots lobbying organizations. Nor is there a focus on lobbying as a whole. The touchstone, the trigger for this act, and its provisions, would specifically apply to federal grantees engaging in political advocacy, directly or indirectly, with those funds, thus violating the free association rights of U.S. taxpayers.

LIMITED PUBLIC ADVOCACY

To be sure, many individuals, organizations and businesses in this country spend some of their funds on political advocacy. This is a normal activity and should not be suppressed. After all, we live in a civil society that depends upon democratic participation in the political process. Thus, the fact that an entity engages in political advocacy should not automatically bar the receipt of federal grant money. However, government oversteps the bounds of neutrality when it begins to award grants to selected entities that have as one primary purpose the conduct of political advocacy.

The First amendment guarantees the right to petition the government for a redress of grievances. But it does not require the government to pay you for it. After careful review, I have found that a reasonable threshold is when organizations spend 5% or more of their annual expenditures to conduct political advocacy. This provision is similar to the IRS 501(h) safe-harbor provisions of the IRS Code for non-profit organizations. This code provision prohibits a wide variety of political activity over \$1,000,000 in expenditures. While the 5% threshold is seemingly small, such a percentage is, in fact, quite significant: First, in this modern information age, with cheap and high-speed means of communication, a little money can go a long way; and second, because of the fungibility of cash, each federal dollar received by a grantee frees up more private dollars for political advocacy, thereby leading to a growing amount of indirect government support for political advocacy.

CONCLUSION

Provisions of the legislation we are proposing is designed to protect the First amendment rights of all Americans and, at the same time, fulfill the trust that voters in this Nation have given members of Congress. As the Supreme Court has stated, "Congress is not required by the First Amendment to subsidize lobbying. . . . Congress—not TWR or this Court—has the authority to determine whether the advantage the public would receive from additional lobbying by charities is worth the money the public would pay to subsidize that lobbying, and other disadvantages that might accompany that lobbying." (*Regan v. TWR*) Congress is charged with insuring taxpayer funds are spent properly, for the public good. The legislation we are crafting has been carefully designed to keep the compliance burden as low as possible, while insuring that the rights of all Americans are protected.

I invite public comment on the ideas presented in my testimony and regarding our proposed legislation.

WORLD FOOD DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. GILMAN. Mr. Speaker, for 11 years the U.S. National Committee for World Food Day has offered a teleconference on critical food policy issues to colleges and universities in the United States and through the facilities of the U.S. Information Agency WorldNet service to embassies and institutions throughout the Western Hemisphere. In 1993 and again in 1994, WorldNet also made it possible for the telecast to be received in Africa and Asia.

The World Food Day program dealt with the increasing use of water and the decreasing quality of the supply in nearly all world regions. Abundance is giving way to public policy decisions on resource allotment and cost sharing. There is an urgent need for the international community, national governments and citizen organizations to make decisions relating to the competing uses of the environment, agriculture and human consumption needs.

I want to thank the U.S. National Committee for World Food Day and the Committee's national coordinator, Ms. Patricia Young, for their efforts in bringing this important subject to public attention and in helping prepare for the international conference. I want to thank the U.S. Agency for International Development for their support and technical assistance in the organization of the World Food Day Teleconference. I also want to praise USIA WorldNet for a job well done in carrying the program throughout Latin America and the Caribbean and to additional sites in the rest of the world.

Mr. Speaker, I urge my colleagues to read the exclusive summary of the World Food Day Teleconference, and I wish to insert it in the RECORD at this point.

1994 TELECONFERENCE EXECUTIVE SUMMARY

The eleventh annual World Food Day Teleconference was broadcast from the studios of George Washington University Television in Washington, DC on October 14, 1994. It linked a distinguished international panel of experts on food, water and agriculture to more

than 1,000 receive sites in the United States and the Western Hemisphere. There were also a number of passive sites in Asia and Africa. The theme for the teleconference was "Sharing Water: Farms, Cities and Ecosystems."

After years of growth since the World Food Day teleconference series began in 1984, the program is believed to be the largest, single development education broadcast ever organized in the U.S. The Spanish-language broadcast, involving simultaneous interpretation from English, began in 1990 with a pilot project in Mexico through the cooperation of the Instituto Tecnológico de Monterrey, which relayed the broadcast in Spanish to its 26 national campuses. Outreach to the rest of Latin America and the Caribbean was initiated in 1992 with the support of the UN Food and Agriculture Organization and the U.S. Information Agency WorldNet system.

World Food Day, held for the first time in 1981 and marking the anniversary of the founding of FAO in 1945, has captured the imagination of people throughout the world. In the U.S. the day is observed in virtually every community in the country, with especially strong support in schools, worship centers and food banks. The U.S. National Committee for World Food Day has grown in membership to more than 450 private voluntary organizations and works directly at the grassroots through more than 20,000 community organizers.

Serving on the teleconference expert panel in 1993 were José Felix Alfaro, international consultant on water resource planning, Sandra Postel, director of the Global Water Policy Project in Cambridge, Massachusetts, Rita Schmidt Sudman, executive director of the Water Education Foundation in Sacramento, California and Hans W. Wolter, chief of the Water Resources Development and Management Service of the UN Food and Agriculture Organization. The moderator was Alex Chadwick of National Public Radio.

THE TELECONFERENCE CONCEPT

In the U.S. the World Food Day teleconference has become a model for development education on global issues, in part because of the enormous growth in interactive site participation and the additional millions of viewers accessed through collaborating networks and in part because of the year-around use of the program's study materials and the teleconference videotape itself in college-level courses in a great variety of disciplines. The "internationalization" of the program since 1990 has further increased its impact and was broadly welcomed by participating colleges and universities in the U.S. The main components of the teleconference package are: (1) a Study/Action Packet of print materials prepared by the non-governmental U.S. National Committee for World Food Day and distributed to all participating schools and other study centers (and distributed in Spanish to the participating sites in Latin America); (2) the three-hour satellite telecast on World Food Day composed of three hour-long segments for expert panel presentations, site consideration of the issues and a site-panel question and answer interchange; (3) publication of the teleconference report including written responses by panelists to questions that were not taken up on the air for reasons of time; and (4) analysis by selected site organizers after each year's program to make recommendations for the year to follow. All of the main teleconference components are designed as college-level curricular aids.

THE STUDY/ACTION PACKET

The Study/Action Packet is designed as an integral part of the teleconference package, but also serves as a separate study resource for groups planning World Food Day observances but not participating in the telecast. More than 1,500 copies of the packet were distributed on request in the months prior to the broadcasts to colleges, other institutions, community study groups, schools and individuals. All or part of the packet materials were reproduced by many of the participating sites.

Again in 1994 the Study/Action Packet was translated into Spanish and reprinted by the FAO Regional Office for Latin America and the Caribbean and distributed throughout the region by the network of FAO country representatives. Copies of the English version were also distributed to U.S. embassies on request.

The 1994 packet was developed by the U.S. National Committee for World Food Day with the cooperation of several institutions and organizations which contributed material from their own research and analysis. The teleconference theme, exploring the growing scarcity of water and conflicts over the division of available supply among agriculture, industry, urban needs and the environment, was discussed by panelists in a global context, but with special emphasis on problems and needs of North and South America. Water issues facing the western part of the United States were featured, and for the fourth year one of the invited international panelists came from Latin America.

This Study/Action Packet is not intended to be a comprehensive analysis of global water issues but as an overview and introduction to the theme, special viewpoint papers included in the packet and donated by their authors came from Sandra Postel, author of the book "The Last Oasis," B. Delworth Gardner and Ray G. Huffaker from Brigham Young University in Utah and the University of Tennessee, Matias Preto-Celi of the FAO Regional Office for Latin America an Professor Nnamdi Anosike of Rust College in Mississippi. Also included was a special interview on western water issues with Secretary of the Interior Bruce Babbitt.

The packet also included a special 24-page Manual for Community Action on Water Policies and Programs. This was the eleventh study/action packet prepared in conjunction with the teleconference series and the fifth to be undertaken directly by the U.S. National Committee for World Food Day. Previous packets were prepared by the Center for Advanced International Studies at Michigan State University and by the Office of International Agriculture at the University of Illinois. Funding for the 1993 packet was partially provided by the Agency for International Development. General funding for the teleconference program was provided by the U.S. National Committee for World Food Day, FAO and Covenant Presbyterian Church of Scranton PA.

TELECONFERENCE OUTREACH

The WFD teleconference has grown each year since it was begun in 1984. Teleconference impact continued to grow in 1994 in at least three other ways. For the ninth year the program was used by professional organizations for continuing education credits. These credits (or professional development units) were offered again in 1994 by the American Dietetic Association, the American Home Economics Association and through the Catholic University of America to clergy and social service professionals. Beginning in 1989 there has been a steady

rise in teleconference participation by high school students, initiated by both individual schools and school systems. The audience of home television sets accessed by cooperating networks is believed to be in the millions, reached through the Catholic Telecommunications Network of America, AgSat, Vision Interfaith Satellite Network, PBS Adult Learning Satellite Service and individual PBS and cable stations.

THE TELECONFERENCE BROADCAST SUMMARY

The telecast opened with questions from the moderator to each member of the panel in the area of their special interest or expertise. Dr. Alfaro was asked to judge the gravity of water problems in Latin America. He replied that water concerns are very widespread in the region in large part owing to the rapid human migration from rural areas into cities and the consequent overwhelming of water services and infrastructure. Professor Postel was asked her views on problems of irrigation. She pointed out that while only 16% of world cropland is irrigated this land produces more than a third of all the world's food. Since population continues to rise very quickly, she said, it is a cause of major concern that the amount of irrigated land per capita has been slowly declining for the past decade. She also noted that much of current irrigation is unsustainable over the long term because it is coming from pumping groundwater (water from wells rather than river diversion) faster than it is being replenished by nature.

The moderator then noted that the state of California has a special relevance in a discussion of water use because of its enormous agricultural production in a semi-arid climate through very large water diversion projects. Rita Sudman noted that state's past achievements but said that a new situation is evolving in which agriculture is under pressure to relinquish part of its water supply in order to meet needs of urban areas and the natural environment. California, she added, could in a sense be a laboratory for much of the world in its search for solutions to water sharing. Dr. Wolter was asked, as an official of the UN Food and Agriculture Organization, if water problems could slow the growth in food production globally. He replied that there exists very serious water problems regionally, and noted that about 230 million people live in countries with acute water shortage. However, he added, water problems in most regions can be solved by new supplies and/or improved management.

The panel as a whole then took up the question of whether water should be considered as a "good" in the economic sense, with a unit market value. Dr. Wolter began the discussion by noting that a) water is an economic commodity in the sense that it serves production purposes, but that it also has social and even cultural characteristics that make it difficult to treat only as an economic good; and b) that there are further characteristics of water that make it different from other resources—that it is extremely bulky, difficult to store and transport and, in the private sector, difficult to establish property rights to it.

Prof. Postel said there is no doubt that water is undervalued as a resource because it has always seemed plentiful and that market allocation in some ways can bring efficiencies in water use. However, she noted, the market cannot meet all the social needs for water and, in particular, intervention in the market by governments will be required to protect the natural environment.

Furthering this point, using California as an example, Ms. Sudman noted a) that while

people like to say that water is free it really isn't because in one way or another the public pays the cost of infrastructure, distribution and purity maintenance; and b) that the simple ability of cities to pay for water does not answer the problems of rural communities. The need now, she said, is to work out systems of sharing and balance, but that this is not always easy or the solutions clear.

Dr. Alfaro noted that water marketing can be useful up to a point, but that there would be very real political and equity problems in a pure market system. In Latin America, he noted, there are millions of small, subsistence farmers who do not have the means to pay for the water they need for their crops. Ms. Postel added that if water prices are disconnected from crop prices this adds another destabilizing factor to agriculture. However, she added, the high cost of pumping water in areas of the U.S.—where water rights are not a central issue—has brought about great improvements in efficiency.

Dr. Wolter noted that before markets can play a normal role there has to be an allocation of water rights, and that this does not exist in most countries where there is no clear ownership and very few statistics on resource availability and use. FAO, he added, is helping these countries to reform their policies and institutions. Ms. Sudman noted that there is a further complication because farmers can sell rights to surface water and then meet their own needs by increased pumping of groundwater which is not a solution over the long term. Rights to groundwater, she added are much less well established by law. Dr. Alfaro noted that the point of irrigation is to increase production, but that more is required than water and that poor farmers are not able to take part in the productivity gains. There is, therefore, the danger, he said, that water will be one more production factor going to rich farmers but not to poor. Dr. Wolter noted that this does not have to be the case, that in Bangladesh, for example, the introduction of small and cheap pumps to tap groundwater, which is plentiful there, has led to competitive water marketing that is serving the very small holders.

The moderator then asked the panel to consider future problems of water quantity and quality to meet human needs.

Ms. Postel said her statistics and projections point to a worsening situation in much of the world. She noted that 27 countries already live with severe water shortages, but that this number could jump to 40 countries in the coming years and this will mean more competition for water and then for food. Dr. Wolter noted that most of the countries in water scarcity exist around the Mediterranean Sea and that generalizations may not be valid elsewhere. Africa, for example, has a vast amount of unutilized water capacity and there could be a period of intensive investment in water diversion and dam construction ahead. Efficiency will be very important, he said, but all options of supply and management need to be considered.

On the issue of water quality in food production, Dr. Alfaro said that quantity and quality are part of the same problem. Nearly 30% of all irrigated cropland is now affected by waterlogging or salinization, he said. In part the solutions to this are technical, such as better drainage, but in part they can be cultural, for example where people go on raising rice in very light soil more suitable to other crops. Cultural, political and even religious regimes can complicate introduction of technical solutions, he said.

The panel then took up the situation of water for urban systems and drinking water.

Prof. Postel noted that only about 8% of all water used is for cities, but that this 8% is difficult to supply, store, treat for contaminants and distribute. It is also difficult and expensive to collect and treat waste water before it is returned to the environment. With populations growing and big cities growing even faster, she said, all these problems are multiplying. And, she noted, according to UN estimates there still are more than a billion people who don't have access to safe drinking water.

Dr. Wolter noted that the International Decade on Safe Drinking Water and Sanitation has yielded some interesting results. Conditions in rural areas have improved very rapidly, but not the situation in the cities where infrastructures have not kept pace. Planners and governments need to take a more integrated approach and be more aware of the ramifications of water intervention both upstream and downstream. However, he added, these are policies of governments and the UN agencies can only offer advice when asked.

The moderator then asked the panel to consider which sectors of the population might be most affected by new water policies. Ms. Sudman noted that in California there is no doubt that agriculture will be the sector most affected since the farmers have control of about 80% of all water taken for human use. The great water projects were built in the 1930s and 1940s primarily to improve agriculture, and the farmers signed contracts for 40 years of water supply. Now that these contracts are running out, society's values have changed and people are saying we need to give less to farmers and more to protect fish and birds. About 12% of formerly agricultural water is now being diverted back into rivers and streams to protect the environment. That has hurt farmers, she said. But most people think it is the right thing to do.

Prof. Postel described the need for a "water ethic." In the past, she said, we simply projected demand and tried to ensure that the supply could be there for human purposes. A "water ethic" implies a recognition of water ecosystems which are vital in themselves as well as to human needs and would be protected as a first priority. Ms. Sudman added that while this is what California is now trying to accomplish there is a gap in knowledge of exactly how much water is needed to achieve each purpose. If the goal is to double the fish population, can that be done by just adding more water to stream flow and how much more? We don't yet know, she said.

Dr. Alfaro, speaking as a devil's advocate, noted that the U.S. is a very rich country, but that such care of the environment may not be a logical priority of a poor society. There, he said, where there are no food stamps, the top priority for the poor is food to eat. Prof. Postel said that countries could not wait for environmental protection until poverty problems are solved and a certain level of development achieved because unchecked destruction of the environmental systems lead to the loss of resources on which jobs for people depend. Dr. Walter suggested that there are, in fact, conflicts between development and environmental protection and answers will be complicated. Different countries face different problems and difficult choices, he said, and we can't impose our values on them from the outside.

At the close of the first hour, the moderator asked Prof. Postel whether the world would have ample water resources if they are managed sustainably. She replied that a part

of the problem today is that an important share of our food production and water use is not sustainable over the long term. For example, groundwater is being pumped out far faster than it is replenished by nature. First, as water becomes scarce it grows more expensive to pump so food becomes more expensive too, and second, the reduced supply in the ground will become salty. At this point in time, she said, we need to be much more concerned with managing our water demand rather than increasing our supply—learning to do more with less.

THIRD HOUR QUESTIONS AND ANSWERS

As in previous years, the third hour of the teleconference program was devoted to questions directed to the panelists by the participating sites. All questions received were answered either on the air during the third hour segment or by the panel members in writing afterward. These written answers are part of the teleconference report. Questions were received from Canada, the U.S., Latin America and the Caribbean. Subjects in which there tends to be the greatest interest among the participating sites included: how water marketing might affect poor farmers and poor countries; what kind of system could be devised that would adequately maintain the natural environment and still leave water for human needs; how is sustainable water used possible if population continues to increase; what kind of incentives are there to encourage efficiency in water use; what are the trade-offs in poor countries between environmental protection and industrialization and is it possible to avoid the conflict; and, who should manage water markets, governments or private institutions. Panel responses to all these questions varied, sometimes fundamentally, but there was general agreement on three points: (1) that governments and the international support community now recognize the seriousness of water problems; (2) that answers are necessarily complex both because of the nature of the resource and the conflicting user demands; and (3) that there is still time for most countries and regions to adjust and modernize their water policies before a crisis occurs, but that action is necessary.

BRING TELEMEDICINE TECHNOLOGY TO THE AMERICAN PEOPLE

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. WYDEN. Mr. Speaker, the House will consider H.R. 1555, the Communications Act of 1995 after the Fourth of July district work period.

If done properly, telecommunications legislation will open the doors to radical advances in technology for our constituents. In reshaping America's telecommunications laws, the Congress must consider as many potential applications of telecommunications technology as possible. After all, it's been 60 years since the last rewrite to telecommunications law.

During Commerce Committee consideration of H.R. 1555, the Communications Act of 1995, I raised the issue of telemedicine in an effort to expand the use and development of this exciting health care technology. Telemedicine is a diverse collection of technologies and clinical applications. The defining aspect of

telemedicine is the use of electronic signals to transfer information from one site to another. Telemedicine's potential is immense; including for rural care, emergency care, home care, medical data management, and medical education.

I offered and withdrew an amendment to allow licensed physicians in one State to conduct consultations with licensed health care practitioners in another State. I withdrew the amendment at the request of Members who sought additional time to explore the issue with the objective of crafting a bipartisan floor amendment.

Bipartisan discussions continue today. It remains my objective, working with colleagues from both sides of the aisle, to produce bipartisan legislation to bring telemedicine's many benefits across State lines to the American public.

I call the attention of my colleagues to the report printed below titled, "Telemedicine and State Licensure." The report outlines current problems facing telemedicine and the need for a bipartisan solution.

H.R. 1555, the Communications Act of 1995 is our opportunity to free telemedicine from the regulatory morass which threatens to keep this technology from the American people.

THE AMERICAN TELEMEDICINE ASSOCIATION—
TELEMEDICINE AND STATE LICENSURE
INTRODUCTION

The primary purpose of telemedicine is to give all citizens immediate access to the appropriate level of medical care as disease or trauma requires. Currently, each state must license each physician or dentist who desires to practice medicine within its borders. This mode of licensure, while appropriate for practices limited by state boundaries, unduly constricts the practice of telemedicine. As a result, medical services today stops at state boundaries. American consumers are blocked from accessing medical care available in other states absent their ability to travel away from their own homes and communities.

The challenge facing all concerned with advancing medicine, and the sincere intent of our effort, is to preserve the credentializing and monitoring efforts of each state while providing instant and immediate access to appropriate levels of care where not otherwise available.

THE CURRENT STATE OF PHYSICIAN LICENSURE
IN THE UNITED STATES

In some states, there are limited exceptions to the rule that a physician or dentist must possess a license in each state to which he practices medicine. Statutory "consultation exceptions" allow an out-of-state physician or dentist to enter a state to see a patient at the behest (and in the presence) of a locally licensed physician or dentist. However, consultations are often required to be limited in duration, and a number of states which possess them are acting to close them for telemedicine practitioners. In 1995, Colorado, South Dakota, and Texas have considered amendments to their consultation statutes prohibiting out-of-state telemedicine practitioners from "entering" without being licensed in their state. Utah repealed its consultation exception effective in 1993, and the Kansas Board of Healing Arts passed a regulation (which conflicts with its statutory consultation exception) which requires out-of-state telemedicine practitioners to be licensed in Kansas.

Additionally, a number of states prohibit out-of-state consultants from establishing

regularly used hospital connections. If consultants cannot use telemedical facilities at out-of-state hospitals, this limits the availability of specialized healthcare to underserved areas. The "consultation exceptions" are simply not useful or dependable for the future of telemedicine. They are easily amended to exclude telemedicine practitioners, they require the presence of a locally licensed physician (which may not always be possible), and only one-half of the states possess exceptions broad enough to be used by telemedicine consultants.

While some have argued that the distant patient is "transported" to the physician or dentist via telecommunications, this is a weak legal argument unlikely to stand up in trial. It is instead probable that a majority of state courts would find that a telemedicine practitioner is practicing medicine in the patient's state. If the telemedicine practitioner is not licensed in the patient's state, this would have an extremely negative impact upon the physician's malpractice liability, malpractice insurance coverage, exposure to criminal prosecution, and potential loss of licensure in his home state as well as remedial legal recourse for an injured patient.

Licensure by reciprocity and licensure by endorsement have long served physicians or dentists who wished to be licensed in two or three states. However, reciprocity and endorsement fall short of the needs of physicians or dentists practicing via a telecommunications network. Today, reciprocity is rarely used, and licensure by endorsement still requires that applications, personal interviews, fees, pictures, school and hospital records, and even letters from locally licensed physicians or dentists be submitted to each state where a license is desired. Each state's requirements are minutely different, and the expense and time involved in receiving licensure by endorsement in more than one or two states makes it prohibitive, if not impossible, to achieve.

IS INDIVIDUAL STATE LICENSURE REQUIRED?

The Tenth Amendment of the U.S. Constitution reserves to the states the power to protect the health and safety of state citizens, hence the ability of the states to regulate and license healthcare providers. Almost every state statutorily defines the practice of medicine, and a typical statute reads:

"The practice of medicine means . . . to diagnose, treat, correct, advise or prescribe for any human disease, ailment, injury, infirmity, deformity, pain or other condition, physical or mental, real or imaginary, by any means or instrumentality."

It appears that despite the presence of a primary/referring physician, the physician consulting via telemedicine who attempts to diagnose the patient is practicing medicine where the patient is located. The phrase "by any means or instrumentality," while not common to all states, frequently appears in state definitions. Courts would determine that telemedicine was the "instrumentality" used to reach a diagnosis, and find that the state definitions bring telemedicine consultants under their jurisdiction. States guard their power to regulate for health and safety purposes, and the U.S. Supreme Court has upheld their ability to do so.² Therefore, it is unlikely that state courts would surrender jurisdiction over an out-of-state physician or dentist who practiced medicine via telecommunications on a patient located in their state. Courts will find that the medicine was being practiced where the patient was located, and therefore the physician or

dentist should have been licensed in the patient's state. Such a finding would have a chilling effect on telemedicine, since licensure cannot be obtained in every state by every specialist who participates in even one consultation.

The means for attaining these goals are to have the patient under the care of a physician licensed in the same state of residence but allowing consultative evaluations of the patient by specialists licensed in another state. Other health care professionals, such as physician assistants, must be under the supervision of a licensed physician.

IS INTERSTATE TRANSMISSION OF TELEMEDICINE
REQUIRED?

Just as the technology for the transmission of sound and images has witnessed revolutionary change, so too has medicine. These advances in telecommunications and medicine have made advanced medical care available where not thought possible before. Today, there are compelling needs to use interstate transmission of telemedicine from medical, social welfare, and economic perspectives:

The unpredictable immediacy of eruptions of disease or trauma may command the services of unpredictable types of specialists requiring licensure reciprocity in all 50 states. Epidemic outbreak of disease is not limited to state boundaries. The interstate mobility of specialty expertise is needed throughout the United States to meet the demands for combating injury or illness wherever and whenever it may occur.

Medicine has witnessed the emergence of super-specialized medical care centers in numerous critical areas. These centers are located in regional tertiary care facilities serving multi-state areas. Receiving medical attention through these centers currently requires the transport of most referred patients out of state. In addition, the lack of proper recuperative care in their home community after a patient returns home has prohibited the patient from returning home sooner. The development of telemedical links to local primary care facilities will enable many patients to remain in-state under the primary responsibility of physicians or dentists licensed in their home state. The development of telemedical links to specialty care centers can reduce the cost of transport and can lead to substantial reductions in the costs of patient care.

Developing metropolitan-wide systems of care for many cities also requires crossing one or two state boundaries. There are 25 major metropolitan areas in the United States that include more than one state. In each of these areas, state licensing requirements effectively limit the ability of physicians or dentists and other health care practitioners to serve the health care needs, via metropolitan wide telemedical systems, of the population base residing in their own communities. This limitation can lead to great disparities in access to health care due to the consumer's place of residence.

The widespread shortage of health professionals in many parts of rural America has long been recognized as a critical public policy issue. In many cases, access to health care could be greatly improved with the development of telemedical links with health facilities located in nearby states.

CONCLUSION

Statutes are being considered among the states which would require out-of-state physicians or dentists treating patients across state lines via telecommunications to possess licenses in the state "entered." Already

in the vast majority of states the telemedicine practitioner would be considered to be practicing medicine upon a patient located there, thus providing the patient's state with jurisdiction over any malpractice action. Additionally, malpractice insurance coverage is generally predicated upon the physician being licensed where he practices. In other words, a physician sued for malpracticing via telemedicine in a state where he is not licensed might find himself without coverage, as well as responsible for his own defense costs. Failure to possess a state license would be used to establish negligence upon the part of the consulting physician. Criminal prosecution for practicing without a license could result, and the physician's home state could institute disciplinary action against him for his actions in the distant state. Telemedicine possesses incredible potential to increase healthcare accessibility, but is severely hampered by legal impediments of which licensure is one of the most obvious. Fortunately, licensure problems have the greatest potential to be alleviated by the passage of statutes aimed at addressing these issues.

Emerging from these careful considerations is the need to preserve the credentializing and monitoring efforts of each state while providing instant and immediate access to appropriate levels of care where not otherwise available. Such actions should allow for immediate response to instances of disease and trauma while securing for each state and its citizens the continuance of the credentializing and monitoring of quality within its boundaries with additional specialized back-up as needed.

FOOTNOTES

¹ ALA. CODE §34-24-50 (1975).

² *Geiger v. Jenkins*, 316 F.Supp. 370 (N.D. Ga. 1970), aff'd, 401 U.S. 985, 91 S.Ct. 1236, 28 L.Ed. 2D 525 (1971).

TRIBUTE TO THE EAST ROWAN MUSTANGS

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. COBLE. Mr. Speaker, I am pleased to announce that a team from the Sixth District, the East Rowan High School Mustangs, recently won the North Carolina 3A baseball championship. On Saturday, June 10, 1995, the East Rowan Mustangs defeated the Asheboro Comets, another Sixth District high school, in a best-of-three series to take the crown.

East Rowan capped a magnificent year with a 16-game winning streak to finish the season at 29-1. The Mustangs have been the mark of stability over the last three seasons, with 73 victories and only 8 defeats. Last season the Mustangs made it to the State semifinals before being bounced from the tournament. This year was to be different, as the team produced the first State baseball championship for East Rowan High School in 18 years.

In game one, Shawn Kellii hit a two-run single to highlight a four-run first inning, and pitchers Mike Morris and Greg Beaver combined for a five-hit shutout, as the Mustangs cruised to a 7-0 victory.

In game two, series MVP and catcher Brad Rye knocked in two runs with a single and a

triple as East Rowan won by a margin of 4-0. Pitcher Russell Holshouser was instrumental as he held the Comets to just two hits for the game.

Known throughout the State as an offensive juggernaut, the East Rowan Mustangs scored more than 10 runs in 15 games this season, but clearly defense and superb pitching were instrumental in helping the team to win the championship.

On behalf of the citizens of the Sixth District of North Carolina, we offer congratulations to head coach Jeff Safrit, as well as assistant coaches Chris Cauble, Craig Hicks and Jeff Owen. Congratulations to the members of the squad: Chris McGinnis, Chad Stoner, Brian Cross, Skip Livengood, Damon Brinkley, Andy Cornelison, Jaret Doty, Russell Holshouser, David Trexler, Jason Foster, Garrett Barger, Brian Goodman, Chad Yates, Travis Goins, Greg Beaver, Brad Rye, Mike Morris, Shawn Kellii, Jeff Gobble, Kevin Barger, Andy Cauble, C.J. Moody, as well as the team managers, Amy Holshouser, and Samantha Burnette.

You are all truly deserving of your championship, and we are all proud of you. The Sixth District is proud to have the East Rowan Mustangs as North Carolina's State 3A baseball champions.

THE LAST AMERICAN FLAG OF THE SS "JOHN LYKES"

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. WELDON of Pennsylvania. Mr. Speaker, when an American flag flies on the stern of a Merchant Marine ship for several years, that flag becomes a symbol of the values and ideals for which the Merchant Marine has fought to preserve and protect in both war and peace. But just as important, that same flag becomes a symbol for the pride, dedication, and sentiments of the seaman who served on that ship's crew for so many years. To scrap the ship, and thus to never let that flag fly again, would be a tragic dishonor to the American colors and to the patriotism of those servicemen who worked under them.

Unfortunately, Mr. Speaker, this is exactly what is happening to the SS *John Lykes*. William Steadman, a constituent from my district, recently sent me a copy of a letter to President Clinton from the captain, officers, and crew of this Merchant Marine ship which was scrapped along with 14 others in 1994. Mr. Speaker, that ship represents the culmination of 35 years of service from 87 seamen a year in the Merchant Marines. And it is only one of many in the Merchant Marine fleet that is suffering this fate. This letter from the captain and crew of the SS *John Lykes* makes a passionate plea to save the Merchant Marines. Our servicemen are pleading to us for help, and they cannot be ignored. As a member of the former Merchant Marine Committee and of the current Merchant Marine panel, I fully understand the implications of this terrible process by which the Merchant Marine, which has so faithfully served our country in war and peace, is becoming extinct. Our Federal Gov-

ernment is making a big mistake, and it must be stopped.

The following letter from the captain and crew of the SS *John Lykes* explains their sentiments very clearly and boldly. I urge President Clinton to listen to their message. Though it may be too late to save the SS *John Lykes*, it is our duty to our service members to keep its sister ships in the Merchant Marine faithfully serving our country, and along with them, the American flag flying proudly.

MR. PRESIDENT: Enclosed is the last American flag flown from the stern of the SS *John Lykes*. One of the 15 Lykes ships scrapped since 1994. This American flag last flew on March 12, 1995, Port of New Orleans. It will never fly at a U.S. port again. This flag represents 35 years of U.S. citizen income taxes paid to the U.S. Government. For every tax dollar spent on cargo preference and subsidies the U.S. Government received back their investment plus 15 percent profit. For 35 years, 87 seamen a year were employed on this ship. Countless mortgages and children's tuition were paid by these seamen during those years, which would not have been possible without the flag you are now holding Mr. President. This flag has made possible the American dream for thousands of merchant seamen and their families. Now the U.S. Government and its agencies are in the process of destroying the U.S. flag fleet. Since 1776 the U.S. Government has treated American seamen with indifference in peacetime, and as a vital resource during war and conflict. Since 1776 countless abuses have been heaped on American seamen. But the American seaman has been there for his country for every conflict since then. Now the U.S. Government is on the verge of eliminating the American flag because of corporate greed, putting thousands of seamen out of work. Mr. President, we men of the U.S. merchant marine love our country and love our flag. We also know that patriotism and love of country are not emotions you are born with. They are instilled in you through the years with love from family and faith in God and Country. Mr. President, a flag that is not worth working under, is not worth fighting for, and a flag that is not worth fighting for, is not worth dying for. Mr. President, you have the bridge. You are not responsible for the incompetent policies of the past but you must fight for the American flag just as we do. The American flag will either sink or continue flying proudly on your watch. Signed, Master, Officers and Crew, SS *John Lykes*.

A GOLDEN ANNIVERSARY FOR A GOLDEN COUPLE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 30, 1995

Mr. BARCIA. Mr. Speaker, next Friday, July 7, the friends and family of Herb and Helen Schmidt will gather to help this wonderful couple celebrate their 50th anniversary of their marriage. And it runs in the family. Both Herb and Helen witnessed their parents celebrate their 50th anniversaries, and Herb saw his grandparents celebrate their 50th anniversary. This family tradition is so wonderful that it deserves to be trumpeted to all who can hear.

