

This legislation would simply clear up a situation where erroneous State law has caused benefits that were intended to be treated as workmen's compensation to be brought into income on audit. In several States, including Connecticut, the State law providing these benefits for police and firefighters included an irrebuttable presumption that heart and hypertension conditions were the result of hazardous work conditions.

In Connecticut the State law has been corrected so that while there is a presumption that such conditions are the result of hazardous work, the State or municipality involved could require medical proof. This change satisfies the IRS definition of workmen's compensation. Therefore, all this legislation would do is exempt from income those payments received by these individuals as a result of faulty State law but only for the past 3 years—1989, 1990 and 1991. From January 1, 1992 forward those already receiving these benefits would have to meet the standard IRS test.

The importance of this legislation is that these individuals believed that they followed State law. The cities and towns involved believed that they followed State law and therefore all parties involved believed that these benefits were not subject to tax. However, the IRS currently has an audit project ongoing in Connecticut and has deemed these benefits taxable. All this legislation says is that all parties involved made a good faith effort to comply with what they thought the law was. The State was in error. That error has been rectified but those individuals on disability should not be required to pay 3 years back taxes plus interest and penalties.

This legislation has passed the House previously. It was included in H.R. 11, the Revenue Act of 1992 which was subsequently vetoed by President Bush. I hope that the 104th Congress can act expeditiously on this important legislation.

#### BASE AND CANAL RIGHTS IN PANAMA POST 2000

**HON. PHILIP M. CRANE**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 4, 1995*

Mr. CRANE. Mr. Speaker, 80 years ago, the United States completed construction of one of the engineering marvels of its or any age, a multilock, 51-mile-long interoceanic ship canal across the Isthmus of Panama. Since then, this manmade waterway has served the maritime nations of the world almost without interruption, enabling them to ship their goods from the Atlantic to the Pacific and vice versa much faster and cheaper than would have otherwise been possible. Even with the advent of the supertanker and large container ships, the Panama Canal remains a vital link in world commerce through which 15 percent of America's trade, and 5 percent of the world's, passes. In fact, a number of ships today—Panamax vessels they are called—are being built to specifications that will enable them to just clear the canal when fully loaded.

Credit for this outstanding operating record should go not only to those who have run the canal all these years but also to those who have provided security for it. For the 63 years prior to the signing of the Panama Canal Trea-

ty of 1977 and during the 17 years since, the Armed Forces of the United States have stood watch over the canal from a series of military bases located in a 10-mile-wide strip of territory adjacent to the canal. From those bases, they have been in a position to deal effectively not only with immediate threats to the canal itself, but also with other problems that could have eroded hemispheric peace and security if left untended. An excellent example of the two combined came just a few weeks ago when Cuban refugees sent to Panama pending a determination of their status went on a rampage that had to be quelled by United States military personnel.

The collapse of communism and the rise of the supertanker notwithstanding, there is good reason to believe that a smoothly operating, properly protected canal will be even more significant to the United States, Panama, Latin America and the rest of the world in the future. Several good reasons in fact. The conclusion of the NAFTA and the GATT agreements, not to mention the recent decision by the Summit of the Americas Conference in Miami to strive for an inter-American free trade zone by the year 2005, signal clearly a reduction in tariff and nontariff barriers throughout the region and the world. As they fall, the shipment of goods will inevitably rise as will the utility of the only vessel shortcut from the Atlantic to the Pacific and back. That being the case, the strategic significance of the Panama Canal, as one of the world's great maritime chokepoints, will continue to grow, a fact that will not be lost on terrorist groups or renegade nations determined to achieve their objectives by whatever means necessary. With the weapons they have, or can acquire, either might exert, or try to exert, leverage if there is even the slightest perception that the Canal is open to mischief as well as commerce.

So long as United States military personnel can be stationed in Panama and respond to any attacks on, or threats against, the canal, no such perception should exist. But, under the terms of the Panama Canal Treaty of 1977, which is still in effect, the United States is scheduled to remove all its military personnel from Panama and turn over their bases to Panama by December 31, 1999. After that date, Panama will have the sole responsibility for not only operating but also defending the canal, a big task for a small nation. Unless, of course, an agreement is reached between the United States and Panama that will first, allow the United States to lease its military bases in Panama past the turn of the century, second, permit United States military forces to operate out of those bases, and third, enable the United States to guarantee the regular operation of the canal.

The successful negotiation of such an agreement would be of particular benefit to Panama, as well as being of considerable assistance to the United States and the rest of the hemisphere. At present, some 6,000 jobs and \$200–600 million in additional income for Panama are tied directly to the United States military establishment in what was formerly known as the Canal Zone. Remove that establishment and most of that money and those jobs will disappear, as will the prospect of lease payments that would otherwise result from the continued American use of its bases in the zone. Also lost would be an opportunity for Panama to forgo the cost of a military establishment, something it could safely do if the

agreement provided that the United States would view an attack upon Panama in the same light as an attack upon itself. Compromised as well would be the possibility of a broader business understanding, under which the United States might lease the canal as well as its current military bases in exchange for such considerations as additional lease and/or dividend payments, trade concessions and/or an acceleration of prior U.S. treaty commitments. In short, Panama has even more to gain, relatively speaking, from a base rights/canal defense arrangement than does either the United States or its hemispheric neighbors, which may explain why public opinion polls taken there the past 2 years have consistently shown that at least two-thirds of those polled favor such an arrangement.

Significantly, strong support for a 21st century base rights/canal defense agreement also exists in the United States. In fact, a nationwide poll taken last March demonstrated a level of support nearly as high in this country as has been evidenced in Panama. That being the case, one would think that serious negotiations to reach such an agreement would have gotten underway by now, especially since the time by which it should take effect is fast approaching. But, instead of moving forward to start these negotiations, governments in both the United States and Panama have been more inclined to hold back, preferring the other to take the lead. Understandable as that may be from the standpoint of national pride, the problem is time is of the essence if an agreement is to be reached before the impending United States withdrawal of its remaining military forces from Panama is, for all practical purposes, irreversible. Under terms of the 1977 Panama Canal Treaty, the United States departure from Panama must be complete by December 31, 1999 which means that, absent an understanding well before then, we must proceed with the systematic removal of our military forces and equipment before that time. Put simply, any further delay in opening negotiations, however well intended, not only dims their prospects but also the prospects for the continued safe and dependable operation of the canal itself.

Under those circumstances, it seems to me that Congress is in a particularly good position—a unique position in fact—to address their problem and help get these important negotiations started. If it were to pass a resolution advising the President to enter into such negotiations, then the question of whether the President or the Government of Panama should be the first to call for talks would be moot. Neither would be in the position of having initiated the request for negotiations, meaning that the latter should then be able to proceed with dispatch. Inaction by Congress, on the other hand, promises no such advantages. At best, it is likely to mean opportunity delayed or diminished. At worst, it could result in opportunity denied.

Not wishing to share responsibility for either outcome, I am introducing today a sense-of-Congress resolution calling upon the President to enter into negotiations for a base rights/canal defense agreement with Panama. Specifically, the resolution calls for an agreement that would allow our military forces to be stationed in Panama after the turn of the century and would give those forces the right to act independently in order to guarantee the security and assure the regular operation of the

Panama Canal. In almost every respect, this resolution is identical to House Concurrent Resolution 17, which I introduced in the 103d Congress and which was cosponsored by no less than 85 of my colleagues. The only significant differences is that the passage of time has made its enactment all the more imperative. That being the case, I urge my colleagues join me as soon as possible as cosponsors of this resolution. Without being too specific, it provides the direction necessary to bring about a canal security arrangement that is not only needed but in the best interests of all concerned.

#### TRIBUTE TO JANET PARKER BECK

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 4, 1995*

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Janet Parker Beck—an award-winning journalist for the San Mateo Times, book author, devoted mother, and caring wife—who passed away last month after an 11-week battle with cancer. Having been a friend and admirer of Ms. Beck for many years, I know that her untimely death at the young age of 41 is a tremendous loss for her family, the San Mateo County community, and our country.

Ms. Beck was born and raised in San Mateo and began her journalism career at Crestmoor High School in San Bruno. After graduating from college—having served as editor for student publications at Skyline Community College and San Jose State University—she was hired by the Times. During her career at the newspaper, Ms. Beck covered medical issues and legal affairs, including a dozen death-penalty cases and more than 40 murder trials. Her writing was widely respected by both the subjects of her stories and her readers for its intellectual contents, integrity, compassion, and ability to convey complex situations in a simple manner. She also used her writing talents to author the book, "Too good to Be True: The Story of Denise Redlick's Murder," which sold 70,000 copies.

Ms. Beck earned over 50 awards for her journalistic achievements. Among the many accolades she received, Ms. Beck was named the California Press Women's Communicator of Achievement for 1994 and the National Federation of Press Women's first-runner-up for Communicator of Achievement for 1994. She also received the National Federation of Press Women's first place news writing award in 1986, 1987, and 1988. It was with a great source of pride that her award-filled career was capped off by being chosen to take her well earned place in the San Mateo County Women's Hall of Fame.

In addition to her considerable professional accomplishments, Ms. Beck took tremendous pleasure from her family, especially her husband of 16 years, Jim, and their five-year-old daughter, Mandy. Her desk was a well-known gallery for her daughter Mandy's artwork and photographs, while Jim was her constant companion since they met at a YMCA dance in 1970.

Mr. Speaker, Janet Parker Beck was one of the most remarkable individuals I have ever had the privilege to know and work with. Her

passing is a great loss for her family and our community. I ask my colleagues to join me at this time in paying tribute to her and the life of purpose she led, and extend our deepest of sympathies to Jim and Mandy, to her colleagues and to her community. She made us a better people with her all-too-brief 41 years of life.

#### INTRODUCTION OF THE MERCHANT MARINERS FAIRNESS ACT OF 1995

### HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 4, 1995*

Mr. FIELDS of Texas. Mr. Speaker, it is an honor for me to reintroduce, along with our distinguished colleague LANE EVANS, on this first day of the new 104th Congress, the Merchant Mariners Fairness Act.

During the last Congress, this bill received extensive consideration but, regrettably, it was not enacted into law. In fact, it was cosponsored by 241 Members and it was adopted by the House of Representatives on three separate occasions.

The bill I am reintroducing today is the product of that careful consideration. It has been endorsed by many diverse groups, including the largest American Legion post in the United States, the Disabled American Veterans, and the AFL-CIO. It deserves the support of every Member of the House of Representatives.

Mr. Speaker, by way of background, my colleagues should know that during World War II, some 17.9 million men and women were inducted into our Armed Forces. Of that figure, 6.3 million volunteered and the remaining 11.6 million were drafted. Of this total, some 6.4 million or 35.8 percent were rejected for active duty because of various physical or mental disabilities.

Furthermore, it is interesting to note that of the nearly 12 million Americans who served in active duty status, 73 percent served overseas and, of these, 38.8 percent had rear echelon assignments. I have presented these figures only to illustrate that millions of uniformed men and women never served outside of the United States. In no way does this denigrate or negate their vital service to this country. It simply means that these individuals were needed here in the United States to train those who did go overseas.

Furthermore, some 270,000 men volunteered for service in the U.S. merchant marine. Many of these men joined the merchant marine because they had physical impairments, such as poor eyesight, or because they were too young to serve in the Army, Navy, or Marine Corps. Many of them could have avoided service but instead they chose to serve their country by enlisting in the U.S. merchant marine.

Of the 270,000 that volunteered, 37 died as prisoners of war, 6,507 were killed in action and 4,780 are missing and presumed dead. In addition, some 733 U.S. merchant ships were destroyed. In fact, the casualty rate for the merchant marine was only one-tenth of 1 percent lower than the Marine Corps, which had the highest casualty rate of any branch of service during the war.

In order to man our growing merchant fleet during World War II, the U.S. Maritime Com-

mission established various training camps around the country under the direct supervision of the Coast Guard. After completing basic training, which included both small arms and cannon proficiency, a seaman became an active member of the U.S. merchant marine.

These seamen helped deliver troops and war material to every Allied invasion site from Guadalcanal to Omaha Beach. They also transported troops back home to the United States and, when that task was completed, they carried food and medicine to millions of the world's starving people.

Mr. Speaker, it has been 49 years since the end of World War II. Nevertheless, there are still some Americans who served in that war who have not received the honors, benefits, or rights they deserve. H.R. 44 will correct that injustice by providing veterans status to some 2,500 merchant mariners who have become the forgotten patriots of World War II.

Unlike their brothers in uniform, America's merchant seamen came home to no ticker-tape parades or celebrations. Little, if anything, was said about the contributions they made to defeating the Axis powers or to preserving the freedoms that all Europeans and all Americans cherish. Worse, these merchant seamen came home to none of the veterans benefits enjoyed by other Americans who served their country during the World War II period.

In 1987, after years of litigation and delay, U.S. District Judge Louis S. Oberdorfer ruled that previous decisions by the Air Force rejecting veterans status for World War II merchant seamen were "arbitrary and capricious and not supported \* \* \* by substantial evidence."

Despite the results of this landmark court case, then Air Force Secretary Edward Aldridge unilaterally decided that World War II ended on August 15, 1945, for those who served in the U.S. merchant marine.

Mr. Speaker, clearly, that was a most unfair and unsupportable decision. By establishing this date, the Secretary made a determination that has no basis in law. The August 15, 1945, date does not appear anywhere in the Federal court decision mandating veterans status and, according to the Air Force, there is no documentation, no precedent, and no justification for choosing V-J Day.

Let me briefly describe why the August 15, 1945, date is wrong and why these 2,500 Americans have earned the right to be given veterans status.

First, the Federal War Shipping Administration [WSA] was in control of all ship movements far beyond the date of August 15, 1945. In fact, the WSA did not go out of existence until August 31, 1946. Until that time, merchant mariners traveled under sealed orders on ships which were under the direct military control of the U.S. Navy.

During the hearings on this legislation, we learned that at least 13 U.S. merchant vessels were damaged or sunk after August 15, 1945—a greater number than were lost at Pearl Harbor. One of them was the S/S *Jesse Billingsley*, which was hit by a mine off the coast of Trieste, Yugoslavia, on November 19, 1945. One U.S. merchant mariner lost his life in that explosion.

In addition, we must remember that for the U.S. merchant marine, the war did not end on