Kenrich being held by Dai-Ichi Kangyo Bank [DKB]. The DKB through CIT, promptly called in Kenrich's loans to precipitate a bankruptcy and gain control of Kenrich's patents used as collateral against the loan.

Extraordinary measures have been taken by Ajinomoto to stack an arbitration panel as required under the 1952 United States-Japanese Arbitration. Moreover, it will require the case to be argued in Japan where patent laws are highly favorable to knock-off products.

Improper recordkeeping and unauthorized sub-licensing by Ajinomoto for the manufacture of the chemicals to companies, such as Junsei Chemical Co., Ltd., and Kawaken Fine Chemicals Co., Ltd., made it impossible for Arthur Andersen Co. to conduct a proper audit under license agreement to determine royalties due Kenrich. The Andersen audit, initiated in October 1992, took 2 years and cost Kenrich $63,252. Andersen was stonewalled by Anjinomoto and hence, the audit was unusable.

Ajinomoto withheld knowledge of patents filed by Japanese companies such as Sony Corp., on such products as videotape, prior to the 1980 license agreement with Kenrich. This concealed the extensive value of Kenrich's technology to Japan's high technology industries.

Patents were filed in 1995 by Mitsubishi Rayon for high performance carbon fiber advanced composites used in aerospace that contained one of Kenrich's chemicals not licensed to Ajinomoto. Kenrich had discontinued manufacturing this product 15 years ago. Who supplied the pirated chemical? It wasn't Kenrich.

I do not believe that Mr. Monte's case is unusual. It shows how defenseless American small business is in international trade and how little the Federal Government does to protect fair trade. We should not resent the coordinated actions of the Japanese Government, banks, and industry, but we should learn from them. Predatory practices are actionable under American law and we must require that the rights of American citizens are freely and fairly insured in the arena of international trade. I intend to ask the U.S. Trade Representative and the U.S. International Trade Commission to launch an official investigation of this matter.

MOBLEY MOURNS HIS NAVY COMMANDER

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. KINGSTON. Mr. Speaker, I submit the following story for the CONGRESSIONAL RECORD. This story ran in the Glennville Sentinel on January 11, 1996.

MOBLEY MOURNS HIS NAVY COMMANDER

(By Clinton Oliver)

While flags flew at half-mast in honor of Admiral Arleigh Burke, who died last week at 94 in Bethesda Naval Hospital in Maryland, one Glennville resident was particularly saddened by the passing of this distinguished naval officer. Petty Officer Thurman O. Mobley served with Admiral Burke aboard the U.S.S. Charles Ausburne in the South Pacific during World War II and remembers Burke as a courageous, feisty, and sometimes blustery commander who was highly respected by his men. ''This ship is built to fight,'' Burke once barked to the crew of the Ausburne, ''you'd better know how.''

The U.S.S. Charles Ausburne was built by Consolidated Steel Corporation of Orange, Texas, and was commissioned November 24, 1942. Mobley boarded the Ausburne in Norfolk, Virginia, in April of 1943, and the next month the ship joined the Pacific Fleet, after passing through the Panama Canal, according to Pentagon records. Mobley and his shipmates of the Ausburne were commended by Admiral William ''Bull'' Halsey, Commander of Allied Naval Forces in the South Pacific; by Admiral Chester W. Nimitz, Commander-in-Chief of the U.S. Pacific Fleet, and by General Douglas MacArthur, Commander of Allied Forces in the Pacific, for action in that theater. They were cited by President Harry S. Truman for action from November 1943 to February 1944.

The Ausburne was Admiral Burk's flagship, and although a number of sailors from Georgia served under Burke on other ships, ''I was the only Georgia boy to serve on the same ship with him,'' Mobley declared. The Ausburne destroyed nine enemy ships and shot down nine aircraft. Mobley and the crew rescued ten survivors of planes forced down at sea and picked up 31 Japanese prisoners from the water, according to Navy records.

Mobley stated that all crew members had two jobs to perform, depending on whether or not the ship was engaged with the enemy—one ''combat'' job and one ''work-a-day'' routine job..

Petty Officer Mobley was triggerman on a 20 millimeter artillery piece during combat and a baker at other times. The gun crew had trained by firing at aerial targets on a Pacific island, and once just before an air battle with the Japanese, Mobley was summoned to the bridge of the Ausburne. The officer on the bridge had observed that the Glennville sailor consistently had more hits on aerial targets than any other triggerman. ''Mobley,'' the officer demanded, ''we're about to engage the enemy. How do you account for the fact that you have consistently hit more air targets than any triggerman on board?'' Mobley quickly recalled his dove-shooting days with a shotgun near Glennville.

''Sir,'' he retorted, ''I keep telling you fellers you're not leading 'em enough.'' Mr. Mobley was referring to the practice of a hunter aiming slightly ahead of a moving quarry to allow time for the projectile to reach the mark. The officer ordered an appropriate adjustment to the aim-and-fire routine and the change improved the accuracy of the entire crew, Mobley said.

As the ship's baker, Seaman Mobley learned of Admiral Burke's favorite dessert. ''About once a month, I baked an apple pie and carried it to his quarters,'' he said.

After President Eisenhower appointed Admiral Burke Chief of Naval Operations (the top post for a Navy officer), Mobley called his old commander at the Pentagon. ''It took me about half a day to get to him,'' Mobley said, ''but they finally put me through.'' Mobley stated who was calling and congratulated the officer on his high appointment.

''Mobley, Mobley,'' the admiral mused. ''I seem to remember the name, but I can't quite place you.''

''I used to be your baker,'' Mobley informed him.

''APPLE PIE!'' the admiral exploded. ''You used to bake my apple pies.'' The two old sailors enjoyed a lengthy visit by telephone. Thereafter, Admiral Burke wrote a short note about once a year to his ex-baker, and always addressed him as ''apple pie.'' The periodic messages ceased about two years ago. Age finally claimed Thurman Mobley's cherished and salty old friend.

During air battles, Japanese pilots routinely held back the last bomb on their aircraft for a suicide dive into allied war ships, slamming into them at about the waterline. ''We always made sure we shot down those suicide divers,'' Mobley said. ''We knew if we didn't get them, we were goners for sure.'' Sometimes downed suicide craft slammed into the ocean so near the Ausburne and with such force that the crash caused a surge of water across the deck that nearly knocked the sailors off their feet, Mobley declared.

At the end of World War II, the U.S.S. Charles Ausburne had steamed a total of 207,000 nautical miles, consumed 10,686,305 gallons of fuel, and visited four continents, and eight ports in the United States. Mobley and his shipmates crossed the International Date Line four times and the equator 16 times. The Ausburne had conducted 32 fueling operations at sea, had gone to General Quarters (complete readiness for battle) 780 times, and had been in three typhoons. Mobley and the Ausburne crew conducted 22 battles against the Japanese Navy in four months.

Petty Officer Thurman O. Mobley was discharged from the U.S. Navy on Thanksgiving Day, 1945. He is retired from the U.S. Postal Service and lives with his wife, Lilla, on Howard Street in Glennville.

PERSONAL EXPLANATION

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Ms. McCARTHY. Mr. Speaker, due to official business in my district, I was unable to cast votes on Tuesday March 5, and Wednesday March 6. Had I been here, I would have voted as follows: ''Yes'' on rollcall vote No. 44—H.R. 2778, to provide tax benefits for U.S. troops in Bosnia; ''yes'' on rollcall vote No. 45—Approval of the Journal; ''yes'' on rollcall vote No. 46—H.R. 270, the rule for consideration of H.R. 927; ''yes'' on rollcall note No. 47—H.R. 927, the conference report on the Cuban Liberty and Democratic Solidarity Act.

CONFERENCE REPORT ON H.R. 927, CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1996

SPEECH OF

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 1996

Mr. REED. Mr. Speaker, today the House is considering legislation in the wake of the recent attack by the Cuban Air Force on two unarmed civilian aircraft. This outrageous, unprovoked act resulted in the tragic loss of four American lives. I, like most Americans, believe the United States must strongly condemn this act and work to promote a democratic Cuba. Unfortunately, I do not believe that H.R. 927 will accomplish this goal.

This attack clearly illustrates the breakdown of the Cuban Government and the desperation that Fidel Castro faces in trying to hold onto power. The question we must answer is: how best to hasten the end of the Castro regime? Regrettably, the bill before us is not the answer. Isolation has not been successful in

bringing down Castro. It is contrary to the policy we pursued in ending the cold war, and, indeed, it was not the course of action which resulted in the peaceful transition to democracy and market economies in Eastern Europe.

H.R. 927 will also worsen conditions in Cuba and result in greater suffering by the Cuban people who remain hostages of Castro's government. By increasing the hardships of the Cuban people, we are running the risk of increased violence in this already volatile nation, as well as the potential outflow of refugees. In addition, this legislation would allow United States citizens to sue foreign companies which traffic in property confiscated in Cuba. I believe such a provision will swamp already overburdened U.S. courts, and I submit for the record an article from the Washington Post which further details the adverse effects of this measure.

The Cuban Government's action which resulted in the deaths of United States citizens cannot be justified, and I believe it is necessary to put pressure on the Cuban Government to recognize this serious breach of international law, to pay reparations, and to punish those responsible for this heinous act. The President took the necessary initial steps in response. However, H.R. 927 is contrary to our ultimate foreign policy goals. By tightening the embargo, this legislation will only succeed in further isolating the Cuban people, raising tensions, and endangering a peaceful transition to democracy. I voted against the bill last September, I will do so again today. I urge my colleagues to oppose H.R. 927.

[From the Washington Post, Mar. 3, 1996]

THE GREAT CUBAN EMBARGO SCAM—A LITTLE-KNOWN LOOPHOLE WILL ALLOW THE RICHEST EXILES TO CASH IN

(By Louis F. Desloge)

Virtually everyone agrees that President Clinton should retaliate forcefully against Cuba's tragic and murderous downing of two civilian aircraft last weekend. But the least effective and most counterproductive punishment is Clinton's acquiescence to the Helms-Burton bill to tighten the U.S. embargo of Cuba. This legislation, which the White House endorsed last week, albeit with reservations, will only play into Castro's hands by creating an expansive loophole for property claimants, especially wealthy Cuban Americans, to circumvent the embargo.

Jesse Helms and Dan Burton, conservatives whom I admire, are no doubt sincere in their motivation to subvert Castro's rule by applying economic pressure on his regime. However, they may very well achieve just the opposite of what they seek by buttressing, not undermining, Castro's support at home and weakening, not strengthening, the embargo's prohibition on trade with Cuba.

The Helms-Burton bill is a slick stratagem. Its stated purpose is to tighten the embargo by allowing Cuban Americans to have the unprecedented right to sue, in U.S. federal courts, foreign companies doing business on land once owned by these exiles. The idea is to discourage foreign business investment in Cuba, thus undermining the island's financial recovery which, the bill's supporters naively hope, will result in a collapse of the Castro regime. The bill's practical consequences are a different story.

A little-noticed provision in the Helms-Burton measure will enable a small group of Cuban Americans to profit from the economic activity occurring in Cuba.

To understand this provision, one must first know who helped write it. As the Baltimore Sun reported last May, the bill was drafted with the advice of Nick Gutierrez, an attorney who represents the National Association of Sugar Mill Owners of Cuba and the Cuban Association for the Tobacco Industry. Gutierrez acknowledges his involvement, as does Ignacio Sanchez, an attorney whose firm represents the Bacardi rum company. Sanchez told the Sun that he worked on the bill in his capacity as a member of the American Bar Association's Cuban Property Rights Task Force and not as a representative of the rum company.

It is not hard to surmise what these former sugar, tobacco and rum interests will do if and when the law takes effect; sue their competitors who are now doing business in Cuba.

Gutierrez told the Miami Herald last fall as saying that he (and his clients) are eyeing a Kentucky subsidiary of British-American Tobacco (B.A.T.) that produces Lucky Strike cigarettes. B.A.T. has a Cuban joint venture with the Brazilian firm Souza Cruz to produce tobacco on land confiscated from his clients, Gutierrez claims.

Bacardi would be able to sue Pernod Ricard, the French spirits distributor, currently marketing Havana Club rum worldwide. Bacardi claims that Pernod Ricard's rum is being produced in the old Bacardi distillery in the city of Santiago de Cuba.

Here is how this vexatious scheme will work if Helms-Burton becomes law. The former landowner of a tobacco farm files a suit in federal court against British-American Tobacco and seeks damages. If both sides want to avoid prolonged litigation they can reach an out-of-court settlement whereby the former tobacco grower can now share in the profits of the ongoing B.A.T.-Brazilian joint venture in Cuba. Likewise, Bacardi could reach a settlement to get a share of Pernod Ricard's profits from sales of Havana Club internationally.

These agreements do not need the blessing of the U.S. Government. This is the million dollar loophole in Helms-Burton. The bill states: ''an action [lawsuit] . . . may be brought and may be settled, and a judgment rendered in such action may be enforced, without the necessity of obtaining any license or permission from any agency of the United States.''

What will be the practical result? Foreign companies like Pernod Ricard and British-American Tobacco are unlikely to abandon viable operations in Cuba because of a lawsuit. More likely, these foreign businessmen will agree, reluctantly, to pay off Cuban exiles suing under Helms-Burton. Given the choice of forfeiting millions of dollars invested in Cuba or their financial interests in the United States, the practical business solution might be to give the exiles a cut of the action. Far better to have 90 percent of something than 100 percent of nothing, these businessmen will reason. Allowing Cuban Americans a share of their profits will just be factored in as another cost of doing business.

Indeed, Helms-Burton gives the Cuban exile community a strong financial stake in Castro's Cuba. If the foreign businesses simply withdrew in the face of Helms-Burton, the exiled tobacco, sugar and rum interests would get nothing. But if British-American Tobacco or Pernod Ricard or any other foreign firm now doing business with the Castro regime offers an out-of-court settlement to Cuban American exiles, who is going to turn them down? Given the option, at least some people are going to choose personal enrichment over the principle of not doing business with Fidel. After all, Fidel has been in power for 37 years, and the exiles are not getting any younger.

The Clinton White House is not unaware of the scam at the heart of the bill. Before the shooting down of the plane, the President had objected to the provisions allowing U.S. nationals to sue companies doing business in Cuba. During last week's conference with Congress, the President's men surrendered and asked for a face-saving compromise: a provision giving the President the right to block such deals later on if they do not advance the cause of democracy in Cuba. But how likely is Clinton to block Cuban Americans in Florida, a key election state, from suing Castro's foreign collaborators later in the final months of an election year? Not very.

The bottom line is that Clinton, in the name of getting tough with Castro, has endorsed a bill that allows the embargo to be evaded and protects Cuban Americans who want to legally cut deals to exploit their former properties in Cuba while the rest of the American business community must watch from the sidelines.

In fact, the legislation could encourage a massive influx of new foreign investment in Cuba. Armed with the extortionist powers conferred by the legislation, former property holders could shop around the world for prospective investors in Cuba and offer them a full release on their property claim in exchange for a ''sweetheart'' lawsuit settlement entitling them to a piece of the economic action. Thus, the embargo is legally bypassed and everyone laughs all the way to the bank.

Actually, not everyone would benefit. The Clinton-endorsed version of Helms-Burton only exempts the wealthiest cabal of Cuba's former elites from the embargo's restraints. The bill will only allow those whose former property is worth a minimum value of $50,000 (sans interest) to file suits. And you had to be very rich to have owned anything of that value in Cuba in 1959. If you were a Cuban butcher, baker or candlestick maker, too bad. This bill is not for you.

What could be more useful to Castro in his efforts to shore up his standing with the Cuban people? The spectacle of the U.S. Congress kowtowing to these Batista-era plantation owners and distillers provides Fidel his most effective propaganda weapon since the Bay of Pigs debacle. Castro surely knows that the overwhelming majority of the Cuban people—60 percent of whom were born after 1959—would deeply resent what can be characterized, not unfairly, as an attempt to confiscate their properties and revert control over Cuba's economy to people who symbolize the corrupt rule of the 1950s. Rather than undermining Castro's rule, this bill would drive the people into his camp.

Where is the logic in denying the vast majority of the American people the right to become economically engaged in Cuba if it is extended to only a select, wealthy few? Is the concept of ''equal protection under the law'' served if non-Cuban Americans are now relegated to the status of second-class citizens? Or is the real intent of this bill to allow rich Cuban exiles the opportunity to get a jump start and thereby head off the ''gringo'' business invasion certain to follow the demise of the embargo and the inevitable passing of Castro.

Let us put an end to this special interest subterfuge. Whatever obligation the United States had to my fellow Cuban Americans has been more than fulfilled by providing us safe haven and the opportunity to prosper and flourish in a free society. Providing us, once again, another special exemption which makes a mockery of the American Constitution, laws and courts, not to mention making a farce of U.S.-Cuba policy, is an insult to both the American and Cuban people.

If we are going to lift the embargo for a few wealthy exiles then, fine, let us lift it for all Americans. To be fair and consistent,

why not liberate the entire American community to bring the full weight if its influence to bear upon Cuban people? Implementing an aggressive engagement policy to transmit our values to the Cuban people and to accelerate the burgeoning process of reform occurring on the island has a far better chance of ending Castro's rule than the machinations of Helms-Burton.

LEGISLATION TO PROHIBIT IMPORTS INTO THE UNITED STATES OF MEAT PRODUCTS FROM THE EUROPEAN UNION UNTIL CERTAIN UNFAIR TRADE BARRIERS ARE REMOVED

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. POMEROY. Mr. Speaker, today I am introducing legislation that will put American livestock producers on an equal footing with their European counterparts when it comes to illegal trade barriers. The European Union currently blocks United States beef imports simply because U.S. producers use hormones in the production of the beef. The E.U. also continues to block U.S. pork imports under their so called Third Country Meat Directive claiming that U.S. processing plants do not meet European standards.

These non-tariff trade barriers are in clear violation of the phytosanitary agreements which are part of the GATT. Scientists from around the world have determined that the use of these hormones poses no risk to human health. In 1992, through an exchange of letters, the Europeans agreed that U.S. and E.U. slaughter and processing procedures were essentially identical. The only reason for these bans is to keep U.S. meat out of European markets.

Since 1989, when the hormone ban went into effect, the Europeans have sent over $2 billion worth of meat products to the United States. During the same period. U.S. exports to the E.U. totaled only $342 million. Clearly the Europeans have little incentive to expedite the negotiations to end this unreasonable trade barrier.

The GATT agreement should be an effective tool to remove the hormone ban, but the Europeans have shown little commitment to working out these issues. On January 26 of this year, U.S. Trade Representative Kantor initiated formal action in the World Trade Organization against the E.U. on this issue. The European Parliament responded by voting to keep the ban in place. WTO action may take up to 18 months and the only beneficiaries of this delay are the Europeans.

The USDA has estimated that the loss of these markets costs our cattle producers $100 million per year and our hog producers $60 million. Clearly at a time when U.S. cattle producers are facing rising feed costs and the lowest prices in recent memory these unfair and trade barriers cannot be tolerated.

Just last week North Dakota hog farmers told me that access to the Asian markets following GATT has helped keep the price of pork stable over the last year. Clearly GATT can work to the benefit of American farmers. However, we need to send a strong message to the Europeans that further delay in opening their markets will not be tolerated.

This legislation is simple. It says that as long as the Europeans keep our meat from their markets they will not have access to U.S. markets. They are taking the resolve of their Parliament to the negotiations. The United States should be taking the resolve of Congress to those same meetings. This legislation sends the message that the U.S. Congress is serious about GATT working to open European markets. I urge my colleagues to join me in giving our trade representatives a valuable tool to meet the Europeans on equal footing.

LEGISLATION TO PROHIBIT IMPORTS INTO THE UNITED STATES OF MEAT PRODUCTS FROM THE EUROPEAN UNION UNTIL CERTAIN UNFAIR TRADE BARRIERS ARE REMOVED

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. JOHNSON of South Dakota. Mr. Speaker, I am pleased today to introduce legislation that will prohibit all meat imports from the European Union [EU] unless and until the EU lifts its ban on American beef and eliminates the nontariff trade barrier imposed by their ''Third Country Meat Directive [TCD]. The EU ban on beef from cattle treated with hormones was put in place on January 1, 1989. Scientists throughout Europe and the world have repeatedly concluded there is no scientific basis for this ban. In fact, after legal challenges by the British Government in 1987 and the European animal health industry association in 1990, the EU admitted that the ban was introduced for political and economic reasons—to curb the growth of Europe's beef supply rather than to protect public health. The EU ban has resulted in lost American beef sales of nearly $1 billion.

The TCD imposes meat inspection standards on U.S. meat exporting facilities that a wide majority of EU plants do not themselves meet. The United States has the most comprehensive and effective system of food safety management in the world. The TCD is designed and administered strictly to function as trade protection for higher cost, less competitive EU pork production.

The failure of the EU to live up to the 1992 bilateral meat agreement and re-list U.S. beef and pork plants is deeply disturbing. Prior to 1988, over 400 beef and pork plants were certified to export to the EU. Because of the TCD, only a handful of beef and pork plants are currently able to export to the EU. In 1985, the EU was the destination of over 20 percent of U.S. pork exports. Today, U.S. exports to the EU are negligible. The U.S. pork industry conservatively estimates that U.S. producers will lose $60 million in export revenues during 1996 with losses jumping to approximately $157 million per year by the year 2000 as EU tariff rate quotas on pork are phased in. Since January 1, 1989, America has allowed meat imports of $2.1 billion from the EU while U.S. meat exports to the EU totaled only $342 million. At a time when our cattle producers are struggling with the lowest cattle prices in recent memory and beef and pork producers are becoming more reliant on export markets, it is unconscionable to allow stubborn European bureaucrats to insult our cattle and hog producers with these barriers to American beef and pork.

We applaud Secretary Glickman and U.S.T.R. Kantor for initiating action against the EU hormone ban under WTO dispute settlement provisions and for their efforts to open export markets around the world for U.S. meat. However, EU Agriculture Commissioner Fischler has clearly indicated that even if the EU loses the WTO case, which might not be resolved until late 1997, the hormone ban will remain in place.

Although reasonable and prudent negotiation would clearly be preferred to address these trade disputes, our Nation's livestock producers need access to EU markets now. They are demanding a much stronger negotiating tool. My bill will provide a clear and unequivocal message to the EU that further delay will no longer be tolerated. Unless the EU eliminates these unscientific sanitary trade barriers, this legislation will prohibit the entry of all EU meat within 15 days of enactment. Please join me in providing a simple, but very effective negotiating tool to Secretary Glickman and U.S.T.R. Kantor.

BRING BART TO THE AIRPORT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 1996

Mr. LANTOS. Mr. Speaker, last week the House Appropriations Subcommittee on Transportation heard testimony regarding funding of mass transit projects across the country. The subcommittee heard from the united bipartisan Bay Area congressional delegation which supports funding the San Francisco Bar Area Rapid Transit [BART] extension to San Francisco International Airport. As you know, this Congress has supported this project over the years, and I am happy to report that BART is now ready to move forward on construction to provide tens of thousands of travelers quick, convenient, and reliable access to the nation's fifth busiest airport.

The BART extension to San Francisco International Airport is a longstanding regional priority with overwhelming and broad support from the public. Voters in San Mateo County have twice approved ballot measures directing local funds and taxes to be used for the airport extension and all but one of the cities impacted by the project have passed resolutions in support of this project. We have fought the hard battles at the local level. We have reached a regional consensus. We are ready to move forward on the most important and necessary transportation link in the San Francisco Bay area.

Mr. Speaker, local officials and residents in the bay area have made the tough choices in planning and providing local financing for the BART extension to SFO Airport. These decisions were made in an open and public access process at the local level and should be supported here in Washington. I would like to urge my colleagues to continue their support of the BART extension to the San Francisco International Airport.

A recent editorial in the San Francisco Chronicle summed up this issue brilliantly. I respectfully request that this editorial be placed in the RECORD for the benefit of my colleagues.