

Section 725.405—Development of Medical Evidence: fails to account for district director obligation to develop evidence other than medical evidence.

Section 725.405(c)—Medical Examination and Tests: limits the development of medical evidence.

Section 725.408—Operator's Response to Notification: requires potentially liable operators to respond to notification of its status within thirty days, research up to 27 years of employment data within sixty days of notification to submit evidence to claims examiner to support its position that it is not a potentially responsible operator.

Section 725.413(c)—Initial Adjudication by the District Director: transfers adjudication functions from the ALJ to the district director, limits development of medical evidence.

Section 725.414—Development of Evidence: defines the amount and type of medical evidence which each party may submit.

Section 725.415—Action by the District Director After Development of Operator's Evidence: provides for adjudication at an informal hearing before the district director that is not an on-the-record proceeding under oath.

Section 725.416—Conferences: permits sanctions, including abandonment or waiver of the right to contest issues, for failure to appear at an informal conference and permits the conference procedures to be within the discretion of the district director.

Section 725.454—Time and Place of Hearing: Transfer of Cases: deletes language permitting the ALJ to reopen the hearing or admit additional evidence for good cause shown.

Section 725.456—Introduction of Documentary Evidence: deletes authority of the ALJs to perform certain functions and denies all parties, rights to fully cross-examine adverse evidence and witnesses.

Section 725.457—Witnesses: denies all parties, rights to fully cross-examine adverse evidence and witnesses; denies full development of a record at the hearing; limits expert witness testimony.

FOOTNOTES

¹ Fed. Reg., Vol. 62, No. 14 (January 22, 1997), p.p. 3338-3435.

² 5 U.S.C. § 601 *et seq.*

³ Fed. Reg., Vol. 62, No. 14 (January 22, 1997), p. 3373.

⁴ 5 U.S.C. § 605(b).

⁵ 5 U.S.C. § 601.

⁶ 13 C.F.R. part 121.

⁷ See 13 C.F.R. part 121 and U.S. Bureau of the Census data 1994.

⁸ In the preamble, the agency appears to indicate that economic impact to small business can be correlated to the \$100 million per year impact used for the Unfunded Mandates Reform Act of 1995. The use of the \$100 million threshold is not relevant for determining the economic impact of the regulation to a particular size or a particular type of coal mine.

⁹ Fed. Reg., Vol. 62, No. 14 (January 22, 1997), p. 3373.

¹⁰ Fed. Reg., Vol. 62, No. 14 (January 22, 1997), p. 3372.

¹¹ Using data from the U.S. Bureau of the Census on firm revenues and the ESA. Advocacy calculated that an anthracite mine with 20 employees would have annual revenues of \$2,069,000. This amount divided by 20 employees indicates that the firm has revenues of \$103,450 per employee. With an average employee salary of \$38,355, the firm is incurring 37 percent labor costs. If the agency challenges this assertion, then ESA should provide additional information on industry salaries.

¹² Fed. Reg., Vol. 62, No. 14 (January 22, 1997), p. 3373.

¹³ Fed. Reg., Vol. 62, No. 14 (January 22, 1997), p. 3371.

¹⁴ 5 U.S.C. § 609.

GEN. HUGH SHELTON'S APPOINTMENT AS CHAIRMAN OF THE JOINT CHIEFS OF STAFF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. ETHERIDGE. Mr. Speaker, I rise to praise President Clinton's appointment of Army Gen. Hugh Shelton as Chairman of the Joint Chiefs of Staff and the U.S. Senate's Armed Services Committee's vote to confirm the nomination.

General Shelton's career is the embodiment of North Carolina values: hard work, service to country, respect, and commitment to excellence. He has earned the opportunity to serve as the highest ranking member of the U.S. Military, Chairman of the Joint Chiefs of Staff.

General Shelton grew up with his hand in the dirt as we say in North Carolina, and is head in the books. He comes from the small town of Speed, in Edgecombe County in eastern North Carolina, a county I have the honor of representing as the Representative of the Second Congressional District of North Carolina.

As a veteran myself of the U.S. Army and a farm boy from eastern North Carolina, I have the utmost respect for General Shelton, who grew up working tobacco as a school boy, days on end. He went on to earn his degree in textile engineering from North Carolina State University in Raleigh, and his commission through the University's ROTC program.

General Shelton is a leader, his distinguished career of leadership and service to our Nation began in 1963, when he joined the U.S. Army. He served with the 5th Special Forces Group from 1966 to 1967 and from 1969 to 1970 with the 173d Airborne Brigade. His service in the campaign against the Viet Cong and Communist North Vietnamese in the highly volatile back country of Vietnam won him the respect of his colleagues for his personal sacrifice and service to our Nation.

In the Persian Gulf war, our largest military confrontation since Vietnam, General Shelton served as assistant commander of the 101st Airborne Division (air assault) "when it made the largest, longest helicopter assault in history."

He has commanded Fort Bragg and the 18th Airborne Corps and the 82d Airborne Division at Fort Bragg, NC. Currently, he serves as commander of U.S. Special Forces at MacDill Air Force Base in Tampa, FL, which is home to the Army's Green Berets and the Navy's Seals.

One of his greatest attributes has been his experience and effectiveness in bringing together the Armed Forces as he did at the Pentagon and as the task force commander for Haiti.

He has sacrificed, served, and fought to keep our Nation free. God has blessed him with these great skills which will serve him and the United States well as Chairman of the Joint Chiefs of Staff.

I commend the President for appointing General Shelton to this most important position, and I congratulate the general on this outstanding accomplishment. I urge the full Senate to complete his confirmation as soon as possible.

EXTENSION OF REMARKS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. SOLOMON. Mr. Speaker, who would not love to have been a fly on the wall when President Clinton, as the Wall Street Journal noted in its September 11 editorial, "unleashed John Huang at a meeting on September 13, 1995, approving his transfer from the Commerce Department to work as a fundraiser at the Democratic National Committee."

Now that I think of it, Mr. Speaker, we also would like to know what in the first place Mr. Huang was doing at Commerce, where he had access to sensitive information he allegedly shared with a foreign government and a foreign company which once employed him. It would take a wall-sized chart to show the constellation of quid-pro-quo and money trails.

But that is another story, Mr. Speaker, and for right now we are concentrating on how so many bright, Ivy League educated lawyers could allegedly break the law, do so knowingly, and then suffer such memory lapses about it.

The Journal suggests that Vice President GORE is being set up as the administration's sacrificial lamb. It also suggests that justice would not be served if it went no further than the Vice President's office.

I proudly place the Journal editorial in today's RECORD.

TOSSING GORE

On the eve of new hearings by the Thompson committee, Attorney General Janet Reno felt forced to relax her hard-line stance against an independent counsel in the campaign contributions scandal, starting a review of phone calls by Vice President Al Gore. Conceivably Ms. Reno is edging toward facing the real issue, which is not the Vice President but the President. More likely this is another stall, reflecting a Martha's Vineyard decision by Bill Clinton to divert the pursuing wolves once again by throwing another child from the sled. Sorry, Al.

The Justice Department pre-hearing statement promised to review whether "allegations that the vice president illegally solicited campaign contributions on federal property should warrant a preliminary investigation under the independent counsel act." But the central issue is not whether Mr. Gore's phone calls broke some quaint statute. Nor whether he was sentient at the Hsi Lai Temple fund-raiser. Nor whether there is some metaphysical distinction, as in the latest collapsed excuse by Ms. Reno and her mysterious "career prosecutors," between "hard money" and "soft money." Nor whether Democratic National Chairman Don Fowler knew he was talking to the CIA when he talked to the CIA on behalf of Roger Tamraz, a rogue Mr. Fowler had already been warned shouldn't have White House access.

The issue that needs to be investigated is whether all of these various fund-raising outrages are the result of a conspiracy set in motion by the President of the United States. As detailed July 7 by our Micah Morrison, Mr. Clinton unleashed John Huang at a meeting on September 13, 1995, approving his transfer from the Commerce Department to work as a fundraiser at the Democratic National Committee. Also at this significant meeting were three members of Mr. Clinton's inner circle: senior aide Bruce Lindsey, Arkansas wheeler-dealer Joseph Giroir and Indonesian financier James Riady. White

House accounts of the meeting are full of stonewalls and half-truths. If Mr. Clinton agreed then to raise money by means he recognized as illegal, he would be party to a criminal conspiracy. This is what we need an independent counsel to investigate.

Under the Independent Counsel Statute, the Attorney General's 30-day review is followed by a "preliminary investigation" of up to 90 days, after which Ms. Reno could petition a special judicial panel for a counsel if there are "reasonable grounds." The Attorney General plays a large role in defining the independent counsel's prosecutorial jurisdiction. Whether Justice can somehow maintain a bright line between Al Gore and Bill Clinton here is open to much doubt. What both men appear to share is John Huang and his enterprises.

Thanks to Senator Fred Thompson's hearings, we know Mr. Huang was the key mover in the Hsi Lai Temple event, just one example of the deeds carried out on Mr. Clinton's behalf. The temple scam began around March 15, 1996, when Mr. Huang and fund-raiser Maria Hsia escorted the temple head, Venerable Master Hsing Yun, to a 10-minute meeting with Mr. Gore. Mr. Huang followed up with an April 11 memo discussing a "fund raising lunch." Meanwhile, a National Security Council aide had warned Mr. Gore's deputy chief of staff to take "great caution" with the event, presumably because of Chinese sensitivities to Vice Presidential utterances before the Taiwan-based organization. When the fund-raiser came up \$55,000 short of its goal, the Buddhist nuns testified last week, Mr. Huang initiated what clearly appears to be the laundering of 11 checks for \$5,000 each through temple adherents.

Meanwhile, even as more dots get connected, elements of the media have undertaken to exonerate China. "No smoking gun" to show a Chinese connection has become not a "shred of evidence," according to David Rosenbaum of the New York Times. John Judis in the September 22 New Republic called Mr. Thompson's inquiry into a China connection "a disastrous blunder."

But mounds of pretty compelling circumstantial evidence now exist that China connections played a role. Presidential money pal Charlie Trie has fled to Beijing. His patron, Macau-based Ng Lap Seng, has been linked by the FBI to some \$900,000 in funds wired to Mr. Trie from abroad; Mr. Ng has significant business interests in China and is a member of one of its rubber stamp provincial advisory boards.

The Riadys' Lippo Group, former employers of John Huang and longtime allies of the Clintons, have extensive interests in China, with a piece of that pie in the hands of Arkansas' Joseph Giroir. While Mr. Giroir was attempting to broker business deals for Lippo in China and the U.S., his Arkansas associate, former White House aide Mark Middleton, was in Taipei, allegedly shaking down public officials for campaign donations as tensions with China mounted and the Seventh Fleet steamed for the Taiwan Strait. Of course, everybody has now been lawyered up, issued denials and fled to the Fifth Amendment.

Whatever Al Gore's legal exposure in this affair, he shouldn't be left to take the fall for someone else. We don't for a minute believe all this stuff was born in the office of the Vice President. Janet Reno shouldn't be allowed to pursue an independent counsel investigation that ignores the possibility of a conspiracy directed out of the Oval Office.

TRIBUTE TO ANGENETTE MARTIN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Ms. PELOSI. Mr. Speaker, I rise today in honor of Angenette "Angie" Martin who died August 31 after a courageous battle with cancer. This past Saturday, September 6, in San Anselmo, CA, her family and friends gathered together to celebrate her life. She was remembered with tears and laughter, and I was honored to speak at this memorial on behalf of many of my colleagues in both the House and Senate who knew Angie.

Angie Martin's entire professional career was reflected in her profound commitment to citizen action and participation in advocating for progressive social issues and candidates. Her incredible energy and passion for her work are what set her apart and made Angie the best of the best.

My thoughts and prayers are with her husband, Gene Eidenberg, and daughters, Danielle and Elizabeth. I know my colleagues join with me in tribute to this remarkable woman who showed so many of us how to live well and with dignity.

The obituary which follows describes many of Angie's achievements and her important contributions on behalf of social issues confronting our society.

[From the San Francisco Chronicle, Sept. 2, 1997]

ANGENETTE MARTIN

Angenette "Angie" Martin, a founding partner in the Mill Valley-based Martin & Glantz, a social issues organizing and media strategies firm, died Sunday in Sausalito. Ms. Martin, 50, had been battling breast cancer for more than five years.

She pioneered grass-roots organizing techniques in the early 1970s when she ran field operations for the Connecticut Citizens Action Group, Ralph Nader's first statewide organizing effort. There she created the first ever "citizens lobby." The CCAG, which influenced many environmental and consumer issues, quickly became a model for grass-roots and political campaigns nationwide.

During the 1970s and early '80s, she was in tremendous demand as a political organizer, strategist and campaign manager. She worked to improve conditions for migrant workers in New York state and ran several successful congressional and gubernatorial campaigns. She ran several states for Senator Edward Kennedy's 1980 presidential campaign, as well as the campaign's convention activities.

In 1981, she was named director of candidate services for the Democratic National Committee. In 1982, she became political director for Walter Mondale's political action committee and a year later, field director for his presidential campaign.

With a reputation as one of the nation's most innovative and sophisticated organizers, in 1985 she founded Martin & Glantz with Gina Glantz. In addition to their Mill Valley headquarters, the firm also has an office in Arlington, Va.

As a partner at Martin & Glantz, she shaped campaigns on a variety of social issues, including organizing the highly successful 1986 "Hands Across America" event that raised national consciousness of hunger and homelessness. She created effective grass-roots communications programs for the National Cable Television Association,

managed California-based child safety and educational reform campaigns and ran a multiyear attempt to strengthen community leadership for the American Association of Retired Persons.

She was born Nov. 8, 1946, in Hartford, Conn. In 1968, she graduated from Wells College in Aurora, N.Y., with a bachelor's degree in sociology. After college, she spent two years as a VISTA volunteer.

Ms. Martin is survived by her husband, Eugene Eidenberg; her mother, Angenette Vail Martin, of Hartford, Conn.; brothers Erie Martin, Jr., of Albany, Ga., and Steve T. Martin of Briarcliff Manor, N.Y.; and her stepchildren, Elizabeth Eidenberg of Los Angeles and Danielle Eidenberg Noppe of Seattle.

A memorial service will be conducted at 3 p.m. Saturday at the home of Gina Glantz.

TRIBUTE TO CUSTOMS SENIOR INSPECTOR VIRGINIA C. RODRIGUEZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to a very special law enforcement agent, who, by virtue of her quick-thinking and intuition, captured one of the most-wanted robbers in the United States and recovered a portion of the biggest heist in U.S. history.

As a former law enforcement officer myself, I have a unique understanding of the difficulties facing peace officers. I also know how important it is for law enforcement officers to follow their instincts. On August 30, 1997, customs senior inspector, Virginia C. Rodriguez, was spot checking passengers coming across the border, and her intuition told her that something just wasn't right about passenger Phillip Johnson traveling from Matamoros, Mexico, to Brownsville, TX.

Upon closer questioning, Johnson remained calm, but this law enforcement officer just felt like something was not right about this guy. So she went through his luggage and came across \$10,000 and several fake identification cards with various aliases. The agents at the port of entry soon realized that the quick work and level head of Ms. Rodriguez had snagged the man who pulled off the biggest robbery in U.S. history.

Phillip should have stayed in Mexico. Ms. Rodriguez, a former Border Patrol agent, represents the very finest in the law enforcement tradition. She used all her skills, including the most important, intuition, to go above and beyond the call of duty.

I ask my colleagues to join me in commending and thanking this outstanding law enforcement agent who lives in Harlingen, TX.

FOXBORO SUMMER PROGRAM DOES FIRST RATE JOB

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 11, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, during the congressional recess I visited a work site in the town of Foxboro MA where