

Mission to Guatemala (MINIGUA) observed that "the army and former military officials are all too often appointed to carry out and supervise strictly civilian work." The current president is a protégé of Efraín Ríos Montt, the former military dictator of the nation from 1982 to 1983. The ex-general, who now leads the nation's congress, conducted brutal genocide campaigns during the civil war and many believe he still exerts enormous influence on Portillo. Ríos Montt's brother, Bishop Mario Ríos Montt, became the Catholic Church's new head of its human rights office after the murder of Bishop Gerardi. His appointment created a situation of a radical conflict of interests; Mario Ríos Montt's job is to investigate the same rights violations for which his own brother was allegedly responsible while he ruled.

Portillo has done little to discourage the expansion of the illicit drug trade. Since he took office, drug seizures have decreased dramatically. According to a 2001 United Nations Office of Drug and Crime (UNODC) study, Guatemala's reported seizure of cocaine steadily increased from 956 kg in 1995 to 9,959 kg in 1999. In 2000, however, the year after Portillo took office, this trend reversed and the number plunged to 1,517 kg of cocaine.

A corrupt anti-narcotics police force is partially culpable. The scope of the problem, however, extends beyond this inadequate anti-narcotics unit, penetrating deep within Portillo's complicit, corrupt administration. Gabriel Aguilera, Guatemala's vice minister of foreign relations, as cited by the Washington Times on January 31, stated that his own government "hasn't yet achieved a control of the criminal organizations that are behind these illegal activities." Many speculate, including some senior U.S. officials, that Portillo's acknowledged failure to curb the drug trade is no accident and is due to his links to criminal organizations. Otto Reich, the former Assistant Secretary of State for the Western Hemisphere who now has shifted to the National Security Council (NSC), testified before a House subcommittee in October 2002 that since Portillo has taken office, "narcotics trafficking and alien smuggling are on the rise. Some of the leaders of these activities have very close ties to the highest levels of government and regularly influence decisions, especially with respect to personnel nominations in the military and the ministry of government."

#### DECERTIFYING GUATEMALA

On January 31, President Bush decertified Guatemala, declaring it, along with Haiti (which hardly deserved such treatment) and Burma, to be "demonstrably failing" in the past 12 months in their anti-drug efforts. Established in 1986 by Congress, the drug certification program annually evaluates whether a foreign nation is cooperating with Washington in its international war on drugs. If decertified, the U.S., according to the program, should have suspended the \$3.5 million it contributes to Guatemala's antinarcotics unit and close to \$50 million in general assistance it sends annually to the nation.

The suspensions of Guatemala, Haiti, and Burma, however, were more empty and symbolic than meaningful policy formulations. Burma receives no U.S. aid and President Bush granted Guatemala and Haiti vital national interest waivers, which allows for, despite decertification, the continuation of U.S. aid to each designated country.

While a strong case can be made for Haiti's waiver on humanitarian grounds (because of the impact on that beleaguered island of benighted U.S. policies), no such case can be made for the continuation of aid to Guatemala. Unlike the latter, Haiti does not have death squads, a president who is indifferent to drug trafficking, or a military which is

the prime factor in both rights violations and the drug trade.

Furthermore, the drug traffickers and the political figures that support the drug trade give minimal credence to the decertification branding, as long as U.S. aid continues. Directly following the announcement, congressional leader Ríos Montt declared the U.S.'s negative assessment as an "eminently political" maneuver that "seeks to affect the government but will not have, from any point of view, any social, economic, or financial repercussions." Montt correctly, if insolently, affirms that there is essentially no U.S. policy change towards Guatemala. As a result, government activity, including its corrupt practices and complicit actions with organized crime, will continue unimpeded.

Guatemala's difficulties with drugs, corruption, and rights abuses are germane because they jeopardize the White House's plans for the development of a U.S. sponsored free-trade agreement with five Central American nations: El Salvador, Costa Rica, Nicaragua, Honduras, and Guatemala. The U.S. would be hard put to exclude Guatemala from the potential arrangement because it is Central America's most populated nation and is critical to making any free-trade pact a success.

The Bush administration is purposefully misusing the decertification process by sacrificing its war on drugs for a potential trade agreement, continuing aid to the corrupt Portillo regime in order to maintain relations with Guatemala at all costs.

#### WHAT TO DO

Cleaning up Guatemala demands not only the accountability on the part of the Guatemalan government, but the moral fortitude of U.S. authorities to suspend all aid to that country, if need be. Despite potential economic gains, the U.S. cannot establish a free trade pact with Central America until Guatemala reforms and becomes a sound investment, both financially and morally. Guatemala should serve as a warning to Washington as well as to the rest of Latin America of the increasing power and influence of the drug trade and its implications on vulnerable governments throughout the region.

#### HONORING TENNESSEE'S NATIONAL GUARD TROOPS FOR SERVICE TO OUR NATION

##### HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. TANNER. Mr. Speaker, I rise today to commend the thousands of men and women who serve in the Tennessee National Guard, many of whom have dutifully answered the call to serve our country in this time of war.

In Tennessee, we have always been proud of our strong volunteer spirit, made famous when volunteers from Tennessee traveled with Davy Crockett in 1836 to defend the Alamo in Texas' fight for independence. Today, the volunteer spirit is still alive, and one fine example is in the more than 14,000 men and women who serve in the Tennessee Army National Guard and Tennessee Air National Guard, under the leadership of Tennessee Adjutant General Gus Hargett.

I have had the privilege of working alongside Tennessee National Guard members during my 26 years in the Tennessee Army National Guard. I know from working with these men and women that their dedication to Tennessee and to our nation is unequalled. That dedication has been proven time and time again.

Immediately following the attacks on our nation on September 11, 2001, members of the Tennessee National Guard responded. Guard members secured airports and Tennessee landmarks, refueled fighters for battle and prepared for deployment overseas. The 164th Airlift Wing from Memphis deployed four C-141 aircraft within 20 hours of the attacks. The 118th Airlift Wing helped save the life of a small child on September 11th of that year by transporting a liver transplant from Nashville to Texas.

Now, thousands of Tennessee's National Guard troops are again answering the call to duty, leaving their families, homes and jobs to serve our country in its time of need.

Mr. Speaker, I hope you will join me in honoring the thousands of Tennessee volunteers who are serving our country honorably as members of the Tennessee National Guard.

#### PAYING TRIBUTE TO CLAUS HUME

##### HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Claus Hume and thank him for his extraordinary contributions to Colorado. Judge Hume is officially retiring as the Chief Judge of the Colorado Court of Appeals, and today I would like to honor his long and distinguished career of service to his community before this body of Congress and this nation.

Judge Hume's legal career has spanned three decades. After a brief stint as a photographer, he graduated from the University of Colorado law school in 1965 and moved to Craig, Colorado, where he began his career and started a family. One of few lawyers in Craig, Judge Hume began working for the local prosecutor's office and was elected District Attorney in 1972, serving for two years until he was appointed to a district court judgeship. He served on the 14th Judicial District bench for thirteen years, until he received his appointment to the Colorado Court of Appeals in 1988. Judge Hume's service to Colorado is a credit to our state and I am grateful for his dedication to justice for all Coloradans.

Mr. Speaker, Claus Hume is an exemplary servant to his community and to the State of Colorado, and it is with great pride that I recognize his career before this body of Congress and this nation. Judge Hume's presence in the courtroom will be greatly missed throughout the state, and I would like to extend to him my congratulations on his retirement and wish him the best in his future endeavors.

#### COMMENDING THE GILES COUNTY HIGH SCHOOL BOYS BASKETBALL TEAM

##### HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 8, 2003

Mr. DAVIS of Tennessee. Mr. Speaker, I wish to recognize the Giles County High School boy's basketball team, who recently won the Tennessee Class AA championship. This is the first such championship for the boy's basketball team in school history.

I want to commend this team not only for winning the championship, but the fashion in which they accomplished this great feat. They

never reached for individual awards and recognition, as often is the case in today's society. They worked together as a cohesive unit to accomplish something greater than any individual award, and as a result they are all champions. During their championship run they displayed values and character that we as Americans hold so dear. They were determined, worked hard, showed heart, displayed teamwork, and were consummate sportsman.

I would also like to take this time to applaud the local community which rallied around the team. I must say that I am extremely proud to represent a group of people who still hold family values and a sense of community in such high regards.

Mr. Speaker, I hope that you will join me in saluting the fine group of talented young men from Giles County, Tennessee. These young men show maturity beyond their years, and represent what is good with our country's youth.

IN RECOGNITION OF THE DISTINGUISHED ALUMNI OF ASBURY PARK HIGH SCHOOL

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 2003*

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to a number of people I am proud to represent from the sixth district of New Jersey. On Friday, April 11th, 2003, Asbury Park High School will induct its first class of distinguished alumni into its Hall of Fame. These individuals are being honored for their commitment to the mission of Asbury Park High, which is to promote the educational, physical, and social well being of children of Asbury Park. In their own way, each of these extraordinary people have encouraged and inspired the students of Asbury Park to strive for excellence, and become our future leaders and role models.

Mr. Speaker, on this day I ask my colleagues to rise in honor of these unique individuals for the invaluable services that they provide to their community:

Mr. Joseph Agris, Mr. C. Regan Almonor, Esq., Mr. Frank Buddy, Ms. Judith Coleman, Mr. James Coleman, Mr. John Hayes, III, M.D., Mr. Lorenzo W. Harris, Jr., M.D., Dr. Benjamin Moffett, Mr. Jules Plangere, Jr., Mr. Joseph Reed, Jr., Dr. Phillip Schien, M.D., Mr. Thomas Schebell, Jr., Mr. Stanley Smith, Esq., Mr. Thomas Smith, Sr., Mr. Thomas Smith, Jr., Ms. M. Monica Sweeney, Mr. Carl Williams, and Mr. Melvin Wilmore.

INTRODUCTION OF THE PENSION BENEFITS PROTECTION ACT

**HON. BERNARD SANDERS**

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, April 8, 2003*

Mr. SANDERS. Mr. Speaker, today, all across this country, American workers and the middle class are under severe attack. Unemployment is rising, our manufacturing base is collapsing, health care costs for workers are soaring, the minimum wage has not been

raised for years and the decline of the stock market has devastated the retirement plans for millions of workers. And now, on top of all of that, the Bush administration and corporate America and the CEOs who receive compensation packages are attempting to destroy the pensions that have been promised to millions of American workers.

In response, I am introducing the Pension Benefits Protection Act to protect the pensions of American workers with 117 original cosponsors. This legislation has been endorsed by the AARP representing more than 35 million Americans, the AFL-CIO representing more than 13 million American workers, the Pension Rights Center and the Communication Workers of America. I have attached the statements of David Certner, AARP Director of Federal Affairs, and Richard Trumka, Secretary Treasurer at the AFL-CIO, in support of this legislation for inclusion in the CONGRESSIONAL RECORD.

Those of us in Congress who care about this issue, along with the grass roots organizations, will do everything we can to see that workers in America do not see their pensions slashed by up to 50 percent as a result of cash balance conversions.

The Pension Benefits Protection Act requires the Department of Treasury to withdraw proposed cash balance conversion regulations that would give companies the green light to violate the pension age discrimination laws that are on the books. The legislation would also require companies that convert to cash balance plans to allow older workers and those with at least 10 years on the job the choice to remain in their traditional pensions. Specifically, this legislation does 2 things:

First, it requires companies that convert to cash balance plans to allow workers who are at least 40 years old or have at least 10 years of service the choice to remain in the traditional defined benefit pension plan that was promised to them when they started working for the company. In other words, they cannot be forced into an inferior plan.

When a company makes a promise to its employees regarding their pension benefits, it must not be able to pull the rug out from under its employees by cutting their pension benefits in mid-stream. Companies receive some \$100 billion in tax incentives to set up these pension plans. Given that reality, Congress must allow older workers or those with at least 10 years of service the option to remain in their traditional defined benefit pension plan.

Secondly, this legislation requires the Bush administration to immediately withdraw all of their proposed cash balance pension regulations that, if finalized, would give companies the green light to commit age discrimination against older workers by converting to cash balance schemes. Just yesterday, the Treasury Department withdrew a portion of the proposed regulations dealing with highly compensated employees. While, in my view, this is a step in the right direction, the Administration must go further and withdraw all of these proposed regulations, and require all companies that convert to cash balance plans to protect older workers. We do not tolerate discrimination against workers based on race, based on gender and based on other criteria, and we will not tolerate discrimination based on age. Last January, in a letter to the President, 217 Members from both the House and the Senate made that very clear.

Through my involvement with the IBM cash balance conversion, I have heard from thousands of workers throughout the country who have expressed their anger, their disappointment, and feelings of betrayal by cash balance conversions. These are employees who had often stuck with their companies when times were tough. These were employees who had often stayed at their jobs precisely because of the pension program that the company offered. And, these are the same employees who woke up one day to discover that all of the promises that their companies made to them were not worth the paper they were written on.

Instead of providing protections for these workers, President Bush has proposed regulations on cash balance plans that would devastate the traditional pension benefits of millions of employees in large companies throughout the United States.

The White House policy on cash balance pension plans is a direct assault on the retirement plans of millions of American workers. Hundreds of companies all across America have already reneged on the retirement promises they made to their employees by switching to cash balance pension plans. If the White House proposal is allowed to stand, it will give the green light to hundreds more—resulting in financial disaster for workers all across the country who will not be receiving the pensions they were promised.

Of the 44 million Americans with traditional defined benefit plans, some 8 million employees with \$334 billion in pension fund assets have been impacted by cash balance pension conversions. According to the General Accounting Office, older employees can have their pensions slashed by up to 50 percent by a cash balance scheme.

The Equal Employment Opportunity Commission has received over 1,000 age discrimination complaints from workers in over 30 different companies who have been negatively impacted by these schemes.

According to the Labor Department's Inspector General, companies that have converted to a cash balance scheme are illegally slashing the pension benefits of their employees by as much as \$199 million each and every year. Even worse, the Inspector General found that the Federal Government was not enforcing the pension laws and regulations that are on the books when companies shift to cash balance.

The courts have ruled that Xerox, Georgia Pacific and the Bank of Boston illegally slashed over \$300 million in pension benefits of more than 20,000 employees by converting to a cash balance plan.

Last July, 308 Members of Congress voted in favor of an amendment that I offered to prohibit the IRS from using any funds that are in violation of the pension age discrimination laws that are on the books when companies shift to cash balance schemes.

According to the President's spokesman Ari Fleischer, criticisms that cash balance plans hurt older workers are "not valid."

Well, tell that to Larry Cutrone, a 54-year-old employee from New Jersey, who worked for AT&T for 28 years, who woke up one day to find that his pension had been slashed by over 50 percent as a result of a cash balance conversion.

Tell that to House Majority Leader TOM DELAY, Speaker of the House DENNIS