EXTENSIONS OF REMARKS

THE FLAG DESECRATION AMENDMENT

HON. ANDREW JACOBS, JR.
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. JACOBS. Mr. Speaker, I place in the RECORD a paper written by George Anastaplo, law professor at Loyola University, Chicago.

Professor Anastaplo has more than one academic discipline, including lecturer in the liberal arts at the University of Chicago and Professor Emeritus of political science and of philosophy at Rosary College. This paper was delivered by Professor Anastaplo at the Constitution Day banquet organized by the political science department of the University of Dallas on September 13 of this year, 1995.

ON THE SACRED AND THE PROFANE: THE FLAG DESECRATION AMENDMENT

(By George Anastaplo)

''The Senators and Representatives before mentioned, and the Members of the several State Legislatures and all executive and judicial Officers both of the United States and of the several States, shall be bound by Oath or Affirmation to support the Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.''—The Constitution, Article VI.

I

Once upon a time Robert R. McCormick, publisher of the Chicago Tribune, was perhaps the most influential journalist in this country and a leading figure in the conservative wing of the Republican Party, perhaps even as conservative at times as the Politics Department of this University. He was in unquestioned command of the Tribune, then as now one of the greatest newspapers in the United States. So firm was his control that he could even institute unilateral reforms in the spellings of words used in his paper, at least so long as he lived.

One day (I have heard) Colonel McCormick, while presiding over an editorial board meeting at the Tribune Tower on North Michigan Avenue in Chicago, became so incensed with something one State's Legislature had done that he ordered that State's star to be immediately cut out of the American flag in the main lobby of the Tribune Tower. Of course, the Colonel's editors were disturbed by this turn of events, but they knew he was not a man to be contradicted when his passions were aroused.

Still, one of them did venture to wonder out loud, however deferentially, whether there was a law against thus ruling a State out of the Union. (I digress for a moment: There is an ironic touch to this story which probably no one noticed at the time. The Colonel's grandfather, who founded the Tribune, had been a supporter of Abraham Lincoln, *the* champion of keeping all of the States in the Union.) Now back to our story: The Colonel, upon hearing the query about the relevant law, ordered the newspaper's lawyers to be consulted, which was done at once from the conference room while the Tribune board of editors waited.

All of them, including the Colonel, could of course hear the critical question asked from their end of the telephone conversation that followed: ''Is there any law against cutting a star out of the Flag?'' The senior partner at the other end of the line, who must have suffered considerably at times as one of the Colonel's lawyers, was so agitated by this unexpected question that his shouted response could be heard by everyone in the room: ''Oh, for Heaven's sakes, what blasted fool would want to cut a star out of the Flag?!'' (His language may have been even stronger than this.) I do not know what happened thereafter either to that lawyer or to the flag in the Tribune lobby at the hands of Colonel McCormick. I do know that this episode can serve to remind us that the Flag can be abused in a variety of ways, most if not all of them well-intentioned.

The Constitution, too, can be abused at times. Particularly notorious have been the decisions by the United States Supreme Court in the pre-Civil War Dred Scott Case, in the post-Civil War pro-segregation cases, and in a century of challenges to Congress's power to regulate commerce among the States. Many today would add to this list the Court's abortion decisions in recent decades.

We should not be surprised that the Supreme Court makes mistakes. We all do, not least when we act through one or another of the branches of our governments. It has always been difficult to determine what should be done about misinterpretations by the Supreme Court. This question includes the issue of what the authority of the Court should be when it reads the Constitution differently from the other two branches of the national government. (Less difficult to determine is what should happen when the Supreme Court's reading of the Constitution differs from the reading by any State government.)

The American people have, at least until quite recently, been reluctant to resort to constitutional amendments in order to correct even obvious judicial misinterpretations of the Constitution. Of the twenty-seven amendments which we have had, only four of them represent efforts to reverse judicial interpretations: the Eleventh Amendment (of 1798) with respect to the judicial power of the United States, the first sentence in the Fourteenth Amendment (of 1868) with respect to a critical Dred Scott ruling, the Sixteenth Amendment (of 1913) with respect to the power of Congress to levy an income tax, and the Twenty-sixth Amendment (of 1971) with respect to eighteen-year-olds suffrage. The attempt to ratify an amendment (proposed in 1921) empowering Congress to regulate child labor proved unnecessary when the Supreme Court reversed itself on this issue. A related, but far more important, reversal came with the Court's eventual recognition of a Congressional commerce power which resurrected the expansive spirit of Chief Justice Marshall with respect to this issue.

During the first decade after the 1973 *Roe* v. *Wade* abortion decision, there was serious talk about a constitutional amendment reaffirming the long-accepted powers of the States to regulate abortions. But it soon became evident that such an amendment could not muster the support it would need either in Congress (two-thirds of each house) or in the States (three-fourths of their legislatures). It has also become evident that no constitutional amendment or law can, in the face of the self-administered abortion-inducing drugs that are becoming available, do much to impede significantly the recourse to abortions by young women. Those of us who are troubled by the abortion epidemic, as well as by the illegitimacy epidemic, in this country should not expect government coercion (direct or indirect) to provide the cures that may be needed. At the root of such problems are influential opinions about the good and the bad, including radical opinions about the sanctity of private property and privacy. The sustained outbreaks of these epidemics in other parts of the world should remind us that neither the Constitution nor the Supreme Court's reading of it is ultimately responsible for these problems in our time.

One consequence of a technology-based nullification of government power to supervise abortion and birth-control measures may be the involuntary liberation of those troubled souls who have long felt, understandably enough, that they should dedicate themselves wholeheartedly to political and social actions (including constitutional amendments) so long as it seemed possible to do something about what they consider terrible deeds. Now these latter-day Abolitionists will have to devote themselves almost exclusively to education and social programs, to persuasion, and perhaps above all to prayer in order to deal responsibly with what they must still consider a desperate situation.

II

Even so, there is something touching in the form that the faith which many have in the Constitution can take; a change in the Constitution, they seem to believe, can cure this or that distressing problem. They do not realize that if the Constitution should come to be readily adapted to changing circumstances it would lose much of its dignity and power. That is, there may well be something to the recent complaint (albeit by a partisan Democratic member of the House of Representatives) that some of her colleagues are treating the Constitution as though it were ''a rough draft.'' (Patricia Schroeder, quoted in Richard E. Cohen, ''In Charge of Constitutional Change,'' The National Journal, June 24, 1995, vol. 27, no. 25.)

It can be instructive as well as troublesome to confront the recent indulgence in attempts at constitutional amendments. In virtually every instance since the 1971 eighteen-year-olds-vote amendment (the Twenty-sixth Amendment), the more strenuously-advocated amendments, if ratified, either would have had no appreciable effect or would have done considerable harm (in addition to the danger of teaching people to treat the Constitution like a mere statute).

The most illustrious thus far of these recent exercises in constitutional frivolity is one that has been enshrined in the Constitution, the Twenty-seventh Amendment ''ratified'' in 1992, only two hundred and three years after it was originally sent out to the States for ratification by the First Congress. It provides: ''No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.'' The mode of completing ratification of this amendment, so long after its original

submission to the States, was rather dubious. The official acquiescences in this ''ratification'' reflected an awareness of the popular discontent with Congress at the time. The rule laid down in this amendment is defensible—but it was hardly needed in the light of the general practice of Congress for two centuries now of having its pay increases take effect for the succeeding Congress. Even the Equal Rights Amendment proposed in 1972, which would have served as a grace note for the Constitution, now seems superfluous also. It has been virtually implemented in effect by many statutes and judicial interpretations on behalf of women. Our experience with the proposed Equal Rights Amendment has been somewhat like that with the proposed Child Labor Amendment more than a half century before.

I have suggested that an Abortion Amendment would not ''work,'' even if it could be ratified. The same should be said about the proposed Balanced Budget Amendment. Whether a balanced budget is a good thing for the country depends in part upon circumstances—but it has long been hard for me to see how a constitutional amendment would bring about such balancing. (I have discussed this matter at length in my constitutional commentaries. The best argument for such an amendment that I know is that Senator Paul Simon, who grew up as I did in Southern Illinois, has advocated it.)

So much, at least for the time being, for the amendments that would not work. Then there are the proposed amendments that could ''work''—and that we would come to regret in their operations. First, there is a School Prayer Amendment. The Supreme Court may well have been mistaken in its interpretations here and elsewhere of the Religion Clauses of the First Amendment since the Second World War. But, in our present circumstances, legislative or other official battles over the appropriate prayers for school children are not likely to be edifying, especially as demands come to be made for equal time for all kinds of bizarre cults. When Johnny comes home with a heretical prayer he has been taught at school, to say nothing of a blood-curdling Satanic incantation, his parents' enthusiasm for school prayers is likely to be moderated.

Also likely to be moderated is the enthusiasm of citizens for term limitations once they see what happens when Congress (and hence the country) comes to be run by amateurs—or by the bureaucrats and lobbyists upon whom desperate amateurs will have to rely for guidance. It is somewhat reassuring that the Republican leadership of the current Congress has had enough sense to reconsider its 1994 campaign promises with respect to term limitations. This reminds us how maturity and self-interest can sometimes work together for the common good.

III

Somewhat immature and hence irresponsible, however, has been the current leadership's whooping it up for a Flag Desecration Amendment, something that has been advocated as well, at one time or another, by forty-nine of our State legislatures.

How odd it is that we make as much as we do now and then of flag desecration. I am reminded of how some newspapermen in Philadelphia conducted themselves back in, I believe, the 1930s, perhaps about the time that Colonel McCormick was in his prime in Chicago. When things got boring in Philadelphia they stirred up readers by concocting and publishing a letter from a self-proclaimed cat-hater who announced that he had taken to killing trespassing cats and using them to fertilize his tomato garden. This announcement ignited a heated controversy in the ''Letters to the Editor'' section of the newspaper for weeks thereafter. The more indignant cat-lovers did not notice that their original villain had signed himself McMurder. I have been told that it became an annual exercise for McMurder to stir things up still another time by publishing a letter which said, in effect, ''You should see my tomatoes this year!''

Comparable to the bloodthirsty McMurder, I suppose, is the Supreme Court's opinion in the 1989 *Johnson* v. *Texas* flag-burning case. That case which originated with a deplorable political protest by one Gregory Lee Johnson here in Dallas during the 1984 Republican National Convention. The Court divided 5 to 4, with something to be said on each side of this controversy. (It is intriguing that the conservative Justice Scalia supplied one of the voted for Justice Brennan's Opinion for the Court invalidating the State law pursuant to which Mr. Johnson had been convicted.) Still, I should say that certain public acts—like burning flags, conducting street marches, and spending large sums of money on political campaigns—are more than the speech protected by the First Amendment, however much they are intended to support or even to express political sentiments.

Such conduct can be highly provocative and otherwise disruptive—and as such should be subject to regulation by any government properly concerned about tranquility and political propriety. The flag-burner, in any event, should not be surprised by the passions he arouses. (The emotions stirred up are akin to those exhibited in the somewhat demagogic talk we here from time to time about making English the ''official language'' in this country.)

However well-intentioned those citizens may be who propose amendments to insure balanced budgets, sacrosanct flags, and the like, the effect of such amendments can be that of desecrating the Constitution by defacing it with ill-conceived amendments. For example, the Balanced Budget Amendment proposal currently before Congress is something of an abomination in its draftsmanship. That, at least, is not the principal problem with the current Flag Desecration Amendment proposal, which reads simply ''The Congress and the States shall have power to prohibit the physical desecration of the flag of the United States.'' An inventory of the difficulties with this proposal can well begin with the observation there heretofore the Constitution has been the only thing held up in the Constitution itself as virtually sacred, with even an oath to support it prescribed by the Framers. Certainly, the Flag was never thus provided for, however unfortunate (if not even insulting and otherwise despicable) certain conduct directed at the Flag may be. One may even wonder whether the way the Flag is promoted at times is contrary to the spirit of the constitutional prohibition of religious tests.

IV

A number of serious problems with various proposed Flag Desecration Amendments have been noticed over the years. But there is one problem that is perhaps the most serious—and it may be revealing of current deficiencies in constitutional interpretation and in political philosophy that it is, so far as I know, never noticed.

That is, the proposed amendment now being considered by Congress virtually implies that all other forms of desecration are to be considered generally immune from any governmental supervision. If this amendment is regarded as truly necessary to authorize legislation prohibiting and punishing flag desecrations, then there can be tacitly immunized all other desecrations that the United States or the States might want to continue to regulate (such as hateful speaking, the vandalizing of cemeteries, cross burnings, or the defacing of other recognized religious symbols). There could be inadvertently confirmed, by the implications of a Flag Desecration Amendment, a long-term tendency in this country to deprive the sacred of all government support and protection. That is, we are in effect told, in effect, by this amendment that unless government is explicitly authorized by the Constitution to prohibit any particular form of desecration, it cannot do anything about it but may act against conduct that, say, injuries another's property or threatens an immediate breach of the peace.

This approach to community life is consistent with the tendency, to which many would-be conservatives are contributing, which threatens to undermine a general respect for government. We hear too much talk these days about what government is doing to us—as if a government is never to be regarded as the means by which we govern ourselves. This is hardly a prudential approach to keeping modern republicanism healthy and useful.

V

One question that the prudent citizen should be asking here is whether there is indeed a serious problem deserving the attention of a constitutional amendment. The House of Representatives has already passed the current Flag Desecration Amendment proposal, 312–120. We now have to hope that the Senate will be sensible.

What is the harm being addressed by such an amendment? Perhaps no more than a dozen flag-burnings a year—in a bad year. Whether it is a bad year depends, in large part, upon the publicity available for flag-burners—and that depends, in turn, upon whether a burning is apt to provoke an indictment and then a prosecution. Thus, one practical effect of the Supreme Court's 1978 decision in *Johnson* versus *Texas* has been to discourage flag-burnings. It is likely, therefore, that if a Flag Desecration Amendment should be ratified there would eventually be more publicized flag-burnings than we have had since 1989.

If, however, nothing is done to amend the Constitution here, things will probably remain as they are now. It should be recognized, by the way, that the deliberate flag-burner these days (even if no law can touch him) does run the risk of being immediately manhandled by the citizens in his vicinity that he dares to offend—and this is probably the way these matters should be left.

It is odd in any event to be as concerned as we can be about something so rare and usually so inconsequential as flag-burning when so much else is permitted to corrupt us unimpeded, beginning with the blatant sexual and violent indulgences portrayed by the mass media. Symptomatic of this deterioration is the headline in this morning's Dallas Morning News: ''TV, movies test sex's appeal to mainstream audiences: As barriers fall, many wonder, what's next?'' (By Tom Maurstad and Beth Pinsker, Sept. 17, 1995, p. 1A.) Constitutional government cannot be expected to prosper if our citizen body should be rendered unfit by having its passion and sensibilities twisted out of shape. Once this happens it will not do much good—and indeed may even make matters worse—to rely more and more upon prisons and capital punishment to subject ourselves once again to a proper discipline (especially when, as now, our criminal-justice system is overworked because of a deeply-flawed drugs-control policy). Nor will it do any good, and may make matters worse, to rely more and more upon private arsenals to protect ourselves from the consequences of the degradation of all too many of our fellow citizens.

In critical respects the Pro-Choice people and the Pro-Guns people share a somewhat naive reliance upon extremist self-help principles grounded in uninhibited property rights. This sort of thing is reflected as well in such displays as the shameless advertisements (as in this morning's Parade magazine) by tobacco companies which are designed to trap impressionable youngsters in a deadly addiction (See ''Your Basic 3-Piece Suit,'' Parade Magazine, Sept. 17, 1995, p. 20.) A self-respecting, and self-confident, community should be able to supervise, with a view to the common good, the uses (private as well as public) of all of the property that it makes possible and protects.

VI

Before I conclude these remarks I return, however briefly, to a much-needed lesson in the proper mode of constitutional interpretation. The *Johnson* v. *Texas* decision turned on a reading of the First Amendment. Although I continue to have reservations about that reading, it should be acknowledged that there was something valid in what the majority of the Supreme Court said on that occasion. There is a serious First Amendment problem whenever only a few of many instances of any type of offensive action are selected for prosecution—those few which are accompanied by, or are understood to convey, sentiments particularly disliked by the local prosecutor or by his constituents.

There are lots of offensive things done with the Flag these days, most of them much more serious (if only they are much more pervasive) than what results from a rare flag-burning. We have learned to put up with considerable routine abuse of the Flag, much of it for commercial purposes. (The nearest illustration for us on this campus is what may be seen a few hundred yards away from this hall—a Texas Stadium representation of the Flag with the slogan ''Just Do It'' defacing it.) This epidemic of flag abuse is rather sad, especially when I remember how we used to cheer the Flag when it appeared in movie theatre newsreels during the Second World War.

Be that as it may, the Congressional proponents of the contemplated Flag Desecration Amendment assure us that it is not intended to repeal the First Amendment. This means that critical freedom-of-speech challenges will be posed whenever prosecutors can be shown to ignore almost all flag desecrations but those accompanied or expressing sentiments they find personally offensive. Equal protection challenges can also be expected to highly selective enforcement of State laws.

Traffic laws, for example, are clearly constitutional. Yet the policeman who stops only those speeders displaying bumper stickers he does not like can expect to have his policy of selective enforcement seriously challenged on several constitutional grounds. The fact that there is a constitutional amendment authorizing a general enforcement policy may not matter. We once had a Prohibition Amendment—but if a prosecutor had enforced prohibition laws only against his political opponents substantial constitutional challenges should have been expected.

All this is aside from the technical problems of what ''the flag of the United States'' should be taken to mean and how ''physical desecration'' should be understood. What, for example, can be done with a protester who displays a flag that is canceled like the flags we are accustomed to seeing on postage stamps—or with a protester who burns publicly such a blow-up (but even larger) as I have provided you this evening of canceled flag-decorated postage stamps? Would it matter if the burning was of uncancelled flag-stamp blow-ups? So much then, at least for the time being, for this lesson in constitutional interpretation—and in the limits, as well as the merits, of reliance upon constitutions to cure our ills.

The perspective from which I have attempted to speak on this occasion has been that of the informed and responsible citizen. At times, of course, the responsible citizen can be disheartened, especially as he observes how determined all too many of his no doubt patriotic fellow citizens can be to plunge ahead with amendments that would disfigure if not even derail the Constitution. If things get bad enough, with a constitutional pile-up threatened, the powerless student of such appallingly interesting matters can at least console himself with a story that Lyndon Johnson used to tell:

''There was a fellow in Johnson City who wanted to be a district engineer. To test him, the boss asked what he would do if he saw two trains coming at each other on a single track at 60 miles an hour. The fellow thought about it for a while and said, 'I'd go home and get my brother.'

'''Why would you do that?' The boss asked.

'''My brother ain't even seen a train wreck,' he said.''

(Liz Carpenter, ed., ''LBJ: Images of a Vibrant Life'' [Austin, Texas: The Friends of the LBJ Library, 1973], p. 14) We can wonder whether Mr. Johnson ever consoled himself in turn with at least having had a ringside seat for the train-wreck of a war that he (with perhaps the most patriotic of intentions) stumbled into a Southeast Asia, a questionable war that also contributed both to the disfigurement of the Constitution and to the demoralization of the American people.

VII

I have used the current Flag Desecration Amendment campaign to suggest what the Constitution should mean to us. In this way, at least, even this misguided campaign can be put to salutary use.

Much of what I have said this evening about how the Constitution needs to be treated should have long been apparent to the more mature members of Congress. They should know that a cheap form of patriotism is being indulged in by some of their amendments-hungry colleagues at the risk of desecrating the Constitution itself. All this should remind us of how a disciplined and sensible legislative body operates. For one thing, it keeps certain excesses safely under control in its committees, having learned long ago how public opinion can be misled.

I presume to pay special tribute to one member of the House of Representatives, a Democrat from Indiana (Andrew Jacobs), who tried last January to salvage something from his colleagues' recent stampede by offering to add to the Flag Desecration Amendment the provision that the spending of money for the election of public officials no longer be considered constitutionally-protected speech either. (See 141 CONGRESSIONAL RECORD H176, January 4, 1995.) He reminded us thereby of still another unfortunate First Amendment reading by the Supreme Court, its 1976 ruling in *Buckley* v. *Valeo.* That ruling undermined what Congress had tried to do, a generation ago, to control campaign financing in this country. I continue to believe that the First Amendment should not be understood to keep us from experimenting with reasonable measures to prevent our elections from being bought or from seeming to be bought by excessive expenditures of funds, whether by private persons, by corporations, unions, and other organizations, or by the government itself.

But even the serious mistake by the Supreme Court in the Buckley Case does not warrant a constitutional amendment. Rather Congress should try again and again—and we in turn should all try to help the Court to recognize what it too truly wants to recognize; the true reading of the Constitution.

In this worthy enterprise in civic education, the Politics Department of the University of Dallas should continue to be among the leaders in our country today. You are to be congratulated for celebrating Constitution Day as you do, with both playful festivities and serious talk, reminding us thereby that the Constitution depends upon and ministers to both the high and the low. Such a celebration, you also know, is most meaningful when it can include an examination of what the Constitution does and does not say. It is to such an examination, at least in part, that we have dedicated ourselves on this inspiring occasion.

CENTERFORCE 20TH ANNIVERSARY TRIBUTE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to Centerforce which is celebrating its 20th anniversary of service to hundreds of thousands of families all over California. This unique community-based organization provides both direct and indirect services to prison visitors including children and families of incarcerated parents at 29 centers serving 34 State prisons and 1 youth facility. Over 350,000 visitors benefit from this innovative program each year.

Centerforce is the statewide extension of The House at San Quentin which was established by Seamus Kilty and supported by Catholic Social Services of Marin. It has continuously served prison visitors since 1971. In 1975 Centerforce was envisioned to create a statewide network of visitor centers modeled after The House. Under the leadership of Maureen Fenlon, O.P., the first executive director, and with the cooperation of the local communities, visitor centers were established at each prison so that all families of prisoners could receive basic support services necessary to keep their family together. These services include transportation, child care, refreshments, crisis intervention, prison visitor advocacy, special education programs, summer camps for the children, and simply protection from inclement weather for the traveling families.

Mr. Speaker, Centerforce is a national model of the collaboration we need between government, community organizations, and individuals to nurture and support the family unit especially at times of separation when they are more vulnerable. As we know, every prison inmate is a family member who will be returning to that family in the future. We all value the family as the most essential unit in our society. It takes just a short-term investment in these families, and especially in their children, to keep the family ties strong and thereby lowering the recidivism rate in the long term. I commend Centerforce for the major contribution it has made to the preservation of thousands of families throughout California and our country who have benefited from this visionary, compassionate, yet very down-to-earth program.

Although Centerforce is a statewide organization, I take pride in its accomplishments because it was created and is located in the congressional district I am privileged to represent.

HONORING DR. EDWARD H. BERSOFF

HON. THOMAS M. DAVIS

OF VIRGINIA

HON. FRANK R. WOLF

OF VIRGINIA

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. DAVIS. Mr. Speaker, my colleagues and I rise today to pay tribute to Dr. Edward H. Bersoff who will be honored on October 20, 1995 by the Northern Virginia Community Foundation [NVCF] for all his contributions to improving the quality of life in northern Virginia.

The Northern Virginia Community Foundation is a community endowment that supports the arts, education, health, community improvement, and youth issues. The foundation does not duplicate efforts of existing charitable organizations, but assists ongoing community projects and specific programs of established groups. Contributions are used only for local needs and provide a reserve fund to meet unforeseen critical emergencies. The foundation is managed by a board of directors representing all areas of northern Virginia.

Dr. Edward H. Bersoff, president, CEO, and founder of BTG, Inc., is a pioneer in the technology community. He founded BTG in 1982 and reported a revenue of $156 million in its most recent fiscal year. BTG also employs 650 people, the majority in northern Virginia. Dr. Bersoff is well known in northern Virginia, where he serves as chairman of the Fairfax County Chamber of Commerce and on the information technology advisory group for the Fairfax County government. He was the first chairman of the Northern Virginia Technology Council and chaired the technology work group of the Virginia Economic Recovery Commission. Dr. Bersoff also serves on boards of the Washington Airports Task Force, the Inova Health Care Services Board, and the advisory council of the Minority Business Association of Northern Virginia. In addition, he is past president of the Northern Virginia Community College Educational Foundation and was a member of the board of directors of Virgina's Center for Innovative Technology.

He served on the Navy C3I Subcommittee of the National Security Industrial Association, chairs the Professional Services Council and is a senior member of the Institute for Electrical and Electronics Engineers. Dr. Bersoff is also the director of the Armed Forces Communications and Electronics Association.

A longtime supporter of education, Dr. Bersoff received his A.B., M.S., and Ph.D. degrees in mathematics from New York University and is a graduate of the Harvard Business School Owned/President Management Program. He taught mathematics at Kingsborough Community College in New York, Northeastern and Boston Universities in Massachusetts, and the American University in Washington, DC. He coauthored one of the first textbooks on the technology of Software Configuration Management.

Dr. Bersoff received the 1993 Northern Virginia Technology Council Leadership in Technology Award and was named one of the 1994 Washington Area Entrepreneurs of the Year.

His wife Marilynn is vice president of administration at BTG, Inc.

Mr. Speaker, we know our colleagues join us in honoring Dr. Edward H. Bersoff on his leadership in the technology community and his outstanding accomplishments in northern Virgina.

TRIBUTE TO TOM KERR

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to a man who has been a committed defender of personal freedom and constitutional rights. This dedicated individual, Mr. Tom Kerr, has been an influential leader of the Greater Pittsburgh Chapter of the American Civil Liberties Union for almost 40 years.

Tom Kerr's many years of service will be celebrated in Pittsburgh at a dinner gala on October 25, 1995. He will be honored for his service to the community, for his personal sacrifice and commitment, and for his devotion to civil liberties.

Mr. Kerr helped revive the Pittsburgh chapter of the ACLU in 1956 and served for years as the leader of this organization. From 1964 to 1984, he chaired the Pennsylvania ACLU affiliate and served on the national board of the ACLU. Mr. Kerr once gave up a partnership in a promising private practice rather than give in to pressure from his colleagues to abandon his work with the ACLU. Since then, he has taught at the Duquesne University School of Law and the Graduate School of Industrial Administration of Carnegie Mellon University while working actively for the ACLU. He has also served on the Pittsburgh Human Relations Commission and the Pittsburgh public employees' Personnel Appeals Board. He is still active today as an associate professor at CMU and as a member of the board of the ACLU's Pittsburgh chapter and the ACLU's National Advisory Council.

Mr. Kerr's legal activities on behalf of the ACLU has included cases in support of the civil rights movement, affirmative action, conscientious objectors resisting conscription during the Vietnam war, and union protestors. He has worked tirelessly to challenge the legality of racial- and gender-based discrimination, to guarantee the separation of church and state, and to defend individuals' rights to equal protection and individual privacy. In short, he has been active in many, if not all, of the most contentious and important constitutional issues of our times. More importantly, he has been on the right side of those issues.

I join the Greater Pittsburgh Chapter of the ACLU in celebrating Tom Kerr's commitment to the defense of our precious civil liberties, and in thanking him for his many years of dedicated service to this cause and to the ACLU.

TRIBUTE TO THE CITY OF CLAWSON

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. LEVIN. Mr. Speaker, from October 23–29, 1995, the city of Clawson, MI, will again hold a red ribbon celebration in its continuing effort to eliminate the illegal use of drugs in schools, homes, and places of work.

This year's theme, ''Be Healthy and Drug Free,'' has been imprinted on the red ribbons which will be worn by adults and children as a symbol of their personal commitment to remaining drug free. At the end of the week. Clawson participants in the celebration will sign their ribbons and send them to Congress. I am honored to be the intended recipient of the Clawson ribbons again this year.

The red ribbon celebration encourages the community to address drugs as a serious societal problem and especially to reinforce Clawson youth with the knowledge that their peers are drug free. The campaign, therefore, combats the pressure on school children to experiment with drugs, and demonstrates that illegal drug use is not tolerated by our society.

Mr. Speaker, I applaud the action of the city of Clawson to reduce illegal drug use in schools and in the workplace, and lend my full support to the red ribbon celebration.

TRIBUTE TO BILL BUTLER ON HIS RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. GILLMOR. Mr. Speaker, I want to take this opportunity to pay tribute to an outstanding citizen of Ohio and a good friend. William E. Butler, chairman of the board of Eaton Corp., will retire from that position this year.

Bill Bulter joined Eaton in 1957 as assistant employee relations manager of the Dyanamatic Division. Over the years, he has been a creative, innovative, and reliable leader in the Cleveland business community. Directing a global corporation with over $6.1 billion in sales is no easy task. Eaton's reputation as a manufacturer of quality engineered products is due in large measure to Bill's dedication and professionalism.

In addition to his tremendous business expertise. Bill has also given nearly four decades to bettering his community. Whether as a member of the board of directors of Cleveland Tomorrow and the Greater Cleveland, or as the 1994 United Way general campaign chairman, Bill has always earned the respect of his peers. I hope he enjoys a retirement that is as fulfilling and rewarding as his career.

Mr. Speaker, I ask my colleagues to join me in congratulating Bill Butler for his numerous achievements over the years, and I wish him and his family all the best in the years ahead.

TRIBUTE TO DR. THOMAS MONTEIRO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. TOWNS. Mr. Speaker, I rise today to recognize the contributions of Dr. Thomas Monteiro. Dr. Monteiro serves as the department head of the Advance Certificate Program in Education Administration and Supervision at Brooklyn College of the City University of New York. He formerly served as the director of the Principal's Center at Brooklyn College.

Dr. Monteiro has worked diligently and passionately to improve educational programs, with a particular emphasis on designing program evaluations for school districts.

This distinguished gentleman graduated from the New York City school system and has received degrees from Winston-Salem State University, Queens College of the City University of New York, and Fordham University.

Active in community and political affairs, Dr. Monteiro served as the former president of the Jamaica, Queens branch of the NAACP. One crowning achievement among many in his life, was being named the recipient of the 1988 Educator of the Year award by the Association of Black Educators in New York City. I am proud to highlight the accomplishments of Dr. Monteiro.

A BILL TO AMEND THE ALASKA NATIVE CLAIMS SETTLEMENT ACT, AND FOR OTHER PURPOSES

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce a bill to amend the Alaska Native Claims Settlement Act of 1971 at the request of the Alaska Federation of Natives. This bill is the result of the work of the legislative council of the Alaska Federation of Natives to correct existing technical problems with the Alaska Native Claims Settlement Act [ANCSA]. I am introducing the bill to begin the review process and to receive input of the State of Alaska, various Federal agencies, Native entities, and individuals affected by this bill. I fully expect the input process to refine and expand the legislation, and invite such input.

I expect to work closely with GEORGE MILLER, my ranking minority member to resolve any differences we may have with specific provisions in the bill. Further, we look forward to receiving further suggestions for additions to this package and working with Alaska Senators TED STEVENS and FRANK MURKOWSKI to perfect the package. Ultimately, it is our intention to investigate and resolve controversial provisions which would prevent final passage of this bill.

This bill makes a number of technical changes to ANCSA which addresses issues not anticipated at the time of passage of ANCSA. As the legislation is designed to resolve specific problems, it contains several provisions, and will probably contain more as a result of the hearing and input process. To offer a flavor of the nature of the legislation, a few illustrations are in order.

For example, the bill would reinstate approximately 50,000 acres which were taken away by an Executive order in 1929 to the Elim Native Corp. This provision would reinstate and allow the Elim Native Corp. to receive their land entitlement selections.

Another provision would extend the exemption period from estate and gift tax for stock through its period of inalienability.

Another would amend ANCSA to correct an inconsistency in current Federal law by allowing regional corporations to elect to acquire oil, gas, and coal estates reserved to the Federal Government beneath native allotments surrounded by or adjacent to subsurface lands convey to the corporations pursuant to section 12(a) or (b) of ANCSA.

Mr. Speaker, I offer this bill at this time to begin the process of reviewing each of these important provisions and others which affect Alaskans. I welcome input to add to, subtract from and amend this proposal so that a noncontroversial substitute may be offered at a later date.

CAMPAIGN SPENDING LIMITS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Ms. KAPTUR. Mr. Speaker, I introduce today a constitutional amendment that would, for the first time, allow Congress and the States to set reasonable limits on campaign expenditures.

This amendment is necessary because campaign spending in our country is out of control. An estimated $540 million was spent on all elections in the United States in 1976—but by 1992, the amount spent had grown to $3 billion. And in the last House and Senate elections, a total of $724 million was spent—up more than 60 percent just since 1990. Candidates and elected officials have become professional beggars.

Our Nation's elected representatives spend too little time doing the people's business, and too much time raising campaign funds. Yet the Supreme Court has ruled, in the case of Buckley versus Valeo, that campaign spending limits are an unconstitutional infringement on political expression. My amendment would change that by making it clear—as similar legislation introduced in the Senate by Senator HOLLINGS would do—that Congress and the States are free to enact reasonable limits on election expenditures.

I had hoped that a constitutional amendment would not be necessary. But campaign finance reform was conspicuously missing from the Republican Contract With America. And despite the Speaker's telegenic handshake with President Clinton in New Hampshire, where he vowed to develop a bipartisan commission to recommend changes to our system of financing campaigns, the Speaker has now backed off this issue.

But this issue is too important to ignore. If passed, my amendment will go a long way toward rebuilding the public trust in our domestic system of government. To ensure that our Government is truly ''of the people, for the people, and by the people,'' we must end the current practice of allowing elections to be bought by the highest bidder.

H.R. 1715

HON. FRED HEINEMAN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. HEINEMAN. Mr. Speaker, I rise in strong support of H.R. 1715. The workers' compensation system was established to provide relief to injured employees in exchange for limited liability for the employer. Unfortunately, on March 21, 1990, the Supreme Court, in the case of Adams Fruit versus Barrett, ruled that an employee covered under the Migrant and Seasonal Agricultural Worker Protection Act [MSPA] could collect workers' compensation and still bring a private right of action.

The decision in Adams Fruit places agricultural employers as the only employers in America who can be sued by their employees as a result of workplace injuries even where they have provided workers' compensation. This is unfair to our farmers, especially in those States where agricultural employers are required to participate in the workers' compensation system.

I am proud to say that I am a cosponsor of H.R. 1715 and strongly support this legislation. When Congress passed MSPA, it did not intend for it to replace the workers' compensation system.

Everyone wants to ensure that migrant and seasonal workers' rights are protected and H.R. 1715 does just that. North Carolina is one of the leading agricultural States in our Nation. Farmers in North Carolina and other States should not be singled out and treated any differently from other employers who provide workers' compensation. H.R. 1715 corrects this inequity. I urge my colleagues to vote ''yes'' on this bipartisan legislation. Our farmers deserve no less.

EXTENDING CERTAIN VETERANS' AFFAIRS HEALTH AND MEDICAL CARE EXPIRING AUTHORITIES

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 17, 1995

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 2353 and to commend the gentleman from Arkansas, Mr. HUTCHINSON for his efforts to being this legislation to the floor of Congress. H.R. 2353 will extend spending authority for numerous Health Care and housing programs that aid our Nation's veterans.

In specific terms, this measure extends the Veterans Administration's authority to provide health care on a priority basis to Persian Gulf veterans, while extensive research continues on the causes and treatment of these illnesses. In addition, this bill extends the VA's

authority to first, contract for substance abuse care and rehabilitative services at non-VA halfway houses and treatment centers; second, continue the pilot program providing home nursing care to eligible veterans as an alternative to institutional care; third, continue the VA's Health Scholarship Program which provides funding for health care professional studies in return for VA service obligation; fourth, carry on the compensated work therapy and Therapeutic Transitional Housing Demonstration Program, helping mentally ill veterans to make a re-entry into independent living; and fifth, to continue VA's pilot program to assist homeless veterans.

This bill allows us to continue to pursue new and proven avenues to assist those who have risked their lives to preserve the freedoms that we hold so dear. This legislation enables us to lend a hand to those who have suffered greatly as a result of their service. I welcome this opportunity to speak on their behalf. Accordingly, I urge my colleagues to support H.R. 2353.

ST. MARY'S BICENTENNIAL

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. DORNAN. Mr. Speaker, St. Mary's Catholic parish in Old Town Alexandria, VA, is celebrating its 200th anniversary, founded in 1795 when there were a mere 25,000 Catholics in the colonies and only 200 in the State of Virginia.

Col. John Fitzgerald, the mayor of Alexandria and aide-de-camp to George Washington, headed the drive to establish St. Mary's, which is the oldest Catholic parish in the State of Virginia. In 1869, the Sisters of the Holy Cross began St. Mary's School, which today has over 600 students and is still growing.

Today, the Reverend Stanley Krempa serves as pastor for this parish of 3,200 families. The church is just completing a $2 million fund-raising campaign that has seen to the restoration of the main church on South Royal Street, and the addition of more classrooms at the school on nearby Green Street.

The bicentennial celebration will close on November 2, 1995, All Souls Day, when the Most Reverend Agostino Cacciavillan, the Apostolic Nuncio from Rome, celebrates a Mass in honor of all deceased parishioners.

Mr. Speaker, I pause to congratulate St. Mary's on their 200th anniversary.

PERSONAL EXPLANATION

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. LATHAM. Mr. Speaker, due to prior commitments in my district, I was not present for rollcall votes Nos. 714, 715, and 716 on October 17, 1995. Had I been present:

I would have voted ''yea'' on rollcall vote 714 on approving the Journal;

I would have voted ''yea'' on rollcall vote 715—providing for U.S. distribution of ''The Fragile Ring of Life'' film; and

I would have voted ''yea'' on rollcall vote 716—extending certain veterans' affairs health and medical care expiring authorities.

PROCTER & GAMBLE RECEIVES 1995 NATIONAL MEDAL OF TECHNOLOGY

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. PORTMAN. Mr. Speaker, I rise today to pay tribute to Procter & Gamble, based in Cincinnati, OH, which was recently named as a recipient of the U.S. Government's 1995 National Medal of Technology.

Procter & Gamble will be recognized at a White House ceremony on October 18, 1995, for creating, developing, and applying advanced technologies to consumer products that have strengthened the economy while helping to improve the quality of life for consumers worldwide. Procter & Gamble has a 160-year history of introducing cutting-edge products on which Americans have come to depend—products such as Ivory soap, Crest toothpaste, and Tide detergent. Because these products are so familiar, we often overlook the advanced research and technology behind their development.

The National Medal of Technology is awarded to innovators and forward-thinking technology companies that have built new industries and fostered U.S. competitiveness. Established in 1980, the medal program is administered by the U.S. Department of Commerce's Technology Administration and the President provides final approval. Since the program's inception, 5 companies, 13 teams, and 57 individuals have been honored.

Mr. Speaker, I am proud to commend Procter & Gamble for this recognition of their excellence and congratulate them for making a difference in the lives of Americans.

TRIBUTE TO MARTHA MOORE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to a special friend and an outstanding citizen of Ohio. On October 23, friends of Martha C. Moore will gather in her beloved Muskingum College in New Concord, OH, to honor her lifelong commitment to American politics, education, and her community.

I had the privilege of working with Martha for many years while I was a member of the Ohio State Senate. Miss Moore was first elected to the Ohio Republican State Central and Executive Committee in 1950 and she currently serves as the committee person from the 18th District. She has previously served as the committee person from the 15th and 17th District. Miss Moore's dedicated work was crucial to Republicans in gaining control of the State senate in 1980.

While serving as a professor of speech at Muskingum College, she helped shape the lives of generations of students through her thoughtful tutelage. In 1986, Miss Moore was awarded the Distinguished Alumni Award from Muskingum College.

Throughout her many years in politics, Martha has demonstrated her deep faith in, and dedication to, upholding the principles of American democracy. The status of the Republican Party in Ohio today has been secured by Martha's dedication and her reputation as a political wizard. Yet, she consistently deflects personal praise, focusing instead on the team effort involved in election campaigns.

Mr. Speaker, we have often heard that America works because of the unselfish contributions of her citizens. I know Ohio is a much better place to live because of the dedication and countless hours of service given over the years by Martha.

I ask my colleagues to join me in paying a special tribute to Martha Moore's record of personal accomplishments.

TRIBUTE TO DAVID W. FLEMING

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to David Fleming, my good friend who this year has been chosen by the Anti-Defamation League to receive the distinguished community service award. The ADL could not have made a better choice. David has taken a leadership role in many important areas important to the San Fernando Valley. He truly cares for his community.

It is hard to imagine how David, a senior partner with the prestigious law firm of Latham & Watkins, finds time to take on his many added responsibilities. For example, David is the current president of the board of fire commissioners for the city of Los Angeles as well as the vice chair of the Los Angeles County Children's Planning Council. He has also served on three different county commissions.

David's tireless work for his community reflects his many interests. He has been a member of the board of the Automobile Club of Southern California, Valley Presbyterian Hospital, the Valley Industry and Commerce Association [VICA], the National Council of Christians and Jews and Big Brothers of Greater Los Angeles.

Not surprisingly, David has been the recipient of awards from many sources. He has received the Fernando award, the tree of life award from the Jewish National Fund and, in 1967, he was named ''One of California's Five Outstanding Young Men'' by the California Jaycees. Many people and organizations have benefited from David's efforts and generosity.

I ask my colleagues to join me today in saluting David Fleming, a man of intellect, compassion, and dedication to his community.

TRIBUTE TO DOLLY RIVERA FOR 50 YEARS OF COMMUNITY SERVICE

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. TORRES. Mr. Speaker, I rise today to pay special tribute to Ms. Dolly Rivera. Ms. Rivera has given 50 years of volunteer service

to her community. Through the years, she has touched the lives of many with her involvement with groups such as the American Red Cross, Civil Defense, March of Dimes, United Way, Los Angeles County Parks and Recreation, Girl Scouts, Women of the Moose, and Parent Teacher Association.

In 1945, Ms. Rivera joined the Parent Teacher Association [PTA] and begun her dedicated service as a volunteer. In the classroom of the Bassett Unified School District, in La Puente, CA, she touched the lives of many students. In 1962, Ms. Rivera was presented with the honorary service award for her work in establishing a dental health program for the children of the La Puente area.

Ms. Rivera's leadership in the community has been demonstrated over the years in her service as president of the Erwin PTA, Bassett High School Parent Teacher Association, and her service as council president three times. In light of this leadership, Ms. Rivera was instrumental in implementing bilingual and multicultural programs for all students.

Through the Women of the Moose, Ms. Rivera has worked to ensure that all students have the opportunity to finance their college education. Under Ms. Rivera's leadership the "C" scholarship was established to provide for this need. Concerned for the safety of our children, in 1980 Ms. Rivera organized Operation Stay in School for Bassett Unified School District. This program addressed the safety concerns of our schools, by enforcing a closed campus. Parents were utilized in supervision of lunch periods and the campus gates. Organizing the efforts of parents, school board members, the superintendent, the sheriffs department and the city council of La Puente proved highly effective in deterring truancies, vandalism, and violence.

Ms. Rivera has done many great things for her community. She has organized a fingerprinting program for the kindergarten students, operates a "Clothes Closet," which benefits needy children and the homeless and collects food and donations to distribute to families in need. Ms. Rivera's compassion also has been extended to the senior citizens in her community. Every Thursday, for many years, Ms. Rivera has delivered food with care to bedridden seniors.

For 27 years, Ms. Rivera also has provided volunteer work with the Girl Scouts of America. She has volunteered as a Girl Scout leader of two troops and has been the first and second vice-president of the El Monte/La Puente Council of Girl Scouts.

Mr. Speaker, I ask my colleagues to join me in saluting this truly inspirational American and a fine citizen, whose community service provides an example to all.

SUPPORT INCLUSION OF REPUBLIC OF CHINA IN THE UNITED NATIONS

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. KING. Mr. Speaker, October 10 marked the 84th anniversary of the founding of the Republic of China. Normally, this day is marked here in Washington by a number of social events. However this year, there is a more important reason for us to recognize the events in China in 1911. As all the world can see, it is only under a democratic system that Taiwan has been able to flourish economically and socially. In fact, over the last decade the Republic of China has become one of the world's leading economic powers.

To help recognize the achievements of America's friends on Taiwan, I urge my colleagues here in the Congress to support the Republic of China's bid to gain membership in the United Nations. Although a member of several international organizations, the Republic of China has been refused a seat in the United Nations. Very simply, the exclusion of the Republic of China is an outrageous denial of a voice on important international issues to the people of a thriving democracy. I know that Representative Benjamin Lu has worked tirelessly for the last year on this matter.

Mr. Speaker, I can think of no better way for this institution to show support for the democratic ideals found in the Republic of China than to support its inclusion in the United Nations.

H.R. 2494, THRIFT CHARTER CONVERSION TAX ACT OF 1995

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. ARCHER. Mr. Speaker, today, I am introducing the Thrift Charter Conversion Tax Act of 1995, with JAMES A. LEACH, the chairman of the Banking and Financial Services Committee, and MARGE ROUKEMA, the chairwoman of the Financial Institutions and Consumer Credit Subcommittee, as original cosponsors. The three of us have worked together to identify and address potential tax consequences raised by the Banking Committee's proposal to require thrifts to convert their charters into bank charters. This bill is a product of our efforts.

Requiring thrifts to convert to banks raises several banking, tax, housing, and accounting policy issues. It is not easy to reconcile these sometimes competing policies. Nonetheless, it is clear that the thrift charter conversion proposal must contain transitional tax relief cushioning the blow to thrifts required to convert to banks. This bill is intended to modify the tax laws to permit the conversion of thrifts to banks, consistent with the policies behind the thrift charter conversion proposal, and in a manner that is fair to the thrifts and consistent with our deficit reduction goals.

The following is a technical explanation of the provisions of the bill.

TECHNICAL EXPLANATION OF THE THRIFT CHARTER CONVERSION TAX ACT OF 1995

1. Repeal "percentage of taxable income" method for the calculation of bad debt deductions by thrift institutions.

PRESENT LAW AND BACKGROUND

Tax treatment of bad debt deductions of savings institutions—reserve methods of accounting for bad debts of thrift institutions

A taxpayer engaged in a trade or business may deduct the amount of any debt that becomes wholly or partially worthless during the year (the "specific charge-off" method). Certain thrift institutions (building and loan associations, mutual savings banks, or cooperative banks) are allowed deductions for bad debts under rules more favorable than those granted to other taxpayers (and more favorable than the rules applicable to other financial institutions). Qualified thrift institutions are eligible to compute deductions for bad debts using either the specific charge-off method or the reserve method of section 593. To qualify for this reserve method, a thrift institution must meet an asset test, requiring that 60 percent of its assets consist of "qualifying assets" (generally cash, government obligations, and loans secured by residential real property). This percentage must be computed at the close of the taxable year, or at the option of the taxpayer, as the annual average of monthly, quarterly, or semiannual computations of similar percentages.

If a thrift institution uses the reserve method of accounting for bad debts, it must establish and maintain a reserve for bad debts, charge actual losses against the reserve, and is allowed a deduction for annual additions to restore the reserve to its proper balance. Under section 593, a thrift institution may elect, each year, to calculate its annual addition to its bad debt reserve under either (1) the "percentage of taxable income" method applicable only to thrift institutions, or (2) the "experience" method also used by small banks.

Under the percentage of taxable income method, a thrift institution generally may claim as a deduction an addition to its bad debt reserve for an amount equal to 8 percent of its taxable income (determined without regard to this deduction and with additional adjustments). Under the experience method, a thrift institution generally is allowed a deduction for an addition to its bad debt reserve equal to the greater of: (1) an amount based on its actual average experience for losses in the current and five preceding taxable years, or (2) an amount necessary to restore the reserve to its balance as of the close of the base year. For taxable years beginning before 1988, the "base year" was the last taxable year before the most recent adoption of the experience method (i.e., generally, the last year the taxpayer was on the percentage of taxable income method). Pursuant to a provision contained in the Tax Reform Act of 1986, for taxable years beginning after 1987, the base year is the last taxable year beginning before 1988. The base year amount is reduced to the extent that the taxpayer's loan portfolio decreases. Computing bad debts under a "base year" concept allows a thrift institution to claim a deduction for bad debts for an amount at least equal to the institution's actual losses that were incurred during the taxable year.

Bad debt methods of commercial banks

A small commercial bank (i.e., one with an adjusted basis of assets of $500 million or less) only may use the experience method or the specific charge-off method for purposes of computing its deduction for bad debts. A large commercial bank must use the specific charge-off method. If a small bank becomes a large bank, it must recapture its existing bad debt reserve (i.e., include the amount of the reserve in income) through one of two methods. Under the 4-year recapture method, the bank generally includes 10 percent of the reserve in income in the first taxable year, 20 percent in the second year, 30 percent in the third year, and 40 percent in the fourth year. Alternatively, a bank may elect the cut-off method. Under the cut-off method, the bank neither restores its bad debt reserve to income nor may it deduct actual losses relating to loans held by the bank as of the date of the required change in the method of accounting. Rather, the amount of such losses are charged against and reduce the existing bad debt reserve; any losses in excess of the reserve are deductible.

Recapture of bad debt reserves by thrift institutions

If a thrift institution become, a commercial bank, or if the institution fails to satisfy the 60-percent qualified asset test, the institution is required to change its method of accounting for bad debts and, under proposed Treasury regulations, is required to recapture its bad debt reserve.[1] The percentage of taxable income portion of the reserve generally is included in income ratably over a 6-taxable year period. The experience method portion of the reserve is not restored to income if the former thrift institution qualified as a small bank. If the former thrift institution is treated as a large bank, the experience method portion of the reserve is restored to income either ratably over a 6-taxable year period, or under the 4-year recapture method described above.

In addition, a thrift institution may be subject to a form of reserve recapture even if the institution continues to qualify for the percentage of taxable income method. Specifically, if a thirft institution distributes to its shareholders an amount in excess of its post-1951 earnings and profits, such excess will be deemed to be distributed from the institution's bad debt reserve and must be restored to income (sec. 593(e)).

Financial accounting treatment of tax reserves of bad debts of thrift institutions

In general, for financial accounting purposes, a corporation must record a deferred tax liability with respect to items that are deductible for tax purposes in a period earlier than they are expensed for book purposes. The deferred tax liability signifies that, although a corporation may be reducing its current tax expense because of the accelerated tax deduction, the corporation will become liable for tax in a future period when the related item is expensed for book purposes (i.e., when the timing item ''reverses''). Under the applicable accounting standard (Accounting Principles Board Opinion 23), deferred tax liabilities generally were not required for pre-1988 tax deductions attributable to the bad debt reserve method of thrift institutions because the potential reversal of the bad debt reserve was indefinite (i.e., generally, a reversal would only occur by operation of sec. 593(e), a condition within the control of a thrift institution). However, the establishment of 1987 as a base year by the Tax Reform Act of 1986 increased the likelihood of bad debt reserve reversals with respect to post-1987 additions to the reserve and it is understood that thrift institutions generally have recorded deferred tax liabilities for these additions.

Treatment of thrift institutions under H.R. 2491

H.R. 2491 (the ''Thrift Charter Conversion Act of 1995'') will require thrift institutions to forego their Federal thrift charters and become either State-chartered thrift institutions or Federally-chartered banks. If a thrift institution becomes a bank, the institution will be subject to recapture of all or a portion of its bad debt reserve under proposed Treasury regulations. It is understood that such recapture will require the institution to immediately record, for financial accounting purposes, a current or deferred tax liability for the amount of recapture taxes for which liabilities previously had not been recorded (generally, with respect to the pre-1988 reserves) regardless of when such recapture taxes are actually paid to the Treasury. It is further understood that the recording of this liability generally will decrease the regulatory capital of the new bank.

DESCRIPTION OF PROPOSAL

The proposal would repeal the section 593 reserve method of accounting for bad debts by thrift institutions, effective for taxable years beginning after 1995. Under the proposal, thrift institutions that qualify as small banks would be allowed to utilize the experience method applicable to such institutions, while thrift institutions that are treated as large banks would be required to use the specific charge-off method. Thus, the percentage of taxable income method of accounting for bad debts would no longer be available for any institution.

A thrift institution required to change its method of computing reserves for bad debts would treat such change as a change in a method of accounting, initiated by the taxpayer, and having been made with the consent of the Secretary of the Treasury. Any section 481(a) adjustment required to be taken into account with respect to such change generally would be taken into account ratably over a 6-taxable year period, beginning with the first taxable year beginning after 1995. For purposes of determining the section 481(a) adjustment of a taxpayer, the balance of the reserve for bad debts with respect to the taxpayer's base year (generally, the balance of the reserve as of the close of the last taxable year beginning before January 1, 1988, adjusted for decreases in the taxpayer's loan portfolio) would not be taken into account. However, the balance of these pre-1988 reserves would continue to be subject to the provisions of present-law section 593(e) (requiring recapture in the case of certain excess distributions to shareholders).

Thus, under the proposal, subject to the special rule described below, a thrift institution that would be treated as a large bank generally would be required to recapture its post-1987 additions to its bad debt reserve, whether such additions are made pursuant to the percentage of taxable income method or the experience method. In addition, subject to the special rule described below, a thrift institution that would qualify as a small bank generally only would be required to recapture its post-1987 additions to its bad debt reserve that were attributable to the use of the percentage of taxable income method during such period. If such small bank would later become a large bank, any amount required to be recaptured under present law would be reduced by the amount of the pre-1988 reserve.

Under a special rule, if the taxpayer meets a ''residential loan requirement'' for any taxable year, the amount of the section 481(a) adjustment otherwise required to be restored to income would be suspended. A taxpayer would meet the residential loan requirement if for any taxable year, the principal amount of residential loans made by the taxpayer during the year is not less than the average of the principal amount of such loans during the six most recent testing years. A ''testing year'' means (1) each taxable year ending on or after December 31, 1990, and before January 1, 1996, and (2) each taxable year ending after December 31, 1995, for which the taxpayer met the residential loan would be a loan described in section 7701(a)(19)(C)(v) (generally, loans secured by residential real and church property and mobile homes). The determination of whether a member of controlled group of corporations meet the residential loan requirement would be made on a controlled group basis. A special rule would provide that a taxpayer that calculates its estimated tax installments on an annualized basis would determine whether it meets the residential loan requirement with respect to each such installment. Treasury regulations are expected to provide rules for the application of the residential loan requirement rules in the case of mergers, acquisitions, and other reorganizations of thrift and other institutions.

EFFECTIVE DATE

The proposal would be effective for taxable years beginning after December 31, 1995.

2. Treatment of payments made to the SAIF fund pursuant to H.R. 2491.

PRESENT LAW AND BACKGROUND

In general, a taxpayer is allowed to deduct ordinary and necessary expenses paid or incurred in carrying on a trade business during the taxable year (sec. 162). However, amounts that give rise to a permanent improvement or betterment must be capitalized rather than deducted currently (sec. 263). Whether an expenditure is deductible under section 162 or must be capitalized under section 263 is often a matter of dispute between the IRS and taxpayers and has been the subject of significant litigation. Most recently, in *INDOPCO* v. *Commissioner,* 503 U.S. 79 (1992), the U.S. Supreme Court held that expenditures that give rise to a future benefit must be capitalized. The *INDOPCO* decision overruled a prior U.S. Supreme Court decision that has been interpreted to hold that an expenditure must give rise to an identifiable asset before it is capitalized (*Lincoln Savings* v. *Comm.,* 403 U.S. 345 (1971), relating to additional premiums paid by a thrift institution to the Federal Savings and Loan Insurance Corporation). The scope of the *INDOPCO* decision is uncertain.

H.R. 2491 would require thrift institutions to pay a special assessment to the Saving Association Insurance Fund (''SAIF''). The due date of the payment would be the first business day of January 1996. The SAIF generally is the insurance fund for deposits in thrift institutions. Effective January 1, 1998, the SAIF would be merged with the Bank Insurance Fund (''BIF'') (the insurance fund for deposits in banks). Thrift institutions and banks also are required to pay annual premiums to the SAIF and BIF, respectively, based on the amount of their insured deposits. Currently, the premium rate for the SAIF deposits is substantially higher than the premium rate for BIF deposits. After the merger of the SAIF and BIF in 1998, under H.R. 2491, thrift institutions and banks would be subject to the same lower deposit insurance rates generally applicable to banks.

DESCRIPTION OF PROPOSAL

The proposal would provide that the special assessment paid to the SAIF as required by H.R. 2491 would be deductible when paid.

EFFECTIVE DATE

The proposal would be effective upon enactment.

[1] The requirement of the proposed regulations that a thrift institution recapture its bad debt reserves upon a change in the method of its accounting for bad debts is based on Nash v. U.S., 398 U.S. 1 (1970), where the U.S. Supreme Court held that a taxpayer essentially was required to recapture its bad debt reserve when the related accounts receivable were transferred by the taxpayer.

FORSAKING A VALUED BULWARK TO EXTREMISM

HON. JIM BUNN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. BUNN. Mr. Speaker, the Government of Turkey has, for several decades, been one of America's closest allies. They have stood by us throughout the cold war, during Operation Desert Storm, and the crisis in the Balkans. Unfortunately, some in Congress have failed to recognize Turkey's friendship and strategic importance in recent weeks.

As the Foreign Operation Subcommittee prepares to enter into a conference with the other body, I hope that my fellow conferees will take a moment to read the following editorial, which appeared in today's Washington Times.

This editorial illustrates the danger of basing our foreign policy on ethnic head counts in our districts, instead of the national security concerns of the United States. I sincerely hope that we can pursue a policy of friendship and cooperation with the Government of Turkey, and thereby ensure a long-lasting and mutually beneficial relationship between our two nations.

FORSAKING A VALUED BULWARK TO EXTREMISM

(By Amos Perlmutter)

It's generally acknowledged that Turkey is one of the key, critical strategic states in the Middle East, yet that acknowledgement seems to have escaped the United States in recent times.

Challenged by both internal and external forces, Turkish Prime Minister Tansu Ciller resigned after losing a vote of confidence on Sunday. The future of her Government—Turkey's friendliest to the U.S. in a long time—poses serious challenges to American foreign policy in the Middle East.

As far back as 1954, the United States and Great Britain helped engineer the Northern Tier, a North Asian political bulwark and fortress against the Soviet Union in the depths of the Cold War. The leading elements of the tier then were Turkey, Iran, Pakistan and Iraq, seen as partners to the West in the Cold War against the Soviet Union.

Turkey, which stands between Europe and Asia and controls the Black Sea passage to the Mediterranean did more than its part. It made a real and still vivid contribution to the Korean Way by delivering its legendary tough soldiers, who displayed conspicuous heroism. Turkey today remains a critical member of NATO and stands in key contrast to Iran, Iraq, Syria and the Muslim states of the former Soviet Union.

Given its critical importance and its basically steadfast history, it seems more than passing strange that the United States has never fully acknowledged or rewarded the contributions and importance of Turkey, including its key participation in the Gulf war, by allowing the use of its air space.

Why this casual treatment of Turkey? Some of the explanations for the American failure to recognize the importance of Turkey's strategic role in the Middle East have their roots in the workings of Congress, where the domestic lobbies of Armenia and Greece hold sway in a ferocious battle against Turkish influence. In fact, the specter of Sen. Robert Dole's candidacy bodes no good for Turkey. Mr. Dole, who was horribly wounded in World War II, was saved by the heroic medical efforts of an Armenian physician, a personal fact that appears to have influenced Mr. Dole's policy toward Turkey. Even without Mr. Dole, the Armenian lobby has been very effective in preventing Turkey from gaining the full economic fruits and benefits of the European Economic Community.

The even more powerful Greek lobby has managed to help relegate Turkey's image in the public eye to that of a non-European Muslim and Ottoman state that bears little resemblance to the reality of modern Turkey. In fact, Turkey's civic culture since the Kemalist revolution after World War I is that of a secular state, even if it is, like so many other countries in the region, burdened by the threat of an emerging radical, Islamic and Kurdish opposition.

The problem for Turkey is that it has so far displayed no gift for the kind of lobbying and public proselytizing that is characteristic of the Greek and Armenian efforts. Turkish-Americans are spread throughout the United States and form no cohesive voting or social bloc. The absence of a natural and organized lobby and the challenge presented by the organized Greek and Armenian lobbies have combined to result in a hesitant U.S. support for Turkey, despite its history and its strategic importance, which is greater than Greece.

The persistent complaint is that Turkey is not a real democracy, an argument that can be applied more correctly to the corrupt regime of Prime Minister Andreas Papandreau of Greece, a former sympathizer of the Soviet Union and of anti-American Third World radicals and terrorists. It's true that neither Greece nor Turkey are complete democracies on the order of the United States or Britain, but a good case can be made for Turkey on its substantive political and social culture, which is characterized by a history of civility, an absence of racism and anti-Semitism and a certain steadfastness to allies ever since the collapse of the Ottoman Empire.

It's true that the Ottoman Empire, once called ''the Sick Man of Europe'' was an abusive and corrupt empire. Yet even then, its system of vilayat rule allowed considerable autonomy and achieved more tolerance for religious groups than other empires of its time.

Today, Turkey is marked for its civility, and is important as a strategic partner. Most of the vestiges of the Ottoman Empire have long since vanished in the wake of the work of the model military reformist Kamal Ataturk, who is the father of modern, secular Turkey. Turkey, in fact, is the only secular Muslim state in the world today, a not unremarkable feat and status.

Turkey ought to be rewarded instead of ignored for its secularization efforts. True, Turkey must find a better way to deal with its Kurdish problem, although its current approach is relatively moderate, compared to the way Iraq treats its Kurdish minority. The Turkish government should probably do its utmost to recognize the Kurds, although not the PKP revolutionary Marxist group, as equal citizens.

Still, the reasons for American disinterest have more to do with domestic American lobbying activities than any real or perceived Turkish failings. It's high time the United States woke up to the strategic and critical importance of Turkey. The easiest way to do that is to imagine Turkey in the hands of fundamentalist Islamic forces. The opposite is true today—Turkey stands as a real and honest bulwark to the forces of radical and fundamentalist Islam.

EXCLUSIVE ECONOMIC ZONE

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. DEFAZIO. Mr. Speaker, I join my colleague from the First District of California, Representative RIGGS, in supporting an extension of State jurisdiction into the exclusive economic zone [EEZ] for the States of Alaska, Washington, Oregon, and California. Certain fisheries, such as Dungeness crab, scallops, and thresher shark are not covered by a Federal fishery management plan [FMP]. States lack the authority to manage these fisheries while the Pacific Fishery Management Council and NMFS lack the resources to manage them. In the absence of management and conservation authority, these fisheries can easily be exploited by fishermen fishing exclusively in the EEZ and then landing the product in State or foreign nation without landing laws addressing that species of fish. The bill as it is currently written grants authority to manage in the EEZ to Alaska. I am hopeful that similar authority will be granted to Washington, Oregon, and California. I applaud the commitment by Representative YOUNG to work toward resolution of this issue.

WHO WILL NOTICE?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. CRANE. Mr. Speaker, lately there has been a great deal of rhetoric about train wrecks and other analogies to cataclysmic events to describe the impending doom to the Nation's financial markets should the Government shut down if Congress and President Clinton disagree on a Federal budget. I believe that most of the gloom and doom forecasts come from bureaucrats and Democrats who generally overstate the importance of Washington to the rest of the Nation.

As far as I am concerned, the shutdown of non-essential Federal agencies would constitute the fulfillment of my mission as a Member of Congress. However, in the past, the Government has, in fact, shut down temporarily as Congress and the President fought over the details of the funding for the Federal agencies. I suspect that, outside the Capital Beltway, no one noticed when it was shut down.

In a recent Wall Street Journal article, Jim Miller, the former director of the Office of Management and Budget, also argues that no one, even those on Wall Street, will notice if the Federal Government temporarily shuts down during budget negotiations.

As we in Congress continue to convince President Clinton of the necessity to balance the Federal budget, I commend Mr. Miller's article, ''Government Shutdown? 'See If Anybody Notices' '' to my colleagues for reassurance.

[From the Wall Street Journal]

GOVERNMENT SHUTDOWN? 'SEE IF ANYBODY NOTICES'

(By James C. Miller III)

Washington is reaching the end game on the budget. The White House wants Congress to compromise on—read, back off—a budget that simultaneously cuts taxes by $245 billion, pays dollar for dollar for those tax cuts with spending cuts, and balances the books by the year 2002. In a fit of rhetorical overkill, the Clinton administration has warned of a ''train wreck'' that will shut the government down and shake the financial markets if no agreement is reached by Nov. 15.

In fact, the so-called train wreck would be more of a fender bender. The law is quite clear: There would be no shutdown—only ''non-essential services'' would be curtailed. The armed forces would stand ready as ever; social security checks would be mailed on time (and the post office would deliver them along with all other mail); air traffic controllers and meat inspectors would stay on the job. The fact is, the government has

''shut down'' four times in the last 15 years without anyone much noticing. After one such shutdown in 1990, the General Accounting Office asked various government agencies what their number one concern regarding a shut down was, most answered ''reduced morale.'' The IRS mentioned that it was worried about a ''loss of public confidence in the agency''!

As for payments to U.S. debt holders, a potential default will be no more than a bump along the road to a balanced budget. In 1987 and 1990, the government hit against the debt ceiling, and we heard the same apocalyptic rhetoric we hear today. In 1985, as Congress and the Reagan administration were busy erecting the Gramm-Rudman-Hollings guillotine, the debt ceiling was reached, and default loomed. Relying on a number of technical fixes, the Treasury Department was able to forestall actual default, but the uncertainty lasted more than a month. Did the market implode? Far from it: Stocks actually staged a rally—taking the S&P index to its then-all-time high. There's a lesson in that earlier experience that holds true today: The value of the debt investors buy depends on the dynamism of the U.S. economy—not the fate of the U.S. government.

As always, in its preference for fear over fact, the Clinton administration is playing fast and loose with the numbers. Take the allegedly increased cost of interest rates if the government does hit the debt ceiling. According to President Clinton's chief economic adviser, Joseph Stiglitz, a rise of one hundredth of one percent—a single basis point—would cost $3.5 billion over seven years. Three things are wrong with that number.

First, it ignores the fact that over $1 trillion of government debt is ''owned'' by another government agency or entity—money, in effect, that Uncle Sam's right pocket owes his left. Second, Mr. Stiglitz apparently assumes the impossible—namely, that all government debt would re-price immediately—and, third, that it would then carry the new and higher rate for the next seven years. That kind of statistical sleight-of-hand may pass for analysis in the White House, but not on Wall Street.

How can I be sure? I was serving as director of Office of Management and Budget under Ronald Reagan when one of these noncrises happened in 1986. At that time, of course, the roles were reversed. A Democratic Congress was trying to force increased spending and higher taxes on a reluctant Republican president. The Democrats thought Mr. Reagan would ''blink first,'' approve their extravagant spending bills, and be forced to raise taxes to pay for their largess.

Unable to convince them that wasn't going to happen, I found myself in the Oval Office apologizing to the president and saying that I feared the government would be forced to close down.

''Jim, Jim,'' he said, with that famous smile and a twinkle in his eye, ''just settle down. Let's close the place down and see if anybody notices.''

Then he went on the radio and said the same thing: If Congress doesn't act responsibly, ''I won't have any choice but to shut it down. If they want to put a real budget together by candlelight, it's OK by me.'' In the end, Congress agreed to take the most offensive measures out of their appropriations bills, and the government engines started back up after a brief pause.

The moral of the story: No one did notice.

Perhaps President Clinton is heartened by Mr. Reagan's example, but there is a profound difference in their positions: President Reagan stood with the American people in their desire to cut wasteful government spending. President Clinton stands against their wishes and for a continuation of the spending status quo.

Congress has the moral high road here, and they shouldn't be afraid of sticking to it. Theoretically, the president could engage in a reckless ''firemen first'' shutdown strategy. After all, the president has full power to define which services are essential and which are not. If he chose, he could define air traffic controllers as ''non-essential'' and hope the American people blame Congress for the closure of the nation's airports. Or, when the debt ceiling is reached Nov. 15, he could stop sending out Social Security checks to senior citizens, at least temporarily.

But the public will know that none of these actions is necessary. The law is clear: After debt holders, Social Security and other entitlements get first priority, and there is no good reason why those payments should ever be disrupted. If the president chooses to play politics with entitlements, he and only he will be responsible. If there is a ''train wreck,'' he will be the engineer failing to put the brakes on a runaway spending locomotive. And like one of President Clinton's favorite musicians, the late Jerry Garcia, used to sing, ''Casey Jones, you better watch your speed.''

MARZIEH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. TOWNS. Mr. Speaker, I ask my colleagues to join me in honoring Marzieh, legendary singer of Iran. The news media has reported the smashing success of Marzieh, grande dame of Iranian music, at her concert in California on September 30. You will recall that Marzieh began her tour of the United States with a brief stop in Washington, where many members, including myself, had the great pleasure of meeting her at a reception and dinner here on the hill. The sellout crowd of over 3,000 at Hollywood's Pantages Theatre gave her a tremendous welcome and one after another of her songs prompted standing ovations.

Marzieh is, of course, renowned among her people not only for her tremendous talent and career, spanning half a century, but for her commitment to democracy and human rights in her troubled homeland, Iran. The civil rights movement in this country was sustained with freedom songs and songs of praise. Marzieh has brought a new voice for Iran, a voice which has helped to preserve Persian musical traditions, and a voice which now lends itself to the battle for freedom and justice in Iran.

Just as the freedom songs of the 1960's carried the message of the civil rights movement, Marzieh's melodic tones will carry the message of the resistance against the repressive regime in Iran. At 71, Marzieh is already a musical icon, but with her courageous decision last year to leave her oppressed homeland after 15 years of silence and meet with the Iranian Resistance's President-elect, Mrs. Maryam Rajavi, in Paris, she has become much more: A true champion of her people. As Mrs. Rajavi's advisor on the arts and culture, I am sure that Marzieh will play a significant role in reviving the world renowned legacy of Persian art and music.

I send Marzieh my congratulations on her great success on the west coast, and my best wishes on her continuing work on behalf of the National Council of Resistance of Iran.

HONORING THE MONTEBELLO WOMEN'S CLUB

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. TORRES. Mr. Speaker, I rise today in recognition of the Montebello Women's Clubhouse in Montebello, CA, which has recently been given the honor of being listed in the National Register of Historic Places.

The Montebello Women's Club originated in 1885. At that time, the club was primarily an intellectual and cultural organization that served the Montebello community. Not content to meet in their homes, the women's club began to raise funds for the construction of a clubhouse. By 1923 club members had raised enough funds and purchased two lots at the corner of Park Avenue and Los Angeles Street, where the clubhouse stands today.

The Montebello Women's Clubhouse, built in 1925, serves as a social gathering place for resident of the city of Montebello. During the city's formative years, the clubhouse was the only suitable facility for large meetings, banquets, dinners, and dances. As a result, the clubhouse rapidly established itself as the community's primary social and civic gathering place.

The Montebello Women's Clubhouse is a product of the Spanish revival architectural philosophy and an excellent example of this influence which was prevalent during the early 1920's. For the past 70 years, this beautiful Spanish colonial revival social hall has served the Montebello community and been host to Montebello's memorable historic social, community, and civic events.

Mr. Speaker, it is with pride that I rise to recognize the Montebello Women's Clubhouse on the occasion of being listed in the National Register of Historic Places. I also ask my colleagues to join me in extending our best wishes and congratulations to members of the Montebello Women's Club.

LEGISLATION TO APPOINT A COMMISSION ON MEAT PACKING INDUSTRY

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. JOHNSON of South Dakota. Mr. Speaker, I am pleased today to introduce legislation that will direct the President to appoint a special commission on the concentration and potentially reduced competition in the meat packing industry. This legislation is necessary to ensure the existence of open and fair competition in the livestock and meat packing industry.

Over the last year, livestock producers have faced devastatingly low prices that make it very difficult, if not impossible, to break even, let alone receive a reasonable return on their investment. Last spring, cattle and hog prices

fell to levels that could threaten the very survival of our Nation's independent family livestock producers. Farmers and ranchers have questioned whether a free and open market operates in the livestock and meat packing industry, and the issues of packer concentration and market access are at the core of their concerns.

This legislation will require the President to appoint a commission on concentration in the meat packing industry. The commission would be chaired by the Secretary of Agriculture and be comprised of cattle, hog, and lamb producers; experts in antitrust legislation; economists; corporate chief financial officers; and corporate procurement experts. The commission would be charged with achieving the following goals:

First, determine if the upcoming USDA study on concentration in the red meat packing industry represents current market conditions. Producers are concerned that the study is based on outdated information and does not cover critical aspects of the livestock industry. This study was mandated by Congress in the fiscal year 1992 Agricultural appropriations bill. Producers and consumers need to have confidence that the findings of this study will apply to current market conditions.

Second, review the adequacy of current antitrust laws with respect to the livestock industry. Four large packing companies control over 80 percent of the cattle slaughtered in this country. Fifteen years ago this level was only a third as much. Given this amount of market concentration, producers question whether current laws are adequate to ensure free, open, and competitive livestock markets.

Third, make recommendations regarding the adequacy of price discovery in the livestock industry. Producers question whether the regulations governing price discovery in the livestock industry ensure the operation of a free and open market.

Fourth, review the reasons for the large producer to retail price spread. Although producers have been receiving some of the lowest prices in recent history for their livestock, packers and retailers have been enjoying record profits. Both producers and consumers deserve to know the reasons behind this distressing price spread.

Mr. Speaker, I invite you and my colleagues to join me in examining the underlying reasons behind one of the most difficult periods for livestock producers in recent memory. This legislation can accomplish this.

A SALUTE TO THE WINNERS OF ILLINOIS PRESS ASSOCIATION AWARDS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. LIPINSKI. Mr. Speaker, I rise today to honor a number of news publications in my district whose efforts to uphold the highest principles of journalism were recently recognized by the Illinois Press Association at its annual awards ceremony.

First place winners in both large and small weekly newspaper divisions cover portions of my district. The Southtown Economist of Chicago was named best large daily newspaper in the State. Press Publications of Elmhurst, IL took first place in the large weekly category and The Regional News of Palos Heights, IL was the winner in the small weekly category. These newspapers also won other numerous awards.

Other first place winners from my district included the Star newspaper of Chicago Heights, IL, which was honored for newspaper design and spot news photography, and The Doings of Hinsdale, IL which was recognized for an indepth report on the teardown of homes in its community.

Mr. Speaker, I congratulate these newspapers and their hard-working journalists on earning these prestigious honors.

PERSONAL EXPLANATION

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. POMEROY. Mr. Speaker, I regret that I was not present for Rollcall No. 717, the Farr fish habitat amendment. At the time of the vote, I was meeting with Gen. Ronald Fogelman, Chief of Staff for the U.S. Air Force, at the Pentagon regarding the Minot Air Force Base. Had I been present, I would have voted ''yes.''

CONFERENCE REPORT ON H.R. 1976, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1995

Mr. FAZIO of California. Mr. Speaker, I rise in support of the conference report for H.R. 1976, the Agriculture Appropriations bill for fiscal year 1996.

H.R. 1976 is not a perfect bill. Next year's bill continues an alarming trend in cutting important programs for agriculture research, animal and plant inspection, food safety and inspection, conservation programs, and rural housing and development.

Certainly some savings have accrued from the reorganization of the Department of Agriculture and closing of numerous field offices nationwide.

But we must guard against debilitating cuts that prevent these agencies from fulfilling their important missions.

Cuts to research, cuts to inspection, cuts to food safety, cuts to conservation programs—we are short-sighted in cutting back on these investments in this, the most productive sector of our economy.

But, despite my reservations about these cuts, we must judge the conference product against the House version of this bill, and we must judge it against what is possible this year and in this political climate—and based on these comparisons, the conference report is an improved product.

The conference report improves upon the House funding level for research and extension. It improves upon the House funding level for food safety and inspection. It improves upon the House funding level for rural housing and economic development.

I have particular praise for three items of importance to California agriculture and to my district.

First, funds have been included for buildings and facilities construction within the Cooperative State Research Service, including funds for an important integrated pest management research facility at the University of California at Davis and at Riverside.

Although some Members disagree with funding for these facilities, and the House bill contained no funds for this construction program, the conference agreement is the right decision.

It makes sure that our important agriculture research institutions who have worked in good faith over the years are not left high and dry. But it also directs the institutions to provide a specific and verifiable cost-share, and it tells them this is not an unlimited source of funds—it brings fair closure to this account over the next 2 years.

Second, the conferees fought successfully and in defense of the House position for the Market Promotion Program.

There is probably no more important tool for export promotion than MPP.

Agriculture exports, projected to exceed $50 billion this year—up from $43.5 billion for fiscal year 1994—are vital to the United States.

Agriculture exports strengthen farm income.

Agriculture exports provide jobs for nearly a million Americans.

Agriculture exports generate nearly $100 billion in related economic activity.

Agriculture exports produce a positive trade balance of nearly $20 billion.

If U.S. agriculture is to remain competitive under GATT, we must have policies and programs that remain competitive with those of our competitors abroad.

GATT did not eliminate export subsidies, it only reduced them.

The European Union spent, over the last 5 years, an average of $10.6 billion in annual export subsidies—the United States spent less than $2 billion.

The E.U. spends more on wine exports—$89 million—than the United States currently spends for all commodities under the market promotion program.

MPP is critical to U.S. agriculture's ability to develop, maintain and expand export markets in the new post-GATT environment, and MPP is a proven success.

In California, MPP has been tremendously successful in helping promote exports of California citrus, raisins, walnuts, almonds, peaches and other specialty crops.

We have to remember that an increase in agriculture exports means jobs: a 10 percent increase in agricultural exports creates over 13,000 new jobs in agriculture and related industries like manufacturing, processing, marketing and distribution.

For every $1 we invest in MPP, we reap a $16 return in additional agriculture exports. In short, the Market Promotion Program is a program that performs for American taxpayers.

The conferees have wisely held on to this important program in the face of ill-informed and short-sighted action by the Senate.

Third, the conference committee has continued to provide important funding for special

research grants in the Cooperative State Research Service while continuing a significant commitment to competitive grants.

The committee, sometimes in the face of significant opposition, has always believed there is a place for both competitive grants and special grants.

Special grants ensure that particular attention is paid to regional needs, temporary needs, and agricultural research where a special project is required. The grants are fully cost-shared and generally leverage efforts that are already underway in many of our land-grant universities and other research institutions. The research projects are of limited duration.

The conference committee has decided correctly to fund special research grants. The Russian wheat aphid and the viticulture consortium are not burning issues for most Americans. But in California, these represent important research efforts for agricultural commodities that are making significant contributions to our economy.

I know the other special grants enumerated by the conference report are of equal value to other States and regions in addressing special problems, and I commend the conference committee for their support of these initiatives.

In summary, this is not a perfect bill, but the conference report is a fair balancing of the many needs and many issues within the committee's jurisdiction. I commend Chairman JOE SKEEN and Ranking Member DICK DURBIN for their efforts in support of American agriculture during the conference committee deliberations, and I urge my colleagues to support the conference report.

IN HONOR OF HUGO PRINCZ

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. PALLONE. Mr. Speaker, I rise today to honor a special man who lives in my district in Highland Park, New Jersey: Mr. Hugo Princz.

Hugo is one of a few American survivors of the Holocaust in Nazi Germany. His family was American, living in Slovakia in 1942 when all were arrested by the Nazis. The SS refused to release the Princz family, which should have been done as part of the Red Cross civilian prisoner exchange, instead the family was interned because it was Jewish.

Hugo's mother, father, and sister were sent to Treblinka death camp and gassed on arrival. He and his brothers were sent to Auschwitz, and worked as slave laborers. Mr. Princz's job was to stack dead bodies for incineration. While in Auschwitz, Hugo's two brothers were killed. By the war's end, Hugo was in Dachau and selected for extermination. He was fortunately saved by the U.S. Army when our soldiers boarded a train carrying Hugo and other prisoners and saw U.S.A. embroidered on his jersey.

After the war, Mr. Princz began what would turn out to be a 50-year struggle with the German Government for reparations—a fight in honor of his family and all of the people who were tortured by the Nazis. In 1955, Germany rejected Mr. Princz's application for its reparations program because his U.S. citizenship made him ineligible under German law. Hugo's struggle continued without success for decades. German legislators refused to accept responsibility for the actions of the Nazis and recognize Mr. Princz and his struggle for survival.

Hugo looked to Congress to assist him in his struggle. What he brought to me and the many Members of Congress who supported him was a just and righteous cause. Hugo's lawyers, William Marks from the firm of Powell, Goldstein, Frazer & Murphy, and Steven Perles should be commended for their work on Hugo's behalf. They worked feverishly with Members of Congress, for little reward, to assist Hugo in his efforts. Finally, on September 19, 1995, the roller coaster ride of Hugo's struggle came to a successful conclusion. The German Government recognized his struggle and provided him with the reparations he was owed.

Mr. Speaker, Hugo Princz is an inspiration to everyone who knows him or has heard him tell his story. He managed to overcome the worst nightmare humanity has ever created. Yet his strength and determination in the face of such strong adversity will remain in the hearts and minds of all who know him, and that will be his legacy.

HAPPY 100TH BIRTHDAY ALF THOMPSON

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. POSHARD. Mr. Speaker, I rise today to wish Mr. Alf Thompson a happy 100th birthday. Alf was born on November 11, 1895, and has lived a truly memorable life.

As a young man, Alf enlisted in the Army, and in 1917 he was sent to the Philippines where he joined the Machinegun Company of the 31st Infantry Regiment in Manila. While in the Philippines Alf became the company clerk, and began to consider applying for an officer's commission.

In 1919 Alf was reassigned to Vladivostok, Siberia. Here he attended the American Expeditionary Force's Officer Candidate School, and upon graduation was selected to lead the 31st Infantry Regiment's Signal Platoon. He was charged with the responsibility of keeping Siberia's only source of coal safe as it was transported on the Trans-Siberian Railroad.

When World War I ended Alf left the Army and began a successful career in private business. When World War II erupted Alf once again when to work for his Nation. He left the private sector and joined the American Red Cross. He went to the Mediterranean to help the soldiers, sailors, and airmen stationed in North Africa, Sicily, and Italy. Years later, when soldiers returned to Illinois from Vietnam, Alf helped organize the State's welcome home program, and when the Vietnam Veteran's Memorial in Washington, DC needed additional monetary support, Alf helped raise the necessary funds.

Mr. Speaker, it is an honor to represent this exceptional man in Congress. I am proud to join with Alf's friends and family to celebrate his 100th birthday, and I wish him many more happy years.

TRIBUTE TO DR. RUTH WU

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to bring to your attention the retirement of Dr. Ruth Wu as the Dean of the School of Health and Human Services at California State University, Los Angeles. Dr. Wu has dedicated her whole career to the education of young people in health careers, particularly nursing. She is a person of great vision and was able to put in place changes in curriculum and program which allowed students to be prepared to meet the needs of a changing society.

An example of her foresight is her dedication and commitment to the establishment of the Edward R. Roybal Institute for Applied Gerontology on the campus of Cal State L.A. Her hard work and perseverance in promoting the Gerontology Institute among the university faculty and administrators resulted in the development of a gerontology program which is multidisciplinary in scope and community based in practice.

Dr. Wu has distinguished herself first in the clinical role as a public health nurse in California, New York, and Michigan (1946–57); then in the faculty role as a pediatric specialist at Henry Ford Community College, Michigan (1958–60), U.C.L.A. (1962–68) and Cal State L.A. (1971–95). Dr. Wu was initially appointed as a visiting associate professor to the Department of Nursing in 1971.

Dr. Wu's expertise in curriculum development and her leadership skills were quickly recognized and she was appointed interim Department Chair 1992–93, and her permanent Department Chair and professor in 1993–94. Her contributions from that point on are primarily in her third area of distinguished service, that of administration. From 1972 to 1982, Dr. Wu served as the Department Chair of Nursing. During those years she offered outstanding leadership in curriculum development, developing at that time one of the most forward thinking nursing curriculums in the country. Her education partnerships with the establishment of the on-site R.N. transfer baccalaureate program offered at LAC-USC Medical Center.

Dr. Wu's contributions to nursing have been recognized both nationally and statewide. In 1981, she became a fellow in the American Academy of Nursing, a very prestigious position. In 1987, she was awarded the Lulu Hassenplug outstanding nurse educator award by the California Nurses Association.

Dr. Wu moved to the school offices in 1982–83, first as the acting Associate Dean of the School of Fine and Applied Arts. In 1983–84, she served as acting Dean of that school. In 1984–85, Dr. Wu became the founding dean of the new school of health and human services, and continued in that role until her retirement in 1995.

The California State University, Los Angeles and its students are losing a great educator.

I urge my colleagues to join me in congratulating Dr. Ruth Wu for a most distinguished and memorable career.

An example of her foresight is her dedication and commitment to the establishment of the Edward R. Roybal Institute for Applied Gerontology on the campus of Cal State L.A. Her hard work and perseverance.

REPRESENTATIVE MEEK HONORS REV. DR. WALTER T. RICHARDSON

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mrs. MEEK of Florida. Mr. Speaker, this weekend Rev. Walter T. Richardson, pastor of Sweet Home Missionary Baptist Church in Perrine, FL, will simultaneously receive a Ph.D. degree in biblical counseling from Trinity Theological Seminary of Newburgh, IN, and celebrate his 12th year as a pastor. I would like to congratulate him on his two great achievements and thank him for the long years of service in the Miami area.

Reverend Richardson has served our community with great energy and success. He sits on the Board of Trustees of Miami Dade Community College and the Board of Directors of the New World School of the Arts. He is a member of the St. Thomas University Human Rights Institute and the Miami Coalition for a Drug Free Community. He has served as president of the West Perrine Christian Assocation, Co-Chair of the board of directors for We Will Rebuild, on the executive committee of the Miami NAACP, and numerous other positions. He has received awards too numerous to mention, but which include the 1993 NAACP Outstanding Service Award, the 1992 Orange Bowl Committee Hurricane Hero Award, the 1991 Thomas Dorsey Award of Excellence, and the 1985 Miami Herald Outstanding Black Achievers Award.

Guided by Reverend Richardson, Sweet Home Missionary Baptist Church is a multicultural, racially integrated congregation consisting of African-Americans, whites, and Hispanics. Serving as pastor for the last 12 years, Reverend Richardson has been responsbile for the growth of the church from a small congregation of 200 to the 1,200 worshippers who currently attend Sweet Home Missionary Baptist Church.

Reverend Richardson's accomplishments in the academic field are as equally impressive. He graduated cum laude from St. Thomas University with a B.A. in religious studies. From St. Thomas, he also earned his master's degree in pastoral ministries. Prior to working toward a Ph.D, Reverend Richardson did graduate work in philosophy at the University of Miami and in theology at Gammon Theological Seminary.

Walter T. Richardson, Reverend, pastor, community servant, and now Doctor, has dedicated over 26 years to the Christian Ministry and to the community around him. He has helped people physically, mentally, and spiritually. He has dedicated his time, efforts, and his life to improving other's lives. I offer Reverend Richardson my sincere congratulations for his acomplishments and my deepest thanks for his long years of dedicated service to our community.

BIRTH OF JENNA MARIE HURKES

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues the birth of a baby. Jenna Marie Hurkes was born to MaryAnn and Jerry at 10:57 a.m. on August 25, 1995, weighing 8 pounds and 1 ounce. On an occasion such as this, I join with the members of the Hurkes family in wishing Jenna Marie all the best for the promising future ahead of her.

I am sure that my colleagues join me in congratulating the proud parents, MaryAnn and Jerry, on this most joyous occasion. With their newborn baby, their lives together will no doubt continue to be an adventure. May this blessed addition to their lives bring them much happiness in the years to come.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 19, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 20

10:00 a.m.
Judiciary
To resume hearings to examine the status of religious liberty in the United States.
SD–226

OCTOBER 23

10:00 a.m.
Judiciary
Constitution, Federalism, and Property Rights Subcommittee
To resume hearings to examine the status and future of affirmative action.
SD–226

OCTOBER 24

10:00 a.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings on S. 1101, to make improvements in the operation and administration of the Federal courts.
SD–226

Conferees
On H.R. 1868, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996.
H-140, Capitol

OCTOBER 25

10:00 a.m.
Veterans' Affairs
To hold hearings to examine veterans' employment issues.
SR–418

2:00 p.m.
Select on Intelligence
To hold hearings to examine intelligence's support to law enforcement.
SD–G50

OCTOBER 26

9:00 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings to examine alternatives to Federal forest land management and to compare land management cost and benefits on Federal and State lands.
SD–366

9:30 a.m.
Indian Affairs
To hold hearings on proposed legislation to provide for the transfer of certain lands to the Salt River Pima-Maricopa Indian Community and the City of Scottsdale, Arizona.
SR–485

Special on Aging
To hold hearings to examine the quality of care in nursing homes.
SD–628

2:00 p.m.
Energy and Natural Resources
Parks, Historic Preservation and Recreation Subcommittee
To hold hearings on S. 231, to modify the boundaries of Walnut Canyon National Monument in the State of Arizona, S. 342, to establish the Cache La Poudre River National Water Heritage Area in the State of Colorado, S. 364, to authorize the Secretary of the Interior to participate in the operation of certain visitor facilities associated with, but outside the boundaries of, Rocky Mountain National Park in the State of Colorado, S. 489, to authorize the Secretary of the Interior to enter into an appropriate form of agreement with, the town of Grand Lake, Colorado, authorizing the town to maintain permanently a cemetery in the Rocky Mountain National Park, S. 608, to establish the New Bedford Whaling National Historical Park in New Bedford, Massachusetts, and H.R. 562, to modify the boundaries of Walnut Canyon National Monument in the State of Arizona.
SD–366

OCTOBER 31

10:00 a.m.
Judiciary
To hold hearings to examine changes in Federal law enforcement as a result of the incident in Waco, Texas.
SD–106

NOVEMBER 1

10:00 a.m.
Judiciary
To continue hearings to examine changes in Federal law enforcement as a result of the incident in Waco, Texas.
SD–106

NOVEMBER 7

10:00 a.m.
Indian Affairs
To hold hearings on S. 1159, to establish an American Indian Policy Information Center.
SR–485

NOVEMBER 15

10:00 a.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings on S. 582, to amend United States Code to provide that certain voluntary disclosures of violations of Federal laws made pursuant to an environmental audit shall not be subject to discovery or admitted into evidence during a Federal judicial or administrative proceeding.
SD–226

POSTPONEMENTS

OCTOBER 19

2:00 p.m.
Foreign Relations
Business meeting, to consider pending calendar business.
SD–419