

# EXTENSIONS OF REMARKS

CONGRESS WRITES TO BOUTROS  
GHALI ABOUT INDIAN REPRES-  
SION OF SIKHS

## HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. HERGER. Mr. Speaker, I rise today to note that a letter has been sent to Boutros Boutros-Ghali, the Secretary General of the United Nations, demanding that the United Nations get involved in seeking the release of Jaswant Singh Khalra, the Indian human rights activist who was kidnapped by the police outside his house in Amritsar on September 6. Here it is early December and his whereabouts are still unknown. Mr. Khalra was kidnapped after publishing a report which showed that the Indian regime had kidnapped more than 25,000 young Sikh men, tortured them, murdered them, then declared their bodies unidentified and cremated them. The police chief of Tarn Taran, Ajit S. Sandhu, reportedly told Mr. Khalra, "We made 25,000 disappear. It would not be hard to make one more disappear." Amnesty International reports that for this threat, Mr. Sandhu was recently transferred to another district. Transfer is the most severe punishment a police official faces.

As Amnesty International said in its report entitled "Determining the fate of the disappeared in Punjab," "Punjab police have been allowed to commit human rights violations with impunity."

Recently, the United Nations spoke out strongly against the executions of nine political activists in Nigeria. That was the right thing to do. People should not be killed or abducted and tortured for expressing political opinions or for exposing abuses of the rights of others. Yet the United Nations has not spoken up against the illegal detention of Mr. Khalra, the ongoing illegal detention of more than 70,000 other Sikhs under a repressive, expired law known as Tada, which has been discussed in this House many times, or any of India's massive abuses of the fundamental human rights of Sikhs and other minorities. This is the same United Nations, by the way, under whose auspices President Clinton is sending 20,000 Americans to keep a very fragile peace in Bosnia. Why won't the Secretary General speak out against human rights abuses in India, one of the most oppressive and corrupt countries in the world? Is it because India falsely claims to be a "democracy"?

It is time for the United Nations to condemn human rights violations in India as it does so effectively around the world.

20TH ANNIVERSARY OF INDO-  
NESIA'S INVASION OF EAST  
TIMOR

## HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. REED. Mr. Speaker, on December 7, 1975, Indonesia invaded the small country of East Timor and began two decades of violent occupation and repression. More than 200,000 East Timorese have been killed or have died of starvation since the invasion of the Indonesian Government. Portugal continues to protest Indonesia's invasion, and the United Nations has never recognized Indonesia's claim on East Timor. Both the Security Council and the General Assembly have issued numerous resolutions reaffirming East Timor's right to self-determination. However, these actions have been ineffective.

Tragically, we are still witnessing the harsh reality of this invasion. Massacres, disappearances, suppression of free speech, and human rights abuses have consistently been reported since the invasion. In November 1991, the world was outraged by the Santa Cruz massacre where Indonesian soldiers opened fire into an unarmed crowd, killing more than 250 people; in June of 1994, Indonesian troops committed acts of sacrilege against the East Timorese Church and clergy; in July 1994, a clash between East Timorese students and Indonesian troops in response to this incident left 18 students injured; and in January of this year, Indonesian soldiers kidnapped, tortured, and murdered six civilians.

At a joint hearing before the International Relations Subcommittees on Asia and the Pacific and International Operations and Human Rights on March 16, the Director of the Human Rights Watch stated: "In East Timor, violations of fundamental rights has been especially severe, and have worsened dramatically since the APEC summit meeting in Jakarta last November."

Congress has acted on behalf of the people of East Timor, but I believe we must do more. The United States must not tolerate continued human rights abuses by the military in East Timor. We must not turn our backs on the East Timorese, who, against great odds, have resisted the Indonesian invasion for 20 years. The U.S. should not let another 20 years of human rights abuses and oppression pass. I commend my colleagues Representatives KENNEDY and LOWEY for their efforts to recognize this anniversary on behalf of the people of East Timor, and for introducing the East Timor Human Rights Accountability Act of 1995. I urge my colleagues to continue to condemn acts of violence by the Indonesian Government against the people of East Timor.

DELHI MASSACRES

## HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. KING. Mr. Speaker, I rise today to note that last month Sikhs and the world remembered the 11th anniversary of the brutal November 1984 massacre of Sikhs in which more than 40,000 Sikhs were killed by government-inspired mobs while government television and radio repeatedly called for more Sikh blood. Over 20,000 Sikhs were killed in Delhi alone during this massacre. For 3 days, the police stood aside, under strict orders to do nothing. Sikh police officers were disarmed and confined to their barracks to prevent them from helping their Sikh brothers and sisters.

In all, more than 150,000 Sikhs have been murdered in India since 1984. In addition, there have been murders of over 200,000 Christians in Nagaland since 1947, more than 43,000 Muslims in Kashmir since 1988, tens of thousands of Assamese, Manipuris, and others, and thousands of Dalits "black untouchables". The State Department reported in 1994 that between 1991 and 1993, the Indian regime paid over 41,000 cash bounties to police officers for killing Sikhs.

Self-determination is the God-given right of all people of all nations. This is the principle that underlies our Declaration of Independence, and it is a principle that is sweeping the world. On October 7, 1987, the Sikh nation asserted its right the self-determination by declaring its independence from India, forming the sovereign, independent country of Khalistan. The Sikhs had ruled Punjab from 1765 to 1849. India's response to Khalistan's declaration of independence has been to set up the repression against the Sikh nation. Today Khalistan lives under the occupation of 500,000 Indian troops—more troops than the British stationed in the entire subcontinent at any time during their rule.

As the leader of the free, democratic countries of the world, the United States should not be propping up this repressive tyranny. It is time for America to take strong action to see to it that India respects human rights and the right of self-determination.

I am introducing into the RECORD a speech delivered by Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, at a November 4 rally commemorating the November 1984 massacres.

STATEMENT OF DR. GURMIT SINGH AULAKH

Today we are gathered to commemorate the anniversary of India's brutal November 1984 massacres of Sikhs in which more than 20,000 Sikhs were murdered by government-inspired mobs in Delhi alone, and over 40,000 throughout India. As the Home Minister at that time, Indian Prime Minister P.V. Narasimha Rao was intimately involved in that murderous operation. For three days, the regime did nothing about the massacre while the state television and radio cried for more Sikh blood. In India there is no peace

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

or freedom for Sikhs or other minority nations. The record of Indian rule in our homeland, Punjab, Khalistan, is one of genocide and tyranny by the country that presumes to call itself "the world's largest democracy."

The Associated Press recently reported on the suit filed in India's Supreme Court by Harpreet Singh, a Sikh man who was illegally detained four years ago and listed as having been killed in an "encounter" with the police. While we are glad that his case came to light, it is not unusual. Sikhs continue to be oppressed and butchered in supposedly free India. India is a country which tortures, murders, abducts, and rapes people. In India, "disappearances" are routine.

Recently, the Indian press reported that since 1990 over 25,000 young Sikh men had been abducted, tortured, and murdered by the Indian regime. Then their bodies were listed as unclaimed and cremated. The person who issued this report, Jaswant Singh Khalsa, general secretary of the Human Rights Wing (Shiromani Akali Dal), was abducted by the Amritsar police on September 6 and has not been seen since. The next day, Amnesty International issued an "Urgent Action" bulletin calling for his release. They expressed the fear that Mr. Khalsa is being tortured. Indeed, according to Asia Watch, "virtually everyone detained in Punjab [Khalistan] is tortured."

A mass grave which held the remains of 400 Cambodians shook the world, as it should have. Why is the mass cremation of more than 25,000 innocent Sikhs in Punjab, Khalistan, ignored?

On October 19, 65 members of the U.S. House of Representatives from both parties and across the political spectrum wrote to Mr. Rao demanding Mr. Khalsa's release. So far there has been no response. Mr. Khalsa remains in illegal detention.

According to a report issued by Human Rights Watch and Physicians for Human Rights, one police officer told HRW/PHR that "over a five-year period, 500 people were killed by police station alone." Another police officer is quoted as saying, "During my five years with the Punjab Police, I estimate 4,000 to 5,000 were tortured at my police station alone." There are over 200 such police stations in Punjab, Khalistan.

A policy of summary executions in Punjab, Khalistan has the blessings of some key officials at the Centre, as borne out by a series of secret communications from Delhi. The pattern of "encounter killings" is that "the victim would be detained during police raids on villages or city neighborhoods and tortured for several days before being killed. One police officer said: 'During my career with the Punjab police, I participated in approximately five raids per day.'" Three types of Sikhs are targeted for torture and death by the police: (1) Amritdari Sikhs, (2) young Sikh men and (3) political asylum returnees.

The U.S. State Department reports that from 1991 through 1993, the Indian regime paid more than 41,000 cash bounties to police officers for killing Sikhs. In November 1994, the Indian newspaper Hitavada reported that the late governor of Punjab, Surendra Nath, was paid \$1.5 billion to organize and support covert state terrorism in Punjab, Khalistan, and in neighboring Kashmir. Seventy-five percent of Punjab's water has been diverted to nonriparian states. India is a police state, not a democracy at all.

It takes more than elections to make a democracy. I would remind you that Adolf Hitler was democratically elected. For Sikhs, Kashmiri Muslims, Christians in Nagaland, Assamese, and the tribal people of Manipur, no matter who wins the elections, the bloody repression continues. The Indian regime has killed over 120,000 Sikhs since 1984, over 43,000 Kashmiris since 1988 and over 200,000

Christians in Nagaland since 1947. Tens of thousands of people have been killed in Assam, Manipur, and other tribal areas since independence. Dalits ("black untouchables") have died by the thousands.

Recently a Dalit girl was blinded by her teacher for the sin of drinking from the water pitcher. A few years ago, a Dalit constable was stoned to death when he sought shelter in a temple on a rainy day. In the state of Madhya Pradesh in late February, a 40-year-old nun was pulled from a bus in the town of Indore and stabbed 36 times by a Hindu militant. These are not the acts of a democratic nation. The U.N. Charter, to which India is a party, calls on nations "to practice tolerance and live together in peace with one another as good neighbors." Where is the tolerance in these Indian policies?

The historical record shows that 85 percent of those hanged in the cause of India's independence were Sikhs. Eighty (80) percent of those exiled and 75 percent of those jailed were Sikhs as well, despite the fact that the Sikhs at that time constituted less than 2 percent of India's population.

In 1947, when India achieved independence, three nations were to receive power. The Hindus got India, the Muslims got Pakistan, and the Sikh nation was to receive a state of our own. But the Sikh leadership at the time made the critical mistake of taking our share with India on the solemn promises of Gandhi and Nehru that Sikhs would enjoy "the glow of freedom" in Punjab and that no law affecting Sikh rights would be passed without Sikh consent. As soon as the constitution was adopted, those promises were broken and the repression of our people began. As a result, no Sikh has ever signed the Indian constitution.

Nine times the Indian regime has imposed Presidential rule—direct rule by the central government—on the Sikhs of Punjab, Kashmir and Nagaland currently suffer under Presidential rule. Many other states have suffered the same fate. Rule from the Center is imposed in utter disregard of democratic principles.

Perhaps the greatest offense of all, however, was the Indian regime's brutal terrorist attack on the most holy Sikh shrine, the Golden Temple in Amritsar and 38 other Sikh temples throughout Punjab, in June 1984. This is the equivalent of attacking the Vatican or Mecca. These brutal attacks ultimately resulted in the murder of 20,000 Sikhs by the government, including important Sikh leaders like Sant Jarnail Singh Bhindranwale, a major spokesman for Sikh freedom. The attack took place from June 3 through 6, 1984. 15,000 troops of the Indian army took part in this surprise attack, called Operation Bluestar. These attacks were timed to fall on a holy day for the Sikh nation. Many innocent, unarmed men, and women and children, who had come only to pray on the anniversary of the martyrdom of Guru Arjan Dev Ji, were instead gunned down in the very temples in which they sought peace and solace.

In the face of this repression, the Sikh nation declared its independence on October 7, 1987, forming the separate country of Khalistan. Although our movement to liberate Khalistan is peaceful, democratic, and nonviolent, the brutal Indian regime insists upon treating all Sikhs as "terrorists." The cases of Harpreet Singh and Jaswant Singh Khalsa clearly emanate from that policy. This past September 19, U.S. Representative Philip M. Crane, one of the senior Members of Congress, called upon the Indian regime to recognize the independence of Khalistan. It is time for the United Nations to do the same.

The Sikh nation showed its support for independence in February 1992, when only

four (4) percent of the Sikh population in Punjab, Khalistan, voted in the elections there, held under the Indian constitution, a constitution which no Sikh has ever signed.

In December, Sikh leader Simranjit Singh Mann spoke to a crowd of 50,000 Sikhs and called for a peaceful, democratic, nonviolent movement to liberate Khalistan. He asked his audience to raise their hands if they agreed. All 50,000 hands were raised. For this blatant act of free speech, he was arrested in January and kept in illegal detention for six months. He continues to face charges under the repressive "Terrorist and Disruptive Activities Act" (TADA), which has expired. Old charges against Mr. Mann which has been dismissed were reinstated in order to frighten him into silence. Our demand for freedom is irrevocable, irreversible, and non-negotiable.

India is not one nation. It is a conglomeration of many nations thrown together for administrative purposes by the British. With 18 official languages, India is doomed to disintegrate just as the former Soviet Union did.

Freedom for Khalistan and all the nations living under Indian occupation is inevitable. It is time for India to recognize the inevitable and end its illegal occupation of Khalistan and the other minority nations it occupies. India must recognize Khalistan's independence, as Congressman Crane said. It is time for the United Nations to stop dignifying bloodthirsty tyrants like Mr. Rao. It is time for the U.N. to speak out for the ideals of its charter by working to liberate Khalistan and all the nations of the Indian subcontinent.

Freedom is the universal birthright of all people and nations. It is this universal right that the Sikh nation claims for itself. The only way that right can be preserved is in a sovereign, independent Khalistan. India must recognize reality and free Khalistan now. The Sikh nation will be free. KHALISTAN ZINDABAD.

#### FEDERAL EMPLOYEE SEPARATION INCENTIVE AND REEMPLOYMENT ACT

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. WOLF. Mr. Speaker, today I introduced the Federal Employee Separation Incentive and Reemployment Act because of my concern about Federal Government downsizing and its impact on Federal employees. The Federal Government has a responsibility to its employees to make the transition to the private sector as easy as possible. Federal employees separated from employment should have a soft landing.

Members should know that Federal employees are some of the most dedicated and hard working people around. The Federal employees I have had the pleasure of knowing and working with over the years have a unique sense of community and that is why they have chosen jobs in public service. Serving the needs of the American people is honorable and indispensable. However, as obsolete Government functions are phased out or new technology reduces the need for some positions, Federal employees will be displaced.

Vice President Gore took the lead in 1993 in the downsizing and streamlining effort when he began his "Reinventing Government" initiative. As a result of the reinvention, the administration has reduced Federal employment by

about 160,000 jobs. This puts the administration on track to reach its goal of 272,900 job cuts by the year 1999. Furthermore, congressional efforts to eliminate, streamline, or reform outdated programs could accelerate or increase the numbers of Federal jobs lost. Reductions in the number of full time equivalents [FTE's] will displace a number of workers and reductions-in-force [RIF's] most likely will follow. All of the job cuts cannot be absorbed by retirements or attrition. Therefore, as the nation's largest employer, the Federal Government should be sensitive to its displaced employees and do what it can to ease their transition into the private sector—in other words, give them a soft landing.

The Federal Employee Separation Incentive and Reemployment Act will provide temporary authority for the payment of retirement and separation incentives which will assist agencies reduce their workforce through attrition rather than RIF's. Buyouts, private sector reemployment training and relocation incentives, a job bank, and extension of health care and life insurance benefits will ease the Federal employee's transition out the Federal work force. This legislation will save the Government money because buyouts are less expensive than RIF's. A reduction in the number of RIF's will protect dwindling morale which adversely impacts on productivity. Finally and most importantly, this legislation will help the separated Federal employee make a smooth transition into the private sector.

Mr. Speaker, this legislation is a combination of some new and old ideas. This legislation should serve as a starting point for more good ideas which I encourage Federal employee unions, groups, and associations to share with the Civil Service Subcommittee. Also, I call on the administration to put forth some suggestions about how to ease Federal employees' transition into the private sector. For instance, perhaps OPM should conduct job fairs around the country whereby OPM helps match experience and qualified separated Federal employees with private sector jobs.

Mr. Speaker, I encourage our colleagues to cosponsor this important legislation, and I urge the chairman of the Government Reform and Oversight Subcommittee on Civil Service to hold hearings on this important legislation. This bill is a good government measure intended to help displaced Federal employees. While we may not be able to guarantee lifetime jobs to our dedicated Federal employees, we can help give them a soft landing.

Mr. Speaker, the following is a brief description of the incentives and transition assistance included in the bill:

(1) Incentive Payments for Employees Eligible for Immediate Retirement.—This program would provide for incentive payments to employees who voluntarily separate but who are not eligible for an immediate annuity. These Voluntary Separation Incentive Programs (VSIPs) are generally referred to as buyouts. VSIPs may be paid only if they are necessary to avoid or minimize the need for involuntary separations due to a RIF, reorganization, transfer of function, or other similar action.

(2) Payments and Other Incentives for Employees Not Eligible For Immediate Retirement.—This program gives an incentive to Federal employees who are not eligible for immediate retirement to find private sector employment by providing an incentive payment to a Federal employee who obtains pri-

vate sector employment within six months after the employee's voluntary separation. The incentive payment is based on the amount of severance pay the employee would have been entitled to in the case of an involuntary separation. The sooner a former employee obtains reemployment, the greater the amount of the reemployment incentive. Specifically, the employee would receive 100 percent of his/her salary if he or she obtains private sector employment within the first two months of separation. He/she would receive 80 percent if the new employment commences within three months, 60 percent in four months, 40 percent in five months and 20 percent in six months.

(3) Reemployment Incentives—Priority Placement Programs for Federal Employees Affected by a Reduction-in-Force.—This program codifies a Presidential order establishing a government wide priority placement program. This program is modeled after the successful Department of Defense priority placement program. In essence, the program would provide a system under which agencies will be required to fill positions with displaced employees referred through the program if the employee is qualified for the position. Agencies would obtain employee names from a central inventory of employees who have been RIFed or given notice that they will be RIFed.

(4) Non-Federal Employment Incentives—Retraining Incentives.—Under this program, agencies may pay a retraining incentive to non-Federal employers upon the employee's completion of 12 months of continuous employment by the non-Federal employer. This gives private sector employers an incentive to hire displaced federal employees by paying for a portion of the employee's retraining. Retraining incentives shall not exceed \$20,000.

(5) Non-Federal Employment Incentives—Relocation Incentives.—Under this program, agencies may pay a relocation incentive to an eligible employee if it is necessary for the employee to relocate in order to commence employment with a non-Federal employer. Relocation incentives shall not exceed \$20,000.

(6) Job Placement and Counseling Services.—Under this program, agencies may establish a program to provide job placement and counseling services to current and former employees and their families. Services may include career and personal counseling, training in job search skills, and job placement assistance.

(7) Extension of Life Insurance Benefits.—A federal employee who is separated involuntarily or takes early retirement may elect to continue his/her life insurance coverage and pay both the employee's and agency contribution share. Under current law he/she can not.

(8) Extension of Health Insurance Benefits.—Current law generally requires that retiring employees must have participated in the Federal Employees Health Benefits Program (FEHBP) for the five years preceding retirement in order to continue their coverage as retirees. This new program directs the Office of Personnel Management to waive the five-year requirement for a federal employee who retires before October 1, 1999, and is eligible for an immediate annuity, provided the individual is enrolled in the FEHBP on the date of retirement.

TRIBUTE TO EL RANCHO HIGH SCHOOL ACADEMIC DECATHLON TEAM

## HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. TORRES. Mr. Speaker, I rise today to recognize the students, coaches, and parents who make up the El Rancho High School Academic Decathlon Team

On November 18, 1995, El Rancho High School competed in and hosted the 1995 Los Angeles County Academic Decathlon. More than 60 schools from Los Angeles County participated. For the third year in a row, the El Rancho High School Academic Decathlon Team won the Southeast Divisional Region and placed 11th in the entire county.

Sergio Aguilar, Charles Cazares, David Enevoldsen, Leslie Gonzales, Giraldo Goyenaga, Scott Moore, Jozelyn Pablo, Sherry Panganiban, and David Zaragoza are the nine students who make up this year's winning team. With the guidance and support of their families and coaches Doug Anderson—head coach—Jim Dyson—assistant coach—Gary Barton, Della Bruhn, Julie Ellis, Karen Mainer, Tim McMullen, Ben Meza, Cheryl Milas, Ben Rich, Eva Rosa, Chris Whalen, Stan Wlasick, the decathletes proved that the El Rancho High School Academic Decathlon Team is a formidable competitor.

The team has a long and successful tradition of winning the Southeast Divisional Region, never placing lower than third and placing first in 1988, 1990, 1993, 1994, and 1995. For 3 consecutive years, El Rancho has been the Southeast Regional Champion.

The dedication and commitment demonstrated by these students is commendable and noteworthy. Studying for the competition required many early mornings and afterschool hours, and spending summers and weekends at school in preparation for the competition. These young people serve as promising role models for their peers and future academic decathletes.

Mr. Speaker, it is with pride that I rise to recognize these exceptional students, coaches, and parents. I ask my colleagues to join me in saluting these accomplished individuals and in extending our congratulations and best wishes for their continued success.

## PERSONAL EXPLANATION

## HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mrs. KENNELLY. Mr. Speaker, on November 30, I was absent from the House of Representatives on official business and missed rollcall votes 830, 831, 832, and 833.

Had I been present I would have voted "aye" on rollcall No. 830, "aye" on rollcall 831, "aye" on rollcall 832, and "nay" on rollcall 833.

I ask unanimous consent that this be reflected in the RECORD.

GERALD FETCHER SPEAKS FOR  
THE CHILDREN

**HON. MARSHALL "MARK" SANFORD**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 7, 1995*

Mr. SANFORD. Mr. Speaker, for the past few weeks a constituent of mine, Gerald Fetcher, has paid for an ad to appear in the Washington Times. The text of the ad follows: "AN APPEAL TO THE CONGRESS OF THE UNITED STATES"

Please do not give in to the demands of President Clinton. We must balance the budget in seven years. America is already five trillion dollars in debt, which is over \$18,000 per person (including newborn babies). Kids don't have the right to vote, they can't vote on their own future.

It is very selfish for politicians to appeal to voters by giving them more benefits (to get votes), and destroy the future of America.

Please hang in there Congress and Senate, do not give in to the selfish demands of President Clinton.

I commend Mr. Fetcher for taking the initiative to make sure that his voice is heard. He speaks for most Americans. Balance the budget now.

NATIONAL COUNCIL OF JEWISH  
WOMEN 100TH ANNIVERSARY

**HON. MIKE WARD**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 7, 1995*

Mr. WARD. Mr. Speaker, it is my honor and pleasure to congratulate the National Council of Jewish Women, Louisville section on its 100th year of birth. Over those 100 years the council has been undaunted in its commitment to serve the community of Louisville.

The Louisville Chapter of NCJW has admirably fought for the protection of women, children, and the elderly. They have acted as a community foundation in the upgrading, safeguarding, and the protection of public education.

The basis for the success of the NCJW has been its hands-on volunteering. This volunteer experience is a phenomenon shared through a century by people bound together through religion, culture, and history.

Throughout their existence the National Council of Jewish Women have been a positive force for decency, dignity, and respect for the individual in the Louisville community. I salute them on their 100th anniversary.

LEGACY OF LEADERSHIP WILL BE  
REMEMBERED

**HON. JAMES A. BARCIA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 7, 1995*

Mr. BARCIA. Mr. Speaker, advocates for second amendment rights, the people of Michigan, and conservationists have lost a great friend. Tom Washington, President of the National Rifle Association [NRA], died of heart failure on December 5, 1995.

Probably one of the most important aspects of Tom's career was his leadership in the NRA. A member of the board of directors since 1985, Tom served as second and first vice president until he was elected to serve as president in 1994. He strengthened the NRA and acquired new state-of-the-art headquarters in Fairfax, VA. As president he improved many NRA programs including hunter services, and founded the NRA's Youth Hunter Education Challenge.

Michigan has been fortunate to be served by Tom Washington who played a key role in preserving land in Michigan. His commitment to this goal was demonstrated when he wrote the administrative rules for the cornerstone of Michigan's land use program—the Michigan Farmland and Open Space Preservation Act which has been the model for land preservation legislation in Michigan. He also assisted in drafting legislation to create and then served as a member of the board for the Michigan Natural Resources Trust Fund. The trust is used to purchase prime recreational lands for public use.

An avid hunter and outdoorsman, Tom understood the importance of a healthy environment and was dedicated to protecting our natural resources. Tom served on the board of directors of the National Wildlife Federation, the Safari Club International and received the Safari Club's International Chairman's Award. Tom was presented with the Miles D. Pirnie Award by the Michigan Duck Hunters Association for his leadership in preserving wetlands and wetlands wildlife.

Tom could not have achieved these great accomplishments without the support of his loving family and is survived by his wife, Joanne and their six children; Miriam, David, Heidi, Susan, Steven, and Christy.

Please join me in remembering and honoring Tom's legacy of combining environmental consciousness and second amendment rights. Tom realized that these goals are not mutually exclusive and spent his lifetime protecting the two.

TRIBUTE TO MS. BONNIE WARR

**HON. CHARLES WILSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 7, 1995*

Mr. WILSON, Mr. Speaker, today I ask that you join me in recognizing the achievements of Ms. Bonnie Warr of Pineland, TX.

Bonnie is one of those truly good, kind, and dedicated people who at the midpoint of life suddenly rediscovers the joys of education. A friend of hers says that a stint working in my office started the process, and helped her discover that she was just as smart as everyone else. I take no real credit for Bonnie's hard-earned success, but I am happy to trumpet it as an example of the benefits of education at any age.

On December 16, 1995, Bonnie will receive her masters of business administration diploma from Stephen F. Austin State University. She made the decision to jump back into the academic fray in 1988, earning an associates degree in 1991 and a bachelor of business administration degree in 1992. In May 1994, she received a secondary education certification that will allow her to share the

wealth and teach English, mathematics, and business curriculums to high school students.

Bonnie started her new academic life with typical enthusiasm and with the happy encouragement and support of her husband Royce and daughters Angela Warr Lopez and Kendra Warr. Kendra will join her mother on the dais December 16 to receive her bachelor of arts degree.

Too many times people are guilty of saying "I would have liked to do this, but now it's too late" or "I'm too old." Bonnie is an inspiration to all of those who fall into this trap. I join her family and coworkers at Temple-Eastex in saluting her fortitude, perseverance, and persistence.

TRIBUTE TO SISTER RITA M.  
MEANEY

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 7, 1995*

Mr. TOWNS. Mr. Speaker, it is my distinct pleasure to acknowledge Sister Rita Meaney, a native New Yorker. She belongs to the Sisters of Charity, and began her career as a child care worker at St. Agatha's Home for Children in Nanuet, NY. She rose quickly to become director of child care, and eventually its assistant administrator.

Sister Rita attended the College of Mount St. Vincent, from which she received her undergraduate degree. She earned her master's degree in social work from Fordham University. Sister Rita is a certified social worker and licensed nursing home administrator.

Sister Rita is committed to volunteerism, especially as it relates to providing for the needs of troubled families and children. She currently serves as executive director of St. Joseph Services for Children and Families. Under her guidance, St. Joseph has not only grown but thrived under Sister Rita's direction. The Service offers community-based programs in the prevention of child abuse and neglect; and encourages independent living skills among adolescents. St. Joseph also targets the special needs of foster care children with AIDS; and provides vital services such as health care, psychological counseling, and educational and vocational guidance. I am pleased to acknowledge her unique contributions and selfless service to humanity.

DR. JULIUS C. DIX; AN EDUCATOR  
FOR ALL AGES

**HON. WILLIAM (BILL) CLAY**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 7, 1995*

Mr. CLAY. Mr. Speaker, the retirement of Dr. Julius C. Dix from the St. Louis Public Schools on October 20, 1995, is a milestone in a brilliant and varied career of an extraordinary educator. For more than 41 years, Dr. Dix has provided service and leadership to the students and staff of the school district. Upon completion of undergraduate school at Lincoln University, Jefferson City, MI, Dr. Dix began his career as an elementary teacher. His talents were recognized very early in his career;

consequently, as he earned graduate degrees from Washington University, St. Louis, MO, and Saint Louis University and achieved administrative certification, he was called upon to apply his expertise in a variety of responsible positions. Some of those positions include elementary principal, high school principal, district superintendent, assistant superintendent, area superintendent, and associate superintendent.

A continuing commitment to the education of students of all ages is reflected in Dr. Dix's activities as head guidance counselor and administrative assistant at Oberlin College for the Special Opportunities Program for Junior High School Disadvantaged Youngsters. He has served on the board of directors of the Parent-Child Center of the Human Development Corporation of St. Louis, Model Cities Day Care, Northside Home for Delinquent Boys, Edgewood Home for Youth with Special Problems, and president of the board of directors of Annie Malone Children's Home. He currently serves on the board of directors of the William L. Clay Scholarship and Research Fund.

Dr. Dix, a dedicated proponent of lifelong learning, has been active in post-secondary education as a visiting lecturer at Harris Stowe State College, University of Missouri-St. Louis, University of Wisconsin, Saint Louis University, University of Illinois, and Southern Illinois University. He also served on the board of curators of Lincoln University from 1973-81. His involvement with community projects and organizations includes coordinator for Bancker Community Project, Ford Foundation, Danforth Foundation Metropolitan Leadership Program, Family and Children's Service, Clayton Committee, Yeatman Community Corporation's Education Committee, and chairman of St. Louis County Human Rights Commission.

For many years Dr. Dix has been an outspoken advocate for early childhood education and was director of Project Headstart for St. Louis/St. Louis County from 1966-68. In addition, he has served as a parental involvement panelist at national Headstart conferences and as a member of the National Advisory Committee for Project Headstart. He was also a member of the President's Committee on Headstart, 1968, and served as a Federal mediator for Headstart programs in Sunflower County, MO.

The contributions of Dr. Dix have been recognized by many organizations and groups through numerous awards such as: Lincoln Alumni Citation of Merit, Outstanding Alumni; National Association of University Women Award for Educational Administration and Christian Stewardship; Boy Scouts of America—Field Leaders Award; St. Louis Argus Distinguished Public Service Award; Outstanding Educator Award, Lemoyne-Owen College; Headstart Distinguished Service Award. He was inducted into Vashon High School's Hall of Fame in 1987.

Throughout the years that Dr. Dix worked diligently to improve education for students of all ages, he also utilized his interest in literature, music, and art to enlighten the minds and lighten the spirits of people he encountered. He frequently shared with others his love for poetry and his gift with words earned for him admiration and acclaim. He is well prepared to enjoy his well-earned freedom with interesting new challenges of his own choice. We wish for him continued success in retirement, personal fulfillment with his wife, Bette, and their family, and the contentment that is so well deserved by this educator of all ages.

## BALANCE THE BUDGET NOW

### HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. MARTINI. Mr. Speaker, the flags in our Capitol fly at half mast today for a reason.

Fifty-four years ago, Pearl Harbor was bombed and our Nation was on the brink of one of the greatest challenges we have ever faced.

Our national leaders rallied to the cause and did what was right.

And our people prepared themselves to make the ultimate sacrifice in defense of our great Nation.

Together our Nation rose up to defend itself against the Axis Powers, and turned what was a time of great peril into one of our finest hours.

Today we also face a challenge, not by any means as direct or as obvious, but over time it will become no less dangerous.

That challenge, Mr. Speaker, is to balance the budget, and bring fiscal responsibility to a nation that is threatened, not by an outside invader, but by its own lack of discipline.

If we do not reverse our disturbing trend of deficit spending and alleviate the burdens on the taxpayers of future generations, we will be diminishing the national legacy our parents left us.

Now as we face one of our generation's great challenges, we owe it to both our parents and our children to meet it head on.

This Congress has delivered to the American people that will in fact balance the budget in a fair and reasonable manner.

But sadly, the President has vetoed it.

He is turning away when he should be facing up.

I urge him and my colleagues not to fail in our moment of truth, but to rise up and face the most important issue of our day: balance the budget now, and preserve for our Nation a prosperous and productive future.

## TRIBUTE TO NEW YORK'S NATIONAL GUARD AND RESERVISTS IN WORLD WAR II

### HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. WALSH. Mr. Speaker, on this historic day, I offer a tribute to the National Guard and the military reservists of our country, especially for the service of those from my State and Congressional District.

Shortly after the December 7, 1941 attack on Pearl Harbor, 55 years ago today, the 27th Infantry Division, comprised of National Guardsmen from New York's small towns and cities, became the first and only square infantry division to enter the war in the Pacific.

It established defense installations in Hawaii against an anticipated Japanese invasion. These were the first soldiers in the Central Pacific to take offensive action against Japan, the first to invade the Gilberts and the Marianas, and the first to engage in operations carrying the war closer and closer to the enemy's homeland. When World War II ended,

the 98th Infantry Division—the Iroquois Division, organized as a New York reserve square division at the close of World War I—occupied Japan and aided war reconstruction efforts. Contributions of these peace-time civilians are described in the book "Soldiers Remember" by J. Arthur Rath of Syracuse, NY:

Within ten days after the attack on Pearl Harbor, December 7, 1941, two fast convoys left San Francisco loaded with troops. In the next three-and-a-half years, Jones, Kelly, Goldstein, Skorski, Olsen—men with all the fine-sounding American names—came in an olive drab flood to build from Hawaii the road to Tokyo.

They proved a great many things that are part of our heritage and that our enemies believed America had lost. They showed that Americans are still as determined as the day when Thomas Paine sat with ragged revolutionary troops in the chill night of a late fire and wrote that 'Tyranny, like hell, is not easily conquered.' Then Paine watched and wrote while American civilians turned into soldiers conquered it.

The National Guardsmen of the 27th New York Division were linked to units participating in every one of our country's major conflicts, beginning with the Revolutionary War. Among its regiments was the 165th, the old "Fighting 69th" of "Fighting Irish" of World War I fame. The American soldiers were the first to break the Hindenberg line, the turning point in that war.

Members of the National Guard and military reserve who stand ready to serve their country during peace, as well as during war, helped make the rallying call rising 55 years ago today. "Remember Pearl Harbor"—an expression of determination and triumph.

THE ROSTER OF 27TH DIVISION UNITS (NEW YORK NATIONAL GUARD) AND LOCALITIES FROM WHICH THEY WERE DRAWN ON FEDERAL INDUCTION, 25 SEPTEMBER 1940 IS AS FOLLOWS:

Division Headquarters, New York; Division Headquarters Detachment, New York; Headquarters Special Troops, New York; Medical Detachment, New York; Headquarters Company, New York; 27th Military Police Company, New York; 27th Signal Company, Yonkers; and 102d Ordnance Company, New York.

53d Brigade Headquarters, Albany; and 53d Brigade Headquarters Co., Albany.

105th Infantry Headquarters, Troy; Headquarters Company, Troy; Medical Detachment, Troy; Antitank Company, Whitehall; Service Company, Troy; 1st Battalion Headquarters, Troy; Headquarters Detachment 1st Battalion, Hoosick Falls; Company A, Troy; Company B, Cohoes; Company C, Troy; Company D, Troy; 2d Battalion Headquarters and Headquarters Detachment, Schenectady; Company E, Schenectady; Company F, Schenectady; Company G, Amsterdam; Company H, Schenectady; 3d Battalion Headquarters, Schenectady; Headquarters Detachment, 3d Battalion, Saranac Lake; Company I, Malone; Company K, Glens Falls; Company L, Saratoga Springs; and Company M, Gloversville.

106th Infantry Headquarters, Albany; Medical Detachment, Rome; Headquarters Company, Hudson; Antitank Company, Catskill; Service Company, Albany; All 1st Battalion, Albany; 2d Battalion Headquarters and Headquarters Detachment, Binghamton; Company E, Binghamton; Company F, Walton; Company G, Oneonta; Company H, Binghamton; 3d Battalion Headquarters and Headquarters Detachment, Utica; Company I, Mohawk; Company K, Oneida; Company L, Utica; and Company M, Utica.

54th Infantry Brigade Headquarters, New York; and Headquarters Company, New York.

108th Infantry Headquarters, Syracuse; Medical Detachment, Syracuse; Headquarters Company, Syracuse; Antitank Company, Rochester; Service Company, Auburn; Band, Syracuse; 1st Battalion Headquarters and Headquarters Detachment, Syracuse; Company A, Watertown; Company B, Geneva; Company C, Syracuse; Company D, Oswego; 2d Battalion Headquarters and Headquarters Detachment, Rochester; Company E, Rochester; Company F, Medina; Company G, Rochester; Company H, Rochester; 3d Battalion Headquarters and Headquarters Detachment, Auburn; Company I, Auburn; Company K, Hornell; Company L, Elmira; and Company M, Ogdensburg.

165th Infantry complete, New York.

52d Field Artillery Brigade Headquarters Battery, New York.

104th Field Artillery Regiment Headquarters, New York; Medical Detachment, New York; Headquarters Battery, New York; Service Battery, New York; 1st Battalion Headquarters and Headquarters Battery, Syracuse; Battery A, Syracuse; Battery B, Binghamton; Battery C, Binghamton; 2d Battalion Headquarters and Headquarters Battery, New York; Battery D, New York; Battery E, New York; and Battery F, New York.

105th Field Artillery Regiment Headquarters, New York; Medical Detachment, New York; Headquarters Battery, New York; Service Battery, New York; 1st Battalion Headquarters and Headquarters Battery, Brooklyn; Battery A, New York; Battery B, New York; Battery C, New York; 2d Battalion Headquarters and Headquarters Battery, New York; Battery D, New York; and Battery E, New York.

106th Field Artillery Regiment complete, Buffalo.

102d Engineer Regiment complete, New York.

102d Medical Regiment Headquarters, New York; Service Company, White Plains; 1st Battalion Headquarters, New York; Company A, Rochester; Company B, New York; 2d Battalion Headquarters, Albany; Company D, New York; Company E, White Plains; 3d Battalion Headquarters, Albany; Company G, Jamaica; and Company H, White Plains.

102d Quartermaster Regiment complete, New York.

102d Observation Squadron, New York.

Summary: By the end of its wartime duty in the Pacific, the 27th had lost its local character. Those from every state in the Union saw service in its ranks in the more than five years it was away from home. When the Division returned to the United States, it again became a unit of the New York National Guard. Commanding General of the New York National Guard is:

Major General Robert Rose  
Phone 518 786-4510  
330 Old Niskayuna Road  
Latham, New York

In charge of the 27th Division is Col. Robert Schnurr, chief of staff, Same address and phone number.

#### INTRODUCTION OF THE ESOP PROMOTION ACT OF 1995

### HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. BALLENGER. Mr. Speaker, it is with pleasure that I join my colleagues, Mr. ROHRBACHER of California and Mr. PAYNE of

Virginia, in introducing the ESOP Promotion Act of 1995.

Ever since my arrival in the Congress in 1986, I have tried to assist the promotion and improvement of employee stock ownership plans, or ESOP's. It is my personal belief that ESOP's and employee ownership are excellent arrangements for a free enterprise, capitalist economy. The ESOP provides a method for current owners of stock to sell, at fair market value, their stock to a trust that holds the stock for eventual distribution to employees upon their death, disability, or retirement.

Mankind has never known a better economic system than one with private property, and a market that is established by competition. And there is no better way to preserve that system than to ensure that those who work responsibly in the system have an opportunity to own—to have an equity stake in the product of their labor, be it manufacturing, professional services, financial services, or any other business endeavor.

Since Congress first codified the employee stock ownership plan approach, which permits the contribution of employer stock to a trust for employees and permits borrowed funds using the credit of the corporation, the amount of stock acquired by employee-owned companies in America has grown significantly.

All of us I assume have read about the big name companies that are employee-owned, such as Avis, United Airlines, and Weirton, but just like American business, most of the approximately 10,000 employee-owned companies are not publicly traded on stock exchanges, but are privately held.

I know ESOP's first hand, as my family's business utilized an ESOP for transferring much of the family's stakehold to those who had contributed so much to our business' success—the employees.

I believe that employee ownership, properly managed, creates a win-win situation for all involved—including America and our economic system as we increase competitiveness with employee ownership, and as we provide more opportunity for ownership for those who frankly would not have much of a chance at all to acquire stock ownership.

Following my remarks is a synopsis of this year's bill. Generally, the bill reflects my, and many of my colleagues, longstanding goal to permit subchapter S corporations to sponsor ESOP's as a one section. The bill would reinstate a provision of law that was repealed in 1989 which permitted an ESOP corporate sponsor to pay the estate tax of an estate that transfers stock to an ESOP. Also, for those corporations that have deducted dividends paid on ESOP stock, and who did so before the issuance of IRS regs, which were retroactive on these companies and subjected them to the alternative minimum tax, the bill would clarify, for that group of companies, there would be no AMT on the ESOP dividends.

Also, with the advent of providing stock directly to employees under a variety of schemes, such as stock options, the bill would clarify that employees with that stock, acquired under a plan conditioned on employment, could sell that stock to an ESOP and take the same treatment for their proceeds as an owner-founder selling to an ESOP, or outside investors. And the bill would under limited circumstances permit a deduction for stock transferred to an ESOP from a charitable remainder trust.

Finally, my bill corrects a glitch in the 1989 law that denies the availability of the ESOP lender interest exclusion for ESOP's that are known as employee-owned co-ops, where the stock is voted one person-one vote as opposed to proportional voting based on share ownership.

Mr. Speaker, I am aware that H.R. 2491, the Balanced Budget of 1995, vetoed by the President, had a provision added by the other body that repealed this particular ESOP incentive, the ESOP lender interest exclusion. Certainly, I and the other original drafter of the 1995 ESOP Promotion Act will make adjustments in our bill, or any section of our bill that might be affected by a provision in a budget bill that becomes law.

I close by urging my colleagues to join with us and demonstrate their support for ESOP's and employee ownership by cosponsoring this legislation. Since 1989, the House has shown strong support for ESOP's, and I think it is important to confirm this support in this Congress. We should not let the position of the other body on one ESOP provision leave the impression with the American people that this Congress is abandoning the over 20 years of strong congressional support for ESOP's and employee ownership.

I appreciate the opportunity to explain the ESOP Promotion Act of 1995, and ask that the synopsis be included in the RECORD at this point.

#### SYNOPSIS OF ESOP PROMOTION ACT OF 1995

Section 1: Names legislation ESOP Promotion Act of 1995.

Section 2: Under current law, corporations that operate under the tax law referred to as Subchapter S cannot sponsor an ESOP. There are hundreds of thousands of Subchapter S corporations; most are small, closely-held, businesses employing millions of people. There is no justification to deny employee ownership through ESOP's to this class of corporations. The proposed legislation would permit Subchapter S corporations to sponsor an ESOP. Because there is no corporate tax on income of these S corporations, the proposal would subject that share of the corporation's taxable income assignable to the ESOP's share of the income to a tax equal to the corporate tax.

Section 3: From 1984 until 1989, an estate with shares of certain closely-held corporations could transfer stock in the corporation to the corporation's ESOP, and the ESOP would assume the estate tax liability on the value of the transferred stock. The Tax Act of 1989 repealed this law. The proposed legislation would restore this incentive for stock to be transferred to an ESOP.

Section 4: The tax laws of 1984 and 1986 permitted dividends paid on ESOP stock to be tax deductible. Until 1989, these ESOP dividends were not subject to the corporate Alternative Minimum Tax, or AMT. In the tax bill of 1989, Congress altered the complex calculations utilized to figure the AMT. When the IRS issued regulations implementing the new formulas, on March 15, 1991, IRS retroactively deemed ESOP dividends to be subject to the corporate AMT. The proposed legislation would clarify that the IRS position is an incorrect interpretation of the law, and that ESOP dividends are not subject to the corporate AMT, if the ESOP was established before the IRS issued its retroactive regulation.

Section 5: Current law does not permit holders of stock in a closely-held corporation who acquired the stock as a condition of employment, from a plan, other than an ERISA plan, to sell that stock to an ESOP and receive a deferral of the tax on the gain.

(Known as a Section 1042 ESOP transaction.) Any other shareholder, including outside investors, are eligible for the special 1042 deferral. The proposed legislation would end the different treatment for shares acquired from a compensation arrangement as a condition of employment compared to stock acquired otherwise. This Section would also clarify that those who hold 25 percent, or more, of voting stock of a corporation, or a similar amount of stock as measured by corporate value, are not eligible to participate in an ESOP established with stock acquired in a 1042 transaction. Current law applies this restriction to any class of stock.

Section 6: The 1989 tax law had a technical glitch that inadvertently repealed the availability of one ESOP tax advantage for certain ESOPs which have employees vote on a one-person, one-vote basis as compared to the traditional one-share, one-vote basis. The glitch occurs because current code section 133, as amended in 1989 does not reference to code section 409(e)(5), as is the case in other relevant ESOP laws.

Section 7: Current law does not permit an estate tax deduction for closely-held shares transferred to an ESOP from a charitable remainder trust even though such a deduction is permitted for transfers to charity. The proposal, in limited circumstances would permit such a deduction.

## MARITIME SECURITY ACT OF 1995

SPEECH OF

**HON. WALTER B. JONES, JR.**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 6, 1995*

The House in Committee of the Whole House on the State of the Union had under consideration the bill H.R. 1350, to amend the Merchant Marine Act, 1936 to revitalize the United States-flag merchant marine, and for other purposes;

Mr. JONES. Mr. Chairman, last fall the electorate called for the role of the Government to change and the size of the Government to be reduced. With downsizing and budget cutting, we in Government will need to do more for less. We must look for cost-effective entrepreneurial approaches to providing services to our country.

Reinventing Government includes programs related to national security. Not all national security programs need to be Government owned and staffed. Some activities essential to national security can be provided by provided by the private sector, functioning in a commercial environment, but readily available to the Government when needed for national security.

There is no debate whether ships and seafarers are needed to carry U.S. military cargo and supplies to the areas of conflict. The issue is whether some of the sealift can be provided by the private sector at a substantially reduced cost to the Government, compared to the alternative of a full-time Government fleet fully paid for by the Government.

Both the Bush administration and the Clinton administration recognized the need for abundant sealift capacity, especially with the reduction of forces overseas and the experiences of the Persian Gulf war. Both administrations proposed the use of U.S.-owned and U.S.-crewed commercial vessels to provide supplemental sustainment lift of military cargo and supplies. Dedicated Government-owned

ships would continue to be used for immediate surge lift. The continuous carriage of cargo, called sustainment lift, would be transported on commercial vessels.

At the same time, both administrations recognized the need to reinvent the existing maritime program, reduce its costs, and deregulate its operations. They would replace the old subsidy program based on a cost differential between foreign and Government and the private industry to provide modern and efficient ships with U.S.-citizen crews when needed for war and national emergencies. Flat-fee contracts would be approximately one-half the cost of the old programs.

The new maritime program would cost the Government \$100 million per year for 52 ships. The private sector would be providing to the Government 52 ships worth \$5 billion paid for by the private sector. In addition to buying the vessel with private funds, the U.S. shipowner saves the Government the related intermodal transportation assets that would cost billions to duplicate. Also, rather than hiring a full-time Government crew, the Government would have use of well-trained and loyal merchant mariners when needed.

Some critics propose eliminating all support for our vital maritime industry. They fail to see how shortsighted it would be to kill a program primarily financed by the private sector which would eventually be replaced by a much more costly Government program.

Legislation reported out of the National Security Committee (H.R. 1350) and the Senate Commerce Committee (S. 1189) provides for a core fleet of approximately 50 vessels for \$100 million per year. Since 1936, the old program has cost between \$200 to \$400 million a year.

When the Government reinvents the way it does business, it looks at the need for the program, the cost of the program, and the efficiency of the program. There is no question that there is a need for sealift. As far as the costs are concerned, the new program costs are cut in half, and, by using the private sector for sustainment sealift, the Government saves billions of dollars which otherwise would be needed to buy and maintain a Government fleet.

While I believe that there is much to be done to make our domestic commercial fleet more competitive with its foreign rivals, it is important that we recognize the role of that domestic fleet as part of our national defense capability.

I am one who supports initiatives to reduce the size and cost of Government. We must be aware of false economies, however, it would be foolish to try to save \$100 million this year, only to spend billions when the Government must step in to assure its national security.

## HONORING THE JEWISH COMMUNITY CENTER OF NORTHERN VIRGINIA

**HON. THOMAS M. DAVIS**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 7, 1995*

Mr. DAVIS. Mr. Speaker, I rise today to express my sincere appreciation to the Directors and staff of the Jewish Community Center of Northern Virginia [JCCNV], for their support

and assistance in making the Job Fair I sponsored on Tuesday November 14, 1995, a great success. The center did not only donate the use of their facility, but made staff available who donated their time, energy, and spirit. Their efforts and willingness to serve make them an admirable role model.

The Jewish Community Center of Northern Virginia has served Fairfax County for almost 20 years. During that period the center and its operation have grown dramatically, from a small office with a part-time coordinator, to the center that now operates from a beautiful facility located on Little River Turnpike in Fairfax, VA. It was my privilege, first as a county supervisor, and later as chairman of the Fairfax County Board of Supervisors, to work with the center's leaders to help them realize their goals of building a center and focal point for Jewish activities in Northern Virginia. In addition, the facility serves the entire population in meeting recreational and educational needs.

On any given day the center is alive with activity—day care and early childhood classes, aerobics and fitness classes, swim instruction and basketball, senior adult clubs and after school clubs for students, programs for teens, computer classes, theater arts and Judaic studies. In addition, the center is home of the Geshur Jewish Day School.

Mr. Speaker, during this Hanukkah season, I know my colleagues join me in honoring the Jewish Community Center of Northern Virginia. It is a light that illuminates our entire region serving our families and specifically our youth. At a time when traditional values matter most, the Jewish Community Center of Northern Virginia bolsters our community and helps make Fairfax an example for other communities to follow.

## HONOR AMERICA'S VETERANS ON DECEMBER 7, NATIONAL PEARL HARBOR REMEMBRANCE DAY

**HON. TIM ROEMER**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 7, 1995*

Mr. ROEMER. Mr. Speaker, I rise today in recognition of the 54th Anniversary of the attack on Pearl Harbor. This day allows Americans of all ages to honor and remember those who lost their lives in the attack on Pearl Harbor.

Early on the morning of Sunday, December 7, 1941, the Empire of Japan launched a brutal and unprovoked attack on the U.S. Navy, Army, Air Force, and Marine Corps bases at Pearl Harbor, HI. Over 2,400 Americans were killed and 1,200 wounded on that fateful day—the day that President Roosevelt said “will live in infamy.”

It was not until after World War II ended that the American people were fully apprised of what a severe, crippling blow the attack on Pearl Harbor inflicted on our defenses. The best of our Navy and our Army in the Pacific was virtually wiped out in one devastating blow. But what the Japanese Empire did not count on was the galvanizing effect that this dastardly attack would have on the American people. Prior to December 7, the role of the United States in world affairs was the topic of intense debate. That debate ended as the bombs fell. All Americans became united in

the effort for victory with a vigor and determination unknown in any American conflict, before or since.

The ultimate tragedy of Pearl Harbor was the fact that it could have been foreseen and prevented. Candidates for graduation at the Japanese military academies had been asked to plan an attack on Pearl Harbor as part of their final examinations each year since 1931. The Japanese secret code had been broken, and the State Department was aware that an attack was imminent. However, the location was not known, and so our commanders were not notified in a timely fashion.

This does not mean, however, that our 3,600 casualties were killed or wounded in vain. The heroism demonstrated that fateful Sunday morning did much to inspire millions of Americans to greater sacrifice and heroism which was necessary for our ultimate victory. Every 5 years, on December 7, the survivors of Pearl Harbor, reunite at Pearl Harbor. This year will mark the 54th Anniversary of Pearl Harbor and our thoughts and prayers will be those survivors and their families as well as the families who have lost sons and daughters in that conflict.

#### THE BORDER INFRASTRUCTURE IMPROVEMENTS ACT

**HON. BOB FILNER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 7, 1995*

Mr. FILNER. Mr. Speaker, I rise today to remind this Congress of an important impending date in the North American Free Trade Agreement [NAFTA] which this Congress approved. On December 18, the agreement requires the participating nations to open their border states to each other's commercial truck traffic.

It is appropriate to remember this date as I introduce "The Border Infrastructure Improvements Act of 1995" to ensure that border cities have the necessary transportation infrastructure to implement this federal trade policy.

Historically, investment in transportation has helped countries achieve and maintain world power status. The vast empires of Greece, Rome, England and Spain all benefited from their extensive infrastructure networks. Similarly, our own investment in our roads, highways, airports, sea ports and railroads has been responsible for creating the most advanced and efficient economy in the history of the world.

This situation continues to be true today, and business leaders and elected officials remain united in this belief that improving our transportation infrastructure is the key to growing our economy. This belief was reinforced by the passage of NAFTA.

Soon, many more Mexican trucks will be begin crossing our bridges, travelling our roads and highways, and visiting our harbors and airports.

When Congress approved NAFTA, we all knew that ensuring its success would require that all parties provide the necessary infrastructure to facilitate the flow of trade.

We believed that inherent in the passage of this legislation was a commitment to build, repair and maintain the physical infrastructure to implement this Federal trade policy. This

seemed to be a good sign for America's bridges, roads, highways, and sea ports that service the points of entry for foreign trade. Unfortunately, this has not been the case and the physical needs of the trade treaty still have not been addressed.

While I welcome the prospect of free trade with our North American neighbors, I am concerned that our infrastructure is woefully unprepared to handle this new traffic. I believe many of our roads and highways at our borders are not yet prepared to handle this tremendous increase in commercial traffic.

My own district has two unfunded NAFTA mandates that our community alone cannot address—completion of State Route 905 and revitalization of the San Diego & Arizona Eastern rail line, the "Jobs Train".

State Route 905 serves as the only link connecting the nation's second busiest southern commercial border crossing to the national inter-state highway system. This road, however is currently a four lane city street! It was not intended to carry the additional border traffic that will soon be coming. And it was never intended to be a tool to implement international trade policy. I know this is also the case in numerous other border crossing communities.

The "Jobs Train" rehabilitation would revitalize San Diego's rail link to the eastern bound rail lines. Repairing and improving this now abandoned railroad would provide quicker access to eastern markets for trade arriving through the Port of San Diego and the border crossing.

Our cities and states undergo a constant struggle to build and maintain their own infrastructure. They do not have sufficient funds to single-handedly complete projects which support federal trade policy. Not funding these projects is the worst kind of unfunded mandate. The Federal Government must meet its responsibility.

Under my legislation, the Federal Government will honor this commitment to the cities and States affected by the new trade policies of NAFTA. This bill guarantees that the necessary infrastructure to implement this policy will become a federally funded priority.

Today, America finds itself in a unique opportunity to again demonstrate this infrastructure investment policy and help stimulate its own economic growth. It is an opportunity that we cannot afford to miss.

We are fortunate in America to have this opportunity to control our own economic future. We are a young and vital country, filled with optimism and vision. Let's hope that we act on that vision while the opportunities are still there. If we succeed, our nation will continue to be a better place to live for generations to come.

I encourage my colleagues to join me in this effort to provide this vital infrastructure to help our nation take full advantage of the new global market.

#### REMEMBERING PEARL HARBOR DAY

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 7, 1995*

Mr. FARR of California. Mr. Speaker, it was 50 years ago this year that World War Two

came to an end. Fifty-four years ago today, our naval base in Pearl Harbor, Hawaii, was subject to a devastating surprise attack by the Japanese. And with that attack, our participation in that war began.

On that day, we could not have foreseen the terrible consequences World War Two would have for our Nation. No one could have known that 400,000 Americans would die. No one predicted that 1 million Americans in all would be killed or wounded: more than in any other war where American blood was shed.

But what our Nation did see on that terrible day was a great threat to freedom, peace, and security. The shadow of imperialism and war had crossed our borders, and we realized just how close we were to being consumed by the aggression that was claiming the freedoms—and lives—of millions of people in Europe and Asia.

Millions of young Americans volunteered to serve their country. They could not see the future, but they knew the risk they took and the horrors of war they would face. They knew they might never come home again. Yet they also saw the great threat to America, to democracy and freedom around the world. They saw that the very future depended upon their service.

When the war was over, more than 16 million Americans had served—more than in any other conflict, before or since. Without their sacrifice, our world would not be what it is today. Indeed, our entire world was shaped by the outcome of that war. And so many of the basic things which we take for granted—peace, freedom, respect for human rights, economic prosperity—we would not have without their sacrifice.

So on this day, let us remember those who lost their lives at Pearl Harbor, and the hundreds of thousands who gave their lives in the 4 years of war that followed. We owe them all a very great debt.

#### PRESIDENT CONCERNED ABOUT HUMAN RIGHTS ACTIVIST DE- TAINED WITHOUT TRIAL IN INDIA

**HON. DAN BURTON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 7, 1995*

Mr. BURTON of Indiana. Mr. Speaker, in October, 65 Members of Congress from both parties wrote to the President of India, P.V. Narasimha Rao, to protest the detention of Sikh human rights activist Jaswant Singh Khalra.

Mr. Khalra was arrested for publishing information about the extensive human rights abuses going on in Punjab. Mr. Khalra had published information exposing the Indian police practice of arresting young Sikh men, torturing and murdering them, then declaring them unidentified and cremating their bodies to cover up their abuses. According to Mr. Khalra, 25,000 young Sikh men have disappeared in this fashion.

A copy of our letter was sent to President Clinton, who recently responded. In his letter, he stated that, "I too am concerned" by this incident. I am enclosing a copy of the President's letter, along with our initial letter and a newspaper article, for the record. As my colleagues will see, the President reported that

our Ambassador in India has raised this issue with "high-ranking Indian officials," and that he will continue to do so.

Mr. Speaker, the human rights abuses—the murders, the rapes, the torture—that are being committed against the Sikh people are truly horrible. Our State Department, our Ambassador, and the President must continue to press the Indian Government on this issue. Congress must be involved as well. It is time for Congress to pass legislation conditioning aid to India on improving its human rights record in Punjab, in Kashmir, and in other areas. If we continue to confront the Indian Government on this issue, we can force them to stop the abuses and allow human rights, democracy and freedom to flourish.

THE WHITE HOUSE,  
Washington, DC, November 15, 1995.

Hon. DAN BURTON,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE BURTON: Thank you for sharing with me your recent letter to Prime Minister Rao of India regarding the situation in Punjab.

I too am concerned by the reports regarding Jaswant Singh Khalra. The U.S. Embassy in New Delhi has already made inquiries into these allegations with various Indian government agencies, and our Ambassador to New Delhi, Frank Wisner, has raised the issue with high-ranking Indian officials. We will continue these efforts. I appreciate your interest and concern on this issue.

With best wishes and warm regards.

Sincerely,

BILL CLINTON.

[From the Council of Khalistan, Nov. 28, 1995]

CLINTON CHECKS INDIA  
(By James Mornson)

President Clinton has taken a personal interest in the fate of an Indian human rights activist held by the government in New Delhi.

Following a letter-writing campaign from 65 members of Congress, Mr. Clinton says his envoy to India has made inquiries into the fate of Jaswant Singh Khalra.

U.S. Ambassador Frank Wisner has made it known in New Delhi that Washington is watching.

"I, too, am concerned by the reports regarding Jaswant Singh Khalra," Mr. Clinton wrote this month to Rep. Gary A. Condit.

The California Democrat organized the congressional letter to Indian Prime Minister P.V. Narasimha Rao, a copy of which was sent to the White House.

Mr. Condit cited an Amnesty International bulletin of Sept. 7 that accused Indian police of abducting Mr. Khalra for investigating accusations that police in Punjab murdered thousands of Sikh men.

"The U.S. Embassy in New Delhi has already made inquiries into these allegations with various Indian government agencies, and Ambassador Wisner has raised the issue with high-ranking Indian officials," Mr. Clinton wrote.

"We will continue these efforts."

Mr. Condit's letter to the Indian prime minister noted that Mr. Khalra "had published a report showing that the Punjab police have arrested more than 25,000 young Sikh men, tortured them, murdered them, then declared them 'unidentified' and cremated their bodies.

"These atrocities are intolerable in any country, especially one that calls itself a democracy. . . .

"This abuse of police power is inexcusable."

The congressional letter was the product of effective lobbying by Gurmit Singh Aulakh of the Council of Khalistan, which represents Sikhs pressing for a separate homeland.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, October 19, 1995.

Hon. P.V. NARASHIMA RAO,  
Prime Minister of India, Chankaya Puri, New  
Delhi, India.

DEAR PRIME MINISTER RAO: According to an Amnesty International "Urgent Action" bulletin issued on September 7, Punjab police abducted Sikh human rights activist Jaswant Singh Khalra from his home in Amritsar on September 6. His whereabouts are unknown. As the general secretary of Human Rights Wing (Shiromani Akali Dal), Mr. Khalra had published a report showing that the Punjab police have arrested more than 25,000 young Sikh men, tortured them, murdered them, then declared them "unidentified" and cremated their bodies. These atrocities are intolerable in any country, especially one that calls itself a democracy. After the report was published, Mr. Khalra was told by the Amritsar district police chief, "We have made 25,000 disappear. It would be easy to make one more disappear." This abuse of police power is inexcusable.

The right to speak out and expose atrocities is one of the most fundamental rights of free individuals. As long as Mr. Khalra remains in detention, how can anyone in India feel secure exercising his or her democratic liberties?

Many of us wrote to you previously urging that the passports of Sikh leader Samranjit Singh Mann and Dalit ("black untouchable") leader V.T. Rajshekar be restored. Your government has not acted, and Mr. Mann and Mr. Rajshekar remain unable to travel. The right to travel is fundamental to a democratic nation.

Mr. Prime Minister, we call upon your government to release Mr. Khalra immediately. We also urge you to restore the passports of Mr. Rajshekar and Mr. Mann. If India is a democratic country, it must end these gross violations of human rights and democratic principles. Only then can democracy truly begin to flower. We await your response.

Sincerely,

Gary A. Condit, James A. Traficant, William Jefferson, Peter King, Randy "Duke" Cunningham, Roscoe Bartlett, Jack Fields, Donald M. Payne, Dan Burton, Phil Crane, Richard Pombo, Karen McCarthy, Neil Abercrombie, Wally Herger, Dana Rohrabacher, Esteban Torres,

Ronald V. Dellums, John T. Doolittle, Michael Forbes, Enid G. Waldholtz, Gil Gutknecht, Victor Frazer, John Porter, Sam Geadenson, Bob Livingston, Edolphus Towns, Chris Smith, William O. Lipinski, Scott King, Lincoln Diaz-Balart, Dick Zimmer, Collin Peterson, Pete Geren,

Joe Skeen, Duncan Hunter, Jim Ramstad, Floyd Flake, Bernie Sanders, Matt Salmon, Richard "Doc" Hastings, Ileana Ros-Lehtinen, Phil English, Richard Burr, Connie Morella, Carlos Romero-Barcelo, Sanford D. Bishop, Jim Moran, Martin R. Hoke, Jack Metcalf,

Amo Houghton, Jerry Solomon, Robert Torricelli, Ed Whitfield, Melvin L. Watt, Jim Kolbe, John Shadegg, J.D. Hayworth, James H. Quillen, Barbara Cubin, Charlie Norwood, Vic Fazio, Chris Cox, Joe Scarborough, Bill Richardson, Steve Schiff.

TRIBUTE TO HENRY A. PANKEY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to my friend, Mr. Henry A. Pankey, who will be honored on Saturday at the Second Annual Holiday Ball of the Eternal Fellowship of African American Postal Workers for his dedicated career in the U.S. Postal Service.

The Eternal Fellowship of African American Postal Workers is a non-profit organization which was founded to celebrate the African-American culture and to advance the well-being of the African-American community. At their second Christmas ball, to be held at Marina del Rey in the Bronx, the members of the "Eternal Fellowship" will bestow upon Mr. Pankey an honorary membership for his lifetime career in postal service operations.

I had the opportunity of meeting young and cheerful Henry Pankey when we were classmates at Clark Junior High School in the Bronx. Mr. Pankey later graduated from Bronx Community College and completed courses at the University of Virginia, Bernard Baruch College, Hunter College, Lehman College and Duke University.

His 32-year career in customer service and postal office operations includes experience as Division General Manager/Postmaster in the Western New York Division and in the Newark Division, and as Officer-In-Charge of the Elizabeth New Jersey Post Office.

Today, Mr. Pankey holds the post of Vice President of the Mid-Atlantic Area of the United States Postal Service. His philosophy has been "what comes in today gets sorted and dispatched today, and delivered tomorrow." Under Mr. Pankey's leadership, postal management has reached higher levels of efficiency and accountability.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Henry A. Pankey's lifelong and dedicated career to the benefit of our communities.

THE MISSING COMBINED FEDERAL CAMPAIGN OR WHY CAN'T WE GIVE AT THE OFFICE?

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. FAZIO of California. Mr. Speaker, NEWT GINGRICH says he likes charities such as Boys Town, but he's acting like the Grinch who stole Christmas when it comes to the Combined Federal Campaign for the House.

As we all know, the Combined Federal Campaign is the annual event enabling Federal employees to make donations to charities.

Virtually all Government agencies have completed their Combined Federal Campaign, and thousands of charitable causes and organizations are the beneficiaries.

But one Government agency is missing: the House of Representatives.

When December 1 rolled around, a concerned staffer in my office started making inquiries.

Where is the Combined Federal Campaign, he asked?

He called the Finance Office. The Finance Office said, "Don't look at us."

He called the Chief Administrative Officer's Office. The CAO's Office said, "Don't look at us."

He even called the CAO's new one-call service. He called again the next day. He called again yesterday. Nothing to report.

Is it just administrative incompetence by the CAO?

I wish the answer was that easy.

But a few more calls have unearthed the discovery, and the answer my employee finally received is not a good one.

All fingers point to the Speaker.

This is the same Speaker who told us all about Boys Town and the benefits of non-government solutions to our problems.

Well, Mr. Speaker, if you'd check with the Combined Federal Campaign, you'd discover that Father Flanagan's Boys Home is one of the worthy organizations that is going wanting while you procrastinate.

What's the hold-up?

Is it incompetence, inefficiency, or neglect when every other agency of Government has completed their Combined Federal Campaign, and the House has yet to begin? It's a fair question.

Maybe it's because we're so busy this year.

But even the U.S. Senate has found time to conduct their Combined Federal Campaign—it concluded on November 15.

Maybe just maybe, we're facing one more unfathomable facet of the radical conservative agenda. Are there left wing groups benefiting? Is this just one more part of the Istook effort to cut off your enemies?

Only the Speaker can tell us for sure.

In the meantime, people in need supported by the Combined Federal Campaign's many charitable organizations may go without.

And generous House employees wait to see when the Speaker will catch the spirit of Christmas and let the Combined Federal Campaign go forward as it has for many years in every Federal agency.

#### REMEMBERING THE 20TH ANNIVERSARY OF THE INDONESIAN INVASION OF EAST TIMOR AND CONDEMNING THE HUMAN RIGHTS ABUSES IN EAST TIMOR

#### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 7, 1995*

Mr. SMITH of New Jersey. Mr. Speaker, today is a day of several anniversaries. As Americans we cannot forget that 54 years ago today our nation was invaded and attacked and lives were lost at Pearl Harbor. Today we remember those who lost their lives and honor those who bravely served in our Armed Forces and defended our borders.

Today is also the anniversary of another invasion. Twenty years ago today the nation of Indonesia invaded the territory of East Timor and 1 year later forcibly annexed it. Within a matter of hours and days after the invasion entire families were wiped out. And since December 7, 1975, over 200,000 Timorese have been killed—one-third of the entire population.

What has happened in East Timor over the last 20 years has been sarcastically called by John Pilger, an Australian journalist, "one of the world's great secrets." Indonesia severely restricts access to East Timor, making it difficult to monitor abuses, while human rights organizations and activists are subject to harassment and threats from the government. Still, well-respected organizations such as Amnesty International and Human Rights Watch/Asia have been able to report on the continuing human rights problems in East Timor.

In addition to the thousands killed over the last 20 years, the Indonesian Government has unleashed a reign of terror over the East Timorese which includes detaining political prisoners, torture and rape, and disappearances. According to Roman Catholic Bishop Ximenes Belo, an outspoken defender of human rights in East Timor and a Nobel Peace Prize nominee, "There is always fear. We lack freedom to speak, to walk where we want, to have different opinions. If people talk, they know they will be interrogated. They will be tortured."

Because of Bishop Belo's strong defense of human rights, the Jakarta Government is actively seeking his replacement as leader of East Timor's Roman Catholic Church. The government's attempt to control the church is an attempt to control even the spiritual life of the East Timorese people. In addition to the campaign against Bishop Belo, Amnesty International reports that church officials are subject to surveillance, including the tapping of phones and interception of letters. Members of the clergy also face harassment and intimidation by security forces and Indonesian troops.

In October of this year young people, unable to tolerate the suppression any longer, protested against the Indonesian Government. The response of the military was swift and violent. Over 200 people were injured by gunfire, while 150 others who were attending a meeting at a convent were arrested and detained. Many of those who were detained were reported to have been tortured with electric prods or beaten while in custody.

Mr. Speaker, the territory of East Timor has been held in captivity for 20 years by the Indonesian Government and there are few indications that the reign of terror will soon end. On this day, when we remember that our own nation was once invaded by another nation, we must not forget the people of East Timor who have not known freedom and peace since the Indonesian invasion on December 7, 1975. And unlike the attack on Pearl Harbor where we were able to overcome the invaders, the invaders of East Timor have yet to be defeated. We can only imagine what life must be like, denied the right of self-determination and other basic human rights. But the words of one man who has spent the last 20 years of his life under the Indonesian dictatorship might help us understand: "We the people in East Timor call it the biggest prison island in the world. You must understand that. For us who live here it's hell."

#### PERSONAL EXPLANATION

#### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 7, 1995*

Ms. ROS-LEHTINEN. Mr. Speaker, due to the illness of my mother-in-law, I was unable

to vote on December 6. I would have voted "yes" on H.R. 290 waiving points of order against the conference report to accompany the bill H.R. 1058 to reform Federal securities litigation, "yes" on final passage of the conference report on H.R. 1058 and "no" on the motion to recommit the conference report on H.R. 2067, the Commerce, State, Justice and the Judiciary appropriations bill.

#### U.S. CUSTOMS SERVICE EMPLOYEES PROTECTION ACT OF 1995, H.R. 2737

#### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 7, 1995*

Mr. GILMAN. Mr. Speaker, on October 31, 1995, the House International Relations Committee held full committee hearings on the matter of the U.S. efforts at international narcotics control.

We were pleased among the witnesses that day to hear from the DEA and the U.S. Customs Service. Both these fine agencies are engaged in the difficult and often unappreciated battle to prevent these deadly drugs from ever entering our Nation and infecting our cities and schools, where they soon destroy the lives of so many of our young people, and many others.

During the hearing, we examined our efforts along the Southwest border to prevent drugs from entering the United States from Mexico. We also discussed the phenomena of the drug trafficking port runners, who our border control people now face frequently along our vast border with Mexico.

These port runners are individuals who load up cars or vans with large quantities of drugs, then await the chance to race illegally across the border at high and very dangerous speeds past the U.S. Customs Service checkpoints; sometimes even heading across the U.S. border going against oncoming traffic in the southbound lanes.

Needless to say, there is real danger and the potential for serious tragedy from these madmen willing to risk the lives of innocent people, including our Customs Service inspectors, and other Federal officials, who they seek to avoid detection by in their dangerous dash across the Mexican-United States border, loaded with illegal drugs headed for the streets of America.

During the hearing, we learned of the case a few years ago of an individual driving a 1976 Dodge van from Mexico loaded with drugs intended for entry at El Paso, TX. A U.S. Customs Service inspector working with an Agriculture inspector in the primary inspection lane attempted to stop the fleeing driver when suspicions arose about the illicit cargo he was carrying.

In the ensuing struggle, the Customs inspector held on to the passenger side of the vehicle in an attempt to stop the van. The Customs inspector was then thrown from the vehicle about 300 yards from the primary lane, suffered massive head injuries, and died 1 day later at a local hospital.

One more victim of the deadly drug trade was claimed that day, and this Customs Service inspector, and so many others, like the five DEA agents killed in a plane crash in the

mountains of Peru this year, ought not be forgotten by the American people. We do not fully appreciate the sacrifices and dangers our people face each and every day in this serious struggle against illicit narcotics.

In this particular case, we also learned that the local U.S. attorney in the death of this dedicated Federal U.S. Customs Service inspector, did not bring Federal charges against the defendant under section 1114 of title 18, United States Code. That particular section of our Federal criminal law involves protection of officers and employees of the United States, and provides for the possibility of the death penalty, if they are killed in the line of duty, and the circumstances warrant its application.

The defendant in this case was arrested and charged under State law, not Federal law. This should not have to be the case in the killing of a Federal Customs Service inspector. The Federal Government's authority must be clear and unequivocal. We cannot tolerate any such conduct or action that threatens or takes the lives of any of our dedicated U.S. Customs Service employees along the border, or anywhere else, when they are engaged in their official duties.

There is a possible loophole today in Federal law that does not clearly cover U.S. Customs Service inspectors and some other Customs employees under section 1114 of title 18, United States Code of our Criminal Code. Today, legislation I introduce, along with fellow International Relations Committee member, STEVE CHABOT of Ohio, closes any loophole that might exist. Our bill tightens Federal law and makes the death penalty clearly applicable under this section in the case of those who would take the life of any U.S. Customs Service inspector, agent, canine officer, or other employee, or any person assisting them in the execution of their duties.

We owe all these dedicated men and women, nothing less than the clearest maximum protection and deterrent we can provide under Federal law against these port runners or any others, who would jeopardize, threaten, or take the life of these dedicated Customs Service employees performing their job. We must make sure that the full weight, resources, and all the tools available to the U.S. Government, can and will be applied in such cases, and never face any ambiguity as to the intent of our law and obligation to these men and women.

I urge that the House Judiciary Committee move expeditiously to close this loophole in our Federal criminal law. We must send a clear message that such conduct will not be tolerated, and when appropriate, those who engage in the taking of human life of these dedicated Customs Service employees as part of the dirty drug trade or other illegal activity, may also possibly face loss of their own life as well.

I request that the full text of H.R. 2737 be printed at this point in the RECORD.

H.R. 2737

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Customs Service Employees Protection Act of 1995".

#### SEC. 2. PROTECTION FOR UNITED STATES CUSTOMS SERVICE EMPLOYEES.

Section 1114 of title 18, United States Code, is amended—

(1) by striking "of the customs or"; and

(2) by inserting "any Inspector, Agent, Canine Enforcement Officer, or other employee of the United States Customs Service or any person assisting any employee of such Service in the execution of that employee's duties," before "any immigration officer".

#### CHARITABLE GIFT ANNUITY ANTITRUST RELIEF ACT OF 1995

#### HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. HYDE. Mr. Speaker, on December 5, 1995, the Congressional Budget Office transmitted to me a revised letter regarding the budgetary impact of H.R. 2525, the "Charitable Gift Annuity Antitrust Relief Act of 1995." The report of the Judiciary Committee on this bill, which contains the text of the original CBO letter, has already been filed and printed. Therefore, I am inserting the text of the new, corrected letter in the RECORD. To the extent that the CBO letter is part of the legislative history of H.R. 2525, the December 5, 1995 text, rather than the November 8, 1995 text, should be referenced.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, December 5, 1995.

Hon. HENRY J. HYDE,  
Chairman, Committee on the Judiciary,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 2525, the Charitable Gift Annuity Antitrust Relief Act of 1995, as ordered reported by the House Committee on the Judiciary on October 31, 1995. This revised estimate supersedes the estimate provided on November 8, 1995. Specifically, this estimate clarifies the description of potential antitrust violations under current law; our estimate of no significant cost for enacting the bill is unchanged from the earlier estimate. Because enactment of H.R. 2525 would not affect direct spending or receipts, pay-as-you-go procedures would not apply to the bill.

This bill would provide antitrust protection to certain non-profit organizations which issue charitable gift annuities. Under current law, it is unclear whether it is a violation of the antitrust laws for two or more charitable organizations to use or agree to use the same annuity rate for the purpose of issuing one or more charitable gift annuities. According to the Administrative Office of the United States Courts (AOUSC), only one lawsuit alleging such a violation is currently pending in federal court. Based on information from the AOUSC, CBO estimates that while enacting this bill would preclude certain antitrust cases from being litigated, any reduction in future cases would not be significant. Thus, this bill could result in some savings to the federal government, but the amount of such savings would not be significant.

While enacting H.R. 2525 could reduce the future antitrust caseload in state courts, CBO estimates that any reduction in litigation would not result in any significant savings to states or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Susanne S. Mehlman, for federal costs, and Karen McVey, for state and local costs.

Sincerely,

JUNE E. O'NEILL,  
Director.

#### INTERNATIONAL HUMAN RIGHTS DAY

#### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 1995

Mr. LIPINSKI. Mr. Speaker, as International Human Rights Day approaches, Indian repression of the Sikh nation continues. Over 150,000 Sikhs have been killed by the regime since 1984. The State Department reported in its 1994 country report on India that the regime paid more than 41,000 cash bounties to police officers for killing Sikhs. One of those Sikhs, Mr. Harpreet Singh, was reported killed in an encounter with the police 4 years ago. Interestingly enough, the Associated Press reported that he appeared in court last month to sue the Indian authorities for wrongful custody. That is quite an achievement for a dead man.

Unfortunately, cases like Mr. Singh's are typical of the human rights abuses committed by Indian authorities in Khalistan. A similar case is that of Sarabjit Singh, a man twice killed. On October 30, 1993, police brought two bodies to a hospital for an autopsy, claiming that they had been killed in an encounter. However, one of the two men, Sarabjit Singh was indeed alive. While the Doctor called to inform his family that he was not dead, the police took Mr. Singh away, killed him, and cremated the body.

These two incidents, plus the many others which my colleagues and I have placed in the CONGRESSIONAL RECORD are only the tip of the iceberg. These brutal acts of tyranny and terrorism must be stopped.

American support for an end to these atrocities and for the right for the Sikhs to live in peace is crucial. I commend the Council of Khalistan for its tireless work to ensure that the plight of these people is not forgotten. It is time for our Government to join in this effort. With the many human rights causes this great Nation fights for, surely we can raise our voice for the people of Khalistan as well.

India is the third-largest recipient of United States aid. It is time for the United States to tell the Indian Government that there will be no more aid until the repression of minority nations has ended. Not until the repression of the Sikhs and other minorities begins to hurt the regime will the suffering end and the glow of freedom shine throughout the subcontinent.

I am introducing an article from the November 2 issue of the New York Post on the case of Harpreet Singh into the RECORD as reference for this atrocity.

[From the New York Post, Nov. 2, 1995]

#### DEAD MAN RESURRECTED IN COURT

NEW DELHI, INDIA.—A Sikh man who police claimed was killed in a gun battle four years ago appeared in court yesterday to sue authorities for wrongful custody, his lawyer said.

The case of Harpreet Singh highlights irregularities allegedly committed by police in Punjab state during their campaign to crush a decade-long uprising for a separate Sikh homeland.

Human rights groups say thousands of civilians were accused of being militants, illegally detained, and sometimes killed.

## INDIAN HUMAN RIGHTS ABUSES

**HON. GERALD B.H. SOLOMON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 7, 1995*

Mr. SOLOMON. Mr. Speaker, this coming Monday, Dec. 10, has been declared by the United Nations as International Human Rights Day. It is a day on which we note the basic rights of all people and speak out against the violations of these most basic rights.

We are all aware of the deplorable human rights situation arising from the war in Bosnia. We hope that the Dayton accords will finally put an end to these brutal acts. The ongoing violations of human rights in Haiti continue to draw our attention. We are also aware of the executions of nine political activists in Nigeria, which friends of human rights condemn. Today I would like to address human rights violations in India, the country which bills itself as "the world's largest democracy."

Let me cite just a few examples. On Sept. 6, Sardar Jaswant Singh Khalra, the general secretary of the human rights wing of the Shiromani Akali Dal, a Sikh political party, was kidnapped from his Amritsar home by local police. He had put out a report in which he proved that the Indian regime had kidnapped more than 25,000 young Sikh men, tortured and murdered them, then covered up police responsibility for their deaths by declaring their bodies "unidentified" and cremating them. Unfortunately, this reprehensible practice is just a part of the ongoing Indian oppression of the Sikh. In all, more than 150,000 Sikhs have been killed by the Indian regime since 1984. The Indian regime has also killed over 43,000 Muslims in Kashmir and over 200,000 Christians in Nagaland. Christian Nagaland is a restricted area—no one is allowed to travel there without a special permit. No one is punished for it. In fact, the State Department's 1994 country report on India states that the regime paid out more than 41,000 cash bounties to police officers for killing Sikhs between 1991 and 1993. One of those Sikhs was a man named Harpreet Singh, who came to court last month to sue the regime for illegally imprisoning him. Harpreet Singh was allegedly killed in 1991. Apparently a police officer collected a bonus from the Indian regime for killing an innocent person in Harpreet Singh's place.

Half a million Indian troops currently occupy Punjab, with another 500,000 in neighboring Kashmir. At no time during their rule did the British station 500,000 troops in all of the subcontinent. Recently, the government called off scheduled elections in Kashmir after attacking its most venerated mosque last year in an incident strongly reminiscent of the June 1984 attack on the Golden Temple in Amritsar, the Sikhs' holiest shrine. The regime has denied passports to Dalit ("black touchable") leader V.T. Rajshekar and Sikh political leader Simranjit Singh Mann. Earlier this year, a 5-year-old Dalit girl named Dhanam was blinded by her teacher for the social sin of trying to take a drink of water from the community pitcher. Does this look like the face of a democracy which respects human rights?

The Indian rulers cannot escape the simple truth that human rights apply in their country too, whether they like it or not. It is time for India to begin respecting human rights. To observe International Human Rights Day, I call

on the Indian regime to release Jaswant Singh Khalra immediately, to respect the political rights of the Sikhs of Khalistan, the Muslims of Kashmir, the Assamese, Nagas, Dalits, and others living under the boot of Indian oppression; to drop all charges against Mr. Mann and allow him and Mr. Rajshekar to have their passports; and to release over 70,000 Sikh political prisoners held without charges under the brutal so-called Terrorist and Disruptive Activities Act [TADA] despite the fact that this act expired months ago. These measures would begin to re-establish India's reputation as a democratic nation. Until then, all U.S. aid to India should be cut off and our Government should place trade sanctions on India. These steps would make it clear to the Indian regime that the United States takes human rights seriously and it is time that India did so as well.

I am introducing Iqbal Masud's article from *The Pioneer* entitled "The Bogus Peace of Beant and Gill" which shows that India's claim of peace in Khalistan is a fraud.

[From the *Pioneer*, Nov. 4, 1995]

## THE BOGUS PEACE OF BEANT AND GILL

(By Iqbal Masud)

Amnesty International believes that the Punjab Police have been allowed to commit human rights violations with impunity in the State. While the organisation recognises that the Indian Government has had to face ruthless and violent opposition in Punjab, it is totally unacceptable for Government agents to resort to human rights violations themselves in their fight against these groups. The UN Declaration on the Protection of All Persons from Enforced Disappearance makes clear that "no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency may be invoked to justify enforced disappearances". (Conclusion to Amnesty Report, "Determining the fate of the 'disappeared in Punjab'", October 1995.)

The fate of Amnesty reports in India is over-familiar. Either hostile tearing apart by Subhash Kirpekar in *The Times of India* or contemptuous dismissal in *The Economic Times*. The second has happened but not the first up to the moment of writing (October 25) with regard to this report. But I would find it difficult to dismiss this report because it is effectively factual. It gives dates, it names the victims and perpetrators and, most important, it quotes Supreme Court and High Court judgements in specific cases—judgements which have been ignored by the police. The only result has been a complaint by Mr. KPS Gill to the Punjab Government that such judgements are demoralising.

I will analyse this report presently. But in its totality I find it a damning indictment whose importance goes beyond human rights. It has become a political document without remotely intending to be. It shows how the Pax Beant-Gilliana was "purchased" during 1993-95. Tacitup said of the Roman conquests: "They make a desert and call it peace." The Beant-Gill duo committed mass incarceration and disappearance and called it "normalcy".

The question arises: Why was this nightmare charted by current reportage and Supreme Court and High Court judgements not apparent to the rest of the nation? Why did Khushwant Singh and other eminent columnists make Mr. Gill into an all-time hero and Beant Singh into a saviour of the nation? True, disquieting hints that all was not well in Mr. Gill's raj were all the time appearing in the Press. But actually Mr. Gill's night attacks against the militants over-

shadowed everything else. Mr. Gill was proposed to be sent to North-East, to J&K and every place which troubled the Indian middle class law and order ethos. One development of the 1990s is that the middle class has become brutalised. Witness the joy with which Amnesty reports are pilloried for the least discrepancy.

## THE COURTS' COMMENTS

Let us look into some of the specifics of the current report. The first is the phenomenon of "unclaimed bodies" cremated by the police. A particularly horrible instance is that of Sarabjit Singh. On October 30, 1993, the police from Valhotra brought two unclaimed bodies to the hospital for autopsy. One of them was still found to be alive—Sarabjit Singh. The doctor called his family but meanwhile the police took Sarabjit away. A few hours later his body was brought back and cremated without his family being allowed to see it. When I read that I said, Welcome to Super Nazi State.

A former Black Cat Commando filed a petition in the Punjab HC alleging the police had killed people in fake encounters and cremated their bodies without due procedure.

The most important sector of the report concerns SC's and HC's critiques of the Punjab Police. It will be difficult for our media to reject this portion of the report. Of course, one has read about critical judgements of the courts, but this is the first time they have been brought together in this damning fashion. In May 1995 the SC commented about a habeas corpus petition filed in 1991 about the disappearance of seven members of a family. "It is a serious matter, people are being killed, their whereabouts and their dead bodies are not known. No doubt we will ensure that the law is maintained and its majesty upheld. But what about the people who are being eliminated . . . and who will be accountable for that?"

In another case the SC recommended prosecution of senior police officers on charges of murder on the basis of a CBI report that an entire family had been killed in custody. They rejected Mr. Gill's plea that he had not been informed of the murders. They chided the solicitor-general who defended the officers on the ground that no judge in Punjab had the guts to refuse bail to the accused: "You are asking for commendation to eliminate persons. It's a most blatant thing I have heard from you."

## A SERIOUS DOCUMENT

The cases in which action was taken by the HC reveals an equally alarming picture. Three instances will serve as illustrations.

In May 1995, three persons—all in their 70s—Ranjit Kaur, Niranjan Singh and Mohinder Singh, found in police custody, were ordered to be released by the HC. They had been detained since 1992 to procure surrender of suspects. In July 1994 and enquiry ordered by the HC found the police guilty of murdering Maninder Singh Dalli in a fake encounter. The HC ordered proceedings for murder under IPC against the police and ordered compensation to be paid to parents of Dalli.

In September 1995, the HC passed orders in a particularly awful case. One Vinod Kumar, his brother-in-law, and driver, had "disappeared" in March 1994, when accompanied by a DSP. Vinod Kumar had gone to collect the ashes of his father. The CBI suggested four officers were involved. The HC ordered pursuance of criminal proceedings and payment of substantial compensation.

The response of the police to this barrage of judicial censors is fascinating and throws light on future police tactics all over India to meet "human rights" criticism. It is a mix of administrative trickery and the familiar to middle class insecurity vis-a-vis

terrorism. The HC premises are riddled with police spies. The moment an order is issued to release a detenu, the police agent sends an advance police official to shift the detenu elsewhere. Mr. SB Chavan and the Human Rights Commission have repeatedly asked the Punjab Government to check allegations of "disappearances". The only police response has been to ask the Government that the flow of judicial criticism is checked as it

is demoralizing the police. There is a proposal to enact an "extraordinary law" to bar judicial "interference" with anti-terrorist tactics of the police for a limited period of time.

The Amnesty has made recommendations for correcting all this. Of course, this is just ignorable counsel for the Brar Government and Mr. KPS Gill. But the report is a serious

document for the Government to ponder over.

Basically the report is a political document which contains a dire warning though Amnesty did not intend it to be so. The Government can ignore the implications of this report only at great cost to the people of Punjab and to human rights situation in the rest of India.