

State University, and Temple University. He was cited as an Outstanding Young Man of America in 1972 and has been honored with the Valley Forge Freedom Foundation Award twice. He has served as chairman of the Young Lawyers Section of the Pennsylvania Bar Association, membership chairman of the Young Lawyers Section of the American Bar Association, chairman of the Pennsylvania Bar Association Unauthorized Practices Committee, and chairman of the American Bar Association Standing Committee of the Unauthorized Practice of Law. Dick served as president of the Wilkes-Barre Law and Library Association and currently serves on the Board of Governors of the Pennsylvania Bar Association.

Dick Goldberg's dedicated service to his community is well documented by a long list of memberships and board seats. He presently is a member of the Board of Trustees of Wyoming Seminary and is a director of the Jewish Home of Eastern Pennsylvania, the United Way of Wyoming Valley, and Jewish Family Services. An Eagle Scout himself, he is active with the local Boy Scouts of America.

Dick is a past president of Temple Israel and the Jewish Community Center. He chaired the Jewish National Fund, Temple Israel School Board, Luzerne County Heart Fund Drive and the Osterhout Library Society Campaign. He has served as president of the Reserve Officers Association.

Mr. Speaker, throughout my legal career and my tenure in the House of Representatives, I have been privileged to work with Attorney Dick Goldberg many times. I consider him to be a good friend and an outstanding community leader. I am proud to join with his wife, Rosemary, his family, his friends, and the community in congratulating Dick on this prestigious honor. I extend my very best wishes on this momentous occasion and for continued good health and happiness in the years to come.

DOUG BELL AND MARILYN  
STAPLETON SET EXAMPLES FOR  
YOUNG ATHLETES

### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 10, 1999*

Mr. SCHAFFER. Mr. Speaker, I rise today to pay tribute to two fine people and world class athletes from Greeley, Colorado. Mr. Doug Bell and Ms. Marilyn Stapleton were both ranked third among America's best runners by age group in the Running Times. I commend them for their hard work, commitment and dedication. Year round, despite the elements, fatigue and adversity, these fine athletes constantly train and strive to better themselves. Doug Bell, owner of Bell's Running, and Marilyn Stapleton set fine examples for young athletes, and for everyone seeking to achieve such admirable goals.

## EXTENSIONS OF REMARKS

### INTRODUCTION OF LEGISLATION OF ADD BRONCHIOLO-ALVEOLAR PULMONARY CARCINOMA TO SERVICE-CONNECTED LIST OF CANCERS FOR VETERANS

#### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 10, 1999*

Mr. SMITH of New Jersey. Mr. Speaker, today, I am reintroducing legislation that would add a rare form of cancer, bronchiolo-alveolar pulmonary carcinoma, to the list of cancers that are presumed to be service-connected for veterans who were exposed to radiation, in accordance with the provisions of Public Law 100-321.

The merits of adding bronchiolo-alveolar pulmonary carcinoma to the list of cancers that are presumed to be service-connected for veterans who were exposed to radiation during their military service were pointed out to me in 1986 when I became acquainted with Joan McCarthy, a constituent from New Jersey. Mrs. McCarthy has worked tirelessly for many years to locate other "atomic veterans" and their windows and she founded the New Jersey Association of Atomic Veterans.

Joan's husband, Tom McCarthy, was a participant in Operation Wigwam, a nuclear test in May of 1995 which involved an underwater detonation of a 30-kiloton plutonium bomb in the Pacific Ocean, about 500 miles southwest of San Diego.

Tom served as a navigator on the U.S.S. *McKinley*, one of the ships assigned to observe the Operation Wigwam test. The detonation of the nuclear weapon broke the surface of the water, creating a giant wave and bathing the area with a radioactive mist. Government reports indicate that the entire test area was awash with the airborne products of the detonation. The spray from the explosion was described in the official government reports as an "insidious hazard which turned into an invisible radioactive aerosol." Tom spent 4 days in this environment while serving aboard the U.S.S. *McKinley*.

In April of 1981, at the age of 44, Tom McCarthy died of a rare form of lung cancer, bronchiolo-alveolar pulmonary carcinoma. This illness is a nonsmoking related lung cancer which is remarkable given the fact that nearly 97 percent of all lung cancers are related to smoking. On his deathbed, Tom told Joan, his wife, about his involvement in Operation Wigwam and wondered about the fate of the other men who were also stationed on the U.S.S. *McKinley* and on other ships.

Mr. Speaker, it has been well documented in medical literature that exposure to ionizing radiation can cause this particular type of lethal cancer. The National Research Council cited Department of Energy studies in the BEIR V (Biological Effects of Ionizing Radiation) reports, stating that "Bronchiolo-Alveolar Carcinoma is the most common cause of delayed death from inhaled plutonium 239." The BEIR V report notes that this cancer is caused by the inhalation and deposition of alpha-emitting plutonium particles in the lungs.

Mr. Speaker, the Department of Veterans Affairs has also acknowledged the clear link-

age between this ailment and radiation exposure. In May of 1994, Secretary Jesse Brown wrote to then Chairman Sonny Montgomery of the Veterans' Affairs Committee regarding this issue. Secretary Brown stated as follows:

The Veterans' Advisory Committee on Environmental Hazards considered the issue of the radiogenicity of bronchiolo-alveolar carcinoma and advised me that, in their opinion, this form of lung cancer may be associated with exposure to ionizing radiation. They commented that the association with exposure to ionizing radiation and lung cancer has been strengthened by such evidence as the 1988 report of the United Nations Scientific Committee on the Effects of Atomic Radiation, the 1990 report of the National Academy of Sciences' Committee the Biological Effects of Ionizing Radiation (the BEIR V Report), and the 1991 report of the International Committee on Radiation Protection. The Advisory Committee went on to state that when it had recommended that lung cancer be accepted as a radiogenic cancer, it was intended to include most forms of lung cancer, including bronchiolo-alveolar carcinoma.

Back in 1995, I met with former Secretary Brown and he assured me that the VA would not oppose Congress taking action to add this disease to the presumptive list. Notwithstanding this fact, however, the VA has repeatedly denied Joan McCarthy's claims for survivor's benefits.

The VA has claimed in the past that adjudication on a case-by-case basis is the appropriate means of resolving these claims. Unfortunately, the practical experiences of claimants reveal deep flaws in the process used by the VA.

Mr. Speaker, I believe the widows of our servicemen who participated in these nuclear tests deserve better than this. They should not be required to meet an impossible standard of proof in order to receive DIC benefits, which CBO estimates will cost the government, on average, a mere \$10 thousand a year for each affected widow.

As many of my colleagues will remember, this legislation was passed on the floor of the House on October 14, 1998 by a vote of 400 to 0. Unfortunately, our colleagues in the Senate failed to take up this legislation before Congress' adjournment. During the 104th Congress, the House passed H.R. 368, identical legislation to the bill we are considering today. It too added bronchiolo-alveolar pulmonary carcinoma to the list of cancers that are presumed to be service-connected for veterans who were exposed to radiation. H.R. 368 was later included as part of H.R. 3673, an omnibus veterans' package which passed the House on July 16, 1996. Unfortunately, this provision was dropped from the final conference report.

They say that the third time is the charm so I remain hopeful and determined that my introduction of this legislation today will result in its speedy consideration in the House and approval in the Senate. I would also like to thank my colleague, Congressman LANE EVANS from Illinois, the ranking democrat on the House Veterans' Affairs Committee, who is joining me today as an original cosponsor of this legislation. His tireless work on behalf of "atomic veterans," and those who have suffered as a result of exposure to radiation while serving our

country is to be commended and I thank him for his support of my legislation.

A TRIBUTE TO THE LABOR  
MOVEMENT

**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 10, 1999*

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the labor movement. As the American trade union movement prepares to move into its second century, it is important to applaud the movement's "century of achievement" that included the historic reuniting of the AFL-CIO in 1955.

American labor has played a central role in the raising of the American standard of living. American workers have had to struggle to achieve the gains they have made during this century. And it has been a struggle! Improvements did not come easily. By organizing, winning the right to representation, utilizing the collective bargaining process, struggling against bias and discrimination, working Americans have built a trade union movement of formidable proportions.

Labor in America has correctly been described as a stabilizing force in the national economy and a bulwark of our democratic society. The gains that unions have achieved have brought benefits directly and indirectly to the American people and have served as a force for our nation's progress.

Labor has reached out to groups in America who strive for their share of the American dream and there is a common bond between the labor movement and African-Americans, Hispanics, and other minorities. In the words of Dr. Martin Luther King: "Our needs are identical with labor's needs—decent wages, fair working conditions, livable housing, old age security, health and welfare measures, conditions in which families can grow, have education for their children and respect in the community."

But today, America's workplace is in transition. The workforce that was once predominantly "blue collar" has now expanded to include "white collar" employees and the significantly increasing "gray collar" workers representing the workers in service industries. Mass production industries have downsized and many have gone out of business. Increasing numbers of the new industries require new skill levels from employees and work once performed in the United States has been moved out of the country.

However, change has not lessened the absolute need for protection and representation for our nation's working men and women. And change has not lessened the resolve of the union movement to represent and protect America's workers.

As the labor movement continues to face the looming challenges, it is important to note that the union movement is on the right track. In 1998, the number of union members rose in more than half the states and union membership grew by more than 100,000 nationwide. In all, the number of union members in the nation rose from 16.1 to 16.2 million. As AFL-

EXTENSIONS OF REMARKS

CIO President John Sweeney has said, "Our commitment and dedication to organizing, at all levels of the labor movement, is beginning to bear fruit—but we still have a long way to go. We need to stay focused and redouble our efforts."

THE SENIOR CITIZENS INCOME  
TAX RELIEF ACT

**HON. MATT SALMON**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 10, 1999*

Mr. SALMON. Mr. Speaker, I rise to introduce the Senior Citizens Income Tax Relief Act. This legislation would repeal the Clinton Social Security tax increase of 1993.

Millions of America's senior citizens depend on Social Security as a critical part of their retirement income. Having paid into the program throughout their working lives, retirees count on the government to meet its obligations under the Social Security contract. For many, the security provided by this supplemental pension plan is the difference between a happy and healthy retirement and one marked by uncertainty and apprehension, particularly for the vast majority of seniors on fixed incomes.

As part of his massive 1993 tax hike, President Clinton imposed a tax increase on senior citizens, subjecting to taxation up to 85 percent of the Social Security received by seniors with annual incomes of over \$34,000 and couples with over \$44,000 in annual income. This represents a 70 percent increase in the marginal tax rate for these seniors. Factor in the government's Social Security Earnings Limitation and a senior's marginal tax rate can reach 88 percent—twice the rate paid by millionaires.

An analysis of government-provided figures on the 1993 Social Security tax increase finds that, at the end of 1998, America's seniors have paid an extra \$25 billion because of this tax hike, including \$380 million from senior citizens in Arizona alone.

Older Americans are just as willing as the rest of the country to pay their fair share, but the President and other big spenders in Congress should not take that as a license to finance their big government agenda on the backs of Social Security beneficiaries. Our nation's seniors have worked too hard to have their golden years tarnished by the government renegeing on its promises. In an era of budget surpluses, surely we can find a way to provide America's seniors with relief from this burdensome tax.

INTRODUCTION OF BILL TO CLARIFY THAT NATURAL GAS GATHERING LINES ARE 7-YEAR PROPERTY FOR PURPOSES OF DEPRECIATION

**HON. SAM JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 10, 1999*

Mr. SAM JOHNSON of Texas. Mr. Speaker, today I have introduced legislation, H.R. — to

*February 10, 1999*

provide much needed certainty with respect to the proper depreciation classification of natural gas gathering lines. Natural gas gathering lines play an integral role in the production and processing of natural gas as they are used to carry gas from the wellhead to a gas processing unit or interconnection with a transmission pipeline. In many instances, the gathering network for a single gas field can consist of hundreds of miles and represents a substantial investment for natural gas processors.

The proper depreciation classification for specific assets is determined by reference to the asset guideline class that describes the property. Asset class 13.2 subject to a 7-year cost recovery period, clearly includes "assets used by petroleum and natural gas producers for drilling wells and production of petroleum and natural gas, including gathering pipelines and related production facilities." Not only are gathering lines specifically referenced in asset class 13.2, but gathering lines are integral to the extraction and production process. Nonetheless, it has come to my attention that some Internal Revenue Service auditors now seek to categorize natural gas gathering lines as assets subject to a 15-year cost recovery period under asset class 46.0, titled "Pipeline Transportation."

Over the past several years, I have corresponded and met with officials of the Department of Treasury seeking clarification on Internal Revenue Service policy and the issuance of guidance to taxpayers as to the proper treatment of these assets for depreciation purposes. These efforts have been to no avail. In the meantime, the continued controversy over this issue has imposed significant costs on the gas processing industry on audit and in litigation, and has resulted in a division of authority among the lower courts as to the proper depreciation of these assets. While it is not my intent to interfere with ongoing litigation, I do believe that legislation is needed to clarify the treatment of these assets under the Internal Revenue Code in order to provide certainty to the industry for tax planning purposes, and to avoid costly and protracted audits or litigation.

Accordingly, I have introduced legislation that would amend the Internal Revenue Code to specifically provide that natural gas gathering lines are subject to a 7-year cost recovery period. While I believe that this result should be obvious under existing law, this bill would eliminate any uncertainty surrounding the proper treatment of these assets. The bill also includes a proper definition of "natural gas gathering lines" to distinguish these assets from pipeline transportation for purposes of depreciation.

I urge my colleagues to support this important legislation.

DRUG USE AMONG OUR CHILDREN

**HON. RON PACKARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 10, 1999*

Mr. PACKARD. Mr. Speaker, I rise today to express my concern over the continuing increase in teenage drug abuse. Our nation's