

On November 19, Mr. Speaker, Mr. Kazhegeldin responded to President Nazarbayev by calling for a "national dialogue" to examine ways to advance democracy, economic development and national reconciliation in Kazakhstan. Similar national dialogues have met with success in Poland, South Africa, and Nicaragua. Mr. Kazhegeldin pointed out that convening a national dialogue would be an ideal way to initiate cooperation between the opposition and the government. Unfortunately, President Nazarbayev has reacted with stony silence to Mr. Kazhegeldin's proposal. Unfortunately, Mr. Speaker, this is not the first occasion when Mr. Nazarbayev has reneged on his promises or taken actions that undermine democracy and economic reform in Kazakhstan. He has reneged on a pledge he made in November to ship oil through the proposed Baku-Ceyhan pipeline. He continues to refuse to settle investment disputes with foreign companies that have lost millions of dollars because the government failed to honor its commitments. He arranged to have a kangaroo court convict an opposition leader for having the temerity to criticize Mr. Nazarbayev's government.

Even more troubling and more threatening to our national security, an investigation and trial in Kazakhstan have failed to find anyone responsible for the delivery last year of 40 MIG fighter aircraft from Kazakhstan to North Korea.

Mr. Speaker, the Administration must stop turning the other cheek every time Mr. Nazarbayev commits another outrage. The cause of freedom, democracy, and economic reform will continue to suffer in Kazakhstan unless the Administration strongly supports the national dialogue along the lines proposed by Mr. Kazhegeldin and takes action to press the government of Mr. Nazarbayev to stand by its commitments.

It seems to me, Mr. Speaker, that the Administration should also insist that the government of Kazakhstan make a minimum of one hour per week available for use by the opposition. In a country where the government still controls the media, this is a minimum for democracy to have any hope at all to develop along democratic lines. We also ought to insist that the democratic opposition be permitted to be provided a printing press to replace those that have been confiscated by the government.

Mr. Speaker, the shocking lack of democracy in Kazakhstan and deliberate government actions and policies that have restricted political and economic reform are a matter of great importance to the United States. It is essential that the Administration press Mr. Nazarbayev to take remedial steps quickly.

INTRODUCTION OF A HOUSE RESOLUTION TO RESTORE THE UNITED STATES ASSAY COMMISSION

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. ROTHMAN. Mr. Speaker, I rise today to announce my introduction of a House Resolu-

tion designed to re-authorize the creation of the United States Assay Commission.

The Assay Commission was established in 1792, and operated uninterrupted until 1980 when it was finally abolished. During that time, it was the oldest continually operating committee in the federal government and brought in individuals to maintain oversight over a narrow aspect of the executive branch.

Originally authorized as part of the nation's first Mint Act of April 2, 1792, the purpose of the Assay Commission was to examine the nation's coins on an annual basis and certify to the President, Congress, and the American people that gold and silver coins had the necessary purity, the proper weight, and necessarily, value.

Among the earliest members of the Assay Commission, statutorily, were Thomas Jefferson, James Madison, James Monroe and Alexander Hamilton. Starting about 140 years ago, some members of the general public were invited to participate, and when the Coinage Act of 1873 was passed, it codified that the President had the authority to appoint members of the Assay Commission from the general public at large. That practice continued for more than a century, though after 1970 there were no longer silver coins to review when their production was discontinued.

By the time that the Assay Commission was abolished in the Carter Administration as part of the President's re-organization project, it no longer had any valid function; the nation did not produce gold or silver coinage, whether of a circulating or of a commemorative nature.

Starting in 1982, the Mint again began producing contemporary commemorative coinage from .900 fine silver. By 1984, gold commemorative coins for the Olympic games were added, and since then the U.S. Mint has produced and sold hundreds of millions of dollars worth of gold, and silver commemorative coinage. Since 1986, the Mint began producing gold, silver and platinum bullion coins which are widely traded the world over.

Mr. Speaker, in the mid-1980's, lacking the outside oversight previously provided by the Assay Commission, a problem was discovered in one of the Mint's bullion products. It appears, from the records, that some fractional gold eagle coins (those weighing less than ounce) did not have the proper fineness or weight in gold. This caused a serious marketing problem in the Far East, and confidence in this uniquely American product went by the wayside.

Today, the United States Mint is a business that, were it privately-controlled, would constitute a Fortune-500 corporation. The monetary bulk of this product—not the circulating coins—are gold, silver, and platinum.

With the re-emergence of U.S. produced gold, silver and platinum coins, I understand that an Ad Hoc group of former presidential appointees, all former Assay Commissioners, has suggested that it is time to restore Assay Commission oversight of the U.S. Mint. I share this Ad Hoc group's belief that the Mint's operations will only be enhanced by restoring the historic role played by the Assay Commission.

Mr. Speaker, an article advocating the restoration of the annual Assay Commission written by Fair Lawn, New Jersey Mayor David L. Ganz, recently appeared in Numismatic News,

a weekly coin hobby periodical. I would ask that this article be reprinted, in full, in the CONGRESSIONAL RECORD.

I urge my colleagues to help me re-authorize the Assay Commission by cosponsoring the legislation that I have introduced today.

[Article appearing in Numismatic News (Weekly), October 5, 1999]

TIME TO CONSIDER REVIVING THE ASSAY COMMISSION

(By David L. Ganz)

Let me set the stage. A quarter century ago this past February, Richard Nixon was in the final throes of his star-crossed Presidency, though no one yet suspected that Watergate was about to become his ultimate downfall and lead to probable impeachment.

American coinage of 1974 was devoid of silver, and private gold ownership had been illegal since 1933, except for rare and unusual gold coin of that era or earlier, unless the Office of Domestic Gold & Silver Operations gave a rarely sought, seldom-granted license to acquire the particular specimen. As Washington hunkered down for a difficult winter storm, the White House press office was readying a press release that would surprise many for the number of Democrats and other non-supporters of President Nixon that were to be listed—not the so-called Enemy's List, but actually a designation to public service.

The weeks before had been trying for the applicants, many of whom had written letters, sent resumes, asked political contacts for a personal boost, responded to background checks that were initiated by government staff, followed up by security agencies interested in potential skeletons that could prove embarrassing to the White House if found in a presidential appointee.

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First inklings of what was to transpire probably came to most individuals in the form of a telephone call on Friday, Feb. 8 from Washington, asking if the prospect could be available for official travel the following week on Tuesday. Arrangements were strictly on your own, as were virtually all of the associated expenses in traveling to Philadelphia.

What this preparation was for was the Trial of the Pyx, the annual Assay Commission, a tradition stretching back to 1792, and at that time, the oldest continually operating commission in the United States government. First of the commissions, which were mandated by the original Coinage Act of April 2, 1792 were deemed so essential to the confidence of the public in the national money that section 18 of the legislation directed that the original inspectors were to include the Chief Justice of the United States, the Secretary and Comptroller of the Currency, the Secretary of the Department of State, and the Attorney General of the United States.

This was neither a casual request nor one that was considered so unimportant an aide could attend. The statute is explicit: this who's who "are hereby required to attend for that purpose", meaning that in July of 1795, chief justice John Jay, Secretary of State Edmund Randolph, Treasury Secretary Alexander Hamilton, Attorney General William Bradford may have gathered. In the Jefferson Administration, consider this remarkable group: Chief Justice John Marshall; Secretary of State (and future president) James Madison; Secretary of the Treasury Albert Gallatin, Attorney General Caesar Rodney might all have been there.

By 1801, the statute had been amended to add the United States District Judge for

Pennsylvania as an officer at the Annual Assay, and by the time that the Act of January 18, 1937 was approved, the cabinet officials and the Chief Justice were omitted in favor of the U.S. District Court Judge from the Eastern District of Pennsylvania (the state having been divided in half for judicial purposes), other governmental officials, and "such other persons as the President shall, from time to time, designate for that purpose, who shall meet as commissioners, for the performance of this duty, on the second Monday in February, annually

Flash forward to 1974. The call comes from Washington. A trek begins to Philadelphia, where it has begun to snow. Dozens of people from all across the country come to serve on the Assay Commission, all traveling at their own expense. Starting in the midst of the Truman Administration, a serious numismatist or two had begun to be appointed. Some who assisted the government in some numismatic or related matter were similarly given the honor. Among the early appointees: Max Schwartz (1945), the New York attorney who later became ANA's legal counsel; Ted Hammer (1947), John Jay Pittman (1947), Adm. Oscar Dodson (1948), and Hans M.F. Schulman (1952).

Some came by air (from California); others drove. I came by train, on Amtrak's Metroliner, leaving from New York's Penn Station and arriving an hour and a half later at Philadelphia's station by the same name. Those who came in February, 1974, gathered off Tuesday evening, Feb. 12, at the Holiday Inn off Independence Mall, and unlike years when there were only one or two lobbyists, this was a banner year. (I almost did not attend; having started law school just three or four weeks before, I had to petition the Dean of the School to permit the attendance lapse and honor the presidential appointment).

My classmates, as we have referred to ourselves over the succeeding quarter century, included some then and future hobby luminaries: Don Bailey (former officer of Arizona Numismatic Association), John Barrett (Member of several local clubs), Dr. Harold Bushey, Sam Butland (Washington Numismatic Society V.P.), Charles Colver (CSNA Secretary), David Cooper (CSNS v.p.), George Crocker (S.C.N.A. president), Joe Frantz (OIN Secretary), Maurice Gould (ANA governor), Ken Hallenbeck (past President, Indiana State Numismatic Assn.). Also: Dr. Robert Harris, Jerry Hildebrand (organizer World Coin Club of Missouri), Richard Heer, Barbara Hyde (TAMS Board member, sculptor), Philip Keller (past president of the American Society for the Study of French Numismatics), Reva Kline (member of several upstate New York coin clubs), Stewart Koppel (past president, Aurora, III. Coin Club), Charles M. Leusner (Delaware Co. Coin Club).

Rounding out the Commission: Capt. Gary Lewis (past president of Colorado-Wyoming Numismatic Association), Fred Mantei (past president Flushing Coin Club), Lt. Col. Melvin Mueller (member of many local and regional clubs), James L. Miller (COINage Magazine publisher), John Muroff (Philadelphia Coin Club member), and Harris Rusitzky (Rochester Numismatic Association member). I was also a member (law student and former assistant editor, Numismatic news).

This rather remarkable group of men and women, the White House and Mint joint announcement announced, were appointed by the President "from across the nation. . . . The 25 Commissioners, working in such varied fields as medicine, dentistry, law, engi-

neering, forestry research and the military, share a common interest in coins and the science of numismatics."

Early in its history, and indeed, into the first half of the 20th century, the appointees were either political themselves, or politically connected. Ellen (Mrs. Irving) Berlin, Commissioner 1941, was one example; Mrs. Norweb (1955) was another. So was Sen. H. Willis Robertson (1962), chairman of the Senate Banking Committee and father of television evangelist and presidential hopeful Pat Robertson. William Ashbrook, a member of Congress from Ohio who sponsored the legislation chartering the ANA in Congress, served six times between 1908 and 1920. Albert Vestal, a member of Congress from Indiana, served consecutively from 1920-1925. There were many other Congressmen and Senators through the years, as well.

I recall meeting in the lounge of the Holiday Inn and suggesting my old friend Maury Gould to be the chairman of the commission. The fix was already in: the California delegation had already agreed, and lobbied other members, to elect Barbara Hyde to that honor.

The work that we did was largely honorific, but there was a brief moment when some of us thought that the actual results of an assay were under-weight—which mint officials regarded as calamitous, and of sufficient importance to re-weigh the parcel in question. (It passed the test, and as was the case in most years, pro forma resolutions prepared by mint staff were signed by all of the commissioners). But that does not say that the description of the work done by the Assay Commission remains irrelevant. To the contrary, unlike 1974 which examined the nonprecious metal coinage of 1973, today there are silver, gold and platinum bullion coins, and numerous commemorative coins, and related items that circulate the world-over.

There is accountability within the Mint, but at present, the Mint's primary accountability is to Congress, and to the coinage subcommittee in the House, and the larger Senate Banking Committee on the other side of Capitol Hill. If there is a problem, it remains largely unknown to the public at large, except in case of acute embarrassment.

In April, 1987 for example, the U.S. mint was accused of having grossly underweight fractional gold coins—a move that nearly scuttled the entire effort of the program to market into the Far East. The Assay Commission having been abolished in 1980, there was no voice of authoritative reassurance, for the mint denied that there was even a problem—when it was clear that the fractionals had not been properly assayed and were lightweight in their gold content.

Abolition of the Assay Commission came in two stages. In 1977, President Jimmy Carter declined to name any public members to the Commission, ending a practice of more than 117 years duration. The F.T. Davis, director of the General Government Division of the President's Reorganization Project, got into the act. "We are conducting an organizational study of the Annual Assay Commission," he wrote me on Sept. 6, 1977. "The study will focus on possible alternative methods of carrying out the functions of the Commission."

I prepared a memorandum for Davis at his request, answering several specific questions, careful to take no position on its continued validity. Earlier in the year, in a major law review article proposing a "Revision of the Minting & Coinage Laws of the

United States" which was published in the Cleveland Law Review, I had essentially concluded that it was a political choice to decide whether or not to continue the two-century old commission. Davis asked if the mission of the Assay Commission was essential. I replied "More aptly, the question is whether or not assaying of coins is essential. The answer is an unqualified yes to that." Indeed, the Mint regularly conducts assays of its coin product as a means of assuring quality. (the 1987 foul-up was an administrative problem; the gold coins were assayed and came up short, but a decision was made to circulate them, anyway). Davis also asked what the function of the Commission should be in the succeeding two years if it was continued. I suggested that the law be "rewritten to provide for compositional analysis of all subsidiary coinage plus the dollar coin".

The die was already cast, however, and the Carter Administration (having already declined to name public members) simply let the Assay Commission wither away until, in 1980, it expired with the passage of Public Law 96-209 (March 14, 1980). The irony is that only a short time later, the Mint was once again producing precious metal coinage.

As the new millennium is on the verge of commencement, a movement initiated by former commissioners (most of whom are members of the Old Time Assay Commissioner's Society, OTACS for short), has talked about proposing revitalization of this old commission. There are reasons why it could succeed, and some why it should.

There are a number of reasons why the Assay Commission ought to be reconstituted, and any proposal to do so will require a legislative initiative in Congress. Toward that goal, I was asked by an ad hoc advocacy group to try my hand at it.

If you've got an interest in the Assay Commission, perhaps you'd care to send a note to your Congressman or Senator (U.S. Capitol, Washington, D.C. zip for the House 20515, Senate 20510) with a copy of this article, and the draft legislation. You can encourage them to do the rest.

TAX CREDITS FOR THE UNINSURED DON'T WORK UNLESS YOU HAVE INSURANCE MARKET REFORMS: CREDITS HELP THE YOUNG, DO LITTLE FOR OLDER WORKERS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 8, 2000

Mr. STARK. Mr. Speaker, a lot of Members are talking about refundable and non-refundable tax credits to help the uninsured.

Their bills don't work, unless they accompany the proposals with insurance reforms and make the tax credit adequate to help the uninsured who are, overwhelmingly, the nation's poor and near-poor.

On January 27th, a number of Members announced their intention to introduce a bill to provide a refundable tax credit of \$1,000 per individual and \$2,000 per couple for use in the purchase of health insurance. It does not appear their bills will include insurance reform.

As the attached tables show, that would be nice for a 25 year old individual or couple without children, and might help some 35 year