

## EXTENSIONS OF REMARKS

## IMPROVING CAPITAL INVESTMENTS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1988

Mr. DUNCAN. Mr. Speaker, my constituent, Van R. Michael, has prepared a novel approach to the taxation of capital investments. Van works with the National Christmas Tree Association, Inc., and has prepared the following article on the subject.

## IMPROVING CAPITAL INVESTMENTS

The "Tax Simplification" Act of 1986 (TSA-86) resulted in an unexpected windfall for the securities business. But, that windfall has caused a major problem for our system of providing capital for American industry.

The TSA-86's elimination of the "capital gain exclusion," in effect, made ordinary income out of returns on capital investments. Beginning with the first business day of 1987, many security dealers advised their customers that there was no advantage in holding investments. The tax consequences of buying and selling short term, they said, were now the same as long term holding. Brokers across the country were quick to suggest "better buys" for their customers in place of present holdings.

Market volume immediately surged as customers responded to recommendations to sell their old investments and buy new ones. Every sale, every new purchase resulted in additional brokerage fees. No wonder Wall Street found itself unable, or unwilling, to discourage the churning of the market. The great bull market of 1987 fed by the brokers constant urging of "buy" and "sell," followed.

Like all markets supported only by hot air rather than basic changes in real value, someone, somewhere, finally said, "sell but don't buy."

Suddenly, the market heard a vast voice saying in unison, "sell!" No one asked, "What will be the tax consequences of my decision to suddenly liquidate everything?"

There were none.

The reason for the holding period rule, lost in the euphoria of "tax reform," had reasserted itself. The fall out of tax simplification created the volatility in the stock market, and ultimately resulted in the crash of October 1987.

Congress, the securities industry, and economists immediately began to look for the reason for the crash. Programmed trading, index futures, option trading and the "Bell witch" were all suspected of being the "cause." However, no one bothered to look at the question of what caused market volatility in the first place.

Basically, Congress had treated a bet at the horse track and a Douglas fir forest, that would not mature for seventy years, as the same kind of investment. When there is no penalty for sudden liquidation of all holdings and, in fact, a benefit from such short sighted planning, the blame for

market volatility and the resulting panic must lie squarely with tax policy that changed the rules.

How can this poorly crafted tax policy be corrected?

One method might be to establish an "investment income adjustment" for investments declared as "long term investments" at the time the investment is made and held for at least a minimum period of time. The adjustment would be in the form of a sliding scale exclusion depending on the length of time the investment is held. If the investment was voluntarily liquidated prior to the minimum holding period, the income would be subject to an "early withdrawal" surcharge or penalty. The result would be to inhibit the liquidation of long term investments in a "panic" market as well as correcting the present tax policy of taxing the inflation of long term investments as well as the real income.

The key points of this program are: (1) the pre-declared long term investments; (2) the sliding scale exemption depending on the length of holding; and (3) the penalty for early liquidation.

The primary objective of this policy would be to encourage investment in long term high risk enterprises and to make capital available to new and expanding industries as well as discouraging sudden liquidations and reducing market volatility.

Under the present tax rules, and assuming a 4 percent rate of inflation, a timber grower raising pulp wood in the South over a 19-year rotation would have to realize a 230 percent growth in his investment in order to break even. Obviously, this tax on inflation discourages investment and our renewable natural resources will ultimately suffer the consequences of a bad policy.

While we do not intend to create "tax shelters" or "loopholes," we do feel that long term capital investment in natural resources must be encouraged and that market volatility must be reduced.

## TRIBUTE TO SI KENEN

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1988

Mr. SOLARZ. Mr. Speaker, I rise to honor the memory of a dear friend of many of us in the Congress, and one of our Nation's most respected statesmen. I.L. (Si) Kenen passed away last week at the age of 83 after a lifetime of devotion to the precious causes of Israel and United States-Israel relations.

More than any other individual, Si was responsible for transforming the United States-Israel relationship from the iciness that marked it during the Eisenhower years to the close friendship of today. He was the founder of the American Israel Public Affairs Committee [AIPAC] and the first editor of the Near East Report. Si's excellent command of the subject matter, his gentle yet persuasive manner and his magnificent knack for making

friends made him one of the most influential lobbyists Washington has ever seen. He will be sorely missed.

Mr. Speaker, I would like to commend to my colleagues a touching tribute to Si Kenen written by M.J. Rosenberg, who is currently special assistant to Senator CARL LEVIN. M.J. was the long-time editor of the Near East Report and one of Si's protegés.

## REMEMBERING I.L. "SI" KENEN

(By M.J. Rosenberg)

An era ended with the death of I.L. Kenen on March 23. Si's death was no shock to those of us who knew him. He had been in failing health for the last few years. But he looked good, far younger than 83, and there was always the hope that he would rally and, once again, be as he was in his prime.

Si was lucky. His prime lasted a long time. He was already in his late sixties when I first came to work at AIPAC in 1973. I came in as a volunteer, anxious to do anything I could to help Israel during the Yom Kippur War.

The AIPAC of 1973 was not the operation we know today. I doubt that there were more than ten people working in the office on 13th and G. The "Jewish lobby" was run on a shoestring. Si's secretary would parcel out postage stamps like they were gold. And she would want to see the letter you were mailing to make sure you didn't swipe a stamp for your mother's birthday card.

Si ran a tight ship. He made all the key decisions. In those days, only Si's treasured long-time aide, Esther Chesney, and legislative liaison Ken Wollack, dared to question a Kenen decision. But he rarely budged. He knew how to run AIPAC. After all, he had invented the place.

In his old age, newcomers to AIPAC would think of Si (who dropped in once a week, or so) as a "sweet old man." But his demeanor deceived. Si may have been sweet (sometimes) but he was not benign.

He was a tough boss. In late 1973 I wrote my first article for Near East Report. He made me rewrite it a half dozen times and didn't compliment me on the final product. (Not then anyway. Over the next 15 years Si repeatedly told me—with great exaggeration—how "brilliant" that first story was.)

It wasn't much fun arguing with him, about the Mideast or about his determination to reduce the size of every item in Near East Report by about 60 percent. Trained as a lawyer, he was a skilled debater.

His demeanor was disarmingly gentle. Si rarely raised his voice. He would express anger by lowering it, forcing you to lean in close to hear him. That manner was an asset on Capitol Hill. He was liked on both sides of the aisle and by Senators and House members of every stripe. Si didn't have an enemies list. On the contrary, he believed that every member of Congress was either a friend or a potential friend. And he treated them accordingly.

He was effective. When he began his work in Washington, Israel was receiving not one dollar in U.S. aid. By the time he left, Israel was receiving \$2.2 billion. Si didn't accomplish that alone. He had a good product to

● 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.

sell. But it is hard to imagine that the job would have been done at all if Si hadn't decided that Israel needed a lobby in Washington.

In recent years, there were those who said that Si must have been ambivalent about the new "up front" AIPAC. But Si derived pleasure from the success of AIPAC and of Tom Dine, who has served as AIPAC's director since 1980.

And AIPAC is Si's monument. Not the staff (huge by Si's standard). Or the new offices on the Hill (palatial when compared to Si's hole in the wall). No, Si's monument is AIPAC's presence on Capitol Hill and its reputation for effectiveness.

For me, the best way to remember him is to picture him in the grand ballroom at the Washington Hilton, sitting on the dais at AIPAC's annual policy conference. He would sit there, smiling to himself, as the names of Senators and House members present would be called out. Close to half of the Senate. A third of the House. All there to declare support for a strong U.S.-Israel relationship.

Looking out at that assemblage, Kenen had every reason to be proud. And he was. He knew, as few of us can know, that his life had made a difference. For Israel and the Jewish people.

SUPPORT H.R. 2666

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1988

Mr. VENTO. Mr. Speaker, as the House continues to debate legislation to control acid rain, I would like to call to the attention of my colleagues a disturbing article about the acidification of our Nation's streams in the March 23, 1988, Washington Post. The Environmental Protection Agency's National Streams Survey has compiled data on 62,000 streams in the Mid-Atlantic and Southeastern United States which show levels of acidification much higher than previously estimated. The results of this survey are not surprising. Acid rain continues to be a threat to our Nation's lakes, streams, forests, and other natural resources. While it is clear that a long-term solution to the problem of acid rain may be expensive, failing to take action against this threat would be much more costly to our environment and economy than not acting. I urge my colleagues to support H.R. 2666, legislation introduced by our Minnesota colleague, Congressman GERRY SIKORSKI, which will reduce emissions of nitrogen oxides and sulfur dioxides to deal with the threat posed by acid rain.

[From the Washington Post, Mar. 23, 1988]

STREAM ACIDIFICATION ALARMS NATURE GROUP

(By Michael Weisskopf)

Nearly half the streams in the mid-Atlantic and southeastern states are acidified or are in danger of acidification, according to preliminary data from an Environmental Protection Agency survey.

The data, released by the Natural Resources Defense Council, shows that the effects of acid rain are more serious than previously estimated for thousands of streams in the two regions, said Deborah Sheiman, a NRDC resource specialist.

The Chesapeake area had the largest number of acidified streams and the largest number "extremely sensitive" to further acid deposits, according to the data.

"These streams are dead or dropping dead," Sheiman said, noting that continued acidification would threaten aquatic life.

Sheiman said the analysis was based on preliminary results of the EPA's National Streams Survey internally circulated in February 1987 and obtained by the NRDC. The environmental group was denied a Freedom of Information Act request for the final data, she added.

She accused the agency of "sitting on" the data so as not to fuel efforts in Congress to control factory emissions of nitrogen oxides and sulfur dioxide, which acidify in the atmosphere and descend as acid rain.

"They like the scientific information to support their political position, which is to oppose acid rain legislation," she said of the EPA.

Bill Fallon, an EPA acid rain research specialist, said he knows of "no radical differences" between the preliminary data and the final report scheduled for public release in late May or early June. In a brief telephone interview, he asked a reporter for time to review the data, promising to call back. He failed to call back or respond to subsequent telephone calls.

EPA spokesman Chris Rice said later that preliminary results for some areas were 10 percent to 15 percent higher than data exposed to peer review. But he declined to specify the differences or interpret the findings until the report is released.

"I guarantee you that conclusions that the NRDC have drawn may not be the same as conclusions that others draw," he said.

Asked why the report had not been released, Rice said that "we had raw data. It's taken us that long to review the data. We want to make sure the science done is thorough, well thought out and well reviewed."

Previous studies by the EPA have quantified the impact of acid rain on lakes, identifying victims of acidification or sensitivity in the upper Midwest, Northeast, South and high altitude regions of the West.

The data circulated in February 1987 represent the first comprehensive study of streams. More than 62,000 of the small water bodies were analyzed in an area bordered by the Appalachian Mountains on the east, the Ozark Mountains on the west, the Catskill Mountains on the north and the Florida panhandle on the south.

A term known as acidic neutralizing capacity (ANC) measures acidity of water. When ANC drops to zero or lower, water becomes acidified. At zero to 50 ANC, it is "extremely sensitive" to acidification, and at 50 to 200 it is "moderately sensitive."

According to its preliminary data, EPA found 4,858 acidified streams, 7.8 percent of those surveyed. The Chesapeake area—covering portions of Maryland, Virginia, southern New Jersey, Delaware and North Carolina—had 1,346 acidified streams.

There also were 1,277 acidified streams in the northern Appalachians, 1,086 in the Florida panhandle and 642 in a wedge of western Maryland, Pennsylvania and West Virginia.

Another 25,643 streams were identified as "extremely" or "moderately" sensitive to acidification, including 4,882 in the Chesapeake area, 4,882 in the northern Appalachians, 3,607 in the Piedmont Mountains and 2,858 in the Ozark and Ouachita Mountains, according to the data.

Florida had the largest percentage of streams acidified—51 percent—compared to

14 percent in the north Appalachians, 11 percent in the Chesapeake area and 8 percent in the Poconos and Catskill Mountains, according to the survey.

Nearly all the acidified streams in the Chesapeake area and half in the north Appalachians registered a pH of 5 or lower, according to the survey.

As pH drops, acidity increases. Some scientists believe that damage to aquatic life occurs at pH levels as high as 6.

A federal task force reported last September that relatively few lakes have become acidic enough to kill sport fish and that there is no evidence of damage to forests, crops or human health. The study was sharply criticized by environmentalists and scientists for listing only those water bodies with a pH of 5 or lower.

"What you're hearing from the administration is that acid rain is less of a problem than we thought it was," Sheiman said. "What their own information shows is that the problem is more severe than we previously anticipated."

HAIL TO THE CHIEF

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1988

Mr. GINGRICH. Mr. Speaker, I urge my fellow colleagues to read the following article about a true servant of the public. I am referring to Chief W.M. Moss, the police chief for 34 years in Cedartown, GA, who retired in January of this year. This editorial from the Cedartown Standard pays a fitting tribute to Mr. Moss and his accomplishments for Polk County over the years.

Mr. Speaker, I believe we all can gain something by looking at Chief Moss as an example of a dedicated and hard-working American.

[From the Cedartown Standard, Jan. 28, 1988]

HAIL TO THE CHIEF

(By Joe Williams)

W.M. Moss is by far the most complete law enforcement officer it has ever been my privilege to know.

I've known some who were tops when it came to criminal investigation, or administration, or public relations, or employee relations, or taking charge when a street situation threatened to get out of hand. But Moss is the only one I've ever run across who excels at every single aspect of his profession. Considering the times in which he's served, it is a truly awesome accomplishment.

When you think about it, you realize that he has guided the Cedartown Police Department through the longest, most turbulent, and most demanding era in the history of American law enforcement.

For openers, the courts have completely scrambled the legal ground rules that were in effect when Moss first pinned on a badge.

Legislators and bureaucrats at the state and federal levels have multiplied laws and regulations, and the day-to-day complexities that go along with them, almost beyond belief.

Technologists have produced an avalanche of ever-more-sophisticated gadgets and techniques that (1) challenge the abili-

ty of police administrators to keep abreast of the changes, and (2) often benefit the criminal as much as they benefit the policeman who's trying to catch him. Just in the vital area of communications alone, the red light on top of city hall has given way to global satellite transmissions.

Even more difficult to cope with have been the dramatic shifts in attitudes across the whole spectrum of human relations—from race to sex to religion. Standards of behavior accepted as perfectly normal today were unthinkable anywhere in this nation when Moss first joined the force.

The pressures generated by all of this massive upheaval cannot be adequately described. Only those who have personally experienced them can fully appreciate their impact. And nowhere have they imposed themselves more strongly than upon law enforcement—at every level.

Throughout this period of unprecedented chaos, Chief Moss saw to it that his department not only met the demands of the times but mastered them—and mastered them so well that he won the respect and admiration of his colleagues in Georgia and in other parts of the country as well. He also won the respect, admiration and gratitude of the citizens of Cedartown—including this one. If retirement serves him half as well as he served us, he'll be the happiest man in Polk County for many more years to come.

### THE PROFESSIONALS' LIABILITY REFORM ACT OF 1988

**HON. DON RITTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 30, 1988*

Mr. RITTER. Mr. Speaker, the litigation explosion has had staggering negative impacts on practically every sector of our society. Liability insurance premiums are terribly expensive for all Americans, the courts are flooded with frivolous lawsuits, small businesses are closing their doors because they cannot afford insurance protection, doctors willing to deliver babies cannot be found in some parts of the Nation, innovation is being stifled for fear of being sued, insurance is unavailable to engineers who work in cleaning up the Nation's hazardous waste sites, and everyone pays for the exorbitant costs paid by America's corporations to defend themselves against liability suits.

Congress is trying right now to pass legislation aimed at helping manufacturers, distributors, and sellers of products to redress the balance between those suing and those being sued. Our jobs in manufacturing, our standard of living, our ability to compete as a nation are all at stake. Indeed, individuals who have been injured and who have legitimate claims will be well served by product liability reform.

But there is yet another crying out for reform and that is the area of professionals' services. Professionals who provide necessary services to consumers, government, and business need the same fair treatment that Congress has been considering for manufacturers, distributors, and suppliers of products. Professionals' liability reform can be viewed as a kind of human resources counterpart to product liability reform.

Professionals in all fields—doctors, dentists, nurses, midwives, accountants, engineers, architects, surveyors, and even lawyers—are being subjected to "litigation pollution" and its costs. They live and work in fear of getting sued. For example, consulting engineers—who apply their ingenious talents to design the Nation's needed infrastructure, our roads, bridges, and buildings—are paying two to three times more for professional liability insurance coverage than they were just 3 years ago, according to the American Consulting Engineers Council. Some firms pay over 10 percent of the gross revenue for liability protection. Now that's the margin at which a business lives or dies. Every time a lawsuit is brought against a consulting engineering firm it costs the firm an average of \$8,000 of its own money to defend, whether or not the plaintiff prevails. In other words, once sued an engineer loses even if the case is resolved in his favor. And in 40 percent of the suits brought against engineers there is no payment whatsoever to the plaintiff—indicating that those suits should never have been brought in the first place. Consulting engineering firms are typically small businesses operating in our cities and towns across America and the cost of insurance and legal defense is practically wiping them out. This has got to change.

That is why the Professionals' Liability Reform Act of 1988 is needed. This legislation sets a negligence standard for lawsuits against professionals, which simply means that a professional should not be found liable unless his or her services were negligently rendered. Today, a professional runs the risk of being included in a lawsuit just by being involved in a project which results in harm whether or not they had anything to do with the harm.

This issue demands Federal attention because of implications for interstate commerce. Whether it's increased medical expenses paid through reimbursements that M.D.'s receive from the Federal Government, or the vulnerability of CPA's, engineers, or brokers who work for companies active in interstate commerce, the situation is getting worse. The need to be covered for worst-case scenarios leads to peak premiums. Through this legislation, uniform Federal standards would be established to reduce the uncertainties and heightened costs of liability exposure caused by different standards in the 51 separate court jurisdictions.

This bill bases awards on fault or wrongdoing, not on who has the deepest pockets—abolishing joint-and-several liability. Defendants would be required to pay only the amount of any judgment for which they are responsible.

It encourages alternative procedures to resolve disputes, expedite adjudication, and compensate for harm. Rather than bringing every case to the courts, both money and time may be saved by alternative mechanisms.

It provides periodic payments for damages. Structured settlements would provide for payment of awards in a timely manner to avoid the burden of a lump-sum payment.

It limits plaintiff's attorneys' fees based on a sliding scale with the ability to petition the court in extreme cases. Currently, twice as

much money goes to attorneys' fees and litigation expenses as to compensate victims.

It prohibits multiple payments for damages. Awards would be reduced by insurance, wage-continuation programs, workers' compensation, and other payments and benefits intended to compensate the plaintiff for the damage injury.

It sets limits on punitive-damage awards to plaintiff. Amounts of awards over three times the compensatory damages will be given to the State to offset court and other expenses.

It holds claimant's attorney liable for frivolous suits. Attorneys would be liable for costs when they bring suits without reasonable basis strictly to achieve a monetary settlement as determined by the court.

And, it also requires privity, so that those who were not originally party to a service, but who use it without the knowledge or consent of the provider would not have the right to sue the professional.

In a recent parody on this uniquely American situation entitled "500,000 Attorneys," Jeff Greenfield struck a nerve when he editorialized about exporting that many lawyers to Japan to bring the Japanese down to a more competitive level. Obviously, that's not a solution, but to address this growing problem I am introducing the Professionals' Liability Reform Act of 1988.

The legislation introduced today will not let any professional off the hook if there was negligence that caused injury or damages to an innocent party. No one, including professionals themselves, would want a system that does not require persons who make mistakes to pay for them. The provisions of the Professionals' Liability Reform Act simply puts professionals on an equal footing when they are sued—it requires that they are liable if negligent, but does not allow them to be the targets of people who are trying to make a fast buck from those who are thought to have deep pockets. The bill also sets standards for timely payment of awards, attorney compensation, double recovery, and defendants paying only their fair share of an award—all of which creates a much more equitable system and lowers the consumer's and society's cost of the current litigation explosion.

Joining me as original cosponsors of this legislation are my colleagues: Representative ROBERT LAGOMARSINO, Representative JACK DAVIS, Representative GEORGE WORTLEY, and Representative SHERWOOD BOEHLERT.

I urge my colleagues to join me in supporting this legislation. American enterprise and labor deserve relief from this crisis. The Professionals' Liability Reform Act will go a long way to provide that relief.

If you would like more information or would like to cosponsor this bill, please contact Jean Perih in my office.

### THE CENSUS

**HON. LEE H. HAMILTON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 30, 1988*

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 30, 1988, into the CONGRESSIONAL RECORD:

**THE CENSUS**

The federal government does only a few things more important than counting its people. The results of the national census, taken every ten years, are used for many purposes, including dividing up federal grants, determining the number of congressional seats in each state, and planning business and economic development. Indiana plays a major role in taking the census, and Hoosiers should take some measure of satisfaction in that.

The 10-year, or "decennial", census is the nation's primary statistical activity, providing much information about the nation not available from other sources. It tells us how many people there are in the United States, and provides us with national data on housing, employment, transportation, income, education, energy usage, and ethnic origins. This information is used year-round by the private and public sectors for many purposes. It is used to draw congressional, state, and local political boundaries, to distribute billions of dollars in federal grants to states, and to collect taxes. Businesses use census results for planning everything from mail-order marketing to the location of new shopping centers. School districts use census data to decide where to build new schools. Experts use it to better our understanding of disease, poverty, unemployment, and crime. Urban and rural planners use it in planning housing, roads, and economic development. Without the census information, we would not understand our own nation very well.

The Data Preparation Division (DPD) in Jeffersonville, Indiana is the Census Bureau's main processing facility. Established as a temporary facility in 1958, the Jeffersonville DPD covers a million square feet, employs thousands of Hoosiers, and supports over 150 active Census Bureau projects, including extensive participation in the 10-year national census. The monthly foreign trade deficit figures and the 5-year agriculture census are also processed in Indiana. The Jeffersonville office plays a vital role in the nation's ongoing efforts to compile accurate, complete data about the make-up of the United States.

The United States was the first nation to make a census part of its constitution. With the Fourteenth Amendment, the Census Bureau's mission has been to count the "whole number" of persons who are residents in the United States. Since the first census in 1790, the Census Bureau's task has expanded with the population of the U.S., which has grown from 4 million to 250 million today. Advances in technology have helped the Census Bureau to obtain an increasingly accurate "snapshot" of our country on census day. For the 1990 census, the Census Bureau will use a new computerized mapping system to improve the accuracy of the count, replacing the laborious hand-drawn maps of the past. The Jeffersonville DPD was instrumental in developing this new mapping system. The Census Bureau has also greatly expanded its program to allow local governments the opportunity to review maps and counts before and after the census for inaccuracies. With these improvements, the Bureau expects its statistical error in 1990 to be less than 2 percent.

The methods of taking the census generate controversy, partly because of the growing importance of census results. One controversy is the undercount. By comparing counts of representative samples taken after the census with the actual census count, the Census Bureau can estimate how many residents it missed in the actual count. While

the undercount for the entire population was only 1.4 percent in 1980, it was 5.9 percent for blacks and similarly high for other minorities. For 1990, the Census Bureau had for the first time considered using these procedures to adjust for the undercount in their final tally, but the Office of Management and Budget (OMB) reportedly ruled against their plans. Some allege that this decision was politically motivated. The Congress is currently considering legislation to require an undercount adjustment.

There are other controversies. Some Members of Congress argue against the counting of illegal aliens for purposes of drawing congressional districts, and for counting American citizens who are overseas residents, such as military and foreign service personnel. Other concerns are the difficulty of counting the homeless and the Census Bureau's efforts to reduce the information collected on Asian Americans. Several months ago, OMB was widely criticized for its proposal to cut by one-third the census data collected in 1990. OMB's plans were scaled back as a result of strong protests by the Census Bureau, Members of Congress, local governments, businesses, and private citizens.

What will the Census Bureau see when it looks at Indiana in 1990? The Department of Commerce estimates that Indiana will have 5.6 million residents in 1990. From 1980 to 1987, Indiana dropped from the 12th to the 14th most populous state. It is not expected to change positions before 1990. Indiana's population growth will likely be less than 1 percent this decade, compared to around 20 percent for states such as Florida and Texas. If the Ninth Congressional District continues to grow at its current rate, by 1990 it will contain some 3 percent more Hoosiers than its 1980 count of 545,000.

Because of Indiana's low growth rate compared to other states, it is a state with some risk of losing a congressional seat. After the 1980 reapportionment, Indiana lost its 11th seat by only 7,000 persons. Indiana challenged the Census Bureau's reapportionment in court and in the Congress, but was not successful.

The 10-year census—often described as the federal government's largest peacetime program—affects us all. The results will influence the make-up of the Congress, how federal dollars are distributed, and even the economic future of localities. No matter how the several controversies concerning the census are resolved, come April 1, 1990, the Census Bureau will undertake the major task of counting every resident of the United States. With so much riding on the count, we should try hard to get it right.

**A TRIBUTE TO HYMAN JEBB LEVY UPON RECEIVING THE SEPHARDIC HERITAGE AWARD FOR 1988**

**HENRY A. WAXMAN**  
CALIFORNIA

**HOWARD L. BERMAN**  
CALIFORNIA

**MEL LEVINE**  
CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 30, 1988*

Mr. WAXMAN. Mr. Speaker, we are honored to bring to the attention of the members the

tribute which Sephardic Temple Tifereth Israel will bestow upon Hyman Jebb Levy as recipient of the highly prestigious Sephardic Heritage Award. The theme of the gala dinner dance, which will be held on May 1, 1988, has been wisely chosen: "A Man For All Causes." Throughout his life, Mr. Levy has truly proven his deep interest in and his tireless and unstinting commitment to a wide variety of religious, educational, and humanitarian organizations in our community and in Israel.

Hyman Jebb Levy, a prominent businessman, served proudly in the U.S. Navy from 1944, and was honorably discharged in 1946. A native of Rochester, NY, he moved to Los Angeles after his discharge.

Mr. Levy has used his success compassionately and wisely in countless generous and selfless contributions. The extent and variety of his many concerns is testament to his outstanding role as leader and philanthropist. The understanding of and respect for his Sephardic heritage have been clearly evident through the many accomplishments made during his presidency of Sephardic Temple Tifereth Israel in 1981 and 1982. Since then, he has continued to serve as a temple officer and is currently a vice president of temple operations.

It is often said that "actions speak louder than words." We find that words seem inadequate in trying to describe a man whose substantial donations and gargantuan efforts have been responsible for contributing so much to our community. Some of the major elements in Sephardic Temple Tifereth Israel's landmark, award winning religious building include school classrooms, a social hall and kitchen, and a three-story library and museum. The Jeff Levy Foundation additionally funds the library staff and book acquisition program, as well as a much needed child care center in Tel Aviv.

Hyman Jebb Levy has, in keeping with the highest standards of Jewish tradition, made all of these contributions quietly, modestly, and without publicity. In keeping with this spirit, all of the proceeds of the dinner dance being held in his honor will be shared by a variety of worthy causes—many of which Mr. Levy founded or now leads.

It is clear that Mr. Levy is an outstanding individual who has devoted his life to enriching the lives of those in our community. His wife, Donna, children—Kathy, Lori, and Jack, and grandchildren—Danielle, Michael, and Christopher, are all very proud of him.

We ask our colleagues to join us in wishing Mr. Levy continued good health and continued success in his role as one of the most respected leaders of the Los Angeles community.

INTERNATION FAMILY  
PLANNING GOALS

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1988

Mr. KOSTMAYER. Mr. Speaker, we do not own the planet we inhabit, we are its temporary guardians. While human ingenuity has brought us a world of luxuries and conveniences only dreamed of 100 or even 50 years ago, it is also a world whose resources and environment have been taken for granted. Mounting and continuing pressures on our forests, soils and other natural systems portend tragic consequences for the quality of life on this planet by the time our children and grandchildren become its guardians.

Irrefutable evidence exists that much of the responsibility for these pressures lies with rapid population growth. The Earth's sustainability depends upon a more reasonable balance between our human numbers, our resources, and our environment. It is a responsibility that cannot be postponed for another generation or two; it must begin now. There are some 400 million people in the world today who want and need to determine the size and spacing of their families, but to whom family planning services are unavailable or unaccessible. These people were the paramount consideration when the Public Policy Committee of the Population Institute—a group of 42 distinguished citizens including 10 Members of the U.S. Congress—recently formulated its 1988 goals for the legislative and executive branches of the U.S. Government. I urge all of my colleagues, who share concern for the quality of life of future generations, to give thoughtful attention to these recommendations:

1988 BACKGROUND STATEMENT OF THE PUBLIC  
POLICY ADVISORY COMMITTEE

The planet we all share is in trouble:

The world's deserts are increasing at the rate of 23,000 square miles a year.

Tropical rain forests are shrinking at the rate of 42,000 square miles annually, resulting in the extinction of thousands of plant and animal species and an increase in atmospheric carbon dioxide levels.

The earth's climate is becoming warmer, threatening much of the most productive agriculture lands.

In turn, the world's oceans are slowly but surely rising, threatening over time many heavily populated coastal regions.

Topsoil, that took millennia to produce, is disappearing at the rate of 26 billion tons a year, reducing the food producing capacity of the globe.

These trends all have several factors in common. They affect all mankind. They can all be slowed and even reversed, but it will take money, time, and changes in human practices to do so. They are all driven by a common variable—a rate of population growth which is unprecedented and unsustainable. Efforts to address any of these problems, without lowering current population growth rates, will fail.

On a regional scale, we have already had a preview of the havoc that can be caused by unrestrained population growth. Sub-Saharan Africa currently experiences the highest population growth rates ever recorded for a large population. At the same time, per capita income and food production have declined over the past two decades, while deserts have expanded, forests and fertile lands have shrunk, and large populations of rural and urban refugees have been created. Clearly all attempts to aid Africa are doomed to failure if population growth continues to swamp development efforts.

We in the United States cannot sit back in the comfort of our own affluent society and ignore these trends. Our climate is changing, the shore line of our children is endangered, and our borders will continue to be crossed by immigrants desperately seeking a better living. Our national security is threatened if political turmoil engulfs developing countries, and hostile and despotic regimes take power. And the world will be a poorer place for future generations if the rich variety of plant and animal life we inherited is destroyed.

While it is in our own economic, political, and aesthetic interests to help save our planet, there are also overwhelming moral and humanitarian reasons that the United States should address the population issue:

In many countries, increasing the interval between births to at least two years would prevent one in every five infant deaths.

Half a million women die each year from complications related to pregnancy. Improved control over their own fertility greatly reduces such mortality.

The great majority of women in developing countries wish to control the size of their family, but lack the knowledge and means to do so.

Abortions, both legal and illegal, are the last resort for women who do not have access to family planning.

The United States historically was among the first countries to recognize the imperative of making family planning services available in the developing countries. We were at first a lonely leader, with many spokesmen in developing countries arguing that family planning was an alien concept which threatened their customs and national independence. By the early 1980s, this attitude had changed in almost every country. All of the largest developing countries now have in place a family planning program. Every developing country joined in the 1984 UN International Conference on Population to declare that all couples and individuals should be able, as a recognized human right, to decide on the number and spacing of their children.

At precisely the time when clear evidence around the world demonstrates the need for reduced population growth rates, and when all developing countries accept the need for family planning programs, the United States has withdrawn from its leadership role. It has dropped out of the United Nations Population Fund (UNFPA), and imposed unacceptable conditions on U.S. non-profit organizations which historically have undertaken many of the most imaginative and effective family planning programs abroad. While other countries have filled the gap financially, at least temporarily, no other country can play the kind of leadership role in political and moral terms as can the United States.

This Congress will now turn its attention to the budget and conditions which will affect the funding of population programs

in Fiscal 1989, most of which will actually be conducted by a new Administration and a new Congress. It is critical that adequate resources be provided, so that the new Administration will be able to have the opportunity to once again restore the United States to its position of world leadership in the population field. Our self interest, our moral self respect, and our humanitarian concern for those suffering from ill health, hunger and poverty abroad, require that we do so. For that reason, the Population Institute's Public Policy Advisory Committee has formulated the attached set of objectives for 1988.

1988 GOALS FOR THE LEGISLATIVE AND  
EXECUTIVE BRANCHES

We, the members of the Population Institute Public Policy Advisory Committee, urge that in 1988 the Institute pursue the following legislative and administrative objectives:

1. *Funding Levels:* Resources made available by the U.S. for population programs are woefully inadequate when compared to demand for family planning services in the developing countries. Ideally funding should at least be restored to the \$290 million level provided in FY 85. Current overall budget constraints make this unlikely. At a minimum, Congress should provide \$200 million in the functional account, plus an additional \$56.6 million through programs funded by the Development Fund for Africa and the Child Survival Fund (see below). Without adequate funding for family planning, all other development efforts will be overwhelmed by sheer population growth.

2. *Africa:* The international community has poured hundreds of millions of dollars into development programs and emergency relief for the African continent. Its people are worse off today than they were a decade ago. Africa's population growth is also the highest in the world. There is no more dramatic evidence of the folly of conducting development programs adequately without providing for family planning. A minimum of 10 percent of all funds made available for the Development Fund for Africa should be explicitly for population programs.

3. *Child Survival Fund:* Studies indicate that the single most powerful method of improving the survival rate of children is through encouraging at least a two-year spacing between births. Such spacing also greatly reduces maternal death. Yet family planning has received little attention in programs operated with Child Survival funds. Congress should require that at least 10 percent of such resources be spent on programs for family planning, and that all community level programs have some family planning component.

4. *AIDS:* The AIDS epidemic is a serious health problem, particularly in Africa. Family planning programs have the expertise, technical capability and experience to make a major contribution to solving the AIDS problem. Funding to address the AIDS crisis should be in conjunction with family planning programs to maximize the effect of our family planning and AIDS efforts.

5. *United Nations Population Fund (UNFPA):* The UNFPA has effectively worked with 140 governments throughout the world in helping to establish family planning programs, and has always had an outstanding record of working with the U.S. government. All government reviews of UNFPA have indicated that the organization does not support programs involving coercion or the promotion of abortion. Con-

gress should reinstate the requirement that no less than 16 percent of all funds made available for population activities again be channeled through the UNFPA. A provision should be added that no U.S. funds be made available to China until a review has been conducted of the UNFPA program in the country during the first four months of the next Administration.

6. *Non-governmental Organizations (NGOs):* NGOs provide flexible, effective family planning programs all over the world. The U.S. government should continue to support their activities, and should not impose requirements on NGOs overseas which it would not or could not impose on similar organizations in this country. Legislation sponsored by Reps. Chet Atkins of Massachusetts and Olympia Snowe of Maine seeks to accomplish this. In particular, the Congress should require the restoration of funding for the International Planned Parenthood Federation.

7. *Cultural Sensitivity:* The U.S. should continue to insist that the programs it funds are strictly voluntary on the part of its participants and do not include use of U.S. government funds for abortion as a means of birth control. The government should not, however, attempt to design a detailed set of universal criteria for programs in many countries with cultural, social and medical conditions which are often radically different from each other and from those in the United States.

8. *Human Rights:* The U.S. government should be guided by the principle, agreed to by all governments which participated in the 1984 International Conference on Population, that all couples and individuals should be able to "exercise their basic human right to decide freely, responsibly and without coercion, the number and spacing of their children and to have the information, education and means to do so."

**EULOGY FOR SENATOR SAM REYNOLDS**

**HON. HAL DAUB**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1988

Mr. DAUB. Mr. Speaker, it was with sadness that Nebraskans learned last week of the passing of Senator Sam Reynolds. Senator Reynolds died March 20 in Omaha.

Senator Reynolds started building up a coal business in Nebraska in the 1920's, and he continued to run that business until he retired in 1984 at the age of 93. He was appointed to the U.S. Senate in 1954 where he served our State with distinction.

Senator Sam Reynolds was a respected gentleman who will be sadly missed by his fellow Nebraskans.

**EX-U.S. SENATOR SAM W. REYNOLDS, 97, DIES—HE WAS COAL MAN, CHAMPION GOLFER**

Sam W. Reynolds, coal man, champion golfer and former U.S. senator from Nebraska, died Sunday at his home.

Funeral services for Reynolds, 97, of 6625 State St., will be at 11 a.m. Wednesday at All Saints Episcopal Church, 9302 Blondo St., a family spokesman said.

Reynolds died of natural causes, the spokesman said. Reynolds's wife, Louise died in 1981.

The man who began his career in an Omaha coal yard for \$35 a month later

owned a wholesale coal company, served in the U.S. Senate, represented President Eisenhower at the inauguration of former Cuban President Fulgencio Batista, and golfed with the late actor Gary Cooper.

Reynolds also earned seven Nebraska State Golf Championships, served on the Omaha City Council, and worked as Omaha's civil defense director during the 1952 flood.

After graduating in 1908 from Omaha High School, now Omaha Central High School, now Omaha Central High, Reynolds went to work at the West Omaha Coal and Ice Co.

**MAJOR BUSINESS**

In 1920, he and Wood Allen formed the Allen and Reynolds Coal Co. Four years later, Reynolds became a partner in the Urdike Lumber and Coal Co. and in Reynolds-Urdike Coal Co.

Reynolds was in the coal business during the days when it was a major commercial and residential fuel. He pulled coal through the streets and most homes had coal bins in their basements.

Sixty years later, in 1984, Reynolds retired as owner and president of Reynolds-Urdike. The company was by then the only coal wholesaler left in the state, and it was closed when Reynolds retired.

Reynolds' daughter, Emily Baker, said her father was proud of the fact that he remained in the coal business until he was well in his 90s.

Coal wasn't Reynolds sole interest. At various times, he presided over Omaha's Chamber of Commerce and was chief of the Community Chest drive, commander of Omaha American Legion Post No. 1, a national Legion committee member and member of the Omaha Bridge Commission.

**CIVIL DEFENSE**

In 1950, Omaha Mayor Glenn Cunningham appointed Reynolds to organize and direct the city's first Civil Defense unit. Fear of the Soviet Union inspired the project, but in 1952, the unit battled a different foe: the Missouri River.

Reynolds directed the effort of some 35,000 people, nearly all volunteers, who barely managed to keep the river from devastating Omaha.

President Eisenhower later awarded Reynolds the Freedom Foundation of Valley Forge medal for his efforts. He later recounted the ceremony:

"I had a little fun," he said in a news story. "I told the president, 'Mister President, I've always wondered how a general felt when they pinned a medal on him for what the boys did out in the mud.'"

Reynolds said Eisenhower replied: "I know just what you mean, Reynolds. I know just what you mean."

In 1953, Reynolds decided against developing plans to evacuate Omaha in case of a bomb attack.

**APPOINTED BY GOVERNOR**

When Sen. Hugh Butler died in 1954, Gov. Robert Crosby appointed Reynolds, a Republican, to serve the remaining six months of Butler's term. Reynolds did not seek reelection. In a 1954 interview, he said he broke a lifelong rule when he accepted the appointment.

"Whenever I have been urged to run for public office, I have said, 'No thanks. I'd rather be the cusser than the cussee.'" he said.

"Needless to say, I am very appreciative of the great honor. I am very humble. I feel

the great responsibility to my state and the Republican Party."

In 1957, Reynolds edged Wray M. Scott by a 14-vote margin for a seat on Omaha's City Council.

Reynolds' stay on the council was short: A year later, he and his family moved to their State Street home—outside the city limits, which forced his resignation.

Despite his busy schedule, Reynolds managed to find time for a leisure passion: golf.

Reynolds won his first Nebraska amateur golf championship in 1912 at age 22. His six other titles came in 1914, 1916, 1919, 1921, 1922 and 1926. He finished second five times.

During the 1930s and later, Reynolds shied away from competition. He once explained:

"I was in the coal business and I was raising a family. I didn't want to be known (only) as a golf player. I had to be known as a coal man, and the only way to get your name off the sports page was to quit playing and disappear."

But Reynolds later returned to the sports pages.

Fifty years after his first title, he competed in the Nebraska Men's Amateur Golf Tournament. His caddie, as in the 1912 tournament, was Dr. Eugene Slattery.

Five years later, at age 77, Reynolds won the first flight in the amateur tournament with rounds of 76, 78 and 72.

He continued golfing until age 92. His home overlooks several holes of the Omaha Country Club, and Reynolds kept his cart at home and rode it to the course.

**"REYNOLDS HOLE"**

The 10th hole of the Omaha Country Club was named "Reynolds Hole" in 1980.

Reynolds often told the story of how he golfed his age for the first time when he was 69, on an 18-hole round.

"And I've shot it every year since," said 87-year-old Reynolds in a 1977 interview. "If you think I get a kick out of shootin' an 87, you're nuts."

Survivors include daughters Louise Haugh of LaJolla, Calif., Emily Baker of Omaha and Aurel Couch of Omaha; brother Edward C. "Ned" Reynolds of Omaha; six grandchildren and three great-grandchildren.

**REYNOLDS CALLED MAN OF MANY ABILITIES**

Sam Reynolds, a longtime political, business and social figure in Omaha and across Nebraska, was remembered Sunday as a man of multiple interests and abilities.

Former U.S. Sen. Roman Hruska of Omaha said Reynolds, who died Sunday, was "one of the few full, all-time citizens I've ever known."

Hruska, who replaced him in the U.S. Senate in 1954, said Reynolds was active in business and military service and was a strong family man.

Reynolds served six months as a Republican senator, appointed to fill the vacancy left when Hugh Butler died. Hruska ran on the Republican ticket when Reynolds opted not to campaign for election.

"Where he could lend a hand, he did it." Hruska said. He called Reynolds a man with "a steady hand and vision."

Former U.S. Sen. Carl Curtis, a Republican from Lincoln, said, "Sam Reynolds was in the Senate but a short time, but he made his mark there."

"He had strong principles, but he was a friendly man, and people liked him," Curtis

said. "He was a true patriot and a man we could all be proud of."

Members of Omaha's business community also hailed Reynolds' importance to the city and the state.

"Sam had a lot of interest in this town, and the town is better off because of him. No question," said Willis Strauss, former chief executive officer of InterNorth, now Enron Corp.

Phil Giltner, president of the First National Bank of Nebraska holding company, said Reynolds had broad contacts in his social and business life.

"He was a remarkable delightful man to know," Giltner said.

Giltner said Reynolds/Updike Coal Co., under the direction of Reynolds, had one of the longest-running accounts at First National Bank—more than 50 years.

Edward Owen, chairman of Owen Industries and Paxton & Vierling Steel Co., said he remembered Reynolds for his role in protecting Omaha when the Missouri River flooded in 1952.

"He did a wonderful job for the city of Omaha. It was a wonderful hour in his life," Owen said.

Reynolds also was remembered by Bob Popp, head golf pro at the Omaha Country Club. Reynolds' home flanks the golf course near the sixth and 10th holes, Popp said.

The club's Sam Reynolds Tournament, going into its 20th year, is "the golfing and social highlight of the Omaha Country Club," Popp said.

"I would go to visit Mr. Sam once a week," Popp said. "Mr. Sam will be missed."

#### ANTHONY D. CORTESE

#### HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1988

Mr. ATKINS. Mr. Speaker, I am pleased and honored to rise to inform my distinguished colleagues that the Massachusetts chapter of the Leukemia Society is presenting its first annual leadership award to Dr. Anthony D. Cortese, a tireless worker for a better environment and a better life for leukemia patients.

The newly created Anthony D. Cortese Award is designed to honor leadership in the fight against leukemia and to honor individuals who help others with the disease live a full and productive life. Certainly Tony Cortese is an appropriate model for this award.

Tony's professional life has been devoted to environmental matters. He started his career with the Public Health Service assigned to the National Air Pollution Control Administration—now part of the Environmental Protection Agency—where he worked in the areas of air, water supply, and pesticides programs and on the development of the EPA cancer assessment policy. From 1976 through 1984, Dr. Cortese served the Commonwealth of Massachusetts' Division of Environmental Quality Engineering, first as director of the division of air and hazardous materials and then as the director of DEQE. In the later position, he was responsible for managing the State's programs to control air and water pollution, manage solid and hazardous waste, and protect our drinking water and wetlands.

Tony Cortese is currently associate professor of environmental engineering and policy at

Tufts University, and serves as the director of the Tufts University Center for Environmental Management, a comprehensive research, education and policy center working on solutions to problems of environmental pollution. He also serves on the National Research Council and is a member of the Science Advisory Board of the EPA. In addition, he is currently a consultant to the U.N. Environment Program on air quality problems in China.

While engaged in all of these professional activities, Tony finds time to serve as faculty adviser to a Tufts University student organization dedicated to community service volunteering. Moreover, Tony volunteers his time to help the Leukemia Society in a variety of ways such as fundraising, working with researchers and meeting patients. In 1979, Tony was diagnosed with acute lymphocytic leukemia; he is currently in remission.

It is my pleasure to know Tony Cortese, and I am pleased to take this opportunity to honor him.

#### THE 50TH ANNIVERSARY OF THE OCEANSIDE FREE LIBRARY

#### HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1988

Mr. LENT. Mr. Speaker, on May 15, the Oceanside Free Library celebrates its 50th anniversary. On this important occasion, it gives me great pleasure to recognize the library for its many years of outstanding service to the local community. The board of trustees and library staff have made a significant contribution to the educational and cultural growth of our citizens and they deserve our highest commendation.

Through books, a person can explore far-away lands, fight battles alongside history's most famous leaders, and adventure into the future. Libraries provide a wealth of information on subjects ranging from government to science. How true are the words of William Shakespeare who once wrote: "My library was dukedom enough for me."

Since it opened on Washington's birthday, February 22, 1938, the Oceanside Library has been an integral part of our local community. Back then, its primary collection of 2,000 volumes was donated by members of the community. However, it soon became apparent that the community would have to provide larger facilities for the fast-growing library. Through the generous donations of local residents, a plot of ground on Davison Avenue was purchased, and 3 years later in 1941, the new library building was dedicated. The library doubled in size by 1950, and in May of 1955, the school district approved the purchase of six adjoining lots as the site for library expansion. Three more expansion projects would be necessary for the library to reach its current capacity.

In 1964, the library embarked upon a long range program of providing more books and services to meet the diversity of needs and interests in the Oceanside community. Between 1964 and 1973, the book collection increased over 120 percent. The Oceanside Free Library

has earned its reputation as an excellent source of information, nonprint materials, and special library services.

The Oceanside Free Library and its staff have demonstrated an outstanding commitment to public service and education. I congratulate them and wish them many more years of continuing success.

#### BICYCLE PART DUTY SUSPENSION BILL

#### HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1988

Mr. McEWEN. Mr. Speaker, I am pleased today to offer legislation providing for the suspension of the regular U.S. customs duties on certain bicycle parts. The regular duties on a variety of bicycle parts not manufactured in the United States have been suspended since 1971. This prior legislation, and the measure I am introducing today, recognize that the suspension of the regular customs duties on bicycle parts not manufactured in commercial quantities in the United States is critical to maintaining the international competitiveness of U.S. bicycle manufacturers.

As Mr. Speaker is well aware, a conference committee is close to completing its work on omnibus trade legislation initially proposed during the last Congress. The pending trade bill would, among many other things, renew through December 31, 1990, certain provisions in the Appendix to the Tariff Schedules of the United States that suspended the regular duties on a variety of bicycle parts through June 30, 1986. The pending legislation also, for the first time, suspends the duties on a number of bicycle components (such as bicycle tires and tubes and bicycle chains) for which domestic sources of supply became unavailable during the last temporary period of suspension.

During the almost 2-year period that the omnibus trade bill has been pending, domestic sources of supply for a number of additional bicycle components have been eliminated. These include certain aluminum alloy bicycle seat posts and handlebar stems, stem rotor assemblies and quick release hubs. The purpose of the bill I am introducing today is to provide for the suspension of the regular customs duties applicable to these components through the end of 1992. Seat posts, handlebar stems and stem rotor assemblies are normally dutied at 10 percent ad valorem; quick release hubs bear duties of 6 or 10 percent, depending on whether the hub is variable speed or not.

Mr. Speaker, the pending trade bill makes only too clear the differences of opinion that exist within the Congress on how best to assist the competitiveness of U.S. manufacturing industries. I believe we can all agree, however, that the competitiveness of our domestic industries is only damaged when we continue to impose import duties on materials and components that are not produced in the United States, but are essential to the manufacturing operations of U.S. industries. The legislation I am introducing today is consistent with this

fundamental tenet of a sound national trade policy. I urge my colleagues to support this legislation.

A TRIBUTE TO DR. JOHN FREEMAN

HON. DONALD E. "BUZ" LUKENS

OF OHIO  
IN THE HOUSE OF REPRESENTATIVES  
Wednesday, March 30, 1988

Mr. DONALD E. LUKENS. Mr. Speaker, I would like to call attention to a dedicated and hard working doctor who not only helps the sick and needy in the United States but extends his generous assistance to the people of Central America.

Dr. John Freeman, an emergency physician at Rogue Valley Medical Center in Medford, OR, has dedicated much time and effort in gathering medical supplies for hospitals and refugee camps in Central America.

In the past year, Dr. John has sent over a ton of medical supplies to the hospitals and refugee camps in Honduras. He has personally sent medicine and surgical equipment including a slit lamp, catheters, local anesthetics, and orthopedic hardware.

Whenever a piece of equipment or specific medicine is needed, Dr. John has gone above and beyond the call of duty to see that it is found. He has made endless phone calls and written letters to insure that the supplies have been delivered.

The refugee camps and hospitals have been greatly enhanced by the efforts of Dr. Freeman. They depend on the supplies they receive because they are unable to obtain them elsewhere.

I applaud Dr. John Freeman and his family for their efforts on behalf of the people of Central America. He is truly a dedicated doctor and a great American.

LEGISLATION TO EXTEND THE RECORD RENTAL AGREEMENT

HON. CARLOS J. MOORHEAD

OF CALIFORNIA  
IN THE HOUSE OF REPRESENTATIVES  
Wednesday, March 30, 1988

Mr. MOORHEAD. Mr. Speaker, the music heard across America today is a true reflection of its people. It can be as sophisticated as the Park Avenue rhythms of Stephen Sondheim or as down home as the picking of Merle Watson. It can be as cool as the jazz of Wynton Marsalis. The American music industry is one which has set the standards by which the world measures today's music, talent and creativity.

I rise today to help maintain those standards, by introducing legislation, along with my distinguished colleague from Wisconsin, BOB KASTENMEIER, to renew the Record Rental Agreement for an additional term of 5 years. Prior to the enactment of this legislation, record rental stores made it possible to rent an album for a modest fee, buy a tape on which to copy the album at home, and then return the record to the rental store. Record rental stores existed to derive a commercial

profit from the practice of home taping. The result was displaced sales and lost royalties.

The practice of record renting exacts a heavy toll on both the retail marketplace as we know it and the creators and copyright owners whose efforts give birth to the wide array of music available today.

Reenactment of the Record Rental Amendment of 1984 for an additional 5-year period, will continue to protect legitimate record retailers from the unfair competition represented by record rental stores; and will ensure that creators and copyright owners will be compensated for the commercial exploitation of their creative property. It would prohibit commercial record rentals unless authorized by the copyright owners of the sound recordings. The law applies only to commercial rentals and provides for the exemption of nonprofit libraries and educational uses.

We can be forewarned of the impact of record rental outlets by data from the retail record business in Japan. Surveys there have shown that 97.4 percent of the Japanese rental outlet users admitted that they taped the albums they rented. Not surprisingly, record sales by retail stores located in the vicinity of rental outlets had fallen by 30 percent. These figures are a clear omen of what could happen in the United States if the legislation is not reenacted.

It is for these reasons that I am reintroducing the record rental amendment. I want to express my appreciation for the prompt consideration that Mr. KASTENMEIER will be giving to this legislation. And I urge all Members to support prompt enactment, in the interest of fairness and equity.

DURFEE REIGNS SUPREME

HON. BARNEY FRANK

OF MASSACHUSETTS  
IN THE HOUSE OF REPRESENTATIVES  
Wednesday, March 30, 1988

Mr. FRANK. Mr. Speaker, once again the Durfee High School Basketball Team, under the leadership of Coach Skip Karam has won the State championship for Division I. This is a team which combines a great fighting spirit with their superior skills. It is tough to be down 7 points with 4½ minutes to go in the last game of a championship. It is even tougher to fight off the enormous pressure that this represents, to come from behind, and to win. That's what Durfee did. To Coach Skip Karam, who has a great record of leadership at Durfee, and to the players on his team and those in the school and in their families who have worked with them, congratulations.

Mr. Speaker, I include the article from the Fall River Herald News chronicling the victory of Durfee and the Division I finals here, because Tim Geary of the Herald News staff did an excellent work of describing it.

DURFEE REIGNS SUPREME—HILLTOPPERS OUTLAST CHICOPEE COMPREHENSIVE IN DIVISION I FINALS

(By Tim Geary)

WORCESTER.—Four years ago, against Springfield Tech, it was a leisurely walk in the park. Saturday night here at the Centrum, it was like fighting though a gauntlet of crazies wielding chainsaws.

The Durfee High basketball team had to dig deep into its reservoir of intestinal fortitude last night but the Hilltoppers had the right answers at the end.

The Toppers clawed their way past a dogged Chicopee Comprehensive team, 68-64 to win their second state championship in four years and their fourth overall.

Durfee trailed the Colts throughout most of the game. But never did things seem as bleak as when the Toppers trailed by seven, 56-49, with 4:35 left. It was then that Coach Skip Karam called time and rallied his troops.

The Hilltoppers responded by scoring the next 10 points.

Judd McDonald, who finished with 15 points and eight assists, kick-started the rally by bearing a three pointer from deep in the left corner. With 4:04 left, Mike Herren (game high 22 points) clicked on both ends of a pressurepacked one-and-one. Two more Herren free throws with 3:40 left tied it at 56.

Jason Correiro (16 points) put the Toppers ahead to stay with 3:04 left when he swished a three pointer from the left corner.

With 57 seconds left, the Colts trailed by two, 64-62. But McDonald came up with the steal of the year with 36 seconds showing, when he swiped a Damon Franklin pass. McDonald was fouled and cashed in both ends of a one-and-one at the other end.

Chicopee never quit and was still in the game until the final six seconds, when Herren sealed it with a free throw.

"The first one and this one feel the same," said Karam, as he was surrounded by a throng of well-wishers. "What I liked about this is the guts the kids showed. When things got very dismal, they hung in."

"We just decided that we were inches away from disaster," said Durfee junior swing man Herren who finished the night with a game high 22 points. "We had guys crying here. We just pulled together. I said: 'Guys, we've got to believe in each other. We grew up together and we've got to win this game.'"

McDonald, who had a rough time in the first half, had to dig deep down. "I looked up at the clock in the third quarter and I couldn't believe we were down," said McDonald who scored 15 points and dished out eight assists.

"When we fell behind by six in the fourth quarter we just dug down deep and pulled it out. We had some big shots."

"There were runs back and forth all night," said Chicopee Coach Alec Vyche. "They had the last one."

Chicopee was sparked by Damon Franklin with 15 points, Ken Hamil had 14, Steve Kijack 13, and Glenn Bogdanovich chipped in 11 points to the well-balanced Colts attack.

Chicopee led after the first quarter 13 to 12. It was tied at 27 at the half, and the Colts led at the close of three by 2, 45-43.

"They're (Colts) a well coached team," said Karam. "They played good team ball. Our patience has gotten us in trouble all year and it got us in trouble again. We were lethargic out there early, but then realized near the end that we've got to get going."

The victory confirmed all the pre-season polls which picked Durfee as the number one team in the state, although Karam didn't agree with them early.

"We were under a lot of pressure before we scored a single basket this season," he said. "I thought everyone was crazy but I guess they were right."

Correiro, who scored 16 points, said the shooting in the Centrum was tough but still came up with some clutch shots. "I wasn't hot tonight. It was not one of my better shooting days," said the senior guard. "But the big shots went in and I guess that's what counts."

"When we were down by seven in the fourth quarter, my hands were shaking. But then we started to click."

"All year, every coach talks about mental toughness," said Vyche. "There's no definition to it, but you saw it tonight. The kids on both of these teams wrote the book on it. It's too bad somebody had to lose."

But on this night, it wasn't Durfee.

## RECYCLING MARKETS DEVELOPMENT ACT

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1988

Mr. DREIER of California. Mr. Speaker, today I am joining my colleague, Mr. HAWKINS, in introducing a bill H.R. 4290, to establish recycling as the primary method of waste management at both the Federal and State level. Our bill, entitled the "Recycling Markets Development Act of 1988," is designed to facilitate market demand for materials recovered from the solid waste stream by the vast and growing number of local recycling programs nationwide.

Each year, about 150 million tons of solid wastes are collected in the United States. These waste materials include products of every description—billions of cans, appliances, paper packages, autos, and household goods. These consumer items, plus the waste generated by industry and government, comprise vast tonnages of metals, paper, textiles, rubber, and glass. Only a small portion of the waste stream is recycled. Most of it is hauled away to dumps, incinerated, or disposed of in our oceans or in rivers and streams.

It is anticipated that one-half of all major U.S. cities will run out of landfill space by the year 1990. Public officials are searching at great lengths to find alternative waste disposal solutions that are both environmentally safe and economically feasible. Recycling is the most practicable approach.

There are an estimated 4,000 recycling programs nationwide, and a growing number of States and local communities are mandating separation and recycling of the solid waste stream. In fact, recently in Los Angeles County, the local sanitation districts recommended that cities there implement mandatory recycling programs as a first step toward addressing the impending waste disposal crisis facing the county.

However, these recycling programs will not succeed unless the tremendous growth in the supply of recovered materials is accompanied by a simultaneous increase in the demand for those materials. Without a stable and dependable market, separated materials will not be recycled, and the collection of those materials will be economically unfeasible.

The Recycling Markets Development Act attempts to spur the development of the recovered materials markets, and to eventually es-

tablish recycling as the top solid waste management strategy in the country. Specifically, the bill would require labels for certain products that are not recyclable or made from recycled materials. With increased public awareness of the growing garbage crisis in many cities, and the benefits of recycling, I believe that consumers will avoid purchasing those products which do not contribute to a reduction in the waste stream. In turn, manufacturers will be encouraged not to produce them.

Second, 4290 requires mandatory uniform minimum content standards for paper and other products procured by Federal agencies and State and local governments. The lack of uniform content standards has made it difficult for industries such as paper to produce a standard recycled product that meets different Federal and State requirements.

Because information about recycling is scarce, the bill would also establish a new Office of Resuse, Reduction, and Recycling within the EPA's Office of Solid Waste. Its purpose would be to encourage waste reduction techniques in the manufacturing process, assist Federal agencies and State and local governments in developing reuse and recycling programs, enhance consumer awareness of the benefits of recycling, and develop and disseminate information about recycling.

Finally, H.R. 4290 requests that the Office of Technology Assessment do technical studies on economic disincentives effecting the recycling industry, and examine the advantages of recycling programs in foreign countries.

Mr. Speaker, there are tremendous benefits to recycling, both environmentally and economically, and public attitudes toward recycling are improving. In a recent survey of my constituents, nearly 72 percent said recycling should be our highest waste management priority.

But as I stated, the key to a successful nationwide recycling effort is to develop incremental markets for recovered solid waste materials, rather than focusing only on waste separation and collections. The Recycling Markets Development Act will help to spur demand for recovered materials, and improve the chances that local recycling programs will succeed.

I would like to submit for the RECORD a summary of the Recycling Markets Development Act, and urge my colleagues to join Representative HAWKINS and me in cosponsoring H.R. 4290.

### SUMMARY OF THE RECYCLING MARKETS DEVELOPMENT ACT, MARCH 30, 1988

#### OBJECTIVE

To establish waste reduction, reuse and recycling as the primary method of solid waste management at both the Federal and State level.

#### SECTION 1. POST CONSUMPTION LABELING

This section would require that products that can not be recycled, or are not made from recycled materials, be labeled accordingly. Such products would include paper and cardboard products, and all beverage and food containers.

The EPA would be provided with the flexibility to develop the appropriate regulations regarding labeling. In the development of those regulations, the EPA would insure that packaging and container labeling regulations not involve a significant cost

in the manufacturing process. The EPA would promulgate the regulations required within one year after the date of enactment. Priority would be given to those products and containers for which labeling will likely result in the greatest degree of recycling. The regulations would take effect no later than two years after date of enactment.

The word "recycling" is defined as the reuse of products or containers for the purpose for which they were manufactured or for another beneficial use (other than energy production), and the recovery of materials from previously used products or containers for any beneficial use (other than energy production. Hazardous materials are excluded from the definition.

#### SECTION 2. STATE AND FEDERAL PROCUREMENT OF RECYCLED GOODS

This section would require preference of recycled goods in State and Federal procurement guidelines. Under the 1984 Resource Conservation and Recovery Act (RCRA) Amendments, the EPA is required to issue guidelines requiring each procuring agency to "procure such items composed of the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition."

This bill would go further by requiring the EPA to develop uniform minimum content standards for all paper procured, except for paper used for communication purposes. The Administrator would prescribe mandatory uniform standards applicable nationwide for all procuring agencies. The uniform standards shall specify a minimum content of the highest percentage of post consumer recovered materials practicable, but not less than 10 percent.

States would be required to conform to the mandatory federal uniform standards for paper, or else loose eligibility for assistance under section 4008 of the Solid Waste Disposal Act.

The EPA would also study other materials for recycling, such as used oil and plastics.

Certification would be established by specifying in the contract the percentage of recovered materials to be used in the performance of the contract.

#### SECTION 3. EPA OFFICE OF RECYCLING

This section establishes an Office of Waste Reduction, Reuse, and Recycling within the EPA's Office of Solid Waste. The Office would be under the direction of a Deputy Assistant Administrator, who would carry out the responsibilities of the Administrator with respect to labeling guidelines and mandatory uniform content standards for paper procurement.

The Deputy Assistant Administrator would also carry out certain functions to assist Federal agencies and State and local governments in developing recycling programs, to enhance consumer awareness of recycling, and to dispel the perception that goods manufactured from recycled materials are inferior to goods manufactured from virgin materials. These functions include:

(1) Provide a centralized information clearinghouse on recycling to collect, evaluate, and disseminate information regarding recycling actions taking place in various areas throughout the nation and to some as a data base for strategic planning to improve and expand recycling activities.

(2) Perform testing and demonstration of recycled products, in cooperation with the National Bureau of Standards.

(3) Provide education and technical studies on recycling, including environmental

problems, materials-related problems, and the manufacturing and recycling process.

(4) Carry out studies regarding the economics of recovering and reusing materials from solid waste.

(5) Establish a program to provide for greater recycling of products entering the waste stream which require special waste handling or disposal techniques of the unavailability of adequate recycling opportunities.

(6) Carry out studies regarding technologies for producing communications quality paper from fibers recovered from solid waste.

SECTION 4. OTA STUDIES

This section requires the Office of Technology Assessment (OTA) to do a comprehensive study on economic incentives and disincentives provided by Federal and State governments which affect competition between recycled and virgin materials. The study shall include, but shall not be limited to, an analysis of tax policies and freight rates.

OTA would also undertake a study of recycling operations in foreign countries to determine if any programs utilized in those countries may be implemented in the United States. The study shall also examine the use of recycled fibers in the Canadian newsprint market, as well as options that may be considered by the Congress to encourage foreign manufacturers (such as Canadian newsprint mills) to use recycled materials from the United States.

The OTA would have the full cooperation of the EPA and the Department of Commerce in carrying out these studies. All reports would be submitted to Congress within two years after the date of enactment.

PUERTO RICAN DEMOCRATIC DEVELOPMENT

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1988

Mr. FUSTER. Mr. Speaker, questions often arise about the development of the Commonwealth of Puerto Rico. I would like to take this opportunity to share with my colleagues a useful and basic document prepared by a long-time friend and aficionado of Puerto Rico, my good friend Scott Runkle, which succinctly reviews some of the highlights of the Puerto Rican democratic experience and which can be used as a primer on useful democratic development for anyone interested in learning about or advancing democracy:

THE COMMONWEALTH OF PUERTO RICO: WHAT IS IT, WHY IS IT IMPORTANT TO THE UNITED STATES?

(By Scott F. Runkle)

Puerto Rico's choice of self-determination as an American Commonwealth has been singularly creative and constructive for both the United States and Puerto Rico.

Elsewhere, self-determination was seen as leading inevitably to independence. In the breakup of the European empires after World War II, almost all the former colonies of the British, French, Dutch and Belgian empires demanded and obtained complete independence, in a world which was destined to become increasingly interdependent.

Puerto Rico chose a new and uncharted path to self-determination, that of voluntary association with the United States as an Estado Libre Asociado, or Free Associated State within the U.S. federal system. Under this unique status, Puerto Rico enjoys a full measure of local self-government while recognizing the preeminence of the federal government in defense, foreign affairs, currency and other such areas where the national interest clearly predominates.

The result today is one of dramatic success—both for Puerto Rico and the United States. Puerto Rico, formerly one of the most impoverished places in the Hemisphere, now has a dynamic, growing economy with a per capita income topping that of any Latin American country. It has also proved to be a valuable partner for the United States in international affairs, to the point where it has become recognized as the "keystone" of the Caribbean Basin Initiative, the main policy thrust of the United States in the strategic Caribbean Basin.

PUERTO RICO'S UNIQUE AND CREATIVE FORMULA FOR SELF-DETERMINATION

Before the Commonwealth, or Estado Libre Asociado, was created it had long been believed that the only resolution of Puerto Rico's colonial status was a choice between independence or statehood—either complete separation from the United States or complete assimilation, with Puerto Ricans accepting all the traditional obligations of statehood, including adoption of English as their primary language. The Philippines, which had become a U.S. colony in 1898 at the same time as Puerto Rico, opted for independence in 1946. The unique Puerto Rican formula, on the other hand, was devised in 1952 to meet the island's special needs and desires while also respecting U.S. interests.

Unlike the peoples of the European empires, often embittered toward their colonial masters, the great majority of Puerto Ricans had little or no animosity toward Americans. Their principal complaint was that Americans knew little and understood less about an island which had more than four centuries of Spanish heritage. The Puerto Rican passion for self-determination was profound, but it did not require political separation from the United States. Once the U.S. made it clear that Puerto Ricans could have independence if they wished, the way was opened for a new and highly-creative solution.

Independence would have meant probable loss of advantageous economic conditions that Puerto Rico needed to achieve prosperity, such as total free access to the U.S. market, a ready source of development capital and unrestricted access to the U.S. workforce and education centers. Close economic ties with the United States seemed necessary in order to cope with the economic problems of a densely populated island with almost no resources, and in order to provide a decent living standard for its people. Democratic Puerto Rico also has a great affinity for the democratic United States. Puerto Ricans value their American citizenship, as they have shown in many ways, including serving in the U.S. Armed Forces, where Puerto Ricans have been noted for their valor on many fields of battle. On the other hand, neither the U.S. nor Puerto Rico was prepared to consider statehood seriously, for cultural, economic, and political reasons. Puerto Rico treasures its Hispanic heritage and intends to preserve it. Moreover statehood implies eco-

omic restrictions and burdens that both Puerto Rico and the United States rejected.

THE SOLUTION: AN AUTONOMOUS COMMONWEALTH WITHIN THE U.S. FEDERAL SYSTEM

The solution chosen by both the United States and Puerto Ricans was to create an autonomous Commonwealth within the framework of the U.S. federal system. Puerto Ricans tax themselves for running their own government, but are not subject to federal income taxation unless they move to the mainland or unless they work for the federal government in Puerto Rico. The island's primary language remains Spanish, the tongue that Puerto Ricans learned at their mother's knee for nearly 500 years, ever since the island was first settled a few years after being discovered by Columbus in 1493.

The Spanish language and cultural heritage have indelibly shaped and defined Puerto Rican society. At the same time, Puerto Rico has become profoundly influenced by its intimate political and economic ties with the United States. These are now so close that 96% of Puerto Ricans who voted in the 1984 island-wide elections supported parties which espouse permanent ties with the United States; only 4% opted for independence. This is an astonishing fact to many former colonies which chose to become wholly independent. To this day, some of these countries urge Puerto Rico toward classical independence, even while Puerto Ricans firmly reject it.

The Commonwealth of Puerto Rico was inaugurated in July of 1952 as a result of an agreement between the federal government and political leaders of Puerto Rico, an agreement which was overwhelmingly ratified by the island's voters. It was not a sudden decision on either side, but the culmination of long and thoughtful deliberation. As a wholly new concept of political association, it was also an act of faith on both sides. Moreover, that unique political status has been repeatedly ratified by the judiciary, including the U.S. Supreme Court.

COMMONWEALTH TRIGGERS EXPLOSION OF ENERGY, RAPID GROWTH

Inauguration of the Commonwealth triggered an explosion of energy and creativity in Puerto Rico under the governorship of Luis Muñoz Marín. The island's innovative economic development program, called "Operation Bootstrap", gained world-wide fame. There followed a rapid transition from an impoverished, rural society to a burgeoning industrial island. This ushered in a period of remarkable growth: per capita income soared from \$121 in 1940 to \$4,594 in 1987; life expectancy has jumped from 46 years to 73.6 years, one of the highest in the world. Enrollment in Puerto Rico's universities has expanded from 5,426 students in 1940 to 158,620 in 1987. The island's exports have risen dramatically from \$221 million in 1940 to \$12.07 billion in 1987.

In the process of this growth, Puerto Rico has become a socially healthy, politically stable and relative prosperous island. It is anchored on a society which is well-educated, largely middle-class and passionately democratic.

HOW THE COMMONWEALTH WORKS

Following the creation of the Commonwealth, the United States formally advised the United Nations that Puerto Rico ceased to be a "non-self-governing territory". The U.N. in turn recognized Puerto Rico's status in 1953, declaring that the United Nations:

Recognizes that the people of the Commonwealth of Puerto Rico, by expressing their will in a free and democratic way, have achieved a new constitutional status;

... Recognizes that, in the framework of their Constitution and the Compact agreed upon with the United States of America, the people of the Commonwealth of Puerto Rico have been invested with the attributes of political sovereignty which clearly identify the status of self-government attained by the Puerto Rican people as that of an autonomous political entity;"

With this recognition by both the United States and the United Nations of its autonomous status, Puerto Rico's history as an autonomous entity within the framework of the United States formally began.

Under the Commonwealth, Puerto Ricans have the protection of both the U.S. and Puerto Rican constitutions. The U.S. monetary, military, judicial and postal systems are in force in Puerto Rico in the same way as in the United States. Puerto Rico's constitution, drafted in 1952 by a freely elected convention, is similar to that of the United States, and in some respects is more progressive. It provides for a separation of powers among the executive, legislative and judicial branches of government, and the governor and bicameral legislature are elected every four years. Evidence of the vitality of the democratic process in Puerto Rico is shown in the high participation in elections: 88% of qualified voters went to the polls in 1984.

As a Commonwealth, Puerto Rico exercises large control over its internal affairs. However, Puerto Ricans do not vote in national elections for President. They select their own Resident Commissioner who sits in Congress and on several congressional committees in which he votes, but he does not have a vote on the floor of the House of Representatives. The Governor of Puerto Rico is elected on the same day as the President of the United States, along with all the legislative and municipal posts throughout the island. The cabinet is then appointed by the Governor, with the advice and consent of the Senate. The government is highly centralized, partly an inheritance from the Spanish tradition and partly because the small size of the island (100 miles long by 35 miles wide) makes a centralized government more efficient than a more diffuse one would be.

The bicameral legislature has 27 senators and 51 representatives, who play a very active role in the government of the Commonwealth. Puerto Rico also has its Supreme Court, composed of a Chief Justice and six Associate Justices. There are also 13 superior courts, 38 district courts and 48 municipal courts as well as a Federal District Court and a U.S. Bankruptcy Court in Puerto Rico.

#### PUERTO RICO'S IMPORTANCE TO THE UNITED STATES

The advantages to Puerto Rico of its close ties with the United States have become self-evident. But it is legitimate for Americans to ask: What's in it for the United States? How does the Commonwealth serve American interests?

It comes as a surprise to many Americans to learn that Puerto Rico makes many valuable contributions to the interests of the United States—internationally, economically, and in terms of security. Little known to most Americans is the important role that Puerto Rico plays in the Caribbean Basin. Not only is Puerto Rico considered a model of democracy which serves to reinforce

democratic institutions and government throughout the Basin, but it also plays a dynamic role in strengthening the hard-pressed economies of Caribbean countries. Many of these countries suffer from deep poverty and unemployment to a degree which could threaten their political stability and security—and thereby the security of the region and the United States.

Puerto Rico, wanting to help its neighboring countries, and aware of the need of buttressing their economies, plays an important role in stimulating industrial and economic development throughout the Basin. Its principal tool is the creation of "twin" or complementary industrial plants in the Caribbean, whereby a manufacturer based in Puerto Rico reaches out and establishes a complementary plant in, for example, the Dominican Republic—thereby generating income and jobs in the Caribbean countries and in Puerto Rico itself. In early 1988, 42 companies in Puerto Rico had established or were in the process of establishing complementary plants in 11 countries in the Caribbean and Central America, with many more "in the pipeline".

The larger significance of this dynamic role Puerto Rico has played has been recognized by the U.S. Department of Commerce, whose spokesman calls Puerto Rico the "keystone" of the Caribbean Basin Initiative.

#### PUERTO RICO'S EDUCATIONAL ROLE IN THE DEVELOPING WORLD

Puerto Rico's role in the Caribbean and in the developing world has not been limited to industrial promotion. It has also made large contributions in education and training. Since 1950, over 36,000 visitors from 186 nations and territories have been trained in the Commonwealth in a wide variety of areas, ranging from economic development to health, public administration and housing. Today states in the United States look to Puerto Rico for trained teachers, policemen and other personnel with bicultural and bilingual skills in short supply in the mainland. Officials, technicians and students mostly from the developing world, studied and admired Puerto Rico's rapid transition from a poor agricultural island to a fast-growing industrial center.

Today the Commonwealth has an impressive accumulation of educational and technical expertise, which it is happy to share with its Caribbean neighbors. The island's educational institutions, especially its universities, are already playing a major role in the achievement of CBI goals. These institutions are particularly important for training engineers, business managers, marketing specialists, computer technicians and business and industry-oriented professionals, the men and women most needed to achieve technologically-sophisticated economies.

#### PUERTO RICO A SURPRISINGLY BIG MARKET FOR U.S. PRODUCTS

It is likewise surprising to most Americans to discover the importance of Puerto Rico as a market for U.S. goods. In the year ending June 30, 1987, the Commonwealth purchased \$6.997 billion in products from the United States, which generated upwards of 150,000 direct and indirect jobs in the United States. Puerto Rico's purchases from the United States exceed the combined purchases of Brazil, Argentina, Chile and Colombia, whose aggregate population tops 206 million, as contrasted with Puerto Rico's 3.5 million—astonishing though this sounds.

At the same time, American corporations and individuals have invested over \$20 bil-

lion in Puerto Rico, from which they realize substantial profits while simultaneously creating jobs and income in Puerto Rico.

#### PUERTO RICO HAS A VITAL DEFENSE ROLE IN THE CARIBBEAN

Puerto Rico is also a key strategic and military asset to the United States. The top U.S. commander in the Caribbean, Admiral William O'Connor, states that "Puerto Rico has a vital defense role in the Caribbean", and is "irreplaceable" to the United States. Likewise, a leading scholar of the Caribbean, Dr. George Fauriol, cites the "priceless strategic value" of Puerto Rico—its unique geographic position as the "Malta" of the Caribbean and the vital military importance of the huge U.S. base at Roosevelt Roads (on the eastern tip of Puerto Rico). He points out:

"Caribbean sea lanes of communications are absolutely vital to the country . . . In peacetime, half of all U.S. foreign trade tonnage and crude oil imports pass through Caribbean sea lanes." Admiral O'Connor adds, "whoever controls the Caribbean controls access to the United States."

Puerto Rico's contribution to U.S. security is not simply its importance as a strategic military base. It is even more a matter of people. Puerto Ricans have fought in three of the country's wars, often as volunteers. In the Korean War, the all-Puerto Rican 65th Infantry Regiment played a distinguished and critical part in that hard-fought conflict. They received 125 Silver Stars and four Distinguished Service crosses for exceptional bravery in action. The commanding general of U.S. troops in Korea, Matthew W. Ridgway, said of the Puerto Ricans: "We are damn lucky to have them here at this time."

#### PROMINENT PUERTO RICANS IN THE UNITED STATES

Puerto Rico has 3.5 million inhabitants, but another two million Puerto Ricans now reside in the United States, largely in north-eastern cities. Although most of these live in modest circumstances, a number of distinguished Puerto Ricans are already making an appreciable contribution to the cultural, artistic and sports fabric of the United States.

A small sampling of these includes Vice Admiral Diego Hernandez of the Navy, Marta Casals Istomin, Artistic Director of the John F. Kennedy Center, former ambassador to Spain, Admiral Horacio Rivera, Oscar-winning actress Rita Moreno, actors José Ferrer and Raul Juliá, Tony-winner Chita Rivera, Grammy-winner José Feliciano, jockey Angel Cordero, golfer Juan "Chi-Chi" Rodriguez and opera singer Justino Diaz.

#### THE UNITED STATES DYNAMIC PARTNER IN THE CARIBBEAN

At the time of the birth of the Commonwealth in 1952, most Americans would have found it hard to believe that it would become such a valuable partner to the United States after only 36 years of existence. The wisdom and faith of the Puerto Ricans and Americans who were "present at the creation" have been richly justified. Puerto Ricans are legitimately proud to be able to lend significant support to the United States in an unsettled but ever-more interdependent world at the same time, Americans can be proud that their hope for the Commonwealth back in 1952 have been more than realized.

Puerto Rico's growing economic-diplomatic role as the "keystone" of the Caribbean

Basin Initiative has complemented its strategic value to the United States. The Commonwealth has thereby become doubly important to the overall U.S. position in the region. It is a key asset for American security in the far-flung Caribbean Basin and the United States' dynamic partner in the process of buttressing democracy in the Caribbean.

#### LEGISLATION TO INCREASE THE TARIFF ON BONE CHINAWARE

**HON. WILLIAM F. GOODLING**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 30, 1988*

Mr. GOODLING. Mr. Speaker, today I am introducing legislation to amend the tariff schedules of the United States to increase the tariff on bone chinaware. This proposed increase is necessary to ensure the successful attempt of an infant U.S. industry to enter the bone chinaware market in the United States. No U.S. company is currently manufacturing bone chinaware in the United States. The Pfaltzgraff Co., of York, PA, a U.S. manufacturer of dinnerware and accessory items made of earthenware, has made the decision to change that situation by establishing U.S. manufacturing operations producing bone chinaware.

The Pfaltzgraff Co., is currently manufacturing, but has not yet begun the sale of, bone chinaware in its factory in Pennsylvania. In attempting to gain a foothold in its home market, Pfaltzgraff is confronted by the presence of numerous low-priced imports of bone chinaware with which they must be competitive to establish a U.S. industry in this field. The very low prices at which many of those imports are sold—prices in many cases below Pfaltzgraff's cost of production—raise concerns as to the ability of this infant industry to become established.

For example, in 1987 imports of bone chinaware from Japan accounted for 45 percent of all bone chinaware imports, making Japan the single largest exporting country of this product. Despite the dramatic exchange rate fluctuations which have occurred in the value of the dollar vis-a-vis the yen, the Japanese bone chinaware producers are continuing to sell bone chinaware in the United States at roughly the same prices at which bone chinaware was sold several years ago. Other countries with a significant presence and name-recognition in the U.S. market are also selling bone chinaware at very low prices in the United States.

These circumstances make it very difficult for any U.S. company to enter the bone chinaware market. The Pfaltzgraff Co., is one of the few U.S. producers of earthen dinnerware that has continued as a viable company in the United States despite the impact of low-priced imports on its business operations. Pfaltzgraff is a well-run, modern, and efficient company. Unfortunately, when competing with very low-priced and often unfairly traded foreign goods, even modern and efficient companies such as Pfaltzgraff have difficulty being competitive in their home market.

To assist in the success of Pfaltzgraff's efforts to establish a new American industry and

to create additional jobs in the United States, I have proposed this tariff increase. The initial tariff increase would permit the Pfaltzgraff Co., a period of time to establish a sales base in this market, and the ultimate tariff level would ensure that Pfaltzgraff could maintain its competitive posture in the United States.

The legislation that I have proposed would raise the current tariff on bone chinaware of 8 percent to a level of 35 percent ad valorem. This rate would be gradually reduced in stages over a period of 7 years, to result in a 26-percent ad valorem rate of duty at the end of that period of time.

The 35 percent rate proposed is the rate currently applicable to imported hotel and restaurant chinaware. Prior to 1980, both bone chinaware and hotel and restaurant chinaware were governed by the same tariff category and subject to a 17.5-percent rate of duty. As of January 1, 1980, this category was divided into two items. The rate for institutional chinaware was increased to 47 percent, from which it has been gradually reduced to its current level of 35 percent. The rate for bone chinaware, however, was reduced to 16.3 percent in 1980, from which it has been continually reduced to its current level of 8 percent. Thus, a significant disparity exists in the rates applicable to the institutional chinaware and the bone chinaware.

The ultimate rate of duty of 26 percent which is proposed to result at the end of the 7 year period of time is the rate of duty currently applicable to chinaware sold in sets at a value not over \$56. I believe this is a realistic permanent tariff on bone chinaware in that the bone chinaware category, unlike the category for non-bone chinaware sold in sets, is not subdivided into a low and high end of prices with varying tariffs for each subdivision. Therefore, imports of bone chinaware at very low prices equivalent to a set sold at not over \$56 would all be classified under the same tariff number. These low-priced imports will provide significant competition for Pfaltzgraff in the long-term in its efforts to compete in the bone chinaware industry. Accordingly, it is reasonable to make the permanent tariff on bone chinaware equivalent to the rate applicable to low-priced non-bone chinaware, which is 26 percent ad valorem.

To assist the efforts of a U.S. industry to establish operations and to be competitive with foreign goods, I urge my colleagues to favorably consider this proposed legislation.

#### RAIL LINE PRESERVATION AND EMPLOYEE PROTECTION ACT

**HON. THOMAS J. TAUKE**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 30, 1988*

Mr. TAUKE. Mr. Speaker, last week I introduced legislation to equitably resolve the current uncertainties surrounding the creation of regional railroads. The Rail Line Preservation and Employee Protection Act, H.R. 4261, strikes a balance between the legitimate concerns of railroad employees who face job termination and the interests of the sellers and purchasers of new regional railroads.

Before describing the content of my bill, I would first like to offer my perspective on how we arrived where we are today. In the years leading up to 1980, the railroad industry was suffering the negative effects of cumbersome Federal regulation. Nearly 25 percent of the Nation's railroads had fallen into bankruptcy and much of the rest of the industry was in deep financial trouble. In an effort to reduce operating costs, railroads attempted to restructure their light density lines. However, Federal laws required labor protection payments whenever a railroad attempted to consolidate, merge, or abandon a rail line.

In response to the stiff labor protection requirements, railroads embarked on a strategy of abandoning service in order to abandon lines. By driving business off light density lines, railroads could reduce the number of workers who would qualify for labor protection benefits when the line was eventually abandoned. During the decade of the 1970's, the mileage of our Nation's largest railroads declined by 37,000 miles.

The Staggers Rail Act of 1980 brought about dramatic changes in the railroad industry through deregulation. Under Staggers, railroads were given a new opportunity to rationalize their systems through line sales. These line sales have become a popular alternative to abandonment.

The Staggers Rail Act allowed the Interstate Commerce Commission [ICC] to exempt line sales from labor protection requirements if the purchaser was a nonrailroad entity. The ICC further expanded this authority by voting to exempt all sales to nonrailroad companies, and to consider these transactions under expedited procedures.

Regional railroads are generally not encumbered by the same work rule restrictions used by major rail carriers. This enables regional railroads to turn profits on what would otherwise be very marginal lines for major carriers.

The ICC's blanket exemption from labor protection standards has enhanced the financial feasibility of sales of light density lines and has led to tremendous growth in regional railroads. Since 1980, 179 new regional railroads, including 10 in my own State, have been created. These railroads now operate more than 17,000 miles of line.

Although employment in the railroad industry continues to fall, a majority of the Nation's regional railroads employ more people today than they did on their first day of operation. In addition, a majority of the employees of these railroads work under union contracts. Nevertheless, the authority of the ICC to exempt line sales from labor protection requirements has been questioned.

The authority of the ICC to exempt line sales from labor protection requirements has been the subject of judicial review. Unfortunately, conflicting Federal court decisions have now clouded, more than clarified, the issue. It appears that final judicial resolution of this issue will not be forthcoming for at least 2 years, until a case reaches the U.S. Supreme Court. In the meantime, it is highly unlikely that any sales will occur while this uncertainty exists. In fact, it is likely that some railroads may return to policies of abandonment. And it

is very clear to me that abandoned lines don't employ people, but regional railroads do.

In an effort to resolve the issue of railroad labor protection in a balanced way, I have worked with representatives from the Regional Railroads of America [RRA] to craft legislation which creates a clear process for lines sales under the jurisdiction of the Interstate Commerce Act. My bill provides a separation allowance of up to \$30,000 in larger transactions and up to \$15,000 in smaller transactions. It also provides for seniority hiring while providing the new carrier with some hiring flexibility. And finally, the bill resolves the current uncertainties over the authority of the ICC to adjudicate line sales.

This legislation offers a reasonable middle ground in settling the issue of labor protection in short-line rail sales. I welcome the support of my colleagues for this measure.

**CONGRATULATIONS COOPER-  
TOWN SCHOOL LADY EAGLES  
BASKETBALL TEAM**

**HON. BOB CLEMENT**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 30, 1988*

Mr. CLEMENT. Mr. Speaker, recently, the Coopertown School Lady Eagles basketball team won first place in the James C. Hale State Invitational Basketball Tournament in Murfreesboro, TN.

I would like to join the team's friends and supporters in congratulating the team players and coaches as well as the Coopertown School staff and students. The team members have distinguished themselves by the long hours of hard work and dedication. The tournament win is an impressive achievement for which they can be proud.

The Coopertown players are Amanda Osborne, Elizabeth Hamby, Nicole Rawls, Christie Champion, Penny McDaniels, Shelly Heathman, Jennifer Hulsey, Jennifer Ventress, Heather Young, Deana Betts, Jennifer Ellis, Meleah Biggs, and Lavina Dorris. They are all talented athletes—guided by an equally talented coach, Cheryl Hudgens.

The citizens of Robertson County are proud of the Coopertown Lady Eagles team and I join my voice to the chorus singing the team praises.

**AN ARMS CONTROL STRATEGY  
FOR CHEMICAL WEAPONS**

**HON. DANTE B. FASCELL**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 30, 1988*

Mr. FASCELL. Mr. Speaker, Congress has an opportunity this year to implement a comprehensive arms control strategy on chemical weapons, to make a significant contribution toward arresting the proliferation of chemical weapons, to save one-fourth of a billion dollars that would otherwise be squandered on a weapons system which just does not work, and to stimulate progress at Geneva in the multilateral chemical weapons negotiations.

Congressional concern about arms control and congressional activism on arms control have made a real contribution to our national security policy. Congress has consistently included the issue of chemical weapons as part of its overall arms control agenda for the past 8 years. The lack of a clear majority mandate in both Houses in the last few years has just recently allowed some minimal binary production to begin and questionable moves by the administration have released more production funds.

This year Congress should be firm and clear when it delivers its arms control message on chemical weapons. A firm stance is required otherwise our country embarks on wasteful production amounting to over one-fourth of a billion dollars this year and further billions in the future, hampers rather than stimulates negotiations for a chemical arms control agreement, and allows the Soviet Union propaganda advantage from its announced halt in production and negotiating concessions.

A coherent and reasonable arms control policy on chemical weapons can set a positive course now which should help avoid troublesome problems in the future regarding chemical weapons. The objective is to strengthen our national defense, stimulate progress toward a chemical arms control agreement, and eliminate wasteful spending on weapons systems that either don't work or don't have any justifiable role in our defense.

Our primary concern should be to make absolutely sure that no more money is wasted on a weapons program, the Bigeye binary nerve gas bomb, that most of us now recognize as doomed to failure. We are being asked to authorize a total of \$223.8 million, almost one-fourth of a billion dollars, for production money for a bomb that even the Secretary of Defense admits is not reliable yet. The fiscal year 1989 request for \$99.4 million in production money should be denied and the \$124.4 million in prior year authorizations—\$90 million fiscal year 1986 production facilities, \$34.4 million fiscal year 1987 procurement for the Army and Navy—released by the Presidential certification of January 19, 1988 should be deauthorized.

In a February 18, 1988, letter by Secretary of Defense Carlucci to our colleague LES ASPIN, chairman of the Armed Services Committee, Secretary Carlucci admitted that the Bigeye bomb is not "mature" and has not yet met the reliability standard. It would be a mistake to allow a precedent to develop by granting the Department of Defense request to begin low-rate production runs of the Bigeye bomb and then do more testing. Under such circumstances Congress would risk relinquishing all control over faulty weapons systems in the future if it allows the fatally flawed Bigeye bomb to proceed into production. Recalls are expensive, wasteful, and difficult to mandate once production has begun. We should decide now to halt production.

The threat of a new binary chemical weapons program by our country has been made and, depending on your assessment of what makes the Soviets bargain, the Soviets have responded by stopping their chemical weapons production in April 1987, and making significant concessions at the negotiating table in Geneva. The Bigeye has been publicly ex-

posed as a dud and no matter how you try to dress it up now as a tough, deep-strike retaliatory capability its bargaining chip value has been nullified by its own performance and it will not be the reason for Soviet negotiating movement and serious intent in Geneva.

During this past year the Soviet Union and the United States have exchanged visits to their chemical weapons facilities. The exchange of these expert delegations represents an important confidence-building measure which should help improve the prospects for a mutual and verifiable agreement to eliminate chemical weapons.

In November 1985, President Reagan and Soviet leader Gorbachev pledged to work for a worldwide ban on chemical weapons. Consistent reports of progress toward a worldwide ban on chemical weapons have been received from the 40-nation U.N. Disarmament Conference negotiation in Geneva. During this past year the Soviet Union has been active on the chemical weapons issue and there have been some public Soviet concessions which could be quite significant once they are negotiated into a treaty. For example, the Soviet Union announced that it had halted production of chemical weapons and begun building an incinerator to destroy its present chemical weapons stocks. The Soviets also agreed to "on-site" and "quick-challenge" inspections. They have also presented some new ideas on the question of chemical weapons data exchange. This seemingly positive chemical arms control attitude by the Soviets must, of course, be translated into the necessary written provisions in the arms control document. An adequate verification regime will probably be the most difficult problem to resolve in addition to the problems of treaty organization and funding and of worldwide adherence to the treaty. Despite these remaining problems this movement on chemical weapons arms control sets the stage for a truly historic opportunity to reach agreement on the worldwide elimination of all chemical weapons.

The recent reported use of chemical weapons in the Iran-Iraq war should heighten our sense of urgency concerning the negotiations. The British have worked hard for an agreement on chemical weapons at the multilateral negotiations in Geneva. The Germans have a large stake in an agreement. The Soviets have announced a halt in their chemical weapons production and they have made important concessions. It is definitely time that our country made some significant gestures to support the negotiations. A moratorium on all binary chemical weapons production could be one such positive gesture to the chemical weapons negotiations. The moratorium would only last as long as we have no evidence proving renewed Soviet production of chemical weapons. The moratorium would apply to all production money, Bigeye and 155 mm. artillery shell, but not research and development nor to further testing of the Bigeye.

Chemical defense to protect our troops from chemical attack has been strongly supported in both the House and the Senate. This year for the first time the Department of Defense has requested a reduction in funding for defense at a time when we are beginning to hear very positive reports of improved equip-

ment and decontamination procedures. It would be wise for Congress to maintain a strong united support for full funding for defense and not accept any tradeoffs involving offense for defense. The House and the Senate have also been united in their stand regarding the current deployment of unitary chemical weapons in Europe and their opposition to the withdrawal of those stocks if they cannot be replaced with the new binary weapons. The House has yet to be informed about the "Reagan-Kohl Agreement in Tokyo" regarding the withdrawal of unitary chemical weapons. Normally, Congress should be informed of agreements under the Case-Zablocki Act, or, in this case, a disarmament agreement should follow the notification procedure of the Fountain amendment to the Arms Control and Disarmament Act.

These are the elements which form, in my mind, a realistic, viable, and effective arms control policy for chemical weapons. Our efforts should be based on using the arms control process to eliminate Soviet and American chemical weapons as part of a global ban rather than taunting the Soviets back into a chemical weapons arms race with our new production of binary nerve gas weapons.

**NORTH DAKOTA NATIONAL  
GUARD SUPPORTS NATIONAL  
SECURITY THROUGH COMMUNITY  
DEVELOPMENT PROJECT  
AT KWAJALEIN ATOLL**

**HON. ROBERT J. LAGOMARSINO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 30, 1988*

Mr. LAGOMARSINO. Mr. Speaker, recently, a North Dakota National Guard unit carried out a remarkable community development project and good will program in the Republic of the Marshall Islands, a newly emerged nation and staunch ally of the United States in the Pacific. It is fitting that this project be recognized here, and in order to do so properly I want to provide some important background.

Kwajalein Atoll, in the Marshall Islands, is the largest coral atoll in the world. After World War I, the League of Nations placed the Micronesia Islands, including Kwajalein, under the administration of Imperial Japan, and it was from Kwajalein that the Japanese deployed elements of the force that attacked Pearl Harbor in December 1941. Liberation of the atoll from the Japanese cost this Nation dearly: 372 Americans died and 1,582 were wounded in 3 days of fighting.

At the end of World War II the United States accepted responsibility for administration of Kwajalein and several other island groups in the region under a United Nations trusteeship classified as strategic under the United Nations Charter. The United States has fostered democracy in the islands and recognized the right of the people to self-determination. As a result, on October 21, 1986, the trusteeship was terminated in favor of constitutional self-government for the Republic of the Marshall Islands, which includes Kwajalein Atoll.

The Compact of Free Association, which is the treaty governing United States relations

with the Marshall Islands, contains provisions which secure United States military use rights at Kwajalein Atoll—which is the site of the United States Army's missile testing program. This program is important to my constituents because the 19th Congressional District is the home of Vandenburg Air Force Base, which is the launch site of the missiles that splash down in the Kwajalein Atoll test range. The missile development program which requires testing at Kwajalein is vital to this Nation's ability to defend itself, and provides the Soviet Union with an incentive to negotiate meaningful nuclear disarmament agreements.

Thus, Kwajalein is vital to the national security of the United States, and has a critical role to play in the preservation of world peace. Under the compact, the United States has made arrangements to compensate the Marshallese landowners from whom the defense sites at Kwajalein are leased by the Marshall Islands Government, and those arrangements were approved by the people in a United Nations-observed plebiscite on the compact.

However, the local population has become dependent on employment at the United States facility, and overcrowding has occurred due to the desire of people from the undeveloped neighboring islands to come to the more developed area adjacent to the Kwajalein base. Thus, in addition to compensation of the landowners, there are social needs which must be addressed. Consequently, the Government of the Marshall Islands and the United States have agreed to channel funds into community development programs which promote private enterprise, expansion of habitable land areas, and increased self-sufficiency.

As a member of the Committee on Interior and Insular Affairs and the Committee on Foreign Affairs, I have supported the compact and the programs which have been established by the two governments to benefit the people of Kwajalein Atoll. The economic and social advancement of the people of that atoll is desirable in light of our national security mission at Kwajalein, and the improved well-being and self-reliance of the local population is a goal of the Government of the Marshall Islands and the United States.

It is in that light that we can appreciate the recent accomplishments of the North Dakota National Guard. Departing Bismarck, ND., in subfreezing weather and traveling 6,000 miles to the tropical humidity of remote and undeveloped outer islets of Kwajalein Atoll, the guardsmen carried out community development projects at the islands of Ebadon, Enubirr, and Ebeye. These projects included a 2,000-foot runway to make medical care and travel to and from the isolated islands possible, a medical dispensary, baseball fields and recreation areas, school desks, roads, airport terminal facilities, and church pews.

In addition to an excellent training opportunity for the 28 National Guard construction engineers involved, the program promoted friendship between the United States and the people of the atoll. The departure of the unit for the trip back to Bismarck was preceded by island-style feasts and tearful farewells. These are the bonds that are earned by sweating and laboring side by side with the people we are trying to help, and these bonds will endure

because the people were involved in the project and will be responsible for maintenance of the improvements.

In a very concrete manner, the North Dakota National Guard has shown the people of those islands the human face of our great nation, and the project itself demonstrated that the United States recognizes and cares about the human needs of the Marshallese people.

All of this was possible because of the enlightened and sensible policies toward relations with the Marshallese people and their government being carried out by the Department of Defense and the United States Army at Kwajalein Atoll. These creative policies start at the top with Adm. William J. Crowe, Chairman of the Joint Chiefs of Staff, who organized the Office of Micronesia Status Negotiations many years ago, and who was one of the architects of United States policy in favor of ending the trusteeship in favor of self-government. In addition, Assistant Secretary of Defense Richard L. Armitage, and Deputy Assistant Secretary of Defense Karl D. Jackson have made significant contributions to effective implementation of the compact.

Adm. Ronald J. Hays, commander in chief of the Pacific, and Col. Richard G. Chapman, Jr., commanding officer, United States Army-Kwajalein Atoll, have been responsible for a dramatic turnaround in community relations at Kwajalein, and for the establishment of strong cooperation with the government of the Marshall Islands. Finally, Lt. Gen. Charles W. Bagnal, commanding officer, U.S. Army Western Command, who conceived of the project, Maj. Richard A. Moszer, NDNG, OIC for the project, and S. Sgt. James Schenatzki, NDNG, NOIC for the project, each made the operation a success.

However, the heroes of this story are the guardsmen who did the work, and the people of the islands who are taking their destiny into their own hands in order to improve their way of life. This is a story that deserved telling, and all Americans should be proud of this effort. Where Kwajalein was once ruled by foreign powers and used as a base for international aggression, it is now playing a role in preservation of strategic stability and world peace, as well as the promotion of understanding and cooperation between our people and democratic governments.

**WHY WOULDN'T EVERYONE BE  
FOR SDI**

**HON. JOEL HEFLEY**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 30, 1988*

Mr. HEFLEY. Mr. Speaker, 5 years to the day, after the President made his speech introducing the concept called the strategic defense initiative [SDI], ground was broken at Falcon Air Station east of Colorado Springs for the new SDI facility. This building will be 360,000 square feet of space, costing \$100 million, and which will house computer simulating equipment and eventually approximately 2,000 people.

It will be here where much of the research will be conducted to determine the feasibility of a protective shield that holds the potential of making intercontinental ballistic missiles obsolete. This is the place where, for the first time since we gave up our anti-ballistic missile system in 1972, as a result of the Anti-Ballistic Missile Treaty, we can begin planning a defensive system.

Since the ABM Treaty was inaugurated, our only defense against missile attack has been the immoral policy of mutually assured destruction. This is based on the premise of holding each other's population hostage—you blow us up and we'll blow you up. With this approach, we have no defense against incoming missiles. If a missile is fired at us, it lands, explodes and kills American people and there is nothing we can do about it.

SDI offers hope of changing all of that. It offers hope of being able to destroy enemy missiles as they leave their pads. It offers hope for a defense rather than the present nuclear blackmail.

Why then all the fuss? Why wouldn't everyone be for SDI? Why would Ted Kennedy and others dub it "star wars" and make fun of it? These are hard questions to answer.

Some feel it won't work, that it is too complex. Others complain that it would never be 100 percent effective. Still others feel that it is too expensive, we can't afford it. And finally some simply do not want to offend the Soviets.

What, then, are the facts?

We do not have any defense against missile attack. Most Americans want a defense and are not aware of how vulnerable we are. We have the technology to make a missile defense work. It may never be 100 percent effective, but it will be effective enough to deter the Soviets from risking an attack.

It will be expensive, but so is our present offensive missile system which presently serves as our deterrent. As SDI is brought into place, less emphasis and thus less expense would need to be devoted to offensive systems.

SDI will offend the Soviets. You hear many saying SDI will never work, but you don't hear Mikhail Gorbachev saying that. He believes it will work and, in spite of the fact that the Soviets have been working on their own SDI since the 1960's, he feels we can make it work and they can't.

So where are we? Keeping the Nation secure is the primary responsibility of the Federal Government. We have the capability to more adequately defend our Nation so let's get on with it.

That is exactly what we're doing with the ground breaking for the SDI facilities this week—we are getting on with it. As one top negotiator for the administration, told me recently, "The Soviets will never beat us on technology." They may, however, beat us in a test of resolve.

With the beginning of SDI, we are showing our resolve to keep our Nation free and secure. SDI can help assure this.

## THE COST OF IMPEACHMENTS

### HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1988

Mr. KLECZKA. Mr. Speaker, today the House is being asked to authorize an additional \$375,000 to investigate the impeachments of Judges Walter Nixon and Alcee Hastings. In 1987, the Judiciary Committee spent \$150,000 on investigating impeachments and for 1988 it has already been granted \$350,000 to investigate these impeachments. So by the time the House Judiciary Committee completes its investigation of these two judges it will have spent over \$850,000. If you add the amount of staff time that the full House and the full Senate will spend you will see that impeachments of Federal judges not only consume a great deal of the Congress' time but an enormous amount of taxpayers' money.

Further the Congress is duplicating the exhaustive investigations that the U.S. Judicial Conference has already undertaken. The conference has already concluded that sufficient grounds do exist to impeach these two individuals.

I don't oppose this funding request. Obviously under current law the Congress has no choice but to authorize the funds needed to expeditiously remove these two judges. But is this the best system to remove Federal judges.

The present system does not function smoothly. Almost 200 years ago Thomas Jefferson called "impeachment a bungling way of removing Federal judges" and during the 1986 impeachment of Judge Harry Claiborne one Senator estimated that as many as 30 Senators didn't hear a word of the proceedings.

What's the solution? Well most States have adopted judicial panels to remove States judges. I think we should follow the lead of the States and consider giving the judicial branch of Government the authority to remove Federal judges. This would be easy to do since a system already exists within the judicial branch to discipline judges. All that we would have to do is to empower the Judicial Conference not only to discipline judges but to remove Federal judges.

A resolution has been introduced by the chairman of the Senate Judiciary Subcommittee on Courts to modify the current removal system for Federal judges. With the support of Congressmen FRANK and FRENZEL I have introduced a similar bill, House Joint Resolution 364 to allow the Congress to establish a new system for removing Federal judges. As the Congress moves ahead with the cumbersome process of impeaching these two judges I hope that Members will consider supporting this legislation.

## H.R. 1663, PROMPT PAYMENT

### HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1988

Mr. MAVROULES. Mr. Speaker, I would like to take this opportunity to thank you for allowing me to bring to your attention a very important piece of legislation now before the House, the Prompt Payment Act. This legislation passed the Senate in October and is currently pending in the Government Operations Subcommittee on Legislation. Through the concentrated efforts of many members, staff, and interested parties, it is clear that prompt payment will soon be deservedly at the forefront of our legislative agenda. This is good news for all businesses that deal with the Federal Government.

The issue of prompt payment is first and foremost a small business issue. The delegates to the 1986 White House Conference on Small Business recognized the importance of prompt pay when they placed it 34th on an agenda for congressional action which ultimately included more than 400 resolutions.

Simply put, small business cannot afford to carry the Federal Government on its back, nor should they be expected to. One only has to speak with the presidents of the small high-tech companies and other businesses in my district to realize that Public Law 97-777 is in need of tightening and modification. They know that, despite agency claims to the contrary, our present prompt payment law is flawed.

The present situation leaves our small business men and women who are not paid on time with two alternatives—stop doing business with the Federal Government, or take out loans to cover expenses until the Government decides to pay. I believe that you will agree that these two alternatives are neither sound business practices nor are they fair.

However, there is an answer, Mr. Speaker. I believe that it is found in our bill, H.R. 1663. This legislation will eliminate the existing 15-day grace period to ensure that bills are paid within 30 days of receipt of invoice. Second, the excuse that an invoice was incorrect or lost in the mail will no longer apply because an agency will have 5 days in which to either accept an invoice as valid or return it to the vendor.

Next, I would like to briefly mention two sections of H.R. 1663 which have created some interest. The first is in the reports section, and represents the only difference between S. 328 and H.R. 1663. This section requires the following reports:

One from the Office of Small and Disadvantaged Business Utilization for each of the Federal agencies. This report will detail the impact of this law on small and disadvantaged business within each agency. The analysis would include a break down of interest payments made to both small and large businesses.

The other is a review by the chief counsel for advocacy at the Small Business Administration of agency compliance with this act and its impact on small business. I feel that this section is particularly important in that it fits in

with the advocate's ombudsman role. In addition, it will allow SBA to define those problems identified by the White House Conference delegates and others and, in turn, provide us with the opportunity to resolve future problems, hopefully without the need for legislation.

Finally, let me touch upon section 7 of the bill. Under present law, general contractors have the opportunity to receive payment from the Government, put this money in the bank, and collect interest, even though the money is owed to a subcontractor who has participated in a Federal construction project.

Testimony has been presented in previous hearings in both the House and Senate that this practice has occurred many, many times. It is important to remember that the money in question does not belong to the general contractor, but to a subcontractor.

However, the issue here is not how often a general contractor has used this so-called float. Nor does the answer necessarily lie in requesting a GAO report to see how often this practice indeed has occurred. Rather, this is simply a matter of a bad public policy that should be changed now.

I find it ironic that the opponents of section 7 are strong proponents of prompt payment until it is applied to their industry. I believe, however, that no group or individual should be allowed to accrue a benefit from Government money that is owed to subcontractors.

Opponents of section 7 have argued that they need to withhold subcontractor payment to ensure the completion and quality of a subcontractor's work. The Senate compromise version of this legislation deals with this issue or retainage. The Senate amendments, which I support, explicitly authorize withholding and retainage by the prime contractor, but ensures that any money withheld or retained is held by the Government until the prime contractor certifies that the subcontractor is entitled to these funds.

Mr. Speaker, I hope that the importance of this legislation is apparent to you and the rest of my colleagues. I look forward to working with House Small Business Subcommittee on Exports, Tourism, and Special Small Business Problems in an effort to get H.R. 1663 reported favorably from the floor of the House during this session. Again, I thank you for the opportunity to express my views on this vital legislation.

**IS THERE GLASNOST IN SOVIET ARMENIA?**

**HON. DEAN A. GALLO**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1988

Mr. GALLO. Mr. Speaker, in recent weeks, large demonstrations have broken out in two Soviet republics where ethnic Armenians are demanding that the autonomous region of Nagorno-Karabakh, which was put under Azerbaijani control in 1921, be allowed to reunite with Armenia.

With protesters reportedly numbering in the hundreds of thousands, the demonstrations were among the largest unauthorized mass protests ever held in the Soviet Union.

On February 27, the leaders of the protests decided to suspend demonstrations until March 26 to give the Soviet leadership an opportunity to address their request. A few days ago, the Soviets gave the Armenian people their answer—Nyet.

Mr. Speaker, many of my Armenian-American friends and associates, including New Jersey Assembly Majority Leader Chuck Haytaian, have expressed their disappointment that the Armenian request was denied and their concern that Secretary Gorbachev's policy of glasnost may now be in retreat.

The people in Nagorno-Karabakh, who have been separated from their brethren and religious believers since 1921, should be reunited. And the failure to listen to these reasonable demands has led many Armenians to question Secretary Gorbachev's commitment to develop a new and fair nationalities policy.

Mr. Speaker, now that the Soviet Government has denied the Armenians' request, I am concerned that activists will be persecuted. In the aftermath of these events, I strongly urge Secretary Gorbachev to show that glasnost is more than just a popular word. Armenian protesters and activists should not be punished for voicing their opinions.

I join my Armenian-American friends and constituents in calling upon Secretary Gorbachev to reconsider this unfortunate decision.

**CHILD SURVIVAL AID SUPPORTS CEASE-FIRE**

**HON. BYRON L. DORGAN**

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1988

Mr. DORGAN of North Dakota. Mr. Speaker, contrary to many people's expectations, there is now a ceasefire between the Sandinista government of Nicaragua and the Contras. The question for us becomes what we can do to help the peace process and also support the legitimate needs of the people of that country. Today I am introducing a bill, cosponsored by Congressmen BONIOR, JEFFORDS, LEACH, PENNY, and LELAND, to help those people least able to help themselves, and most in need of our support: the tens of thousands of Nicaraguan children who are victims of war. This bipartisan bill provides \$18 million in aid to children, to be distributed based on need, not on politics. Our aim is to provide effective assistance as rapidly and efficiently as possible to children in need.

This bill provides the Agency for International Development [AID] with the flexibility to determine the precise amounts to allocate to each of the named types of assistance and designated groups, with the understanding that the aid is for, and only for, innocent children in need. The aid should be allocated equitably by AID, based on the needs of the children, only to private voluntary and international agencies such as UNICEF, CARE, and others, with at least one-half of the funds benefiting children living in Nicaragua.

None of this money is to go to or through the Government of Nicaragua.

This bill would provide assistance for:

Some of the 2,000 Nicaraguan children who have lost a limb, usually a leg, because of

mines planted as part of this war. Funds may be used to provide noncombatant children with artificial limbs as well as rehabilitation services so that they can function adequately with their prosthetic device.

The many children who have suffered severe burns as a result of flying shrapnel and explosions associated with armed attacks.

Some of the 10,000 Nicaraguan children have been orphaned by war, and who are being cared for by private groups.

Some of the more than 100,000 children who have not received life-saving immunizations against killer diseases such as diphtheria, tetanus, polio, measles, and whooping cough.

The countless children in need of additional medicines and other essential health supplies.

We have focused this bill on the most pressing health needs of these children. Hundreds of thousands of children in Nicaragua do not have access to adequate medicine or medical treatment. Even simple treatments, such as oral rehydration therapy [ORT] and vitamin A supplements, are not available to many of these children. Yet, ORT is an effective, low-cost treatment—a few pennies per dose—against diarrhea, and diarrhea remains one of the leading causes of child disease and death in Nicaragua. Vitamin A, which costs less than 2 cents per dose, prevents blindness and reduces child mortality. It is our intention that such treatments, as well as other effective medicines, be provided to Nicaraguan children in need.

These children do not understand why there has been war in their country, or why their brothers, sisters, and parents have been killed or maimed. They do understand, though, what it means to be healed. This bill begins that healing process. I, and many other Members of Congress, are proud to support a bill to help bind these wounds.

**UNIFORM HEALTH AND SAFETY WHISTLEBLOWER PROTECTION ACT**

**HON. AUGUSTUS F. HAWKINS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1988

Mr. HAWKINS. Mr. Speaker, today I rise to introduce the Uniform Health and Safety Whistleblower Protection Act. This measure will strengthen the protection for private sector working people against employer reprisals they may otherwise face. Private sector employees should feel more free to report illegal or improper activities they reasonably feel endanger public health standards.

On February 23, 1988, Senator HOWARD METZENBAUM introduced legislation identical to that which I introduce today. In his statement, he made reference to his bipartisan effort to encourage Federal employees to "report illegal or improper activities that endanger the public health or safety without fear of personal reprisal" characterizing the need for such freedom as a "fundamental principle of good government." I wish to echo his concerns as I introduce this legislation in the House of Representatives.

Existing statutes protect whistleblowers but confusion exists as to the extent of the protection available under the statutes. The legislation which I introduce today will clarify the process and ensure appropriate enforcement. The protection of whistleblowers is in the best interest of the general public and is good government. Their protection will significantly enhance the Federal Government's efforts to ensure a high standard for public health and safety.

**DOUG WILLIAMS: A LESSON  
WORTH A LIFETIME**

**HON. MERVYN M. DYMALLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 30, 1988*

Mr. DYMALLY. Mr. Speaker, on April 6, 1988, a Los Angeles based organization, "One Hundred Black Men," will host a dinner honoring the Washington Redskins quarterback Doug Williams.

I would like to take this opportunity to pay a special tribute and say thank you to an American whose story is a lesson worth a lifetime.

By setting off the most explosive quarter in professional football history, and orchestrating a record-shattering Super Bowl XXII victory, Doug Williams became one of the most celebrated athletes of our time; 602 net yards of total offense, 340 passing yards and four touchdowns in one quarter are achievements which will take some playing to best.

But perhaps more important than the display of his athletic talents, than becoming the first black quarterback to start at a Super Bowl, than being named the Most Valuable Player of professional football's ultimate game, is Doug Williams' contribution to the education of Americans and mankind.

The Doug Williams story teaches us the strengths of endurance and perseverance in overcoming personal and societal obstacles.

It is a lesson in the potential of American opportunities which have become the envy of the entire world.

Through his achievements, Doug Williams shared with the world the advantages of destroying the barriers of race and discrimination.

For many who are convinced they are at the end of the line in whatever walk of life, Doug Williams' story is certainly encouragement to endure and carry on. The loss of a loved one, single parenthood, racial hostilities, and an uncertain career, could easily have been the end. Overcoming these trials? Doug just deals with them.

Undoubtedly, young black athletes will idolize Doug Williams as their hero. As a professional black quarterback, his success is a tremendous boost for black collegiate and high school quarterbacks.

The benefits of the Doug Williams' story, however, should not be limited to the black athlete. Doug Williams should be a role model for all young athletes, an example of how an athlete can succeed on perseverance alone.

Doug Williams should also be a lesson for the National Football League. It certainly has taken a long time to break certain barriers

within this organization. Doug Williams has proven that athletic skills and talents transcend any racial or discriminatory practices within the NFL system.

As I observed the unity of the Nation's Capital in support of its team, I could not help but admire the beauty of that sight.

I also attempted to picture a similar view across a nation which was unquestionably glued to their television sets and radios on that memorable super Sunday afternoon; a smile, a tear, a wish, a dream.

Doug Williams' triumph has, even if for just 1 day, captured the attention of a country which saw nothing other than an American professional football player at his best.

Moreover, the entire world witnessed this very special moment for both Doug Williams and America. Again, America has shown the strength of a democracy which is empowered by its people.

Doug Williams' victory makes me extremely proud to be an American, and it should make every American proud of their country. This is yet another measure of our greatness, and a reminder that there can indeed be a better America.

Mr. Speaker, I hope that Doug Williams has taught us all something about ourselves, about our communities, about our future, and about our country. I would like to thank Mr. Williams for the encouragement and the memories. Doug, your story has truly been a lesson worth a lifetime.

**A TRIBUTE TO SAM HAMETT**

**HON. JOE KOLTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 30, 1988*

Mr. KOLTER. Mr. Speaker, I rise today to pay tribute to Mr. Sam Hamett. It is with great pleasure that I take this opportunity to honor him on his 100th birthday. He will be honored at a dinner on April 23, 1988, at the Unione Calabro Club in New Castle, PA.

Born in Syria, Sam came to the United States in 1913 from the village of Sofitain in northeast Syria. He ventured to New Castle seeking a job in the tin mills. Unable to find a job, he left New Castle, settling in Ellwood, IN, where he worked a tin mill job for several years before he was drafted into the U.S. Army in 1918.

While in the U.S. Army he was sent to France as part of the 28th Army Division. Five days after landing, his unit was loaded in trucks and driven to the frontlines.

After World War I, he got a job in the Shengango Tin Mill where he worked for 30 years until the mill pulled out.

On July 28, 1920 he married Mary Hamed. They had 11 children, 32 grandchildren, and 17 great-grandchildren.

Sam is still active. He is especially proud of his large garden. He shares the fruits of his efforts with his family and neighbors.

I would like to wish Sam a healthy and prosperous future. He should be very proud of his life accomplishments.

**DIESEL FUEL EXCISE TAX  
CRISIS**

**HON. ROBIN TALLON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 30, 1988*

Mr. TALLON. Mr. Speaker, the 1980's have not been kind to our Nation's farmers. The road to economic recovery has been long and difficult. And, just as the future has started to look achievable, we throw up another obstacle.

Lodged in the recesses of the 1987 Budget Reconciliation Act is a minor change in diesel fuel excise tax collection that will create serious problems for farmers. This change will require wholesalers to collect the diesel fuel excise tax rather than the retailers. Although off-highway users, such as farmers, are exempt from the diesel fuel tax, they will now have to pay it and then apply for a refund.

The result is more costs, more paperwork, and more regulation, all at a time when farmers must cut expenses and increase efficiency to simply get by. It forces our farmers to make an interest-free loan to the Federal Government. The IRS will not pay farmers the millions in interest that might normally be due for such "loans."

The small farmer, who could least afford to shoulder such a burden in the first place, is the one who will feel the crunch. The typical farm operation would have to pay more than \$1,000 a year in taxes to the highway trust fund for off-road diesel use.

All total, America's farmers would pay \$420 million every year—money that shouldn't and doesn't belong to the Government. Yet, the Treasury is going to have the use of this money, interest free, for as long as a year. And in order for farmers to get their money back, they would fill out yet another IRS form.

If we fail to act before April 1, the new law could disrupt the distribution system as farmers and other off-road users top off their storage tanks to avoid paying the extra 15 cents per gallon. Undoubtedly, this will create a sudden, artificial demand for billions of gallons of diesel fuel which could not be supplied by the current refining and distribution system. This problem is especially serious since it would take place in the early spring, the peak fuel use period for spring planting.

Many of my colleagues have joined me in support of legislation to permit tax free sales of diesel fuel for use on a farm. But time is running out. If we fail to act, these regulations will go into effect on April 1. I urge my colleagues to act now and end unfair farm taxation. Don't make April 1, April Fuels Day.

**DIVIDED SPOUSES: "WORSE  
CANNOT BE THAN THIS"**

**HON. E. CLAY SHAW, JR.**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 30, 1988*

Mr. SHAW. Mr. Speaker, Pyatras Pakenas and his wife, Dr. Galina Vileshina, have been

separated for 8 long years. The Soviets have refused Pyatras an exit visa 18 times. He writes to his wife every day, and I would again like to have printed in the RECORD an excerpt from these letters, which have been previously published by the Fort Lauderdale News/Sun Sentinel. I call on the Soviet Government to allow all divided spouses to be reunited.

DECEMBER 29, 1987.

Like you see, it's the end of the year. But we're still in separate parts of the world. This is very sad and very bad. Worse cannot be than this. But, my love, in our heart we never separated. We always were together, and we always will be together. We always were one, and this is the main thing.

How many people around us, who live together like man and wife, but at the same time, they live separate. \* \* \* They sleep in one bed, but their thinking is different. \* \* \* They sometimes hate each other, but they live under one roof. It's very good that we belong to the people who live with one heart. \* \* \* We are the people nobody can separate. \* \* \*

I had a lot of hope that our case would be resolved in this year, in '87. I still believe this today. And I never will fall into pessimism, if it won't happen this year.

I understand why they don't want to give me permission. I think that first is because for seven years they hold me without any reason, and now it's not convenient for them to show that they hold me so many years without any reason.

**LARGE ACCOMPLISHMENTS BY TWO SMALL SCHOOLS**

**HON. DON SUNDQUIST**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1988

Mr. SUNDQUIST. Mr. Speaker, each year some of the richest stories about championship basketball have to do with small schools with big dreams, who play with heart and great effort and reach the goal of a State championship. In so doing, they bring great credit to themselves and great pride to their communities.

This year, two schools from one of Tennessee's least populated counties, Wayne, met to decide the State class A girls basketball championship. The Trojanettes of Collinwood High School won, defeating their archrival from 12 miles up Highway 13, Wayne County High School.

For Collinwood, the victory capped what had been a year-long effort and made good on a promise team members had made to themselves after last season's tournament.

For Wayne County High School, the tournament runners-up, there is the knowledge that its team, too, accomplished something special, rallying together after the death of a team member early in the season.

The young ladies on both the Collinwood and Wayne County teams have acquitted themselves well and honorably. They are champions in the finest sense of the word. And I join with my constituents in Wayne County, who beam with pride at the accomplishments of the Collinwood Trojanettes and the Wayne County High School Lady Cats.

**MENTAL HEALTH AND AGING**

**HON. EDWARD R. ROYBAL**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 30, 1988

Mr. ROYBAL. Mr. Speaker, for far too long, mental health care has been a neglected priority in American health care. This neglect is clearly documented in a report, "Mental Health and Aging: The Need for an Expanded Federal Response," which I include in the RECORD.

Now is the time to acknowledge that mental health care is no less essential than other health care and must be an integral part of our total health care system. Now is the time for federal action.

After over a year's worth of study and with a March 2 Committee on Aging hearing and this report as a backdrop, I will be introducing a new elderly mental health initiative to rectify major deficiencies in Medicare, Medicaid, the mental health block grant and Federal research and training programs and to give mental health greater visibility through a new National Mental Health Education Program.

The time has come for us to do more than just talk about upgrading mental health care in America. Concrete Federal action, such as that detailed in my elderly mental health initiative and in other mental health legislation being pushed by Representative WAXMAN and Senator KENNEDY, must be taken quickly to better protect other elderly and nonelderly Americans from the devastating effects of mental disorders.

**MENTAL HEALTH AND AGING: THE NEED FOR AN EXPANDED FEDERAL RESPONSE**

(A report by the Chairman of the House Select Committee on Aging)

The time has come for vigorous federal action to overcome the growing problem of mental illness in America. According to the National Institute of Mental Health (1987), nearly 30 million Americans now require professional treatment for mental illness during any six-month period. One-third of America's homeless people are mentally ill, and over three million of America's children suffer from serious mental disorders. As compared to the general population, racial and ethnic minorities face even greater economic, social and psychological problems. Current direct costs of mental illness are estimated to exceed \$20 billion dollars per year. Tragically, the problem of mental illness has now reached the point where "the personal and social costs of mental illness are similar in scale to those for heart disease and cancer" (National Institute of Mental Health, 1987).

Unfortunately, though not surprisingly given the magnitude of this national problem, America's elderly in general have not been spared from the destructive effects of mental illness. Indeed, elderly persons, especially those of racial and ethnic minorities, are particularly vulnerable to mental health problems and are particularly in need of improved mental health services. Research suggests that between 15 and 25 percent of the 28 million Americans over the age of 65 suffer from significant mental health problems (Action Committee to Implement the Mental Health Recommendations of the White House Conference on Aging, 1986). This means that as many as 7 million of our

elderly Americans may currently need professional mental health services; yet very few of these persons are receiving the treatment they so desperately need and deserve.

Although the situation is troublesome for elderly Americans as a whole, minority elderly people are threatened by a sort of "double jeopardy," being both elderly and a racial/ethnic minority. Minority elderly people are more likely to experience psychological problems than the elderly population as a whole. The situation is made worse by the fact that racial and ethnic minorities are much less likely to have the psychological and social resources to deal with mental health problems.

As is the case with people in other age groups, elderly individuals suffer from a wide range of mental health problems (Action Committee, 1986; Bulter and Lewis, 1982; Kermis, 1986). Elderly persons often experience problems of adjustment related to stressors such as bereavement, poor physical health, or the demands of caring for a chronically ill spouse. Several disorders, however, are of particular concern among the elderly population. Depression, for instance, is a major problem whose seriousness cannot be underestimated, especially in light of the fact that elderly men over the age of 75 display the highest suicide rate of any age group, young or old. Alcohol abuse is also a serious problem, as is the misuse of prescription drugs.

Dementia, including Alzheimer's Disease, and other forms of severe cognitive impairment are increasingly prevalent with advanced age. The United States Congress Office of Technology Assessment (1987) estimates that about 1.5 million Americans now suffer from severe dementia, including about 25 percent of persons over the age of 85. Between two and four million additional persons probably suffer from mild to moderate dementia. Clearly, dementia and cognitive impairment will become an even greater problem over the next several decades as the number and proportion of elderly persons over the age of 85 grows dramatically. Moreover, many chronically mentally disabled persons, mentally retarded persons, and developmentally disabled persons are not living into old age and need support from the mental health system in order to maintain their day-to-day lives. Elderly persons are also more likely than younger persons to be afflicted with multiple health problems including situations in which both physical problems and mental health problems contribute to the patient's suffering.

Unfortunately, the mental health needs of our elderly Americans are not being met adequately (Action Committee, 1986; United States General Accounting Office, 1982). Only a fraction of elderly persons with mental health problems are now receiving professional treatment. As a result, elderly persons, especially minority elderly, are seriously under-represented among people who receive mental health services. Elderly persons, who make up almost 12 percent of the American population, represent only about 6 percent of the persons served by Community Mental Health Centers and only about 2 percent of those served by private therapists (Alcohol, Drug Abuse, and Mental Health Administration, 1987; Action Committee 1986, 1984). In spite of very great need, homebound elderly persons have little or no access to mental health services, and elderly nursing home residents almost never receive active treatment for mental health problems. The result is tragic and needless

suffering among far too many elderly Americans.

#### ELDERLY MENTAL HEALTH: BARRIERS IN THE SYSTEM

##### *Negative social stereotypes and limited access*

A whole range of impediments prevents adequate delivery of mental health services to the elderly and utilization of mental health services by the elderly (Butler and Lewis, 1982; United States General Accounting Office, 1982). Negative social stereotypes about aging and the elderly may prevent mental health professionals from reaching out to elderly clients in the erroneous belief that therapeutic efforts with older people are likely to be difficult or unproductive. At the same time, negative stereotypes regarding emotional problems and mental illness may prevent elderly persons from seeking appropriate treatment. Many elderly people are reluctant to admit to emotional problems and prefer to deal with such problems on their own, without the assistance of health or mental health professionals.

Elderly persons also face a number of practical barriers which seriously limit their access to mental health services. Misinformation and lack of knowledge about the availability of mental health services certainly contribute to the underutilization of these services on the part of the elderly, as does the fact that mental health services are rarely provided in ways which encourage utilization by elderly individuals. Frail and homebound elderly, nursing home elderly, and elderly persons with transportation problems have great difficulty obtaining mental health services, in part because in-home mental health services are virtually non-existent.

Even healthy, mobile elderly persons are frequently discouraged from seeking mental health services. These services are usually not delivered in locations to which elderly persons have easy access or in which they feel comfortable seeking assistance. Moreover, many elderly persons become intimidated by the often confusing regulations and paperwork imposed by federal and state programs like Medicare and Medicaid, and by private insurance companies and local service agencies. Those elderly who are racial and ethnic minorities often face additional financial, language and cultural barriers. As a result, these people are deprived of much needed mental health treatment and of the relief from suffering that this treatment can provide.

##### *Lack of trained professionals*

When elderly persons do seek treatment, they tend not to seek help from mental health professionals but to present their symptoms to general practice physicians instead (Waxman, Lerner, and Klein, 1984). Often their complaints are couched in terms of physical symptoms rather than in terms of emotional or mental problems, so that physicians must be especially attuned to sometimes subtle indications of mental health concerns and must be equipped to respond to those concerns in an appropriate fashion. Unfortunately, because most physicians have had little formal training in geriatric medicine or in geriatric mental health, and because other providers of services to the elderly also lack appropriate training in this area, potentially treatable mental health conditions among elderly adults too often go unrecognized.

This lack of specialized training in geriatric mental health extends not only to general practice physicians and service providers,

but also to mental health professionals. (Kermis, 1986). Psychiatrists, psychologists, social workers, and nurses all have a potentially important role to play in the treatment of mental health problems in the elderly, but only a small proportion of practitioners in any of these disciplines have as yet been specifically trained to work with elderly persons. Even fewer are prepared to work with the special problems of racial and ethnic minorities. This is especially unfortunate because the multiple physical and mental health problems commonly displayed by elderly persons often call for team approaches utilizing the expertise of several mental health disciplines for optimal treatment. Perhaps partly as a result of the serious shortage of trained mental health professionals, there is also a critical lack of specialized Community Mental Health Center programs and outreach efforts for elderly persons.

##### *Lack of specialized programs and outreach*

This lack of specialized mental health programming and targeted outreach for the elderly is particularly troublesome. According to the Alcohol, Drug Abuse, and Mental Health Administration (1987), participation by elderly persons in Community Mental Health Center Programs can be more than doubled when special programs are designated for geriatric mental health and when these programs are staffed with mental health professionals who have specialized geriatric training. Unfortunately, the consolidation of federal support for mental health services into the Alcohol and Drug Abuse and Mental Health Services Block Grant (enacted through the Omnibus Budget Reconciliation Act of 1981) was accompanied by a dramatic decrease in federal funding for mental health services which appears to have had a direct and negative impact on mental health programs for the elderly.

The Action Committee to Implement the Mental Health Recommendations of the White House Conference on Aging (1986) found that many Community Mental Health Centers, facing cuts from \$549 million in federal mental health support in 1981 to \$495 million in 1987, have actually decreased their services on behalf of elderly persons with mental health problems. As of 1985, nearly 40 percent of the Community Mental Health Centers surveyed by the Action Committee reported reductions in service delivery to older persons. Almost half of these Centers lacked staff with specific training in geriatric mental health, and a similar number reported having no specialized services for the elderly.

##### *Special problems of racial and ethnic minorities and rural elderly*

Minority elderly and rural elderly face particular difficulties when it comes to access to mental health services. The Alcohol, Drug Abuse, and Mental Health Administration (1987) has indicated that reliable data are simply not available concerning the representation of racial and ethnic minorities among persons receiving community mental health center services. In general, very little data is available regarding the mental health needs of racial and ethnic minorities and relatively little research has been done on how to improve minority access to mental health services and to improve the effectiveness of services for minority persons. However, cultural barriers, language barriers, and discrimination certainly decrease the likelihood of minority elderly obtaining access to appropriate mental

health services (Butler and Lewis, 1982). Access problems are further complicated because only a relatively small number of minority individuals make it into the ranks of mental health professionals and are available to help serve elderly minority individuals.

Agencies delivering mental health services in rural areas rarely have the resources needed to provide adequate, let alone optimal, care for all the people they serve, especially elderly individuals. Transportation to mental health centers is a problem even for rural elderly in relatively good physical health and is virtually impossible for frail or homebound individuals. Moreover, the economic crisis in farm areas has resulted in an increased incidence of mental health problems a greater number of people must cope with the stresses created by the depressed farm economy and as greater numbers of elderly persons are left without an extended-family support system (Rosenberg, 1986).

##### *Mental health services under prepaid health plans*

Of additional concern is the delivery of mental health services by Health Maintenance Organizations (HMOs) and other prepaid health plans. Federal regulations provide little substantive direction regarding HMO mental health services, with the result that the coverage, access, and quality of services for mental health/illness vary widely across HMOs, much more so than for physical health/illness (Levin, Glasser, and Roberts, 1984). Medicare beneficiaries, and health care consumers of all ages, deserve to receive appropriate and reasonable mental health coverage from prepaid health plans, just as they deserve to receive such coverage from other types of insurance plans.

##### *Inadequate Medicare benefits*

Present Medicare psychiatric benefits, which have not changed since the program was established over 20 years ago, are outmoded and markedly inferior to benefits for physical illness (President's Commission on Mental Health, 1978). Inpatient psychiatric hospital treatment under Part A of Medicare is limited to 190 lifetime days, an arbitrary limitation that ignores the chronic and/or recurring nature of many mental disorders. Outpatient mental health treatment under Part B of Medicare is restricted by a dollar cap and requires a 50% copayment by the beneficiary. Coverage for care in intermediate care nursing facilities, which is appropriate for patients with chronic disorders like Alzheimer's Disease, is not available at all under Medicare.

The Medicare mental health benefit structure is grossly inadequate and fails to encourage the most medically appropriate and cost effective forms of care. Although the inpatient psychiatric benefit is itself quite limited, the virtually non-existent outpatient benefit encourages costly hospitalizations at a time when the most advanced therapeutic approaches emphasize outpatient, community based care. Treatment by mental health professionals such as clinical psychologists, clinical social workers, and psychiatric nurse specialists is also discouraged because Medicare does not recognize these professionals as independent providers even though they are a source of excellent, cost effective treatment for many types of mental health disorders. Clearly, this inadequate mental health benefit structure under Medicare deprives beneficiaries of health care services which are vital to their well-being.

*Inadequate Medicaid benefits*

Medicaid mental health benefits, which vary considerably from state to state, are also failing to meet the mental health needs of the elderly population. Critical community based mental health services provided by free standing mental health clinics, for example, are optional rather than mandatory under the Medicaid program (Intergovernmental Health Policy Project, 1984), and two Medicaid requirements relative to nursing home treatment are particularly detrimental to elderly nursing home residents with mental health problems.

By statute, Medicaid denies reimbursement for non-elderly patients of "Institutions for Mental Disease" which Medicaid regulations, in effect, define as facilities that primarily engage in providing care for mental diseases to more than 50 percent of their residents, regardless of age. The threat of being classified an "Institution for Mental Disease," and thereby losing Medicaid reimbursement for non-elderly patients, provides a strong incentive for nursing homes to avoid providing any mental health services to any of their patients. As a result, almost no mental health assessment or treatment is provided in nursing homes even though research indicates that a significant proportion of elderly nursing home residents suffer from mental health problems and that elderly persons often suffer from multiple health problems which may be physical and/or mental in nature (Intergovernmental Health Policy Project, 1986; National Institute of Mental Health, 1986).

Elderly persons suffering from chronic disorders like Alzheimer's Disease eventually require long term, institutionalized care as caregiving becomes impossible for families to manage (United States Congress Office of Technology Assessment, 1987). However, Medicaid eligibility requirements, even in states with the most generous benefit structures, are so stringent that both the patient and the patient's spouse must literally become impoverished before Medicaid nursing home benefits become available. Such a system is detrimental not only to the patient, but also to the otherwise healthy spouse who is placed at risk physically and mentally, and financially.

**ELDERLY MENTAL HEALTH: REDESIGNING THE SYSTEM**

The health care system for America's elderly must be strengthened and restructured to encourage delivery of desperately needed mental health services to elderly persons, rather than discourage delivery of such services as is now the case. Mental health services must be provided in environments which facilitate, rather than hamper, service delivery to elderly persons. Incentives must be built into the system so that elderly persons have access to mental health services wherever they reside, including nursing homes. Long term care for persons with chronic disorders must be provided without requiring impoverishment before such care can be obtained.

Elderly Americans need a continuum of mental health services designed to help them remain optimally functional and in the community whenever possible and to facilitate their transfer to high quality institutional care when such care is warranted. These services should include a variety of support systems both for elderly persons themselves and for their families and caregivers. Mechanisms are needed to ensure not only that elderly persons and their families have access to the full range of needed services but also that the care provided is

cost effective and of high quality. Coordination and cooperation among federal, state, and local agencies whose responsibilities include aging, health, and mental health must be ensured if elderly persons with mental health needs are to be served adequately.

**A MENTAL HEALTH INITIATIVE FOR ELDERLY PERSONS**

Clearly the time has come to provide for a federal "Elderly Mental Health Initiative" in response to the growing mental health needs of elderly Americans. In order to stimulate such an initiative, we need to lay the foundation for a strong and expanded federal mental health effort in three critical areas: (1) the development of an effective mental health service system to adequately care for elderly persons; (2) modification of Medicare and Medicaid mental health service coverage and cost containment; and (3) improvements in quality assurance and access protection.

*Development of an effective service system*

This "Mental Health Initiative" should be designed to encourage the development of the mental health service system to care more effectively for the elderly. These proposals should directly address the delivery of services, and address the research and training foundations necessary for developing effective service delivery systems.

*Services.*—In the short term, it is essential that action be taken immediately to expand mental services for elderly and non-elderly Americans. For that reason, this initiative would increase annual funding for community mental health services under the Alcohol, Drug Abuse, and Mental Health Services Administration by \$100 million and would require increased services, access, and quality assurance for mentally impaired children, elderly persons and their families. In addition, a joint Federal and State matching grant program, providing \$10 million in Federal funds, should be developed to encourage development and coordination of community based services for elderly persons and public education about the mental health needs of elderly Americans.

*Research and Training.*—Over the long term, research and demonstration programs to meet the mental health needs of elderly Americans must be stepped up in order to improve assessment and identify the best intervention strategies and methods of service delivery. Education and training efforts are also needed to ensure that the mental health problems of elderly persons are accurately identified and referred for appropriate treatment. Special research and training efforts must be made due to the greater needs of racial and ethnic minorities and the appropriate services must be developed to meet those needs. In recognition of these needs, this Mental Health Initiative would (a) require development of a federal research plan for elderly mental health to be implemented through the National Institute of Mental Health (NIMH), the National Institute on Aging (NIA), and the Administration on Aging (AoA), (b) an increase in biomedical, prevention, treatment, and services research (NIMH, NIA, and AoA) by \$42 million by 1991; and (c) increase in NIMH, NIA, and AoA training programs by \$30 million funding by 1991.

*Medicare and Medicaid services and cost containment*

While improving services, training, and research are critical, the Medicare and Medicaid programs must also be modified to encourage delivery of the most appropriate and effective mental health treatments.

Benefit structures must be redesigned to provide an appropriate level of inpatient services together with a broad array of outpatient services. Costs must be controlled, but in ways which do not compromise the quality of care. This "Mental Health Initiative" would include several modifications.

*Inpatient treatment.*—Medicare would shift its emphasis toward outpatient mental health treatment whenever possible while still providing a moderate inpatient benefit for persons in need of such treatment. This proposal would abolish Medicare's 190-day lifetime limit on inpatient psychiatric hospital treatment in favor of a 60-day annual limit (extendable based upon a medical necessity review) on treatment in psychiatric hospitals or in psychiatric units of general hospitals. Any resources freed up by this shift should be put into outpatient treatment.

*Outpatient treatment.*—Medicare's outpatient mental health benefit would be expanded by (a) abolishing its 50% percent copayment requirement and its annual \$1100 reimbursement limit in favor of a 20 percent copayment with a 20 visit annual reimbursement limit (extendable based upon a medical necessity review); (b) making medical management a physician service rather than a limited mental health service; and (c) covering the following community based mental health services: partial hospitalization and day treatment, outpatient mental health services and psychotherapy, services in community mental health centers, and services provided by clinical psychologists, clinical social workers, and psychiatric nurse specialists. This proposal would also provide a Medicare in-home respite care benefit of up to 120 hours per year. As for the Medicaid program, this proposal would include community based services, on the same basis as physician services, for eligible recipients.

In the area of mental health care in nursing homes, it is necessary to refine the definition of "institutions for mental disease" (IMD) under Medicaid so that nursing home care can be required to include mental health needs in patient assessments and ensure that patients have access to mental health services without penalizing the nursing homes. Finally, this proposal would ensure cost containment under Medicare through mandatory assignment, utilization review, and prospective and indexed pricing of mental health services.

*Quality assurance and access protection*

In the strong belief that quality assurance and access protection are essential components of any health care reform package, this Mental Health Initiative contains a number of proposals designed to ensure that mental health services funded under federal programs are of high quality and that access to those programs is strongly protected. For Medicare and Medicaid, this proposal would (a) establish strict conditions of participation for mental health services; (b) clarify that mental health services shall be incorporated into peer review organization reviews; and (c) require sanction procedures, including intermediate level sanctions, for agencies, programs, and services which are not in compliance with access and quality assurance requirements.

Moreover, this proposal provides for studies investigating the quality of and access to mental health services (including services under prepaid health plans and in state and local mental health facilities), minority access to community mental health centers, and mental health manpower and training

(with a special emphasis on minority personnel). It clarifies that Ombudsman activities under the Older Americans Act shall include advocacy on behalf of consumers of covered mental health services and establishes a health care consumer bill of rights.

#### ELDERLY MENTAL HEALTH—ONLY A FIRST STEP

Although the proposals outlined here constitute an "Elderly Mental Health Initiative," we must not forget that the mental health needs of the elderly are but one component of a broader, national problem which affects people of all ages. The American health care system must recognize, and take action to address, the mental health needs of *all* our people. Just as this system must become more responsive to the mental health needs of our elderly, it must also become more responsive to the mental health needs of our children, adolescents, and non-elderly adults.

This "Elderly Mental Health Initiative" is not just a series of proposals to help the elderly, but are a first step in reforming the mental health delivery system for all Americans, regardless of age or background. Even if all the proposals in this "Elderly Mental Health Initiative" were to be enacted today, however, much would still remain to be done for Americans of all ages. We must not rest until all Americans are provided with a comprehensive system of basic and catastrophic health protection, which effectively and completely meets both physical and mental health care needs.

### HONORING ROBERT McGUIRK

#### HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 30, 1988*

Mr. MOAKLEY. Mr. Speaker, I rise today to ask my colleagues to join me, along with the students and faculty of Bristol County Agricultural High School, in my home State of Massachusetts, in honoring Mr. Robert McGuirk, for 26 years of dedicated service to the students of Bristol County.

Robert McGuirk, for over a quarter of a century, has broadened the minds of students in my district as an instructor of history, government, political science, and English. He has, since 1962, served as the senior class adviser of Bristol County Agricultural High School, strengthening the character of graduating seniors, and helping to make their future something they could be proud of. For the 26 years, Mr. McGuirk's outstanding work has been reflected in the high school's seniors, as well as his underclassmen students.

This spring, Mr. McGuirk will retire, but his intelligence, good will, and style will forever be elements that his colleagues and students will cherish.

Robert McGuirk's accomplishments have benefited the students and faculty of Bristol County Agricultural High School for 26 years. His quality of leadership, and charisma, have made a long-standing impression in my district, and for this he deserves a fond farewell, and our sincerest congratulations.

### TRIBUTE TO RICHARD P. CONLON ON TWENTIETH ANNIVERSARY AT DSG

#### HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 1988*

Mr. LOWRY of Washington. Mr. Speaker, 20 years ago this month, Richard P. Conlon became director of the Democratic Study Group. During the past two decades, few staff members have had a greater impact on this institution. He has not only played an important role in many of our national policy debates, he has had an enormous impact on the decisionmaking process itself. As principal strategist of the reform effort in the 1970's that transformed the House of Representatives, he has made a unique and enduring contribution to the legislative process, to us as Members, and to the people we serve.

Mr. Speaker, as chairman of the Democratic Study Group, I rise today to pay special tribute to Dick Conlon on the occasion of his 20th anniversary as DSG's executive director. On behalf of all DSG members, I take this opportunity to honor Dick for his overriding commitment to protecting the integrity of the political process, his commitment to the use of the Democratic Party to promote the public interest, and his unwavering dedication to strengthening the House as an institution.

Today we congratulate and salute Dick Conlon for his extraordinary achievements in reforming House organization and procedures, and in building DSG into the preeminent research institution in the Congress.

In recognition of Dick Conlon's years of leadership at DSG and dedicated service to its members, I would like to take a moment on this special occasion to relate some of his most important accomplishments over the past 20 years, and particularly his instrumental role in congressional reform.

Richard Conlon became the third DSG executive director in March 1968. The first was William G. Phillips, who served from 1959 through 1965, and the second was John Morgan, who served from 1966 until 1968.

Dick accepted the position against the advice of many of his friends and colleagues. They saw a bleak future for the organization after the heavy losses in the 1966 election and the prospects for further dwindling of liberal Democratic strength in 1968.

But Dick saw it differently. He recognized that there would be an even greater need for an organization to act as a focal point for mobilizing liberal Democrats in the House. He saw an opportunity to expand DSG's operations as a research and policy institution, and to establish the Democratic Study Group as the vanguard of the congressional reform movement.

Dick Conlon was the right man at the right time. His activist, pragmatic approach, his intense interest in reform, his political insight, his shrewd tactical skills, his commitment to progressive Democratic policies, all melded perfectly with the needs and interests of DSG members at the time.

Congressional reform soon became the top priority of DSG. There was broad consensus

among DSG members on the objectives of the reform effort: to end secrecy in the House, to democratize House and caucus procedures, to assure that committee chairmen are accountable to the full Democratic caucus, and to give junior Members an opportunity to participate in the legislative process.

Dick played a vital role in the achievement of those goals. Working with key DSG reform leaders, he conceived and drafted most of the rules changes, devised the political strategy to win their approval, and managed the overall execution of the reform effort.

He was also the contact point with a coalition of outside groups and worked closely with them to rally public opinion and mobilize Democratic members in support of the reform proposals.

Dick made two strategic decisions at the beginning of the reform effort that were critical to its eventual success: First, to pursue a limited number of achievable reforms, Congress by Congress, rather than attempt a comprehensive reform package; and second, to revitalize the party caucus as the basic determinant of party policy and as the instrument of reform.

Dick had the foresight to recognize that changes in basic caucus procedures would open the door to fundamental reform.

The first procedural changes occurred in 1969, with the approval of DSG proposals to require monthly meetings of the Democratic caucus, and to permit individual Members to bring matters before the caucus for debate and vote. Another basic reform reestablished caucus control over committee assignments, thus paving the way for the automatic secret ballot vote on committee chairmen.

It was also Dick Conlon's idea to create a caucus committee to study and recommend changes in the seniority system and other House and party procedures. His rationale was that such a committee would legitimize the reform effort, and insulate the reform proposals from attack as radical changes advocated by liberal DSG members.

Of course, Dick continued to play a key role in the reforms proposed by the "Hansen" committee, and does so today in the deliberations of that committee, now chaired by our colleague MARTIN FROST.

Conlon's proposal to create a caucus committee illustrates his selfless commitment to the success of the reform effort. He would readily submerge his own involvement and downplay the association with DSG if it would ultimately help win approval of the reforms.

Dick followed that strategy in the case of the record teller vote reform in 1970. He devoted his considerable energies to mobilizing support both inside and outside the House for this crucial reform to permit recorded votes on amendments.

He generated favorable public opinion through a massive press campaign, prepared detailed reports on secrecy in the House, and recruited support from labor, education, and public interest groups. He worked with DSG leaders to form a bipartisan coalition in the House, and enlisted Members who had not been identified with the reform movement to sponsor this rules change.

Dick masterminded and executed every aspect of this effort to permit record votes on amendments, while minimizing the public perception of DSG's role in achieving one of the most significant rules changes in the history of the House.

In addition to the record teller vote and other antiseccrecy reforms, the principal target of DSG's reform effort in the 1970's was the seniority system. The objective was not to abolish the system, but rather to assure that those who gain power through seniority are accountable and responsive to the Democratic caucus. Dick's strategy in that effort established the model that has been used again and again in DSG's initiatives to influence substantive policy decisions.

That basic strategy is to survey Members to determine their attitudes on the issue and selected policy options, prepare comprehensive analyses based on a thorough documentation of the facts, mobilize public opinion, and use the caucus to build support for policy initiatives.

In the case of the seniority system, DSG launched an educational effort after a survey of Members revealed considerable misunderstanding of seniority rule and its impact on power relations within the House. Dick prepared a report documenting the voting patterns of conservative Democrats in opposition to national Democratic programs and policies; and a second report tracing the evolution of the seniority system.

These two reports—based on meticulous research and analysis, thoroughly objective, presenting the arguments on both sides of the issue—had a tremendous impact on Democratic Members and won their support for the effort to break the iron grip of seniority rule.

Dick Conlon also built DSG into a highly respected research operation—the acknowledged best source of legislation research in the Congress. Dick devoted a great deal of time and effort to expanding DSG's research services, and insisted on the highest standards of objectivity and accuracy. Now nearly all Democratic Members, and a score of Republicans, rely on DSG's daily and weekly legislative reports and periodic special reports on major political issues.

DSG's prodigious research output on legislation and policy issues is phenomenal. Under Dick's supervision, hundreds of reports numbering thousands of pages are published every year. The staff prides itself in preparing a summary of every bill that comes before the House, even if doing so requires working through the night in order to provide Members with what is sometimes the only available analysis of the pending bill.

Dick recognized from the beginning that the credibility of the research services would enhance DSG's prestige and establish the foundation for its policy initiatives.

Those policy initiatives are carefully selected by the DSG leadership, and are generally limited to issues of overriding national importance, such as tax and budget policy, or to issues on which DSG has developed a specific expertise, such as campaign finance reform.

On the issue of tax reform, for example, DSG has a long history of leading progressive Democrats in efforts to close loopholes and eliminate inequities in the tax code. In recent

years, Dick spearheaded DSG initiatives to achieve deficit reduction through tax reform, working with key Ways and Means Committee members and others in 1983 to develop a series of tax reform measures to meet deficit reduction targets. He directed similar efforts in 1985 to mobilize and document broad public and Member support for using revenues from tax reform for deficit reduction rather than rate reduction.

In this Congress, DSG has been extremely active in the debate on Contra aid, publishing a long series of reports on developments in Nicaragua and the peace process. Dick was personally involved in the development of the Democratic alternative considered earlier this month, and worked tirelessly to help Members understand the issues involved in the Contra debate.

Dick also worked long hours with me in developing the DSG court challenge of the President's failure to report to Congress on the reflagging of Kuwaiti tankers in the Persian Gulf. A total of 109 Members have joined me in the filing of this most important challenge under the War Powers Act. It would not have been possible without Dick's efforts.

The issue of overriding interest to Dick Conlon, however, is the one that he has worked on assiduously over the years: campaign finance reform. DSG undertook major long-term campaign in 1978 to win support for partial public financing of elections to the House of Representatives.

Dick played a key role in the development and execution of the reform effort on H.R. 1, which was defeated in committee in early 1979, and the subsequent effort on the Obey-Railsback limit on PAC contributions, which passed the House later that year but was filibustered in the Senate.

More recently, he developed the idea to minimize Members' dependence on PAC contributions, and encourage participation of individual citizens, by providing a 100-percent tax credit on small contributions from people in the Member's home State. In support of that effort, he directed a comprehensive analysis of campaign funding trends over the past 10 years to document the increasing dependence of congressional candidates on PAC money and the decline in individual campaign contributions.

The 100-percent tax credit proposal was the only successful floor amendment to the 1986 Tax Reform Act. Dick was instrumental in achieving support for the proposal in the Democratic caucus and narrowly in the House. It was dropped in conference, but we can be sure that Dick will turn his attention to that proposal again at the appropriate time.

Dick has had a significant impact in other ways in the campaign process itself. He rejuvenated the DSG campaign fund and began an extensive program of services for nonincumbent candidates. He also conceived and engineered highly successful direct-mail campaigns usually written by him. He developed special campaign workshops in 1970 which served as a model for similar workshops sponsored by the party campaign committees. Dick also invented a new polling concept, using DSG professional pollsters and volunteers trained by them, which enabled candidates to conduct at-cost professional polls.

In addition to helping candidates compete more effectively, Dick also helps newly-elected Members make a smooth transition as they begin their service in the House. Under his guidance and direction, DSG began the practice in 1970 of sponsoring orientation briefings for new Members before the start of the Congress.

Mr. Speaker, perhaps the greatest tribute that would be paid to Dick Conlon is that he has made a difference. The House of Representatives is truly a far more democratic institution because of his work here.

I am sure all of my DSG colleagues join me in saluting Dick Conlon for his remarkable contributions to this House over the past 20 years.

Dick, we congratulate you, we thank you, and we look forward to your continued leadership at DSG for many years to come.

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#### CRT DUTY SUSPENSION BILL INTRODUCED

### HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. FRENZEL. Mr. Speaker, today I have introduced a bill which will temporarily suspend the tariff on high resolution cathode ray tubes. Currently, the column 1 tariff on CRT's is 6 percent ad valorem.

This bill has been introduced for a company in my area which manufacturers high resolution displays which include CRT's as a component. The company states that it has long sought a domestic supplier of its particular needs, but does not believe one exists.

Because the 6-percent tariff on the component threatens the competitiveness of the final product, I believe this tariff suspension is justified. Since the suspension is temporary, it would give the company relief, yet give any potential suppliers in this country time to develop a product that would be price competitive.

It is my hope that this bill will be included in the 1988 group of tariff bills considered by the Trade Subcommittee of the Ways and Means Committee.

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#### THE U.S. GRAIN STANDARDS ACT AMENDMENTS OF 1988

### HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. MADIGAN. Mr. Speaker, I have introduced a bill this date on my own behalf and that of Chairman DE LA GARZA; the chairman and ranking Republican of the Subcommittee on Department Operations, Research, and Foreign Agriculture, Congressman GEORGE BROWN and Congressman PAT ROBERTS; and the chairman and ranking Republican of the Subcommittee on Wheat, Soybeans, and Feed Grains, Congressman DAN GLICKMAN and Congressman RON MARLENEE.

The Secretary's letter to the Speaker enclosing the draft legislation provided the background and the need to extend the authorization for Federal grain inspection services:

The amendments in the Omnibus Budget Reconciliation Act effective for the period October 1, 1981, through September 30, 1984, required collection of user fees to cover administrative and supervisory costs related to official grain inspection and weighing, imposed a 35 percent limitation on administrative and supervisory costs, authorized appropriations for standardization, compliance, and foreign monitoring activities, and required establishment of an advisory committee. The amendments enabled the Federal Grain Inspection Service (FGIS) to facilitate the orderly and timely marketing of grain in carrying out its responsibilities to provide for the establishment of official United States standards for grain, to promote the uniform application thereof by official inspection personnel, and to regulate the weighing and certification of the weight of grain.

Public Law 98-469 enacted October 11, 1984, extended the 1981 amendments through the end of fiscal year 1988, authorized the Secretary of Agriculture to invest sums collected from user fees, and increased to 40 percent the limitation on administrative and supervisory costs.

The Grain Quality Improvement Act of 1986, Public Law 99-461, was enacted November 10, 1986, to improve the quality of U.S. grain. This law prohibits dockage or foreign material once removed from grain from being recombined with any grain, and prohibits dockage or foreign material from being added to grain. The Department was directed to publish a final rule to more accurately reflect the levels of insect infestation in grain; conduct studies of premiums for high quality grain and uniform end-use value tests; and publish the optimal grain grading proposal. On June 30, 1987, FGIS published amendments to the regulations and the Official U.S. Standards for Grain to implement provisions of this law.

#### COAST GUARD CUTS: ENOUGH IS ENOUGH

### HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. DeFAZIO. Mr. Speaker, earlier this week a serious accident occurred on the Oregon coast in my district.

Two men in a 16-foot boat attempted to cross the bar at Bandon, OR. The bar conditions were rough and the boat flipped. They were left in the ocean for 25 to 30 minutes.

Bandon was one of the victims of the recent cuts announced by the Coast Guard. I was outraged by the announcement that 52 vital Coast Guard patrols and stations across the country would be closed permanently. I voted against these reductions, and I am currently working with several other Members to restore the Coast Guard's full operating budget.

We depend on the Coast Guard to protect our resources, keep our coastal waters safe and curtail drug trafficking. The Coast Guard serves an essential purpose. If the patrol had still been in Bandon, speculation is that it

would not have taken more than 5 to 10 minutes to reach them. The Coast Guard helicopter did not arrive for 30 minutes.

These men were experienced sailors, were dressed properly and knew how to handle this situation. Despite this, they were close to frozen. One registered a body temperature of 89 degrees. If it had been anyone less experienced, they probably would not have survived for 30 minutes.

Clearly, moving the patrol can mean the difference between life and death. This episode turned out alright. We might not be so lucky the next time.

I believe that the Nation must honor its commitment to maintain an adequate presence along our coasts and waterways. This is a clear example of the need to reorder our national priorities and reform the Federal budget process. Despite reports of fraud and excess at the Pentagon, we continue to increase the military's budget by billions of dollars every year. At the same time we are significantly reducing the funding for dozens of important domestic programs—including the Coast Guard. Enough is enough.

#### WHO'S MINDING THE KIDS: EMPLOYERS CAN HELP

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. MILLER of California. Mr. Speaker, the lack of safe, quality child care is a pressing concern among parents in every region of our country, at every income level and in every ethnic group. In 1987, 28.3 million American children under the age of 15 were in need of some type of child care while their parents worked. Existing spaces in licensed child care centers and regulated family day care homes, however, could accommodate only 1.9 million children—scarcely more than 10 percent of the estimated need.

Addressing the national child care need will require commitment from all sectors of our society. With a pool of skilled workers shrinking, some employers have found that providing child care assistance, flexible work arrangements, such as job sharing and flex-time, and parental leave can be valuable tools in recruiting and retaining employees. Others have found that providing these benefits helps their bottom line in the form of reduced absenteeism and job turnover, reduced error and accident rates, and improved employee morale and productivity.

Between 1982 and 1987, the number of corporate firms offering employees child care benefits increased by 400 percent. Most of the growth has been in salary reduction or flexible benefits plans. Also growing in popularity among employers are corporate consortia, information and referral services, and corporate-Government partnerships.

Although growing support from employers is encouraging, only about 3,000 of the Nation's 6 million employers offer any form of child care assistance. In 1985, only 1 percent of employees in large and mid-sized firms were eligible, through their employers, for even par-

tial defrayment of costs associated with day care for their children.

While employers are just beginning to recognize their role in stemming the child care crisis, Jane Bryant Quinn pointed out in *Newsweek* recently that child care may yet become the most essential employee benefit of the 1990's. Her article, which outlines the need and options for employers, follows:

[From *Newsweek*, Feb. 15, 1988]

#### A CRISIS IN CHILD CARE

(By Jane Bryant Quinn)

Picture Mother Goose slumped over her writing table, pen in hand, composing verse. Suddenly the kids act up, and her response makes history; she fed them some broth without any bread, whipped them all soundly and put them to bed.

Would that tending children were still so easy. Today's working parents shop for day care even before conception. Finding infant care is arduous. Ditto for sitters who will come to your home when your child is sick. Child-care centers pay workers a low \$9,000 to \$12,000 a year, which makes it tough to keep a good staff. Yet even at those rates, fees consume 10 to 20 percent of a parent's income.

Massachusetts recently raised pay to an average of \$16,600 for workers in day-care centers that receive state aid. Anecdotal evidence suggests that some families there are dropping out because they cannot pay the freight. Around 40 percent of preschoolers are watched by relatives, sometimes by the parents working serial shifts.

Such desperate scrambling is raising the political consciousness of liberal and conservative alike. Two senators—Christopher Dodd of Connecticut and Orrin Hatch of Utah—are sponsoring bills to improve child-care services. Among the presidential candidates, Sen. Paul Simon endorses the Dodd bill. Gov. Bruce Babbitt, for whom child care is a high priority, would establish a voucher system with payments scaled to family income. Gov. Michael Dukakis has already turned his state of Massachusetts into a model for garnering public and private aid.

Minding the children has also become a hot corporate issue. In the past, hard-pressed mothers zipped their lips at the office. "If I mention that the baby cried all night it raises questions," a female senior TV producer told me once. "Am I concentrating on my job? Am I promotable?"

Today, by contrast, the push for day care usually comes from outspoken female employees, perhaps led by an executive woman who has just had her first child. They're backed by young male executives who themselves have brought toddlers to the office when the sitter was sick.

At least five major corporations will announce plans this year to open day-care centers for employees' children, reports Dana Friedman of The Conference Board. That brings to roughly 3,000 the number of companies that provide some form of support, and many more are looking at it. Just as company-paid medical plans were created to help men meet their family responsibilities, child care will become the benefit for the female work force on which this country now depends. Here's what's around:

Emergency care.—The Washington, D.C., law firm Wilmer, Cutler & Pickering provides temporary care for those days when an employee's regular arrangements fail.

Discounts.—The company might arrange for a 10 percent discount, usually with national child-care chains. It might also pick up 10 percent of the fees. Estimated savings to employees: \$250 to \$500 a year.

Vouchers.—The company makes payments toward whatever child-care arrangements the parent chooses. Polaroid Corp. helps families with incomes under \$30,000. Measurix Corp. offers a \$100-a-month subsidy during the baby's first year. Some companies even pay for babysitters who are working off the books, reports consultant Susan Velleman of Mercer-Meidinger-Hansen.

Referral services.—Many companies run networks that identify—and even recruit—good day-care help, and pass that information to employees. In Texas the Corporate Child Development Fund brings together centers that need money with altruistic companies willing to fund them.

On-site day-care centers.—Many parents prefer centers closer to home. But on-site care is a joy if you want to pop in on your toddler for lunch. The Senate and House of Representatives, which have been so reluctant to help families nationally, provide on-site day-care centers for the members and their employees. A growing number of real-estate developers are designing centers into their office parks.

Flexible benefits.—Here, employees choose their own benefits—including child care—from a menu of possibilities. Under "cafeteria plans," you might get a company subsidy, typically ranging from \$100 to \$1,000. Under "flexible spending plans," your pay is reduced by enough to cover the child-care cost (up to a \$5,000 maximum). You pay no federal taxes on this money, although skipping the tax may lower the size of your social-security pension.

One point: if your family income is less than \$24,000 or so, the child-care credit on your income-tax return might yield more than the company plan. Expenses paid through employee benefits don't qualify for the tax credit.

While middle- and upper-income employees have been moving toward more tax-subsidized help, the poor have been getting less, says Helen Blank of the Children's Defense Fund and a supporter of the Dodd bill. Federal child-care funds dropped sharply in the Reagan years; 28 states now spend less on these programs than they did in 1981. Day care is integral to any strategy for helping mothers work their way out of poverty. Somehow, money must be found.

**PRESS FORWARD WITH TRADE BILL**

**HON. BILL RICHARDSON**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. RICHARDSON. Mr. Speaker, I bring to the attention of my colleagues a recent article by Alan Wolff on the need for prompt completion of the conference on the trade bill. As Mr. Wolff so aptly points out, we must look beyond narrow interests and remember the true purpose of this bill: to give the present and future administrations the authority to negotiate on behalf of the United States in the ongoing GATT negotiations, the so-called Uruguay Round. I certainly commend the conferees for the progress they have made to date on the trade bill and recommend this article to

all of my colleagues who are not sure of the need for action.

[From the Journal of Commerce, Feb. 4, 1988]

**PRESS FORWARD WITH TRADE BILL**  
(By Alan Wm. Wolff)

Not since the World Bank, the International Monetary Fund and the General Agreement on Tariffs and Trade were put into place just over 40 years ago has there been so great a need for international economic cooperation.

Far-reaching changes have to be accommodated. The United States must move both its federal budget and its current account toward balance. Ultimately, to grow out of its net debtor position, the United States will have to produce a trade surplus. For this to happen without major economic dislocations, economic expansion must be accelerated in Europe, in Japan and in the developing countries, international monetary arrangements must provide stable conditions in which these changes can take place, and there must be increased growth in world trade.

Getting this done is no mean task. Despite the increasing share of world income represented by Europe, Japan, and the more advanced developing countries, the basic requirement for reaching international agreements on these difficult issues is still vigorous American leadership.

No one needs to be reminded that cooperation between the president and Congress is essential to cut the budget deficit. Less evident of late is the fact that under our constitutional framework, the ability of the U.S. executive branch to participate in international economic arrangements depends very heavily on the consent of Congress. This support can be tacit, as it most often is in international monetary affairs, where the executive is given the greatest flexibility and Congress is rarely called upon for any specific action. Where explicit congressional approval is required, as when capital contributions to multilateral lending agencies are required, authorizations and appropriations may be passed after international agreement is reached.

But in the area of trade, the Constitution so clearly gives full powers to the Congress that, as a practical matter, any president who does not get a mandate from Congress endorsing his negotiations in advance is taking an unwarranted risk. Given the overwhelming endorsement of the last major multilateral trade negotiation, the Tokyo Round ending in 1979, it is easy to forget that U.S. history is littered with trade agreements rejected by the Congress—the still-born International Trade Organization and the World Trade Organization in the 1940s and 1950s, the Kennedy Round non-tariff barrier agreements in the 1960s and the U.S.-U.S.S.R. Trade Agreement in the 1970s.

The United States is now embarked upon major GATT negotiations, called the "Uruguay Round," with over 80 countries. Issues vital to the export interests of the country are on the table—including opening national markets to trade in services, protecting intellectual property rights and seeking major liberalization, including an effective curb on subsidies, in the field of agriculture.

Much more is at stake than in prior negotiations, however. If the United States is to service and reduce its debt, if higher rates of growth are to be restored to the developing countries and if the multilateral world trading system is to be preserved and strength-

ened, markets must be opened further. Without strenuous efforts to do so, they in fact begin to close. The alternatives are not attractive, but they are real. World trade could shrink, regional trading blocs could supplant the multilateral trading system, and financial instability and economic dislocation could become widespread.

If all of this is so important, our trading partners can well ask, where is Congress' approval for these negotiations? The answer is that the trade bill is in conference, awaiting action. It has proceeded slowly and ponderously, both because the administration's lack of enthusiasm has denied executive branch leadership for the project, and because it has been assailed, most often by people who would not consider reading it, as protectionist.

Despite all the overblown rhetoric about the risks of protectionism, this bill has nothing in common with the 1930 Smoot-Hawley Tariff Act. On the whole, it is a sincere effort by the Congress to address legitimate concerns. The bill provides a mandate for the GATT negotiations as well as a number of useful changes in domestic law. It calls for adjustment measures when industries apply for import protection, consolidates trade authority at the Cabinet level and prescribes more coordinated responses to trade-distorting foreign industrial policies. To be sure, it also contains provisions that are not well-considered and that require revision or deletion. But there is nothing that is beyond repair in an intensive cooperative process that has full administration participation.

There has been some debate as to whether the bill should be enacted this year. But this is not a time for timidity, nor for nagging doubts as to whether our domestic political process can produce responsible results. The challenges will not diminish with the passage of time. Concerted international actions are needed now. Trade is an integral part of the solutions that are required. The administration and Congress should press forward to work out their differences and enact the trade bill within the next few months.

**OSGOOD'S GOOD NEWS**

**HON. BOB McEWEN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. McEWEN. Mr. Speaker, recently, CBS Radio commentator Charles Osgood remarked about the astonishing strength of the American economy. His comments contradict those who say our Nation is in decline and our standard of living is eroding.

Mr. Osgood's commentary makes for enlightening reading for those who doubt the American resurgence. I commend it to the attention of my colleagues in the House.

**THE OSGOOD FILE**

I'm Charles Osgood, CBS News.

Investors have sent the stock market up to its highest point since the October collapse. Do investors have some reason for bidding prices up again or are they just being crazy, or what? Standby.

The Dow Industrials jumped almost 50 points and traders were unusually cheerful for a blue Monday. Are they whistling in the graveyard? Or do they have something

to be cheerful about. The Economist magazine this week cites the annual report of the President's Council of Economic Advisers. You may think that their opinions are biased—but what they have to say can't be brushed aside so easily.

For example you may have the impression that America's economy is in decline . . . but actually the council says, the Gross National Product has grown more than four percent in the past six years. That's faster than the economic growth of Japan and four major European powers. In that time, ten million new jobs were created in the United States—five times as many as Japan, almost 100 times as many as West Germany.

There's more. Unemployment has fallen dramatically in the United States. You've seen all the hand wringing about productivity. Productivity has grown at an annual rate of more than four percent. Inflation has been tamed.

There's more.

The chairman of the council, Beryl Sprinkel, debunks some myths that have popped up about the economy in recent years. For example, you hear about blacks and hispanics not doing well economically. Between 1982 and 1987 job rates for the two groups grew at a higher rate than jobs in general.

There's more. Sprinkel also debunks the myth that most of those jobs are in the low paying fast food field. He says, most of them are in skilled and managerial positions, and that half of them pay more than 20 thousand dollars a year.

What about the declining American standard of living? Declining my foot. Real income for the average family went up 9 percent between 1981 and 1986. Blacks did better on average—their income went up about 15 percent versus about 13 percent for whites.

But what about imports? Haven't they caused a drop in our own manufacturing? No. The report says manufacturing has been stable and that it's been going up because of growing exports. And the report says cause of the trade deficit is over consumption by Americans, not unfair trade practices by foreigners.

What about the country's 400 billion dollar net debt? Sprinkel says it can be serviced with less than five-tenths of one percent of the GNP.

What this adds up to is that we're not going to hell in a handbasket. That's going to come as a terrible disappointment to some people—but there it is. (The Osgood File, Tuesday, March 1, 1988.)

#### JESSE JACKSON'S CANDIDACY

### HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. STOKES. Mr. Speaker, in the wake of Jesse Jackson's political campaign for the Presidency, I am pleased to share with my colleagues two enlightening articles that exemplify the problem of race in this country. The first article entitled "If Jackson Loses—So What?" appeared in the Cleveland Plain Dealer on March 24, 1988. The article deals with the realities of Jesse's bid for the Democratic nomination.

The second article entitled, "A New Kind of Racial Put-Down" appeared in the Washington Post on March 28, 1988. This article dis-

cusses a new phenomenon of hidden racial prejudice in this country relative to the Jackson campaign.

Mr. Speaker, I am pleased to share these articles with my colleagues.

[From the Cleveland (OH) Plain Dealer, Mar. 24, 1988]

IF JACKSON LOSES—SO WHAT?

(By Mike Royko)

It's possible that when the primaries are over and the Democratic National Convention begins, Jesse Jackson will have the most delegates. Not enough to automatically win the nomination, but more than any of the other bumbler.

If that happens, what do the Democrats do?

From what they're now saying, they'll look at the other candidates, decide which one is the least feeble, then try to convince the voters that they have found someone of heroic stature.

Then this person will run and almost certainly lose to George Bush, who will be propped up by Ronald Reagan, and all these tens of millions of dollars in paid TV political propaganda will have been wasted.

Since they're almost certain to lose anyway, why don't the Democrats show some imagination and do something different, make a little history, put some pizzazz into the whole thing.

What they should do is this: If Jesse Jackson has the most delegates going into the convention, they should nominate him, make him the Democratic candidate for president.

That would be the fairest thing to do. After all, the Democrats have gone to great pains to get away from the old-time backroom dealing, the delegate swapping and the brokering. When George McGovern came in with the most delegates, he was nominated. When Walter Mondale was the leader, they threw the convention to him.

So why not do the same if Jackson is the leader?

What's that you say? Jackson will be a cinch to lose? That's probably true, but so what? George McGovern was a cinch to lose, but that didn't stop the Democrats. Walter Mondale was a cinch to lose and they went right ahead and let him do it.

Not only did they lose, but they left no legacy that would benefit the Democratic Party in future campaigns.

By nominating Jackson, the Democratic Party would create a legacy by putting the national conscience to a true test. We would be having a referendum on racial discrimination, which is the most destructive and persistent of all our domestic problems.

Name any of our urban miseries—poverty, crime, unemployment, education, housing—and it boils down to race. Add up the costs, not only in dollars, but in fear and distrust, and the bottom line is race.

So why should the country waste time listening to some white neo-liberal, pseudo-liberal, old-time liberal or whatever the rest of these Democrats are, talking about all these social problems when we can have the genuine article—someone who has lived the social problems. In fact, some might even say that he is a living, breathing, social problem himself.

And what a perfect match-up it would be—Jackson vs. Bush. The Southern-born black man from the humblest of backgrounds against the white Eastern aristocrat.

If Jackson got up and talked about what it was like to ride in the back of the bus, to be

told he couldn't eat at a greasy spoon lunch counter, to have the job doors slammed in his face, to sip from a separate drinking fountain, how would Bush respond—by describing the difficulty finding reliable domestic help these days?

It's said that despite our glorious Constitution, our statement of commitment to equality, we are really a racist nation. Even our allies say it. The British scolded us all during the 1960s civil rights demonstrations. After all, it's one thing to shoot a few troublesome Irishmen, but what we did in Selma was absolutely unsporting.

So this will be our opportunity to demonstrate that maybe we aren't as bad as they, and many of us, think we are. Or maybe we will find that we are as bad. Either way, we'd learn something.

[From the Washington Post, Mar. 28, 1988]

#### A NEW KIND OF RACIAL PUT-DOWN

(By Meg Greenfield)

The white people I know who remain trapped in the residual racial prejudice of our culture—and that, I fear, includes great numbers of them who would swear otherwise—do not use racial epithets or comparable invective in their speech and probably do not even think such things in private. On the contrary, the tip-off that they are concerned exclusively with the skin color of a black person and don't begin to think of him as an equal comes not in rudeness, but in its ostensible opposite. This is the adoption of a heavy-handed, clearly simulated, relentlessly smiling and ultimately friendship-suffocating tone of "respect"—or what is meant to pass for respect. It is unyielding and impenetrable, and the black person can get no other response, no matter how hard he tries. All this adds up to the new voice and body language of racial put-down. If you want to see the phenomenon in action, turn on your television set almost any day of the week and notice how many of his white critics, competitors, interlocutors and even admirers approach Jesse Jackson this way.

Maybe it was inevitable, and is merely a way station en route from a bad place to a much better one that we will reach in time. But right now this well-mannered and impenetrable indifference isolating the black from all others strikes me as simply a new form of segregation. Certainly it is a defining feature of this campaign where Jackson is concerned. Fellow Democrats, who do each other the courtesy of combat, just smile condescendingly at Jackson, unwilling to argue with him in public. They and the million or so political kibitzers and analysts on the case have apparently also not realized until lately how racially arrogant it looked to keep on asking, as Jackson racked up one success after another, "What does he really want?" Belatedly the implication of the question—that he could neither have nor surely even suppose he could have the presidency—became plain to them. They were then at pains to say that they didn't mean Jackson couldn't be nominated or that they did mean he couldn't be nominated, but that was only because he couldn't win, which in turn was either not because he was black but because he was controversial or because other people wouldn't vote for a black. Or something. Meanwhile, Jackson of course flourished, not because of their trepidation but because he is a hell of a campaigner.

The Democrat's preoccupation with and anxiety about Jackson's race and the pitiful

way so many of them have of addressing it has been, first, mainly diversionary. It has spared them the inconvenience of having to talk about what Jackson is actually saying. Some, including presumably the other candidates, have been afraid to argue with him on the ground that this will be misinterpreted by other blacks and give offense. True, people running for office are always pretty chicken about anything that risks alienating a big constituency. But it is really patronizing to refuse to take Jackson's pronouncements seriously, and I think this has to do not just with fear of offending black voters, but also with an assumption, buried deep down somewhere, that in fact Jackson can't be nominated or elected and therefore he is not worth arguing with.

Is their assumption that he cannot be elected based on his race or on his record of having said and done extremely inflammatory things in the past, some but not all of which he has repudiated? My own guess is that the party which has as its Senate leader a onetime member of the Ku Klux Klan and which forgave the Kennedys their dalliance with Sen. Joseph McCarthy and which has made innumerable other accommodations with the changing politics of changing politicians could surmount those episodes and tendencies of Jackson, too; indeed, there is evidence in his white liberal support this time around, especially among some Jewish liberals who have absolved him of the charge of anti-Semitism, that that process is under way. No, I think it is still the unspoken and unadmitted anxiety about his race that is causing so many of his fellow Democrats, who oppose him to behave in that neurotic way. But they are taking refuge in this. Conveying the idea that he cannot win because of race (someone else's prejudice, of course), they finesse the question of whether he should win strictly on the basis of his positions.

Both the neurosis and the expedient dodge are reflected in everything they do, not just their studiously refusing to argue with him on the issues, but also their penchant for habitually congratulating him on being "responsible" or for saying unexceptionable things that you would require from any other (white) candidate. He is commended for not being wild and crazy, for (imagine!) being against drugs—as if a black man urging discipline among young people and inveighing against the use of drugs were not a commonplace.

Of course the question still is real in 1988; can a black man be nominated for president by one of our two major parties with any hope of election? As it is generally, if conceivably erroneously, assumed that it is the conservative right that would be most opposed to a black candidate, it is sometimes argued that a black conservative will be the first to succeed. But even though no one can answer the question of whether politically in this country a black—any black—could make it, it seems obvious to me that the matter of Jackson's blackness has deformed and distorted the argument about his politics.

Jackson has a considerably larger white following than many suppose, and it is owing to his passionate and articulate championship of some of the most important, defining (and, to my mind, questionable, if not downright wrong) ideas the Democrats have espoused over the years. Their patronizing failure to take him seriously, to even notice, let alone to think about and respond to what he has actually been saying has been a kind of metaphor for a corresponding fail-

ure to address their own larger unresolved differences over policy, their 20-year-old left-right ideological split. The question is not what does Jackson want instead of the presidency, but what he wants to do as president—what he wants of the presidency. Though they pretend otherwise, too many of Jackson's colleagues have worried about his race and not his platform. I think they have got it absolutely backward.

**JOE COOKSEY DIES—END OF AN ERA**

**HON. MARTY RUSSO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. RUSSO. Mr. Speaker, America has been made great through the hard work of countless people in communities all over the country. Today I rise to remember one such person, who lived and worked in my hometown in Chicago and who made a real difference there. Joe Cooksey, founder and publisher of the Downtown and Lake Shore News, passed away on March 1 and his loss is already deeply felt.

It was the privilege of my community to have such a caring, concerned person as Joe Cooksey. He was truly a man who exemplified the essence of Chicago. Joe unearthed the good in all men and never had a bad word for anyone. He won the respect of everyone that he knew through his gentle actions and kind words. From Joe's beginnings, he was very active in many charities, and up until his final days, was working to improve the lot of all people in Chicago.

Jim Feeley of the Downtown and Lake Shore News has written an article paying tribute to this man of rare dedication which I would like to bring to the attention of my colleagues. Mr. Feeley's words, which so poignantly describe Joe Cooksey's rare devotion, are well suited for all of us who serve the public.

The article follows:

**JOE COOKSEY DIES—END OF AN ERA**  
(By Jim Feeley)

The life of one of Chicago's special breed of individuals ended last week with the sudden March 1st death of The Downtown/Lake Shore News newspaper's founder Joseph M. Cooksey. He was a mild mannered man who earned the respect of everyone through his supportive nature to fellow human beings and many life long friendships in all walks of life.

Born in Sikeston, Missouri on June 9, 1910 he was one of six children, four sisters and one brother.

His father, Guy Cooksey, was in the newspaper publishing business and son, Joe, successfully followed his footsteps learning the skills of printing, publishing, and advertising.

He married Kate Jucius on June 10, 1939 in Chicago. Their long and happy marriage produced three children: daughters Pamela (Mrs. Jerry Walczuk) and Linda (Mrs. Steve Pratico) and son Joseph Jr. who died in a 1963 auto accident.

An ambitious, self-made man, he founded "The Downtown News" newspaper in 1968. It was distributed free every week in office buildings, high rises, and other high traffic

areas. The paper was soon expanded to include a "Lake Shore News" edition and later combined into one weekly publication with even greater distribution and circulation. The paper has prospered through the years serving Chicago and the lakefront communities as an advertising outlet and a source of local and community news for its many readers.

Mr. Cooksey was also noted as a devotee Catholic who attended mass daily in appreciation of his life which he so enjoyed before starting his long and busy day.

Through the years this giant of a man was active in many charities that ranged from those of the Catholic Church to the Red Cross, the March of Dimes, the Lambs Farm in Libertyville, and past president of the Kiwanis Club, and a host of others too numerous to mention. His community activities included the State Street Council, the Greater Michigan Avenue Association, the Better Business Bureau, and Convention Tourist Bureau which often left one to wonder how he found so much time to devote himself to others.

He was always known as a man with a soft spot in his heart for children—the smaller they were, the softer the spot. He was often overheard saying how blessed he was to have been gifted with his own children plus four grandchildren, all receiving his love, affection.

Most people slow down as they get older, but Joe Cooksey's daily schedule increased with each new day. He was active daily building the newspaper with advertising and reading content—plus his endless list of involvements. His death at age 77 was attributed to a sudden heart attack death after encountering flu. \* \* \*

Joe, our dear friend, knowing you has enriched all of our lives. A person's time is said to be their greatest asset, and we are thankful for the time you shared with us. However, your passing has now left an empty hole in our lives. Your newspaper, loving family, and friends will all continue as living memorials in tribute to you. You will be dearly missed by everyone!

**HOMELESS IN AMERICA: A PHOTOGRAPHIC PROJECT**

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. RANGEL. Mr. Speaker, the arrival of spring weather may well mean a hiatus in the media stories about America's homeless freezing to death or huddling under cardboard boxes against a blizzard. As attention shifts to other matters, though, I hope that my colleagues and all Americans will remember the plight of the homeless. Warm weather diminishes the threat, but it does not diminish the underlying tragedy of hundreds of thousands of or fellow citizens living without shelter. The suffering of the homeless is no less, their need not reduced, no matter the season.

A vivid reminder of the plight of the homeless can be found at the Corcoran Gallery of Art, through April 10. It is an exhibit of powerful and dramatic photographs depicting the daily anguish of our neediest fellow Americans. Homeless in America: a photographic project, is a cooperative private sector venture

organized by Families for the Homeless, a nonpartisan coalition of congressional, administration and media families, and the National Mental Health Association. Principal funding was provided by Triangle Industries, Inc., the largest manufacturing and packaging company in the world. The Federal National Mortgage Association [Fannie Mae], Eastman Kodak, and the Public Welfare Foundation also provided generous assistance.

HIAPP's goal is to draw attention to the alarming increase in homelessness across the United States, particularly among families who now comprise nearly 75 percent of all the newly homeless. The photo exhibit, which will travel to cities and towns across America in the coming months, is only a part of this project. Each of us in the Congress recently received a book of the photographs, taken by some of the leading photojournalists in the country. I urge my colleagues to display it in their offices, for staff and constituents alike, as a stark reminder of the needs of so many.

HIAPP is also a symbol of what can be accomplished when concerned leaders in business, politics and the media chose to devote their resources, experiences and expertise toward bringing a national tragedy to the Nation's attention.

I especially want to single out Triangle Industries' top officers, chairman of the board and chief executive officer, Nelson Peltz, and president, Peter May, for special praise. They are examples of businessmen who will put their resources to work for broader social purposes.

And their support for the homeless does not stop with underwriting the exhibit. Triangle has made significant contributions to numerous programs for the homeless around the country, including Valley Lodge, a center for homeless senior citizens on Manhattan's West Side. In addition, they are providing funds to the Homelessness Information Exchange for the production of its newsletter, Homeworks, a clearinghouse of information on programs, and services to the homeless. And they are about to expand their efforts by funding transitional housing projects in various cities to help move homeless families from dependency to self-sufficiency.

Mr. Speaker, Homeless in America: a Photographic Project is a powerful documentary which can help share the curtain of apathy toward the homeless which hangs over our country. I urge my colleagues to visit the exhibit and to support the project when it travels to their States. Indeed, I urge them to take steps to bring the project to their communities. For only when a broad cross-section of Americans demand action will elected officials at all levels, and the private sector, truly tackle the problems that contribute to homelessness.

DRAFT LETTERS FOR CONGRESSMAN RANGEL TO SEND TO NELSON PELTZ AND PETER MAY REGARDING OPENING OF VALLEY LODGE MEDICAL CLINIC

Mr. NELSON PELTZ,  
Chairman and Chief Executive Officer, Triangle Industries, Inc., New York, NY.

DEAR NELSON: I thought you'd like to see the enclosed CONGRESSIONAL RECORD statement about Homeless in America: a Photographic Project and Triangle's other activities in the area of homelessness. I regret

that Alma and I were unable to attend the opening of the exhibit at the Corcoran.

You and Claudia, as well as Peter and Leni May, are to be commended for your commitment and efforts to alleviate the suffering of homeless Americans. Valley Lodge, which is in my District and to which Triangle Industries generously contributed, will be opening its medical clinic within the next couple of months. I would be delighted to accompany you on a tour of the clinic, near or during the time it is to be dedicated, so that we all can see first hand fruits of your support.

Those of us in the Congress who have long had a commitment to helping the homeless are appreciative of your commitment, and that of others in the business community. I hope to see you again soon.

Sincerely,

CHARLES RANGEL,  
Member of Congress.

Mr. PETER W. MAY,  
President and Chief Operating Officer, Triangle Industries, Inc., New York, NY.

DEAR PETER: I thought you'd like to see the enclosed CONGRESSIONAL RECORD statement about Homeless in America: a Photographic Project and Triangle's other activities in the area of homelessness. I regret that Alma and I were unable to attend the opening of the exhibit at the Corcoran.

You and Mrs. May, as well as Nelson and Mrs. Peltz, are to be commended for your commitment and efforts to alleviate the suffering of homeless Americans. Valley Lodge, which is in my District and to which Triangle Industries generously contributed, will be opening its medical clinic within the next couple of months. I would be delighted to accompany you on a tour of the clinic, near or during the time it is to be dedicated, so that we all can see first hand fruits of your support.

Those of us in the Congress who have long had a commitment to helping the homeless are appreciative of your commitment, and that of others in the business community. I hope to see you again soon, and I will be in touch about visiting Valley Lodge.

Sincerely,

CHARLES RANGEL,  
Member of Congress.

#### TRIBUTE TO MS. KAREN FELD

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. GRAY of Illinois. Mr. Speaker, Washington is not only the Nation's Capital, it is a city filled with outstanding journalists and TV and radio celebrities. One of the most outstanding personalities that has a broad range of experience and expertise in all three fields is Ms. Karen Feld, who recently signed with Universal Press Syndicate for distribution of her works to hundreds of outlets nationwide and around the world.

Mr. Speaker, on Monday, March 28, my distinguished colleagues, Congressmen WILLIAM GRAY III of Pennsylvania and PHIL CRANE of Illinois cohosted a reception in Washington that was attended by hundreds of outstanding journalists and Washington celebrities. Officials of Universal Press Syndicate announced

the launching of the Karen Feld Column sometime in the next few weeks. I had the privilege of being master of ceremonies for the introduction of my colleagues in Congress and others in attendance, including Ms. Feld.

Karen Feld, who began her journalistic career covering Congress almost two decades ago, has signed an agreement with Universal Press Syndicate based in Kansas City, MO, to distribute her twice-a-week Washington celebrity column nationwide.

Karen, whose column began in Roll Call newspaper in 1969, and more recently appeared in the Washington Times, will appear in major dailies in congressional districts throughout the country beginning in April.

She has won the trust and respect of Members of Congress on both sides of the aisle, who appreciate her fairness and accuracy in reporting on issues, as well as her humor and flair in covering the lighter side of congressional life.

In recent years, Karen's articles have been published in Parade, Time, People, Vogue, Family Circle, American Politics, and have been distributed by the Los Angeles Times and New York Times syndicates to major dailies including the Baltimore Sun, Chicago Tribune, Boston Globe, Los Angeles Times, Newsday, Dallas Morning News, Detroit News, and more.

She's been recognized nationally by the National Federation of Press Women for excellence in both print and broadcast journalism. And locally by Capitol Press Women for works both print and broadcast.

In addition to her excellent coverage of political Washington, she's made a contribution to public health through her clear and concise medical reports which were broadcast on the Voice of America and have been published in both trade journals and general interest periodicals. She contributed a chapter to "Readings In Brain Injury," 1984.

Mr. Speaker, Ms. Feld is a much sought after talk show guest and speaker on the lecture circuit, where she brings to the podium an insider's perspective of how Washington works, and shares with her audience amusing anecdotes from her experience as a reporter and columnist covering both political and social Washington.

She currently serves as vice president of Capital Press Women, and is a member of Sigma Delta Chi, National Federation of Press Women, Women in Communications, the American Society of Journalists and Authors, the National Press Club, AFTRA, and the U.S. Senate Press Gallery.

She has received dozens of awards for excellence in both print and broadcast journalism including recognition by the National Federation of Press Women. A native Washingtonian, Ms. Feld is a graduate of the American University.

Mr. Speaker, I am indeed happy to share with you and my colleagues the information that our long-time friend and Capital Hill award-winning journalist, Karen Feld, will soon be spreading the news across America, and we all share in her pride in being selected by Universal Press Syndicate to disseminate valuable information and fun to the millions who

will be reading her column. Congratulations, Karen!

**LET'S MAKE REAL DEFICIT REDUCTION OUR TOP PRIORITY**

**HON. DAN SCHAEFER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. SCHAEFER. Mr. Speaker, last week I opposed the budget adopted by the House providing spending of \$1.098 trillion in fiscal year 1989. With Government receipts estimated to be \$964 billion, this budget projects a deficit of \$134 billion. Although this deficit figure appears to meet the Gramm-Rudman target of \$136 billion, it is likely that the actual deficit will far exceed this target.

Not only do I think this budget will fail to make major spending reductions, it continues the deficit reduction agreement enacted in December, which you may recall required \$23 billion in additional taxes over 2 years. In fact, according to some estimates, this agreement may produce a deficit exceeding last year's of \$146 billion. This is not deficit reduction. I supported two budget proposals offered as substitutes which would have achieved real deficit reduction.

One proposal I supported was the Porter-Frenzel budget. This proposal called for an across-the-board freeze on Federal outlays at last year's level. However, some additional funding would be provided to entitlement programs to accommodate new entrants into these important programs. This proposal also based its deficit projection on more conservative estimates, yielding a more realistic deficit figure while meeting the Gramm-Rudman requirement.

The Dannemeyer budget, which I also supported, would have significantly reduced Federal interest payments on the national debt, which is 14 percent of Government costs, saving nearly \$20 billion. This reduction would occur through the issuance of long-term bonds that would be redeemable in gold on maturity. The prospect of redeeming the bonds for gold would lower the risk factor for the investor, and a lower interest rate could be offered. This innovative budget also called for a tax amnesty to raise an additional \$15 billion to meet the deficit reduction goal. Congress must be willing to consider new approaches to save money, and I will support any reasonable effort to reduce Government expenses.

The House approved budget provides over \$40 billion in additional spending over last year. The answer to significantly reducing the deficit is to hold down the constant growth in spending. With Government receipts expected to increase nearly \$55 billion this year, the same increase as last year, the deficit could be eliminated in as few as 3 years, without a tax increase. I call on my colleagues to join me in opposing ever-increasing spending, and to make real deficit reduction our top priority.

**GOOD AS GOLD**

**HON. PHILIP M. CRANE**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. CRANE of Illinois. Mr. Speaker, in today's world economy the key to prosperity is stability. Yet, highly fluctuating exchange rates, budget deficits at home, and reckless Government spending have sent the international economic order through a virtual tail-spin. Now is the time to take action. We cannot continue to live at the mercy of a volatile world economy. I urge my colleagues to consider the merits of reestablishing the gold standard.

For an in depth view of the gold standard and its many virtues, I highly recommend an editorial in the February 4 Wall Street Journal titled "Good as Gold."

**GOOD AS GOLD**

As the Iowa caucuses loom, the words "The Wall Street Journal" are being thrown around from Sioux City to Strawberry Point. So we ought to make clear: We think that Rep. Jack Kemp is performing a public service by introducing the issue of gold into the campaign. We think that econometric predictions based on campaign proposals are a joke. And by the way, these columns are directed by a graduate of Ames High School.

We add the last point because on the Democratic side Rep. Richard Gephardt seems to be running against us, castigating "editorial writers for The Wall Street Journal." Anyone educated in Ames will immediately understand this as an attempt to tap an ancient root of anti-Eastern resentment that most Iowans have outgrown, but that still may be good for something in a splintered caucus field. We also remember when the farm country was a bastion of free trade, and when Rep. Gephardt himself was not only a free trader but also a tax cutter. For that matter, we remember many times when Iowa voters recognized rank opportunism when they saw it.

On the Republican side, Pat Robertson is running ads that also include our name, charging that Rep. Kemp's economic program would "result in five years of depression." If you listen carefully, you can tell that this prediction was made not by us but by Washington Econometrics Forecasting, a consulting outfit that makes extreme forecasts its stock in trade. The ad cites a report of this in our paper, gratuitously dragging in our name to lend credibility to an outfit few in Iowa (or anywhere else) have ever heard of.

It's true that we carried an article on Washington Econometric's presidential forecasts, including that Rep. Kemp's gold proposals would cause a depression. The article was what our private jargon labels an "orphan," in the lower left-hand corner of the second front page. This week's orphans concerned research into snow, a competition to be the first to visit 308 different countries, professional wrestling on prime-time TV, the dangers of tampering with lobster traps and a controversy over raisins and rat droppings. In the forecasts orphan, we thought we indicated the seriousness of the subject by including the prediction that by the year 2000 the price of a man's suit would climb to \$9,549. This part of our article is not cited in the good reverend's ad.

Rep. Kemp, by contrast, is saying something entirely serious with his pledge to make the dollar "good as gold." We aren't hitching ourselves into any candidate's baggage, thinking for example that Rep. Kemp goes too far with drumbeating for the Social Security vote. But we also know how hard it is to explain the complexities of monetary policy in these columns, and admire him for tackling the issue on the stump. We certainly agree with him that the value of money is "the single most overriding issue in America."

Nowhere is this more evident than in Iowa. As many of the state's leaders understand quite well, the root cause of the farm crisis Rep. Gephardt bewails is instability in the value of the dollar. The low dollar of the 1970s created huge export markets for foodstuffs, inflated the value of farmland, generated big loans to carry the land, and in general called forth a large expansion in agricultural capacity. When the dollar firmed in the 1980s, the markets dried up, the price of land fell, the loans turned bad and the excess capacity pushed crop prices lower than they otherwise would have been. With the dollar again low, we are in danger of repeating the cycle, which also affects other industries in much the same way.

No cycles of this degree happened until we broke up the Bretton Woods monetary system with its gold link. An international debate on how to repair this damage is well under way. At the International Monetary Fund-World Bank meeting last fall, Treasury Secretary Baker suggested a joint economic policy based in part on "the relationship among our currencies and a basket of commodities, including gold." Federal Reserve Governor Wayne Angell (a Kansan) has been toying with a commodity index. French Finance Minister Edouard Balladur has said we "are living in the end of a period of floating exchange rates," and chatted about gold on TV with his nation's leading economic journalists. In an interview with our Seth Lipsky the other day, Bundesbank President Karl Otto Poehl said that after the U.S. elections Europe will be receptive to the idea of international monetary reform seeking "stability of the dollar—vis-a-vis other reserve currencies."

When the next president takes office, he'll quickly find himself facing the issue of the value of money, surely including the issue of gold. Potential presidents owe us their views, but so far as we can see only one of them even recognizes the issue. Only Rep. Kemp has anything to say.

**THE ARCTIC NATIONAL WILDLIFE REFUGE ENERGY PLAN ACT**

**HON. MIKE LOWRY**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. LOWRY of Washington. Mr. Speaker, today I am introducing a bill which deals with the Arctic National Wildlife Refuge [ANWR]. This bill, the Arctic National Wildlife Refuge Energy Plan Act, is similar to a proposal put forth by Senators EVANS, WIRTH, and BUMPERS in the other body. I want to commend them for their efforts which would require the development of a national energy policy prior to any oil and gas development in ANWR.

I feel that the bill I am introducing today is a rational approach to the issues surrounding ANWR. This bill calls for a comprehensive long-term plan that would: First, include information on the cost and relative value of exploration and development of such resources compared to energy alternatives; and second, incorporates the energy policy goals of increasing efficiency and conservation of non-renewable resources such as petroleum, minimizing damage to the environment from energy production or use, and promoting the diversification of domestic supplies of energy resources in order to reduce vulnerability to a supply disruption of any particular resource.

This approach to energy planning has actually worked quite effectively in the Pacific Northwest where a regional energy plan has been developed pursuant to the Northwest Power Act—Public Law 98-561. This approach is intended to identify "least-cost" energy alternatives, and it is based largely on "portfolio theory" which is a fairly straightforward business decisionmaking principle which has been tested over the years in the field of financial management.

The bill that I am introducing today is modeled after a substitute amendment that was offered by Senators EVANS, WIRTH, and BUMPERS during consideration of an ANWR leasing bill by the Committee on Energy and Environment. This substitute amendment failed by a very close vote of 10 to 9.

Mr. Speaker, what this bill would do is give us much better information about where ANWR, as a resource, fits among other energy resource alternatives, including conservation. At a time when automobile fuel use standards are being weakened by this administration, we have before us the so-called 1002 Report, which proposed to open up the fragile ANWR area to extensive oil and gas leasing and development. Yet we don't know where this resource fits, among others.

Mr. Speaker, in closing, it is my hope that the bill I am introducing today will assist in laying the groundwork necessary for achieving a consensus in support of a legislative proposal that can be favorably acted upon in the near future.

#### LESSON FROM CANADA ON AN UNFAIR TRADE CASE

### HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. FRENZEL. Mr. Speaker, printed below is an editorial from the Journal of Commerce of March 29, 1988, relating to the Canadian Import Tribunal ruling that Canadian domestic automobile manufacturers were not injured by Korean imports. The domestic manufacturers had sought to limit the entry of such vehicles under a dumping petition. While the Canadians found there was dumping evidence, there was no injury to the domestic producers.

The message is one that we need to remember in this country as well—that imports are easy to attack, but they don't have much to do with the size of the trade deficit or the health of U.S. industries.

[From the Journal of Commerce, Mar. 29, 1988]

#### UNFAIR AND IRRELEVANT

The Trade Laws designed to protect U.S. companies from "injury" due to imports have become a major weapon in corporate competitive struggles. But an important legal ruling in Canada last week shows how that weapon can wound the company that would wield it.

Whether the industry is textiles or television, steel or semiconductors, more than a few American firms have used the threat of proceedings before the U.S. International Trade Commission to intimidate their foreign counterparts into competing less aggressively in the U.S. market—in other words, into raising prices and cutting back their market share. Even if the foreigners believe they are doing nothing that violates the international rules of trade, the prospect of having to go through expensive legal proceedings, to face years of uncertainty about whether their way of doing business will be deemed unfair under U.S. law, to post bonds and perhaps to pay penalties for imports of merchandise that has long since been sold in enough to put the damper on their competitive instincts.

Precisely that sort of intimidation was the object of the Canadian anti-dumping complaint that the Canadian subsidiaries of two U.S. carmakers, Ford Motor Co. and General Motors Corp., brought against South Korea's Hyundai Motor Co. Hyundai, which began selling cars in Canada only in 1984, managed to conquer a 9.4 percent share of Canada's auto market within two years. GM and Ford, the No. 1 and No. 2 carmakers in Canada, cried foul, claiming that they had suffered "material damage" due to Hyundai's practice of selling the cars at less than it cost to bring them to market—a practice that enabled Hyundai to price its vehicles starting below \$5,000.

In February, Revenue Canada ruled that Hyundai was indeed guilty of selling too cheap. Nonetheless, on March 23 the Canadian Import Tribunal ruled that GM and Ford had suffered no material injury due to Hyundai's practices. Their demand that the Canadian government impose antidumping duties raising the price of Hyundai's Pony hatchback by \$800 was flatly rejected.

The decision is sure to chill the carmakers' discussion about bringing a similar anti-dumping complaint in the United States, where Hyundai's sales topped 250,000 last year. An official Canadian government ruling that a company isn't being harmed in the least by imports is not, after all, the sort of thing its lawyers like to wave around in front of the U.S. International Trade Commission.

In fact, the ruling reaffirms precisely the sort of message that the companies bringing the complaint least wanted to send. "Unfair imports" may be convenient to attack in public debate, but they really don't have much to do with the size of the U.S. trade deficit or the health of U.S. manufacturers.

#### THE NATIONAL AGRICULTURAL PRODUCT TECHNOLOGY DEVELOPMENT ACT OF 1988

### HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. MADIGAN. Mr. Speaker, yesterday I introduced for myself and the distinguished chairman of the House Agriculture Committee, Mr. DE LA GARZA, a bill that contains some concepts we believe are worth looking at.

This proposal would expand applied agricultural research and development through a program of matching competitive grants to research institutions to accelerate and expand production of new commercial products from U.S. farm commodities, and to find and implement new ways of lowering agricultural production and processing costs.

The approach suggested in this bill would add an element that many believe is critical to the ultimate success of new agricultural product research—a direct link to potential commercial markets. The program would require that any research and development project proposal for new products must include a commercial U.S. company willing to invest at least 20 percent of the total cost of the project and to engage in commercial production of the product under licensing or royalty agreements.

One of the most serious problems that we have faced over the years in new-product agricultural R&D is the lack of an effective mechanism to move commercially viable products off the research shelf, into the final development stage and out into the market. Recently we have been seeing progress in that direction. This bill would move another step toward that goal.

The program proposed in this bill would be open to all colleges and universities, public agencies at any level of government, and consortiums of public and private entities. It would be administered separately from, but complementary to the existing publicly supported U.S. agricultural research system by an independent Institute within the USDA, headed by a nine-member board appointed by the Congress and the administration from nominees of producer and processor groups, the agricultural research community and others.

The board would set research and development priorities through a public process and disperse financial support to projects from a revolving fund. The program's exclusive goals would be to accelerate research and development along two basic tracks through biotechnology and other new and traditional methods. New product grants would concentrate on new uses of familiar crops. Cost reduction grants would spur innovative technologies to lower the costs of production and processing of agricultural commodities.

Already, important new agricultural products are moving into commercial markets. Two that immediately come to mind are super-slurper and starch-based biodegradable plastic. Both can be used in a variety of ways, including applications that relate directly to pressing envi-

ronmental problems such as oil spills and plastic litter.

In the long term, increased development and use of products made from renewable materials can help us get the best uses from nonrenewable materials such as petroleum. And, this kind of development of our agricultural resources may result in unique products that can open new industries in rural areas—helping the farmer and his small-town neighbors as well.

Beyond that, even as U.S. agriculture slowly regains market share, and prospects improve for producers, the economic pressure is still intense. Economic viability for U.S. agriculture both here and abroad remains dependent on expansion of both traditional and new markets wherever we can find them, and on continuing to push production, processing and other costs down.

For these and other reasons we believe the approach presented in this bill is worth considering. It is not, however, offered as a perfected product, but as a package of concepts and ideas from many sources, as a vehicle and hopefully, a catalyst to stimulate further thought and action in the area of agricultural research legislation.

Our committee's Subcommittee on Department Operations, Research, and Foreign Agriculture chaired by our distinguished colleague from California, GEORGE BROWN, and on which our good friend the gentleman from Kansas, PAT ROBERTS, so ably serves as ranking minority member, is currently looking at a number of issues in the whole broad area of agricultural research.

This bill addresses only one segment of their larger agenda, and we hope it will be helpful to them in their task of defining issues and identifying mechanisms to better help us do what we need to be doing in agricultural research and development to ensure that the United States can continue into the next century as the world's preeminent producer, processor, and exporter of traditional and new agricultural commodities and products.

Following is a more detailed explanation of the provisions of this bill:

**THE NATIONAL AGRICULTURAL PRODUCT TECHNOLOGY DEVELOPMENT ACT OF 1988**

This bill proposes an expanded U.S. applied research and development program in agriculture to:

- (1) find new uses for farm commodities, and new products to expand domestic and export markets; and
- (2) improve the competitiveness of U.S. agricultural producers and processors through accelerated development and transfer of cost-reducing, environmentally safe technologies.

**PROJECT GRANT PROGRAM**

A new 12-year program of competitive grants complementary to, but outside of the existing federal agricultural research support system would provide additional funding and focus on new uses, trade and competitiveness. The program's exclusive goals would be to accelerate new product development and cost-reduction applications through biotechnology and other new and traditional research and development methods.

These federal grants would require in nearly all cases at least 50/50 matching by project applicants. Commercial production

agreements with private industry, and incubation projects for development of rural industries based on new products and technologies would be important parts of the total program.

**TWO TYPES OF GRANTS**

Two types of grants would be available to the most promising projects of any public or private institution in the U.S. including non-land grant universities, public agencies at any level of government, and consortiums of public and private entities. "New Product" grants would concentrate on new uses of familiar crops. "Cost Reduction" grants would spur innovative technologies to lower the costs of production and processing of agricultural commodities.

**NEW PRODUCTS**

A project proposal for development of a new use or product of an agricultural commodity would be eligible for consideration only if the applicant institution has entered into a joint development agreement with a U.S. company willing to invest at least 20 percent of the total cost of the project and engage in commercial production of the product under licensing and royalty agreements. A substantial commitment of applicant resources would also be required.

**COST-REDUCTION**

A proposal for a cost-reduction project would be eligible for consideration only if the applicant institution has obtained a commitment of other public or private funds for at least half of the total cost of the project. Allowable reprogramming or redirection of existing available federal or non-federal research funds would also qualify toward meeting this matching requirement.

**INFORMATION NETWORKING AND TECHNOLOGY TRANSFER**

The program would provide for cooperative efforts in the collection of relevant and useful scientific information from around the world to assist institutions in carrying out their projects, and for transfer of technological information from successful projects to producers and processors through electronic and other means.

**NATIONAL AGRICULTURAL PRODUCT TECHNOLOGY INSTITUTE**

The program would be administered separately from the existing publicly-supported U.S. agricultural research system by an independent Institute within the USDA, headed by a nine-member board appointed by the Administration and the Congress. Two members would be appointed by the House and two by the Senate. Five members would be appointed by the Administration through nominations from agricultural producer and commodity groups, agricultural processors, and the agricultural research community. One of these members must be a producer nominee, one a processor nominee, and one a nominee of the research community.

Board members would be appointed for staggered terms of one to three years. A sunset provision would end the entire program in 12 years. The Board would set research and development priorities through a public process, and disperse funds to support the projects. It would also establish advisory groups and a unique peer review system of scientists, processors, producers and others to help select projects and oversee their progress. An effective accountability and reporting system would be required.

**REVOLVING FUND**

A revolving fund would provide a mechanism for handling program money. Fees and royalties collected from industry commercialization of products developed through the program would be deposited in the fund.

Of the total funds available for the program annually, 85% would be allocated to competitive grants. Information networking and technology transfer would be allocated 10%, and 5% would be held for administrative expenses of the Institute. Sixty percent of the total funds would be available for awards to the best project proposals of any qualified applicants, including the Land-Grant system of 1862 and 1890 institutions. The remaining 25%, however, would be set aside to assure that funding would be available for the most promising projects of the 1862 and 1890 institutions that survive the general competition among all qualified applicants.

**IMPROVED RURAL OPPORTUNITIES**

A successful program could provide significant benefits to the U.S. economy and to rural areas through increased farm and agricultural-related income and employment opportunities.

This legislation incorporates concepts and specific elements of numerous other recent proposals on these issues.

**PEARL BUCK CENTER CELEBRATES 35TH ANNIVERSARY**

**HON. PETER A. DeFAZIO**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. DEFAZIO. Mr. Speaker, I rise today to congratulate the Pearl Buck Center for 35 years of dedicated service to the mentally retarded and multiply handicapped citizens of Lane County.

The Pearl Buck Center was founded in 1953 with the purpose of meeting the needs of Lane County children with mental retardation and handicaps at a time when there were no services available. The success of the Pearl Buck School helped make possible the success of the public school classroom for mildly and severely handicapped children.

In 1967 the center opened the first sheltered workshop in Eugene to meet the employment and training needs of adults with developmental disabilities. This program has grown to provide employment and training to 24 adults in crews and individual jobs in a variety of community settings.

Today the Pearl Buck Center is committed to providing integrated work environments and the necessary on-going support to all of the adults with disabilities that it serves.

Mr. Speaker, the Pearl Buck Center has always strived to be in the forefront of providing services to people with disabilities. For 35 years the center has had the gift of seeing each of us for our abilities, not our disabilities. I congratulate and thank the Pearl Buck Center for its 35 years of dedication and commitment to the people of Lane County.

REPRESENTATIVE GEORGE  
MILLER COMMEMORATES  
LEGACY OF DR. KING

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. MILLER of California. Mr. Speaker, on April 4, 1988, we will mark the 20th anniversary of one of the most tragic events in the modern history of our Nation.

On that date, the Reverend Martin Luther King, Jr., the leading voice for civil rights, human freedom, and peace in this country was assassinated. It is a loss of incalculable proportions.

That loss is still strongly felt throughout this country. In a recent poll by the Peter Hart organization, a majority of young Americans cited Dr. King as the American they most admired. The fact that this man of compassion, of peace, and of nonviolence was cut down by an assassin's bullet, only compounds the tragedy that time in no way diminishes.

In the wake of his assassination, many of our cities erupted into violence—a spontaneous outburst of the frustration, anguish, and anger generated by his murder. And shortly thereafter, the President of the United States appointed a commission to study the causes of those disorders.

That panel, the Kerner Commission, issued its report 20 years ago, and it warned that we were rapidly moving toward two societies—black and white, separate and unequal. The same America which mourned Dr. King read that report and, for the most part, ignored its findings and its warnings. And the net result is, that in many respects, the condition of black Americans today is not terribly much better than two decades ago.

While the demographic nature of American families has changed across the board, black families continue to endure greater poverty, more widespread unemployment, lower incomes, greater levels of single parent families, and higher infant mortality rates. Tragically, this Congress, and particularly the Reagan administration, have failed to respond to this continuing crisis in the black community, and among poor Americans in general.

Since 1981, we have cut low-income discretionary programs by 54 percent—programs that provide a basic opportunity for millions of Americans, especially children, to compete, to grow, to learn, and to thrive.

We have slashed housing programs, and created an army of the homeless—mostly families with children—who are rapidly becoming permanent fixtures in every city in America.

We have cut compensatory education, special education, school nutrition, and student loans. And that is why the National Commission on Educational Excellence concluded that "for the first time in the history of our country, the educational skills of one generation will not surpass, will not equal, will not even approach, those of their parents."

We have engaged in rhetorical bantering and symbolism while drugs, and the crime and violence which they spawn, have consumed millions of young Americans and ended the

lives of hundreds of teenagers in street gang warfare just this year. Today, for whatever reason, millions of Americans can't say "no" to drugs, which has become a \$130 billion a year industry in the United States.

As a result, according to the Committee for Economic Development, by 2000 we will have produced 20 million people with no productive place in our society.

This isn't partisan politics. It isn't even soft-hearted humanitarianism. It's economics, it's investment, and it's the future of this country.

As Pete Peterson, former Republican Secretary of Commerce, says the "most astonishing success of Reaganomics is the myth of our own invincibility. Reaganomics has either opted for or acquiesced in some of the worst, future-averting choices America has ever made, the full implications of which will not be known for years."

But perhaps the worst decision of the Reagan years has nothing to do with fiscal planning. What is most disappointing, and most outrageous, is that just weeks before the 20th anniversary of Dr. King's assassination, President Reagan demonstrated his failure to understand the King legacy by vetoing—over the nearly unanimous vote of the Congress—the Civil Rights Restoration Act.

It should be a fact of outrage and embarrassment to every American that in 1988, a President of the United States was willing to sanction discrimination in any form. And it should be similarly embarrassing that that same President, earlier in his term, favored tax benefits for schools which openly discriminate against black Americans. And it should outrage every citizen that this same President opposed, and continues to oppose, the Equal Rights amendment to the Constitution.

I don't say President Reagan is racially intolerant, but he is insensitive to the needs, the rights, and the history of black people in America. And that ignorance is illustrated not only in his views on civil rights legislation, but on his budgetary policies which have plunged 2.5 million children into poverty, and withdrawn many of the basic protections and assistance which, in the 1960's, provided millions of Americans with the opportunity to escape poverty.

As John Kenneth Galbraith has written. "It is far, far better to have a firm anchor in nonsense than to put out on the troubled seas of thought." That observation surely captures the dream world in which the President and his administration have been living.

Today, we can no longer afford to ignore the crisis which increasingly are eating away at the bedrock of our society. We cannot ignore the poverty of the ghetto, or the failure of the inner city schools, or the absence of job opportunities. We cannot find satisfaction in the right of black citizens to attend schools if they lack the financial resources and the educational training to compete. We cannot, in short, turn our heads and pretend that we do not see.

As Martin Luther King, Jr., wrote in an Alabama jail a quarter century ago, "Injustice anywhere is a threat to justice everywhere." It is true in America of 1988 just as it was true in Birmingham in 1963.

Let us commemorate the anniversary of Dr. King's assassination not with quiet dignity, but

with righteous outrage—outrage that the discrimination, the anguish, and the hatred which he combatted throughout his life are still a terrible part of a troubled America 20 years after he gave his life for the cause of human freedom.

And let us commit ourselves to meeting that national agenda, with at least as much regard for the human cost of failure as the fiscal cost of success.

CONGRATULATIONS TO IVAN  
HILTON ON THE OCCASION OF  
HIS 90TH BIRTHDAY

**HON. BILL RICHARDSON**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. RICHARDSON. Mr. Speaker, last month, the New Mexico Legislature passed a memorial recognizing one of my constituents, Mr. Ivan Hilton of Las Vegas, NM, on his 90th birthday. Mr. Hilton's countless contributions to New Mexico deserve our recognition as well because it is not often that we find a person as devoted to the progress and well-being of his community as this fine gentleman.

Mr. Hilton moved from Illinois to New Mexico in 1930 after serving as an officer in World War I. In New Mexico he has had a varied career. He has operated a ranch, owned a Buick-Oldsmobile dealership, organized and served as president or CEO of the First National Bank of Las Vegas, and managed a manufacturing company which was a major employer of the residents of the city of Las Vegas.

The people of Las Vegas hold Mr. Hilton in very high esteem and have demonstrated it by electing him to numerous positions of leadership. He has served as a member of the New Mexico Senate, as chairman of the New Mexico State Highway Commission, and as mayor of the city of Las Vegas for five terms. He was president of the Las Vegas Chamber of Commerce and was later appointed to the board of regents of New Mexico Highlands University where he served as president of the board for many of his 16 years as a regent.

Ivan Hilton has left his mark on the city of Las Vegas through his many successful efforts to promote the city and to implement changes which have allowed the city to develop a modern economy. In the forties and fifties he attracted Federal money for modern roads and bridges, street lighting systems, and an airport. Through his work on the Highlands University Board of Regents, he successfully promoted the construction of at least six major buildings on that campus.

The people of Las Vegas owe a great deal to Mr. Hilton for his years of public service. I, too, am grateful to him for his unending efforts on behalf of northern New Mexico. I congratulate him on his 90th birthday and wish him many more happy and productive years.

**CHILLICOTHE SMALL BUSINESS OWNER MAKES A GOOD POINT**

**HON. BOB McEWEN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 1988*

Mr. McEWEN. Mr. Speaker, today I received a letter from Mr. Ron Fields, president of Mound Co., Inc., a small business located in Chillicothe, OH.

Mr. Fields attached an article which talks about the need for Government to strike a balance between providing reasonable safeguards for citizens and allowing risk takers and entrepreneurs to go forward with innovative inventions and ideas.

Mr. Speaker, I want to commend the article to the attention of my colleagues in the House.

**RISK-FREE LIVING COSTS MORE THAN IT'S WORTH**

There is no sure thing. As every developer knows, anything worth doing involves some risk. Yet we live in a society that seems intent on eliminating risk from our lives. Unfortunately there is a trade-off involved. When risk is eliminated there is also a loss of independence, personal initiative, self-termination and diversity of experience.

As many of you already know, this is my last column as editor of this publication. I suppose I could take this opportunity to sum up my years here, but I'd rather explore what I feel has been the central problem in our nation for the past several decades and perhaps even longer—the issue of risk.

For some time it has been an implicit goal of our government to protect its citizens from all of life's hazards, both major and minor. That is an admirable intention, but given the difficulties our society currently faces, it is an extraordinary misallocation of resources.

When the "safe" approach is the officially-sanctioned path, nothing is gained but the growth of our increasingly bland and homogeneous built environment.

My new offices overlook a quaint, 18th century scene—a millpond with two mills and a waterfall spanned by a cast-iron bridge. It's a very peaceful setting and one that could not be recreated today because of code and zoning restrictions. The bridge can't handle two-way traffic. The millpond isn't fenced. The older mill's waterwheel is an exposed mechanism.

Don't misread me. I believe people need protection from truly hazardous situations. But I think every level of government has exceeded reasonable safeguards in its overzealous promulgation of decreasingly useful regulations.

From the very start—beginning with Christopher Columbus or Leif Ericson—this country was built on foundations laid by people willing to take risks. Eliminate risk, and opportunity goes with it.

**LAWSUITS PROLIFERATE**

There is no easy solution to the problem, however. We live in a country where lawsuits have replaced baseball as the national pastime. That's the source of the liability problem, and the liability problem is one of the sources of our quest for a risk-free environment.

It's simple to say that there are too many bureaucrats or too many lawyers, but that doesn't go to the heart of the problem.

**EXTENSIONS OF REMARKS**

While all of us probably cherish diversity and respect rugged individualism, when we ourselves are affected by some unpleasant situation our conditioned response is, "The government ought to do something about this." That automatic response is the heart of the problem.

It's a far cry from Thomas Jefferson's dictum: "That government is best which governs least." Despite recent presidents' efforts to the contrary, the federal government is more entwined in our lives than ever before. And our local governments seem to be monitoring our every move. In most towns across the country you can't blow your nose without first getting a permit.

We clearly have a pressing need to revamp our entire legal and regulatory system. We somehow need to retain appropriate safeguards for consumers and the environment without the rigidity of regulation that stifles our national creativity.

If you're unconvinced that attempting to eliminate risk carries far greater dangers, consider this: During the French Revolution, the main tool of the Committee for Public Safety was the guillotine.

**A SALUTE TO REV. LUTHER HILL**

**HON. LOUIS STOKES**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 1988*

Mr. STOKES. Mr. Speaker, it is a signal honor to join with the Mount Sinai Baptist Church family and community in saluting Rev. Luther Hill. Reverend Hill retired in January following 38 years of service as pastor of this great institution.

Both church members and community leaders will assemble on Saturday, April 16, 1988 at Cleveland's Stouffer Tower City Plaza Hotel to pay tribute to this dynamic human being and servant of God. Speaking from my personal association with Reverend Hill and on behalf of all 21st District residents, it is a privilege to salute him for his dedication and leadership over the years.

Mr. Speaker, there are few individuals in the Cleveland area who have made such a profound impact on the area's citizens and the programs of various institutions as Reverend Hill has done. He has been a tower of strength and foundation of inspiration for those persons who know him personally and for those who are acquainted with him through his ministry.

At this time, I would like to share some of Reverend Hill's experiences and achievements with my colleagues.

Reverend Hill was born in Washington, DC, the oldest of seven children born to the late Rev. D.W. and Alice Hill. After his family moved from Washington, Reverend Hill attended elementary, junior high, and Central High School in Cleveland.

He accepted a call to the ministry in 1934, preparing to follow in the footsteps of his father, not knowing he was destined to lead the Second Mount Sinai and Mount Sinai Baptist Church, as its pastor for 38 years.

The year 1938 was a memorable one for young Luther Hill. He graduated magnum cum laude from Morehouse College in June. During this same period he married the late Ruth By-

dell Sanders, a Spellman College graduate. To this union four children were born; Luther, Jr., Sandra, Gloria, and Alice.

Mr. Speaker, the zeal for education and love for the ministry compelled this young man to pursue and complete his post graduate studies at Andover Newton Theological Seminary in Newton Center, MA, as well as Oberlin Graduate School of Divinity. In 1950 he graduated from Cleveland Marshall School of Law.

During World War II Reverend Hill was commissioned a first lieutenant in the Chaplain's Corps of the U.S. Army.

The year 1950 was begun in glorious style, as Reverend Hill was elected pastor of the Second Mount Sinai Church, thereby relieving his father of his vast pastoral duties. He looked with pleasure upon the fact that he served exactly 1 year as the church's assistant pastor, and had the opportunity to work with the junior church.

Within the Mount Sinai Baptist Church, Reverend Hill was the catalyst for the creation of the church's credit union and other support programs to serve the congregation and the community. The church also moved to its present location at 7510 Woodland Avenue. A Job Skills Bank and Hunger Center proved successful additions to the church.

Reverend Hill has also devoted many hours to various community organizations. His memberships include: the Baptist Ministers Conference of Cleveland, the Baptist Pastors Council, the Cleveland Council of Churches, the Interdenominational Ministerial Alliance, the NAACP, Eureka Lodge No. 52 of Free and Accepted Masons, Omega Psi Phi Fraternity, and the Regional Transit Authority. Reverend Hill is also the recipient of an honorary doctor of divinity degree from the Institute of African Methodist Episcopal Church in Monrovia, Liberia. In June 1987, Reverend Hill enriched his life by marrying the former Girlie Andrews.

Mr. Speaker, Reverend Hill has been an asset to the church, those of us who know him and to the entire Cleveland metropolitan area. He has made an indelible mark on the hearts and minds of countless people.

I ask my colleagues to join me in saluting Reverend Hill and wishing him Godspeed during his retirement.

**CITIZENS' TRAIN**

**HON. MARTY RUSSO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, March 23, 1988*

Mr. RUSSO. Mr. Speaker, it is with great enthusiasm this afternoon that I, along with Members of Congress from both sides of the aisle, hail the timely arrival of the Citizens' Train and all those passengers aboard who have journeyed by rail from coast to coast in an historic move to present their ideas for a responsible citizens' budget to the Congress of the United States of America. I would like to send a special welcome to my neighbors from the Greater Chicago area and salute all involved for the active interest and involvement they have taken in the future of their

Government—for themselves as well as for their families and friends.

Aboard this train rode passengers from all walks of life, and from all regions of the United States with one unifying goal linking them: To communicate to their leaders in Washington their belief that the true security of our Nation lies not in the number of missile silos or nuclear arms we possess but, on the contrary, our Nation's real security lies in the well-being and prosperity of our citizenry. How appropriate is the arrival of the Citizens' Train on a day when Congress is considering President Reagan's proposed budget for fiscal year 1989 which again allocates exorbitant sums to defense spending while vital domestic programs, uncertain of continued survival, go begging for funds.

The goal of the Citizens' Train is one which I applaud. I share their conviction that we, as congressional leaders, hold the responsibility to develop a budget reflecting the reality that our true national defense begins at home. The citizens' budget calls for a reprioritization of our budgetary goals. Should we continue to follow the pattern which has persisted in Congress for far too long of building our military while our neglected domestic problems continue to grow? Or should we, as policymakers and leaders of our country, follow the lead of the Citizens' Train and make a dramatic and much-needed departure in policy by reexamining our priorities as a nation and developing a budget reflective of the peoples' values.

The idea of a Citizens' Train is long overdue, but now its day has come and our time has come to welcome its arrival. My hope is that these citizens' efforts in their bold "March on Washington" will prove successful in laying the groundwork for long-term change in achieving our national goals through our Federal budget—goals that will reflect a government based on equal opportunity, compassion, and the welfare of its people.

#### EASTER IN SOUTH AFRICA

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. RANGEL. Mr. Speaker, I rise today to remind each of us that we must continue to promote the end of the oppressive system of apartheid in South Africa.

As Federal legislators, we must realize that while we can be proud of the stand for justice that we took by passing the Anti-Apartheid Act of 1986, it was only a first step in dismantling the system of legally sanctioned racism that exists in that nation. During the last session of Congress, we also signed into law a bill, that I introduced, repealing the foreign tax credit to companies that do business in South Africa. This was an important step in strengthening our policy of opposing the pernicious system of apartheid in which children are incarcerated for asserting their basic human rights and families are dispossessed from their homes and resettled in poverty ridden areas. Obviously, much more has to be done.

Recent events are proof that the South African Government still maintains its campaign

of repression and terror against the majority of that Nation's citizens. This Easter, Anglican Arch Bishop Desmond Tutu and the Reverend Dr. Allan Boesak of the World Alliance of Reformed Churches have called for a nationwide celebration of liberation in South Africa. In the Christian faith, Easter is symbol of liberation and salvation for all humans.

By contrast, the white South African Government has again chosen to oppose the causes of freedom, justice, and brotherhood. In line with its continued detention of Nelson Mandela, Walter Sisulu, and scores of black and colored children, its refusal to allow all citizens equal political participation and its segregation of schools, hospitals, and housing, this government also intends to prevent this Easter Sunday celebration.

I ask that all members of our Nation rededicate themselves to the struggle for peace and freedom in South Africa. I, therefore, hope that the following article from the Civil Rights Journal on Easter in South Africa will be of particular interest to each of us.

#### EASTER IN SOUTH AFRICA

(By Benjamin F. Chavis, Jr.)

Easter is the season of crucifixion and resurrection. It is the time in the Christian faith for spiritual rejuvenation when we celebrate the liberation and salvation of human kind through Jesus Christ. Nowhere in the world today is there a greater affront to the meaning of Easter than the racist apartheid regime of South Africa.

The oppressive government of P.W. Botha has embarked on its last, desperate attempt to remain in power. Not only have all of the anti-apartheid organizations in South Africa now been banned, but this brutal regime has also announced its intention to severely limit the activities of the church as a voice of protest against the continuing holocaust.

Anglican Archbishop Desmond Tutu and the Rev. Dr. Allan Boesak, President of the World Alliance of Reformed Churches, together with other church leaders in South Africa, have called for a massive, nationwide celebration of liberation on Easter Sunday this year. The government of South Africa intends to prevent the services.

The church is the last nonviolent voice that has not yet been extinguished by South Africa's repression. Bishop Tutu emphasizes, "Does the Government of South Africa really think it can dictate to the people of God in our quest for justice and freedom? We will not bow down and worship Botha. The idolatry and sin of apartheid must be ended now!" Rev. Boesak agreed, warning, "With these latest acts of repression against the church and the freedom movement, the Government of South Africa has signed its own death warrant."

As our sisters and brothers in South Africa continue to wage a valiant struggle for freedom, the glaring absence of sustained voices and actions on the part of America's church leaders becomes more obvious. Here in the United States, it is our prayer that during this Easter season church leaders and church members will resurrect their active solidarity with the struggle to bring new life and freedom to South Africa. On a broader scale, the governments to the United States, Great Britain and Israel, in particular, have a great deal for which to repent. They have maintained their unholy support of the evil of apartheid in South Africa and Namibia, which South Africa illegally occupies.

Rather than millions of people spending millions of dollars on new Easter outfits this year, it would be far better to help purchase medical supplies and outfits for the freedom fighters of the Africa National Congress and the South West Africa Peoples' Organization. The Ministers for Racial and Social Justice, an organization of African American clergy of the United Church of Christ, has established a special African Freedom Fighters Fund for this purpose.

One thing is certain: a victory for the sake of righteousness and justice will be won in South Africa. Our responsibility is to not let the joy of Easter be just a momentary celebration. We must let all of our lights so shine in struggle that God's justice will continue to unfold in South Africa and everywhere in the world where the evils of racism and oppression lurk.

#### A TRIBUTE TO SI KENEN

### HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. SOLARZ. Mr. Speaker, I rise to honor the memory of a dear friend of many of us in the Congress, and one of our Nation's most respected statesmen. I.L. (Si) Kenen passed away last week at the age of 83 after a lifetime of devotion to the precious cause of Israel and United States-Israel relations.

More than any other individual, Si was responsible for transforming the United States-Israel relationship from the iciness that marked it during the Eisenhower years to the close friendship of today. He was the founder of the American Israel Public Affairs Committee [AIPAC] and the first editor of the Near East Report. Si's excellent command of the subject matter, his gentle yet persuasive manner and his magnificent knack for making friends made him one of the most influential lobbyists Washington has ever seen. He will be sorely missed.

Mr. Speaker, I would like to commend to my colleagues a touching tribute to Si Kenen written by M.J. Rosenberg, who is currently special assistant to Senator CARL LEVIN. M.J. was the longtime editor of the Near East Report and one of Si's proteges.

[From the Washington Jewish Week, Mar. 31, 1988]

#### AN APPRECIATION—REMEMBERING I.L. "SI" KENEN

(By M.J. Rosenberg)

An era ended with the death of I.L. Kenen on March 23. Si's death was no shock to those of us who knew him. He had been in failing health for the last few years. But he looked good, far younger than 83, and there was always the hope that he would rally and, once again, be as he was in his prime.

Si was lucky. His prime lasted a long time. He was already in his late sixties when I first came to work at AIPAC in 1973. I came in as a volunteer, anxious to do anything. I could to help Israel during the Yom Kippur War.

The AIPAC of 1973 was not the operation we know today. I doubt that there were more than ten people working in the office on 13th and G. The "Jewish lobby" was run on a shoestring. Si's secretary would parcel out postage stamps like they were gold. And

she would want to see the letter you were mailing to make sure you didn't swipe a stamp for your mother's birthday card.

Si ran a tight ship. He made all the key decisions. In those days, only Si's treasured long-time aide, Esher Chesney, and legislative liaison Ken Wollack, dared to question a Kenen decision. But he rarely budged. He knew how to run AIPAC. After all, he had invented the place.

In his old age, newcomers to AIPAC would think of Si (who dropped in once a week, or so) as a "sweet old man." But his demeanor deceived. Si may have been sweet (sometimes) but he was not benign.

He was a tough boss. In late 1973 I wrote my first article for Near East Report. He made me rewrite it a half dozen times and didn't compliment me on the final product. (Not then anyway. Over the next 15 years Si repeatedly told me—with great exaggeration—how "brilliant" that first story was).

It wasn't much fun arguing with him, about the Mideast or about his determination to reduce the size of every item in Near East Report by about 60 percent. Trained as a lawyer, he was a skilled debater.

His demeanor was disarmingly gentle. Si rarely raised his voice. He would express anger by lowering it, forcing you to lean in close to hear him. That manner was an asset on Capitol Hill. He was liked on both sides of the aisle and by Senators and House members of every stripe. Si didn't have an enemies list. On the contrary, he believed that every member of Congress was either a friend or a potential friend. And he treated them accordingly.

He was effective. When he began his work in Washington, Israel was receiving not one dollar in U.S. aid. By the time he left, Israel was receiving \$2.2 billion. Si didn't accomplish that alone. He had a good product to sell. But it is hard to imagine that the job would have been done at all if Si hadn't decided that Israel needed a lobby in Washington.

In recent years, there were those who said that Si must have been ambivalent about the new "up front" AIPAC. But Si derived pleasure from the success of AIPAC and of Tom Dine, who has served as AIPAC's director since 1980.

And AIPAC is Si's monument. Not the staff (huge by Si's standard). Or the new offices on the Hill (palatial when compared to Si's hole in the wall). No, Si's monument is AIPAC's presence on Capitol Hill and its reputation for effectiveness.

For me, the best way to remember him is to picture him in the grand ballroom at the Washington Hilton, sitting on the dais at AIPAC's annual policy conference. He would sit there, smiling to himself, as the names of Senators and House members present would be called out. Close to half of the Senate. A third of the House. All there to declare support for a strong U.S.-Israel relationship.

Looking out at that assemblage, Kenen had every reason to be proud. And he was. He knew, as few of us can know, that his life had made a difference. For Israel and the Jewish people.

IN HONOR OF ARCH MacDONALD

**HON. DON BONKER**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. BONKER. Mr. Speaker, rarely do I place into the RECORD a statement about an individual, but this time I am making an exception. Washington State has been fortunate to have as a prominent citizen, Arch MacDonald, whose contributions to the Evergreen State are many.

To those who know him, Arch MacDonald is a caring and generous individual. He has devoted his life to creating a better place to live, and in so doing, he has touched and improved the lives of many.

Thanks to Arch MacDonald's considerable investments, Washington State has a stronger economy. He has worked for improvement in several different areas of Washington State: from the residential community of Cascade Park, and high-technology plants he has in the Southwest, to his Lewis and Clark Angus ranch in the Tri-Cities area. These are just a few examples of Arch's endeavors. Arch is truly deserving of the honor given to him by the Clark County Economic Council for providing more economic stimulation to Clark County than anyone in the past.

With each project Arch took on, his selfless diligence and dedication to his vision brought benefits to others which are greatly appreciated and will be enjoyed for many years to come. Arch MacDonald has left a mark which will not be forgotten.

With gratitude and best wishes I offer the following resolution in honor of a truly great man, Arch MacDonald.

The resolution follows:

SENATE RESOLUTION 1988-8728

Whereas, Arch MacDonald as a community and state leader has made a positive difference in the lives of many people and communities in the State of Washington; and

Whereas, Arch MacDonald has been an admirer and a contributor of both major political parties and is a believer in our democratic, republican form of government; and

Whereas, Arch MacDonald's foresight and vision have brought about great changes and improvements in the quality of life in the State of Washington and more particularly in Clark County, Snohomish County, and the Tri-City area; and

Whereas, The original development of Arch MacDonald and his partner, Donald MacKay, known as Cascade Park, has turned into one of the finest residential communities in Clark County and the State of Washington; and

Whereas, The Clark County Economic Council acknowledged at its annual meeting in 1983 that Arch MacDonald and Donald MacKay have provided more economic stimulation to Clark County than any two people, past or present; and

Whereas, Arch MacDonald's personal involvement has played a major factor in having Hewlett-Packard and Tektronix locate high technology plants in Clark County; and

Whereas, Arch MacDonald was instrumental in bringing Hewlett-Packard into Snohomish County and has been working in that county to help develop the economic potential that exists there; and

Whereas, Arch MacDonald and Donald MacKay developed one of the finest large cattle ranches and irrigation projects (Lewis & Clark Angus Ranch) in the Tri-Cities, which was incorporated into the city of West Richland to allow for development and improvement within the State of Washington; and

Whereas, Arch MacDonald has continually stressed the importance of transportation (highways and major airport facilities and carriers) to our economy and has worked toward their development and improvement within the State of Washington; and

Whereas, Arch MacDonald's sphere of influence has touched all aspects of the quality of life in the State of Washington and has made Washington State a better place to live; and

Whereas, Arch MacDonald recently was one of the moving parties in a major land use case heard before the United States Supreme Court that has brought about greater protection of property rights for property owners of all states; and

Whereas, Arch MacDonald is the first non-Indian honorary member of the Tulalip Tribes of Washington; and

Whereas, Arch MacDonald is now 76 years old and still going strong and is too busy thinking of others to have time to think of himself, even though he has had a setback with the discovery of cancer:

Now, therefore, be it resolved, That Arch MacDonald be officially recognized as a man who has left his mark not only in the hearts of the people but in the hearts of our communities by quietly and methodically pursuing a vision which benefits every person who lives in the State of Washington; and

Be it further resolved, That the people of the State of Washington publicly thank Arch MacDonald for his dedication, encouragement, and longterm vision which has benefited all aspects of our quality of life in the State of Washington.

CONGRESSIONAL MILITARY REFORM CAUCUS RECEIVES RESPONSE TO WASHINGTON POST ARTICLE OF OCTOBER 11, 1987

**HON. THOMAS J. RIDGE**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. RIDGE. Mr. Speaker, I submit these remarks on behalf of Mr. BENNETT of Florida and myself. As combat veterans and as co-chairmen of the Congressional Military Reform Caucus, our view of military reform is inherently positive. We see reform as a positive approach to building the most effective military for the tax dollar. We see military reform as a voice for the soldier whose needs may go unaddressed by the massive military establishment. Reformers are, for the most part, former military men and women and individuals who have dedicated their lives to making the defense of our Nation effective and second to no other nation on Earth. These are individuals who are not satisfied with the status quo and instead of tearing it down, are constantly offering suggestions for a more dynamic and constantly improving military. In order to make these improvements, they must prove we have a need or that we are not doing all that

is possible with available resources. Too often, this criticism is seen as negative by the military establishment.

A healthy system should not be offended by the reformers and should accept valid criticisms as healthy and positive. This is fundamental to the nature of America's success and should not be ignored by the need for discipline in the military services. Of course, the criticism must be researched, current and reasonable. Uninformed critics certainly can be very destructive. But, we feel fortunate that the reformers we have worked with as military reform caucus co-chairmen, have always taken a thought-provoking approach that is clearly pro-defense.

Many of these reformers have greatly assisted the Congressional Military Reform Caucus with a long list of efforts that are clearly pro-defense. These include improving our conventional forces, remedying the conventional imbalance in Europe, more realistic testing of combat weapons, acquiring more effective anti-tank weapons for our soldiers who may have to face the Soviet tank armies, improving the reliability of the Bradley fighting vehicle as well as making it safer for our soldiers. This month we expect to explore the need for a close-air support plane for our combat forces on the ground.

Some of these efforts and others undertaken by military reformers are controversial and have met with opposition from the military establishment. In our view, this dialog is vital and invigorating. This fall, however, an article written by Fred Reed that appeared in the Washington Post outlook section challenged reformers to reform and made specific charges against many of the leading reformers. We are deeply concerned that these allegations endanger this healthy dialog. Recently, we received a response to these charges from a group of retired officers working in the reform effort and we are greatly disturbed that Reed's charges appear to lack substance. In fact, Mr. Reed takes the same unfounded, unfair approach to criticism that he attributes to the reformers. Since the charges are directed at undermining the credibility of reformers with specific allegations of "ignorance" and "chicanery," we thought it was essential that Members of Congress read the response provided to the Congressional Military Reform Caucus by Lt. Col. Thomas W. Carter, USMC (retired), Col. John R. Boyd, USAF (retired), and Col. Jim Burton, USAF (retired). The text follows:

In the October 11, 1987 "Outlook Section" of the Washington Post, Mr. Fred Reed attacked the military reform movement for writing "absolute, verifiable nonsense." Since then we have learned other newspapers and magazines have regurgitated or honored what's in this essay. In view of the fact that Mr. Reed cited a number of specific instances in which he alleged certain military reformers had made errors in fact, we feel compelled to respond. Our response is as follows:

Mr. Reed criticizes Senator Gary Hart and Mr. William S. Lind, co-authors of *America Can Win: The Case for Military Reform*, for writing that the DIVAD anti-aircraft gun aimed at a latrine fan in a test. Mr. Reed states, "I had looked into the tale with some care and concluded that it didn't happen." The October 26, 1987 issue of *Defense Week*

says, "We direct Reed to the Feb 27, 1984 issue of *Defense Week*, page 6. The article states that a DIVAD gun was locking onto false targets, 'particularly the rotating blades of a bathroom exhaust fan mounted on the roof of a building 100 meters away from the test site.' The source for the 'tale' was Robert Lyons, then the DIVAD program manager for the company making the gun."

Mr. Reed also states that DIVAD's radar "was intended to pick up helicopter rotors—i.e., large fans." Again, he is in error. The DIVAD's radar was originally developed for the F-16 fighter, and it had major problems seeing helicopter rotors. In fact, the Army felt it necessary in one test to augment the radar signature of the target helicopter with radar reflectors so the DIVAD gun could hit it. Lt. Col. Thomas W. Carter, USMC (Ret.), who was actively involved in testing DIVAD as military assistant to the Director of Defense Test and Evaluation, writes, "In the course of considerable personal involvement with the DIVAD gun test program from 1981-1985, I observed that the gun frequently exhibited the disturbing tendency to either point at targets that weren't there, ignore targets that were there, or both. . . . During extensive operational tests of production-line DIVAD Guns, it became clear that soldiers in combat would not be able to count on the weapon for protection against attacking airplanes or helicopters."

Mr. Reed also notes that a number of military reformers have criticized the Army for using aluminum to construct the Bradley Fighting Vehicle. The reformers have stated that when aluminum is hit by a shaped charge weapon, the vaporic effects from the aluminum add to the effect of the warhead. In simpler terms, the aluminum burns. Mr. Reed says, "Does aluminum burn? Of course not! My wife cooks often in an aluminum wok on a gas stove, and that wok has yet to go up in a fireball."

Col. James G. Burton, USAF (Ret.), who oversaw the tests of the Bradley while director of the live-fire test program, writes:

Heating a wok on a stove and then concluding that aluminum does not burn is analogous to holding a match under a large log and concluding that wood also does not burn. If Mr. Reed had really wanted to find the correct answer, he would have loaded his wok to the gills with live ammunition (as is the case with the aluminum armored Bradley) and then shot at it with a shaped charge anti-tank weapon. The resulting conflagration would produce temperatures hot enough and long enough to cause the aluminum to melt into a puddle of molten metal and burn as long as the heat source remained. I have watched a Bradley melt and burn under these conditions; Mr. Reed has not. I have also spent countless hours viewing high speed photography and other data measuring the size and duration of the fireball inside the Bradley after a hit by a shaped charge and comparing that with the smaller, cooler and shorter duration fireball inside a steel armored vehicle.

In a more humorous vein, if Mr. Reed had seen a Corning Ware ad on television, as did millions of Americans, he would have noted that aluminum burns while Corning Ware does not. Generalizing from this one example and applying Mr. Reed's research techniques, maybe we should ask the Army to build the Bradley out of Corning Ware, rather than aluminum.

Mr. Reed further criticizes Sen. Hart and Mr. Lind for misrepresenting the fuel con-

sumption of the M-1 tank in their book. He states, "She (Ms. Rasor) says the tank uses four gallons of fuel per mile, roughly correct; Lind and Hart say more than nine." In response to Mr. Reed, Mr. Lind writes:

The figure we used was provided to us by the Army, in writing, in response to a question from Senator Hart. The Army information paper, which accompanies a letter from the Office of the (Army) Chief of Legislative Liaison dated September 24, 1985, states, "Currently, the M1 consumes 9.3 gallons per mile, while the M60A3 consumes 2.4 gallons per mile."

Does this mean Ms. Rasor is wrong? No; both numbers are correct. Her figure of roughly 4 gallons per mile is from the Army OT II test, in which the tank drives around a specified course. The 9.3 figure reflects operating conditions under which the tank spends extensive time idling (gas turbines are very fuel inefficient at idle).

Mr. Reed states that military reformer Pierre Sprey told him that the M-1 is so dependent on its electronics that if they fail the tank cannot fire its main gun. He says he turned the power off and successfully fired the tank with the manual firing handle. Mr. Reed is correct that the tank can be aimed and fired manually, without electronics. However, Mr. Sprey denies that he told Mr. Reed that the M-1 could not be fired manually. He was aware that it could be. He did tell him that it could not be aimed manually. In this, Mr. Sprey was technically in error, but in an operational sense he was correct. Manual aiming involves moving the turret and the gun with two hand cranks. The rate of movement is so slow, no tankner in his right mind would engage in a fight that involved more than one shot. He simply could not react quickly enough to survive in fast moving operations.

Mr. Reed states that the military reform movement is discredited by a number of errors he claims Mr. Norman Cousins makes in his book, *The Pathology of Power*. However, Mr. Cousins is not and never has been a member of the reform movement. He is a journalist, like Mr. Reed. Whatever errors he may have made have nothing to do with the military reformers.

Apparently referring to pages 37-39 of her book, *The Pentagon Underground*, Mr. Reed states that Ms. Dina Rasor, Director of the Project on Military Procurement, claims the M-1 tank "does not need a laser range finder because the optical range-finder works just as well; unfortunately the M1 doesn't have an optical range-finder . . ." In fact, Ms. Rasor does not refer to an optical range-finder on the M-1 tank in her book. In response to Mr. Reed, she writes, "Mr. Reed is incorrect when he says that I talk about using an optical range-finder when I fired the M-1. Nowhere in my book do I say that I used an optical range-finder when firing the M-1. I did discuss the success the West Germans had with their optical range-finder, and wrote about the M-1's optical sight and laser range-finder." Mr. Reed may be confused by the difference between an optical sight and an optical range-finder. The M-1 does have an optical sight, but not an optical range-finder.

Additionally, in discussing tanks, Mr. Reed notes that the Israeli Merkava tank has certain characteristics, such as high weight, which "Sprey and others" believe a good tank should not have. He states, "personally I would hesitate to instruct the Israelis in armored warfare. The Reformers are less timid." Reformer Col. Jim Burton,

in testimony before two subcommittees of the House Armed Services Committee in Jan. and Feb. 1986, as well as before Chairman Dingell's Oversight and Investigations Subcommittee in April, 1987, praised the Merkava tank, while calling upon our own Army to adopt the Israeli design philosophy which assigns crew protection a higher priority than vehicle mobility or firepower.

Mr. Reed states that Hart and Lind say in America Can Win, in relation to the tests of the Navy's Aegis air defense system, "The Navy reportedly rigged the tests." This is a misquotation. Hart and Lind actually wrote, "Reportedly, the test (singular) was rigged." They note that there were three major operational tests of Aegis in 1983 and 1984, and that in the 1983 tests, Aegis hit only five of twenty-one targets. According to Mr. Lind, this information was from official Navy documents, and he does not dispute the fairness of these two tests. Their charge of rigging applies only to the third test, in which, according to the Navy, Aegis shot down ten out of eleven targets. Mr. Reed says, "no evidence is given." In fact, Hart and Lind wrote, "The aircraft launching the target 'drones'—small, radio-controlled airplanes used to simulate antiship missiles—flew high enough to make them detectable, giving long-range warning of the drones' arrival." Mr. Lind says the source of this information is someone inside the Defense Department whom he will not identify, for fear of retaliation against the individual. Mr. Lind stands by the charge; we are not able either to confirm or refute it from the information currently available to us.

According to Mr. Reed, Ms. Rasor complained that the M-1 tank driver's position was cramped only because she did not know enough or care to find out how to adjust the seat. In fact, Ms. Rasor's attention was directed to the driving position by the Army's OT II test report on the M-1. That report states on page A-36, "Crew personnel taller than 72 inches experienced difficulty in driving the tank. When operating with the seat in the up position, the driver's knees would interfere with the movement of the T-bar," and further on page A-119, "Hazard to tall drivers (: ) Tall driver may get concussion during buttoned-up cross-country operation."

According to Ms. Rasor, when she drove the M-1 in 1981, she got in the tank and found the driving position cramped. She asked the soldier who was assisting her what she should do, and he replied, "That's the way it is." That information was apparently incorrect; the seat could have been adjusted. It is telling that Mr. Reed spends so much space discussing an anecdote contained only in 18 lines of The Pentagon Underground, when Ms. Rasor has released two Army operational test reports and one report on actual use data of the M-1 tank, confirming the larger and infinitely more important problems with the tank.

On the basis of what have proven to be almost wholly erroneous charges, Mr. Reed launched sweeping, vitriolic, and at times slanderous attacks on the military reform movement generally and on several individual reformers, namely Dina Rasor, Pierre Sprey, and William S. Lind. For example, in building upon these charges, Reed accuses the reformers of "sheer intellectual dishonesty", "robust disregard for the truth", "chicanery", etc. He also says of their work: "It is hard to think of a better way to get troops killed." Such characterizations supported by Reed's erroneous charges reveal him to be an incompetent and corrupting in-

fluence. Needless to say, we are concerned that the effects of Mr. Reed's rhetoric will continue to be felt despite its demonstrated baselessness. Such practitioners of the smear as Dr. Goebbels demonstrated long ago that a big enough lie, told with sufficient vituperation, will live long after its falseness has been exposed.

Should we hold The Washington Post in high regard as an example of fair and honest journalism? An article such as Mr. Reed's, which seeks to purvey slander on a basis of repeated misstatements of fact is not consistent with the high standards readers should expect from the Washington Post. We understand that any editor can be duped, as was the case with the widely publicized and embarrassing Janet Cooke episode. But when that happens it is incumbent upon the publication to set the record straight. The Post owes the military reform movement a retraction of the false charges, false charges which have now been reprinted in other publications. The Post also owes the reform movement an apology for a vicious attack that has proven to have no foundation.

LT. COL. THOMAS CARTER,  
USMC (Retired).  
COLONEL JOHN BOYD,  
USAF (Retired).  
COLONEL JIM BURTON,  
USAF (Retired).

PRIDE IN NORTH CAROLINA

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. PRICE of North Carolina. Mr. Speaker, I'd like to take a moment to recognize and thank an organization from the Fourth District of North Carolina for its dedication and tireless work on behalf of the Take Pride in America public lands stewardship campaign.

The Take Pride in America campaign seeks to promote a greater public awareness of the value of our public lands and to curb abuses of this land such as litter, vandalism, wildlife poaching, and other types of destruction and waste.

In reward for its diligent efforts for the promotion of public land stewardship, Keep North Carolina Beautiful, Inc. of Raleigh, NC, has been recently named a national finalist for the Take Pride in America Award selected by a blue ribbon panel of judges including Secretary of the Interior, Don Hodel; Secretary of Agriculture, Richard Lyng; and Secretary of Education, William Bennett.

I and all citizens of Raleigh and North Carolina owe this local organization a heavy debt of gratitude for its work in keeping our public lands healthy, beautiful, and well managed. I congratulate Keep North Carolina Beautiful on its selection as a finalist for this award, and I wish it luck in the competition for a national winner.

HANDGUN CONTROL

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. MRAZEK. Mr. Speaker, I recently introduced a bill, H.R. 4268, to address the problem of undetectable weapons. Organizations supporting the bill range from law enforcement to handgun control to those concerned with airport security. Two of these organizations, the Law Enforcement Steering Committee and Handgun Control, Inc., have recently written to Members of Congress on this issue and I feel it is important to submit them into the CONGRESSIONAL RECORD:

HANDGUN CONTROL,  
Washington, DC, March 30, 1988.

DEAR REPRESENTATIVE: As you know, there is a growing consensus in Congress to prohibit the manufacture of "undetectable handguns," which can evade the security devices used at airports, federal buildings and even the White House. Representatives Mrazek, Miller (WA), Hughes, Foley, McCollum and many others all agree on the need for such legislation.

Representative Foley has offered legislation, H.R. 4014, which warrants your very careful scrutiny. Although its intent is commendable, it does not address the real problem. Law enforcement has pointed out that this bill would allow handguns to be produced which have tiny amounts of metal, or even no metal at all. Detecting these handguns, if it is possible at all, would require that existing security devices be set at their maximum sensitivity causing chaos at our nation's airports.

I'm sure that like me, you hate to have to wait and wait for an airplane flight. And I'm sure you've had an earful from your constituents about it. H.R. 4014 would compound this problem. This bill would result in small amounts of metal—tie clasps, belt buckles, and zippers, for example—triggering magnetometers. This could well mean body searches for most passengers. The end result of Representative Foley's bill would be an intolerable delay for millions of airline passengers.

There is a sensible bill, H.R. 4268, offered by Representatives Robert Mrazek, John Miller, and 52 cosponsors in the House H.R. 4268 takes into consideration new metal detection devices which are now available. This legislation also incorporates constructive suggestions from law enforcement and addresses concerns raised by law abiding gun owners. A companion bill, S. 2180, introduced by Senators Metzbaum and Thurmond, has bipartisan support in the Senate. Cosponsors of S. 2180 include Senators Kassebaum, Chafee, Kennedy, Bradley, Mikulski, Moynihan, Pell, Dodd and Simon.

The new Mrazek-Miller bill specifically requires the installation of more sensitive metal detectors at our nation's airports and federal buildings; establishes a minimum metal component for any handgun; and provides for a mandatory penalty of 5 years imprisonment for anyone using an undetectable gun in the commission of a violent crime or drug trafficking offense. This measure contains a grandfather clause which protects all handguns owned at the time the legislation takes effect.

I hope you will support this measure which is already backed by law enforcement

and the air transportation industry, and urge its quick passage in the Congress.

Sincerely,

SARAH BRADY,  
Vice Chair.

LAW ENFORCEMENT  
STEERING COMMITTEE,  
March 2, 1988.

DEAR REPRESENTATIVE: We are writing in reference to H.R. 4014, a bill that prohibits the manufacture and importation of weapons that cannot be detected by current security technology. As a coalition comprised of the 12 major national policing organizations, the Law Enforcement Steering Committee is deeply concerned with legislation that impacts on the safety of our officers and of those they are sworn to protect.

We applaud the earlier efforts by Senator Metzenbaum, Senator Thurmond and Congressman Mrazek to address the problem of nondetectable weapons and are now delighted to see that the pro-gun lobby has conceded, through its support of H.R. 4014, that these weapons do pose a threat to public safety. Yet, this legislation does not adequately respond to the concerns of law enforcement. There are 2 provisions that are particularly troubling:

1. The bill defines plastic firearms only as weapons in which the "frame or receiver, and slide, or the frame or receiver, and cylinder of which is each constructed entirely of polymer or ceramic, or any combination thereof." This definition excludes guns without slides or cylinders (derringers, single shot weapons) and most other long guns.

2. Section 3 of the bill makes it unlawful to manufacture or import a firearm unless the firearm contains some metal which would make it "susceptible of being detected," by a magnetometer. As drafted, this provision gives little guidance as to the standard for determining when a firearm is "detectable". A small piece of metal affixed to a firearm would render a plastic weapon detectable for this bill's purposes, but would require a magnetometer to be set at a level that would also detect zippers, hair pins and other commonplace items. Since H.R. 4014 mandates the setting of magnetometers at this very low level, the practical effect of this bill would be to render metal detectors useless and require nearly everyone to be hand searched. In essence, the legislation allows for the manufacture of guns with small amounts of metal, but provides no plausible or realistic method for detecting them.

Law enforcement would like nothing better than to be able to iron out these problems. Fortunately, an easy and effective remedy exists for both concerns enumerated above. First, the definition of weapons affected by this bill must be broadened to include other firearms of particular concern. Clearly, it would be pointless to ban one class of undetectable firearms, and allow another to be manufactured, sold and brought through security systems undetected. Second, the 'susceptibility of detection' of plastic guns must be clearly defined with a specific standard acceptable to the Federal Aviation Administration, the Secret Service and other appropriate agencies.

We look forward to the opportunity to meet with House staff, the Attorney General, the Administration, and others committed to working out realistic and effective plastic gun legislation. If you have any questions regarding this issue, please contact

Martha Plotkin or Karin Schmerler at 466-7820.

Sincerely,

Robert E. Van Etten, President, Federal Law Enforcement Officers Association; Kenneth T. Lyons, National President, International Brotherhood of Police Officers; William Kolender, President, Major Cities Chief Administrators; Harold Johnson, President, National Organization of Black Law Enforcement Executives; Tom Iskrzycki, Chairman, National Troopers Coalition; Hubert Williams, President, Police Foundation; Dewey R. Stokes, National President, Grand Lodge, Fraternal Order of Police; Jerald R. Vaughn, Executive Director, International Association of Chiefs of Police; Robert T. Scully, President, National Association of Police Organizations; L. Cary Bittick, Executive Director, National Sheriffs' Association; Cornelius J. Behan, President, Police Executive Research Forum; Edward Spurlock, President, Police Management Association.

#### NIT VICTORS

### HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. GEJDENSON. Mr. Speaker, last night the University of Connecticut Huskies men's basketball team was victorious in the championship game of the National Invitational Tournament, one of the most highly competitive and prestigious tournaments in all of college basketball. This victory was the culmination of a successful year, finishing the season with an overall record of 20 to 14 and making their first-ever trip to the championship game.

What makes this victory all the more impressive is the poise and maturity shown by the players. After falling behind Ohio State, perennially one of the finest teams in the Nation and who was making their fourth appearance in the final four in as many years, UConn battled back to take the lead and the tournament championship by a score of 72 to 67.

At this time I would like to congratulate the coach, Tim Calhoun and the members of his team: Cliff Robinson, Clint Simmons, Murray Williams, Steve Pikiell, Greg Economou, Lyman DePriest, Phil Gamble, Robert Ursery, Tate George, Willie McCloud, Jeff King, Karsten Kibbe, and James Spradling. I know that all of Connecticut is proud of the achievement of these fine young men and as an alumnus of the University of Connecticut I am especially pleased to offer my congratulations.

#### BIPARTISAN COMMISSION ON CENTRAL AMERICA

### HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. PURSELL. Mr. Speaker, yesterday I appeared before the Rules Committee regarding an amendment to the Contra-aid package call-

ing on the President to reestablish the National Bipartisan Commission on Central America.

Although the committee was unable to accommodate my request at that time, I am pleased with the overall support this amendment received. I feel that new ground was broken at the Rules Committee yesterday with regard to this bipartisan approach to Central America. I look forward to bringing this proposal before the committee again at another time.

My amendment incorporates House Concurrent Resolution 266 which I introduced last week with my colleague from Pennsylvania, Mr. MURTHA. The resolution calls upon the President to reestablish a 12-member bipartisan advisory body modeled after the Kissinger Commission.

The Commission's membership would be drawn from both political parties and from among distinguished leaders of the government, business, labor, education, Hispanic, and religious communities. Its mission would be to develop and make recommendations to the President, Secretary of State, and Congress on a bipartisan U.S. foreign policy for the Central American region.

This policy would look beyond the issue of humanitarian versus military aid for the Nicaraguan Contras and would examine the best response to the challenges of social, economic, and democratic development in the region. Many of the positive steps the United States has taken toward Central America in the last 4 years are the result of Kissinger Commission recommendations. Expansion and improvement of the Caribbean Basin Initiative is just one example.

Mr. Speaker, it is time to develop a national consensus on a comprehensive U.S. policy for the region. Reestablishment of the Bipartisan Commission on Central America is a logical and rational first step toward that goal.

#### ASBESTOS HAZARD EMERGENCY RESPONSE ACT

### HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. BARTON of Texas. Mr. Speaker, throughout my district, the State of Texas and our Nation, private and public school districts are faced with meeting unrealistic statutory deadlines imposed by the Asbestos Hazard Emergency Response Act [AHERA]. In our efforts to ensure a safe and healthy environment for our children, I believe we in Congress must ensure that the inspections are done in a safe and thorough manner. The extension of the AHERA deadlines is essential to ensuring the work is done properly and the hazard presented by asbestos is eliminated.

In the State of Texas, the limited number of inspection training schools and EPA approved laboratories is the greatest barrier to compliance with the law. For over 1,065 public districts and 900 private schools, Texas has only two certified training schools and only a few EPA approved laboratories. The short deadlines and lack of inspection schools or labora-

ories opens a pandora's box for expensive, inefficient and unsafe asbestos inspections.

School districts across the Nation have simply not been given enough time to comply with the law. They are faced with a costly no-win situation that could endanger the very people the law is trying to protect. H.R. 3893 would extend the deadlines and give our school systems a chance to appropriately and efficiently respond to the dangers of asbestos.

As a cosponsor of H.R. 3893, I strongly urge the expedited consideration of this legislation.

**IN HONOR OF THE TORRANCE  
YWCA WOMEN OF THE YEAR**

**HON. MEL LEVINE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. LEVINE of California. Mr. Speaker, I rise today to salute the Torrance YWCA, a fine organization as it honors the YWCA Women of the Year on April 16, 1988. Jean Adelsman, Judith Borck, Shirley Borks, Dee Hardison, Beulah Helgerson, and Grace LaPoint all share the qualities of generosity of spirit and the kindness of concern for others.

Jean Adelsman faces enormous responsibility as managing editor of the South Bay's community newspaper, the Daily Breeze, while still finding time to contribute to her community. She has been selected to serve on the Pulitzer Prize nominating committee and has implemented a weekly feature article highlighting activities of nonprofit organizations.

Ms. Adelsman holds the position of secretary for the board of directors of the volunteer center and has been a human race board member for 2 years. She frequently speaks to groups of high school and college students as a role model and inspiration.

Judith Borck serves as both an administrator and counselor of children and their families in her role as director of programs at Switzer Center. Her deep compassion and understanding of disabled youngsters extends beyond Switzer Center, as she is responsible for the establishment of a summer job program open to all special education students in three South Bay cities. Since the establishment of First S.T.E.P. in 1985, more than 60 high schoolers have received employment training and placement in summer job programs, many of whom have been retained for year-round, part-time employment.

Ms. Borck is a member of the Council of Exceptional Children, a member of the Council for Children with Behavioral Disorders, member of the Council for Children with Learning Disorders, a member of Pi Lambda Theta, an honorary educational organization, and past officer of CAPSES [California Association of Private Special Education Services].

Shirley Borks is an educator, teaching third grade at Seventh Street School in San Pedro where she is a training and demonstration teacher. Her community service extends throughout the bay area from the South Coast Botanic Garden Foundation, where she is currently on the board of trustees to the League of Women Voters, where she serves as water and natural resources chair.

Ms. Borks is currently on the board of trustees of the Community Association of the Peninsula [CAP] where she oversees the Multicultural Committee and acts as historian. Her love of the outdoors and the environment is reflected in her involvement with the Audubon Society, Sierra Club, and Cabrillo Marine Museum.

Dee Hardison's civic activities are outlined by her participation in the Torrance City Council, Torrance Planning Commission and the Torrance Park and Recreation Commission. Dee's contributions to the community go far beyond her official titles. When she sees a need, she throws her considerable talents and energies into accomplishing the task at hand.

Ms. Hardison has worked tirelessly for better schools both as a volunteer and teacher, she has received the PTA Honorary Service Award and Continuing Service Award. The School Board Association honored her with the Golden Bell Award and as a leader in preservation of parks and open spaces she received commendation from the National Recreation and Park Association.

Beulah Helgerson was selected volunteer of the year for giving more than 4,000 hours of service to the Retire Senior Volunteer Program [RSVP]. Her community service is boundless by the vital energy she shares and the enthusiasm she exhibits when undertaking each project. She excels in her ability to arrange for and disseminate information which is of help to South Bay senior citizens and the needy.

Ms. Helgerson hosts the Seniors in Action Program which airs weekly in the South Bay area on the local cable network. She assists with set-up and distribution of cheese and other surplus items to the needy of the area and has brought the "Silver Saver" Senior Discount Program to many.

Grace LaPoint has dedicated much of her volunteer time to the South Bay Hospital, where she served on the auxiliary board of directors. Her kindness and consideration of others has been apparent in her untold hospital volunteer projects and work with the Salvation Army, Head Start Program, Abused Women, and Children Program, and the South Bay Hospital House Calls Program, making daily contact with those alone, disabled, and aged.

Ms. LaPoint served as a member of the South Bay Cancer Foundation and was chairman of the South Bay Hospital Chapel Construction. It is here she can now claim almost 100 percent construction has started on the nondenominational chapel. This beautiful addition will be her legacy for future generations and the South Bay.

It is a pleasure to share the news of this special tribute to so many community activists with my colleagues in the U.S. House of Representatives. Their spirit, energy and generosity is to be applauded and commended.

**UNIQUE HINDU TEMPLE SOCIETY OF LEHIGH VALLEY HOLDS FESTIVAL**

**HON. DON RITTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. RITTER. Mr. Speaker, the Lehigh Valley has been blessed during its entire history by the existence of strong, proud, ethnic groups in its population. One of the most recent and most active ethnic additions to our population are the Indian community.

Although the first settler from India came to the Lehigh Valley in 1960, in 1977, a large group of immigrants from India settled in my district in Pennsylvania and formed the Hindu Temple Society of Lehigh Valley. The purpose of the society was to create a religious-cultural center where old and young could meet and participate in religious and cultural functions. This was especially important for young children so that they could learn of, while older members retained, the rich, 7,000-year-old Hindu culture while adapting to their new land. Now there are about 400 Indian-American families, mostly professional and many highly successful, in medicine, engineering and science, education, and business.

As a scientist and now a Congressman, I have enjoyed numerous working relationships and friendships with this creative and high-achieving group of people. As their Representative in the Congress of the United States, I am proud of new and healthy dimensions our Indian families have brought to the Lehigh Valley. The Hindu Temple Society raised the necessary funds within their community and have built a unique Temple in Bethlehem, PA. Mr. Speaker, this is the first temple in the world where all the four religions of Indian origin—Hinduism, Buddhism, Jainism, and Sikhism—are worshipped on the same pulpit.

The Vedas, the old Hindu scriptures date back to more than 5,000 years B.C. We also know, in education, great Indian minds gave birth to the decimal system, digit system, and the concept of zero which became the foundation of mathematics and the ensuing scientific endeavor of mankind. India also gave birth to a great man—Mahatma Gandhi—a wonderful soul who showed the world a new dimension of nonviolence. India as a beautiful spring day, has brought forth much beauty and wisdom for the world to use. Not only in my district, but around the Nation, we can all point with pride to the Indian-Americans who are fellow citizens and good neighbors.

Indian-Americans have enriched my life and the lives of my constituents. And I believe their contribution to our society is only beginning. Mr. Speaker, on the occasion of the April 9 Holi Festival of Colors at the Temple, which heralds the start of spring, I ask my colleagues to join with me in conveying our appreciation for the contributions from the growing Indian-American community.

MONTGOMERY COUNTY, MD,  
BIRD AND BLOSSOM SELECTION

**HON. CONSTANCE A. MORELLA**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mrs. MORELLA. Mr. Speaker, it is a great honor to announce the winners of a county-wide contest to choose a bird and a blossom to stand as symbols of Montgomery County, MD. The winning essays were presented at an award ceremony before the county council on March 22, 1988. Teachers from 32 elementary schools selected the best entries from their fourth grade classes and submitted a total of 104 essays to the judges. The event was sponsored by the Montgomery County Commission on the Humanities.

The winning entries were by Tina G. Veticad from Gaithersburg Elementary School for her essay, "The Robin," and by Julie Kim from Lakewood Elementary School for her essay, "The Dogwood." I would like to include these essays in the RECORD so that they can be enjoyed by all for their originality, freshness, and interest. I would also like to recognize the teachers of these two fourth grade students, Mrs. Irene B. Coleman and Ms. Rosalie Lewis, for helping to inspire these two students and for teaching them to express themselves so well.

In addition, honorable mention was given in the county bird category to: Jessica Biggs from Wood Acres Elementary School, "The Cardinal"; Tanessa Crockett from Gaithersburg Elementary School, "The Cardinal"; Anthony Horos from Lakewood Elementary School, "The Morning Dove"; David Larson from Farmland Elementary School, "The Morning Dove"; Elizabeth Murphy from Bethesda Elementary School, "The Barred Owl"; and Margaret Zamula from Bells Mill Elementary School, "The Song Sparrow."

Honorable mention in the county blossom category went to: Brooke Cotter from St. Bernadette School, "The Forget-me-not"; Cheryl Raab from Georgian Forest Elementary School, "The Shooting Star"; Sara Rosen from Green Acres Elementary School, "The Wild Sweet Crab Tree"; and Ami Vikram N. Shah from Meadow Hall Elementary School, "The Morning Glory."

**THE ROBIN**

(By Tina G. Veticad)

The Robin to me shows great strength and loyalty. The colors brownish-gray and reddish-orange to me stand for boldness and courage. Once a Robin nested in one of my trees and had three babies. Before the babies hatched I noticed that everyday at about eight o'clock it went out for food and brought back a worm. When the babies were born she always brought a worm back for them. I think all these things are a good way of representing Montgomery County.

The Robin's nickname is the "Robin Red-Breast," and I think that shows great power. When I hear that nickname I think about a bird strutting around everywhere. I rarely think about birds but this is an exception. I see the Robin about once a week and it looks very interesting. I think the Robin would be the perfect bird to represent Montgomery County and I hope you think so too.

EXTENSIONS OF REMARKS

Dogwood

(By Julie Kim)

Montgomery County has many flowers and blossoms. Of these, I recommend the dogwood for the official Montgomery County blossom. It is common throughout Montgomery County and also very beautiful.

The dogwood is a tree with pretty blossoms on it. The blossoms bloom different colors including pink, white, greenish-white, and bright-red. In the center are drops which are fruits and usually have two seeds. The leaves have parallel veins rich in calcium.

The unusual bark pattern and the gray urn-shaped flower buds make the dogwood an attractive winter tree. Its wood is hard and heavy. The dogwood is pretty like Montgomery County and blooms year after year.

Dogwoods grow in woods, parks, yards and along streets in Montgomery County. It blooms during spring. The leaves are green and give shade in summer. The tree has red berries in fall. It is bare in winter, but it looks lovely covered with snow and frost.

The dogwood makes people feel comfortable because it does not harm or hurt people. It gives beauty to parks, yards, and forests in the county. I think dogwood should be the official blossom because of its beauty and feeling of joy.

**McKINNEY HOMELESS  
ASSISTANCE ACT**

**HON. BRUCE F. VENTO**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. VENTO. Mr. Speaker, today, along with my colleague MIKE LOWRY, a bipartisan coalition of more than 70 other Members of Congress including the majority leader and majority whip, I am introducing legislation to reauthorize the McKinney Homeless Assistance Act.

One doesn't have to look far to see why this legislation is necessary. Millions of our fellow Americans remain homeless—living an American nightmare instead of the American dream.

The homeless crisis has reached critical proportions within the last decade. The future housing prospects for low-income Americans looks even bleaker. The number of poor households is expected to increase by more than 40 percent and the number of low-rent units is expected to shrink from 12.9 to 9.4 million by the year 2003, according to an MIT study.

Federal action is needed now for the reauthorization of the McKinney Act as a crucial step toward solving the homeless crisis.

Homeless families can't live on a treadmill going from one emergency shelter and soup kitchen to the next. This unique legislation is a broad, multi-faceted approach to the problem of homelessness. It will meet the immediate emergency needs as well as deal with some of the chronic problems of the homeless. This 2-year reauthorization measure proposes about \$700 million annually to meet the needs of the homeless. In addition to emergency shelter and food, the legislation will provide critical health care, education, job training

March 31, 1988

services and traditional housing for homeless families.

In one short year since the McKinney Act took effect, it has enhanced existing homeless programs and spawned a number of innovative new homeless assistance programs nationwide. It has encouraged communities across America to respond to the tragedy of homelessness with great compassion.

All sectors—public, private, and nonprofit—have participated in efforts to help the individuals and families that have become victims of the housing shelter crisis plaguing our Nation.

Our efforts to assist the homeless have the support of homeless advocacy groups, State and local governments, nonprofit and religious organizations, and the American public.

Sixty-eight percent of American voters support increased funding for Federal aid to the homeless, according to a recent poll. No other economic, military or social program has such support, yet, most other Federal programs receive more funding.

The homeless assistance programs are not a permanent solution to the shelter problems which cause homelessness but a temporary safety net until we can address the growing housing crisis.

Until we can develop workable programs and devote an adequate amount of our resources to assist the homeless and better address the underlying problems causing homelessness, more of our fellow Americans will be faced with the prospect of living on the streets of America.

This reauthorization is a critical first step in maintaining a Federal Committee—a promise—to the homeless. The second crucial step is ensuring that such promised programs receive full funding.

Congressman MIKE LOWRY has worked diligently on that side of the issue. First, by introducing a supplemental appropriation measure to bring this year's funding level in line with the amount authorized by Congress. Second, by ensuring that the 1989 budget resolution reaffirms our commitment to the homeless.

This strong bipartisan support gets the reauthorization of the McKinney Act off to a good start. Now we must work together:

To pass this legislation as soon as possible;

To ensure that full funding is appropriated for these programs;

To insure the funds make their way through Federal agencies and into our communities as soon as possible.

**TRIBUTE TO LAWRENCE R.  
ROGERS, OF WARREN, OH**

**HON. JAMES A. TRAFICANT, JR.**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to a man who has made a distinct contribution to both Ohio and the 17th Congressional District. It gives me great pleasure to note that Lawrence R. Rogers, of Warren, OH, will be celebrating his 90th birthday on April 22.

I would like to take this opportunity to commend this man for his years of loyal service to

the Knights of Columbus and his nearly 70 years as an active and caring member of the Warren community.

To Mr. Rogers' credit, he is the oldest past State Deputy in the Ohio State Council of the Knights of Columbus having held nearly every office available up to and including the State Deputy's position. In addition to serving as the former navigator of the Bishop McFadden Assembly of Warren and serving as the former grand knight, he was also responsible for founding and reorganizing several local councils.

In respect for this man's years of extraordinary service to both the Knights of Columbus and to our community, I am honored to commend the unselfish and lasting contributions he has made to the people of Warren. We are all proud of him.

**STATEMENT OF REPRESENTATIVE MATTHEW G. MARTINEZ BEFORE THE UNITED JEWISH APPEAL OF LOS ANGELES' FOREIGN POLICY FORUM MARCH 6, 1988**

**HON. MATTHEW G. MARTINEZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. MARTINEZ. Mr. Speaker, I wish to insert for the RECORD a transcript of a speech I made before the United Jewish Appeal of Los Angeles' Foreign Policy Forum on March 6, 1988. First, I would like to start by thanking the United Jewish Appeal for inviting me to share my thoughts on the situation in Israel.

We Americans love convenience and simplicity. When a manufacturer introduces products like microwave popcorn—which I personally happen to love—velcro, frozen pizza or Sony Walkman, Americans snatch them up like hotcakes. Sometimes our desire for an easier and simpler life has permeated the way we look at the world around us. For instance, elected officials in our country use catchy phrases like—"its morning in America"—to get themselves elected. Likewise, the news media analyzes tax reform in approximately the same time it takes to make microwave popcorn.

What elected officials and the news media do not understand, however, is that citizens of our country depend on accurate information and reassuring leadership. Unfortunately, our desire to make life simpler produces incomplete information and demagogic leadership.

The tragic situation in the West Bank and Gaza Strip is a case in point. Everyday our living rooms are flooded with 60 second bytes of pictures of young Palestinians throwing rocks and bottles at heavily armed Israeli soldiers. During these segments, we are told of beatings committed by Israelis upon defiant Palestinians. To keep things simple, this is where the reporting stops. Or even worse, our commentators spell out the perception they are creating by comparing the situation to riots in South Africa.

To our disadvantage, some elected officials have been no better in their reaction to the crisis in the West Bank and the Gaza Strip. In-

stead of being leaders, they are being followers—followers of the perception that Israel is acting like an authoritarian regime in the treatment of protesting Palestinians. To show their concern, many of my colleagues are making so-called fact finding trips to Israel. A 4-day trip to Israel during the middle of a crisis will not help someone understand the complexities of the situation and will only serve to exacerbate hostilities. People who go on such trips either see and believe what they want to believe or what someone else wants them to see and believe.

Fortunately, there are those of us who have seen through superficial reporting and demagogic leadership. What has helped me understand the situation are my memories of the three trips I have made to Israel during my tenure as a Member of Congress. I particularly remember a discussion I had with the mayor of Bethlehem that epitomizes the perceived view and the genuine condition of Arab/Israeli relations. Before making the trip, I had heard repeated stories in the media of how the Israeli Government had cut off drinking water to a predominantly Arab community in Bethlehem. When I met the mayor of Bethlehem, I asked him how the government could be so unhumane as to cut off something as basic as drinking water. He said that this perception had more to do with the deterioration of a water supply pipeline than a calculated plot to drive the Arabs out of Bethlehem. So much for reporting the whole story.

From my trips, I have come to appreciate the example of democracy Israel has set in the Middle East. That is why I have become so incensed with those who have compared the Gaza uprising to treatment of disenfranchised blacks in South Africa. Unlike South Africa, all citizens have the same rights under the law. Indeed, most of the municipal officials on the West Bank are Arabs who openly support the Palestinian movement. Black elected officials in South Africa would be promptly thrown out of office if they even hinted support for Bishop Desmond Tutu or any other anti-apartheid activist. Additionally, unlike the Arab minority in Israel, the black majority in South Africa has not declared their desire to drive the whites into the ocean.

People in our country should be told that Israel is a nation of conscience. The uprisings in Gaza and the West Bank have divided the Israeli people. Some believe a hard line policy is the only way to deal with the Arabs, while others ardently protest the treatment of Palestinians. This deviousness should demonstrate to the world that Israelis are wrestling with a problem that tears at their moral fiber. By tackling this dilemma head on, the Israeli people have shown that state policy on the Palestinian issue is not being driven by a small minority or oligarchy of leaders, but rather the citizens of the nation of Israel, a democracy.

In sum, the perception created by our news media and perpetuated by some elected officials ignores 40 years of Israeli history. Since its creation, Israel has been under a state of siege caused by Arab nations bent on her destruction. With the exception of Egypt, none of the Arab nations has ever negotiated an end of hostilities with Israel. By evidence of the Syrian and Jordanian reaction to Secretary of

State George Shultz's peace plan, this policy remains in force today.

Having told the story that remains relatively untold in our own country, we should remember that Israel has a serious problem and is in search of solutions. First, we should recognize that some Israeli soldiers have needlessly mistreated Palestinians. Fortunately, the Israeli Government has taken steps to stop this senseless action in the short term. We should also realize, however, that quelling violent riots on a long-term basis is not an easy task. In order to stop violent protesters, human nature dictates the use of assertive force. Tragically, this force has resulted in the injury and death of both Palestinians and Jews. Hopefully, Israeli soldiers will become more accustomed to showing restraint while simultaneously demonstrating assertive force. The Israeli Defense Forces can speed up this skill by teaching new recruits how to humanely deal with violent protesters.

Some in the Israeli Government have suggested that the foreign news media ought to be barred from areas of unrest since their presence encourages Palestinian protesters to pander to journalists. Proponents of barring the media rationalize the proposal by claiming that it would not violate Israel's commitment to a free press since the United States imposed a press blackout during the invasion of Granada. I believe this is flawed reasoning. Our Armed Forces went out of their way to exclude the news media from the invasion of Granada on the pretext of secrecy. I have no problem with the military protecting the element of surprise, but in past actions we have found unrisks ways to accommodate the people's right to know. We have already seen that the media in our country has done a poor job of presenting a balanced picture of the uprisings in Israel. The pictures and newstories we receive, however, are necessary for us to maintain an awareness of the crisis. More importantly, I cannot think of a better way to illustrate Israel's commitment to democratic values than by permitting open reporting in Gaza and the West Bank during the middle of a crisis.

Israel must also continue to strive for a solution of the Palestinian issue. Like any dark cloud, the uprisings in Gaza and the West Bank could have a silver lining. As a consequence of the uprising, there is renewed interest in facilitating the framework provided by the Camp David accords for solving the Palestinian issue. Although Secretary Shultz has had little success in persuading Jordan and Syria to engage in this process, he must be persistent in this effort. At the very least, both the Israeli and Jordanian Governments have told Secretary Shultz this week that they want him to continue mediate the crisis.

In conclusion, let me say that Israel continues to play an irreplaceable role in the Middle East for the United States. Additionally, if we were true to our pledge of protecting genuine democracies around the world, then Israel must always enjoy the support of the United States. To that end, we Americans must not be misguided by the perception created in the media and elsewhere regarding the recent uprisings while recognizing the serious problems facing Israel. And finally, the United

States Government should search for any angle to initiate a resolution of the Palestinian issue.

Thank you.

**CONGRATULATIONS TO MR.  
SHAWN LAWLOR**

**HON. NANCY L. JOHNSON**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 1988*

Mrs. JOHNSON. Mr. Speaker, I would like to take this opportunity to congratulate Mr. Shawn Lawlor of Washington, CT, on his act of heroism on Thursday, March 3, 1988. In the fiery aftermath of a two-car accident, Mr. Lawlor pulled Mr. August Matula, 81, also of Washington, from his burning car and saved his life. Tragically, Carolyn Matula, his wife, perished on impact and could not be saved.

The crash and ensuing fire occurred when the Matula's 1987 Dodge Aries station wagon struck a car on the eastbound lane of Route 202, then sped into reverse, knocking down two gas pumps, hitting a second car and causing both cars to burst into flames. Both of the other drivers escaped unharmed.

Mr. Matula went into shock immediately after the second impact and was unable to move himself to safety. Mr. Lawlor, who heard the crash, moved his truck and ran to the scene of the accident. He saw Mr. Matula in the car and moved him to safety before the flames engulfed it completely. When questioned as to why he didn't run away from the accident, Mr. Lawlor replied that running away had never occurred to him because he knew there was someone in the car.

In approaching a burning car to save the elderly Mr. Matula's life, Mr. Lawlor acted bravely, for the car might have exploded at any moment. While Mr. Lawlor's act of bravery speaks for itself, I commend his courage and generosity of spirit.

**AL POLLARD, CHAIRMAN OF  
THE BOARD, BROOKS-POLLARD CO.**

**HON. TOMMY F. ROBINSON**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 1988*

Mr. ROBINSON. Mr. Speaker, Al Pollard is one of Arkansas' truly Renaissance men. He is currently chairman of the board of the Brooks-Pollard Co., a Little Rock based marketing and advertising agency, with a roster of blue chip clients drawn from Arkansas and throughout the country.

Pollard has developed a regional and national reputation as one of the foremost exponents of applying marketing, advertising, and sales training strategies and tactics to all types of companies' business plans.

He has done work for such well-known companies as Riceland Foods, the Kroger Co., Potlatch Corp., the Arlington Hotel, the American Parquet Flooring Association, the Country's Best Yogurt, Banquet Foods, Treas-

ure Isle, McDonald's, Tyson Foods, and the Arkansas Industrial Development Commission.

He is now in his 53d year of advertising, public relations, and marketing communications. In 1985 he was given a special award for 50 years of advertising pioneering by the Arkansas Advertising Federation.

Pollard is a historical figure for a businessman. He wrote the first State planning overview on Arkansas in 1935 and later developed the master plan for public relations to make the Arkansas River navigable during 1942-43. He worked for over 10 years, from 1955 to 1965 with Winthrop Rockefeller in developing the innovative industrial development marketing program of the AIDC.

Politically, he wrote campaign material for Governor Carl Bailey in 1937, since then has been involved in campaigns for Wilbur Mills, John McClellan, and Winthrop Rockefeller. He has handled over 60 wet-dry elections over the years, supported the State's new constitution in 1970 and then handled the successful mixed drink campaign in 1969 in Pulaski County.

He has an equally impressive civic record. He has served as president of the Little Rock Chamber of Commerce, the Sales & Marketing Executives Association, the Arkansas State Mental Health Association, and the UALR Alumni Association.

He has served as chairman of the Little Rock branch of the Federal Reserve Board, Comprehensive Health Planning Program, and the Arkansas State Council on Economic Education.

In 1986, he was awarded an honorary doctorate from the University of Arkansas at Little Rock. He has served on the board of the State chamber of commerce, the Arkansas State Hospital, and the Arkansas Children's Hospital.

Al Pollard's stamp is on each of these areas: Education, health services, industrial development, the political arena, Arkansas' economic development and history.

In addition to his current responsibilities at Brooks-Pollard, he serves as president of the Arkansas Exporters Roundtable and the Keep Arkansas Beautiful Association and executive director of the American Parquet Flooring Association, and the Arkansas Soft Pine Bureau. He is a trustee of the prestigious International Trade of the Southwest.

He has developed an entire business and human relations philosophy that he calls the S-I System—Self-Interest Dynamics—built simply around the self-interest of others. He is also president and cofounder of the ESP Research Associates, the national leading foundation in the scientific analysis of psychic phenomena. In that regard, he coauthored a book with Harold Sherman entitled "Extra Success Potential" dealing with how a person's sixth sense can be developed for use in business. For 37 years he wrote a weekly column in Arkansas Democrat entitled "Life Today."

Al Pollard is the only man in Arkansas to have been awarded both the prestigious Silver Medal from the Advertising Federation and the Distinguished Sales Award for Top Management from the Sales & Marketing Executives Association. He has received Presidential commendation for his current work in export marketing, has been chosen Outstand-

ing University of Arkansas at Little Rock Alumnus and was the Arkansas Democrat's Man of the Year for Little Rock in 1967.

In 1986, Pollard was named "Communicator of the Year" by the Arkansas Chapter of International Association of Business Communicators. He was also bestowed the honorary doctorate of humane letters by the University of Arkansas at Little Rock. Pollard was the only person in the field of advertising and communications to be named to the Arkansas Sesquicentennial Commission's Project Pride, which recognized Arkansans who have contributed to the enhancement of the State or Nation.

Pollard has given countless number of hours counseling young people in our State wanting to enter the field of advertising who have come to him seeking career planning advice.

Business executive, shaper of Arkansas history, civic and professional leader, and philosopher; Al Pollard has truly been a Renaissance man during his 52 years of service to his company and to his State.

**TRIBUTE TO DALTON  
MANSFIELD**

**HON. CARROLL HUBBARD, JR.**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 1988*

Mr. HUBBARD. Mr. Speaker, I want to pay tribute to a long-time friend of mine, Dalton Mansfield, of my hometown of Mayfield, KY, who died January 3 at Community Hospital in Mayfield.

Dalton Mansfield and his lovely wife, Claudine have been close friends and neighbors of mine ever since 1962. Dalton and Claudine Mansfield have signed my filing papers many times when I filed to seek election as a Kentucky State senator and a U.S. Representative.

Dalton Mansfield was a well-liked, highly respected Mayfieldian. He was a retired employee of the Mayfield Post Office.

Dalton Mansfield was a longtime member of Mayfield's First Christian Church.

In addition to his wife Claudine Wyatt Mansfield, he is survived by a talented and very pretty daughter, Marion M. Parks of Paducah, KY, sister, Rudelle Bolin, Clinton, KY, and two grandsons, John Mansfield Parks and Jason Bennett Parks, both of Paducah.

**SOVIETS MUST END DIVIDED  
SPOUSES' ORDEAL**

**HON. E. CLAY SHAW, JR.**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 1988*

Mr. SHAW. Mr. Speaker, Dr. Galina Vileshina, who lives in my district in Fort Lauderdale, has been separated from her husband, Pyatras Pakenas, for 8 years by Soviet authorities who refuse to allow Pyatras to leave the Soviet Union. Every day, Pyatras writes to Galina in an effort to lessen the pain of separa-

ration. Here are more excerpts from his letters to her, which have been published in the Fort Lauderdale News/Sun Sentinel.

DECEMBER 31, 1987 (New Year's Eve).

My dear, it's only one evening in this year, and I want to talk to you. My beautiful wife, this year for me was the best in the last seven and half years since our separation, because I could see you, and not only see you, but I could hug you and kiss you and have everything \* \* \* But this year, at the same time, it was very difficult. Never was our happiness so close, and because it didn't happen again, that's why I'm suffering now, again. But you and I will know that this, all obstacles, we will overcome. And we will have hope that this year will be the last year in our separation \* \* \*

My love, before we begin the new year, I want to say that I love you more than my life, more than everything valuable in the world, and I will love you all the rest of my life, because without you I cannot imagine my life \* \* \*

I will drink Pepsi for our life, for our love, and then I will go to bed.

JANUARY 18, 1988.

My love, my darling, I have a new week today. Yesterday I went to the cemetery. It was a lot of snow. I brought, like always, fresh carnations. But from last week they still were in good condition because it's a lot of snow. In this weather the cemetery is very nice. The tombstones look so nice that a lot of people that I know, they stop and they talk to me and tell me how good looking our tombs are.

Everybody asked about you and asked me when I will go \* \* \*

#### LEGISLATION CONCERNING SATELLITE DISHES

### HON. BUDDY MacKAY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. MACKAY. Mr. Speaker, on March 22, Congressman OLIN held a special order on the issue of satellite dishes. Due to the concerns of many of my constituents, and the unfairness of the current situation, I would like to add to the remarks that were made on that day.

H.R. 1885 and H.R. 2848 represent opportunities for Congress to rectify an inconsistency in our free enterprise system. By taking up these bills, Congress can pass legislation that actually helps open up the satellite programming market in a fair and nondiscriminatory manner.

While some may argue that the market will correct itself, I must argue that this problem is such that technology has not only outpaced current legislation, it has outpaced the market system itself. In such a situation, it is up to Congress to make the necessary corrections.

It is important to realize that satellite dish owners are not asking for any special treatment. These people are simply asking for us to put an end to the current discrimination that is being practiced. As my colleagues have stated, the right to purchase goods and services without discrimination is fundamental to our country, and this right must be established for satellite dish owners. Dish owners are not asking for a free ride, they are asking only

that they not be charged more than their counterparts in the cable market.

This legislation would permit programmers the right to protect their products and would also ensure that rural dish owners are able to receive programming through an orderly marketing system, at reasonable and equitable rates. While I agree that it is not the job of the Congress to set prices, we do have the duty to see that the system works fairly for everyone.

#### THE CASE FOR EXTENDING THE AMNESTY DEADLINE

### HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. SCHUMER. Mr. Speaker, legislation is now pending before both Houses of Congress to extend the deadline by which illegal immigrants can apply for amnesty under the Immigration Reform and Control Act of 1986. Recently, in a comprehensive and compelling article, the Washington Monthly outlined the argument for such an extension. I recommend the article to my colleagues.

#### WHY AMNESTY FAILED—HOW TO MAKE IT WORK FOR ILLEGAL IMMIGRANTS

(By Jason DeParle)

Eva has a problem. She's lived in Chicago for eight years as an illegal immigrant. The new immigration law that took effect last May gives her the chance to shed that illegal status for a work permit and eventual citizenship. But Eva lacks the paper trail she needs to prove her history of U.S. residence. She lacks the hundreds of dollars it would cost her to apply. And she lacks the faith that immigration authorities won't deport her children, who didn't begin arriving from Mexico until 1984, two years after the amnesty cut-off date. "If I give them the names of my children," she says, "they'll take them."

As the year-long legalization program draws to a close, there are hundreds of thousands of Evas: illegal immigrants too poor, confused, or afraid to capitalize on its one-time offer. When the program kicked off last May, immigration officials predicted that between 2 million and 3.9 million people would register. But as March began only a million had come forward, and headcounters have consistently deflated their final prediction, which has now sagged to only 1.35 million. To spur a last-minute surge, sombrero-topped immigration officials have been Texas two-stepping from one photo op to another, broadcasting Spanish jingles and attending burrito bakes. They've even begun placing flyers in the bags of tortillas sold in grocery stores, urging people to apply. But all the salsa in San Diego won't coax forth the number of illegals the law was intended to help.

Rep. Charles Schumer wants to buy more time and has asked Congress to extend the deadline for a year. But judged by the contentiousness that accompanied the original act, that may be a hard sell. Congress spent five years cussing over what finally passed in 1986 as the Simpson-Rodino act. The legislation, which passed the House by seven slim votes, tread a narrow path between warring camps. It promised to get tough on new border-crossers by fining employers

who hire them. At the same time, it promised to ease up on those who arrived before 1982 by offering legal status. The effort to extend the deadline is made even more difficult by the opposition of Sen. Alan Simpson, the act's cosponsor and a pivotal immigration player.

Supporters of the Schumer extension argue that an extra year's time could coax forth another 400,000 people from the shadows of illegal life. It's not just a humanitarian move on behalf of an easily exploited population, they say, but one essential to a healthy democracy. Illegal aliens are afraid to report crimes or fires. They're afraid to seek treatment for diseases. The persistence of a vulnerable subclass hurts us all. You know the retort: We gave them their chance; if they haven't registered by now, that's their problem. "Instead of being thanked for an act of beneficence, we're hearing the whining of the ungrateful," said Patrick Burns of the Federation of American Immigration Reform, to The New York Times.

What, in fact, is the problem? Across the globe, from Krakow to Krakatowa, the victims of poverty and oppression, numbering hundreds of millions, long to live in the U.S. What keeps hundreds of thousands inside our own borders from stepping forward to fulfill the promise that brought them here in the first place?

Here's the answer:

#### PUBLICITY

The first key to a successful legalization program is spreading the word. Or spreading lots of words, not just in Spanish but in Creole, Polish, Tagalog, Urdu, Chinese and dozens of other languages. As its word-spreaders, the Immigration and Naturalization Service chose The Justice Group, a consortium of three California public relations firms that bid \$10.7 million to do the job. But by almost all accounts, the publicity has failed. "Seriously inadequate . . . a major program deficiency," is what Doris Meissner, a former INS acting commissioner, called it in a report with Demetrios Papademetriou of the Carnegie Endowment for International Peace. "I don't think anybody thinks the INS effort has been enough," said Elizabeth Bogen, who directs the Office of Immigrant Affairs for the City of New York. In private conversation, INS officials in field offices share that assessment.

The campaign has consisted mostly of ads in newspapers and on radio and TV broadcasts, in as many as 36 different languages. As a result, virtually all illegal immigrants know an amnesty program exists. What many don't know is who qualifies, or how to apply, or whom to trust. For those details to spread, the campaign needed to take a more grassroots approach, utilizing church bulletins, hotlines, newsletters, and networks of ethnic groups. Ironically, that was the conclusion of The Justice Group itself in its original proposal. The task "calls for much more than mass media approaches," it said, promising an additional "outreach effort" that ethnic groups say hardly materialized. "There's been a lack of trustworthy information," said Hernando Caicedo of the Mission San Juan, a Washington group that helps illegal aliens apply. "A lot travels by word of mouth."

To pick up the slack, a smorgasbord of ethnic groups, churches, local governments and other groups have attempted their own publicity campaigns. The Archdiocese of New York is distributing flyers in parochial

schools and printing notices in church bulletins. Volunteers in a city-run service program are canvassing ethnic neighborhoods in Brooklyn, Manhattan, and Queens posting notices in laundromats and grocery stores and broadcasting with sound trucks. After a sweep of the city's Dominican-dominated Washington Heights, applications in nearby immigration offices doubled. Similarly, when the archdiocese of Chicago held an information day, 500 people showed up. "That shows that there are a lot of people out there who still haven't gotten the word," said Cecilia Munoz, who heads the diocese's amnesty efforts.

Individually, some INS field personnel have taken on their own energetic campaigns. They've appeared on radio shows, delivered green cards in hospital wards, and sent valentines to elderly applicants. They even split an 18-foot burrito with undocumented farm workers. One of the most noteworthy efforts has been that of Harold Ezell, the western regional commissioner. A former executive at Wienerschnitzel International, Inc., a hot dog company, Ezell once made headlines with his prescription for illegal immigrants: "catch 'em, clean 'em, and fry 'em." But the New Ezell has taken to donning sombreros at Hispanic boxing matches, and riding in the Chinese New Year parade. In January, The Justice Group launched a campaign that more closely resembles the grassroots efforts of private groups. It's getting good reviews, but too late to create the kind of awareness originally desired.

#### FEAR

From the start, INS officials faced a formidable challenge: to transform their image, Houdini-like, from a bureaucracy of feared cops to one of helpful paper pushers at neighborhood amnesty offices. By definition, the immigrants eligible for this program had spent at least five years hiding from the INS. Now they were being asked to stroll forward into the enemy's lair and commit name, address, and phone number to paper.

To soothe the fears, the INS opened 107 new offices that only process applications for amnesty; this keeps applicants from having to deal with the same agents who may have been trying to deport them. In addition, the agency deputized more than 900 church and community groups, awkwardly dubbed Qualified Designated Entities, to help illegals prepare their applications. So immigrants who don't want to walk straight into the INS can ready their paperwork instead at places like the Ethiopian Community Center or Hispanos Unidos de Virginia. Furthermore, Congress declared all the information in amnesty applications confidential, forbidding the INS from using it for deportatation purposes. The INS has followed that rule and, by most accounts, made a food-faith effort to don the sheep's clothing. "They deserve some praise for the general tone of their approach," said Charles Kamasaki of La Raza, a national Hispanic lobby.

For all that, Osmin Martinez had doubts—about nine months' worth of them. Despite a spring, summer, and fall of TV and newspaper ads touting the program, Martinez, a 30-year-old native of El Salvador, waited until February to apply. "I didn't want to try to arrange it because they might arrest me," he said. It comes as no surprise that Martinez's fears are widely shared. "They don't want Immigration to know where they are," said Mary Mercado, director of the

Spanish Catholic Center in Washington. "They don't believe [the program] is true."

#### FAMILY UNITY

Illegal immigration typically occurs in stages. Husband or wife arrives first, finds a job and home. Later, with that beachhead established, the rest of the family follows. The U.S. has always recognized family unity as a key provision in immigration law, and we endorse it in international forums like the Helsinki accords. But the amnesty law, which requires each member of a family to qualify on his or her own, is silent on the question of spouses and children. Since applications, which list family members, are confidential, that doesn't mean children and spouses will be deported. But it does mean there are no guarantees of protection should the INS find them.

Congress should have offered more explicit protections to immediate family members and has turned down subsequent legislation that would have done so. But the INS is also to blame. The agency has considerable discretionary powers that it could use to soothe immigrant fears. One way to do that would have been to offer spouses and children a type of limbo status called "extended voluntary departure," a neither-here-nor-there arrangement that forestalls deportation proceedings.

Instead, the agency fed the applicants' fears for six months by sending out contradictory signals. Some field directors promised leniency; others said they were awaiting word from Washington. In October, the INS finally promised not to deport children younger than 18, but only if both parents qualified for amnesty. What if only the wife qualified? Would it deport the husband? The children? The INS said it would take up those questions on a case-by-case basis, using its discretion where unspecified "compelling humanitarian factors" warrant it.

What that might mean in the tangled instance of Eva, the Mexican woman in Chicago, is unclear. Since she arrived in 1980 before the cutoff, she is eligible for amnesty. So is the child she brought with her as a month-old baby. Her other children, who joined her in 1984 and 1985, are not eligible. But their children, Eva's grandchildren, are already U.S. citizens, since they were born here.

Family unity is perhaps the most bitterly contested aspect of the legalization program. Immigration officials like to downplay it, arguing that it affects few families. And they rightly point out that no family members have yet been deported. But volunteers on the front lines say it's the psychology that counts, with applicants unwilling to risk exposing husbands, wives, or children. A survey in Los Angeles found that 30 percent of those who attended an amnesty information program said they failed to file applications due to fears about ineligible family members. "It's an unbelievably big problem," said Munoz, the Chicago amnesty worker. "People are afraid to come forward because of what might happen to their children."

#### DOCUMENTATION

To qualify for amnesty, an illegal alien must be able to prove that he or she has lived in the U.S. continually since 1982. They can prove it in lots of ways: with utility receipts, letters to a U.S. address, tax returns, union cards, drivers licenses, report cards, or sworn statements from priests, employers, or neighbors. A California woman even submitted a winning receipt from a Las Vegas slot machine. There are no codified

standards of how much proof must be offered. Individual INS officers make their own judgments. But despite the government's flexibility, producing the proof is often the toughest task an applicant faces. Illegal immigrants, by nature, avoid paper trails.

"I just don't have the proof," said Ovel Salguero, who says he came to the U.S. from El Salvador in 1980. Shortly after arriving, Salguero began washing dishes in a Greek restaurant, where his brother had been working since the previous year. Juan Salguero, who kept his pay stubs, applied for amnesty and received a temporary work permit in June. But Ovel, who didn't keep his papers, is still searching for the owner of the restaurant which closed in 1983.

A number of immigrants have found their employers reluctant to acknowledge their past labors. Many were paid in cash, or at rates below the minimum wage. Though the INS guarantees confidentiality, it's no surprise that business men who have been cheating the government out of payroll and Social Security taxes run the opposite direction when asked to sign statements.

The Dallas Times Herald told the story of an Austin restaurant owner who responded to a request for documentation by throwing a roll of toilet paper at his former employee. "Here's the paper you wanted," he said. (By contrast, in an admirable act of corporate responsibility, Levi Strauss loans up to \$1,000 to employees wishing to apply for amnesty.) Perversely, it is the immigrants who are exploited the worst—agricultural workers and maids—who often have the toughest time getting former employers to own up. Workers who've been paid in cash may themselves hesitate to come forward since the law requires that they pay back taxes.

For applicants who have moved, the need to gather documents may require long, expensive trips. Felipe, a 35-year-old machinist, settled in Chicago when he first arrived from Mexico in 1978. He moved to Texas in 1986. Although he made a trip back to Chicago to collect rent receipts and contact former employers, he has yet to receive all the paper they promised to send. "We have a lot of cases that have come from California," said Gilbert Jezbera, a legalization worker for the diocese of El Paso. "Witnesses move, neighbors move. It's hard to get proof."

Nearly half of the immigration lawyers and amnesty workers who answered a nationwide poll by the Dallas Times Herald listed documentation problems as the most common reason that eligible immigrants don't apply.

#### MONEY

For the Mexicans, Salvadorans, Poles, Filipinos, Sierra Leoneans, Jamaicans and countless others fleeing the repression or poverty of their homelands, the offer of U.S. citizenship may be a hell of a good deal. Still, it isn't free.

Congress required the program to pay for itself. The INS, divvying up the estimated cost of more than 100 new offices and thousands of new employees, charges \$185 per person, up to a maximum of \$420 a family. Tack on \$50 to \$100 per person for an AIDS test. Tack on another \$75 or so for applicants going through a neighborhood QDE. Tack on from \$500 to \$1,000, or more, for those who retain an attorney. Not to mention time away from work or the cost of cross-country Greyhound trips in search of five-year-old rent receipts. Though most il-

legal immigrants work, the costs can still be prohibitive.

Osmín Martínez, a Salvadoran immigrant, has worked in six different restaurants since he arrived in Washington in 1979. He said that his efforts to get written proof cost him more than two weeks of lost work time. "In some of them, they said we don't have anything," he said. "Others, they told me to come back another day, the secretary wasn't there. I thought it was like it would wreck the restaurant to get papers." Though he neither traveled beyond Washington nor hired a lawyer, Martínez estimates that with lost wages his application cost about \$1,500.

Where there's need, there's greed. With several million potential clients, instant amnesty offices have sprouted across the country, in such unlikely locations as the back rooms of shoe stores, groceries, and travel agencies. The Los Angeles Times found travel agents in Polish neighborhoods of Chicago who charged \$500 simply to fill out the four-page application. An off-duty Miami cop was charging up to \$1,200 for Cuban and Haitian couples. In August, investigators who raided the El Norte Company of El Paso found it had done no work at all on most of its 1,500 cases.

REGULATIONS

When the amnesty program began, applicants convicted of drunk driving in Texas were considered ineligible. So were people who had left the country and returned on legal visas. Immigrants with children in foster care couldn't be sure.

Just who qualifies and how has been a matter of confusing and consistent change. Congress laid down the general rules and left the INS to write the fine print, which has been the subject of lawsuits ever since. The INS circulated the proposed regulations in January 1987, even before they were published in the Federal Register, to allow extra time for review and challenge. But the wrangling inside the INS bureaucracy and in the courts is still going on. "A lot of people are confused," said Mary McClymont of the U.S. Catholic Conference. "They know there's a program, but they don't know they qualify. They're self-selecting out."

A particularly important debate focuses on the phrase "known to the government." At stake are the applications of tens of thousands of immigrants. Many of them are former students, who entered the U.S. on a visa valid for as long as they remained enrolled in school. Those who dropped one without leaving the country or securing a new visa become illegal aliens. But they are eligible for amnesty only if their legal breach became known to the government.

The problem is that no one is quite sure what "known to the government" means. Attorneys for the illegal aliens argue it means any government agency—the Social Security Administration, say, or the Internal Revenue Service. The INS, on the other hand, argues "known to the government" means known to the INS. And since the INS is typically the last place an illegal immigrant will spread the news of an invalid visa, that eliminates a lot of applications. A federal district court in Dallas last fall ruled the INS interpretation too narrow. But that decision applies to the Dallas district only, and similar suits are pending throughout the country.

PROCESSING

Probably the best advertisement the INS could post would be herds of successful

alumni. The skeptic disinclined to believe the radio ads or tortilla bags might listen up if he sees his neighbor or brother-in-law walking around with a green-striped 1-688 work permit in his pocket.

The 107 INS offices sought a quick turnaround, but some of the original applications took more than six months to process. The four regional processing centers have turned into bottlenecks, with computer problems and lost files slowing decisions to a trickle. In Chicago, only 12 percent of the 65,000 who applied by mid-January had received word of the INS's final ruling. These delays have kept the good news from filtering back into the community. (And with approval rates of about 97 percent, there was a lot of good news to spread.) Too many potential applicants still have a wait-and-see attitude.

Yeah, yeah, and the ozone layer's leaking too, you say—so what? While a failing amnesty program may not rank at the top of the world's ills, unlike many others, it's one we can fix. First thing to do is extend the deadline to apply. The year-long deadline was arbitrary in the first place. Agricultural workers get 18 months; special classes of Haitians and Cubans get two years. Congress should simply accept that immigrant fears ran deeper and the government program ran slower than we all hoped and give it some more time. What's there to lose?

Next, fix what's gone wrong. For those worried about their family members, that's easy: promise not to deport them. For those who lack the money, defer the application fee. Let applicants pay it off gradually. The documentation problem is a bit tougher but still solvable. Work harder to convince employers they won't be penalized for signing affidavits. Liberalize the burden of proof—requiring, say, a document per year, rather than one every three or six months. (That loosening could be accompanied by higher penalties for fraud.) Most of all, continue to hit the streets with sound trucks, church flyers, and door knockers. Keep the sombreroed INS officials out there holding burrito bakes. The kind of campaign that should have started a year ago finally seems to be working.

The employer sanctions that accompanied the amnesty bill have already made Eva's life tougher. Faced with potential fines, her employer asked to see her work permit. Without one, she lost her job last fall. Her problem might not be as bad as those of the friends and family she left behind in Mexico, but it's easier to address. A better world gets built a step at a time. Write your congressman today. (And send a copy to Senator Alan Simpson, 260 Dirksen Bldg., Washington, D.C. 20510)

THE PROCLAMATION OF PERSONHOOD

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. DORNAN of California. Mr. Speaker, today I, along with 25 of our colleagues, introduced the Declaration of Citizenship Act, which would enact into law President Reagan's January 19, 1988, Proclamation of Personhood.

This legislation, together with the President's proclamation, would set aside the major Supreme Court objection in Roe against

Wade. The Court said that it could not decide who or what a person was under the Constitution because there was no legislative history to base a decision. In essence the Court ruled that Congress must decide whether or not the preborn are persons under the 5th, 13th, and 14th amendments.

Congressional authority to make this determination is inherent to our Constitutional authority to legislate. Former Representative John Bingham of Ohio, who was on the committee which drafted the 14th amendment, made this very point during deliberations in 1866. While the 13th and 14th amendments were pending ratification, Representative Bingham stated:

[T]he highest right which pertains to man or citizen, life, has never yet been protected, and is not now protected, in any State of the Union by the statute law of the States \* \* \* And this results from the accepted construction that this Government has not the power by law to enforce in the States this guarantee of life.

Indeed, under the 14th amendment, Congress extended the rights of citizenship to all persons born or naturalized in the United States. Furthermore, under the 13th amendment, not only was slavery abolished, but Congress reserved to itself the right to directly act to prohibit slavery and similar circumstances where persons were treated as "property."

President Lincoln, in his first inaugural address said:

I do not forget that constitutional questions are to be decided by the Supreme Court; nor do I deny that such decisions must be binding \* \* \*. At the same time, the candid citizen must confess that if the policy of the government, upon vital questions affecting the whole people, is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made, in ordinary litigation between parties in personal actions, the people will have ceased to be their own rulers.

President Lincoln's statement is important to bear in mind. In April 1862 the Congress abolished slavery in the District of Columbia, and in June 1862 the Congress abolished slavery in all the territories. Thus, the Republican Congress directly repudiated the Supreme Court in Dred Scott on two grounds: First that its decisions are final and must prevail over the national legislature, and second, on the point of slavery in the territories. Before Lincoln issued his famous Emancipation Proclamation on September 22, 1862, the Congress struck at the heart of slavery by providing in the Confiscation Act of July 1862, that all slaves of persons engaged in rebellion or in giving aid for such, who should be captured or should escape to Union lines "shall be deemed captives of war, and shall be forever free of their servitude, and not again held as slaves. . . ." All this before the 13th and 14th amendments.

Congress has, by statute, the constitutional authority to protect all Americans, including the preborn children. But do we have the will? The blood of these 21 million slain innocents will not allow the convenient cloak of feigned legislative impotence of Congress to go unrequited forever. Please join with me and save

the lives of the millions of future Americans who might otherwise perish.

## PROPOSED AMERICAN BAR ASSOCIATION RESOLUTION

**HON. BOB CLEMENT**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. CLEMENT. Mr. Speaker, later this summer, the American Bar Association will meet in annual convention to consider many issues and resolutions. One of those resolutions will be offered by Owen Meredith Smaw, a resident of the Fifth Congressional District.

Mr. Smaw has asked me to share his proposed resolution with the legal community at large and I am happy to do so.

AMERICAN BAR ASSOCIATION ASSEMBLY RESOLUTION TO BE OFFERED BY OWEN MEREDITH SMAW, NASHVILLE, TN

### RESOLUTION TO OPPOSE THE DEATH PENALTY INTERNATIONALLY

Whereas, the Campaign for United Nations Reform will, of necessity, address expanding the advisory jurisdiction of the International Court of Justice; and the Berlin World Conference of the World Peace Through Law Center dealt with advisory opinions and with increasing the use of the Court for this purpose; and

Whereas, a resolution was considered in Berlin in July, 1985, calling upon the International Court of Justice to render an advisory opinion holding that modern sources of international law—the Universal Declaration of Human Rights, *inter alia*—forbid capital punishment, and

Whereas, the International Magna Carta of all mankind, as Eleanor Roosevelt called the Universal Declaration of Human Rights, provides in Article 3: "Everyone has the right to life," and

Whereas, article 38 of the Statute of the International Court of Justice provides: "The Court \*\*\* shall apply \*\*\* the general principles of law recognized by civilized nations," and

Whereas, civilized nations agree that genocide—the systematic destruction of a group of human beings—outrages the conscience of mankind, and violates the general principles of law recognized by civilized nations, and

Whereas, over 1,800 men, women, and juveniles in the United States of America who have been sentenced to death are victims of a modern-day form of genocide,

Now, therefore, be it resolved, that the American Bar Association opposes the death penalty internationally, and calls upon the International Court of Justice, to render an Advisory Opinion forbidding capital punishment, and to issue an injunction against the carrying out of any executions in any political subdivision of the United States.

AMERICAN BAR ASSOCIATION, SECTION OF INTERNATIONAL LAW AND PRACTICE, SECTION OF CRIMINAL JUSTICE, REPORT TO THE ASSEMBLY

### RECOMMENDATION

It is recommended, that the "Resolution to Oppose the Death Penalty Internationally" in its present form not be adopted by the Assembly of the American Bar Association, and that the subject should be further

studied by appropriate Sections of the Association.

### REPORT

At the 1987 Annual Meeting, a "Resolution to Oppose the Death Penalty Internationally" was introduced before the ABA Assembly by Dr. Owen Meredith Smaw of Nashville, Tennessee, and in turn referred to the Sections of International Law and Practice and of Criminal Justice for comment. (A copy of that resolution is attached hereto.)

The preamble to the Resolution sets forth two principal bases for the Resolution: first, that "modern sources of international law—the Universal Declaration of Human Rights, *inter alia*—forbid capital punishment;" and, second, that criminal defendants who have been sentenced to death in the United States "are victims of a modern-day form of genocide." The Resolution itself states as follows:

Now, therefore, be it resolved, that the American Bar Association opposes the death penalty internationally, and calls upon the International Court of Justice to render an Advisory Opinion forbidding capital punishment, and to issue an injunction against the carrying out of any executions in any political subdivision of the United States.

The two substantive premises on which the Resolution is based are in error. First, capital punishment does not violate either customary or conventional international law. Second, the imposition of the death penalty in the United States does not constitute genocide. Further, the Resolution is procedurally flawed because the American Bar Association lacks standing to request an advisory opinion from the International Court of Justice.

That customary international law does not prohibit capital punishment may be shown by reference to the death sentences meted out by the International Military Tribunal following World War II. Of the 22 defendants, twelve were sentenced to death for war crimes and/or crimes against humanity. *See* Judgment of the International Military Tribunal, Nuremberg, Germany, 1946, reprinted in 41 Am. J. Int'l L. 172 (1947). *Accord* Judgment of the Tokyo Tribunal; *cf.* Application of Yamashita, 327 U.S. 1 (1946). In addition, U.S. military courts in Munich conducted nearly five hundred war crimes trials and sentenced to death 258 out of the 1,347 defendants convicted. Lippert, "The Eichmann Case and the Nuremberg Trials," 48 A.B.A.J. 738 (1962).

Conventional international law does not prohibit the death penalty. The Universal Declaration of Human Rights, G.A. Res. 217 (1948), which is cited by the Resolution, does not address the death penalty at all. By contrast, three major human rights conventions expressly permit it.

First, Article 6 of the International Covenant on Civil and Political Rights, 999 U.N.T.S. 171 (1967), specifically recognizes that capital punishment is permissible ("sentence of death may be imposed \*\*\* for the most serious crimes").

Second, capital punishment is permitted by Article 4(2) of the American Convention on Human Rights, 9 I.L.M. 101 (1970) (the death penalty "may be imposed \*\*\* for the most serious crimes"). Recently, the Inter-American Court of Human Rights rendered an advisory opinion with regard to questions relating to the interpretation of provisions in the American Convention on Human Rights concerning the death penal-

ty. While the advisory opinion concluded that, under the terms of the Convention, the government of a state party cannot apply the death penalty to crimes for which such a penalty was not previously provided for under its domestic law, the court stated that "the Convention does not abolish the death penalty." Advisory Opinion OC-3/83 of September 8, 1983, 23 I.L.M. 320, 339.

Third, the death penalty is permitted by Article 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, 213 U.N.T.S. 221 (1950) ("[n]o one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law"). It should be noted that a protocol to the European Convention has been added which makes abolition of the death penalty into a legal obligation for the contracting parties except in respect of acts committed in time of war or of imminent threat of war. *See* Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms Concerning the Abolition of the Death Penalty (done at Strasbourg, April 28, 1983), 22 I.L.M. 539. However, only eight states have ratified the protocol as of 1987.

Nor is there merit to the assertion in the Resolution's preamble that U.S. prisoners currently under sentence of death are "victims of a modern-day form of genocide." The acts deemed by the world community to constitute the international crime of genocide are clearly set forth in Article II of the International Convention on the Prevention and Punishment of the Crime of Genocide, 78 U.N.T.S. 277. The essence of that convention, to which the U.S. Senate gave its advice and consent on February 19, 1986, is the killing of members of "a national, ethnical, racial, or religious group" with "intent to destroy, in whole or in part," that group. There is no basis whatsoever for believing that any U.S. prisoner has been sentenced by a court with such an intent. *Cf. McCleskey v. Kemp*, 481 U.S. , 95 L. Ed. 2d 262 (1987) (detailed statistical study of Georgia death sentencing practices did not support an inference that the State and its decisionmakers acted with discriminatory purpose in violation of the equal protection clause of the 14th Amendment).

Finally, there is a procedural bar to the American Bar Association's calling upon the International Court of Justice to render an advisory opinion, as proposed by the Resolution. Under Article 96 of the Charter of the United Nations, 59 Stat. 1031, T.S. 993, advisory opinions may only be requested by the U.N. General Assembly or the Security Council or by certain U.N. organs and specialized agencies (on legal questions arising within the scope of their activities).

The American Bar Association has previously taken the position that the death penalty should not be imposed on juveniles under the age of 18. American Bar Association, Report with Recommendation to the House of Delegates, Report No. 117A, August, 1983. However, the American Bar Association has never taken a position in opposition to the death penalty itself. Because international law does not prohibit capital punishment, the Assembly should not adopt the proposed Resolution, however, in view of recent developments in Europe and elsewhere, such as the adoption of Protocol No. 6 to the European Convention by several states, the issue of capital punishment should be further studied by the appropri-

ate Sections of the American Bar Association.

Respectfully submitted,  
 JOHN M. GREACEN,  
 Chairman, Section of  
 Criminal Justice.  
 JOSEPH P. GRIFFIN,  
 Chairman, Section of  
 International Law and Practice.  
 August, 1988.

CAMP HILL CIVIC CLUB

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA  
 IN THE HOUSE OF REPRESENTATIVES  
 Thursday, March 31, 1988

Mr. GOODLING. Mr. Speaker, I would like to take a few minutes to congratulate the Camp Hill Civic Club which will be celebrating its 75th anniversary on April 13, 1988.

The Camp Hill Civic Club was founded on April 13, 1913 by 33 women who organized themselves "to promote the improvement of Camp Hill sanitation, education, beauty and other conditions which shall conduce to the health, morality, happiness and general good citizenship of its people."

In May 1913 the first projects of the club were initiated which included: ridding the streets of pigs running loose; purchasing waste cans and placing them around town; suggesting that the streets be named, houses numbered and trees planted; and organizing the Boy Scouts, the Girl Scouts and the Girls Camp Fire Club.

In the years that followed, the Camp Hill Civic Club contributed financially to many philanthropic projects and organizations such as: the West Shore Public Library, the Camp Hill Fire Company, the William Penn Memorial Museum, the Hospice of Central Pennsylvania, Meals on Wheels, and awards to seniors of the Camp Hill High School.

Members of the Camp Hill Civic Club have contributed greatly to the growth and well-being of Camp Hill. I am very proud of the many fine accomplishments of the Camp Hill Civic Club and wish them many years of continued community involvement in Camp Hill, PA.

HENRY HYDE'S SPEECH ON  
 LEAKS AND CONGRESSIONAL  
 OVERSIGHT

HON. ROBERT H. MICHEL

OF ILLINOIS  
 IN THE HOUSE OF REPRESENTATIVES  
 Thursday, March 31, 1988

Mr. MICHEL. Mr. Speaker, on Wednesday, March 30, 1988, my distinguished Illinois colleague and our good friend, HENRY HYDE, delivered a speech before a conference cosponsored by the American Bar Association Standing Committee on Law and National Security, the George Mason University School of Law, the Student Bar Association, and the International Law Society. I want to insert Mr. HYDE's remarks in the RECORD at this point because I believe what he has to say about "Leaks" and Congressional Oversight" reflects his

EXTENSIONS OF REMARKS

usual good judgment, common sense, and uncommon wisdom.

"LEAKS" AND CONGRESSIONAL OVERSIGHT  
 (By Henry J. Hyde)

The grave effects of unauthorized disclosures upon U.S. intelligence and our foreign policy is a problem we had better begin thinking about with some urgency.

The seriousness and universality of "leaks" are obvious. Yet many continue to maintain there's no "proof" that Congress leaks or that it leaks significantly. And, even when acknowledging problems in the executive branch or Congress, powerful legislative figures habitually object to virtually every initiative for investigating and punishing these occurrences, while failing to offer alternative solutions. My proposal for a Joint Intelligence Committee, which would replace the existing two House and Senate committees and reduce the number of Members and staff with access to intelligence information, has been resisted since 1984, when I first introduced the idea. Other suggestions, e.g., increasing use of the polygraph for investigative purposes, strengthening and nondisclosure agreements and legal action against disclosers or the media, are branded as paranoia and violations of first amendment rights. But the critics never offer a better solution, and most seem content to drift with the tide—or, more accurately, the tidal wave.

If the Iran/Contra affair had one salutary effect, it was to highlight policymakers' fear of leaks and distrust of congressional discretion, and to expose dramatically the destructive effects this can have. Maximum compartmentalization within the executive branch and failure to notify Congress of the Iran initiative invited judgmental errors and courted political disaster. These steps were taken out of determination to explore a policy option considered potentially promising only if, by avoiding normal procedures, it could be kept secret. An unanswered question is how many times the opposite happens—how many times are innovative approaches to difficult foreign policy problems rejected or not even considered because their success depends upon a secrecy which probably could not be maintained?

Regardless of claims that Congress must be considered innocent until proven guilty of security lapses, damage to the oversight process occurred as soon as a widespread perception developed that the legislative branch could not be trusted. This perception has seriously affected executive branch cooperation with intelligence oversight committees. A similar attitude is harbored by allied intelligence services who decide whether to trade information with U.S. intelligence, what quality of information they will provide and whether they will actively cooperate with us in other ways. In testifying against proposals for mandatory and more detailed prior notifications to Congressional Intelligence Committees, Secretary of Defense Frank Carlucci, who formerly was a Deputy Director of Central Intelligence under President Carter and more recently served as President Reagan's National Security Adviser, stated that foreign governments cooperating on special activities are wary because they don't trust Congress to keep secrets.<sup>1</sup>

<sup>1</sup> Bill Gertz, "Carlucci: Cohen Bill Will Plug CIA Sources," Washington Times, Dec. 17, 1987.

"It is a matter of perceptions," said Mr. Carlucci. "Other Governments are extraordinarily sensitive on this point \* \* \*."

"If our intelligence assets around the world, particularly cooperating organizations, perceive that the CIA is obliged to disgorge whatever the [Intelligence Committees] may want, then it is very clear based on my experience that our intelligence assets would dry up."

Carlucci said he knew of "numerous" occasions when foreign governments had said they would not share information if CIA provided it to Congress.<sup>2</sup>

Congressmen by nature have strong political views, cater to and depend on the press, and are not imbued with the security habits of intelligence professionals. Thus, they naturally fall under suspicion. And let's not forget that congressional oversight in the aftermath of Vietnam and Watergate strained relations between Congress and the intelligence community almost to the breaking point. Ex-CIA Director Colby recalls in his memoirs that every new covert action disclosed to Congress in 1975 was leaked, "And the 'covert' part of CIA's covert action seemed almost gone."<sup>3</sup> The notorious laxity of the Church and Pike investigations tainted the more rigorous Intelligence Committees which took their place.

No less a journalistic authority on leaks than Daniel Schorr noted in a Washington Post article<sup>4</sup> " \* \* \* that it has never been suggested that a Member of Congress could be disciplined other than by Congress itself. This is relevant because (I don't think that I am baring any great journalistic secrets) the exposure of covert intelligence questions is frequently a form of congressional whistleblowing. A leak often occurs when a clandestine plan runs into substantial opposition during a briefing for congressional committees." Schorr went on to cite a number of specific examples involving reported congressional leaks of information on Angola, Chile, Nicaragua, El Salvador, and Libya.

Recently, there have been several known and serious disclosures on each of the Oversight Committees. Those who nonetheless continue categorically to defend the committees' records apparently depend upon congressional courtesy to forestall a "name names" rebuttal. In the congressional Select Committees' final report on the Iran-Contra affair, the minority report devoted a chapter to the need to patch leaks.<sup>5</sup> It pointed out the early history of problems with unauthorized disclosures in Congress and gave more recent examples of alleged congressional leaks published in other sources, including use of the threat of disclosure by several individuals in order to block executive branch actions of which they disapproved. That the majority report didn't consider leaks a fundamental issue is in itself a real measure of the problem.

From the outset of the congressional Iran-Contra probe, there was a steady stream of leaks. Interestingly, House Chairman Lee Hamilton and his Senate counterpart, Daniel Inouye, followed their best instincts on how to keep secrets when it came time to

<sup>2</sup> Bob Woodward and Walter Pincus, "Carlucci Warns of Veto on Covert-Action Notice," Washington Post, Dec. 17, 1987.

<sup>3</sup> William Colby, "Honorable Men" (1978), p. 423.

<sup>4</sup> Daniel Schorr, "Cloak and Dagger Relics," Washington Post, Nov. 14, 1985, A23.

<sup>5</sup> "Report of the Congressional Committees Investigating the Iran-Contra Affair" (Washington, DC: GPO, 1987), pp. 575-79.

depose admiral Poindexter. As the minority report observes:

"The two Select Committees recognized that the Admiral's testimony on the diversion of funds was the pivotal, and potentially most explosive political question of this whole investigation. As a result, extraordinary steps were taken to protect the information. Specifically, only three staff attorneys and no members of either committee participated in the secret questioning. The success of these procedures speaks volumes on how to protect secrets."<sup>6</sup>

Officially "proven" sourcing of leaks on the Hill or elsewhere, however, is extremely rare. Only a handful of leaks ever have been traced through investigation to the culpable individual, so lack of proof hardly establishes that Congress has a good record.

A Senate intelligence committee study released to the press reportedly found that in selected leaks of classified information, journalists referenced congressional sources only 8-9% of the time, but cited Reagan administration officials 66% of the time. This research methodology is suspect, since journalists are alleged frequently to protect their most vulnerable sources, and persons on the intelligence oversight committees would in many cases be particularly exposed by virtue of being the only knowledgeable "congressional" sources. Let us take the Senate study at face value, however, and also generously assume that Congress has 2,500 people with clearances as opposed to 2.2 million in the executive branch and military. Reliance on the Senate study forces us to conclude that Congress maintains just over 0.1% the number of executive branch clearances, but is responsible for 8-9% of the leaks on national security issues. Specifically, on average, a cleared person in Congress is 60 times more likely than his counterparts elsewhere to engage in unauthorized disclosures.

Evidence that news leaks quite commonly originate on the Hill also was developed in a summer 1987 survey among the readership of the periodical, *American Politics*. The journal, circulated almost entirely within the Washington area, asked its readership to respond to a wide-ranging poll which included the question, "Have you ever leaked information to the news media?" over 900 persons, considered to be a reliable cross-section of the readership, responded. Results on the leak question were considered so dramatic that they were published early and separately, in an August 1987 article entitled "Leak City."<sup>7</sup> More than one in four persons—over 28%—conceded at some time having shared a secret with the media. Capitol Hill staffers, sporting a 31% rating, were higher than average. But they were pikers compared to the "politician" category, alone at the pinnacle of the chart, in which 62% of 16 respondents admitted to having leaked information. This contrasted with 23% in the "Federal employees" category. Media information sources tended to have higher salary and educational levels. Contrary to some recent accusations, conservatives were found to leak less than liberals and moder-

ates. And, in delicious irony, leakers named journalists as the group they trusted the least. (Among respondents as a whole, "politicians" had a slight edge over journalists in competition for this award.)

The situation has been allowed to deteriorate so far that the task of changing this permissive culture is now monumental. Success will come very slowly indeed, and will result only from a persistent and aggressive attack across a broad front, in both Congress and the executive branch.

One option is stricter security procedures and increased compartmentalization. Capitol Hill is very quick to claim this is the preferred solution for the executive branch problems, thereby avoiding the need to grapple with difficult civil and press liberties issues. But Congress is loathe to apply this option to its own operations by consolidating its oversight into one joint committee. However, consolidation and compartmentalization is a far more promising option for the congressional Intelligence Committees than for policy agencies. Effective congressional oversight doesn't require Intelligence Committees with 32 (plus 4 ex-officio) members and 55-plus staff. Moreover, additional staff, as well as 31 Senators and Congressmen serving on the Defense Appropriations Subcommittees in both Houses of Congress, also have access to extremely sensitive intelligence. Altogether, therefore, 67 Members of Congress are in the "loop" for such information.

For the policy agencies, who already have cut back on access to classified material, further restrictions on the dissemination of information may be helpful in some cases. But if compartmentalization is not carefully applied, the additional advantages could be limited and the drawbacks serious. Already there is concern that the most sensitive intelligence goes only to top policymakers who are too busy to read or act upon it. Analysts who are supposed to make sense of collected intelligence cannot do their job if pertinent information is withheld from them. Finished intelligence analyses, in turn, are less useful if they are not distributed to those with an interest in the subject. If policy action is considered or attempted, the circle of knowledgeable parties inevitably widens so that some people will become involved who may disagree with the proposed action or who for some other reason will be inclined to leak; and there will be too many people involved at this stage to have much hope of finding the leaker. Even the Ollie North Iran/Contra operation, compartmentalized as it was, eventually involved great numbers of people within and outside the Government. In fact, the Iran overture was indeed leaked rather early in a little-noticed Jack Anderson column, by some still unknown person. Future use of established covert action and policy deliberation procedures, insisted upon by the Tower Review Board and in congressional reports on the Iran/Contra affair, will ensure that a sizable number of people always are involved.

But rather than accept for itself the medicine that it has sometimes proposed for the executive branch, Congress is now proposing that it expand the definition of its own "need to know." In what Secretary Carlucci has aptly labeled a misguided effort to "close every conceivable loophole" despite resulting damage to U.S. foreign policy, the Intelligence Committees now are promoting legislation requiring that they almost immediately receive information on every single covert action undertaken. We should in-

stead be confident that the political fallout from the Iran/Contra affair has provided far greater assurance than ever before that notification will not be withheld temporarily unless there is very good reason. Indeed, the executive branch doubtless in the future will take pains to share critical information and attendant political risks with Congress.

If the first thing Congress should do is to vote down this mandatory early notification legislation and the second is to form a compact Joint Oversight Committee, the third must be to study carefully our options for action and legislation to prevent future Government leaks and to investigate and punish them when they occur.

The law on punishing those disclosing classified information is frequently an effective barrier to successful prosecution. Specifically, it is extremely hard to prove in leak cases, as the law generally requires, that there was "intent or reason to believe that the information is to be used to the injury of the United States, or to the advantage of any foreign nation."<sup>8</sup>

Government prosecutors are faced with a similar hurdle when it comes to convicting journalists who reveal the identities of undercover intelligence personnel. The law governing this kind of disclosure requires the Government to prove that such an individual engaged in "a pattern of activities intended to identify and expose covert agents and with reason to believe that such activities would impair or impede the foreign intelligence activities of the United States."<sup>9</sup>

In short, although there are inherent difficulties in apprehending a leaker, neither Congress nor the executive branch can claim that vigorous or competent attempts to do so have been undertaken or that punishment is swift and sure.

Given the difficulty of identifying those who have leaked classified material, we should also face the question of whether, under what circumstances, and how we should take action against the known party to the deed—the reporter and media outlet in question. Although the media sometimes have exercised restraint in these issues, here again the culture has become so permissive that potential damage to U.S. intelligence collection and foreign policy often receive short shrift when authors and editors are deciding whether or not to publish. Moreover, like the leakers themselves, journalists purporting to weigh carefully the national security implications of such writings often display notoriously poor judgment in this regard. Yet they contend that they alone should be the judge and, for instance, hold in their hands agents' lives and the future effectiveness of intelligence collection systems costing billions of dollars of taxpayer money. I believe it is beyond dispute, moreover, that the excuse of "the public's right to know," used as a defense in these cases, is a rationale that would be rejected by the vast majority of the public itself.

Ideally, the press should agree among themselves on some explicit or implicit code of conduct to curtail these abuses. At present, however, this seems unlikely. As the media appears more and more inclined toward "investigative" reporting and advocacy journalism, the demand for leaks appears to be rising in tandem with the supply. We can also expect a further escala-

<sup>6</sup> Chapter 37 (Espionage and Censorship) of Title 18, United States Code, section 793.

<sup>9</sup> National Security Act of 1947 (50 U.S.C. 422), Title VI, section 602.

<sup>6</sup> Ibid, p 579.

<sup>7</sup> Results on the leak portion are published in Robert Garcia, "Leak City," *American Politics*, August 1987, pp. 23-24. Methodology is explained and some additional pertinent information is given in Robert Garcia, "And Other Results of the First Annual 'Inside the Beltway' Readers Poll," *American Politics*, Sept. 1987, pp. 14-17. Respondents on the leak section included, *inter alia*, 16 politicians, 193 Capitol Hill staffers, six members of the Diplomatic Corps and 66 Federal employees.

tion of disputes over release of classified materials as satellite photography of sensitive events and installations becomes available to the media.

In the 1970's, investigative reporter Seymour Hersh reportedly told a Navy War College seminar that as a reporter his job was to break into the Pentagon if he could and steal all the classified documents he could, and that their job was to stop him.<sup>10</sup> We have to ensure somehow that the Government and the media remain fundamentally on the same side where national security is concerned. But the media is becoming more rather than less aggressive with regard to acquisition or publication of classified information. And its enormous collective resources instantly are marshalled to stigmatize as unconstitutional extremism any suggestion that the press must be held legally accountable if it does not police itself more effectively.

Unwilling to grapple with these intractable, messy, and politically volatile problems, some people insist that the damage we have suffered is overstated, and that no matter how great it may be, it does not justify tampering with press liberties or even congressional perquisites. But if our Government cannot keep a secret and Congress displays no sense of urgency in solving this problem, we will become ever more severely crippled in a dangerous world where the margin for error is fast disappearing.

#### INVESTIGATE IPSECO PALAU PAYMENTS

**HON. RON de LUGO**

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 31, 1988

Mr. DE LUGO. Mr. Speaker, the President has proposed legislation to implement a Compact of Free Association With Palau. It would provide the western Pacific Islands with \$428 million over 15 years.

Some people want the Compact implemented so that the island can pay off a debt which is now approximately \$40 million for power facilities purchased from a British company, International Power Systems, Co., Ltd. [IPSECO].

Other leaders in the islands are concerned that the foreign banks who guaranteed the debt would be able to obtain a large portion of the assistance that the Compact would provide Palau that is needed for other purposes. The banks point out that the financing for the purchase was approved upon the assurance of certain former officials of the executive branch that Compact moneys would be available to pay for the debt.

This assurance was given even though the Compact had not been approved by the Congress and even though other responsible Federal officials warned against the transaction's advisability.

The 99th Congress approved the Compact in concept but it did not authorize it to be implemented. Language in the legislation which originated in the other body also sought to provide Palau with protection for actions in U.S. courts related to the debt.

<sup>10</sup>Michael Moran, "Military, Media Agree to Disagree," Baltimore Evening Sun, Nov. 19, 1987.

The President has proposed repeal of that language in his bill to authorize implementation of the Compact and a Federal district court had ruled the language to be ineffective. In approving the President's Compact bill earlier this week, the Senate revised the language.

Recently, a published report indicated that IPSECO paid large sums to some Palauan leaders. The General Accounting Office, in an investigation that I requested along with Interior and Insular Affairs Committee Chairman MO UDALL and our colleague GEORGE MILLER, confirmed the reported payments and found evidence of other payments by IPSECO for which no justification was found.

These payments total about \$1 million and came out of the money that Palau borrowed to pay for the power facilities and for which it faces the \$40 million debt.

Until the Compact is implemented, the Secretary of the Interior is fully responsible under law for Palau. Because either the people of Palau or the United States may wind up paying the debt, and, therefore, paying for the payments IPSECO made to individuals, Chairman UDALL and I have asked the Secretary Hodel to ensure that the payments are fully and independently investigated and any necessary law enforcement action with respect to them is taken.

We had been told that the Secretary needed to be provided more information on the payments than we had earlier before he would act. Chairman UDALL and I met with Secretary Hodel in this connection today and gave him a letter with attachments that I request be printed in full in the RECORD at the conclusion of this statement.

The letter and attachments explain the need and the authority for acting in this matter and provides some of the information which we understand that Secretary Hodel has needed. This includes a list of some of the payments that GAO has found for which it has found no justification.

This material also provides a copy of the assurance by executive branch officials that was relied upon in making the loan. It also includes statements from Palauan legislative leaders that the United States needs to act to ensure that this matter, and other serious allegations in Palau, are independently investigated.

Chairman UDALL and I believe that procedures to assure independent investigations of serious allegations and appropriate follow-up actions needs to be put in place before the Compact can be implemented and should continue afterwards. Because we support implementation of the Compact as soon as possible if it is constitutionally approved, we hope these procedures can be instituted as soon as possible.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, HOUSE OF REPRESENTATIVES,

Washington, DC, March 31, 1988.

HON. DONALD PAUL HODEL,  
Secretary of the Interior,  
Washington, DC.

DEAR MR. SECRETARY: A published report quotes a departmental official as saying that you need to be given more specific information before you will act to ensure that substantial payments to Palauan officials

and others by International Power Systems Co., Ltd. [IPSECO], which have been confirmed by the General Accounting Office [GAO], will be independently investigated, as we have requested.

We have not given you such information before because we had no indication that you were prepared to take such action.

Enclosed is a list of some of the payments for which the GAO has found no justification. We will turn over all information obtained on these and other payments as soon as you designate an appropriate, independent investigative authority.

We have heard an argument that the Department should not ensure that these payments are independently investigated because of the responsibility that you have authorized the local government to exercise. There are several reasons why we disagree.

The most important reason is that your office remains fully responsible under law for the administration of Palau. This is an authority which your office has not been authorized to delegate to persons outside your jurisdiction. The enclosed opinion from the Library of Congress explains this.

Also, although departmental officials questioned the advisability of the IPSECO transaction, the Department became inextricably involved by several acts. These included the former Assistant Secretary for Territorial and International Affairs' approval of the enclosed cable from the former Personal Representative of the President for Micronesian Status Negotiations. We have been told that the cable made the transaction possible because it was relied upon in the decision to finance it.

In a recent letter, Palau's Senate President made the point that Palau needs U.S. assistance to address this problem and others outlined in our letter of March 2 to Chairman FASCELL of the Committee on Foreign Affairs. The Senator said that " \* \* Palau lacks the technical and legal expertise and the financial resources to effectively deal with the numerous allegations of corruption which have arisen, and the U.S. Government has not to this time seen fit to provide adequate assistance in this regard."

We have also heard an argument that the United States should not act on problems of law enforcement which have arisen in Palau during the past several years because the Compact of Free Association provides a framework for the United States to provide Palau with law enforcement assistance.

One problem with this reasoning is that laws need to be enforced during the present time. Another problem is that some individuals who would have to set law enforcement efforts in motion might themselves be the subjects of such efforts.

Unless a procedure is worked out before the Compact is implemented to ensure that there will be independent investigations of matters such as the IPSECO payments, neither the people of Palau nor the United States would be assured that these matters will ever be properly investigated.

In a recent letter, the Speaker and a majority of Members of the House of Delegates of Palau strongly supported such an investigation. They wrote: "The motives of anyone who opposes a thorough investigation of Palau at this time are suspect. There are certainly those who would benefit from an abrupt termination of the Trusteeship—public officials whose wrongdoing and corruption would be safe from discovery. Your letter gives us hope that this will not happen."

Palau's Senate President, who strongly supports the Compact, emphasized the importance of addressing the problems outlined in our letter to Chairman FASCELL. His recent letter stated: "It is essential that the corruption issue be resolved so that our people and the other countries of the world will respect the integrity of the government of our new nation."

The IPSECO payments occurred during the past several years. You, therefore, have a moral as well as legal obligation to see that they are properly investigated.

This obligation also falls on our shoulders and those of our colleagues. The Congress has full oversight responsibilities for Palau under the Constitution, the law providing for the governing of the Trust Territory, the Legislative Reorganization Act of 1946, and congressional rules.

We are committed to doing our part to responsibly address the problems posed by allegations of wrongdoing in Palau. We urge you to do the same.

We, as well as the staff of the Committee and the General Accounting Office, are eager to work with you and other appropriate officials of the executive branch to address these matters in a manner that will facilitate the implementation of the Compact, which we support.

Sincerely,

RON DE LUGO  
Chairman, Subcommittee  
on Insular and International  
Affairs.

MORRIS K. UDALL,  
Chairman.

Enclosures.

SOME QUESTIONABLE PAYMENTS BY IPSECO FROM PALAU  
LOAN

Individual, and current position	Payments	Position at time of payments
Lazarus E. Sali, President.	\$100,000 on July 19, 1983. \$100,000 on Sept. 20, 1983.	Ambassador for Trade Relations and Status Negotiations.
Carlos Hiroshi Sali Delegate.	\$100,000 on July 18, 1983. \$75,000 on Mar. 9, 1984. \$75,000 on Nov. 2, 1984.	Speaker of the House of Delegates.
Polycarp Basilus, Chairman, National Development Bank Corp.	\$100,000 on July 18, 1983. \$75,000 on Mar. 9, 1984.	President of the Development Bank and Diplomatic Envoy to Status Negotiations.
Yutaka M. Gibbons, High Chief Ibedul and Mayor of Koror.	\$100,000 on June 4, 1984.	High Chief Ibedul and Mayor of Koror.
Hokkuns Baules, Senator.	\$50,000 on July 18, 1983.	
Amata Kabua, President of the Marshall Islands.	\$200,000 on Aug. 12, 1983.	President of the Marshall Islands.

CONGRESSIONAL RESEARCH SERVICE,  
THE LIBRARY OF CONGRESS,  
Washington, DC, December 30, 1987.  
To: House Committee on Interior and Insular Affairs. Attention: Jeffrey Farrow.  
From: American Law Division.  
Subject: The Present Governing of Palau.

This memorandum is addressed to the following posed question. Is the governing of Palau currently consistent with the law and the Executive Order issued pursuant to that law?

It is provided in 48 U.S.C. Sec. 1681 that "Until Congress shall further provide for the government of the Trust Territory of the Pacific Islands, all executive, legislative, and judicial authority necessary for the civil administration of the Trust Territory shall continue to be vested in such person or persons and shall be exercised in such manner

and through such agency or agencies as the President of the United States may direct or authorize." By virtue of Executive Order No. 11021, as amended by Executive Order No. 11944, administration of the Trust Territory of the Pacific Islands was delegated by the President to the Secretary of the Interior. Such authority included the responsibility for the administration of civil government in all of the Trust Territory, and all executive, legislative, and judicial authority for that administration. Redlegation is authorized to officers or employees of the Department of Interior or to other persons under the jurisdiction of the Secretary. In Secretarial Order No. 3119, July 14, 1987, 52 Fed. Reg. 27859, the Secretary of the Interior "delegated" to the Government of Palau the executive legislative, and judicial functions of the Government of the Trust Territory "subject to the limitations contained in this Order and in existing treaties, laws, and regulations of the United States generally applicable in the Trust Territory". It would seem that one might argue that this Secretarial Order goes beyond the authority of the statute and the Executive Order. In an attempt, presumably, to afford the entity some amount of self-government, even though retaining certain veto power by the Assistant Secretary-Territorial and International Affairs, arguably there are certain Palau legislative acts that would be beyond such veto power, namely those not inconsistent with the Order, the Trusteeship Agreement, or with existing treaties, laws, and regulations of the United States generally applicable in Palau. Arguably, in effect, this "subdelegation" or "redelegation" possibly puts certain governmental actions beyond the effective reach and control of the United States. Not only might this include legislative acts outside of the Assistant Secretary's veto authority, but also might include any actions which he may arbitrarily so determine or which, presumably, he does not timely act on. Thus, it would seem persuasive to assert that there is a possibility that not all legislative authority in Palau is within the control of the United States by virtue of the Secretarial Order. Therefore, it would seem that this sort of a situation is inconsistent with the statute which merely provides that civil administration shall be through such agency or agencies as directed by the President, as well as inconsistent with the Executive Order because the redelegation is not strictly to a person over whom the Secretary has jurisdiction since there is, according to the terms of the Secretarial Order, no complete control over the Palau government. Likewise, this would seem to conflict with the Trusteeship Agreement itself. Under Article 3, the United States possess full legislative powers over the Trust Territory. It can be argued that this situation in theory does not leave the United States with full legislative authority and is an attempt to usurp the plenary power of Congress over the Trust Territory. It might be noted that in the legislative authority that was delegated to the Congress of Micronesia (Secretarial Order No. 2918, December 27, 1968) complete control was retained by the High Commissioner in having a veto power over every bill passed by the Congress of Micronesia, and even if overridden by a two-thirds majority the re-enacted bill was still subject to a veto by the Secretary of the Interior, which action was final. See, *People of Saipan v. U.S. Department of Interior*, 356 F. Supp. 645, 655 (D. Haw. 1973), aff'd as modified on other

grounds 502 F. 2d 90 (9th Cir. 1974), cert. den 420 U.S. 1003 (1975).

The legal significance of the plenary authority that the Congress has over the Trust Territory is that the language in 48 U.S.C. Sec 1681(a) "clearly enjoins that Congress has the final word on the government of the Trust Territory. It means that Congress may, either expressly or impliedly, modify or eliminate any Trust Territory governmental agency or power created by the President or by officials acting under Presidential delegation." *Sablan Construction Company v. Government of the Trust Territory of the Pacific Islands*, 526 F. Supp. 135, 139 (D. N. Mariana Island 1981).

DANIEL HILL ZAFREN,  
Specialist in American  
Public Law.

[Telegram]

DEPARTMENT OF STATE

Drafted by INT: OMSN/J.D. Berg: DKD  
Clan

Approved by INT: OMSN/F.M. Zeder  
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Subject: IPSECO/Palau Power Plant discussions

Ref: 82 State 163949 (150834Z Jun 82)  
NOTAL

1. Following is background information on the proposed arrangement between British firm international power systems company (IPSECO) and the Government of Palau with respect to the provision by the former of electrical power generations units. Palau is a component of the Trust Territory of the Pacific Islands now administered by the United States but soon to enter into a free association relationship with the U.S. following the trusteeship. IPSECO intends to lend funds to Palau for financing of the power-plant project, which loan would be guaranteed by the British Export Credit Guarantee Department (ECGD). We understand that ECGD and the financial institutions involved would prefer a third-party guarantee of the loan. Previous communications to HMG from USG have conveyed fact that USG as a matter of policy can not guarantee credit or underwrite default for governments or individuals during the trusteeship or under the pending Compact of Free Association.

Palau Vice President Alfonso Citerong, and Palau trade ambassador Lazarus Galii met in Washington on 18 May with Department of the Interior Assistant Secretary Pedro Sanjuan and Presidential Negotiator Ambassador Fred Zeder to provide background and rationale for IPSECO arrangement. IPSECO Project Manager Gordon Nocrine, a British national, also attended. At meeting, USG officials reiterated that recent suspension of Palau legislation by United States High Commissioner of the Trust Territory would not be reversed. Sus-

pended legislation would, inter alia, have waived the Government of Palau's immunity to suit in loan-default situation. USG officials also reiterated that U.S. has no legislative authority to guarantee proposed loan now or after the Compact of Free Association takes effect. Palau and IPSECO representatives asked that USG officials reconsider position or consider other ways that arrangement might proceed. Following paragraphs, the substance of which has been discussed with Palau officials, constitutes results of that reconsideration.

3. Embassy is requested to make following two paragraphs available to HMG in form of note verbale if appropriate. With the expectation that HMG will in turn inform those British parties, including ECGD, involved in the PALU-IPSECO discussions taking place this week in London. We have made contents of paragraphs 4 and 5 known to UK EMBOFF Roger French in Washington.

4. The Government of the United States and the Government of Palau have negotiated a Compact of Free Association, which was approved by the people of Palau in a February 13, 1983 plebiscite. After its approval by the Government of Palau, it will be submitted to the United States Congress for approval. It is contemplated that the compact will come into effect simultaneously with the termination of the trusteeship agreement. The compact contains provision for direct grant assistance to the Government of Palau from the Government of the United States. This assistance will take the form of annual payments, some of which are programmed for general government operations and some of which are programmed for capital and economic development expenses. In the first category, there will be provided the amount of 28 million dollars to be disbursed at the rate of 2 million dollars per year for 14 years to be used by the Government of Palau for energy-related activities. In the second category, there will be available to Palau 186 million during the first year of the free association relationship for capital needs. The Government of Palau will have full authority to determine the application of both categories of funds. The Government of the United States would view the application of the operational funds and a reasonable portion of the capital funds to a project for the proposed IPSECO project as being consistent with the intent of the compact. Similarly, during the remaining period of the trusteeship before the compact comes into effect, Palau receives from the United States, through the Department of the Interior, annual funding of which a portion is appropriated for energy-related operations and maintenance. These funds are now being used to operate and maintain Palau's present power-generation units. Were Palau to use these operational funds for the proposed IPSECO project, such use would be considered by the U.S. as consistent with the general purpose for which these funds were provided. During the trusteeship period, operations and maintenance funds are subject to the appropriation authority of the United States Congress. Historically, the Congress has appropriated to Palau sums ranging from 11.5 million to 12 million per year for this purpose over the past few years. It is the understanding of the USG that the first interest payment from Palau for the IPSECO project will become due 27 months following signing of the contractual provisions, if in the judgment of HMG and the lending institutions the proposed

project qualifies for the requested level of financial accommodation, the Government of Palau should be able to meet its scheduled debt-service obligations in light of present and future funds granted to the Government of Palau by the USG.

5. Ambassador Zeder and Assistant Secretary San Juan wish to convey their sincere appreciation to HMG for the kind invitation to come to London this week for further discussions of this and related subjects and to express genuine regret that their schedules will not permit acceptance at this time. Further, they should like formally to acknowledge their gratitude for the interest HMG and others have taken in the Government of Palau. The USG is concerned with the welfare of the people of Palau and recognizes the importance of adequate electrical power for the islands. Please be assured that the Office for Micronesian Status Negotiations and the Office of the Assistant Secretary of the Interior for Territorial and International Affairs fully support the efforts of the Government of Palau to improve its present power-generating capability.

6. Ambassador Zeder sends Shultz.

THE SENATE, SECOND OLBIIL ERA  
KELULAU (PALAU NATIONAL CONGRESS),

Republic of Palau, March 8, 1988.

HON. MORRIS K. UDALL,  
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, DC

DEAR CHAIRMAN UDALL: An article detailing the points raised by the letter you sent jointly with Del. Ron de Lugo to Rep. Dante Fascell appeared in the March 4 edition of the Pacific Daily News.

I wish to again thank you for the genuine concern you have demonstrated regarding the important issues, and particularly the corruption problem, which have emerged as Palau makes the transition to self-government. The Congress is the only branch of the United States government which has been willing to recognize that problems needing solutions really exist here, and indeed, the Committee on Interior and Insular Affairs and its Subcommittee on Insular and International Affairs seem to be acting alone in insisting that the obligations of your government in the administration of Palau are honored. Knowing that the Compact will dramatically affect the lives of all Palauans, from all walks of life, for many decades to come, I hope that the Committee will maintain this effort on behalf of the Palauan people to ensure that when the Compact is implemented, we will commence our nationhood with a responsible government untainted by the stigma of corruption and impropriety.

I also was pleased to note your comment that it is not your intent "to delay the implementation of the Compact any longer than is necessary". I fully endorse this position, and believe that virtually all Palauans feel likewise. Therefore, it is my sincere hope that the corruption issue can be dealt with separately from the implementation issue. It is wrong to deny to the Palauan people the obvious benefits of the Compact because of alleged misconduct of some of their leaders. This is especially true in view of the fact that the Department of the Interior has known of some of these problems for several years and yet has taken no remedial actions.

It is essential that the corruption issue be resolved so that our people and the other

countries of the world will respect the integrity of the government of our new nation. However, Palau lacks the technical and legal expertise and the financial resources to effectively deal with the numerous allegations of corruption which have arisen, and the United States Government has not to this time seen fit to provide adequate assistance in this regard. I solicit your help with this problem as well as the immediate implementation of the Compact. I trust that the Committee and Congress take action which will resolve each of these issues in a complementary fashion.

Sincerely,

JOSHUA KOSHIBA,  
President of the Senate.

HOUSE OF DELEGATES, SECOND  
OLBIIL ERA KELULAU (PALAU NATIONAL CONGRESS)

Republic of Palau, March 7, 1988.

HON. MORRIS K. UDALL,  
Chairman, Committee on Interior and Insular Affairs.

HON. RON DE LUGO,  
Chairman, Subcommittee on Insular and International Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMEN: We are writing to express our gratitude for your March 2 letter to the Honorable Dante B. Fascell, Chairman of the House Committee on Foreign Affairs. That letter expressed your concern for the serious problems facing Palau, alerted the United States Congress to these matters, and called for an investigation. At a time when so many others seem ready to sweep these matters under the carpet, we applaud you for putting them in the spotlight and, therefore, bringing us a step closer to their resolution.

The allegations that you set forth have been labelled "wild" and it has been suggested that because some of these charges have been made before, that they do not need to be investigated. This, of course, is nonsensical. It suggests that the longer charges remain uninvestigated, the less likely that they are of substance. In the case of Palau, each passing day seems to bring new evidence of corruption of public officials and mismanagement and misappropriation of both federal and local funds.

The motives of anyone who opposes a thorough investigation of Palau at this time are suspect. There are certainly those who would benefit from an abrupt termination of the Trusteeship—public officials whose wrongdoing and corruption would be safe from discovery. Your letter gives us hope that this will not happen.

Your letter explains the importance of a thorough investigation of the violence and intimidation, including the murder of Bedor Bins, leading up to the Compact approval, as well as the allegations of official corruption, before implementation of the Compact. We thank you for bringing our problems to the attention of the United States Congress, whose help we need to solve them.

Sincerely yours,

Santos Olikong, Speaker; Shiro Kyosa, Vice Speaker; Delegate Thomas Patris; Delegate Ignacio Anastacio; Delegate Minami Ueki; Delegate Surangel Whipos; Delegate Hideo S. Tell; Delegate Mariano W. Carlos; Delegate Florencio Yamada (off island); Delegate Joseph Kintol; Laurentino Ulechong, Floor Leader.

**WES WATKINS INTRODUCES  
WINDING STAIR MOUNTAIN  
NATIONAL RECREATION AND  
WILDERNESS AREA ACT**

**HON. WES WATKINS**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 31, 1988*

Mr. WATKINS. Mr. Speaker, I am today introducing the "Winding Stair Mountain National Recreation and Wilderness Area Act," a comprehensive plan of wilderness, botanical, recreation and scenic and wildlife areas component designations to benefit future generations of Oklahomans and the United States.

For the last 2 years, we have spent hundreds of hours developing this plan which I believe is the right combination of designations and needed management changes and is acceptable to those interested in the management of the Ouachita National Forest in Oklahoma. The plan I offer to the Congress is one of very delicate balance and was crafted after local hearings, formal and informal meetings, field visits to the forest and one-on-one conversations with interested parties. I have remained objective and allowed the same latitude and openness to each group.

Without question, this bill has been probably the most difficult piece of legislation on which I have worked during the 12 years I have been in the Congress. However, with passage of this bill it will be one of the most personally satisfying things that I will have accomplished in the Congress. What began as a look at only RARE II lands for wilderness designation was expanded greatly to include a comprehensive effort that will allow many people from across this great country from this and future generations enjoy the Oklahoma portion of the Ouachita National Forest.

First, let me say I have never been one to think that we should set-aside land for a single purpose that would not allow flexibility and the utilization by a broad base of constituencies. Each of the groups for or against wilderness have expressed to me the "right" position to take in this matter. I could not be honest with myself if, after looking at our complete natural resources, I could not say that some of the area is deserving of being set-aside untouched for future generations. When I say untouched, I mean from the time of enactment of this legislation. All of the Ouachita National Forest lands in Oklahoma were cut-over by timber companies at the turn of the century. It is only now that the forest once again flourishes with diversity. We do not have virgin timber areas, but we are proud of the resources we have.

Some of those opposed to wilderness admit that it needs to be done but "not now." If something is not done now, then it will take at least another 50 years before the timber would grow back provided it was cut. Sometimes you know down deep the right thing to do and it is with courage you must pursue in the face of adversity. That is my choice.

My staff and I have been working for several years with interested parties to find a sensible balance between the needs to preserve in a pure state some of the undeveloped lands

while also accommodating the economic needs of the area, State, and Nation.

This bill is one that is well balanced and provides for the interests of loggers—small and large—environmental groups, wildlife groups—deer and turkey—soil conservation groups, including the resource conservation and development councils, tourism and recreation interests, local civic organizations, local and State elected officials, and local school system officials.

Of the four areas on the Oklahoma portion of the Ouachita evaluated under the RARE II study, and later reevaluated, Black Fork Mountain was recommended for wilderness at a level of 4,072 acres and Upper Kiamichi was recommended for wilderness at a level of 8,852 acres. The bill I propose includes 4,523 acres for Black Fork Mountain Wilderness and 9,371 acres of Upper Kiamichi River Wilderness. Had the Upper Kiamichi River tract not been designated wilderness, it would have received some form of protection almost as strong as wilderness because of the scenic sensitivity in the area which adjoins the Talimena Drive.

The comprehensive plan should result in little or no loss of revenues from Federal receipt sharing because of wilderness area involved is such a small part of the total 1,591,849 acres in the Ouachita National Forest in Arkansas and Oklahoma. Changes in management should have no impact as long as reductions in timber receipts do not occur in other parts of the Ouachita. In McCurtain and LeFlore Counties alone, there are a total of only 249,205 acres of Federal forest lands and this bill only deals with a small portion of that total.

Moreover, tourism and recreation enhancement to the area will bring revenue to the local area to boost local earnings.

LeFlore County is becoming a major attraction for business and industry in the northern part of the county while the southern part of the county offers the most unique tourism and recreation in Oklahoma. The enhancement of tourism and recreation opportunities will attract more business and industry who look for these kind of opportunities before locating in an area. Areas that are not crucial to a viable tourism industry are available for commercial timber activities. LeFlore County has the kind of combination that most counties desire in attracting business and industry.

Inholdings are held to a minimum in all areas that are proposed for designation, in fact, a preliminary check has indicated that most owners of inholdings are willing sellers. The general rule is that inholders will have the same access in wilderness and other designated areas as they did prior to the enactment of this bill.

Let me make clear that this bill only affects LeFlore County in Oklahoma and not any other county in Oklahoma or Arkansas that has portions of Ouachita National Forest.

Specific principal provisions of the "Winding Stair Mountain National Recreation and Wilderness Area Act" are as follows:

First. The bill creates a 13,894-acre national wilderness area which includes 4,523 acres as Black Fork Mountain Wilderness Area and 9,371 acres as Upper Kiamichi River Wilderness Area. Language is included to protect

the area in the event of fire, insect outbreaks, or disease. Careful consideration was given to allowing roads for access as close as possible when wilderness boundaries were drawn. No buffer zones are to be established around the designated wilderness areas. The legislation also "frees" other wilderness areas which had been studied and designated as possible wilderness areas.

Hunting, fishing, and trapping, as well as camping, will be allowed in wilderness areas, except to meet special circumstances established by the Secretary of Agriculture, or his designee. Wildlife management activities permitted under the Wilderness Act will continue to improve the supply of game. "Inholders"—people who own private property within the boundaries of the designated areas—generally will have the same access to and use of their properties as they do now.

Second. The bill designates 26,445 acres as the Winding Stair Mountain National Recreation Area. "Unevenaged" timber management—which means selective cutting—shall be used within the recreational areas.

Timber harvest and sales shall be designed so as to not detract from the scenic values of the area. Management practices that would detract from the scenic quality and natural beauty within view from the Talimena Drive or Holson Valley Road would not be allowed in the recreation area. This area would be principally managed for the public enjoyment and second for wildlife. Further landscaping at turnouts, improved picnic areas, and other benefits to public use and enjoyment would be enhanced. Inholders should not be affected by this designation.

Third. The bill designates a 8,026-acre Robert S. Kerr Memorial Arboretum, Nature Center and Botanical Area which would encompass the existing acreage at the Arboretum and adds Rich Mountain—considered for wilderness—which contains unique plant species and vegetation similar to that contained at the arboretum. The bill does not change the way the arboretum is now managed. No commercial or Federal timber harvesting will be permitted on this tract, although mechanized cutting for trail building shall be allowed. Improvements and expansion of roads and facilities shall be permitted in the vicinity of the Kerr Nature Center.

Fourth. The bill also designates 400 acres near Beech Creek as the Beech Creek Botanical Area. The same criteria for management would be applied to Beech Creek as applied to the Kerr tract.

Fifth. To best promote the entire area for tourism purposes, all of these designations shall be known on maps as the Winding Stair Mountain National Recreation and Wilderness Area.

Sixth. In addition, a special "esthetics and wildlife management area" is to be established along and in view of Talimena Drive and the Holson Valley Road, collectively known as the Indian Nations National Scenic and Wildlife Area. Management practices that would detract from the scenic quality and natural beauty shall not be allowed in the area as viewed from any location on the Talimena Drive and Holson Valley Road areas. This primary esthetic zone constitutes the boundary

for visual limitation prohibitions and shall be managed with unevenaged management unless irregular cuts can be hidden from view by natural geographical barriers.

Wildlife management shall be the second objective in these areas once the primary objective of esthetics is met. Wildlife management of this area would continue as currently conducted. Hunting, fishing, trapping, and other activities now accepted by the Forest Service and the Oklahoma Department of Wildlife in this area would continue. Inholders should not be affected in this designation and should not be precluded from any management activities on these properties.

Seventh. Further, the bill establishes that clearcutting or "evenaged" timber management tracts in the remainder of the national forest in LeFlore County shall not exceed 39-acre tracts. Any evenaged units which would collectively exceed the size limitation should not abut one another and should be separated by an area of at least equal in size to that area harvested until such time that the vegetation in one unit reaches a minimum height of at least 25 percent of the height of the adjacent stand and is no longer considered an opening. Evenaged managed tracts should retain scattered clumps of mast producing hardwoods within the regeneration areas at a minimum ratio of 10 to 20 percent of basal area per acre and an appropriate number of wildlife den trees should be maintained. Stands shall be managed to maintain the natural species ratio of those stands in a variety of age classes.

Also, on the remainder of the forest in LeFlore County, protective buffer areas or zones should be retained and established along streams, creeks, rivers and other bodies of water to meet water quality standards and wildlife requirements. Zones would apply to officially designated State and Federal highways and paved county roads and shall be managed to protect and enhance their scenic values. Designated trails to provide adequate aesthetics protection and allow for wildlife travel corridors would also receive equal treatment. Clearcutting in these zones would not be permitted and any unevenaged management activities in these areas shall use harvesting methods which would meet water quality and wildlife requirements.

Eighth. Many of the management objectives directed through this legislation are necessary to preserve a multimillion dollar tourism industry that has the potential for bringing new and needed revenue to LeFlore County and the region. Prior management of the U.S. Forest Service have used practices that were not sensitive to the visual impact of the area. In highly sensitive scenic areas, clearcutting has occurred to the edge of the highway without regard to visual impact along these roads. A blanket of block clearcuts carpet the valley lying between the Talimena scenic drive and the north edge of the valley ending at Blue Mountain. It is with regret that I must ask the Congress to take action in this bill concerning this matter.

Ninth. The legislation permits the Secretary of Agriculture, who is in charge of national forests, to acquire sites at locations outside the boundaries of the recreation and wilderness areas for visitor orientation and the possible

establishment of a lodge and additional facilities to enhance the quality of the area, as well as on existing Forest lands not designated wilderness.

In conclusion, I have often said that along the way in our enthusiasm to provide opportunities for our people in southeastern Oklahoma, we will error, make mistakes and sometimes fail, but the biggest failure is to do nothing. Mr. Speaker, it is with pride that I submit a comprehensive package to the Congress that will determine the future of the Ouachita National Forest in Oklahoma for many generations to come.

Thank you, Mr. Speaker.

H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be referred to as the "Winding Stair Mountain National Recreation and Wilderness Area Act".*

#### FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) select areas of underdeveloped National Forest System lands in the State of Oklahoma possess outstanding natural characteristics which give them high values as wilderness and will, if properly preserved, contribute as an enduring resource of wilderness for the benefit of the American people.

(2) the Department of Agriculture's second roadless area review and evaluation (Rare II) and other studies of National Forest System lands in the State of Oklahoma and the related congressional review of such lands have identified areas which, on the basis of their landform, ecosystem, associated wildlife, and location, will help to fulfill the National Forest System's share of a quality National Wilderness Preservation System; and

(3) the Department of Agriculture's second roadless area review, evaluation, of National Forest System lands in the State of Oklahoma and the related congressional review of such lands have also identified areas which do not possess outstanding wilderness attributes or which possess outstanding energy, mineral, timber, grazing, dispersed recreation and other values and which should not now be designated as components of the National Wilderness Preservation System but should be available for nonwilderness multiple uses under the land management planning process and other applicable laws.

(4) many areas of the Ouachita National Forest possess qualities that can only be expressed and utilized in such a manner that designation of such areas as a National Recreation Area is appropriate for the maximum potential and enjoyment of the area by the American people.

(5) select areas possess unique plant and tree species and plant communities that are significant in their occurrence, variety and location to be designated Botanical Areas.

(6) select areas possess unique scenic and wildlife qualities that designation of such areas as a National Scenic and Wildlife Area is appropriate for the preservation of the natural beauty and wildlife habitat for the enjoyment of the American people.

The purposes of this Act are to—

(1) designate certain National Forest System lands in the State of Oklahoma as components of the National Wilderness Preservation System, in order to promote, perpetuate, and preserve the wilderness character of the lands, protect watersheds and wildlife habitat, preserve scenic and his-

toric resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all the American people, to a greater extent than is possible in the absence of wilderness designation; and to ensure that certain other National Forest System lands in the State of Oklahoma be available for nonwilderness multiple uses.

(2) designate certain Forest System lands in the State of Oklahoma as National Recreation Area, Botanical Area and National Scenic and Wildlife Area in order to enhance and further certain natural resources characteristics.

#### ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM

SEC. 3. In furtherance of the purposes of the Wilderness Act of 1964 (78 Stat. 890, 16 U.S.C. 1131 et seq.) the following lands in the State of Oklahoma are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the Ouachita National Forest, Oklahoma, which comprise approximately 4,523 acres, as generally depicted on a map entitled "Black Fork Mountain Wilderness-Proposed", dated March, 1988, and which shall be known as the Black Fork Mountain Wilderness;

(2) certain lands in the Ouachita National Forest, Oklahoma, which comprise approximately 9,371 acres, as generally depicted on a map entitled "Upper Kiamichi River Wilderness-Proposed", dated March, 1988, and which shall be known as the Upper Kiamichi River Wilderness.

#### MAPS AND DESCRIPTIONS

SEC. 4. (a) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file the maps referred to in section 3 of this Act and legal descriptions of each wilderness area designated by section 3 of this Act with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: Provided, that correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(b) Subject to valid existing rights, each wilderness area designated by Section 3 of this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 governing areas designated by that Act as wilderness areas, except that with respect to any area designated in section 3 of this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of the Act.

#### WILDERNESS REVIEW CONCERNS

SEC. 5. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (Rare II);

(2) the Congress has made its own review and examination of national forest system roadless areas in Oklahoma and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the questions of the legal and factual sufficiency of the Rare II Final Environmental Impact Statement (dated January 1979) with respect to national forest system lands in States other than Oklahoma, such statement shall not be subject to judicial review with respect to national forest system lands in the State of Oklahoma;

(2) with respect to the national forest system lands in the State of Oklahoma which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (Rare II) and those lands referred to in subsection (d), that review and evaluation or reference shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resource Planning Act of 1974, as amended by the National Forest Management Act of 1976, to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the plans, but shall review the wilderness option when the plans are revised, which revisions will ordinarily occur on a ten-year cycle, or at least every fifteen years, unless prior to such time the Secretary of Agriculture finds that conditions in a unit have significantly changed.

(3) areas in the State of Oklahoma reviewed in such final environmental statement or referenced in subsection (d) and not designated wilderness upon enactment of this Act shall be managed for multiple use in accordance with land management plans pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976: Provided, That such areas need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of the initial land management plans;

(4) in the event that revised land management plans in the State of Oklahoma are implemented pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law, areas not recommended for wilderness designation need not be managed for the purpose of protecting their suitability for wilderness designation prior to or during revision of such plans, and areas recommended for wilderness designation shall be managed for the purpose of protecting their suitability for wilderness designation as may be required by the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, and other applicable law; and

(5) unless expressly authorized by Congress, the Department of Agriculture shall not conduct any further statewide roadless area review and evaluation of national forest system lands in the State of Oklahoma for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

(c) As used in this section, and as provided in section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, the term "revision" shall not include an "amendment" to a plan.

(d) The provisions of this section shall also apply to:

(1) those National Forest System roadless lands in the State of Oklahoma in the Ouachita National Forest which were evaluated in the Rich Mountain and Beech Creek unit plans; and

(2) National Forest System roadless lands in the State of Oklahoma which are less than 5,000 acres in size.

#### ADJACENT MANAGEMENT

SEC. 6. Congress does not intend that designation of wilderness areas in the State of Oklahoma lead to the creation of protective perimeters or buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

#### FIRE, INSECT AND DISEASE MANAGEMENT

SEC. 7. Nothing in this Act shall preclude such measures which the Secretary, in his discretion, deems necessary in the event of fire, or infestation of insects or disease.

#### WINDING STAIR MOUNTAIN NATIONAL RECREATION AREA

SEC. 8. (a) In order to assure the conservation and protection of certain natural, scenic, historic, pastoral, and fish and wildlife values and to provide for the enhancement of the recreation values associated therewith, the Winding Stair Mountain National Recreation Area located in the Ouachita National Forest, Oklahoma, is hereby established.

(b) The Winding Stair Mountain National Recreation Area (hereafter referred to as the "recreation area") shall comprise approximately 26,445 acres as generally depicted on the map entitled "Winding Stair Mountain National Recreation Area—Proposed", dated March, 1988, which shall be on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture.

(c) The Secretary of Agriculture shall, as soon as practicable after the date of enactment of this Act, file a map and a legal description of the recreation area with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: Provided, That correction of clerical and typographical errors in such legal description and map may be made. The map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(d) The Secretary shall administer the recreation area in accordance with the laws, rules and regulations applicable to the national forests in such manner as will best provide for (1) public outdoor recreation; (2) conservation of scenic, natural, historic, and other values contributing to public enjoyment; and (3) such management and utilization, of natural resources of federally owned lands within the recreation area which are compatible with and which do not significantly impair the purposes for which the recreation area is established. The recreation area shall be principally managed for the public enjoyment and secondly for wildlife.

(f) Unevenaged management shall be the management practice administered in the recreation area. Evenaged management within the recreation area shall be limited to only those situations, such as fires and insect and disease infestations, where the

removal of dead and/or dying trees and subsequent reforestation are desirable to rapidly restore the scenic qualities of the affected areas. Any timber sales shall be designed so as to not detract from the scenic values of the recreation area. Management practices that would detract from the scenic quality and natural beauty within view from the Tallmena Drive or the Holson Valley Road shall not be conducted in the recreation area.

#### BOTANICAL AREAS

SEC. 9. In furtherance of the purposes of this Act, the following lands in the State of Oklahoma are designated as Botanical Areas. In order to protect these areas which contain unique plant species and plant communities that are significant in their occurrence, variety and location, no vegetative manipulation will occur except that which is necessary for the protection, enhancement or interpretation of the area and its resources.

(1) Certain lands in the Ouachita National Forest, Oklahoma, which comprise approximately 8,026 acres as generally depicted on a map entitled "Robert S. Kerr Memorial Arboretum, Nature Center and Botanical Area—Proposed", dated March 1988, which shall be known as the "Robert S. Kerr Memorial Arboretum, Nature Center and Botanical Area".

(2) Certain lands in the Ouachita National Forest, Oklahoma, which comprise approximately 400 acres as generally depicted on a map entitled "Beech Creek Botanical Area—Proposed", dated March 1988, which shall be known as the "Beech Creek Botanical Area".

(3) The Secretary of Agriculture shall, as soon as practicable after the date of enactment of this Act, file a map and a legal description of the botanical areas with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: Provided, That correction of clerical and typographical errors in such legal description and map may be made. The map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(4) The Secretary shall administer the botanical areas in accordance with the laws, rules and regulations applicable to areas such as these in the national forests. Mechanized cutting for trail building and appropriate actions for improved trails shall be allowed. Improvements and expansion of roads and facilities shall be permitted in the vicinity of the Robert S. Kerr Nature Center. Timber harvesting of any kind shall be prohibited.

#### NOMENCLATURE

SEC. 10. In order to provide for universal identification and association the Wilderness areas, National Recreation Area, and Botanical Areas designated in this bill shall be known as the Winding Stair Mountain National Recreation and Wilderness Area of which 26,445 acres are designated national recreation area, and 22,230 acres are designated as wilderness and botanical areas.

#### INDIAN NATIONS NATIONAL SCENIC AND WILDLIFE AREA

SEC. 11. In furtherance of the purposes of this Act, certain lands in the Ouachita National Forest, Oklahoma, as generally de-

picted on a map entitled "Indian Nations National Scenic and Wildlife Area—Proposed", dated March 1988, shall be administered by the Secretary principally for aesthetics and wildlife.

(1) The Secretary of Agriculture shall, as soon as practicable after the date of enactment of this Act, file a map and a legal description of the national scenic and wildlife area with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in such legal description and map may be made. The map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(2) The Secretary shall administer the Talimena Drive and Holson Valley Road areas in the Indian Nations National Scenic and Wildlife Area of the Winding Stair Mountain National Recreation and Wilderness Area within the Ouachita National Forest in LeFlore County, Oklahoma, principally for aesthetics to preserve the natural beauty of these areas for future generations and preservation of wildlife. Management practices that would detract from the scenic quality and natural beauty shall not be allowed in the Indian Nations National Scenic and Wildlife Area as viewed from any location on the Talimena Drive and Holson Valley Road Areas. This primary aesthetic zone, as illustrated on a map, constitutes the boundary for visual limitation prohibitions and shall be managed with unevened management unless irregular cuts can be hidden from view by natural geographical barriers. Wildlife management shall be the second objective in these areas once the primary objective of aesthetics is met.

#### TIMBER MANAGEMENT

SEC. 12. (1) In the remainder of the Ouachita National Forest in LeFlore County, Oklahoma, evened management, including clearcutting, may be allowed on selected tracts not to exceed 39 acres in size in meeting timber production objectives. Any evened units which would collectively exceed the foregoing size limitation shall not abut one another and shall be separated by an area of at least equal in size to that area harvested until such time that the vegetation in one unit reaches a height of at least 25 percent of the height of the adjacent stand and is no longer considered an opening. Evened managed tracts shall retain scattered clumps of mast producing hardwoods within the regeneration areas at a minimum ratio of 10-20 percent of basal area per acre and an appropriate number of den trees shall be maintained. Stands shall be managed to maintain the natural species ratio of those stands in a variety of age classes.

(2) Within the Ouachita National Forest in LeFlore County, protective buffer areas of zones shall be retained and established along—streams, creeks, rivers and other bodies of water to meet water quality stand-

ards and wildlife requirements; officially designated state and federal highways and paved county roads and shall be managed to protect and enhance their scenic values; designated trails to provide adequate aesthetics protection and allow for wildlife travel corridors. Clearcutting shall not be permitted in the buffer areas or zones and any unevened management activities employed in these areas shall employ harvesting methods which meet water quality and wildlife requirements.

#### PLANNING

SEC. 13. (a) The Secretary shall develop an amendment to the Ouachita National Forest land and resource management plan regarding the wilderness areas, the national botanical areas, the national recreation area and the national scenic and wildlife area designated by this Act. The amendment shall further the purposes for these areas as specified in this Act and shall be developed in accordance with the provisions of the National Forest Management Act, including provisions for public involvement.

(b) The amendment shall include a section with provisions to promote tourism and outdoor recreation in ways consistent with the purposes for which these areas are designated.

(c) No later than 90 days after the date of enactment of this Act, the Secretary shall designate the RedArk Development Authority as a special advisory group to help in the preparation of the tourism and outdoor recreation section of the amendment as required under subsection (b). The Secretary shall request RedArk to submit to the Secretary, within 12 months after its designation as an advisory group, a draft for such section. No later than 90 days after receiving such draft, the Secretary shall make any revisions and provide them to RedArk for review. The Secretary shall allow at least 60 days for RedArk to submit to the Secretary its comments on the revisions. The Secretary shall attempt to resolve any differences prior to his approval of the final amendment. Notwithstanding any other provisions of law, the Secretary is authorized to reimburse RedArk for salary, travel and supplies utilized in implementation of this subsection at rates commensurate to those paid to Department of Agriculture employees performing comparable duties.

(d) There are hereby authorized to be appropriated not to exceed \$15 million for the development and implementation of the amendment.

(e) The Secretary is authorized and encouraged to seek local non-profit entities for the purpose of helping to implement the amendment.

#### GRAZING

SEC. 14. Subject to such limitations, conditions, or regulations as he may prescribe, the Secretary shall permit grazing on lands within the Ouachita National Forest, LeFlore County, Oklahoma, to the same extent as was permitted on such lands prior to the date of enactment of this legislation.

#### HUNTING, FISHING AND TRAPPING

SEC. 15. The Secretary shall permit hunting, fishing or trapping on lands and waters

under the Secretary's jurisdiction within the boundaries of the Winding Stair Mountain National Recreation and Wilderness Area in accordance with the laws of the United States and the State of Oklahoma except that the Secretary may designate zones where, and establish periods when, no hunting, fishing or trapping shall be permitted for reasons of public safety, area general administration, or public use and enjoyment. Except in emergencies, any regulations made by the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department. It is expected the Secretary will continue cooperative agreements with State of Oklahoma agencies responsible for managing fish and game. Nothing in the Act shall be construed as affecting the jurisdiction or responsibilities of the State with respect to wildlife and fish in the national recreation and wilderness area.

#### PERMITS

SEC. 16. The Secretary shall cooperate with other Federal agencies, with State and local public agencies and bodies, and with private individuals and organizations in the issuance of permits for facilities, services and recreational facilities in the Winding Stair Mountain National Recreation and Wilderness Area. The Secretary is authorized and encouraged to seek local non-profit entities in issuing permits for the purpose of helping to implement the findings of Section 13 of this Act.

#### LAND ACQUISITION

SEC. 17. (a) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds including those from the Land and Water Conservation Fund, exchange, or bequest, any lands or lesser interests therein, which the Secretary determines are needed to establish and manage the Winding Stair Mountain National Recreation and Wilderness Area.

(b) In exercising the authority conferred by this section to acquire lands, the Secretary shall give prompt and careful consideration to any offer made by an individual owning and land, or interest in land, within the Winding Stair Mountain National Recreation and Wilderness Area. In considering any such offer, the Secretary shall take into consideration any hardship to the owner which might result from any undue delay in acquiring the property. Purchases made under this authority shall be made on a willing buyer, willing seller basis.

(c) The Secretary or his agent may acquire sites at locations outside such boundaries of the Winding Stair Mountain National Recreation and Wilderness Area, as he determines necessary, for visitor orientation and the establishment of a lodge and additional facilities to enhance the quality of the area.

#### ACREAGES

SEC. 18. The acreage cited in this Act is approximate and in the event of discrepancies between cited acreage and the lands depicted on reference maps, the maps shall control.