

EXTENSIONS OF REMARKS

IN MEMORY OF THE LATE
COUNCILMAN GILBERT LINDSAY

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. DYMALLY. Mr. Speaker, during the holiday recess, my good friend, Los Angeles Councilman Gilbert Lindsay passed away.

I first met Councilman Lindsay in 1960, during the Kennedy campaign. He and I became best friends. We both entered public office the same year in 1963. The "Emperor" of the Great Ninth District, as he was fondly called, will be missed by his friends, colleagues, and constituents.

May he rest in peace. As part of his tribute, I would like to include the following January 9, 1991 article about the late Councilman Lindsay from the Los Angeles Sentinel, the largest African-American newspaper on the west coast.

[From the Los Angeles Sentinel, Jan. 3-9, 1991]

COUNCILMAN GILBERT LINDSAY IS DEAD AT THE AGE OF 90

(By A.S. Doc Young)

When Los Angeles City Councilman Gilbert W. Lindsay first described himself years ago as "the Emperor of the Great Ninth District," some people—fellow politicians among them—snickered.

They thought the claim was imperious, pompous, arrogant, hilarious. But, like the last baseball legend, Satchel Paige, Gil Lindsay was an American original, one of a kind and colorful both in speech and deed, a unique individual.

And, as Dr. Josie Bain, an administrative analyst at UCLA, said shortly after his death, "His uniqueness enabled him to say things and get away with things that others couldn't say."

Like Satch, when Lindsay spoke on his unique style and manner, he captured the attention of all who heard him. When he made political pitches, like Satch, he won impressively, establishing himself as a most unforgettable character in the process.

On issues and in matters large and small, downtown and uptown, he won so often and so skillfully that the snickering stopped, and the cynics realized that what he was, really, was awesome!

Just how awesome was conclusively proven in the hours following his death at 2:11 Friday morning, December 28, in the Queen of Angels/Hollywood Presbyterian Medical Center. He died as a result of a long illness which began with a severe stroke in early September that left him paralyzed on his right side and unable to speak and, at the end, was complicated by a heart attack.

It was proven by the warm, sincere, glowing tributes and testimonials paid to him by his peers and countless others who had known him. Not only was he highly praised for his great political achievements but also for numerous acts of human kindness.

"Gil Lindsay proved that you could do anything you wanted," said John Ferraro, president of the Los Angeles City Council; and Councilman Robert Farrell said: "He had a profound impact on the city. His hands and fingerprints are as much on downtown Los Angeles and the core of the city as anybody's."

"Under Councilman Lindsay's guidance," Mayor Tom Bradley said, "Central City became one of the premiere urban business centers in the country and the world. Downtown Los Angeles contains nationally recognized restaurants, cultural activities, gleaming skyscrapers, and developments that reflect rich cultural diversity."

His leadership of the Great Ninth District has included the development of senior citizens housing, recreation centers, child care centers, and the creation of the Vermont/Slauson Shopping Center."

Bradley also said: "He was a beloved public servant, one who declared on many occasions that he was going to be emperor and councilman for life. He got his wish."

"He's been a long, hard worker," City Councilman Nate Holden said. "He was like a father to me. In fact, he looked like my father. I loved Gil Lindsay, and I still do."

Lindsay, who spent 27 years in the Los Angeles City Council after becoming its first Black member in 1963 at age 63, left behind credits galore that none less than a long, hard worker could have amassed.

The Great Ninth District extends from 81st Street on the south to Chinatown on the north. Lindsay liked to say that he was on call for his constituents 24 hours a day, seven days a week, 365 days a year. He demanded the same availability from his deputies, wearing out several of them who could not keep up the pace.

"In his prime, he could wear you out," said Deputy Councilman Robert Gay, who worked for him for 16 years. "He was really a man's man. He walked faster than most men. His grip was stronger. He could drink men under the table. . . ."

Hard-working Gilbert W. Lindsay was the chairman of the Council's Public Works Committee, vice-chairman of the Arts, Health and Humanities Committee, and was a member of the Community and Economic Development Committee.

"During his nearly three decades in office," City News Service Writer Cathy Franklin said, "the downtown area exploded into one of the premiere business centers in the world."

During his tenure, the Ninth District gained more than 24 million square feet of office, commercial-retail, and service-industry space. In addition, more than 4200 hotel rooms and 400,000 square feet of convention-exhibit space are now available in the Central City.

Other highlights of Lindsay's administration included the redevelopment of Little Tokyo and Chinatown. He worked to expand the amount of senior citizens housing in the downtown and South Central areas through projects such as the Stovall Foundation, Philips Temple Community Housing, and the Lindsay Recreational Center.

Also located in his district is the Angelus Plaza complex, the largest publicly subsidized senior citizens housing facility in the country with 1094 units.

His work in revitalizing the South Central area included the \$12 million Vermont/Slauson Shopping Center and the creation of more than \$14 million in low-interest loans to homeowners for rebuilding projects.

Lindsay also created child care centers such as the Children's Collective, the Betty Boop Child Care Center, and the Delta Sigma Theta Child Care Centers.

The California Medical Hospital dedicated the Gilbert W. Lindsay Child Abuse Center for the councilman's contributions to the Central City community.

As if all that did not make enough demands on his time and talents, Lindsay was an active member of the Democratic State Committee, the American Legion, the YMCA, Los Angeles Area Council, Boy Scouts of America, the Urban League, Town Hall and the Rotary and Kiwanis clubs.

"Personally," said City Councilwoman Ruth Galanter, "I learned a great deal about how this city works just by watching Gil Lindsay."

Congressman Mervyn M. Dymally said: "Councilman Gil Lindsay will go down in history as one of the great politicians of our time. I first met him when I worked for the Kennedy campaign, under the leadership of then-Assemblyman Gus Hawkins, and we remained friends over the last 30 years. He was a practical, no-nonsense legislator. In my judgment, history will be kind in recording his accomplishments."

"In his prime," said Councilman Zev Yaroslavsky, "Gil Lindsay was one of the savviest politicians around. He will long be remembered for paving the way for minority representation in the City Council."

Councilman Richard Alatorre said: "We have lost a leading citizen and public servant. Gilbert Lindsay devoted his entire life to working for his constituents and this work gave meaning to his life . . . it was his life."

City Attorney James K. Hahn said: "Gilbert Lindsay never let anyone forget that the renaissance of downtown was in his 'Great Ninth' District, and he never took a back seat to anyone. He was loyal to his friends, no matter the cost."

Los Angeles County Supervisor Kenneth Hahn, the father of James K. Hahn said: "During his council career, Lindsay championed the cause of civil rights and projects that would benefit his Great Ninth District. He took care of the little and big things for his constituents. He was thoughtful, kind, considerate, and generous with his actions."

Someone else compared Gil Lindsay to the late Richard J. Daley, legendary mayor of Chicago (his son, Richard M. Daley is now mayor of that city).

But California Assembly Speaker Pro Tem Mike Roos captured the essence of Lindsay's career when he said, "His life was a true Horatio Alger story, an outstanding example of someone rising from humble origins to become a major, positive force in the City of Los Angeles. As the guiding force behind much of the major development planning in

• 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.

downtown Los Angeles, his place in our city's history is secure."

Gil Lindsay was born on a Mississippi cotton plantation on November 29, 1900. When he was a teenager, he left Mississippi and enrolled in a school in Pittsburgh. From there, he moved to Arizona, where he served with the U.S. Army in the 10th Cavalry and the 25th Infantry.

As part of an Army program, Lindsay attended the University of Arizona's School of Business Administration.

After leaving the military, Lindsay moved to Los Angeles and took a job as a janitor for the Department of Water and Power. While working, he continued to take classes in governmental administration and political science at USC and in business administration at UCLA.

C.A. (Bob) Barber first met Gil Lindsay in 1940.

"He was a janitor," Barber, a Los Angeles businessman, said. "His wife was from Greenville, Texas, about 75 miles from my home in Mt. Pleasant. . . . The thing I remember most vividly is that Gil Lindsay always was determined to do things, to be the best.

"He was a hellova janitor! That was an important job for Negroes in Los Angeles at that time. He gave the janitor's job the same respect he gave the council position. Whatever Gil was doing was very important to him."

Ruth Galanter said: "Mr. Lindsay's death marks not only the passing of a great man, but also of an era. Mr. Lindsay saw and overcame all the obstacles in his way. . . ."

"He made it!" Robert Farrel said. "He was 63 years old when he was appointed to the City Council. In ages 63 to 90, he exceeded everybody's expectations. When he was appointed to the City Council, some people expressed cynicism. 'What's his background?' they wanted to know. They were shocked when they were told that he used to be a janitor. But, he turned around where he came from and what he had done and made them a badge of pride. . . . He wore them as a badge of pride to stimulate and motivate people. Gil was a genius in his own way."

Lindsay, who had come to Los Angeles in 1923 (as one source has reported) or in 1924 (as he told me years ago), worked for the Department of Water and Power for 25 years—in the basement. Even after he became a DWP clerk, he worked in the basement. It was as if a department head was trying to hide him!

Lindsay began his political career in 1934, when he helped Augustus F. Hawkins run for the California State Assembly. (Hawkins recently retired after 28 years as a member of the U.S. Congress).

In 1947, Kenneth Hahn was teaching a class in political science at Pepperdine University, which was then located in South Los Angeles. One of Hahn's students was Herbert Howard, Lindsay's stepson.

One day, after Hahn told his class he was planning to run for the Los Angeles City Council, Howard said: "You should see my dad." Hahn agreed to go to see him. Howard also took Hahn to meet the late Rev. Clayton Russell, a minister often compared to New York City's Adam Clayton Powell, Jr., who was the pastor of the People's Independent Church of Christ at 18th and Paloma Streets.

Lindsay was, or was to become, a member there. (He was a People's Independent member when he died.) Rev. Russell greeted Hahn warmly, saying: "If Herbert is for you, I'm for you; and, if I'm for you, my church is for you."

Kenneth Hahn and Gilbert Lindsay were closely associated in politics and personal lives until Lindsay's death.

"Without his help," Hahn said, "I would not have been elected to the Board of Supervisors in 1952."

Lindsay was the associate manager of Hahn's 1952 campaign.

Kenneth Hahn also received substantial help in his political campaigns from the Women's Sunday Morning Breakfast Club, which was founded by Lindsay's wife, Mrs. Theresa Lindsay.

Gil Lindsay was quite proud of the fact that the Women's Sunday Morning Breakfast Club gave 24 full scholarships to college students and purchased five Life Memberships in the NAACP. Lindsay was a member of the NAACP's board of directors from 1953-58 and also was a vice-president of that organization.

Lindsay first made national Black political history when he was appointed as a deputy to Supervisor Hahn. After 10 years in that position, Lindsay was appointed in January, 1963, to fill the vacant Ninth District City Council seat, becoming, as Rick Orlov said in the Daily News, "the first Black to sit in one of the 15 high-backed leather chairs around the ornate council horseshoe." Lindsay replaced Edward Roybal, who had been elected to Congress.

Gil Lindsay stood only five feet, three inches tall. But, he felt like a giant of man after he made his way up from being a janitor to being a Los Angeles city councilman, and the first member of his race to do it, too. A few months later, Tom Bradley became the first Black elected member of the Los Angeles City Council. The other day, Bradley said he and Lindsay remained friends for 27 years.

In 1965, Lindsay was elected to the Los Angeles City Council in his own right, and went on to win six re-elections in the ninth district.

"Gil Lindsay was one of the few politicians who never ran for anything else," said his deputy, Bob Gay, who first went to work for him as a volunteer. "He really loved that district and that job."

When Lindsay last ran for reelection at age 89 in 1989, he received 73 percent of the Ninth District vote!

While recalling his appointment to the Los Angeles City Council in 1963, Lindsay once said:

"I helped everybody get elected around here—presidents, governors. I thought I should do something for myself."

"His ability to talk to virtually anybody, from the guys at the shoeshine stand to the corporate executive deeply impressed me," Gay said. "Gil Lindsay had a sensitivity to the average person. He loved young people; he loved senior citizens. He was open. His door was always open. He supported every good cause. He was exceptionally and intensely loyal."

He received loyalty in return from his employees, one of whom, Irene Matsubara, worked 27 years for him.

"I found him to be a very outgoing individual," said Dr. Josie Bain, who for seven or eight years was the program coordinator of the Women's Sunday Morning Breakfast Club. "He liked attention and wore it well. He was very interested in helping almost anyone in need. He would reach far beyond that which would be normally expected."

"He was proud of himself and rightfully so, knowing that he had come from the cotton fields of Mississippi. Such a background and such an achievement made him a very proud individual."

Businessman Celes King III, who came to Los Angeles with his family in 1936, knew Gilbert Lindsay most of his (King's) life.

"Los Angeles and America have lost one of the great community legislators," King said. "He had possibly more impact on more people than any other local politician."

"I can remember as a kid when I was sitting as an altar boy in the People's Independent Church and Gil Lindsay would read the announcements each Sunday. He is the person who took the younger members of the church and gave us a sense of direction."

"He made it clear that we must be accountable and we must be successful. He gave us a type of pride that carried many of us through."

James M. Woods, Sr., is another highly successful, Los Angeles businessman who knew Lindsay well.

"From time to time," Woods said, "we were very close. Once, when he was sick, I wanted to go to see him. Someone told me, 'You can't see him.' I said, 'Let me walk into the room.' Just as I walked in, he raised his head and said, 'Hello, Jim.'"

"He put a lot back into the community. He changed the whole downtown area. People stayed on and didn't move out. He gave the people confidence. He was interested in his people. I think he'll be greatly missed."

Gilbert Lindsay's son, Melvin, died last year. Theresa, his wife of 49 years, died in 1984. He is survived by a daughter, Sylvia Thornton, who lives in Chicago, and stepson Herbert.

"Theresa Lindsay was a balance in his life," Howard said.

A family friend said:

"I believe Gil Lindsay began to decline mentally and physically after Theresa died."

Funeral services for Lindsay will be held at 10 a.m., on Friday, January 4, in the Victory Baptist Church, 4802 South McKinley Avenue, Los Angeles.

Victory Baptist is pastored by Rev. Charles Chapman, who once worked for Lindsay. The funeral is being held there because its auditorium is larger than the one in People's Independent Church of Christ. People's minister, Rev. William Naylor, will officiate at the funeral.

John Ferraro said:

"Anyone who knew Gil Lindsay and didn't love him—there had to be something wrong with them."

OPERATION DESERT STORM

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. MRAZEK. Mr. Speaker, it is time for the Congress and the country to unite. War is the greatest test not only of a soldier's physical and mental resilience, but also of a nation's. We will be most successful in this war if we are united in our support for the President's objective of ousting Saddam Hussein's forces from Kuwait, and united in our support for the courageous men and women fighting in the Persian Gulf.

Those men and women—who are risking their lives and making the greatest sacrifice possible simply because their country has asked them to—are deserving of our highest praise and admiration. I urge every Member of Congress and every American citizen to offer

their full support, and their prayers, for those taking part in Operation Desert Storm.

Early battle reports, which are notoriously unreliable, are nevertheless very encouraging. This air campaign has obviously been extraordinarily well-planned and apparently well-executed.

It is the fervent hope of us all that it will be enough; that the war will be over quickly and with a minimum loss of blood and treasure; and that the further destruction of Iraq and a deadly ground war can be avoided. But it now depends on Saddam Hussein. He must come to his senses and act in a rational manner and remove his forces from Kuwait. It is the only path to peace.

EDITORIAL REFLECTS NATIONAL
UNITY AND RESOLVE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. SOLOMON. Mr. Speaker, the mood of the entire country seems to be somber but relieved on the morning after the beginning of Operation Desert Storm.

That double-edged mood is reflected in much of the editorial remarks in the Nation's newspapers. Typical editorials lament the failed diplomatic efforts and acknowledge the fact that Saddam Hussein has left us no other alternative but that of removing him by force from Kuwait. There also seems to be a national determination to do what's necessary, do it right, do it quickly, and bring our forces home. There is resolve, but no gloating. Relief over the unexpected success of initial attacks is tempered with a sober realization that this war is not over, and that Saddam Hussein is a resourceful as well as a brutal foe.

I place in today's RECORD a good example of that balanced editorial comment, a Thursday morning editorial in the Albany Times-Union. I would urge all members to read it.

[From the Times Union, Albany, NY., Jan. 17, 1991]

A BATTLE FOR KUWAIT, AND PEACE

The fighting that no American wanted, and all wished would never come, is now a part of history in the making. Sadly, it comes as no surprise. The last hopes for peace had faded with the collapse of a midnight-hour attempt at diplomacy by the French. Iraq's Saddam Hussein, arrogant as ever, refused to yield the Kuwait his forces had captured in August.

The battle has been joined, President Bush told the nation in a televised address Wednesday night. It's a confrontation that Saddam Hussein refused to avoid, and cannot be allowed to win. Nothing would bring him to his senses—not world condemnation, not economic sanctions, not warnings from President Bush or resolutions from the United Nations or the U.S. Congress. Nothing. Now the last method of persuasion is at hand, with all the pain and death that will mean for all involved.

Let no one mistake: This is a war Saddam Hussein brought upon himself. He scorned one attempt after another to find a peaceful solution. He was defiant even up to the last moment, as Iraqi forces began to move chemical weaponry closer to allied forces

massed in Saudi Arabia. He was unresponsive to one entreaty after another.

There were numerous opportunities to respond. All were rebuffed, including concessions for a conference on Middle Eastern issues, United Nations Secretary General Javier Perez de Cuellar made one such offer, the French another proposal. Even the White House softened, while resolutely, and properly, refusing to link Iraq's aggression in Kuwait with the Palestinian issue.

With war upon us, some clear priorities need to be stated. One is to wage battle as forcibly as necessary to bring this confrontation to a quick resolution. Another is to hold casualties on both sides to a minimum, although the primary concern must be the American and allied service personnel who have placed their lives at risk.

The latter goal can't be achieved if political support weakens, as it did during the Vietnam war. Saddam Hussein is a student of that war, as well as the American Marine presence in Lebanon. Both chapters have led him to scorn American resolve in the face of casualties, while boasting of Iraqi courage. Both have given him a distorted confidence that Americans will soon tire of this conflict and retreat.

President Bush, mindful of Saddam Hussein's penchant for gross miscalculation, vows that no American or allied soldier will be asked to fight with one hand tied. That, too, must be a priority concern, along with removing Saddam Hussein from the world scene. Victory will come not only when Iraq's army is forced out of Kuwait, but also when Saddam is stripped of power.

Whether a long war or a short one, there will be a high price to pay in human life. Yet the cost has to be weighed against the much higher toll that surely would have been exacted had Saddam Hussein managed to build a nuclear arsenal. Civilized nations cannot abide vainglorious despots who would menace the world with weapons of annihilation.

TRIBUTE TO DR. DEMIE MAINIERI

HON. ILEANA A. ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I take this opportunity to pay tribute to an outstanding resident in my congressional district, Dr. Demie Mainieri. After 31 years of dedicated service as associate dean, athletic director and head baseball coach at the Miami Dade Community College, north campus, Dr. Mainieri is retiring.

Throughout his career, Dr. Demie Mainieri has distinguished himself as an educator, coach, administrator, and community leader as well as a major contributor to amateur baseball on the local, national, and international level. Dr. Mainieri has received numerous accolades resulting in his induction into the American Baseball Coaches' Hall of Fame, National Junior College Athletics Association Hall of Fame, Potomac State College Athletic Hall of Fame, and the West Virginia University Physical Education Hall of Fame.

Coach Demie Mainieri's Falcon baseball teams have won numerous championships at the State, regional, and national level. Coach Demie Mainieri is the first junior college baseball coach to ever record 1,000 coaching vic-

tories, finishing a prestigious career with 1,012 wins. Twenty-three former Miami Dade north players under Coach Mainieri's tutelage have had successful careers in major league baseball. More than 90 of Coach Demie Mainieri's former Falcon players have been drafted by professional baseball teams. Dr. Mainieri established a nationally acclaimed sports program for inner city youths and provided leadership for the training and development of over 500 recreational leaders.

Over the years, Dr. Mainieri has been honored by several organizations including a "Man of the Year Award" from the Italian American Foundation.

In honor of his service, a banquet will be held at the Radisson Mart Plaza Hotel on February 22. I commend the works of State Senator Carrie Meek, Dr. Mary Mahan, Ron Warnock, Jay Rokeach, Kathi Hanson, Bill Alheim, Mary Dagraedt, John Takovich, and Tom Prescott for putting this reception together.

Dr. Mainieri is certainly deserving of this recognition, for he has had significant accomplishments in community college athletics and a positive impact on thousands of south Floridians.

SUPPORTING THE HAMILTON/
GEPHARDT RESOLUTION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. MAZZOLI. Mr. Speaker, first, I would like to extend congratulations to my colleague, LEE HAMILTON. Not only has the gentleman from Indiana been my friend, but our districts adjoin across the Ohio River, and so I have had the opportunity to observe his performance for many years. I am now happy that the merit that we knew he had, but was somewhat hidden under the bushel basket, is now for the entire country and the world to view because he is certainly bringing great dignity to this debate.

I would like to extend congratulations to the majority leader, who has shown his leadership on this issue, as well as the budget issue last autumn; Speaker FOLEY, because it is Speaker FOLEY who showed the courage and the tenacity to bring that issue up as it ought to be brought up; and certainly last, but not least, the President of the United States, who has these tremendous and weighty burdens on his shoulders which all of us join in praying God that they be discharged in a way that will bring the situation in the Mideast to a speedy and, we hope, peaceful conclusion.

I think there are some postulates that ought to be talked about here as we get the debate started. One is that all Members—whichever resolution of the three before us that Members would support—are serious and have approached this with a great deal of thoughtfulness.

As one who has served in this body for over 20 years and having observed the debate for the last day or two, I think this is really going to be one of the high points of congressional service for all of us.

I think another postulate is that Saddam Hussein is a vile, mean, and evil man who ought not to be condoned in any fashion by any civilized nation of the world. I think I ought to say, as a veteran of the U.S. Army, back in the 1950's, that I believe wars need to be fought from time to time, that they are not totally avoidable. My belief is that this one ought not to be fought now, but I believe many of us approach on the premise not that all wars are bad but that this war may not be necessary now.

Whatever is voted up at the end of the debate on the day after tomorrow, I think it is our responsibility as Members of the House to support the men and women in Operation Desert Shield, to be sure they have the material and all the support necessary to carry out their function.

Having said that, Mr. Speaker, I rise in very strong support of the gentleman's resolution. I intend, also, to support the resolution of our friend, the gentleman from Florida [Mr. BENNETT], which I think establishes correctly that the real power to declare war is vested in article I, section VIII of the Constitution, in the Congress, and not the President.

But the Hamilton-Gephardt resolution is a stay-the-course resolution. It allows that the sanctions currently in place be continued, and that those sanctions be tightened. It makes sure that all the diplomatic efforts which are underway are continued and strengthened. It keeps the forces we have in place so that they would be available to thwart any attack or to mount an offensive action if that is demand necessary and voted up by the body at some time in the future.

However, unlike the Solarz-Michel resolution, this one before us does not give the President a blank check or a carte blanche authority to take an offensive action.

I have to ask these very simple questions, Mr. Speaker. Why would we need to go to war right now or at midnight on Monday night, the beginning of January 15? The President's objectives have largely been realized. Our hostages have been returned. The oil supplies are protected. Neither Saudi Arabia nor any other nation in the area is threatened. The area is stabilized.

The two other things the President desires to be done, that Kuwait be rid of Saddam Hussein and his forces, and that the Sabah family be returned to the throne in Kuwait, I do not think are needed at this actual moment in time—needed eventually, but not right now needed enough to warrant going to war.

I hear so much about this fragile coalition which might fall apart unless a war is fought at midnight Monday night or soon thereafter. If the coalition is that fragile, then maybe it is not really a coalition except in name only.

Many of the members of the coalition are not paying the money they pledged. Many of the members of the coalition are not sending their men and certainly not their women into this fight. So what is the coalition? Maybe that coalition is not really one anyway, and so it should not be the determining factor of whether we send our men and women to a sure death, in some cases, in order to preserve this coalition.

I liken this to: "We will hold your coat while you do the fighting." That is what this is.

There are a number of nations in the so-called coalition that said, "Hey, we will hold your coat, but we want you guys to do the fighting, and we then want you to pay for the fighting." They have not ponied up the money. They are not going to. They do not send us their troops, and they are not going to. But they want the benefits of our war. I do not think that is fair. I do not think that is something this House and this Congress ought to do.

The whole idea is to demonize Saddam Hussein and deify Kuwait. Kuwait: We hear so much about Kuwait. We have got to restore the Al Sabah family; this is a great nation that has been run over by an aggressor.

I will sum up by saying that Kuwait is a feudal dictatorship, a feudal kingdom. Its people do not vote. The majority of the people who lived within the bounds of Kuwait before the takeover were not even Kuwaiti citizens. They were guestworkers or U.S. people who were there doing work for the oil companies.

The fact of the matter is there is nothing free and democratic. There is nothing devoted to human civil rights in the nation of Kuwait. Why, pray tell, should we sacrifice ourselves and our future to restore that?

Mr. Speaker, I think what we ought to do is continue the sanctions, make sure they do not leak, make sure these members of the coalition who are knowingly allowing these leaks to take place do not take those actions, and then let us see what happens.

If later down the road we have to take offensive action, we will do so. We should do it. But, it ought not to be done now at this point in time.

LEGISLATION TO PREVENT SWEETHEART DEALS BETWEEN THE NATIONAL PARK SERVICE AND CONCESSIONAIRES

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. GUARINI. Mr. Speaker, I am reintroducing legislation today that will prevent future sweetheart deals between the National Park Service and concessionaires and give the Secretary of Interior the authority to terminate existing contracts if they are owned or controlled by foreign interests.

In 1965, the Concessions Policy Act was created to provide incentives for businesses to build and operate concessions in our national parks. The act directs the Secretary of Interior to " * * * encourage continuity of operation and facilities by giving preference in the renewal of contracts or permits and in the negotiation of new contracts or permits to the concessionaires who have performed satisfactorily. * * * " According to a 1980 GAO report, Congress should repeal this provision because " * * * existing concessionaires already have a competitive advantage over others who want to operate in the parks—they do not need additional legal advantages."

The GAO also recommended that Congress eliminate the provision of the act which cites that a concessionaire has a possessory interest in the structures, fixtures, or improvements

that it acquires or constructs. In order for the Park Service to terminate a contract, they must reimburse the concessionaire an amount equal to reconstruction costs less depreciation. In some cases, concessionaires have over \$200 million of possessory interests invested at the national park. This makes it virtually impossible to compete for a new contract and discourages potential competitors from even bidding on it.

The recent Matsushita takeover of MCA, which operates the concessions at the Yosemite National Park, has raised serious questions about how and why MCA was able to maintain a monopoly that generates over \$75 million in annual revenues while paying less than \$600,000 back to the Federal Government. The Secretary, to his credit, acted quickly to resolve an embarrassing situation and had already publicly announced his intention in July to put a new concessions policy in place.

However, this can only be accomplished by repealing the two unnecessary provisions of the law—preferential rights and possessory interest. My legislation repeals these clauses and requires the Secretary of Interior to develop and implement a new system within 90 days for the renewal and extension of existing contracts and permits, the granting of new contracts and permits, and providing new or additional services through concessionaires in areas of the National Park System. This new system must secure competitive bids and advertising for concessions contracts and to the extent possible, limit the term of these contracts to 5 years.

Further, my bill would require the Secretary to review existing contracts, many of which are sweetheart deals, to determine if any of these contracts are owned or controlled by foreign interests or if any contracts were awarded outside of the normal Park Service procedures and if so, whether or not the contract can be terminated on that basis.

The Secretary is also required to provide access to Ellis Island by way of a bridge connecting Liberty State Park and Ellis Island. The working families of America deserve free and easy access to one of our greatest national monuments.

Finally, I have requested that the Secretary review the concession serving the Statue of Liberty and Ellis Island to determine if there is sufficient access for the public and if the cost of the ferry service to these national monuments is justified. The concessionaire virtually doubled its rate to the islands, limiting the access to the millions of people expected to visit this year.

HOW WE'LL KNOW WE'VE WON

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. HALL of Ohio. Mr. Speaker, 1 week ago, I addressed the House to express my misgivings about the impending threat of a war in the Persian Gulf. In the absence of clear military and international objectives, I wondered, how would the United States know when we had achieved those objectives; how

would we know when the war was over? Second, I expressed my sadness that, while we seem to have the will to fight, we do not have the heart for the poor and hungry.

I was pleased, therefore, to read this morning's Washington Post, which contained a column by David Broder entitled "How We'll Know We've Won," which sets out some long-term goals. I was particularly pleased to note that the final goal would be for the administration to address the problems of hunger and homelessness in this country. Clearly, Mr. Broder understands that a victory overseas is empty if it comes at the expense of needy American men, women, and children.

For the benefit of my colleagues, a copy of the article follows:

HOW WE'LL KNOW WE'VE WON

(By David S. Broder)

On Wednesday afternoon, two hours before the outbreak of hostilities in the Persian Gulf, Chuck Skaggs, 22, of Dale City, Va., finished up his paperwork at the Army recruiting office in Woodbridge, Va. A third-generation construction worker, whose grandfather had served in World War II and whose father had served in the '60s, Skaggs was absolutely clear on why he had just asked for "front-line combat infantry" training.

"I have always been taught, 'Defend your country at all costs,'" he said. "And if we can't help other people keep their freedom, what good are we?"

Skaggs' old-fashioned patriotism was very much on my mind as I walked to work later that night past posters reading, "Stop Bush's War Now."

Of course, the instant hostilities started, it stopped being "Bush's War" and became a cause to which the overwhelming majority of Americans instinctively rallied. After days and nights of tension during the countdown to the Jan. 15 deadline for Iraqi withdrawal from Kuwait, there was relief from the growing sense of frustration with the diplomatic "stiff-arm" Saddam Hussein had given to all proposals for a peaceful solution.

Just as oil prices dropped, instead of rising, on the news of war, American spirits rose, instead of sagging. An ABC News-Washington Post poll showed three out of four people approving the president's decision to delay no longer on the resort to force. The patriotic impulse was enhanced by the upbeat tone of the first Pentagon news briefings.

Welcome as that surge of emotion has been, reason cautions that harder times lie ahead—and sterner tests for this nation's leadership.

Military strategists always assumed we could win the air war decisively. From all indications, that confidence was justified. But it will be several days at least until we know if the bombs and missiles have been effective enough to spare the allied armies in Saudi Arabia from the bloody task of uprooting the Iraqi forces entrenched in captured Kuwait. The attack on Israel last night threatens a wider war.

Each additional day of fighting will add to the controversy about the definition of "victory" for the anti-Saddam coalition. While Bush set the objective simply as the liberation of Kuwait and expressed the hope that "Iraq will live as a peaceful and cooperative member of the family of nations," it is by no means clear whether the forces in battle will tolerate Saddam Hussein's remaining in power.

Already, strong voices among American conservatives and supporters of Israel are arguing that it would be a travesty if he were allowed to salvage even a psychological victory as the ruler of Baghdad. But the overthrow of Saddam implies a conquest of Iraq—a task the United Nations has never sanctioned and one which could entail far heavier casualties.

Beyond that, the question of a new strategic balance in the Middle East remains largely unaddressed. And so does the impact of this war on what Bush has called the "New World Order."

His Wednesday night Oval Office address was a disappointment, even to those of us who strongly agree with the president that the world could not tolerate naked aggression in an area as vital as the Gulf by a dictator with Saddam's ambition and arsenal.

The Bush speech was backward-looking a rehash of the argument he already had won against those in Congress and the country who had, in good conscience, urged him to continue to rely on economic sanctions to bring Saddam to heel. It did little to clarify how and when we would consider the military action complete—and what we want to see afterward.

Assuming that the armed forces of America and its allies do their job, the president and his administration will ultimately be judged on how well they fulfill three missions only they can perform:

First, they must lead in creating a stable balance of power in the Persian Gulf, dominated by nations less objectionable than Iran or our crypto-ally-for-the-moment, Syria, and secured by something other than a permanent and massive U.S. military presence in the region. And they must lead in addressing the too long postponed question of reconciling Palestinian rights with Israel's security.

Second, they must bring that wonderful concept of "New World Order" down to Earth before it is defined by political opponents in ways they would not like. Where do those economic powerhouses of Japan and Germany so conspicuously on the sidelines in this struggle, fit into the NWO? How does Bush intend to induce them to play their part? That question must be answered, or Americans will be left thinking that our troops are the cops the world can summon whenever anyone is in a jam. And how about the Soviet Union? How long can we pretend not to see the increasing brutality of its internal policies?

Finally, the president and his administration must show their understanding of the American people's priorities by shifting as quickly as possible from targeting ammunition dumps and antiaircraft batteries to focusing on the evil here at home of hunger and homelessness, crime and drugs, illiteracy and disease.

The patriotism of a Chuck Skaggs and the sacrifices being made on the battlefields of the Middle East demand no less.

CONCURRENT RESOLUTION CONCERNING THE REOPENING OF UNIVERSITIES ON THE WEST BANK AND GAZA

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. RAHALL. Mr. Speaker, I am pleased to introduce a concurrent resolution calling upon the Israeli Government to reopen the universities which have been closed under military order for more than 3 years, located in the occupied territories of the West Bank and Gaza.

In past years, until his recent retirement, our distinguished colleague Howard Neilson, had taken on himself the responsibility and duty to introduce such resolutions, expressing the sense of the Congress that these six universities be reopened, giving Palestinian students the opportunity to return to their careers in higher education. As it now stands, and as it has stood for 3 years, tens of thousands of university students and high school graduates have been cut off from any chance to pursue professional education and training.

Palestinians, very much like Israelis, have long taken pride in being the most educated group in the Arab world. The institutions that have been closed, most of which were established in 1971, are supported by student fees/tuition, and private contributions and gifts. They do not now and have never received financial support from the Israeli Government. The parents of these Arab children deeply deplore the lost opportunities their children are suffering, because they place high value on education, and have a history of sacrificing much to educate their children. In other words, Palestinians are like Americans and Israelis, all of whom place a high value on education as a basic right.

Concern for the universities is shared by many. For example, last year, a group of more than 400 Israeli academics held a press conference at Hebrew University, petitioning the Defense Ministry to reopen the schools. An all-day teach-in was held at Tel Aviv University in solidarity with the closed Palestinian universities.

Here in the United States, over 200 faculty and 800 students at Harvard and MIT signed a petition calling for the immediate reopening of the universities. Open letters to Congress, representing 30 American Jewish educators and scholars in the field of Jewish studies, have been received in support of past congressional resolutions calling for the reopening of the universities.

The United States Government has pressed repeatedly for universities to be reopened, according to congressional testimony by Assistant Secretary of State Richard Schifter given last May at a joint hearing of the Europe and Middle East Subcommittee and the Human Rights and International Organizations Subcommittee of the House Foreign Affairs Committee.

Mr. Speaker, I applaud recent events that have seen the Israeli Government reopen all elementary and secondary schools in both the West Bank and Gaza, along with many of the community colleges. Of equal note is the fact

that since April 1990, Israel has reopened a portion of Al Quds, and just this past August allowed Bethlehem University to reopen. While this is more than a welcome sign, the rest of Al Quds and four other universities remain closed, including the Islamic University in Gaza.

Last year, House Concurrent Resolution 315, which commended the Israelis for steps already taken to reopen some schools, and urged them to continue the process, had a total of 82 cosponsors, as well as the support of the administration. Also last year, both the House and Senate passed amendments to foreign aid bills, again commending Israel's decision to open the two schools on the West Bank, and urging that the remaining universities be reopened as quickly as possible.

It is obvious that reopening all the universities on the West Bank and Gaza would make an important contribution to improving relations between Palestinians and the Government of Israel and the pursuit of peace in the region, as well as to improve trade relations between the European Community and Israel.

For this and many reasons, Mr. Speaker, I urge my colleagues to join me in cosponsoring this concurrent resolution, so that these institutions of learning, of such grave importance to the future of Palestinian youth, be reopened and remain open, and be regarded and respected by all parties as places of learning, and not be made the scapegoat of unrest created by the Intifadah.

In conclusion, Mr. Speaker, I would like to share with my colleagues the words contained in the open letter to Congress, written by 30 American Jewish educators and scholars:

*** to deprive a population of education this way is to impose a form of collective punishment on an entire society. This is not the way to move toward peace. Such steps only serve to embitter the Palestinians; a lasting peace will require that the two peoples treat each other with mutual respect. We urge you to call on Israel to reopen the universities. We make this request both as friends of Israel and out [of] the respect for education which is central to Jewish traditions.

I sincerely request the attention of my colleagues to this resolution again during the 102d Congress, and ask their support in obtaining its passage. Education is, after all, a basic human right that ought to transcend politics. It has been found that there is no evidence that the official justification for the closures in the first place, which was said to be to quell unrest resulting from the Intifadah, has any basis in fact.

The normal functioning of the education system on the West Bank and in Gaza City is of deep interest to both sides, and it will certainly benefit both. I believe these young Palestinians would be far better off involved in getting an education, than wandering the streets of the West Bank and Gaza.

Support academic freedom. Reopen the Palestinian universities.

EXTENSIONS OF REMARKS

INTRODUCTION OF LEGISLATION CONCERNING TAX TREATMENT OF CERTAIN INTANGIBLE ASSETS

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today to clarify the tax treatment of corporate acquisitions of certain assets. This legislation is similar to legislation which the House of Representatives adopted in 1987, and I urge its adoption by Congress this year.

Under current law, the goodwill of a business is not depreciable or deductible as a business expense. Over the years, however, many taxpayers have attempted to claim that the costs of acquiring a customer list or other similar asset is separable from good will, and subject to depreciation. The Internal Revenue Service typically challenges such deductions, and in 1987, the Committee on Ways and Means adopted language as part of the budget to clarify that a customer list or similar asset was, essentially, goodwill.

Unfortunately, the Ways and Means Committee provision was deleted from the budget in conference with the Senate. Since that time, the IRS has lost several major court cases on this issue; the courts have, in many respects, carved out a road map for taxpayers to take advantage of this uncertainty in the tax laws. My legislation would end this debate once and for all. It would also end some outrageous positions taken by taxpayers which were reported last summer in *Forbes* magazine, including an attempt to depreciate a recipe for pizza crust.

Mr. Speaker, I insert a technical description of my legislation at this point in the RECORD.

TECHNICAL DESCRIPTION OF LEGISLATION PRESENT LAW

Taxpayers may claim depreciation on property used in a trade or business or for the production of income. Generally, a deduction for depreciation is available only if the property is a wasting asset or if the life of the property can be ascertained with reasonable accuracy.

In the case of intangible assets, depreciation is available only if the property has a limited useful life of more than one year and meets the trade or business or production of income test. However, no deduction for depreciation is allowable with respect to goodwill.

Some taxpayers take the position that, after a corporate acquisition, the costs of customer lists and other similar intangible assets are depreciable and separable from goodwill, generally on the grounds that such assets have a useful life that can be determined with reasonable certainty. Some recent court opinions seem to support this position (see, e.g., *Newark Morning Ledger v. U.S.*, 734 F.2d. 176; *Citizens and Southern Corporation v. Commissioner*, 91 T.C. 463), although the Internal Revenue Service does not agree (see, e.g., Rev. Rul. 74-456, 1974-2 CB 65). The IRS will typically challenge claims that amounts paid for customer lists are separable from goodwill.

When a franchise, trademark, or trade-name is transferred, payments on account of

such transfer are allowed as an ordinary and necessary business deduction if they are contingent on the productivity, use, or disposition of the asset. If the transfer is not treated as a sale because the transferor retains any significant power, right, or continuing interest with respect to the subject matter of such asset, then any payment of a principal sum agreed upon in the transfer agreement is deductible over a period not exceeding 10 years (section 1253(d)(2) and (3)).

EXPLANATION OF PROPOSAL

The bill clarifies that any amount paid or incurred to acquire customer base, market share, or any renewing or similar intangible item is treated as paid or incurred for intangible property with an indeterminate useful life, and therefore is not amortizable or depreciable.

The items covered include, for example, customer and subscription lists; patient or other client records; the existing "core" deposits of banks; insurance in force in the case of an insurance company; advertising relationships and customer or circulation base in the case of a broadcast, cable, newspaper, cellular, or any other business; other contracts or relationships reflecting the value of the customer base; location advantage; workforce in place; and market share in the case of any business.

Finally, the bill is intended to clarify that section 1253(d)(2) or (3) does not apply to any payment made by the transferee of a franchise, trademark, or tradename to a transferor who does not retain any significant power, right, or continuing interest with respect to the subject matter of the franchise, trademark, or tradename. The fact that another party who is not the transferor may retain such a right thus does not permit the transferee to deduct any amount under section 1253(d)(2) or (3).

No inference is intended as to present law.

EFFECTIVE DATE

The legislation is effective for acquisitions after the date of enactment.

CHABAD WEEK

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. MRAZEK. Mr. Speaker, I rise today in recognition of "Chabad Week", which was proclaimed from December 12-19, 1990 by the Chabad of Huntington.

The Chabad Lubavitch is a worldwide movement under the leadership of one of the most revered spiritual leaders, Rabbi Menachem Schneerson. This movement has for many years promoted a greater awareness of the concepts of education, morality, and decency among all peoples. The Chabad of Huntington is a vibrant and growing organization within this movement.

Chabad Week coincided with the celebration of Chanukah, a commemoration of the rededication of the Jewish temple by the Maccabaeus in 165 B.C. During this week, members of the Chabad of Huntington personally contacted every Jewish household, and also made visits to local hospitals, care homes, and jails. In addition, the Chabad conducted Menorah kindling ceremonies in major shopping centers and constructed Menorah

displays in local supermarkets and local town halls. The Chabad also sponsored a Chanukah mobile office offering information and gifts for children throughout the community.

Mr. Speaker, I praise the members of the Chabad of Huntington for their active civic participation. Not only did they make the Chanukah celebration in the Huntington area more festive, they helped to educate people from all walks of life about the significance of this ancient celebration of Chanukah. I wish the Chabad's members continued success in all of its endeavors.

ANNIVERSARY OF UKRAINE
INDEPENDENCE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. SOLOMON. Mr. Speaker, January 22 will be a truly important and significant day for the people of Ukraine and their friends and relatives here and around the world. On that date 73 years ago, the Ukrainian National Republic severed Ukraine's ties with the rest of the former Russian Empire and declared the Ukrainian Nation's independence. While the anniversary of this event is marked by Ukrainians with honor and pride, it is also observed with sadness. Within 4 years of its independence, Ukraine was again subjugated to Russian control, this time under the ruthless fist of the Bolsheviks.

In past observances of this important occasion, I have spoken here on the floor of the House of Representatives about the history of the Ukrainian Nation and its past role in the European Community. Today I want to look to the future and to the possible role that Ukraine may at long last again play as an independent member of that community—if the United States and the free nations of Europe reach out and offer it a hand in doing so.

At this moment, Ukraine and the many other nations under the control of the Soviet Union stand at a crossroads. They may at last be able to escape the clutches of the only empire that survived the First World War—under the guise of a so-called progressive ideology. On the other hand, however, they may well be forced back under the control of that empire—to the detriment of not only their national and cultural independence, but to the cause of democracy in the Soviet Union as well.

Unfortunately, the belief held by many here in the free world that the success of Soviet democratic reforms depends on keeping Mikhail Gorbachev in power is increasing the likelihood that the second result will be obtained instead of the first. It is the mistaken belief of policy makers here in the United States and in Europe that by supporting the striving of Ukraine and the other captive nations to achieve their independence we are undermining Gorbachev and his effort to carry out those reforms.

The spin that Gorbachev puts on the portrayal of the Ukrainian and other nationalist movements to this captive audience in the West is obviously meant to reinforce that belief—because it serves his effort to stay in

power. The fact is that we shouldn't feel we have to choose between democratic reforms and freedom for Ukraine and the other captive nations. We instead need to choose both.

It is clear that today Ukraine and the other captive nations are nothing more than colonies for the Soviet Empire. In recent years, for example, Ukraine has provided an estimated 90 percent of its production to the central government in Moscow. In return, the Soviet system has paid it back with the long-term depletion of Ukraine's resources, and, most recently, the reactor explosion at Chernobyl that contaminated a large part of Ukraine's territory. The fact is that this colonization of Ukraine and the other captive nations of the Soviet Union has combined with the failed Communist economic system to literally sap their peoples of any desire to reinvigorate the Soviet system.

That is why Gorbachev has had to turn to the army and to the KGB to try to keep them in line. Gorbachev's continued description of himself as a "convinced Communist" and his continued proposal of unrealistic "constitutional" plans to keep Ukraine and the other nations under Soviet control shows that he is not facing facts. And the facts are that communism is a failure and the future of Europe must include freedom for these captive nations.

We here in the United States need to recognize these facts also. Economic prosperity and democratic reform in the Soviet Union are tied up with the question of nationalist self-determination. As long as Ukraine and the other captive nations are forced to remain under Soviet control—as long as they are not recognized by the United States and Europe as independent nations—neither democracy or prosperity will be achieved. Instead, we in the West will be asked to pour economic aid in to support the central Soviet Government—whose ideology and economic policies are outright failures with no chance of success.

I have long felt that what the peoples of the Soviet Union need most is not more aid, but more freedom. And that includes national freedom, which will provide newly liberated Ukrainians and other nations the incentives they want and need to rebuild their economies and invest in the future. I hope that the United States and its allies in Europe will take steps to establish more direct contacts with Ukraine and those other nations, recognize their recent declarations of sovereignty, and begin bringing them into the European Community.

On this, the 73d anniversary of the declaration of Ukrainian independence, the Ukrainian people have my best wishes for their future economic and political prosperity.

BIPRISA PARADE HONORS JOSE
MARTI

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, on January 28, we will celebrate another anniversary of the birth of Jose Marti, the Cuban poet and national hero. The Bilingual Private Schools Association [Biprisa] will host the XVII Schools

Parade in the City of Miami which will honor the 138th anniversary of Jose Marti.

Born in 1853, Jose Marti was a man who valued both words and actions and he gave his life for freedom while fighting for Cuba's liberation from Spain. The following obituary was published in *The Sun* in New York City on May 23, 1895:

We learn with poignant sorrow of the death of Jose Marti, the well-known leader of the Cuban revolutionists. We knew him long and well, and esteemed him profoundly. For a protracted period, beginning twenty years ago, he was employed as a contributor to *The Sun*, writing on subjects and questions of the fine arts. In these things his learning was solid and extensive, and his ideas and conclusions were original and brilliant. He was a man of genius, of imagination, of hope, and of courage, one of these descendants of the Spanish race whose American birth and instincts seem to have added to the revolutionary tincture which all modern Spaniards inherit. His heart was warm and affectionate, his opinions ardent and aspiring, and he died as such a man might wish to die, battling for liberty and democracy. Of such heroes there are not too many in the world, and his warlike grave testifies that, even in a positive and material age, there are spirits that can give all for their principles without thinking of any selfish return for themselves.

Honor to the memory of Jose Marti, and peace to his manly and generous soul!

It is with great pride that we celebrate the birth of Jose Marti. He will live in our hearts forever.

For their part in the organization of the parade, I would like to commend the members of the board of directors of Biprisa: Demetrio Perez, Jr., Antonio Brito Munoz, Zoila Sanchez Cifuentes, Nerida Valdes, Alicia de la Torriente, Caridad Perez, Mario Beovides, Gil Beltran, and Rev. Martin Anorga. Their efforts in organizing the parade have been tremendous.

I would also like to recognize the participating schools and their directors: Nuria Milanes of Arrowhead Kindergarten, Mario Beovides of Jose Marti School, Alicia de la Torriente of Highpoint Academy, Caridad Perez of Edison Private School, Rev. Martin Anorga of La Progresiva Presbyterian, Zoila Sanchez Cifuentes of Sunny Day School, Gil Beltran of La Luz School, Antonio Brito Munoz of Brito Miami Private School, Moravia Capo of Inter-American Military Academy, Demetrio Perez, Jr. of Lincoln-Marti School, Maria Elena Lozano of Seven Dwarfs Nursery School, and Miriam Morales of Roston Academy.

Also included are Vivian Gutierrez of Columbus Military Academy, Fernando Villamor of St. Agatha Catholic School, Dr. Maria Alonso of Champagnat Catholic School, Marta Vega of Hialeah Institute, Jose Vila of Cinderealla Nursery School, Nerida Valdes of Christ-Mar School, Alina Santos of Roblanca Academy, Toddler University, Inc., Holy Family Catholic School, Teresita Baldor of Baldor Schools, and Dr. Olga Farinas of Il Savior Academy.

Other members of Biprisa include Aleida Machado of Aleida's Nursery, Maria de los A. Perez, Lincoln-Marti Day Care, Miriam Morales of Garces Commercial College, Octavio Oliu of Gingerbread House, Milagros Montero of Panamerican Institute, and Nancy Guillermo of Nancy's Land.

UNIVERSITY OF LOUISVILLE CARDINALS: 1991 FIESTA BOWL CHAMPS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. MAZZOLI. Mr. Speaker, I rise today to congratulate the University of Louisville football Cardinals on their 34 to 7 victory over the University of Alabama Crimson Tide in the 1991 Fiesta Bowl.

Led by head coach, Howard Schnellenberger, the football Cardinals have come a long way during the past 5 years. To illustrate, the 1991 Fiesta Bowl was the university's first bowl appearance in 13 years and its first major bowl appearance ever.

When Coach Schnellenberger came to Louisville to take the helm at University of Louisville—after a very successful career as a player and as a coach both in collegiate and professional ranks—Howard was coming back home.

He is a native Louisvillian, who played his high school football at Louisville Flaget High School. Coach Schnellenberger played his collegiate football at the University of Kentucky—ironically, under the legendary Paul (Bear) Bryant who led Alabama to greatness. So, Howard learned his coaching skills quite literally, at the master's knee.

To turn the Louisville program around, Coach Schnellenberger demanded much from his players and his staff. For those who chose to stay and be a part of his rebuilding program, the Fiesta Bowl victory was a sweet reward indeed.

A coach cannot, however, do it all. He needs a complement of players, assistants, coaches, trainers, managers, academic advisors, and the coach needs support from the student body and administration. Coach Schnellenberger enjoyed all these ingredients at University of Louisville—and then some—this season. And the university, not accidentally, achieved its best football record ever (10-1-1), and its highest Associated Press ranking ever; 14th.

Mr. Speaker, the Louisville community is still cheering about this notable Fiesta Bowl victory. I congratulate all who made this win possible, and I commend to the attention of my colleagues, the players, coaches, trainers, and officials—including university president, Donald Swain and athletic director, Bill Olsen—who made it all happen.

FIESTA BOWL

PLAYERS

John Tuyo, Randy Wyatt, Eric Broomfield, Klaus Wilmsmeyer, Anthony Cumming, Rawle Bynoe, Browning Nagle, Adrian Green, Greg Minnis, Robert Knuutila, Jeff Brohm, Andrew Cornell.

Erik Watts, Liggett Butler, Lito Mason, Kevin Gaines, Rhonyia Quick, Curtis Lipsey, Ralph Dawkins, Chris Fitzpatrick, William Blackford, John Gainey, Shawn Jackson, Rene Couto.

Pete Bynm, David Moyler, Teronnie Holmes, Bobby Hall, Latrell Ware, Ray Buchanan, Marcus Hill, Ben Sumpter, Joey Smith, Ron Bell, Ricky McFadden, Terry Quinn.

EXTENSIONS OF REMARKS

Tom Cavallo, Jim Simatacolos, Ed Reynolds, Merle Gardner, Derek Hawthorne, Paul McDowell, Pat Fitzgerald, Mark Sander, Ivey Henderson, Anwar Bell, Jerry Clarke, Brevin Smith.

Deron Williams, Reggie Johnson, Brian Hayes, Mel Mills, Carey Figg, Mike Nelson, Matt Johnson, James Lobitz, Dave Debold, Andy Culley, Darryl Swafford, John Bock.

Chris Hampton, Frank Perrotti, Billy Bosworth, Kevin Blumeier, Stephen Henchy, Jerry Crafts, Pete Burke, Garin Patrick, Mike Ivory, Tom Carroll, Scott McAllister, Shawn Rodriguez.

Ken McKay, Brandon Brookfield, Zoe Barney, Joe Johnson, Anthony Semak, Kedall Brown, Chris Young, Jose Gonzalez, Fred Jones, Greg Brohm, Dave Dubois, Dan Gangwer.

Tom Triplett, Jim Hanna, Mike Flores, Leonard Ray, Ron German, Ted Washington, Len Jacobson, Willie Haynes, Danny Hurd, Brad Wendling, Bill Logan, Chris Collins.

Jeff Roberts, Curt Cromwell, Kevin Cook, Michael Neely, Matt Slyter, Eric Carter, Deral Boykin, Alan McClure.

ADMINISTRATION OFFICIALS

Donald Swain, Ray Nystrand, Burt Monroe, Bill Olsen, Dick Hill, Keith Inman, Rob Brawner, Betty Jackson, Kenny Klein, Kevin Miller, Jeff Schneider, Mike Batuello, Ron Padgett, Jack Tennant.

COACHES

Howard Schnellenberger, Brad Bradford, Danny Hope, Rick Lantz, Bob Maddox, Jeff Morrow, Gary Nord, Ty Smith, Trent Walters, Christ Vagotis, Ron Steiner, Kevin Beck, Randy Whitt, Kurt Beathard.

Jeff Carlberg, Jay Gruden, Craig Swabek, Tom Andrews, Terry Lantz, Clark Wood, Ray Ganong, Ed Ruscher, Mike Schnurr, Matt Axline, Jeff Lucas, Jamie Yancher, Stewart Schnellenberger, Joe Nolder, T.J. Poelking.

TRAINERS

Mike O'Shea, Mike Palmisano, Raymond Shea, Chris Furr, Brad Anderson, Todd Beard, Mark Shepherd.

SECRETARIES

Michelle Cox, Pam Serotte, Donna O'Donnell, Deanna Curry, Denise Murphy, Laura Czerwonka.

MANAGERS

Jim McGhee, Paul Barker, Glenn Thompson, Steve Beswick, Steve Bruner, Walter Rhodes, Kevin Chinn, Albert Farmer, Homer Holland.

TAX INCENTIVES FOR THE USE OF MASS TRANSIT FACILITIES

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. GUARINI. Mr. Speaker, today I am introducing legislation which will eliminate a bias in the Tax Code against mass transit and make our environmental and transportation policies more rational.

Under current law an employee may receive unlimited free parking from his employer as a tax free fringe benefit. In some cities, this benefit is worth as much as \$4,800 per year. Conversely, since the 1986 Tax Reform Act, employers cannot provide tax-free vanpool services. Nor can an employee receive tax-free more than \$15 per month in mass transit benefits.

My legislation does not seek to change the tax treatment of employer-provided parking. It does, however, seek to place mass transit on a more equal footing with cars by excluding the value of vanpooling and up to \$60 per month in mass transit benefits completely from the employee's gross income. It also makes it as easy as possible for employers to offer this benefit by not requiring them to do so pursuant to a written plan. Less paperwork will encourage employers to offer mass transit benefits.

Using the Tax Code to encourage mass transit makes sense. Even though we have just enacted the first revisions to the Clean Air Act in over a decade, much work needs to be done to implement this legislation. Automobiles emit large portions of carbon monoxide and ozone which pollute our air. Reducing their use will produce substantial environmental benefits.

Urban areas such as Hudson County, NJ, my home district, are especially vulnerable to automobile pollution. In the New York City-New Jersey metropolitan area, 90 percent of the carbon monoxide and 50 percent of the ozone fouling the air can be traced to automobile exhaust. Anything we can do to reduce automobile traffic will help our environment. Not to mention the incredible congestion that plagues our highways and turnpikes.

This legislation has three basic components. First, it provides that when an employer provides vanpool services to its employees, the value of the vanpool is not included in the employee's gross income. Prior to the 1986 Tax Reform Act, vanpool benefits were excluded from gross income.

Second, if an employer provides its employees with transit passes or vouchers as a fringe benefit, the employee may exclude from gross income up to \$60 per month in such benefits, a four-fold increase from the current level of \$15 per month. Forty-six rides, essentially a monthly pass, on the PATH costs \$40, all of which would be covered by this benefit.

Increasing the exemption from gross income will make a significant difference, not just to the commuters, but to encouraging the use of mass transit generally. A 1984 survey conducted by the New York-New Jersey Port Authority suggests that as many as 26 percent of automobile commuters would switch to mass transit if they were given a subsidy.

This would mean thousands of fewer cars on the road throughout the country and my district, which is part of the traffic-clogged New York-New Jersey metropolitan area. Indeed, if we could reduce the number of drivers using the Lincoln and Holland tunnels by 10 to 15 percent, traffic delays during peak periods would drop by two-thirds, from 45 minutes to just 15 minutes.

To achieve this goal, we would have to encourage employers to provide this type of subsidy. The New York-New Jersey Port Authority, the Metropolitan Transit Authority and New Jersey Transit created TransitCenter in 1986, a public-private alliance to promote transit. TransitCenter developed the first regional transit voucher, called TransitChek, which was offered to area employers, who then could distribute this voucher to their employees as a fringe benefit.

Since 1987 about 1,200 companies have joined the TransitChek program, distributing mass transit vouchers to more than 25,000 of their employees. This is impressive, but undoubtedly, the \$15 limit seriously reduces participation. Increasing it beyond this de minimus amount can be expected to greatly enhance employer participation in this program and others like it throughout the country.

Even with this increased subsidy, the disparity between automobiles and mass transit remains significant. For example, in New York City the average cost for parking is \$192 per month; in Boston, \$245; in Los Angeles, \$120. Increasing mass transit benefits to \$60 per month is hardly unfair or rash under these circumstances.

Third, the legislation removes what is known as the "cliff" effect from our current tax law. At present, if an employee receives \$16 per month in mass transit benefits, just \$1 more than the allowable amount, the entire \$16 becomes taxable. Under my proposal, if an employee received \$61 in benefits, only \$1 would be taxable, not the entire amount.

This legislation will reduce the tax bias against mass transit, make mass transit more affordable, and therefore encourage its use. The environmental and transportation benefits of such an outcome would seem obvious. It is well past time that we start providing better tax treatment for mass transit.

OUTRAGED AT IRAQI ATTACK ON ISRAEL

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. HALL of Ohio. Mr. Speaker, I am deeply outraged at the unprovoked Iraqi attack on Israel. I am relieved that no chemical weapons were used. Even so, the threat of chemical warfare still remains frighteningly real for the Israeli people. As we speak, the air raid sirens are sounding in Tel Aviv and Jerusalem.

I extend my most sincere sympathy and compassion for the victims of last night's attack, and for the entire State of Israel. The world community is united against Saddam Hussein, but it is Israel that could bear the brunt of the Iraqi wrath. Our troops need to protect Israel from another attack.

We need to fight this war hard and fast, and prevent Hussein from again attacking Israel. Israeli involvement could seriously disrupt the fragile alliance of Arab and Western forces.

To accomplish this goal, our troops need the full support of the United States I will vote for today's resolution because it expresses unequivocal support for the men and women fighting to end this war.

During floor debate on the Persian Gulf crisis, I voted against the Solarz-Michel resolution and for the Gephardt-Hamilton resolution because I hoped for peace, not war. Now that the fighting has started, our troops deserve and need unwavering support from the U.S. Congress so they can do their job quickly and accurately, and come home as soon as possible.

Many of my constituents have children and grandchildren, husbands and wives in Israel

and in Saudi Arabia. I join with the Dayton community in hopeful prayer for their safety.

For the sake of all nations involved, let us all pray for a quick end to the fighting.

INTRODUCTION OF LEGISLATION RELATING TO MOVING EXPENSE DEDUCTION

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today relating to the income tax deduction for moving expenses. This minor change in the tax laws would raise in excess of \$1 billion over 5 years, and is fully justified on tax policy grounds. Last October, this amendment was adopted unanimously by the Committee on Ways and Means and I hope that it will be approved again this year.

Mr. Speaker, the moving expense deduction was added to the Internal Revenue Code as part of the Revenue Act of 1964. Prior to that date, moving expenses were not deductible for Federal income tax purposes. The courts and the Internal Revenue Service had reached conflicting results on the tax treatment of reimbursement for moving costs paid by employers; in addition, Congress was concerned that taxpayers whose moving expenses were not reimbursed by their employers were placed at a disadvantage for tax purposes. Consequently, in 1964, Congress decided that moving expenses should be deductible in computing adjusted gross income.

For purposes of determining whether moving expenses are deductible, taxpayers must meet, among other requirements, a distance test. In 1964, this test was satisfied only if the taxpayer's new principal place of work was 20 miles or farther from the taxpayer's old residence than his old residence was from his old place of work. In subsequent tax legislation, Congress modified this distance test three times: in 1969, the threshold was raised to 50 miles; in 1976, it was lowered to 35 miles.

It is my view that in this day and age, 35 miles is an unreasonably low threshold. In 1969, Congress noted that raising the 20 mile threshold was justified because the lower threshold "allows a taxpayer a moving expense deduction even where the move is merely from one suburb of a locality to another." (H. Rept. No. 413, 91st Cong., 1st Sess., at 75). In my mind, there is little justification for Congress subsidizing local moves. In this highly mobile society, only taxpayers who must travel long distances should qualify for the deduction; my legislation accomplishes that goal.

Mr. Speaker, I attach a technical explanation of my legislation for the RECORD.

TECHNICAL EXPLANATION OF LEGISLATION PRESENT LAW

In computing taxable income, taxpayers may claim itemized deductions. Itemized deductions include a portion of medical expenses, home residence interest, certain theft and casualty losses, State and local income and real property taxes, and moving expenses.

Under present law, a taxpayer may generally deduct expenses related to moving if the move is related to commencing work at a new location. To be deductible, a taxpayer must satisfy a distance test, a length of employment test, and a commencement of work test. The distance test is only satisfied if the new principal place of work is 35 miles or farther from the taxpayer's old residence than his old residence was from his old place of work.

EXPLANATION OF PROPOSAL

Under the bill, the distance test would be increased from 35 miles to 200 miles.

EFFECTIVE DATE

The bill would be effective for taxable years beginning after December 31, 1991, unless the taxpayer commenced work at the new principal place of work before January 1, 1992.

A BILL PERMITTING EARLY RETIREMENT FOR MINE SAFETY AND HEALTH INSPECTORS

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. RAHALL. Mr. Speaker, I rise today to introduce a bill, which I introduced during the 101st Congress, to make applicable to mine safety and health inspectors certain provisions which are currently applicable to law enforcement officers.

Namely, my bill will permit an early-out retirement opportunity for mine safety and health (MSHA) inspectors, at age 50 with 20 years service, due to stresses related to their jobs. The bill is identical to last year's measure, except that it now contains a one-time exemption for current MSHA inspectors from the mandatory retirement provisions currently applicable to other law enforcement officers. In other words, the one-time exemption from the mandatory retirement ages will apply to MSHA inspectors employed in those positions upon enactment of the bill into law. The only other change to the bill, different from last year's, was to conform the bill to laws enacted last year affecting law enforcement officers, such as pay comparability provisions.

I would like to reiterate my reasons for this legislation. First let me assure you that my long association with coal mining and related mining activities, I am deeply aware of the many job-related stresses that prey upon MSHA inspectors.

My bill makes it imperative for each Member of Congress to take a look at the mine health and safety inspector's job, so that we can confront and acknowledge the physical dangers and hazardous conditions they face every day, year after year on the job. Among those hazards are: Exposure to explosive methane gas, unstable ground and roof, poisonous atmospheres, radiation and harmful dusts, and dangerous machinery. These are factors in the jobs of the men and women employed in more than 20,000 U.S. mining operations.

Job stresses in an MSHA inspectors job is both physical and mental, caused by such factors as: The performance of their jobs in underground settings, where it is dark, cold, and

wet. Their work is more often than not performed in crouched or kneeling positions in areas no more than 26 inches high, for more than 4 hours at a time. A mine inspector's physical condition requires him or her to show they are able to maintain their bodies in kneeling positions for up to 4 hours, while at the same time breathing noxious gases and harmful dusts, and while subject to roof cave-ins and methane gas explosions. While they are performing such feats of endurance, they are also carrying backpacks containing testing and sampling equipment weighing from 40 to 80 pounds.

Mine safety and health inspectors are individuals appointed as authorized representatives of the Federal Government, under the jurisdiction of the Department of Labor. They are agents of the Government, sworn to enforce mine safety and health laws and, as such, they are law enforcement officers. In my view, the job-related stress of their jobs entitles them to an early retirement policy every bit as much as for agents of the Government employed by U.S. Customs, U.S. Marshals, or the DEA and FBI.

Mr. Speaker, when MSHA inspectors, who are aging on the job after 20 years of stress, become the least bit impaired either physically or mentally, it can mean the same sudden death for them and the miners they are attempting to protect, as the sudden death faced by other law enforcement officers with a gun pointed at their heads.

Just this past week, in my district in McDowell County, WV, there was a mine explosion that took the lives of two miners. I spent the better part of one afternoon and evening with the surviving members of these two families. Even in the best of times, mine accidents happen. You can imagine what it would be like if we did not have these dedicated, finely trained MSHA inspectors who keep down incidences of mine accidents that cause so much death and destruction. If you can't imagine it, you have only to study the history of coal and other mining operations to realize the carnage that was allowed when no standards for health and safety were in place, and few if anyone in charge of performing inspections of mines or enforcing such standards as were in place.

This is not to say that the McDowell County mining accident of this past week was the result of poorly performing mine inspectors who, if they were doing their jobs would have been avoided. The cause of the accident is still under investigation by MSHA inspectors. The point I am making is that the MSHA inspectors themselves fear for the day that one of them, because of age, because of poor health, because of job stress, will cause a fatal mining accident.

So Mr. Speaker, let this body pay attention, and let them think about the lives at stake—both miners and inspectors—and let them give serious and favorable consideration to this early retirement policy for MSHA inspectors.

I have talked with these men and women, and they tell me: Mr. RAHALL, passing the initial physical test for an MSHA inspectors job is very hard indeed for an 18-year-old; passing the physical test during subsequent job recertification tests for a man of 55 is impossible.

Mr. Speaker, MSHA inspectors work very hard, and take pride in their training and ability to reduce health and safety hazards by enforcing the mine safety and health standards that are in law. They save many lives each and every year through their diligence and attention to details on the job.

According to our most recent data, in 1988, there were 111,944 citations issued in the coal mine industry, 6,559 closure orders, 792 imminent danger orders, and 68 percent of the citations were determined to be significant and substantial. The same kind of statistics are found in metal and nonmetal mines, but not as many on an annual basis as in the coal mining industry. MSHA inspectors not only find and report, or cite, coal mine operators for these violations of mine safety and health law, they enforce them by closing mines. For doing their jobs, they face the ire of the coal mine operator who is losing business during such closures, which produces, over time, an additional job-related stress.

In conclusion, Mr. Speaker, I reiterate that MSHA inspectors under my bill will be given the right to retire at age 50 with 20 years experience, due to the physical and mental stress related to their working conditions in the performance of their jobs.

They are in danger every day, and at the end of 20 years service, the cumulative effects of the job-related stress could impair them both physically and mentally to the point where more, rather than fewer, mine accidents could occur, killing inspectors as well as coal miners. They deserve, and the coal miners who depend upon them for their health and safety would be better served, if MSHA inspectors are given this entitlement to early-out retirement options.

If my colleagues desire to cosponsor this legislation, I urge them to call me at 225-3452.

THE POSITION OF THE CROATIAN PEOPLE ON THE PERSIAN GULF CRISIS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. TRAFICANT. Mr. Speaker, please insert the following letter from Dobroslav Paraga, president of the Croatian Party of Rights, into the CONGRESSIONAL RECORD. It outlines the position of the Croatian people on the Persian Gulf crisis.

CROATIAN PARTY OF RIGHTS,
Zagreb, Croatia, January 15, 1991.

MR. PRESIDENT,
Members of Congress.

DEAR HONORABLE REPRESENTATIVES OF THE PEOPLE OF THE UNITED STATES OF AMERICA: While dramatic changes are still occurring daily in Eastern Europe and an unavoidable confrontation has developed in the Middle East I wish to personally thank you on behalf of the people of Croatia on your courageous assumption of world leadership to ensure that fundamental human rights and liberties are available to all.

As President Havel stated to me when I met with him in Prague on October 29, 1990—"if there are human rights violations going

on anywhere, then human rights are threatened everywhere."

Your support of the freedom seeking peoples of the world, from Lithuania to Kuwait and beyond, is instrumental in the achievement of this goal and nowhere do we understand this more than in Croatia.

While we Croats have not yet completed our transition to democracy and independence I can personally testify that had it not been for the U.S. Senate passing S. Res. 169 on August 4, 1989 supporting my efforts to bring about increased respect for human rights in Yugoslavia that I would now not be writing to you as the President of the Croatian Party of Rights from our offices in Zagreb but rather from one of the jail or prison cells where I had previously been incarcerated and tortured for circulating a petition asking for amnesty for all political prisoners in Yugoslavia in 1980.

Although we in Croatia now have democratic political parties we do not yet have "government of the people, by the people, for the people." While we are patiently changing this we will not allow ourselves to be identified by the actions of those who still rule us but do not represent us.

On September 28, 1990 Associated Press ran a report on Iraqi jets being serviced by Yugoslavia in Croatia which Senator Dole noted with a request for an investigation in the Congressional Record of October 24, 1990 entitled "What are Iraqi Military Aircraft Doing in Yugoslavia?" And then on January 11, 1991 Reuters reported that Iraqi agents or terrorists may already be in place in Europe having infiltrated through Yugoslavia.

We have all watched these terrifying experiences unfold into dramatic statements of man's inhumanity to man and we've all wondered why and when will it end. The people of Croatia know how difficult it is, if not impossible, to end armed aggression and oppression without help and we feel that it is our duty to express ourselves to the people of the United States and the world community by volunteering our services to actively participate with the following declaration:

"DECLARATION

"We, the people of Croatia, join in this opportunity to stand, and side, with our friends, the United States of America and other governments of the world, who in this time of world crises have courageously assumed the burden of leadership in full implementation of the United Nations Resolutions; and whereas the Federal Government of Yugoslavia, and its offspring Governments in the Republics of Yugoslavia, have chosen a position of non-commitment; we feel that this international effort to stop the brutal aggression of Saddam Hussein demands the active support of all who care about preserving freedom and the rights of human beings to live peacefully within their own country.

"We, the undersigned, in our desire to actively participate, shoulder to shoulder, with other nations of the world, hereby, volunteer our services to the multinational forces united in resolve to secure the justice which will alone result in lasting peace, as well as extending our commitment to a multinational peace keeping force to preserve this new world order."

Presently the people of Croatia are expressing themselves by individually signing this declaration just as over 500,000 Croations have signed a petition for independence from Yugoslavia over the course of the last six months. Maybe someday soon the nation of Croatia will once again be able to express itself as a country in such an honorable commitment as is this participation

in achieving the unalienable rights of all people—life, liberty, and the pursuit of happiness.

DOBROSLAV PARAGA,
President.

THE PROLIFERATION OF CREDIT CARDS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. HUBBARD. Mr. Speaker, last month I received a well-written and thought-provoking December 21 letter from my constituent, David H. Piller, senior vice president of the Ohio Valley National Bank in Henderson, KY, which I would like to share with my colleagues.

Dave Piller has contacted me as a member of the House Committee on Banking, Finance and Urban Affairs about his serious concerns regarding the proliferation of credit cards and their financial burden to young families. As a financial counselor to young families, he is witnessing first hand the severe consequences to these individuals as they are burdened beyond help due to their inability to refrain from accepting the credit cards offered them with offerings of credit limits which bear no apparent relationship to the ability to repay.

I urge my colleagues to reflect upon the timely comments contained in Dave Piller's letter to me. His letter follows in its entirety:

OHIO VALLEY NATIONAL BANK,
Henderson, KY, December 21, 1990.

U.S. Representative CARROLL HUBBARD,
Rayburn House Office Building, Washington,
DC.

DEAR CONGRESSMAN HUBBARD: Being aware of your position on the Banking, Finance and Urban Affairs Committee, I feel that you are the proper person to whom I should express a deep concern that I have regarding the proliferation of credit cards.

I donate a considerable amount of time gratis to the financial counseling of young families. In virtually all cases these families are burdened beyond help. It is not unusual for them to have three or more cards with total indebtedness of \$14,000 or more at interest rates of 20 percent or greater! These cards have been mass mailed with offerings of credit limits which bear no apparent relationship to the ability to repay.

Of course, the large banks providing these cards defend themselves by pleading that they incur large losses which must be covered by higher rates. The reality is that the industry is reaping the consequence of greed unrestrained by any sense of responsibility or regard for the well being of those unfortunate enough to be lured into such debt. If the interest rates on these cards were restricted to 3 points over prime, for example, the providers would make certain that this form of credit would be extended only to those who were worthy of the credit.

As it stands, where will it end? Larger and larger losses, leading to more and more imprudent lending, at higher and higher rates. What a disgrace! Who really loses? All of us—taxpayers, families broken by the strain of impossible debt, social help agencies, etc.

I would very much like to visit with you when you are in town to discuss this further.

DAVID H. PILLER,
Senior Vice President.

EXTENSIONS OF REMARKS

A BATTLE ON THE HOMEFRONT

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. STUDDS. Mr. Speaker, the administration prefers to downplay the unavoidable fact that American men and women are fighting—and dying—in the Persian Gulf because we badly need the oil that is produced there. And we have become dependent on that oil because the Reagan administration failed to learn any lessons from the oil crises of the 1970's.

As an editorial in today's Boston Globe points out, the Bush administration—with its continuing opposition to the development of a much-needed comprehensive energy policy—seems to be following down the same wayward path. I commend this editorial to the attention of my colleagues.

[From the Boston Globe, Jan. 18, 1991]

(A BATTLE OVER OIL WORTH FIGHTING FOR)

One does not have to think that the United States should be "fighting for oil" in the Mideast to agree that one lesson that is reinforced by the situation there is that the nation must reduce its dependency on foreign oil. It is a lesson that the Bush administration seems unwilling to learn.

The word in Washington is that a decision has been made in the White House to avoid any mention of energy policy in the president's State of the Union address, an obvious time to unveil any new thinking on the subject. The rationale for this decision, it is said, is that nothing the administration would be inclined to offer would make much of a dent in our oil dependence, and the administration doesn't want to call attention to that.

From the beginning, President Bush cavalierly rejected the idea that energy conservation should be any part of the initial response to the Iraqi invasion of Kuwait.

That posture put the president on the side of those forces in his administration, reportedly led by chief of staff John Sununu, who reject the development of a national energy policy on the grounds that the government role in such matters should be limited. It also contradicted the conviction of his own Energy Department that real savings in energy use are possible and wise.

The litany of what can be done has been recited for 15 years now: tougher fuel-efficiency standards for cars; a national model code for energy efficiency in housing; new standards of lighting in industrial and commercial buildings; tougher energy standards for appliances; federal incentives for states to encourage state regulators to promote utility conservation programs such as those already in place in Massachusetts.

A comprehensive national energy policy could reduce by 20 percent the United States' energy consumption in this decade. It may not be worth fighting a war to control foreign oil, but it is worth a political battle in Washington to reduce the nation's dependence on it.

January 18, 1991

INTRODUCTION OF LEGISLATION RELATING TO TAX BENEFITS FOR SAVINGS AND LOAN ASSOCIATIONS

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today which would recapture the enormously generous tax breaks which several corporations received at the end of 1988 after acquiring some savings and loan associations. In my view, Congress should have never authorized these tax breaks, and in light of the scandals arising from the S&L crisis, my legislation is an appropriate and necessary response.

Mr. Speaker, during the 1980's, Congress enacted several tax breaks for banks and savings and loan institutions. Some of these breaks clarified unsettled areas of the tax laws. In November 1988, Congress decided to cut back on these tax breaks by 50 percent, effective on January 1, 1989. In December 1988 alone, tax breaks worth \$4.6 billion were awarded to acquired savings and loan associations.

These tax benefits were enormously generous, and allowed acquirers of savings and loan institutions to take advantage of income tax benefits available to no other taxpayer. In fact, Tax Notes magazine described these benefits as the best tax shelter since the Tax Reform Act of 1986. The Committee on Ways and Means approved an amendment I offered in May 1989 to eliminate these tax breaks.

Those tax breaks were bad enough. What's worse is that many of the purchasers of the savings and loan institutions have no experience running a financial institution. They include cosmetic companies, automobile manufacturers, and investment bankers, many of whom purchased the savings and loans to take advantage of the tax breaks before they were cut back.

My legislation would, quite simply, recapture these tax benefits in certain abusive instances. In addition, the legislation clarifies an area of the income tax law relating to the tax treatment of the acquirer of a savings and loan after its disposition. In my opinion, Congress should act on this legislation as rapidly as possible, and I insert a technical description of this legislation at this point in the RECORD:

TECHNICAL DESCRIPTION OF LEGISLATION

PRESENT LAW

Consolidated return rules

If two or more corporations file a consolidated income tax return, losses of one affiliate can offset income of other members of the group. The Treasury Department has promulgated regulations to implement these consolidated return provisions of the Internal Revenue Code.

Under the consolidated return regulations, a parent corporation's basis in the common stock of its subsidiary is reduced by the amount of losses utilized by the parent. Consequently, the basis of the subsidiary's stock in the hands of the parent can become negative, creating an excess loss account. Under the regulations, the parent must "recapture" (i.e., recognize as income) the excess

loss account in the case of certain disposition events, including the sale or transfer of the subsidiary's stock (see, Treas. Regs. 1.1502-19(b)).

Earnings and profits calculations

In general, a corporation's earnings and profits account is a measure of the corporation's ability to pay dividends. If a corporation has no E&P, distributions by the corporation to its shareholders are generally considered a return of capital. A member of a consolidated group owning stock in a subsidiary is required to make a positive adjustment in the basis of the subsidiary's stock for the allocable part of the subsidiary's undistributed E&P for the year (see, Treas. Regs. 1.1502-32(b)(1)).

The Internal Revenue Service has taken the position that payments by the Federal Savings and Loan Insurance Corporation to a corporation acquiring a savings and loan institution generate earnings and profits, even if those payments were tax-free to the acquirer under section 597 of the Code (see, e.g., PLR 8850052, holding 13). Earnings and profits so generated therefore cause a positive adjustment in the acquiring corporation's excess loss account or investment account (see, e.g., PLR 8912043, holding 12).

EXPLANATION OF PROPOSAL

Under the bill, certain events occurring with respect to specified acquired savings and loan associations would trigger a recapture of tax benefits from the parent organization.

After January 3, 1991, if such an association becomes subject to the jurisdiction of a court in a title 11 or similar case, or receives additional financial assistance from the Federal government, then the tax benefits available to that association are recaptured from the parent. The recapture amount would be equal to the reduction in tax on the parent by reason of the utilization of losses of the acquired institution incurred after January 3, 1991, reduced by required payments in respect of these tax reductions.

The bill applies to acquisitions of savings and loan associations which occurred after November 10, 1988 and before January 1, 1989 and with respect to which tax benefits repealed in 1989 were available.

In addition, the bill clarifies that amounts excluded from gross income under section 597 of the Internal Revenue Code (as in effect before its repeal by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989) do not generate earnings and profits. Thus, these amounts would not increase the basis of a subsidiary's stock in the hands of the parent and a positive adjustment would not be made in the subsidiary's excess loss account or investment account on account of such amounts. Consequently, the bill overrules private letter rulings 8850052 and 8912043 and any other rulings which reach the same result.

EFFECTIVE DATE

The bill is effective for dispositions after January 3, 1991.

SUPPORT FOR NATIONAL KOREAN WAR MEMORIAL

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. TORRICELLI. Mr. Speaker, I rise today to urge my colleagues and my fellow Ameri-

cans to join me in support of a most worthwhile endeavor: The construction of a National Korean War Memorial here in our Nation's Capital. I would like to enter into the RECORD the following proclamation and urge support for this vital monument:

KOREAN WAR VETERANS ASSOCIATION

DEAR PATRIOT: We are now engaged in a fund drive to raise the money needed for the completion of a long overdue National Korean War Memorial in Washington, D.C. It will be built near the Lincoln Memorial and will honor those who served our country during the Korean War. That war where our nation and others of the United Nations did help rescue the Republic of South Korea from communist aggression. It required 38 months and many bitter battles to restore peace.

Many casualties, both military and civilian resulted from that action. As an act of gratitude and to commemorate victory South Korea erected many battle monuments. They have remembered that so many of our and their forces fought, suffered and died in that war. Let us now follow their example and contribute to build our own National Korean War Veterans Memorial.

We must show our concern for the following reasons: To properly record the deeds of our valiant forces into American history. Our proud history that has traditionally reflected the deeds of our patriots since the birth of our nation. That history that does neither glorify nor advocate war; but does show appreciation for those patriots who did fight our wars when called to do so. Our history that has always inspired our school children with "love of country" and instilled values into them that lasted for life. Those values have been and are still the essence of "Americanism".

The National Korean War Veterans Memorial will acknowledge the fact that over 54,000 American servicemen died and over 103,000 were wounded. Over 8,000 were missing in action and more than 7,000 were taken prisoner of war. The prisoner of war suffered extreme cruelty as attested to by the fact that about half of them perished. We must also remember that the parents and relatives of the brave fallen have also suffered greatly. We can now show them that we care and will prove it by our donations. Recently in Bergen County, New Jersey, a Korean War Veterans Memorial was dedicated. Many speeches were delivered and there was a large audience. We of the Korean War Veterans Association were also there with many members. Soon after the monument was unveiled we noticed an elderly woman walk to and place her hand upon the face of that monument. She briefly stared at it through tearing eyes. Then she quietly departed through the crowd. God bless that dear mother for she now knows that her son has been at last remembered by that county and soon shall be by a grateful nation, when the National Korean War Veterans Memorial is in place.

Let's join together and achieve a resounding victory in this the symbolic final campaign of the Korean War. You may consider your donation as an investment in "Americanism" and perhaps flag desecration will some day become unknown.

For further information contact the Korean War Veterans Association, Box 12205, Baltimore, MD 21281.

FORT TOTTEN NATIONAL HISTORIC SITE

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. DORGAN of North Dakota. Mr. Speaker, I rise today to introduce legislation designating that the Fort Totten State Historic Site, on the shores of Devils Lake, be declared a national historic site.

Fort Totten is one of the best-preserved frontier military posts in the trans-Mississippi west. It stands as a monument to the long standing relationship between the U.S. Government and the American Indians. Fort Totten's history reflects the Federal responses to the Indian question.

In 1862 a combination of white harassment, broken treaties, and an absence of military troops due to the Civil War caused the Great Sioux uprising. Congress then abrogated all existing treaties and sent Gen. Harry Hastings Sibley to quash the rebellion. As a result of this action many Sioux bands migrated to the Devils Lake areas for security. The Sioux then proceeded to attack trade, supply, and travel routes. The War Department saw this as a major threat to the security of the white people in the Devils Lake Area and to the expanding agricultural frontier. In 1867, under the direction of Capt. Samuel A. Wainwright, the 31st Infantry built Fort Totten about 900 feet from the shore of Devils Lake.

In 1890, because of the relative calm of the region, the fort was closed and placed under the jurisdiction of the U.S. Government to be used as a mission school. Shortly after this it became national policy that the Federal Government take responsibility to furnish primary and secondary education for all Indian children of school age residing on the reservation. This policy was set at an annual meeting at the posh Catskills resort of the Smiley brothers called Lake Mohonk, and was called the Mohonk Conference. The conference called for a comprehensive plan for Indian education and their calls were answered by Thomas Jefferson Morgan, the new Commissioner of Indian Affairs.

Reservation day schools were designed to familiarize Indians with the white communities style of living, so they would eventually be absorbed by the larger white society. This process involved the teaching of English and other basic academic subjects as well as manual and industrial skills. Also as an effort to introduce the Indians to civilized society, they were taught the responsibilities of citizenship and evangelical Christianity. Students were expected to learn enough to become successful farmers and tradesmen, but some went beyond the Indian schools to white preparatory, collegiate and professional schools. Fort Totten was selected as a site for one such school, and its history is a part of the successes and failures in the attempt to assimilate the American Indian. Those who attended the school were taught not to resist the process but to survive.

Fort Totten continued as a combination day and boarding school during 1934 to 1935 after which its function was expanded to include a

preventorium for children with tuberculosis. Teachers as well as nurses and a doctor were staff members for the new institution. The preventorium was implemented by the National Government out of their concern for Indian health and to control the spread of tuberculosis. The day school then officially closed in 1937 in order to devote more time to health care. After the 5-year trial period for the preventorium was over in 1940, Fort Totten was reverted back to a day and boarding school.

On March 6, 1959, a concurrent resolution was passed by the North Dakota Senate to accept the Fort Totten site from the U.S. Department of the Interior. The North Dakota State Historical Society was then charged with its oversight and maintenance.

The Fort Totten State Historic Site consists of approximately 9.81 acres and is located within the boundaries of the Fort Totten Indian Reservation. The area owned by the State of North Dakota was originally the drill and parade area and is enclosed by a square of buildings. Except for one company barracks the square proper described above is exactly as it was when the post was closed in 1890.

The existing structures that comprise the Fort Totten Historic Site are of great historical value. The adjutant's office retains much of its original character and depicts 19th century army administration. The hospital is one of the few surviving examples of 19th century army hospitals.

The North Dakota State Historical Society since becoming trustee in 1960 has maintained the 16 remaining buildings while publicizing the site and its history. The society has restored much of the site and developed an interpretive center that includes exhibits and concessions. Although the site has been recognized for its State and regional history, it should not be overlooked for the contribution it has made in the history of the United States and its governmental policies in regard to the American Indian.

I urge my colleagues to support this legislation. The text of my bill is as follows:

H.R. —

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fort Totten National Historic Site Act".

SEC. 2. FINDINGS.

The Congress hereby finds that—

(1) Fort Totten is one of the best preserved military posts surviving from the Indian wars in the trans-Mississippi west;

(2) Fort Totten has played a significant role in American Indian history, first as an Indian agency for Indians coming to the area and then, from 1890 through 1960, as an Indian industrial school; and

(3) Fort Totten is in immediate need of major repairs and restoration work which are beyond the financial capabilities of the State of North Dakota and which would be best undertaken by the National Park Service.

SEC. 3. ACQUISITION OF HISTORIC SITE.

In order to preserve Fort Totten, the Secretary of the Interior is authorized to acquire by donation from the State of North Dakota, the real property described in section 4 for the establishment and administration of a national historic site.

SEC. 4. DESCRIPTION OF SITE.

The real property referred to in section 3 is that real property known as the Fort Totten State Historic Site located approximately twelve miles southwest of the town of Devils Lake, North Dakota, on the south shore of Devils Lake on the Fort Totten Indian Reservation.

SEC. 5. ADMINISTRATION OF SITE.

The property acquired under this Act shall be known as the "Fort Totten National Historic Site", and it shall be administered by the Secretary of the Interior, acting through the National Park Service, in accordance with the Act entitled "An Act to establish a National Park Service, and for other purposes"; approved August 25, 1916 (30 Stat. 535; 16 U.S.C. 1, 2-4) and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467).

SEC. 6. GENERAL MANAGEMENT PLAN.

Within two years after the date of the enactment of this Act, the Secretary shall develop and transmit to the Committee on Energy and Natural Resources of the Senate and to the Committee on Interior and Insular Affairs of the House of Representatives a general management plan for the use and development of the site consistent with the purposes of this section, indicating—

(1) the lands and interests in lands adjacent or related to the site which are deemed necessary or desirable for the purposes of resource protection, scenic integrity, or management and administration of the area in furtherance of the purposes of this section and the estimated cost thereof;

(2) the number of visitors and types of public use within the site which can be accommodated in accordance with the protection of its resources; and

(3) the location and estimated cost of facilities deemed necessary to accommodate such visitors and uses.

SEC. 7. AUTHORIZATION.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

PENSION BENEFITS FOR CLERGY MEMBERS

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. PANETTA. Mr. Speaker, I am reintroducing legislation today which would address a problem faced by many retired clergy members, whose pensions are artificially limited by a technical provision of the Tax Code. My bill would enable them to receive the full pension to which they should be entitled based on their preretirement compensation.

The problem for many members of the clergy is that they receive a considerable portion of their usually modest compensation as a nontaxable payment for room and board, often known as a parsonage allowance. Section 107 of the Internal Revenue Code specifically gives this allowance tax-free status.

The law gives the Internal Revenue Service flexibility in determining what constitutes compensation for purposes of determining maximum pension payments. However, the IRS

has chosen not to include parsonage allowances in this definition. Thus, I believe Congress must act.

For many individuals, taxable compensation may be below \$10,000, while the combination of taxable compensation and parsonage allowance, which truly reflects their actual compensation, might be considerably greater than \$10,000. The intent of the law—to limit overly generous pension benefits—is grossly distorted when it does not even permit these retired clergy members to receive an amount equal to their actual preretirement compensation.

The result is that many retired clergy members who have put in decades of service are arbitrarily limited to a \$10,000 annual pension, when in fact they would be entitled under their pension plans to more—if they were permitted to include their parsonage allowance in determining their preretirement compensation. I do not think this is fair, and I do not think it makes sense.

My bill addresses this problem in a very simple way. It includes in preretirement compensation, for purposes of determining maximum pension benefits, the value of a clergy member's parsonage allowance.

Let me emphasize that this bill does not mandate any specific pension benefit for a clergy member. It simply allows a higher benefit to be paid for those who have worked long enough and been compensated enough to qualify for that higher benefit.

Mr. Speaker, this bill would correct what I believe is an unintended impact of the legislation we have passed in recent years to limit excessive tax-deferred pension plans. I hope my colleagues will support this measure.

Following is the text of my bill:

H.R. —

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

That (a) paragraph (3) of section 415(b) of the Internal Revenue Code of 1986 (defining average compensation for high 3 years) is amended by adding at the end thereof the following new sentence: "For purposes of this paragraph, the term 'compensation' includes amounts excluded from gross income under section 107."

(b) The amendment made by subsection (a) shall apply to years beginning after December 31, 1988.

TRIBUTE IN MEMORY OF DR. DESIDIR GALSKY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. LEHMAN of Florida. Mr. Speaker, it was with great sadness that I learned recently of the tragic passing of Dr. Desidir Galsky in an automobile accident in Prague. Dr. Galsky was a tireless defender of the Czechoslovak Jewish community who worked diligently to assure the survival of Jewish culture in that nation. Many Americans will remember him for his role in the "Precious Legacy" of Judaic treasures exhibition which toured the United States. Dr. Galsky also was deeply involved in

the underground Czech translation, publication and dissemination of great Hebrew literature, in children's education and in the general promotion of the Czechoslovak Jewish community. In tribute to Dr. Galsky, I would like to share with you some reflections on his life which I recently received from Mr. Mark Talisman, president of the Project Judaica Foundation, who worked closely with Dr. Galsky:

He was harassed by the authorities when they knew that they could not control him. He was harassed and shunned by some of our own groups not wanting to come into disfavor with the Communist regime. But he survived with great mental fortitude and a deep belief in the goodness of the survival of the Czechoslovak Jewish community.

When asked continuously whether his community would survive, as tiny as it was, as beleaguered as it had become, he would answer with a question—and how long does the American Jewish community expect to survive? It then became clear that he intended for his community to survive at least as long. As a tribute to his vision, many young vibrant Jewish leaders have emerged. Leo Pavlat is currently the Press and Cultural Attache in the new Czechoslovak embassy in Israel and will return to resume his leadership position. Jirka Danicek has just been elected interim Executive Vice President of the Jewish Community to lead the community until full elections are held. Both are under 35 years old! Karl Sidon is currently concluding his rabbinical studies in Israel and will return to Prague as its young, vibrant spiritual leader.

Many more projects were conceived by Dr. Galsky since freedom came to Prague in November of 1989. A house with many rooms was just purchased with help from the Central British Jewish Fund for rest and recreation in the countryside. A van was also bought for trips outside the city. Books in Hebrew and English are being sought for the library and personal use. We sponsored David Franklin, a recent graduate of Yale, to teach English classes in the Jewish Town Hall for community members, museum staff, and those wishing to learn; five classes are underway daily.

Galsky was to lead a delegation of distinguished Czech and Slovak non-Jewish leaders to Israel in January. He was very excited about the people from the highest levels of life in his country who were calling him to be included. That program, sponsored by Kalman Sultanik, a dear friend, will be taken over by Jirka Danicek immediately.

Galsky hosted a very productive visit by JDC's very creative director of international programs, Aryeh Cooperstock. He took him to the Castle to visit with Mrs. Havel's deputy and talked of creating a special program for handicapped children. He also spoke with a distinguished professor of agriculture about establishing Israel-Czech joint projects. Both are already in planning. Aryeh was the last person from abroad to be with Dr. Galsky and is committed to have these programs serve as a living memorial to him in areas he cared about greatly.

Dr. Galsky's greatest wish was to see his community be able to generate jobs and income from projects which would be based upon renovations of buildings now being returned to the Jewish Community having been expropriated first by the Nazis and then the Communists. The Chevra Kaddisha Building will soon be returned and needs to be renovated slightly to provide offices for the number of new and revived groups which have sprung up since freedom has returned.

EXTENSIONS OF REMARKS

The Kafka Society, the Czechoslovak-Israel Friendship Society (2,500 members already), the new B'nai Brith, El Al, the Jewish Agency, and many more each needing a home. This is an ideal place.

There needs to be a high quality gift shop for the millions of visitors streaming through the Jewish community to visit the Jewish Museums and Alteneuschul. None of their tourist dollars benefit the very community whose objects the tourists visit.

There needs to be an organized tourist visitors center with maps, multilingual self-guided tour materials and a friendly reception on an organized basis. He wanted to have restoration of the age-old coffee house with readings of Jewish literature, poetry and music staffed by the community and profits returning to it.

He had a long, rich agenda. He was communicating and personally hosting leaders like Mitterand, Thatcher, Bush, the Dalai Lama, Genscher of Germany, a host of Israeli leaders, dozens of members of the U.S. Congress and Senate and thousands of our Jewish leaders. He distinguished himself during his articulations of his view of Jewish and general conditions in Europe during meetings of the European Jewish Congress in Paris and elsewhere. His trips to Israel since freedom made him a hero to the people of Israel.

When a very popular talk show host asked him during a recent live broadcast throughout Israel why he did not lead an aliyah to Israel of his Jewish community, he reminded the host that he had just told Galsky his fondest wish was to be able to pray in the Alteneuschul in Prague (built in 1279). So, Galsky asked, if we are all in Israel, the Alteneu will have been locked up and will have become yet another museum of the Jewish past and there would be programs for anyone in the Alteneu.

It is not better, Galsky mused, to come to Prague, visit with a small but vibrant Jewish Community with whom he could *daven* in the Alteneu? Is it not better to have this small but influential community in Prague to relate to the Czech government in regard to Israel's future? Everywhere Galsky went in Israel, people approached to congratulate him on his comments, with which there had been total and widespread agreement.

So it is friends, that we were lucky enough to have been able to know him and to work with him. His ending is tragic. The sadness it has brought to Raphi, Jessica, Jill and me is indescribable. But his life was not a comet dissipating into nothingness. His touch was long, loving and will persevere through each person with whom he came into contact. His was fundamentally the life of a caring Jew whose leadership caused the elevation in dignity of people who otherwise would have known nothingness from their long darkness. His sun shined broadly, illuminating everyone around him in his country and far beyond. We are grateful beyond measure for his valor, fortitude, intellect and grace.

The Project Judaica Foundation has established a special fund to honor Dr. Galsky and his work. I hope others will consider helping them in continuing the projects which meant so much to him.

INTRODUCTION OF LEGISLATION TO MODIFY THE ADVANCE DIRECTIVE PROVISIONS OF THE MEDICARE PROGRAM

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today to substantially modify the provisions of the Medicare Program relating to advance directives which were added as part of the Omnibus Budget Reconciliation Act of 1990.

Mr. Speaker, advance directives such as living wills or durable power of attorney gained prominence last year after the Supreme Court's Cruzan decision. Partially in response to that decision, and partially to make the public aware of the existence of laws regarding advance directives, the Ways and Means Committee's Subcommittee on Health held hearings on these enormously important, emotional, and controversial issues, and legislation was introduced on the subject.

Because of strong concerns and reservations that I had over that legislation, I negotiated a compromise with its sponsor last summer. I had hoped that this compromise language would have been included in the reconciliation legislation; unfortunately, it was not.

Quite frankly, Mr. Speaker, I think the provisions ultimately adopted in the reconciliation legislation were adopted in haste, and I strongly oppose the legislation as it now stands. Most Members were unaware that the budget bill contained any language on this issue at all; those who were aware were receiving conflicting signals from lobbying organizations for hospitals on the provisions ultimately adopted.

The bill I am introducing today contains the compromise language which was worked out last summer on advance directives. The Committee on Ways and Means has approved similar legislation, and I urge its enactment this year.

Mr. Speaker, I insert a technical description of my legislation in the RECORD at this point:

TECHNICAL DESCRIPTION OF LEGISLATION PRESENT LAW

Provisions in the Medicare program define the basic obligations of hospitals, physicians, and other providers of health services as a condition of participation in the program. Under present law, certain requirements are imposed on providers relating to advance directives, such as living wills or durable powers of attorney.

Generally, providers are required: (1) to make information available to their patients on the patient's rights under State law with respect to advance directives and the written policy of the provider respecting the implementation of these rights; (2) to document in the patient's medical record the existence of an advance directive; (3) not to condition care based on the existence or non-existence of an advance directive; (4) to ensure compliance with State law governing advance directives; and, (5) to educate the staff and community on issues relating to advance directives.

The requirements generally apply to hospitals, skilled nursing facilities, home health

agencies, hospice programs, and health maintenance organizations. Similar requirements exist under the Medicaid program for these providers, as well as for nursing homes.

EXPLANATION OF PROPOSAL

Under the bill, several modifications would be made to the advance directive provisions of the Medicare and Medicaid programs. First, the requirements relating to advance directives would not apply to skilled nursing facilities or nursing homes, but would apply to physicians. Second, providers and physicians could be exempt from the requirement relating to making information available to patients based upon religious, ethical, or moral considerations. Such an exemption would have to be requested by a certified letter to the Secretary stating the grounds for exemption. Third, employees of providers, and physicians, would be prohibited from witnessing an advance directive executed by a Medicare or Medicaid beneficiary who was receiving care from the provider or physician.

In addition, the provisions of the Medicaid program imposing requirements on providers similar to those imposed under the Medicare program would be repealed. The Secretary would be directed to make information on advance directives available to the general public and to Medicare beneficiaries. The requirement that providers educate the staff and general community on issues relating to advance directives would be repealed. Finally, the Secretary would be required to work with States or an appropriate State agency to develop necessary documents.

EFFECTIVE DATE

The provisions of the legislation are generally effective as if included in sections 4206 and 4751 of the Omnibus Budget Reconciliation Act of 1990.

INTRODUCTION OF THE NATIONAL BIOLOGICAL DIVERSITY CONSERVATION AND ENVIRONMENTAL RESEARCH ACT

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. SCHEUER. Mr. Speaker, biological diversity—the variety of life and its processes—is really the basis of our global richness. Biodiversity is the result of millennia of evolution, of trillions of interactions of plants, animals, and microorganisms.

The more one looks at nature and natural resources, one is drawn to the conclusion that life's diversity itself is our ultimate resource.

The Earth's biodiversity is being reduced today. The most conservative estimates are that 0.2 percent of all life's species are being extinguished each year. The rate may actually be closer to 2 percent—with tens of thousands of species being lost annually. This rapidly accelerating rate is already unprecedented in 65 million years. We are eliminating life's variety as if the world will end tomorrow. And in so doing, we are pushing the world in this direction.

Today, I am introducing the National Biological Diversity Conservation and Environmental Research Act. The principle behind the bill is that all life has value and that in order to protect it, we must understand life and direct our resources toward preventing additional losses.

The bill would: Bring together the resources of the science community with the conservation agencies; create a system whereby our knowledge of the biota is coalesced, enhanced, and rapidly made available to those involved in natural resource management; and eliminate the impediments of the current Federal piecemeal approach, and provide a system featuring coordination and strategic planning.

The bill states that it is our Nation's policy to conserve the diversity of life. It also establishes a National Center for Biodiversity Research to provide the information necessary to set conservation priorities. This information will be used through an interagency process to develop and implement a plan to conserve our Nation's biota. The essence of the plan will emphasize prevention as well as recovery.

The focus will be on protection and management of ecosystems as well as their parts. The idea being in order to save the trees—or the owls, or the squirrels—we must save the forest. And the way to start saving the forest is to start understanding it as a forest.

We need to manage our resources with respect to ecological laws and boundaries as well as according to political laws and boundaries. Only through this prevention approach that marries science and management will we be able to truly conserve life's diversity.

The fundamental nature of biodiversity conservation extends beyond saving individual endangered species or protecting individual ecosystems fragments. If we are to be effective in preserving our national resources we must adopt a comprehensive policy.

I urge my colleagues to support this legislation.

SUPPORT FOR SENATE CONCURRENT RESOLUTION 2

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. GILCHREST. Mr. Speaker, 1 week ago today, I stood before my colleagues in the House of Representatives in strong support of the resolution authorizing the President of the United States to use force as an absolute last resort in the Persian Gulf situation. I supported that resolution as a strong signal of unity from the Congress of the United States in the hope of achieving a peaceful settlement in the Persian Gulf.

Less than 72 hours ago, President Bush, however reluctantly, addressed the American people, regarding the United States, British, Kuwait, Saudi, French, and Italian air attacks on Iraqi command and control centers, air defense, airfields, and missile sites attempting to cripple Iraqi forces before dawn, because, he said, "only force can make him leave Kuwait."

Today, I voted in support of the U.S. presence in the Persian Gulf. That resolution passed with an overwhelming margin of 395 to 6. Again, the Congress is united in its decision to support the President of the United States, acting as Commander in Chief, with regard to his actions in the Persian Gulf situation thus far.

We must get Saddam Hussein out of Kuwait as quickly as possible without the sacrifice or bloodshed of the United States or our allied forces men and women.

I stand in support of all 45 Maryland Army, Navy, Air Force, and Marine Reserve units as well as the six Army National Guard units presently deployed in the gulf. I recognize the tremendous sacrifice they are making and applaud their courageous acts.

As a veteran, I realize first hand the effects war has on individuals and their families, and I pray for the expedient return of all 415,000 men and women of the U.S. Armed Forces and the 158,000 members of the Reserves and National Guard.

Our collective courage and commitment will ultimately bring about the blessings of peace and stability in this most troubled region of the world.

THE 73D ANNIVERSARY OF UKRAINIAN INDEPENDENCE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. FORD of Michigan. Mr. Speaker, I rise today to join my colleagues in commemorating the 73d anniversary of Ukrainian independence.

On January 22, 1918, with Russian guns sounding from across the Dnieper, the Ukrainian Central Committee proclaimed an independent Ukrainian national republic dedicated to the principles of democracy, tolerance, and human rights. This declaration was the culmination of years of struggle by Ukrainians against czarist oppression. The new Ukrainian Government embraced freedom of speech, religion, assembly and the press, as well as numerous social reforms for all of its constituents.

Independence was short lived, however, as the Soviet regime eventually overran the young republic. The Soviets have kept the Ukraine in subjection for over six decades, trying at every turn to erase the culture and traditions of this region through stringent russification policies.

Months ago, as the Iron Curtain crushed to the ground, its links rusted and corroded by the inner contradictions of the system which supported it, free people everywhere expressed hope that Ukrainians would finally be able to realize the dream of that first independence day. Indeed, this hope was kindled by an all too brief period of greater openness for Ukrainians.

But this year, as in too many years before, there is little cause for celebration in the Ukraine. No banners will fly in Kiev on this independence day. No joyful speeches will be heard.

For even now, as the eyes of the world focus on the troubled Middle East, Soviet troops have once again tightened their grip on the Ukraine. Their mission is one of naked intimidation, launched in the desperate hope of extinguishing the nationalistic fire of self-determination which burns there.

Despite the pressure of an enormous armed presence, its press shackled, its legislature

bound and gagged, Ukrainians continue to work to regain the democratic nation which was so brutally wrenched from them.

Young Ukrainians are the driving force of the democratic movement in the Ukraine today. The spirit of the Ukrainian people has not been broken. They continue to struggle bravely for their rightful inheritance, knowing, as their parents did, that self-determination is the only end and democratic struggle the only means.

Mr. Speaker, I am moved by the example of these courageous individuals. Their commitment to the ideals of liberty, democracy, and basic rights is a shining example to us all and a stirring testament to the strength of the human spirit to endure the harshest oppression.

I am thankful for the opportunity to pay them tribute and to remind the world that to forget or forsake their noble cause is to dim the light of democracy everywhere.

CONDEMNNS IRAQ'S ATTACK ON ISRAEL

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. RAMSTAD. Mr. Speaker, today I rise to unequivocally deplore Iraq's attack on Israel. The attack against Israel was unprovoked, and it was against civilians. It was intolerable.

Saddam Hussein cares nothing about the lives of civilians, whether they are harmless neighbors or his own people.

With each day, it becomes more and more clear what kind of man Saddam Hussein is—a brutal, ruthless, imperial dictator. He has shown us that his naked aggression against Kuwait can easily be turned toward another innocent neighbor.

With each day, it becomes more and more clear why Saddam Hussein must be stopped and why the multinational force has coalesced against him. By confronting Saddam now, as a united force of nations, we are foregoing what might be a much more dangerous and unstoppable Saddam later.

By attacking Israel, Saddam Hussein is trying to draw Israel into the war and weaken the Arab coalition against him. He is trying to justify his invasion of Kuwait by erroneously linking it with the Palestinian cause. Yet from the beginning, there was no linkage.

Now, I believe, Israel has every right to retaliate. Most of her Arab neighbors, if not the world, agree.

While I hope that this situation will end quickly and with as few casualties as possible, I strongly support our objectives and believe that we should continue to use "whatever means necessary" to see the U.N. resolutions successfully carried out.

INTRODUCTION OF LEGISLATION TO REPEAL THE INCREASE IN MEDICARE PAYMENTS TO KIDNEY DIALYSIS CLINICS

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today to repeal the increase in Medicare payments to kidney dialysis clinics which was enacted as part of the Omnibus Budget Reconciliation Act of 1990. I am introducing this legislation because that increase in payments was unnecessary, unneeded, and in a time of \$300 billion budget deficits, a waste of Medicare funds.

The budget agreement which Congress passed last October forced us to reduce the Federal budget deficit by one-half trillion dollars over a 5-year period. At a time when Congress was making the tough decisions to achieve these savings, it defied logic for Congress to provide an increase in payments to dialysis clinics which, quite simply, do not need the money.

Mr. Speaker, Medicare coverage of end stage renal disease patients has been described as a Government program born of compassion. Without question, the program has saved tens of thousands of lives; most dialysis patients would be unable to afford the tens of thousands of dollars necessary annually to treat their illness. But this compassionate program has turned into a tremendously profitable business for a handful of corporations.

A General Accounting Office audit showed that many dialysis clinics routinely post profits in excess of 20 percent. The GAO study showed as well that millions of Federal dollars have been paid to doctors and clinics for treatments that were never performed or were double-billed. The Nation's largest dialysis corporation used about \$21 million paid by Medicare to finance a stock deal that benefitted stockholders and company executives. The program has created an industry that "pits profits against patients," in the words of the Philadelphia Inquirer.

That being the case, it is unclear to me why Congress voted to increase payments to these clinics. Horror stories of mistreatment of patients, reused equipment, and outrageous examples of conflicts of interest abound. Instead of giving more money to dialysis clinics, Congress should have cut spending to them, while insuring that the decrease in spending reduced profits and did not come at the expense of quality of care.

I will have more to say about this issue later this year. For now, the easiest step that Congress could take would be to repeal the increase in last year's budget agreement, and take steps to reign in the burgeoning costs of this \$3.5 billion program. My bill takes an important first step by saving \$80 million over 5 years. I urge that it be acted on by the Committee on Ways and Means.

REGARDING EVENTS IN LITHUANIA

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. HORTON. Mr. Speaker, while our attention has been focused on events in the Persian Gulf, the people of Lithuania have been locked in a bloody battle for freedom and democracy against Soviet Armed Forces. It is becoming increasingly evident that Soviet officials are resorting to the use of force to suppress the democracy movement in Lithuania. I urge Premier Mikhail Gorbachev to resist the use of further force and allow self-determination for all Lithuanians.

The sight of Soviet tanks rolling through Vilnius, Lithuania earlier this week was reminiscent of Budapest during the Hungarian Revolution of 1956. Clearly, the progress the Soviet Union has made in human rights over the last few years stands in grave jeopardy.

For many years, I was active in efforts in the United States Congress to help bring democracy to Hungary. Recently, I had the honor of meeting with Mr. Gabor Demszky, the newly elected mayor of Budapest. Having fought against Communist oppression for many years, Mayor Demszky fully understands the challenges now facing the brave citizens of Lithuania.

The following are two letters of support to Lithuanian leaders. The first letter was sent by Mayor Demszky to Mayor Bernatonis of Vilnius, Lithuania. The second letter is from officials to the Hungarian Freedom Fighters' Federation to Lithuanian Charge D'Affairs Stasys Lozoraitis.

BUDAPEST, HUNGARY,

January 15, 1991.

ESTEEMED MAYOR BERNATONIS: The tragic events of recent days created a sad and horrifying feeling among the citizens of Budapest. Please let the people of Vilnius know that we want to share the sorrow for the loss of their loved ones and we would like to offer our help for the relatives of the innocent victims. In the future, the citizens of Budapest will do everything in their power to help you in your effort to achieve peace guaranteed by international treaties.

We, Hungarians remember very well when in 1956 the leaders of Moscow—taking advantages of the crisis in Suez—created a puppet-regime attacked our country and wanted to crush our ambitions for freedom and independence by sheer force. The rulers of the Kremlin had to learn that the use of military force can delay results, but cannot stop us from fighting for our freedom.

There are those who detect a parallel between the events of 1956 and the event of 1991 in Vilnius. There may be common characteristics, but the differences are even more significant. The first is that since 1956 the world has experienced fundamental changes, and Moscow has to take into account the power that is the solidarity demonstrated by other nations for your cause. Secondly, the Soviet Union is not capable to fight against the rightful will of the people any longer. For this we are certain, that not arms, but reason will make the final decision in Vilnius.

Esteemed Mayor, in 1956 Budapest was titled the "Capital of Freedom." Today, we,

the citizens of Budapest, regard upon Vilnius as the capital of freedom. A place, where the idea of freedom cannot be taken away from the people anymore. A place, where the idea of freedom will be victorious.

Dr. GABOR DEMSZKY,
Mayor of Budapest.

HUNGARIAN FREEDOM
FIGHTERS' FEDERATION,
Rockville, MD, January 15, 1991.

Hon. STASYS LOZORAITIS,
Charge D'Affairs, Lithuanian Delegation,
Washington, DC

DEAR MR. LOZORAITIS, We, the undersigned representatives of Americans of Hungarian descent, express our strong solidarity with the Lithuanian people in their present struggle for Independence. We deplore the armed actions of the Soviet Union aimed at the destruction of freedom and democracy in the Baltic States.

The similarities between the circumstances in which the 1956 Hungarian Revolution was fought and the 1991 plight for Lithuanian Independence is waged reveal the fact that the fundamental mentality of Soviet dictatorship did not change during the past three and a half decades. Violation of human rights, international law and the rules of civilized behavior demand the unity of the world community in the condemnation of the heinous acts of the brutal, inhuman, unchanged Soviet system controlled and upheld by Mr. Mikhail Gorbachev.

Please convey our committed support of Lithuanian aspirations to your government and to your people.

With prayerful concern.

Eva Szorenyl, Co-President; John Dolinsky, Co-President, World Federation of Hungarian Freedom Fighters.

Jozsef Kovago, Former Mayor of Budapest.

Jullus Belso, Honorary Chairman, American Hungarian National Republican Committee.

Dr. Andras Pogany, President; Istvan B. Gereben, Co-President; Rev. Baan Vitez O.F.M. Past-President; Rev. Vazul Vegvari O.F.M. Past-President, Hungarian Freedom Fighters Federation U.S.A.

Ferenc Czane, President, Hungarian Freedom Fighters Federation, Los Angeles Chapter.

Robert Harkay, President, Szechenyi Association.

Hugo Martonfalvay, President, Hungarian Veterans Association.

Ferenc Mozel, Editor, Szivarvany.

Dr. Karoly Balogh, President, Hungarian Association of Massachusetts.

Louis Lote, President, Committee of Transylvania.

Dr. Gabor Szent-Ivany, Secretary, National Committee of Hungarians in Czechoslovakia in the U.S.A.

Dr. Edmund Gaspar, Vice President, Federation of Free Hungarian Jurists.

Beata Gereben, Vice President, Magyar Studies of America.

Dr. Andreas Csaplar, President, Collegial Society of Hungarian Engineers.

Tibor Helcz, President, Federation of Hungarian Former Political Prisoners.

Gabor Bodnar, Executive President, Hungarian Scouts Association.

Dr. Lajos Koncz, Executive Secretary, Harvard Circle.

EXTENSIONS OF REMARKS

THE BALTIC INDEPENDENCE TRADE ACT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. CARDIN. Mr. Speaker, as tanks roll through crowds of peaceful protesters in the streets of Lithuania's capital and Soviet paratroopers fire indiscriminately on unarmed civilians, we are again outraged by the brutal oppression of that troubled people. For all the progress that has been made in Eastern Europe, freedom has still not been secured in some countries whose people crave it.

Today, as a means of securing freedom and independence for Lithuania, Estonia, and Latvia, I am introducing the Baltic Independence Trade Act. This legislation would withhold most-favored-nation trade status from the Soviet Union until independence is granted to the Baltic Republics. Seventeen other Members of Congress join me as original cosponsors of the bill.

On March 11, 1990, the people of Lithuania stepped forward to demand the return of the independence stolen from them by the Soviet Union 50 years ago. Following Lithuania's lead, the other illegally seized Baltic Republics of Estonia and Latvia declared their intent to break free of Soviet domination as well.

The three Baltic countries enjoyed free democratic governments from 1918 until 1940, when they were illegally invaded and annexed by the Soviet Union as part of a secret agreement between Stalin and Hitler. The United States and other Western nations have always refused to recognize Estonia, Latvia, and Lithuania as parts of the Soviet Union.

From the first days of the independence movement last year, the Soviets have responded in a heavy-handed way to Lithuania's drive for freedom. They imposed a choking cutoff of vital supplies, and conducted frequent military maneuvers in the streets of Vilnius, the Lithuanian capital. With the Soviet military now moving to violently crush the movement for freedom and democracy in Lithuania, the United States can no longer forestall action. I believe this Nation needs to support the people of the Baltics by putting pressure on the Soviets where it can have a real impact—their economy.

The fact is that the United States actually signed most-favored-nation status agreements with each of the Baltic Republics in the 1920's. While these agreements were suspended in 1951 as a result of the Soviet occupation, they have not been officially revoked. Until the Soviet Union releases its hold on the Baltic States, it would be a terrible irony for the United States to grant MFN status to the Soviets.

The legislation I introduce today would send a clear message to the Soviet leadership. A message that, while the United States wants increased trade and peaceful cooperation with Moscow, it cannot be had at the expense of the Baltic peoples. Over the last 50 years, the United States Government has stood with the people of Lithuania, Estonia, and Latvia in their quest to restore freedom. We can stand with them now by putting pressure on the So-

January 18, 1991

viet Government to restore the independence of the Baltic States.

A TRIBUTE TO ALEX ACEY

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. BILIRAKIS. Mr. Speaker, I rise today to pay tribute to a good friend to me and to my congressional district, Mr. Alex Acey, whom I was grieved to hear passed away on January 17.

It is a plain and simple fact that the time granted to each of us is limited; it remains for each of us to make the best use of that time. I hope that it is a comfort now to Alex's wonderful wife, Dorothy, his two brothers and two sisters, that Alex Acey's name is written large in this regard.

Alex was a demanding man—no less of himself than of those he knew and with whom he worked. However, the world would not be so full of the wonders and benefits that we all enjoy were it not for its Alex Aceys. At 81, Alex was as full of enthusiasm and high regard for a job well done as anyone of any age—and there were many jobs well done by his hands.

I won't take the time to list them all. Suffice it to say he was dedicated to his community just as he was to his family. Before moving to my district in Florida, he was a self-employed tailor for 40 years in Detroit. He reached out into his community—both in Michigan and Florida—through his active service in the Masons of both States.

He was a 33d degree member of the Scottish Rite Masons and Royal Order of Scotland, where he served as potentate of the Shrine in Detroit. He was a charter member of the York Rite Sovereign College in Detroit and the York Rite Bodies of Michigan.

In Florida, he was a member and past president of the West Pasco County Historical Society and was cochairman of the West Pasco Centennial Celebration, as well as being active in the county Republican Party.

He spoke on my behalf on many occasions when I was forced to remain in Washington by my congressional duties. I knew him well, as did my family, and I loved and respected him.

All of us will miss him, and his passing will be a great loss for the Ninth Congressional District. However, all of us are the better for having known him and he will always be an inspiration for me.

INTRODUCTION OF JOINT RESOLUTION TO DISAPPROVE THE DISTRICT OF COLUMBIA COUNCIL ACT, ASSAULT WEAPON MANUFACTURING STRICT LIABILITY ACT OF 1990

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. BLILEY. Mr. Speaker, today, I am introducing a joint resolution which disapproves the

District of Columbia Council Act, the Assault Weapon Manufacturing Strict Liability Act of 1990. I ask my colleagues to disapprove this Council Act, not only because it is violative of the Home Rule Act, which restricts the council to enact laws which are exclusively applicable to the District of Columbia, but because it is bad law with far-reaching constitutional implications.

Specifically, this act seeks to hold gun manufacturers, importers, and dealers strictly liable for damages, regardless of fault or proof of defect, resulting from the use of certain handguns, rifles, and machineguns.

The act itself is an unconstitutional intrusion into interstate commerce which is beyond the authority granted by home rule, or to any other local government, and to any State government. The District cannot possess greater legislative powers than those reserved to the States. If the States cannot individually rewrite the Constitution, then surely the District cannot. It is our obligation to exercise the ultimate legislative authority over the District and we cannot turn a blind eye to this action without serious constitutional repercussions. The effect of the legislation has a scope extending far beyond any exclusive application within the boundaries of the city.

If there is to be a major overhaul of the tort laws of this country, with their widespread economic impact, then Congress itself must take up that task. Congress cannot delegate that responsibility to the District government. That, however, will be the precise effect if Congress fails to disapprove this council act.

This act is not about a victim receiving just compensation from the direct actions of another nor is it about receiving just compensation for negligence by a manufacturer. The District's own Corporation Counsel questioned whether the courts of the District of Columbia could exercise jurisdiction over nonresident manufacturers, importers, and dealers.

The legal theory upon which the act is based has already been litigated here in the District. The U.S. District Court for the District of Columbia and the Federal Court of Appeals have found that the "traditional tort theories—negligence and strict liability provide no basis for holding the gun manufacturer liable." But as certain as I am that this act would ultimately be struck down after very costly litigation, I do not believe we should leave this matter to courts. Congress has a constitutional responsibility which it should not abdicate.

Let me make this clear. This act, no matter how well-intended, is not about stopping the violence on the streets of Washington. The District Council banned these very same weapons 15 years ago. This act is an attempt to force manufacturers and dealers to pay for the consequences of criminal acts. The act applies to all designated weapons and would allow damages to be recovered from a manufacturer, dealer, or importer, regardless of whether they had any contact whatsoever with the victim or perpetrator. It would make no difference if the gun were stolen, purchased from a party many times removed from the original and lawful buyer, or acquired in a State where the purchase, sale, and ownership are sanctioned by law. It is clearly intended to drive legal businesses, large and small, into bankruptcy. This is not about recovering money

from the deep pockets of a huge corporation. The local gun and bait tackle shop businessman is at the same risk of having a weapon he once legally sold end up on the streets of Washington one day as is Colt, Beretta, and Israeli military industries.

Some Members may hesitate to intervene in this matter because of home rule. This act clearly violates home rule. The purpose of District self-government is to "relieve Congress of the burden of legislating upon essentially local District matters." This is not a local matter. There are no handgun manufacturers in the District to be regulated. You cannot legally purchase one of these weapons in the District. Congress intended to prohibit the District from enacting precisely such over-reaching laws when it granted home rule.

The test of whether to adopt this resolution of disapproval, the only test of significance in this particular matter, is whether Congress would have passed this same measure for the Nation. I do not know whether Council Act 8-289 would become a public law for the entire United States if Congress exercised the legislative process, but there is no reason for us to implicitly approve and adopt that act now.

There is no question that the District's level of violence is devastating. But violating the commerce clause of the Constitution, threatening legal, private enterprises, and violating the Home Rule Act are not the solution to controlling the violence.

While I hope that the District Council will take it upon itself to reconsider whether this course of action is appropriate and whether it will achieve its objectives, I must also note that time is short before this act may take effect. Aside from immediate Council action, this resolution of disapproval is the shortest, easiest, and most appropriate manner in which Congress can exercise its obligations.

A MESSAGE TO MR. GORBACHEV

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. PORTER. Mr. Speaker, I come to the floor today to send a clear and simple message to Mikhail Gorbachev: If you hope to maintain even a shred of the friendship you have cultivated with Western nations in the past several years, you will cease your policy of bloodshed and repression in the Baltics immediately. Wednesday, I cochaired a Congressional Human Rights Caucus hearing on the Baltic situation and yesterday I participated in a special hearing held by the Congressional Helsinki Commission on the grave situation in Lithuania. At these hearings I heard testimony that made it clear that the assault on Lithuania was a premeditated effort by the Soviet leadership to crush the peaceful call for freedom by the Lithuanian people and to send a powerful and sinister message to other republics that might be considering calling for their own active freedom.

No civilized nation can stand by and watch the tiny and peaceful Baltic States overrun by Soviet paratroopers. Until Mr. Gorbachev provides convincing evidence that the repression

of the Baltics will end, we should cease all preference and aid to the U.S.S.R. and seriously reconsider our relationship.

A TRIBUTE TO LEOLA GAINES McCOY

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. FISH. Mr. Speaker, I would like to honor a woman who has proven one individual can make a difference.

Leola Gaines McCoy of Peekskill, NY, has devoted her life to helping others. As a black woman born and raised in the segregated South, she made up her mind to be a force for good.

Ms. McCoy has made her mark as a supervisor/coordinator with the Association of Black Social Workers [ABSW] in which she has helped minority families adopt minority children. Ms. McCoy also has worked at the Peekskill Mental Health Clinic and reported and written for such newspapers as the Putnam County Courier, Patent Trader, the Amsterdam News and the Village Voice.

But perhaps Ms. McCoy's greatest achievement was her successful efforts to desegregate housing in the Syracuse, NY, area. As one who experienced segregation firsthand, it is not surprising Ms. McCoy would do all she could to fight it. Thanks to her, thousands of people in the Syracuse area are experiencing racial harmony.

Ms. McCoy's efforts have not stopped there. Her list of accomplishments is endless: Director of the Peekskill Westchester Black Professionals; cofounder of the Family Resource Center of Peekskill, which assists homeless families and was selected as the 1990 Westchester County project of the year; member of the NAACP-Peekskill chapter advisory board for more than 10 years; former board member of the Voluntary Service Society. For these and many other achievements she has been bestowed with many awards, such as her designation as the NAACP-Peekskill Woman of the Year.

On Saturday, January 26, a dinner by ABSW will be held to honor Ms. McCoy on the occasion of her retirement. While she may be stepping down, she is not stepping out. I am sure we will be able to count on Ms. McCoy to be on the front lines fighting for the people for many years to come.

TRIBUTE TO FRANK BACON

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a distinguished individual, Mr. Frank Bacon. Mr. Bacon is being recognized for 20 years of service to the St. Clair County Probate and Juvenile Court.

Throughout his professional career he has always been a dedicated public servant. Frank

served from 1948 through 1970 in the U.S. Air Force. Eventually he rose to the grade of chief master sergeant, becoming the superintendent of a mobile operations division in the Combat Mobile Communications Group.

Upon retiring from the Air Force, as a chief master sergeant, Frank worked briefly for the Capac Area School District as a mini-manpower coordinator. In this position he placed deprived youngsters in a work/school program.

His compassion and desire to pursue this type of work led Frank to employment at the St. Clair County Juvenile Detention Center, and eventually at the St. Clair County Probate and Juvenile Court. In these capacities, he has worked hard to establish programs designed to help the youth of St. Clair County.

I am confident Frank will continue his sincere interest in the well-being of St. Clair County's youth. Through his involvement with various boards in our community, and by personally helping the youth of our area, Frank will always pursue the goal of making this a better community for all of us.

Mr. Speaker, it is an honor to recognize Frank on the floor of the House for his dedicated service to the youth of St. Clair County. We are all the fortunate beneficiaries of Frank's good work through the years. I am proud to be associated with him.

DO NOT FORGET LITHUANIA

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. ATKINS. Mr. Speaker, I rise today to condemn the recent attempts by the Soviet army to crush the freely elected democratic Government of Lithuania. While it is understandable why the world's attention would become focused on recent events in the Persian Gulf, it is important that we continue to pay the utmost attention to events in the Baltic republics. There is indeed a valid comparison between this crisis and the 1956 Soviet invasion of Hungary, which took place while the world's attention was focused on the crisis in the Suez Canal.

As little as a decade ago, many academicians scoffed when some experts suggested that the Soviet Union, an empire of over 100 distinct nationalities, would fall apart from within due to its ethnic diversity. Then the world watched in amazement at the tumultuous event which shook the Soviet Union in fulfillment of this prediction. We saw the Soviet Union's captive nations, longing for freedom, seize the opening offered by Soviet President Gorbachev's policies of glasnost and perestroika in their bid for freedom.

With the events of the last 2 weeks in Lithuania, the first of these proud nations to assert their independence, and the other Baltic republics, it is sadly becoming all too clear that the Soviet leadership intends to resist the persistent forces of history with brutality. On January 13, the Red army killed 15 peaceful protesters while taking control of the Vilnius broadcast facilities. Although the Lithuanian parliament has been fortified by a 12-foot high concrete wall and a 15-foot ditch, the Red

army's tanks around the building awaiting attack orders from Moscow. We now even hear stories of Soviet-sponsored violence in Latvia and President Gorbachev's attempt to crack down on the newly acquired freedom of the press in the Soviet Union.

All of us desires to see President Gorbachev succeed in his efforts to reform the Soviet system. However, I agree with those who have wisely said that we must not confuse the cause with the man. There are many risks which can arise from further instability within the Soviet Government—most importantly the concern over an unstable superpower's possession of nuclear weapons and the loss of the little control the Soviet Government has overgrowing anti-Semitism in that country. But even in the face of this concern over stability and reform within the Soviet system, we must not turn a blind eye to the injustices by the Soviet Government in the Baltic republics. I support President Bush's condemnation of the Red army's actions in Lithuania, but I also feel that the administration ought to seriously consider further pressure against the Soviet Government. The administration ought to follow the lead of the European Community by warning that, if the Soviet Government continues to use military force and coercion against Lithuania and the other Baltic States, we will end all assistance and technical cooperation with the Soviet Union. We must not let the Soviet Government think that we will ignore their actions in the Baltic republics in exchange for their support of our policies in the Persian Gulf.

HONORING THE PALISADES HIGH SCHOOL ACADEMIC DECATHLON TEAM

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. LEVINE of California. Mr. Speaker, I rise today to congratulate the Palisades High School Academic Decathlon Team on their victory in the Los Angeles Unified School District championship. The team demonstrated beyond a doubt that they are among the best and brightest students in the city.

The nine-member team is coached by teachers Rose Gilbert and Donald Walz and is captained by David Elashoff. The team members are: Neal Kaplan, David Elashoff, Ritu Batra, Amir Berjis, Robert Brombach, Matthew Gelbart, Eddy Kup, Thatbiti Sabahive, and Lesley Young.

After months of hard work studying space exploration, team members were prepared to answer questions on the subject in a wide range of categories, including: Math, history, science, economics, speech and fine arts. Their work paid off when they were able to score 44,981 out of possible 60,000 points to win the city title. The Palisades team will travel to U.C. Riverside in March to compete for the State championships.

Mr. Speaker, I urge my colleagues to join me in congratulating the Pacific Palisades Academic Decathlon Team, and in wishing them the best of luck in their next competition.

IT IS NEVER TOO LATE TO NEGOTIATE FOR PEACE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. OWENS of New York. Mr. Speaker, the men and women of our Armed Forces who are involved in Operation Desert Storm have my heartfelt prayers and support. A sizable number of them come from the 12th Congressional District and I know many of them personally and their families and loved ones. I unequivocally support our troops in the field by continuing to work intensely for peace.

Were this resolution simply an expression of moral support for these brave men and women I would not hesitate to vote "Yes." Unfortunately, this resolution goes beyond that and implicitly endorses the President's initiation of war against Iraq. I cannot and do not, as the resolution states, "commend and support" President Bush for pitching this Nation into war. Instead, I will vote "Present" and renew my appeal to the President to abandon force and pursue peaceful ends through peaceful means in the Middle East.

Nothing has changed in the past 2 days which convinces me that a non-violent resolution of the crisis still cannot and may not be achieved. Indeed, the push for peace is more important now than ever.

That Saddam Hussein is a bloodthirsty madman is no reason for the rest of us to abandon reason in our response to his mayhem. We can boldly, bravely, and resolutely face down this vicious barbarian without being goaded into further violence. We can pursue the liberation of Kuwait without forging another link in the horrible chain of violence that has for so long oppressed all peoples of the Middle East.

The world's only superpower can afford to be magnanimous. America does not have to worry about the loss of face. We can afford at this moment in the conflict to pause, to stop the violence, and give the Iraqi Government an opportunity to ponder and reconsider its intransigent position. Hussein may be a madman, beyond the reach of reason, but he is surrounded by military and civilian leaders who may be more rational and inclined to pursue negotiation rather than plunge deeper still into what threatens to be a calamitous bloodbath.

Our cause in the gulf is just and Americans can be proud of our efforts over the last several months to win back self-determination for the people of Kuwait. But war is still not the way.

It is not too late for a peaceful solution. It is never too late to struggle for peace. Break the chain of violence today; pursue peaceful ends through peaceful means now. Remember and reaffirm the wise words of Dr. Martin Luther King that every man and woman is a child of God, made in His image, and that "human life is too sacred to be taken on the battlefields of the world." In just a few days, politicians around the Nation will be remembering Dr. King in words and speeches. Today, in the sands of the desert, let us act to remember him with our deeds. Stop the war, struggle for

peace. Even if just one human life is saved, negotiating peace is worth the effort.

TRIBUTE TO MR. SIDNEY J.
FRIGAND

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. GREEN of New York. Mr. Speaker, I rise today to recognize Mr. Sidney J. Frigand, who recently retired from his position as assistant executive director of government, community and public affairs for the Port Authority of New York and New Jersey.

Throughout Mr. Frigand's career in the public sector of New York and New Jersey, among other positions, he served as press secretary to the mayor of New York—1974—78, public affairs director of Metropolitan Transportation Authority of the State of New York—1970—74, and deputy executive director of the New York City Planning Commission—1965—67.

After attending Brooklyn College, Mr. Frigand never strayed far from the academic world. He was a visiting instructor at Pratt Institute School of Architecture and Planning, and a visiting lecturer at several colleges and universities including Manhattanville College, New York University's School of Public Administration, and at the Baruch School of City University Brooklyn College. He also has written articles and reports for the Museum of Modern Art, the New York Times, Ford Foundation, and numerous other institutional and professional publications.

In addition, Sidney Frigand is a member of several professional and civic organizations such as the New York Press Club, Citizens Budget Commission, and the Lower Manhattan Cultural Council. Likewise, he has received several awards such as the Page One Citation from the New York Newspaper Guild.

At this time, I should like to join my colleagues in commending my constituent, Mr. Sidney J. Frigand, a gentleman who dedicated his career to public service. Finally, I should like to wish Sidney all the best for a long and healthy retirement.

TRIBUTE TO DAN EHART

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. WELDON. Mr. Speaker, I rise today to pay tribute to Dan Ehart, former editor of the Suburban & Wayne Times, a weekly newspaper in my district, in Delaware County, PA. In December, Dan Ehart wrote his last editorial after 45 years on the job.

Dan Ehart is a man unafraid to speak his mind. All too often, our newspapers today print tepid, lukewarm editorials. They prefer summary and explanation to outspoken advocacy. Rare is the newspaper that will use unambiguous editorial commentary to challenge its readers to grapple with the central issues of the day.

The Suburban & Wayne Times under Dan Ehart was one such paper. Whether writing on local, State, or Federal issues, Dan Ehart pulled no punches. When his readers disagreed with his point of view, his letters section was always open. Give and take was a staple of Dan Ehart's editorial page. In any given week, a reader could find a stinging editorial about the Persian Gulf, a strong letter to the editor regarding the civil rights bill, and commentary pieces on Pennsylvania State auto insurance or the county charter. No issue was too large, or too small, to be cogently discussed.

The editorial page of the Suburban was fun reading, with bold viewpoints expressed with vivid prose. I did not always agree with Dan Ehart, nor he with me, but I was always pleased to express my views on his editorial page. When he disagreed with me, he let me know, often in an accompanying editorial. But when he agreed with me, he expressed his sentiments just as strongly. Dan Ehart was nothing if not fair.

But I will admit that I am biased. I have been pleased to know Dan Ehart since I began my career in public service in 1977. During that time, I am proud to say that he and I have become friends. I trust that our friendship will endure.

I will miss reading Dan's editorials each week. But his retirement is more than just a personal loss. It is in truth a loss to the entire journalistic community in the Delaware Valley. One of the last oldtime newspapermen has sadly, put down his pen.

NATIONAL SENIOR CITIZENS HALL
OF FAME, INC.

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mrs. BENTLEY. Mr. Speaker, I rise today to recognize the National Senior Citizens Hall of Fame, Inc.

Established on September 10, 1990, this organization is dedicated to honoring seniors for humanitarian community service, par-excellence. The Legacy award is given to individual seniors not on a competitive basis, but for unselfish dedication and community service and the quality of life their touch bestows.

Those recognized with the Legacy for their contribution to society will have their names immortalized forever in the archives of the National Senior Citizen's Hall of Fame [NSCHF]. The Legacy sculpture depicts the hand of a baby in the palm of an aged hand, signifying the understanding and love between generations, and service to others regardless of race, creed, or color. Legacy places importance upon the value of a memory rather than just leaving monetary or material possessions to future generations.

The National Senior Citizens Hall of Fame, Inc. stresses the wisdom of aging and is incorporated as a nonprofit organization for the purpose of recognizing the value of our older generation and their contribution to society. The work of this organization is particularly important as we are indeed an aging society.

However, the aging of our society is not a thing to be feared. I certainly hope that we recognize the wisdom, experience and knowledge which seniors possess. Such qualities are a priceless resource not to be wasted. I feel confident with such groups as the NSCHF, our country will be ensured the benefits of perhaps one of our most valuable resources, our senior citizens. It is for this reason that I commend the National Senior Citizens Hall of Fame and thank them for their hard work and dedication.

Although the youth of today may be the leaders of tomorrow, I believe that seniors are equally responsible for shaping tomorrow as their wisdom should be shaping and guiding the youth of today.

THE WORDS OF A SOLDIER ON
THE SANDS OF SAUDI ARABIA

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mrs. BOXER. Mr. Speaker, the debate about war is as old as humanity itself. Here follows the words of a soldier on the sands of Saudi Arabia, sent to me by Barbara Seith of Los Gatos, CA:

Speaking of things I've never seen
Sometimes I catch myself in a lie
Thinking of things that are only dreams
Makes me feel the need to cry

To never be given the opportunity
And never be told why for
To see the unseen or fulfill the dream
Is it really worth a war?

I hope the man who runs the show
Knows everything he needs to know
About people and families and other things
About the troops in the sand still full of
dreams

This man, he carries a lot of weight
He controls many to many lives
He owns stock in a lot of soldiers
Their husbands, children, and wives

He has to answer to no one
He is the man on top of it all
He doesn't have to explain why or what he
does

Just says it's the nation's call
This man is the owner of our destiny
We're all just peas in the pod
They gave him the title of President
But for now he's posing as God

TO HONOR "THE MIGHTY EIGHTH"
ON THE 50TH ANNIVERSARY OF
THE 8TH AIR FORCE HISTORICAL
SOCIETY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 18, 1991

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize the contributions of the 8th American Air Force and its members who were dedicated to the freedom of our Nation.

In 1992 the 8th Air Force Historical Society will celebrate its 50th anniversary as a nonprofit veterans' organization. This society was

