

EXTENSIONS OF REMARKS

TRIBUTE TO DR. EDWARD L.
BERNAYS

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. KENNEDY. Mr. Speaker, today marks the 100th birthday of a man whose innovation in the realm of public relations impacted our country and countless societies around the world. This man is Dr. Edward L. Bernays of Cambridge, MA, who is affectionately known as the father of public relations.

Dr. Bernays' pioneering work in the early part of this century in the field of public relations helped set standards that continue to influence our society today. He was one of the first to call attention to racial injustice in the United States. His early work with the National Association for the Advancement of Colored People proved to be worthwhile and important in their quest for public awareness. In 1945, he also urged major companies to end discrimination by hiring more black citizens.

Dr. Bernays' contribution also extended to the American woman's fight for equal rights. His early work in the area of women's suffrage helped change the course of American history forever.

Having counseled several American Presidents, Dr. Bernays served as a consultant to the State Department, U.S. Information Agency, Department of Health, Education and Welfare, the Treasury Department, the Armed Forces, and helped form the National Association for Mental Health. His public relations campaigns crossed international borders. In the early part of this century, he helped bring about America's recognition of Lithuania's independence. He influenced human rights in India by convincing the newly independent Nation to add a bill of rights to their new constitution and rejected a lucrative offer from the Third Reich to assist them in the development of propaganda.

Dr. Bernays' many contributions profoundly shaped the field of public relations in the 20th century, and they continue to affect the American way of life. I am delighted to take this opportunity to join his family and many friends in wishing him a happy birthday on this very special day.

CONGRATULATING MARIAN HEARD

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. SHAYS. Mr. Speaker, it is my privilege to congratulate Marian Heard on her selection as the new head of the Massachusetts Bay United Way.

While I am happy for her, her dedication and good work as the president and chief executive officer of the United Way of Eastern Fairfield County in Bridgeport, CT, will be greatly missed.

The residents of Fairfield County are grateful for the leadership she has given us and for the tremendous accomplishments of the United Way under her guidance.

She enriched the community through her work with community groups, as a member of a variety of business and professional organizations and with the Points of Light Foundation.

The Greater Bridgeport area is a much better place to live, thanks to Marian Heard's efforts. For that we are very grateful.

GROWING SPARE PARTS FOR
PEOPLE IN SPACE?

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. HALL of Texas. Mr. Speaker, I would like to call to the Members attention an article by Kathy Sawyer that appeared in the November 18 edition of the Washington Post. The article explains in great detail about advances in biotechnology discovered through our space program. On October 23, the Subcommittee on Space, of which I am chairman, conducted a hearing on those medical advances. I would like the record to note that our space program not only benefits the scientific and space communities but has practical uses for us on earth as well. As Ms. Sawyer's article explains, research from our space program has the unlimited potential to cure human diseases such as cancer. I would ask the Members to read about these advances and take into consideration the many benefits of our space program.

The article follows:

GROWING SPARE PARTS FOR PEOPLE IN SPACE?

(By Kathy Sawyer)

While NASA has forced on the problems of sending whole humans into space, some medical researchers say a giant leap for mankind could come from the care and feeding in orbit of the tiniest of people parts.

Since early in this century, scientists have used increasingly sophisticated methods to grow animal and human cells in laboratory dishes. Advances in these techniques have contributed to recent leaps in genetics and medicine.

But some types of cell farming have been limited by the press of gravity, researchers say. While many individual cell types will live and divide well under routine conditions, they can rarely be induced to assemble themselves into the complex, three-dimensional tissues of the sort that grow in the water-cushioned human womb. And some cells can't grow at all.

But a space biology team at NASA's Johnson Space Center in Houston has created a

stir in the biotechnology world with a government-patented invention that researchers say lifts gravity's heavy hand without leaving the Earth.

Several clinical researchers are using prototypes of NASA's Rotating Wall Bioreactor to improve patient treatment. They say it approximates weightlessness so well that, in pilot programs, it has grown unusually large, unusually authentic swatches of human brain tumor, small intestine, fibrous connective tissue, colon (normal and cancerous) and mouse cartilage.

Stocked with cells that, in conventional systems, grew four layers deep before shutting down, the NASA bioreactor grew them in heaps, hundreds of layers deep, scientists said.

How much scientists can improve on these results once the bioreactor is adapted to work in prolonged weightlessness in orbit is a tantalizing question.

"We're sort of excited about its potential for growing large quantities of cells for tissue structures," said surgical oncologist J. Miborn Jessup of Harvard Medical School's New England Deaconess Hospital in Boston, who is using the bioreactor for colon cancer research. On the ground, "it provides a pretty good re-creation of what happens [in both normal and cancerous colon tissue] in vivo."

Glenn Spaulding, manager of the space center's biotechnology program, said the NASA team was surprised that a mere reduction in the mechanical stress of gravity produced such dramatic results. The team has been "overwhelmed with requests for the technology," he said. There are only 10 or 15 of the bioreactors, each hand-built for NASA. The government is negotiating with potential commercial builders, but for now, "we're the only ones you can call." The cells must be sent to Houston for growing.

AN INDUSTRY IN ORBIT?

Privately, some NASA sources express intense excitement about the possibility that this technology could become the catalyst for a new space-based industry—a kind of bio-body shop in orbit, growing tissues and perhaps whole organs for implanting. Some congressional space advocates see such technology as a possible antidote to charges that space activity often is too removed from mainstream human concerns to justify its high costs.

However, NASA officials caution that the technology is in its infancy, and that for now they see weightlessness as just another possible tool for basic research. Conceived in mid-1988, the bioreactor is to make its first orbital test flight aboard the shuttle Atlantis on a mission scheduled for launch Tuesday.

Bob Rhome, director of NASA's microgravity science and applications office, said NASA officials are determined not to raise expectations prematurely out of a zeal to justify space activity. "We want scientific concerns to set the pace," in contrast to the past, when "in some cases we have dragged the science community into space," he said.

The Houston team got the idea for the Rotating Wall Bioreactor while developing equipment for the planned space station Freedom. They saw the system initially as a

• 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.

way to mount the cell cultures in the shuttle and protect them from severe stresses during launches and landings.

In conventional lab dishes, cultures of normal cells grow until they form a layer one cell thick and then stop multiplying. Cancer cells, more prolific, grow into multiple layers that smother those on the bottom. Cells kept in liquid suspension get damaged or dislocated by shearing forces from turbulence as the bottles are agitated or rolled.

"A high-shear environment is like taking a baby's hair and touching it to your skin. That's 100-fold more shear than we want," Spaulding said.

In the bioreactor, cells and their liquid medium are confined between the walls of two tubes set one inside the other. The distance between the walls is so small that when the device turns, the medium moves with the walls, carrying the cells along.

As a result, even on the ground, shear damage to cells is reduced tenfold compared to other ways of keeping cells in suspension, Spaulding said. In orbit, "there should be between 100 and 1,000 or more times less shear" than in conventional systems on the ground.

PRODUCING "NORMAL" CELLS

Philip C. Johnson, an infectious diseases specialist at Houston's University of Texas Science Health Center, called the NASA bioreactor "pretty ingenious." In his research, he said, it has enabled him for the first time "to grow normal human intestinal cells," where before "we had to rely on cell lines from people with cancer. * * * Much of our research on processes had been done on non-normal cells."

Maylou Ingram, senior research scientist at Huntington Medical Research Institutes in Pasadena, is using the bioreactor to improve treatment for brain tumors. She said it grows cells "beautifully, prolifically and much more like they grow in the body." Tumor-fighting cells grown this way, once implanted in a patient's brain, also had an improved ability to recognize and attack real cancer cells.

But after a few weeks or months, depending on the types of cells, even the new bioreactor runs into the limits of gravity. As the tissue masses get bigger, they tend to "hit the wall," Spaulding said.

In space, ever-larger bioreactors humming in weightlessness for months or years might provide an almost natural stress-free space womb in which the cell cultures might develop without limit.

"The larger the size of the culture, the higher the fidelity [to real human tissue]," Spaulding said. With high enough concentrations of tissue, it might be possible to isolate basic processes: "How do cells become an intestine instead of a toe? * * * Once you know that, you can reproduce the mechanism on the ground."

Spaulding said, however, that many technical hurdles remained.

Still, laced through the caution is the hint of an audacious dream. Harvard Medical School's Jessup voiced it. "The bottom line is: I think it's possible to grow organs [for implant in humans] in space—theoretically. I don't want to sound like a way-out kook, and I know this is far in the future. But that is the ultimate utility of this kind of biotechnology."

Clearly, our space program offers us many benefits. We have not been able to cure many life-threatening diseases thus far on Earth, and so we must look to a new horizon which presents new opportunities: space. At the Space Subcommittee hearing, Dr. Glenn

Spaulding demonstrated the almost unlimited possibilities for cell and tissue reproduction made possible by the Rotating Wall Bioreactor. By utilizing our space stations such as Freedom, we can save human lives because of the weightlessness of space. In an environment with no gravity, pharmaceuticals, crystals, and cells can be produced in unlimited quantities; but Earth's gravity only allows such research in limited amounts. Thus it is paramount that we continue to recognize and encourage these advancements in space.

INTRODUCTION OF THE PICK SLOAN PROJECT POWER ACT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. WILLIAMS. Mr. Speaker, today I rise to introduce the Pick Sloan Project Power Act. The legislation will authorize the Interior and Energy Departments to make available Pick Sloan Missouri River basin pumping power to non-Federal irrigation projects in the State of Montana.

Mr. Speaker, the Pick-Sloan Missouri basin plan, as part of the Flood Control Act of 1944, was developed to promote the welfare of the region and the Nation. The initial purpose of the plan was to control flooding, develop irrigation, produce hydroelectric power, and improve navigation on the Missouri. Irrigation and electrical benefits for rural electric co-operatives were to be the benefits received by the upper regions of the Missouri basin. However at this point Montana, North Dakota, and South Dakota receive less than one-third of the low cost of hydroelectric power generated in the eastern division of the Missouri River basin which is approximately the same amount of low-cost power that Minnesota now receives.

In Montana only 5 percent of the acres planned for irrigation development have been developed under the Pick-Sloan Program and of the low-cost electricity produced annually only 6 percent is allotted to Montana consumers, which is mostly rural co-ops.

These privately developed irrigation projects are mostly on the land the Bureau of Reclamation designated for development and so are included in the Pick-Sloan plan for the acres to be developed for Montana and to be supplied with low-cost hydropower. Folks in Montana do not receive that power now because they never applied to Congress or received authorization as a Bureau of Reclamation project.

This legislation is an important first step toward obtaining Montana's rightful share of benefits from the Pick Sloan Act. Montana sacrificed valuable farmland when it allowed construction of the Fort Peck Reservoir on the Missouri. The problem is that the State of Montana has yet to reap compensation in return. This legislation will begin that process. The small portion of benefits promised to Montana under the Pick Sloan plan can be a big factor in boosting the economy of this area and the State. All we need is a little helping hand and this bill will do just that.

INTRODUCTION OF THE PENSION PROTECTION IN BANKRUPTCY ACT

HON. MARGE ROUKEMA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mrs. ROUKEMA. Mr. Speaker, today, my colleagues and I are introducing legislation which will reform the Pension Benefit Guaranty Corporation's [PBGC] standing in bankruptcy in order to ensure the long-term viability of the single-employer termination insurance program under title IV of ERISA—the Employee Retirement Income Security Act of 1974.

The Pension Benefit Guaranty Corporation [PBGC] maintains that failure to enact adequate bankruptcy reforms will result ultimately in the insolvency of the single-employer program and necessitate a future taxpayer bailout. Particular concerns have been raised in connection with recent bankruptcy court and U.S. district court rulings in the LTV case which have undermined the status of PBGC's claims in bankruptcy as currently described under ERISA.

As stated by the PBGC, the problems and proposed solutions are as follows.

First, companies in bankruptcy often cease contributions to ongoing pension plans even though benefits continue to be paid to plan retirees. To solve this problem, the bill would affirm in the bankruptcy code that pension contributions accruing after the bankruptcy filing are an administrative expense that should be paid, just like wages, during bankruptcy. Also, the PBGC would be given seventh priority claim for all contributions missed more than 180 days prior to bankruptcy filing, some of which are now only a general unsecured claim.

Second, debtors and creditors have challenged PBGC's priority claims. A recent court ruling, which upheld this challenge, could add billions to PBGC's deficit. Therefore, the bill would affirm in the bankruptcy code that in bankruptcy proceedings, a portion of PBGC's claim for employer liability—underfunding—has tax priority. In addition, the proposal would clarify the priority claim to be the greater of the current priority claim—the amount of underfunding up to 30 percent of the sponsor's and affiliates' net worth—or a percentage of underfunding starting with 10 percent and increasing 2 percent per year until it reaches 50 percent.

Third, under current law, a sponsoring company can escape underfunding liability if it liquidates while a plan is ongoing and another member of the controlled group takes over responsibility. In this case, the bill allows PBGC or the plan to assert a claim for underfunding against a liquidating sponsor even though a plan is not terminating and it is being taken over by an affiliate.

Fourth, most benefits arising as a result of plant shutdown and permanent layoffs are not prefunded and dramatically increase plan underfunding and greatly add to PBGC's losses. Under this proposal, PBGC would be given a tax priority claim for shutdown benefits incurred during the 3 years prior to termination.

Last, the PBGC is rarely included on the creditors' committee and has limited access to financial data necessary to pursue its claims. Under the proposal, PBGC would be given the option to be a member of the creditor's committee.

The legislation I am cosponsoring today will make needed clarifications and improvements to PBGC's position in bankruptcy. I remain hopeful that these or similar reforms will be enacted to strengthen the agency's ability to better protect employees and retirees from the loss of their pension benefits and assure the long-term stability of our \$1 trillion defined benefit system.

I look forward to working with my colleagues on the Education and Labor, Ways and Means, and Judiciary Committees to protect the hard-earned retirement income of our Nation's workers and retirees.

INTRODUCTION OF THE PENSION PROTECTION IN BANKRUPTCY ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. GOODLING. Mr. Speaker, today, I am cosponsoring legislation which the Pension Benefit Guaranty Corporation [PBGC] strongly recommends as being necessary for the continued solvency of the ERISA title IV single-employer pension plan termination insurance program.

Today, PBGC protects the retirement benefits of 40 million workers and retirees without the use of tax dollars from the general fund. To cover the underfunding of the terminated plans it insures, it obtains revenues derived from premiums paid by sponsors of defined benefit pension plans and from investments. However, the financing of the single-employer program on a self-sufficient basis is becoming increasingly clouded because of the PBGC's current financial picture and future exposure to loss.

Although the PBGC currently has a net worth deficit of over \$2 billion, it has sufficient revenue to pay benefits. However, by 1992 the PBGC projects that benefit payments will exceed premium income by over \$100 million. While this potential negative cash flow is likely to be offset by investment income, before the end of the decade, benefit payments could exceed both premium and investment income.

Despite the short-term cash-flow health of the defined benefit program insured by PBGC, the PBGC faces an exposure of \$40 billion in underfunded plans. The underfunding is concentrated in pension plans in the steel, airline, and automobile industries. Of this total, about \$14 billion is in plans sponsored by financially troubled companies. This situation could present a serious risk to the continued health of the PBGC.

The future financial condition of the PBGC depends on whether this exposure becomes an actual loss during the 1990's. If PBGC's losses over the next 10 years average the net losses over its history—\$300 million per year—PBGC could retire its deficit and experience a surplus in the year 2000. But a less

optimistic forecast, based on average net losses for the past 9 years when PBGC began experiencing significantly larger losses, would show a deficit of \$2 billion by the end of the decade. If the \$14 billion of reasonably possible losses occur, the result would be a deficit of nearly \$16 billion. The effects of a recent court ruling, which denies PBGC any priority status in bankruptcy, could add billions to PBGC's deficit. A continuation of the present economic slowdown could also lead to substantially higher losses.

In order to strengthen sponsor incentives to fund pensions and further reduce the insurance fund's exposure to loss, the PBGC is now seeking legislative changes that will clarify and improve PBGC's standing in bankruptcy proceedings. The PBGC is also looking at additional requirements for funding pension plans.

The intent of the legislation which I am cosponsoring is to restore and improve upon the legal framework that has been crafted under ERISA over the past decade. If the single-employer program is to survive in the longrun without severe reductions in guaranteed benefit levels, unsupported premium increases, or an ultimate bailout by the taxpayers then the remedies suggested under this legislation, or similar ones, will have to be soon enacted.

The various features of the Pension Protections in Bankruptcy Act will give companies greater incentives to fund their plans rather than terminate them. In this regard, the bill clarifies that postpetition contributions and a portion of prepetition contributions and employer liability claims have priority under current law. Also, the Bankruptcy Code is amended to include contribution claims and a portion of employer liability claims: First, if prepetition, as taxes accorded priority under section 507(a)(7) of the Bankruptcy Code, and second, if postpetition, as taxes accorded administrative expense priority under section 507 and 503 of the Bankruptcy Code.

In addition, the PBGC proposal increases priority claim limits to the greater of: First, 30 percent of employer net worth, or second, the applicable percentage of remaining underfunding. The applicable percentage begins at 10 percent and increases 2 percentage points a year until it reaches 50 percent in the year 2012. The PBGC is also authorized to ignore the net worth computation when cost-effective to do so.

The proposal also gives tax priority to any plan underfunding due to shutdown benefits triggered within 3 years of termination. The bill provides that a liquidating sponsor in a controlled group would be liable to the plan for underfunding as if the plan were terminating.

Finally, the bill would give the PBGC a statutory right to be a member of the creditors committee and require a bankruptcy debtor or trustee to give PBGC the same notices it is required to give other creditors when the debtor or an affiliate sponsors a PBGC-covered plan.

It is important that the debate over this legislation and the long-term solvency of the PBGC begin in a timely manner. At stake is the continued viability of the defined benefit pension system and the payment of full pensions to the American workers who have earned their right to security in retirement.

LINE-ITEM VETO LEGISLATION

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. FRANKS of Connecticut. Mr. Speaker, earlier today I introduced legislation which would amend the Constitution to grant the President line-item veto authority.

Since I have arrived here, I have observed that Congress has a hard time saying no to spending items. Congress has yet to make real progress in reducing the deficit and, in fact, the deficit has reached an all-time high. I believe that granting the President line-item veto authority will encourage Congress to carefully evaluate the legislation they fund and will give the President an opportunity to check Congress' spending habits. As with other legislation which is vetoed by the President, Congress will have the opportunity to override the veto.

My legislation would grant the President this authority by amending the Constitution. I believe that the granting of line-item veto authority is an important change and should be an amendment to the Constitution and that the public should voice their opinion on the matter through their State's approval of the amendment. Any amendment to the Constitution requires that the legislation pass the House by a two-thirds majority and then be ratified by three-fourths of the States. I believe this is the appropriate measure to follow.

In my legislation, all bills containing spending are subject to the authority except funding items for the functioning of the judicial branch. I have exempted the judicial branch, as I believe the functioning of our courts should not be used as a bargaining chip in political bickering.

Additional restraints on Federal spending are necessary. Congress is failing miserably to reduce the deficit and control spending. I believe the President's use of line-item veto authority will improve this situation. I urge Members to cosponsor this legislation.

At this point in the RECORD, I submit a section-by-section analysis of the bill:

SECTION-BY-SECTION ANALYSIS

"Section 1. The President may disapprove an item of appropriation in any Act or resolution presented by the Congress, except as provided in section 2.

"Section 2. The President may not disapprove under section 1 an item of appropriation for the operations of the judicial branch of the Federal Government.

"Section 3. Following disapproval under this article of an item of appropriation, the President shall return such item with objections to the House in which the bill or resolution containing such item originated.

"Section 4. Following the return of an item of appropriation, the Congress may reconsider the item in the manner prescribed under section 7 of article I of the Constitution for bills disapproved by the President."

THE PEACE AND PROSPERITY
COMMISSION ACT OF 1991

HON. PETER HOAGLAND

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. HOAGLAND. Mr. Speaker, we are all familiar with the truly stunning events in the area formerly known as the Soviet Union. The rejection of communism and the collapse of the Soviet empire has opened an historic window of opportunity for peace and economic cooperation between the United States and the former Soviet Republics. The United States must now seize the initiative and insure that this tremendous potential is realized.

The immediate obstacle that stands in the way of transforming this potential into true peace and economic cooperation is uncertainty. Although we stand ready and willing to begin a post-cold war phase of economic relations with the former Soviet Republics, their uncertain situation and lack of clear authority makes the effort a difficult one. That is why today I am introducing a companion bill to the bill (S. 1870) sponsored by my Nebraska colleague in the Senate Senator JIM EXON, to create a U.S./U.S.S.R. Peace and Prosperity Commission. This high-level bipartisan commission would analyze the economic relationship between the United States and the former Soviet Union, Republics of the Soviet Union, and the Baltic Republics. It would offer recommendations to the President and Congress on forms of economic cooperation to best serve the mutual interests of the United States and former Soviet Union.

The tenuous situation in the former Soviet Union is hampering prospects for economic cooperation in many ways. The absence of any clear central political authority in the country has given rise to local and republic disputes over control of resources and economic management. Legislation is being enacted at all levels, making it difficult for foreign businesses to keep pace with legal requirements. In addition, the insolvent ruble and banking system have exacerbated the economic situation.

Confronted with this instability, the United States needs a deliberative and farsighted approach. The commission created in this bill would consist of a panel of impartial experts, 23 members from government, business, and academia that will be selected by the President and the Democratic and Republican leaders of both Houses of Congress. The commission will report every 6 months for 2 years and offer short, medium, and long-term recommendations for cooperation between the United States and U.S.S.R. Union in all economic areas. The bill directs the commission to examine food processing and distribution, telecommunications, military conversion, transportation, and many other areas of economic importance.

Increasing economic cooperation to encourage trade and investment is essential for the recovery of the former Soviet Union. It also makes practical sense, because in light of the Federal budget deficit in this country, increasing U.S. aid to the Republics has become very unlikely. Trade and investment will therefore

be the most important vehicles for growth in the former Soviet Union.

In addition, there are important economic advantages for the United States to formulate a clear policy toward the former Soviet Republics. The vast underdeveloped area is rich in untapped natural resources. The large population could provide a significant new market for American exports. There is also tremendous potential for American investment. By expanding its economic cooperation with the former Soviet Union, we would be helping Americans as we move the world toward peace and prosperity.

There is significant economic opportunity for Senator EXON's and my constituencies in Nebraska. The former Soviet Union needs food, equipment and expertise in the areas of food processing, distribution, and storage. In addition, the communications infrastructure is outdated. Nebraska's agricultural, agribusiness, and telecommunications sectors could benefit significantly from this opportunity.

Mr. Speaker, I also wish to compliment two people who had a very important role in formulating the idea for this commission, former Congressman John Cavanaugh of Omaha, and Douglas County Commissioner Howard Buffett. Both of them contributed significantly to the drafting of this legislation.

I encourage my colleagues to consider this legislation. The United States and Soviet Union are entering a new and exciting era of cooperation. The potential for both peace and prosperity exists, but many obstacles remain. The time has come for the United States to seize the initiative in forging this new relationship with the Soviet Union, and we must do so while the opportunity remains promising.

A TRIBUTE TO DR. EDWIN K.
REULING

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. STARK. Mr. Speaker, I rise today to offer best wishes to Dr. Edwin K. Reuling, who is retiring from the Castro Valley Unified School District Board of Education following 16 years of exceptional service.

Dr. Reuling began his career in education in 1964 at Michigan State University. He worked there as a director for several student programs while earning a Ph.D. in education. His successes at Michigan State brought him to California State University at Hayward in 1972 as an associate dean of students. He continues his work there today as associate vice president of student services.

Dr. Reuling's fine skills as a school administrator enabled him to join the Castro Valley Board of Education in 1975. During his years with the board he shared his abilities with numerous committees countywide. Early on, he received an honorary service award from the Barbara Crosby PTA for his service to youth and all children. Dr. Reuling also served four terms as board president.

Dr. Reuling has made a powerful impact on the many students, teachers, parents, and other citizens he has come in contact with

over the past 16 years. Castro Valley High School won national recognition as an outstanding secondary school in 1985 and 1989—testimony to the significant leadership role of Dr. Reuling. His contributions will be missed.

TRIBUTE TO J. SAXTON LLOYD

HON. CRAIG T. JAMES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. JAMES. Mr. Speaker, I am honored to rise today in tribute to J. Saxton Lloyd, a long-time business and civic leader who passed away on June 29, 1991. There are times when one just cannot let another day pass without recognizing such a prominent and admired citizen. J. Saxton Lloyd or "Sax" as he was affectionally known, was such a person.

Born in Savannah, GA, J. Saxton Lloyd was a resident of Florida since 1916 and had lived in Daytona Beach since 1924. Mr. Lloyd was married to the former Miss Adelaide Wells Crane in 1934. He was the father of twin sons, Robert and William, and the proud grandfather of 12 grandchildren and 7 great grandchildren.

After graduating from Seabreeze High School in 1926, Mr. Lloyd could not continue his formal education because of family financial difficulties. Sax was an excellent example of how a lack of higher education should not preclude a person from getting ahead. He was a strong advocate, however, of higher education to solve community problems.

Mr. Lloyd was founder of Lloyd Buick-Cadillac-BMW Inc., which has been in business in Daytona Beach, FL, for 61 years. His first employment in 1926, was as a service department employee with the then Buick dealer in Daytona Beach. During the Depression, he survived several personnel cuts and became parts and service manager at age 20. In 1930, the firm dissolved and Mr. Lloyd became secretary/treasurer of the newly organized company, Daytona Motor Co., which he bought in 1938. He changed the name to Lloyd Buick Cadillac in 1965 and served as general manager of that company until 1984.

Sax Lloyd was the founder and first chairman of the Civic League of the Halifax area. He was the youngest person to serve as president of the National Automobile Dealers Association, and chairman of the Cadillac and Buick dealer councils and was a member of the General Motors presidents' council. In 1963, Sax Lloyd gifted Sugar Mill Gardens in Port Orange to Volusia County as part of the county's park system. These beautiful gardens are now a part of the National Register of Historic Places.

With a keen interest in government at all levels, Sax Lloyd accepted appointments from three Florida Governors and Presidents Harry Truman and Dwight Eisenhower on their highway committees. He was appointed to the State of Florida's first State advertising commission, which he headed for 4 years. The commission was responsible for creating and building Florida industry, promoting Florida commerce, encouraging visitors to the State and to raise the earning levels of residents. In

1952, Mr. Lloyd was appointed to the State road board. He also became chairman of the Florida Racing Commission which governs all paramutual business in the State. In 1955, Mr. Lloyd was appointed to a 2-year term as chairman of the Florida Development Commission which was established to promote the State and attract new industry. He was appointed to serve on the St. Augustine Historical Restoration and Preservation Commission by former Gov. Leroy Collins in 1959 and was vice chairman when he stepped down in 1966.

Serving as vice chairman of Bethune Cookman College's board of trustees, Mr. Lloyd was a long time supporter of this historically black college located in Daytona Beach. He contributed much of himself to the black community and will always be remembered for improving racial relations in Volusia County.

Locally, he was a member of the Rotary Club of Daytona Beach and became known as "Mr. Rotary." In 1961, Mr. Lloyd was elected president of the Daytona Beach Committee of 100, again working for the primary purpose of attracting industry to his home.

Sax Lloyd was able to express his lifelong interest in the automobile industry and sports when he was named chairman of the local Racing and Recreational Facilities Authority. This group contributed their efforts to the financing and construction of the Daytona International Speedway.

Never having been able to fulfill his dream of attending the University of Florida still did not stop Sax Lloyd from supporting the academic and athletic programs of this prominent Florida school. In 1982, Sax Lloyd was named an honorary member of the Florida Blue Key. He was a member of the University of Florida Foundation's board of directors, the president's council, and the Gator Boosters.

The people of Volusia County as well as the State of Florida and this Nation are fortunate to have had J. Saxton Lloyd. A man who stood so tall, ready to reach out and lend a helping hand. A man who proved that if you put forth effort, if you worked hard, if you really cared, you could be a success. A man who left his mark.

It is often said that an individual never really begins to help others until they turn their mirror into a window—and look to the plight of others, realizing they, too, can help. Sax Lloyd always recognized the need to give of oneself. He represented the best of America. He was committed to fostering community spirit, working for fair and ethical Government, and caring for his fellow man. His deeds will determine the kind of America we leave for future generations. The pages of history have been written by people like J. Saxton Lloyd. He accepted a personal responsibility for all mankind.

In the words of Winston Churchill, "We make a living by what we get. We make a life by what we give." J. Saxton Lloyd lived by these words of wisdom. Man is measured by his deeds. As he goes along life's way, it matters not whether he is famous or unknown, possessed of material goods or whether he walks in humble paths. Man's humanity and concern for his fellow man is what accounts for his greatness in the book of life. Sax Lloyd fulfilled that greatness.

Mr. Speaker, J. Saxton Lloyd was a truly great American. He was extraordinary, he was

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determined, he was courageous, and he was an inspiration to all. He will never be forgotten.

TRIBUTE TO CLINT PEOPLES

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. HALL of Texas. Mr. Speaker, I rise today to pay tribute to Clint Peoples, former U.S. marshal for the northern district of Texas and senior lawman in tenure in the United States with 60 years service.

Marshal Peoples began his distinguished law enforcement career in 1930 as a deputy sheriff in Conroe, TX. He has held nine separate peace officers' commissions during his many years of service. Peoples has risen to the rank of senior captain of the Texas Rangers, only the second man in the history of the Texas Rangers to hold this title. Peoples was appointed by President Nixon to serve as U.S. marshal for the northern district of Texas, where he continued to serve under five presidents.

In his fight to maintain law and order, Peoples has confronted such notorious criminal figures as Bonnie and Clyde, Pretty Boy Floyd, Raymond Hamilton, and was involved in the closing of the infamous La Grange "Chicken Ranch." Despite his dealings with heartless criminals, he has preserved his Christian compassion for truth and understanding.

Marshal Peoples and his wife, Donna, have established a scholarship fund to assist children of current or former sheriffs who are seeking a degree or career in law enforcement. Peoples has had a law enforcement academy in Montgomery County, TX, named after him. He was instrumental in founding the Texas Ranger Hall of Fame and chaired the Texas Ranger Commemorative Commission and Foundation that honored the rangers on their 150th anniversary.

Peoples is honored by being the subject of a biography detailing his life from the early beginnings as a deputy with only a pistol and a pair of handcuffs. His image on his horse, Chico, is displayed in wax in the Southwestern Historical Wax Museum in Grand Prairie, TX. He has also commissioned a bronze sculpture entitled "One Man's Dream" with the proceeds designated to support the scholarship fund.

Clint Peoples will always be known as one of the good guys of the old West. The State of Texas is proud to have him as one of its distinguished sons. He has served as a protector of justice and servant of the people for 60 years.

Mr. Speaker, I commend Clint Peoples for his outstanding service and devotion to law and order, and I wish to extend a sincere "thank you" to him on behalf of all Americans for his dedication to law enforcement.

November 21, 1991

GARY TRUDEAU'S MEAN-SPIRITED ATTACK ON VICE PRESIDENT QUAYLE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. PORTER. Mr. Speaker, elected officials in America are subject to criticism by the people they represent and the media, and that's the way it should be. Those who serve in public office are answerable for their conduct and performance. But in America we also expect that those who level criticism adhere to basic principles of fairness. Unfortunately, Gary Trudeau's recent *Doonesbury* strips attacking Vice President DAN QUAYLE fail to meet that important standard.

Neither I nor anyone else would challenge Mr. Trudeau's right to express his political views—as a cartoonist and commentator that is not only his right, it is his job. But his recent strips, which recount discredited charges against the Vice President by a felon who admitted he was lying, are an outrageous abuse of Trudeau's editorial discretion and violate basic tenets of journalistic practice.

And it's not only elected officials or Republicans, Mr. Speaker, who are complaining about Trudeau's attacks. Scores of newspapers across the country which run his daily strip have felt compelled to withhold publication because they were uncomfortable with the content. Even the *Chicago Tribune*, one of our Nation's leading newspapers whose editorial board is second to none in defending free speech, withheld publication of some recent *Doonesbury* strips that it found to be outside the boundaries of responsible commentary.

Newspapers are not in the business of squelching criticism of public figures, Mr. Speaker. In a November 15 article, here's what *Tribune* Associate Editor Douglas Kneeland had to say about his paper's decision to withhold publication of some of Trudeau's strips.

We give wide latitude to columnists and political cartoonists to express their opinions. For many, perhaps most, irony and satire are their weapons of choice. Their job is not to be fair, but to make a point. But the *Tribune's* job in anything resembling news reporting is to be fair *** Trudeau's strip ventures often into the minefield of politics, merrily setting off explosions along the way. And we wouldn't have it any other way. For that reason, we weren't surprised in this budding presidential election season by Trudeau's plunge into politics. We were troubled, however, by the format he chose. The strips seemed to be more designed to peddle an old story that had been found lacking in substance—both by federal investigators and by a number of news organizations that had looked into it—than to satirize Dan Quayle, who for years has heatedly denied the charges Trudeau is recycling.

Kneeland goes on to explain that the assertions made in Trudeau's strips "did not meet the *Tribune's* factual standards for publication" and that "[u]nder no circumstances would we allow our own writers to report them as fact in a story without supporting evidence such as the name of a qualified source."

This assessment is why dozens of newspapers have chosen to not provide Mr.

Trudeau with a forum for his unfounded attacks. It is also why he has lost the respect of countless readers who have enjoyed his sharp-edged commentary over the years but who cannot understand this series of vicious strips.

Mr. Speaker, one of our society's most precious rights is the freedom to criticize the government and its officials. But that right carries with it a responsibility to maintain fairness and decency in our public discourse, standards which Gary Trudeau has violated.

MARIE PONZILLO RECEIVES HOME ECONOMICS TEACHER OF THE YEAR AWARD

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. FRANKS of Connecticut. Mr. Speaker, These days students have tough choices to make about their academic future. They look to teachers for advice and counsel in making these important decisions. Students today need positive role models who lead by example.

It is always special to find a teacher who provides all the normal academic requirements, but steps above this and becomes a friend and role model for the students.

Marie Ponzillo is this special kind of teacher. Ms. Ponzillo was recently named teacher of the year by the American Home Economics Association. This award recognizes excellence and creativity in teaching of home economics.

Ms. Ponzillo, is a home economics teacher at Crosby High School in Waterbury, CT. She has developed the Crosby Consignment Shop, which is a student-run program involved with recycling used cloths and providing retail business experience for the students. Profits from this program go to the students and the University of Connecticut Medical Center's Children With Cancer Fund.

I want to commend Ms. Ponzillo for her work to assure excellence in education. At this point in the RECORD, I would like to submit an article from the Journal of Home Economics outlining Ms. Ponzillo's accomplishments.

THE FEDERAL PROGRAM IMPROVEMENT ACT OF 1991

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. SCHULZE. Mr. Speaker, I am pleased to speak today as an original cosponsor of the Federal Program Improvement Act of 1991. This act represents the bipartisan product of the Ways and Means Subcommittee on Oversight, of which I am ranking Republican member.

I have long believed that Congress must be vigilant in looking over the shoulder of the far flung bureaucracy. No stone should go unturned in the search for possible fraud and abuse. This bill is the product of the kind of

sustained, long-term oversight effort that is essential to good government. The bill makes key changes to five Federal programs that will result in significant, tangible savings to the taxpayer through improved Government operations.

First, Mr. Speaker, one of the most important sections of the bill addresses abusive telemarketing by unscrupulous durable medical equipment [DME] suppliers. Due to the high concentration of both elderly citizens and medical equipment companies in southeastern Pennsylvania, my home district has become a hotbed of this abuse.

Earlier this year, the Subcommittee traveled to West Chester, PA, and learned firsthand how boiler room telemarketing operations make unsolicited calls to unsuspecting seniors, and induce them to buy equipment that they don't need and don't want.

The bill puts an end to this practice by placing an outright ban on DME telemarketing under the Medicare Program.

I originally proposed such a ban in my bill, H.R. 3587, and I am pleased to say that my legislation has been incorporated in its entirety into this act. The act also gives the Department of Health and Human Services new authority to bring outrageously high DME prices down to current, more reasonable levels. In particular, the bill orders a complete review of the prices for TENS units and decubitus care equipment—two of the most abused items uncovered in our investigation.

Second, the bill reduces erroneous payments under the Medicare Secondary Payer [MSP] Program. Under the Medicare law, private insurers must pay claims before Medicare. However, doctors and hospitals often send claims to Medicare first, since Medicare pays more quickly. The Medicare contractors are then left to figure out who should really pay. As a result, the taxpayers lose up to \$1 billion per year due to these erroneous payments.

This bill goes to the heart of the problem, by establishing new penalties for doctors and hospitals who repeatedly violate MSP screening requirements.

Third, the bill ends the abuses and mismanagement that have characterized the overtime pay system for U.S. Customs Service Inspectors. Under the 80 year old overtime law, inspectors get paid 4 hours pay for working just 1 minute past the end of the regular work day, or 16 hours pay for any work done on a Sunday.

Customs managers have treated the user fee fund that covers overtime expenses like free money, and Congress and OMB have exercised little or no oversight. This bill changes that situation by modifying Customs Service compensation rules to make hours paid bear a more direct relationship to hours worked. I personally advocated provisions to restore oversight of the overtime fund by making it open to OMB review, and subject to annual authorization and appropriation by Congress.

Fourth, the bill would reduce the erroneous payment of Federal benefits to persons who have died. It would do this by directing the Federal agencies to cross check their beneficiary lists with death data compiled by the Social Security Administration. This screening process will identify deceased beneficiaries

more quickly and thus allow the agencies to stop issuing benefit checks more quickly.

Fifth, the bill directs the Pension Benefit Guarantee Corp. to improve its management system for the collection and tracking of premium payments by pension plan sponsors. The Oversight Subcommittee found that the PBGC's premium collection system was under stress because it was based on an out-of-date computer system. The variable rate feature of the PBGC premium pushed the collection system beyond its capability and the system crashed.

Mr. Speaker, the five major features of this act will improve the efficiency of Federal programs. The details are neither glorious nor flashy but they address the nitty gritty operational features which are essential for good management.

BEST WISHES TO DR. HERBERT GRAW

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. STARK. Mr. Speaker, I would like to extend my warmest wishes to Dr. Herbert Graw who is retiring after providing 8 years of outstanding service to the Castro Valley Unified School District Board of Education—years in which Castro Valley High School was recognized for national awards in 1985 and 1989.

Dr. Graw has long been dedicated to quality and opportunity in education. He holds a doctorate in education and is the associate vice president of off-campus programs at the California State University in Hayward.

During his tenure on the Board of Education, Dr. Graw acted as president of the board of education for 2 years. He was the representative to the Eden Area Regional Occupational Program for 6 years, including 2 years as chairperson. Dr. Graw also served as representative to the School Boards-Chabot College Board of Trustees Liaison Committee.

Dr. Graw has provided important guidance and support to the Castro Valley Unified School District and the people of Castro Valley. He will be missed by all.

FLAGLER COUNTY'S 75TH ANNIVERSARY

HON. CRAIG T. JAMES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. JAMES. Mr. Speaker, the year 1992 will be a big year for Flagler County, FL, which is located near the center of the district I am proud to represent here in the Congress. For next year marks the 75th anniversary of the county, named after the businessman—Henry Flagler—whose railroad lines and resort hotels were so instrumental in opening up and developing the east coast of Florida back in the late 1800's and early 1900's.

Indeed, this milestone is of sufficient significance to people in Flagler County that com-

memorative activities have gotten underway already. This past June 29, for instance, the Flagler County Historical Society sponsored one of its planned activities, a first ever for the county—dinner-recital. Held at Palm Coast, this historic cultural event, which featured the internationally famous oboist Andrea Franceschelli of Perugia, Italy, also marked the first time such a musical superstar had performed in Flagler County.

Mr. Speaker, I'd like to take this opportunity both to commend the Flagler County Historical Society for hosting such an auspicious musical event and to invite my colleagues to come visit Flagler County as it celebrates its 75th anniversary. Located not far north of Daytona Beach, the county not only has much to offer but always has its welcome mat out.

A TRIBUTE TO THE HONORABLE D.
FRENCH SLAUGHTER

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. PORTER. Mr. Speaker, I am pleased to add my accolades for our distinguished colleague, French Slaughter, to those of the Virginia delegation and French's many friends on both sides of the aisle. His retirement from the House due to ill health after nearly 7 years of dedicated service to the people of Virginia's Seventh District is a loss for them and for our Nation.

Throughout a career of public service that began in the Virginia General Assembly in 1958, French Slaughter distinguished himself as a thoughtful, effective advocate for his constituents, and a forceful voice for fiscal responsibility, and sound public policy. Here in the House, he was an outstanding member of the Committees on Judiciary; Science, Space and Technology; and Small Business.

A July editorial in the Richmond Times-Dispatch captured the way many of us feel about French's departure:

With the resignation of Republican Representative D. French Slaughter, Jr. of the 7th Congressional District, the American people will lose the services of one of the most highly principled conservatives in public office. If Washington were dominated by political leaders who shared his values, the federal government would be far more responsible, effective and economical than it is . . . [h]e deserves our gratitude for his many years of service, and our best wishes for the future.

Together with so many of his colleagues, I second those sentiments, and include my own personal best wishes for French and his family in all the years ahead.

INTRODUCTION OF LEGISLATION
TO ALLOW EMPLOYEES TO
CHOOSE COLLECTIVE-BARGAINING
REPRESENTATIVE OF THEIR
CHOICE

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. WILLIAMS. Mr. Speaker, today I am introducing legislation to protect the rights of certain service employees to freely choose a bargaining representative. The legislation is intended to close a loophole created by interpretations of the law that are contrary to the intent of Congress. The bill amends section 9(b)(3) of the National Labor Relations Act to ensure that it is interpreted in a manner that reflects the intent of Congress when it enacted this provision in 1947.

Section 9(b)(3) provides that a bargaining unit is not appropriate when it includes both nonguard employees and "any individual employed as a guard to enforce against employees and other persons rules to protect property of the employer or to protect the safety of persons on the employer's premises." Section 9(b)(3) further provides that no union may be certified as the representative of a bargaining unit of guards if such union admits or is directly or indirectly affiliated with a union which admits nonguards to membership. The language of 9(b)(3) has been grossly misinterpreted to restrict the rights of a wide range of employees including doormen, desk clerks, and lobby attendants to mention only a few.

The bill I am introducing specifies that section 9(b)(3) applies only to those personnel "whose primary responsibility is to prevent employee disorders and misconduct of employees." Any plant guard hired for the purpose of ensuring that other employees obey and respect an employer's rules would remain subject to the restrictions imposed by section 9(b)(3).

The language of 9(b)(3) was included in the Taft-Hartley Amendments because of congressional concern over the decision of the Supreme Court in *NLRB v. Jones & Laughlin Steel*, 331 U.S. 416 (1947). In that case the Supreme Court upheld the ability of the NLRB to certify the United Steelworkers of America as the bargaining agent for the steel plant's guards. The *Jones & Laughlin* case raised concerns in Congress because the same union which represented the regular plant employees could be certified to represent the plant guards. In the event there was a strike of the plant employees, it was feared the guard employees would face the dilemma of having to choose between their duty to protect the employer's property and desire to honor the picket lines of their union. Section 9(b)(3) was enacted for the purpose of overturning NLRB versus *Jones & Laughlin* to eliminate this potential conflict of interest. The House report accompanying the 1947 amendments directly refers to "plant policemen and guards" and the terms "guards" and "plant guards" are used interchangeably throughout the legislative history.

Unfortunately the NLRB over the years has not consistently recognized this legislative in-

terpretation. Their interpretation of the reach of 9(b)(3) has not been limited to plant guards with the specific and primary duty to enforce rules against other employees for the protection of an employer's property. Rather the Board has mistakenly extended the reach of 9(b)(3) to cover doormen, desk clerks, lobby attendants, elevator operators, watchmen, delivery drivers, armored car drivers, janitors and others. None of these employees has special duty to protect an employer's property against other employees. NLRB decisions at times have interpreted 9(b)(3) to cover employees if any part of their responsibility included the protection of an employer's property, a standard of coverage that includes most if not all employees.

Recent decisions of the Board suggest that the Board may be moving toward a recognition of the original intent of 9(b)(3). In the case of *Purolator Courier Corp.* 300 NLRB No. 103, (1990) the Board found that certain courier-guards are not guards within the meaning of 9(b)(3). They stated "these courier-guards are not engaged directly and substantially in the protection of customer property, and therefore are not statutory guards." Since *Purolator Courier* the Board's interpretation appears to be returning to the original intent of 9(b)(3). (See *Hoffman Security*, 302 NLRB No. 141, *EPS Guard Services, Inc.* 300 NLRB No. 34, *SMI of Pattison Avenue, L.P.*, Case 4-RC-17509) While it is encouraging that currently the Board seems to be moving in the direction of the original intent of Congress, there remains the concern that the Board has not gone far enough or that it could once again reverse its course.

The bill I am introducing today would clearly confine the scope of 9(b)(3) to cover only an employee who is a "plant security guard whose primary responsibility is to prevent employee disorders and misconduct of employees". It does not repeal 9(b)(3), but restores the original intent of Congress. While addressing the concerns that originally lead to the enactment of 9(b)(3), the bill ensures that employees who were never intended to be covered by 9(b)(3) regain the ability to choose the collective-bargaining representative of their choice.

ROY BYARS' 20 YEARS OF SERVICE AS WEATHER OBSERVER

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. PICKLE. Mr. Speaker, Roy Byars has received another honor. This legendary man who hails from the Texas hill country has been not only a successful merchant, but an unbelievably good postmaster, as well. And all this time he has served as an official weather observer for Blanco, TX.

This year, Roy marks his 20th anniversary as a weather observer for the historical Blanco Weather Station. This station, which was founded in 1896, has had four official observers. Roy has upheld the fine tradition of taking the weather by serving as only the fourth observer for the station in almost 100 years. He

follows the ranks of the first three observers, Mr. C.R. Crist, Mr. Charles E. Crist, and Mr. W.A. "Bill" Byars.

It is great to see honors come to a good man of the hill country. Roy is certainly worthy. And the Byars family is as strong as the granite hills of Burnet and Blanco Counties.

Mr. Speaker, I include the following article in the RECORD.

BYARS RECEIVES RECOGNITION PLAQUE—20 YEARS AS WEATHER OBSERVER

The local weather station is under the direction of the U.S. Department of Commerce National Oceanic and Atmospheric Administration National Weather Service, Southern Region with Robert W. Manning as Chief, of Regional Cooperative Program.

The Blanco Weather Station was established in May of 1896 and has now been here for over 95 years. One of the unique features of this station is that it was in one exact location for many of these years. Another unusual thing about it is that there have only been four observers during this time. Mr. R.C. Crist, the father of Charles E. Crist, was the first one and he was followed by the son, Charles E. Crist. W.A. "Bill" Byars started working at the Charles E. Crist business in 1933 and soon acquired the duties of "taking the weather". Sometime in the early forties after Mr. Crist's illness Bill became the official observer. Roy H. Byars also started to work at the same business in 1935 and he became the substitute weatherman when Bill was absent.

Bill died on December 23, 1971 and Roy took over the job completely and was named the official weather observer.

This week Roy was presented a plaque and a pin. The letter presented at the same time states: "This year marks your completion of 20 years as a cooperative weather observer. I join the Secretary of Commerce, the Administrator of the National Oceanic and Atmospheric Administration and the Director of the National Weather Service in congratulating you on this outstanding record of public service.

Every day many organizations and individuals in governmental activities, as well as private enterprises, use the valuable information made available only through your efforts and wholehearted support.

Please accept the enclosed emblem as a small token of the high esteem with which your service is held. I hope you continue to find your weather work interesting." The letter was signed by Robert W. Manning.

Along with Roy's official duties he is also a Weather Watcher for TV station KVUE, Channel 24 in Austin. He reports any kind of unusual weather or rainfall and calls the station each day at 5:00 p.m. and at 9:00 p.m. and reports the low, high and present temperature of the day and any rainfall. This information is given during the stations Newscast at 6:00 p.m. and 10:00 p.m. daily.

The weather observing is very interesting and Roy has the records going back to May of 1896. The monthly rainfall records starting in 1900 are on display in the Blanco Lumber and Hardware business. This display was a project of the Blanco Lions Club and was started in the late forties and has been kept up ever since. He keeps the daily rainfall records posted on one of the bulletin boards in the Blanco Post Office and furnishes information for the Weather Facts column weekly for this newspaper.

PREVENTIVE CARE FOR THE ELDERLY: PROVIDING MEDICARE COVERAGE FOR ANNUAL PREVENTIVE EXAMINATIONS

HON. PETER HOAGLAND

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. HOAGLAND. Mr. Speaker, I am pleased to introduce today a bill to provide Medicare coverage for annual preventive physical examinations. This legislation would add as a Medicare benefit, for all Medicare beneficiaries, an annual physical examination for what in medical jargon are called asymptomatic individuals. I am introducing this bill, the result of consultation with medical professionals, because for too long our health care system has paid billions of dollars for sickness, after the fact rather than for prevention of illness before the fact. It is time that we expand our effort to health problems before they become thousand dollar expenses.

Generally, Medicare, the Government health insurance program for the elderly and disabled, does not pay for preventive measures other than those specifically mentioned in the Medicare law. Thus, very few preventive services have been covered by Medicare. Only in the last 10 years has Congress begun a slow process of providing piecemeal coverage for a limited number of preventive services. Services currently covered by Medicare include pneumonia vaccine, hepatitis B vaccine for certain high-risk individuals, pap smears to screen for cervical cancer, and mammography screening for breast cancer.

In 1984, the Federal Government recruited dozens of health experts to form the United States Preventive Services Task Force and charged it with surveying the accumulating literature on the merit of hundreds of preventive measures. The panel's final report, issued in 1989, endorsed a complete schedule of periodic pap smears, mammograms, regular blood pressure, cholesterol checks, vaccinations for the elderly and counseling. The task force was a significant milestone for preventive care. In addition, the National Cancer Institute, the American Cancer Society, and the Health Policy Agenda for the American People, recommend annual exams for people over age 65.

Many recognize the value of preventive medicine. Earlier this year Blue Cross and Blue Shield, the Nation's large private health insurer, offered a health insurance plan covering periodic tests to detect cancer, heart disease, and other diseases for their subscribers. Ninety-five percent of health maintenance organization [HMO] plans cover preventive exams, but HMO's make up only 20 percent of the insurance marketplace. These efforts by Blue Cross and Blue Shield and others illustrate a growing recognition that preventive services must play a more prominent role in health care.

Many will argue that annual routine examinations will add to overall national spending on health care at a time when medical costs are soaring and Congress is looking for fundamental change in the Nation's health care system. But the concern about cost usually fo-

cuses on exotic high-technology procedures, not on simple, routine examinations. Adding an annual preventive exam under Medicare for the Nation's 33 million beneficiaries could add about \$3 billion per year to the Federal Government's health care bill. Part of the cost would be paid by the beneficiary in the monthly premium, as is the current practice for Medicare part B benefits. However, the costs are more than outweighed by untold savings in future treatment costs. According to studies by the American College of Physicians, "Screening—the search for specific health problems in a person who has no known signs or symptoms—has enormous medical value in finding disease early, when it can be treated most successfully and economically."

A number of nurses in Omaha, NE, my hometown, who work for the Visiting Nurse Association have expressed interest in preventive examinations. One of the nurses is a coordinator for the Visiting Nurses Association in my congressional district and sees nurses identifying a problem requiring medical diagnosis and treatment, but unless the patient perceives it to be bad enough, does not go to the doctor until full blown symptoms develop. This makes the neglected medical problem more complicated and more expensive to treat when the patient finally gets to the doctor. This situation in Omaha, NE, is repeated around the country.

Health professionals have recognized the value of preventive services for many years. Early detection and treatment are not just cost effective. For diseases like cancer, early detection and treatment may offer the best chance for reducing mortality and duration of illness. It is time to move away from this traditional mentality of paying huge sums of money for unpredicted illness when it is exacerbated and expensive and move toward the encouragement of routine health maintenance and prevention. Not only does it make medical sense, but, most important, it means a better, healthier quality of life for millions of Americans.

THE FUTURE OF THE REPUBLIC OF GEORGIA

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. GIBBONS. Mr. Speaker, recently the Subcommittee on Trade of the Committee on Ways and Means visited the Republic of Georgia in connection with our review of the United States-Soviet Trade Agreement. In Tbilisi, the delegation met with republic officials and business leaders. We learned of the fervent desire of the Georgian people to be free and independent of the USSR. We also learned of the Republic's movement toward a market economy and a democratic government.

I would like to share with my colleagues a speech delivered by the Counselor to the Prime Minister, Temur Gamtsemidze, to the Business Council for the United Nations on September 11. This speech clearly sets forth the economic and political plans for the future of the Republic of Georgia as they chart inde-

pendence from the old Soviet Union. I recommend it to all Members.

PLANS FOR THE REPUBLIC OF GEORGIA

(By Temur Gantsemlidze)

Thank you. I assure you I am delighted to be here, and I thank you for coming here today to meet representatives of the Republic of Georgia. In a way, this is already an historic occasion, for us to be speaking with you in the building of the United Nations.

For exactly 70 years ago—in 1921—the League of Nations recognized the independence of Georgia after more than 100 years of domination by czarist Russia.

Now, after 70 years of domination by the Soviet Union, we are again coming before the community of nations of the world to ask for recognition of our independence and sovereignty.

We are also asking the United States government to recognize our independence. Under international law, we meet all the conditions for our independence to be recognized.

And we are both hopeful and optimistic that the next time we meet, we will do so with Georgia as a full member of the United Nations, taking its place among the community of sovereign and democratic nations, helping in the important work of international peace and understanding.

This is our goal.

And I assure you, we deeply appreciate any support that you may be able to offer us in our path to achieving that goal.

Indeed, by being here today, you are providing us with moral support. And we greatly appreciate it.

Why, as Americans, as business leaders, and as supporters of the noble goals of the United Nations, should you be interested in whether or not Georgia achieves recognition of its already declared independence?

First, let me just mention that only five republics have fully declared independence—the three Baltic Republics, which have now achieved it, and Moldavia and Georgia.

Others are in various stages of holding a referendum.

But Georgia held a referendum on the question of independence last March and our people voted overwhelming in favor. Our independence was proclaimed on April 9.

All we seek now is recognition. We have received recognition from the Baltic States and Romania. And we expect to receive it very soon from the other east European states—Bulgaria, Hungary, Poland and the Czech and Slovak Republic. We are also expecting early recognition from the New State Council in Moscow—and we believe that most other nations will then follow.

But Washington remains the key. In the last two days we have met with top officials at the State Department and the White House.

We have tried to convince them that we are no different from the Baltics. We were an independent nation for many centuries. We were recognized as independent by the League of Nations. We have our own language, culture, religion and national identity—all well established for over two thousand years. We are not only a distinct nation, but one of the world's oldest nations. Our capital city was founded in the fifth century (and this was our *new* capital. Our original capital existed for five centuries before that!)

Like the Baltics, we also were invaded and annexed by the Soviet Union against our will.

The chief difference between Georgia and the Baltic States is that we were annexed 20

years earlier—and our people suffered proportionately more under Soviet rule.

I do not say this lightly. 200,000 Georgians were murdered during Stalin's purges. Hundreds of thousands more were forced to leave their homes and sent to other parts of the Soviet Union as forced labor. Nearly every Georgian family today has horrible memories of this period. Nearly every family lost relatives.

As everywhere in the Soviet Union, the intellectuals were a special target. We lost a whole generation of leaders, writers and teachers. So I hope this will help you to understand the intensity of our desire for true independence—and our determination to achieve it.

I hope it will help you understand why we do not want to be part of any future political or defense union with the central government, no matter what form it takes.

We want our independence restored. We want our country back. We believe we have not only every legal right—but also an unsalable moral right.

In economic relations we also are very similar to the Baltic states. Our economic relations are so intertwined with the other Soviet republics that we have to continue them.

But like the Baltics, too, we are anxious to move away from this over-dependence on the Soviet economy. We are looking for new partners in the West. New trade relations. New industries. New investments.

We are not silly enough to burn our bridges. We have established markets with the other republics. These will continue.

But we must diversify. Our nation has much more to offer than potatoes for other parts of the Soviet Union.

Let me tell you of the opportunities that we see for Western businesses—and we hope especially for American business.

First, we are more Western in our outlook and attitudes than any other part of the old Soviet Empire. For centuries, we have been a crossroads of culture and trade between East and West and between North and South. We understand business and trade. It is in our genes. We were doing international business long before the Soviet Union was created and, if you excuse my mentioning this, long before the United States was created, too.

This means we are good people to do business with. We understand how it works. We understand this probably better than any other of the republics.

And this is why one of the first actions of our new democratically elected government was to introduce legislation that would sweep away all the old Communist restrictions on international trade and investment.

This legislation was finally enacted in July and is now the law of our land. Our doors are wide open to all American companies . . . and, of course, companies of other countries.

No requirements for sharing ownership of businesses with Georgian partners.

No restrictions on transferring profits out of Georgia. We clearly recognize those profits are your property, not ours. We are happy that you make them . . . and we will do all we can to help make sure you do make them.

I am pleased to make this pledge on behalf of our whole government and of our people. We want you to be in Georgia. And we will do all we can to make it a profitable experience for you.

I was going to say we will move mountains . . . but our mountains are just too big. And instead of moving them, we would like you to know that they provide some of the best skiing in the world. Experts say that our

mountains are better than the Alps. So if any of you have interests in winter sports, I invite you to come to Georgia and see for yourselves. I do know one thing for sure: winter sports in Georgia are many times less expensive than in the Alps.

This brings me to my second point . . . the opportunities in Georgia for American business. What do we have that you might be interested in?

First and most obvious are the opportunities for the travel, tourism and hotel industries.

We have a Mediterranean climate, hundreds of miles of beautiful beaches, palm trees, great food and wine, great attractions for tourists of all kinds . . . from our world famous folk dancers and theater to unrivaled antiquities from the many early civilizations that met in ancient Georgia and contributed to our unique culture. And then we have the mountains . . . the Caucasus . . . the highest and most dramatic in Europe.

For the tourism industry, Georgia offers a combination of Rome, Monte Carlo and Switzerland . . . at one tenth of the price.

Georgia has been the great resort area of the Soviet Union for half a century * * * and now the rest of the world will discover it. American investment in this area should provide very quick and very good returns.

Agriculture is a major industry in Georgia. We are the chief producer of tea and citrus fruits for all the former Soviet republics. We are also a major producer of tobacco, grapes for wine, mulberry trees for the silk industry, and have a flourishing meat industry—especially lamb, pork and poultry.

While these agricultural sectors are all very successful—they are successful by Soviet standards. That means they need capital, modernization of equipment and methods, new packaging technology and, of course, marketing. This is a marvelous area of investment for American agri-business. There are world markets for Georgian agricultural products.

I would be especially neglectful if I did not mention Georgian wine, brandy and vodka. Another very big industry for us. If there is anybody here from Seagrams, or any importer of wines or liquor, there is a great opportunity here to be first with the best. Georgia red and white wines are among the best in the world. With Western-style labels and marketing, they will be best sellers.

Coming to the heavier industry sectors, Georgia is immensely rich in minerals, especially manganese. We also have major deposits of copper, coal, lignite, iron, molybdenum. We have oil. We have marble, dolomite and talc deposits. And construction-quality clays.

Georgia also has abundant hydro-electric energy. Excellent ports and road and rail facilities.

What do we make with all these riches?

We manufacture iron and steel, all kinds of machinery and machine tools, railroad and mining equipment, chemicals and building equipment.

And lots of other things that depend on these major manufacturing areas. For example, we have a strong shipbuilding industry. We also make trucks and buses.

So Georgia has a lot to offer and we urge you to come or send your representatives to investigate.

You can start joint ventures * * * or invest in privatized former state owned operations * * * or start completely from scratch. The opportunities for doing business * * * good business * * * are literally endless.

We are right now finalizing the privatization laws for both land ownership and the taking over of former state-owned enterprises. We are also revising our tax laws to encourage private enterprise in every sector. All of these will be in place in a matter of two or three weeks.

Let me close with a few general remarks about the economic and political outlook for the Soviet republics in general, as viewed from Georgia.

Obviously, nobody knows for sure what the future will be of any central Soviet government will be.

But the people of Georgia have made a decision. Whatever the future central government *** if there is one *** we do not want to be any part of it.

We will continue our traditional trade and economic ties with the republics, of course. If there is some kind of customs union, we will probably be a part of it.

But we want these decisions affecting our future to be made by our own government in Tbilisi, not Moscow.

Seventy years of being ruled by the center has been enough for us. We do not want to be part of any lingering Soviet political or military apparatus.

We in Georgia are sometimes quite surprised, I must say, at the amount of anguish expressed in the West over the loss of power of the central government.

We in the republics certainly do not share that anguish.

We read reports that the Soviet economy is collapsing because of the lack of central control.

This is a rather new theory of economics, I think.

The facts are that the Soviet economy has been collapsing for years because of the central government and its ideological passion for control.

The collapse of the central government means the economies of all the republics are now liberated from that stifling central control.

I can assure you, the economy of Georgia is not going to collapse. It is going to get stronger with every month that passes. Already it is being invigorated by Western investment and know-how and technology and by the opening of new Western markets denied to us before by the central government.

I think it will be the same story in every one of the republics. None of us is fearful. None of us wants that central control to return . . . with the exception of those hard-line communist functionaries who now fear for their power and privileges.

Of course there will be some short-term setbacks as we adjust to the new conditions. That is natural. It is part of the price we are willing to pay for our freedom.

But we in the republics are not a helpless lot of people who need Moscow to tell us what to do.

We find the suggestions by well meaning western politicians and economists that we still need central control to be, well, let me say uninformed. The reality is different. By freeing our economies we are freeing the talents and skills and energies of our people to create new markets, new products and new industries. To develop new trading partners throughout the world.

We are excited by these developments and by the new prospects for building our own economic strength.

There is a new optimism in the air. There is a new determination to succeed. New private enterprises are being started every day.

Those economists who predict doom and gloom seem to have left out of account the

enormous power of the human spirit. Our spirits have been liberated. We are on the road to building a better life for our people. We have waited a long time for this moment. Seventy very painful years. And we are not going to give it up. I can guarantee you that.

Let me close by just reminding you of the West German experience after World War II. You will recall that when Ludwig Erhard, the West German economics minister, wanted to remove all government controls of the economy and currency, the western allies were shocked.

They begged Chancellor Adenauer not to let this foolish man Erhard go ahead with his plans. Washington predicted that the West German economy would descend into chaos. London predicted it would collapse. Paris predicted that it would collapse. All the western economists wrung their hands in anxiety.

And what happened? That silly man Erhard went ahead and freed the economy. That silly Chancellor Adenauer allowed him to do it.

And in a very short time, the West German economy had become the greatest economic miracle the world has ever seen.

It is a lesson we should do well to remember at this moment in history.

Freedom and independence are the solution, not the problem.

The people and the government of the independent republic of Georgia are totally dedicated to this proposition.

And we invite you to take part with us in creating this new economic miracle.

I thank you for being such a patient audience. My colleagues and I will be happy to answer any questions you may have.

A PARODY OF BANKING REFORM

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. NEAL of North Carolina. Mr. Speaker, the following editorial from today's New York Times is correct. Our attempts to reform, modernize, and make the banking industry safer and sounder and more competitive have largely failed. The bill we are dealing with today helps some in the area of regulatory and accounting reform, capital requirements, et cetera, but major reforms must await another day. I ask my colleagues to consider the thoughts contained in this editorial and help us when we next make the effort. Major reform is the real key to avoiding a taxpayer bailout in the future. I hope we can return to this subject soon. It's essential that we do so and do it soon. I commend the editorial to our colleagues.

A PARODY OF BANKING REFORM

Sadly, the only question remaining is how irresponsible the Congressional effort to reform the banking system will become. Committees in both houses have rejected the Administration's wise plan. Now they are littering flawed bills with one ugly amendment after another.

The best outcome would be for Congress to stop the farce. That means passing a simple bill pumping \$150 billion into funds that pay off depositors at failed savings and loans and commercial banks—and leaving comprehensive reform as the first order of business next year.

The Administration submitted a farsighted bank reform bill last winter. It would have allowed banks to tap new sources of profit, at lower risk, by permitting them to open branches anywhere in the country and sell securities, insurance and mutual funds. The bill would also have corrected the major flaw in current law by requiring authorities to close failing banks before they went bankrupt, thereby protecting funds backing up insured deposits.

Initially, the House Banking Committee adopted an improved version of the Administration's plan. But then lobbyists for the insurance and securities industries dismantled it piecemeal and Treasury Secretary Nicholas Brady did previous little to salvage it. When the misshapen bill failed on the House floor, the committee produced a parody.

It would not allow banks to sell securities or insurance or open interstate branches. The Senate bill wouldn't allow entry into securities either; and it would grant interstate branching only at the price of taking away existing, severely limited rights to sell insurance.

The story gets worse. The Senate would put a cap on interest rates banks can charge on credit cards. The notion that Congress has to regulate prices in an industry with 6,000 competitors would embarrass even the Kremlin; and the cap would destroy a vital revenue source for banks wallowing in losses.

The House would rob other programs to replenish the fund backing insured depositors at failed savings and loan institutions. That's galling. A bank bailout is one program that Congress should finance by borrowing. By returning the loan to bank depositors, the money stays in private capital markets, insulting the economy from harm.

Rather than passing deformed reform that will harm the economy for decades, Congress could simply refund the insurance funds and fix the system next year. The U.S. is the only industrial nation, other than Japan, that keeps its banks out of securities and other financial industries. Asking Congress to bring banks into the 21st century might be too much. But why not into the 20th?

TRIBUTE TO JAMES W. MARTIN, STURGIS ANDREW SOBIN, AND WILLIAM J. MENNA OF ANSONIA, CT

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. FRANKS of Connecticut. Mr. Speaker, I recently had the privilege of attending a gathering where homage was paid to three men who have served their community with distinction as mayors of the city of Ansonia.

James W. Martin, Sturgis Andrew Sobin, and William J. Menna will be remembered as true leaders—who used their tenure to modernize local government, fight for the rights of taxpayers and provide economic opportunity for the people of Ansonia.

JAMES WOOD MARTIN

James Wood Martin, the youngest of five children, overcame the death of his father, George Martin, at an early age. He delivered newspapers as a young man, earned Eagle Scout status and worked in a local clothing store during his high school years.

Mayor Martin enlisted in the U.S. Navy in 1945 and was discharged in 1946. From there, he became a journeyman carpenter in the construction business before fulfilling the dream of all Americans—running his own company—Martin Construction Co. from 1957 to 1971.

By the mid-1960's, he was asked to run for mayor of the city of Ansonia. He lost by 109 votes in 1966. In 1969 he won by over 1,000 votes. Mayor Martin has also served with distinction on a variety of local commissions including the school building commission, the charter revision commission, the veteran's memorial committee and the board of apportionment and taxation.

Mayor Martin has long been active in civic affairs—vice president of the Ansonia Chamber of Commerce, director of the Ansonia Copper "Pop Warner" Football Association, director of the Masonic Temple Association, vice president of the Prendergast School PTA and a member of the B.P.O.E. Elks Lodge of Ansonia, the Ansonia Lions Club, the Assumption Home-School Association, and the Shelton Congregational Church.

He has received special recognition as the Jaycee Man of the Year in 1963, as a special deputy sheriff for New Haven County in 1975 and recognition by the Connecticut Housing Finance Authority in 1975.

Mayor Martin continued his service to the public by, serving from 1971 to 1973 as executive director, Connecticut Mortgage Authority and then as chief of engineering services for the Connecticut Department of Mental Health from 1973 to his retirement in October 1989.

STURGIS ANDREW SOBIN

Sturgis Andrew Sobin was raised in both Ansonia and Derby. He graduated from Derby High School in 1945 and attended Worcester Polytechnic Institute and the University of Maryland.

Mayor Sobin was drafted, served in the Korean war and was granted an honorable discharge in 1954. He is a disabled American veteran.

He was active in voter registration drives in Ansonia and in 1969 was appointed selectman. A year later, Mayor Sobin was elected to the board of aldermen. From there, he was elected to fill the unexpired term of Mayor Martin. In 1971, Ansonia voters elected him to serve a full 2-year term which ended in 1973.

Mayor Sobin secured funds for a sewage treatment and waste disposal plant as well as improvements to recreational facilities in Ansonia. He was the first full-time mayor of Ansonia.

He also negotiated contracts with private waste haulers to save the town thousands of dollars.

Most importantly, Mayor Sobin led efforts to create a full-time Office of Finance, modernized the bookkeeping and accounting practices in city hall and made sure city funds were invested on a day-to-day basis—thereby getting the best return on the Ansonia tax dollar.

Former Governor and U.S. Congressman Thomas Meskill appointed Mayor Sobin to the Connecticut Department of Special Revenue.

He helped establish rules, regulations, and licensing procedures for the State's legalized gambling enterprises.

Mayor Sobin subsequently drafted curriculum in this area which is now being offered by the University of Arizona.

He also negotiated for the acquisition of 100 acres for recreational open space for future generations of Ansonia residents.

Mayor Sobin has also served on the Connecticut Solid Waste Commission and Railroad Advisory Commission.

WILLIAM J. MENNA

William J. Menna began his elected career as a member of the Connecticut Legislature where he served with distinction from 1981 to 1983.

He then came home and was elected mayor, serving two consecutive 2-year terms which ended in 1987.

Mayor Menna realized the future of Ansonia depended on its economic health. The lower Naugatuch Valley was struggling under the weight of a recession during his first term, but through his stewardship, Ansonia held its own.

He led efforts to revitalize upper Main Street, brought the State Motor Vehicle Office back to Ansonia and supported a paramedic program.

Mayor Menna shepherded half a dozen businesses to his city, including Latex Foam, Spectrum Plastics, and Light Source Inc.

He also aggressively pursued State grants for a variety of services which led to improvements to Ansonia parks and other recreational facilities.

He also negotiated new agreements with the state to reap more court rental fees, introduced Student Government Day to local schools, and sold excess city property to generate revenue.

Mayor Menna also made sure the building he worked in was left in better condition than he found it. He was able to have the roof repaired and have the State declare city hall a historic building.

These men personify public service. At a time where confidence in our elected leaders is waning, their record of accomplishments was based on the premise that the interests of the taxpayers came first.

The city of Ansonia is a better place due to their leadership.

Mayor Sobin and Mayor Martin are both recovering from temporary illness.

I would like to wish them and Mayor Menna continued health and happiness and thank them for a job well done.

INTRODUCTION OF LEGISLATION REGARDING SOLID WASTE RECYCLING

HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. SANTORUM. Mr. Speaker, I rise today to introduce legislation designed to be a small step to further our Nation's objective of reaching a meaningful and effective solid waste recycling goal. House Resolution 245 ensures that all letterhead stationery used in the House of Representatives is made from at least 50 percent recycled material. It is time to stop talking about helping the environment and start acting.

For years, Congress has heard from environmental groups testifying before committee panels about how increased recycling can make significant strides toward reducing our country's landfills. Now it is our chance to show that we have been listening to the American public by requesting recycled paper for our stationery. House Resolution 245 is a simple straightforward piece of legislation that saves money. Currently, only 50 percent of all House offices are using recycled paper for their stationery needs.

This is a small, yet I believe significant, step which allows Congress to show that we are listening and that we are concerned about the environment. I urge my colleagues to join me in this endeavor and show their support for this legislation.

INTRODUCTION OF THE PENSION PROTECTION IN BANKRUPTCY ACT

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. CHANDLER. Mr. Speaker, in 1974, Congress enacted landmark legislation to protect the retirement benefits of American workers, the Employee Retirement Income Security Act [ERISA]. Among the protections included in ERISA was the creation of a Federal agency that would insure the pension benefits provided by private employers. The Pension Benefit Guaranty Corporation [PBGC] was then, and continues to be, one of the cornerstones of the foundation that protects the retirement benefits for millions of American workers and retirees.

Currently, the PBGC protects the retirement benefits of nearly 40 million Americans in about 95,000 pension plans. Its revenues are derived entirely from premiums paid by employers that sponsor defined benefit pension plans. The PBGC is, in effect, a safety net for our private pension system. Unfortunately, that safety net is becoming frayed.

To correct this disturbing situation, Mr. Speaker, I am introducing today, along with a number of my colleagues, the Pension Protection in Bankruptcy Act of 1991.

In short, this bill would give the PBGC higher priority in bankruptcy proceedings, as well as a greater role in managing those proceedings. Such legislation is necessary because, while both ERISA and our current Tax Code make clear the PBGC's authority to assert claims for pension debt, companies in bankruptcy and their creditors have challenged this authority.

Mr. Speaker, the implications of these inconsistencies within current law are significant. Currently, the PBGC's net worth deficit exceeds \$2 billion. If Congress doesn't act quickly to guarantee the PBGC priority in bankruptcy, the agency's debt could rise above \$16 billion by the end of the decade.

To address this alarming situation, this legislation would:

Clarify in the Bankruptcy Code, the PBGC's priority claims for unpaid pension contributions and for underfunding up to 30 percent of a controlled group's net worth;

Tie the priority claims for underfunding to a gradually increasing percentage of underfunding, a more clear-cut test than the time-consuming and contentious determination of net worth;

Give tax priority to claims for underfunding due to shutdown benefits triggered with 3 years of termination of a pension plan because the benefits are very costly to the insurance fund;

Allow PBGC's claim to arise without having to terminate a plan in the event a sponsor liquidates and the controlled group assumes the plan;

Give PBGC the option to be a member of creditors' committees in order to have access to information routinely available to other creditors and to hasten the reorganization process.

Mr. Speaker, in introducing this legislation, I am aware that some of its provisions may raise questions or concerns among various groups and businesses. To these groups, let me say that I am sensitive to their concerns; and, furthermore, that I consider the introduction of this bill a starting point from which all interested parties can work. I welcome their comments and suggestions as to how we can both address their concerns and enact meaningful reforms.

But these are complicated issues which will require careful review and consideration. What's more, this legislation will be referred to three separate committees of jurisdiction, each of which will give the bill the close scrutiny it deserves. For these reasons, this may very well be a long and time-consuming process. If so, it is imperative that we begin this process now to ensure that Congress takes the action that is so clearly needed to protect workers' retirement security.

Mr. Speaker, if Congress learned anything from the savings and loan debacle it's that we must act swiftly and decisively when trouble appears on the horizon. Such is the case with the PBGC. If we don't act soon to improve its standing in bankruptcy, it is the American taxpayer that may very well be left holding the bag. Worse yet, it is the American worker who may lose his or her pension benefit. We simply cannot allow that to happen.

Mr. Speaker, I urge my colleagues to support and cosponsor the Pension Protection in Bankruptcy Act of 1991.

SECTION-BY-SECTION ANALYSIS OF THE PENSION PROTECTION IN BANKRUPTCY ACT OF 1991

TITLE I. EMPLOYER LIABILITY, LIEN AND PRIORITY

Subtitle A. Amendments to Title IV of the Employee Retirement Income Security Act of 1974

Sec. 101. Employer Liability Lien and Priority Amount.

Subsection (a) of section 101 of the bill amends section 4068(a) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA") to provide that for terminations initiated on or after January 1, 1992, the PBGC's lien for employer liability shall not exceed the sum of:

- (1) the amount of benefits attributable to the occurrence of unpredictable contingent events within the three years before plan termination, plus
- (2) the greater of—
 - (a) 30 percent of the collective net worth of liable persons, or

(b) the currently applicable percentage of the excess of the amount of unfunded benefit liabilities over the amount of unpredictable contingent event benefits in (1) above. The applicable percentage is 10 percent for terminations initiated in 1992 and increases by two percentage points a year up to 50 percent, where it remains.

The term "amount of benefits attributable to the occurrence of unpredictable contingent events" means the present value of unpredictable contingent event benefits (within the meaning of section 302(d)(7)(B)(ii) of ERISA) determined as of the termination date on the basis of assumptions prescribed by the PBGC for purposes of section 4044 of ERISA.

The PBGC may, where cost effective, compute the amount of the lien without regard to the 30 percent of net worth amount described in (2)(a) above.

Subsections (b) and (c) amend section 4068(c)(2) of ERISA to clarify that liability to the PBGC under sections 4062, 4063 and 4064 of ERISA has the priority of a tax due and owing the United States in bankruptcy and insolvency proceedings and conforms the limit on the amount of this liability to the revisions to the limit made by section 101(a) of the bill.

The amendments made by subsections (a) and (b) of this section and the conforming amendments thereto made by subsection (c) are effective for terminations initiated on or after January 1, 1992. The clarification set out in subsection (c) is effective as if included in the Pension Protection Act.

Sec. 102. Liability Upon Liquidation of Contributing Sponsor Where Plan Remains Ongoing.

Section 102 of the bill adds a new subsection (f) to section 4062 of ERISA that provides that in the event all or substantially all of the assets of a contributing sponsor of an ongoing plan are being liquidated in a bankruptcy proceeding and, therefore, the sponsor's controlled group members become responsible for maintaining the plan by operation of law, such sponsor is liable as though the plan had terminated in a distress termination as of a date determined by the PBGC as the date liquidation was initiated. The PBGC shall collect the liability and pay amounts it collects to the plan. The PBGC may, by regulation, issue rules to implement this subsection.

The amendment made by this section is effective for liquidations initiated on or after the date of enactment.

Subtitle B. Amendments to Title II, United States Code

Sec. 121. Amendment permitting the Pension Benefit Guaranty Corporation to be a Member of an Unsecured Creditors' Committee.

This section amends section 101(a)(35) of the Bankruptcy Code to permit the PBGC to be a member of an unsecured creditors' committee.

The amendment made by this section is effective for cases initiated on or after the date of enactment.

Sec. 122. Clarification of Priorities.

Subsection (a) of section 122 of the bill adds two new subparagraphs to section 507(a)(7) of the Bankruptcy Code to clarify that seventh priority claims include:

- (1) unpaid pension contributions that are attributable to the pre-petition period and treated as taxes owing the United States under section 412(n)(4)(C) of the Internal Revenue Code and
- (2) employer liability that arises under sections 4062, 4063, and 4064 of ERISA, to the ex-

tent the employer liability is treated as a tax under section 4068(c)(2) of ERISA, where termination occurs on or prior to the petition date.

Subsection (b) adds a new paragraph (7) to section 503(b) to clarify that unpaid contributions for plan years beginning after December 31, 1987 that are attributable to the post-petition period, and that employer liability arising after bankruptcy exist in the amounts specified in section 412(n)(4)(C) of the Internal Revenue Code and in Title IV of ERISA.

The clarifications set out in this section with respect to unpaid contributions are effective as if included in the Pension Protection Act. The clarifications with respect to employer liability are effective for cases commenced on or after enactment or cases pending on enactment in which claims for liability have not been resolved as of the date of enactment.

Sec. 123. Notice Required Where Federally Insured Pension Plan is Administered by the Debtor or Its Affiliate.

Section 123 of the bill amends the Bankruptcy Rules to provide that the bankruptcy court shall give the PBGC notice of a petition filed and all other notices required to be served upon creditors and interested parties, in any case under Title 11 in which the debtor or an affiliate maintains a pension plan covered under Title IV of ERISA.

This section is effective on date of enactment.

TITLE II. MISCELLANEOUS ERISA TITLE IV AMENDMENTS

Sec. 201. Enforcement of Minimum Funding Requirements.

Section 201 of the bill gives the PBGC the power to bring a civil action to enforce minimum funding standards, including the enforcement of liens, in plans covered under section 4021 of ERISA. (The enforcement authority of the Department of Labor would not be changed.)

The amendment made by this section is effective for installments and other required payments due on or after the date of enactment.

Sec. 202. Definition of Contributing Sponsor.

Section 202 of the bill makes a clarifying change in the definition of contributing sponsor of a single-employer plan to clarify that the contributing sponsor is the person entitled to receive a tax deduction under section 404(a)(1) of the Internal Revenue Code for contributions required to be made to the plan under section 302 of the Act or 412 of the Code.

The amendment made by this section is effective as if included in the Pension Protection Act.

Sec. 203. Recovery Ratio under ERISA Section 4022(c).

Section 203 of the bill clarifies that the average recovery ratio that PBGC applies to outstanding benefit liabilities to determine the portion of nonguaranteed benefits that will be paid to participants in small plans terminated in distress or involuntary terminations is calculated using the PBGC's recovery experience for distress and involuntary terminations of small plans only. The section also extends from three to seven years the transitional rule under which the recovery ratio in small plans is based on the recovery in the plan rather than the average recovery ratio.

The amendments made by this section are effective as if included in the provision of the Pension Protection Act to which such amendments relate.

Sec. 204. Seventh Revolving Fund.

The Pension Protection Act created a seventh revolving fund to receive premiums for plan years beginning on or after January 1, 1988, and to pay benefits in plans terminating on or after October 1, 1988, or before that date if other funds are no longer available. This section discontinues the seventh fund and merges its assets and liabilities with the assets and liabilities of the first revolving fund (the single-employer basic benefits guaranty fund).

The elimination of the seventh fund is effective as of September 30, 1991.

Sec. 205. Distress Termination Criteria for Banking Institutions.

A contributing sponsor or controlled group member can qualify for a distress termination under the first distress test of ERISA section 4041(c)(2)(b) if the sponsor or member is liquidating under Title 11, United States Code, or under any similar law of a State or political subdivision of a State. Section 205 of the bill extends the first distress test to proceedings under other Federal laws that are similar to Title 11 proceedings.

The amendment made by this section is effective for terminations initiated on or after the date of enactment.

Sec. 206. Variable Rate Premium Exemption

A single-employer plan that is at the full funding limitation under section 412(c)(7) of the Internal Revenue Code for the preceding plan year is exempt from the variable-rate PBGC premium charge for unfunded vested benefits. Section 206 of the bill amends section 4006(a)(3)(E)(v) of ERISA to allow an exemption from the variable-rate charge when contributions to the plan for the preceding plan year are not less than the maximum amount that may be contributed without incurring an excise tax under section 4972 of the Code.

The amendments made by this section are effective for plan years beginning after December 31, 1991.

FIRMS FIND A HAVEN FROM U.S. ENVIRONMENTAL RULES

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. HUNTER. Mr. Speaker, in light of the proposed U.S.-Mexico free-trade agreement, I urge my colleagues to read the following article from Tuesday's *Los Angeles Times*. As the free-trade debate continues across the country, it is important that we remind ourselves of the environmental and social dangers of such a pact.

FIRMS FIND A HAVEN FROM U.S. ENVIRONMENTAL RULES (By Judy Pasternak)

TIJUANA—It's not easy to make the trip every week. But for David Finegood, 71, it's well worth the trouble to drive three hours from Los Angeles and pass through a border checkpoint from the First World to the Third.

His destination is his furniture factory on the southeast end of town, the replacement for plants he closed in Compton and Carson within the last 20 months. He employs 600 people, the same number he laid off in the United States.

Wages are much lower here—about 13% of U.S. pay. There is virtually no workers' com-

pensation expense. Best of all, in Finegood's mind, he no longer must deal with the constant intrusions of air quality inspectors, emissions monitors, lawyers and ever-strict-er rules, rules, rules.

In the United States, his company paid tens of thousands of dollars in environmental fines and penalties in only two years. Lawsuits blamed his operations for incidents ranging from sawdust lodged in someone's eye to the spontaneous combustion of solvent-soaked rags forced the evacuation of 2,000 people.

Looming restrictions on polluting paints and varnishes promised to be more costly. So Finegood decided to go. "We're not trying to evade anything," he said. "We're trying to live with reality."

Reality these days is Muebles Fino Buenos, a literal translation of Fine Good Furniture. In many ways, it is the embodiment of environmental fears about a pending free-trade pact between the United States and Mexico. Environmental activists say they believe that a free-trade pact will create a Mexican haven for many companies with tainted records in the United States and a desire to lower the costs of controlling contamination.

The Tijuana incarnation of Finegood's factories appears to abide by Mexican laws, or at least follow practices accepted by the government. This is more than most U.S.-owned companies here can claim, regulators on both sides of the border say.

Yet, even Muebles Fino Buenos pollutes more than the two U.S. plants did. Gases pour from the stacks for longer hours. Shifting winds carry the sharp tang of solvents to surrounding homes. "It makes me dizzy and my throat is sore," said Elodia Montano, a 50-year-old mother who lives near the plant's front gate.

Diesel trucks spew smog-forming exhaust during long-distance trips to a warehouse that was close to the U.S. plants. The Tijuana factory's jobs are part of the attraction fueling the city's explosive growth, outpacing the government's ability to treat sewage or provide drinking water.

The experience of Muebles Fino Buenos underscores the vagueness of Mexico's environmental rules, the regulators' lack of resources, the shortage or precise information about conditions here and the many years it will take, even for a government intent on change, to clean up the crisis.

One company may not have much impact, but there are nearly 2,000 foreign-owned firms, known as maquiladoras, allowed in Mexico under special trade rules since 1965. The largest concentration, about 530, is in Tijuana. Cumulatively, the industries have significantly fouled the water, air and soil.

Environmental awareness also had grown, and for Finegood that meant trouble. Though he invested in new technology, his companies started showing up in the violation logs of the South Coast Air Quality Management District.

The Compton factory exceeded solvent emissions limits in 1988; AQMD agreed to accept an out-of-court settlement of \$17,500. The Carson plant paid \$400 for sending out too much sawdust in 1988 and \$1,000 in 1990 because neighbors complained about odors and dust. The inspectors "couldn't find an odor themselves," Finegood said, still softly seething, "but they called us a public nuisance."

In May, 1989, a waste hauler packed up a load from the Carson factory and headed for a hazardous materials dump in Santa Barbara County. In the Ventura County town of

Fillmore, the driver pulled over for a nap. A Sheriff's deputy woke him, saying, "your truck's on fire."

Fear of toxic smoke led authorities to evacuate 2,000 people, more than 10% of Fillmore's residents, for about five hours. Prosecutors charged Finegood's firm with improperly preparing and marking the solvent-soaked rags in the drums, which made it more difficult for the hauler to take precautions and for firefighters to battle the flames. After a no-contest plea, the penalty was \$2,350 plus \$10,730 for cleanup costs.

Documents show that plant manager Tom Pliner told investigators that the company had called the Fire Department two years earlier because a drum full of rags spontaneously burst into flames inside the Compton plant. A forklift driver told authorities that another drum had started smoking three days before the incident in Fillmore. In April, 1990, nearly a year after the truck fire, a state health inspector cited Finegood's Carson operation because drums of waste at the factory still bore none of the identifying details required by law.

More problems lay ahead. The AQMD had passed a rule requiring furniture makers to cut down pollution by switching from solvent-based coatings to water-based coatings—likely to be more expensive—by 1996.

"We could see what was coming," Finegood said. "It was not economically possible."

He knew that other furniture companies were leaving the area. Indeed, a UCLA survey shows that 15% of the furniture industry's work force departed Southern California between 1987 and 1989, when the AQMD coating measure was passed.

Finegood wanted to stay near his customers in the West. But he did not want to risk going to another part of the United States that might follow the AQMD's lead. San Diego, for example, also is restricting use of solvent-based coatings.

The Compton plant closed in February, 1990. The Carson operation shut down last March.

Pliner transferred to a rambling new building in the heart of La Cienega, a working-class district here. Employees can get clean in the company shower room and healthy at the company doctor's office. For 75 cents, they can buy lunch, with unlimited tortillas, in the company cafeteria.

On Fridays, a guard rolls a cart onto the factory floor with individual cash-stuffed envelopes containing an average wage of \$43 a week.

A block away, Montano's symptoms ebb and low with the breezes. In 25 years, she has watched the site at the end of Calle Primera change from a wheat field to a cement mixing facility, then the maquiladora. Until production geared up and odors started seeping out, she had no health problems, she said. She recovers a few hours after the fumes recede.

In the opposite direction, on a rise overlooking the back of the plant, Daniel Saavedra and seven relatives rarely venture out of their cramped quarters. Their home's walls blunt the olfactory assault of "tiner"—paint thinner—the Lutheran pastor said. "From 8 to 4, we smell it all day long."

Below, by the factory wall, lies a onetime elementary school. For years, church volunteers from the United States have leased the building as a campsite, sleeping in bedrolls on the floors. This past summer, for the first time, many suffered headaches and nausea.

The strength of the vapors varied from day to day. But most of the campers felt worse at "the mission," as they call the school, than

they did at the drug recovery center where they planted trees or the convalescent home where they took orphans to visit the elderly.

"It was terrible to wake up to that smell," said Heidi Hyland, a Chicago seminary student who was a counselor during July. The first morning, she led a Bible study session outdoors until "this one girl in my group said * * * 'I just can't stand it. It's making me sick.'"

Often, a fine dust coated the group's three vans overnight. "It was lacquer," said Rob Lochner, another counselor. "I know it was. I've worked spraying at a carpentry shop."

The neighbors' complaints are consistent with exposure to solvents used in furniture making, said Paul Papanek, who heads the toxics program for the Los Angeles County Department of Health Services.

In the suburbs of Los Angeles, clean air rules set a strict daily cap on how much pollutant can escape from each plant's stacks. The limit forced Finegood's U.S. workers to stop painting and varnishing by mid-afternoon.

Here, employees start a half hour earlier and spray later, at least till 5 p.m. There is a small night shift too.

Workers aim nozzles of paint and lacquer at furniture passing by on a conveyor belt. A free-standing wall of pads is positioned on the other side—a setup designed to absorb the extra spray.

The pads are changed every two weeks, Pliner said. In the Los Angeles area, most companies install clean pads more often, anywhere from once a day to once a week, said Bill Kelly, an AQMD spokesman.

The factory tests its emissions every six months, Pliner said, declining to divulge the results. In the United States, the company monitored and logged them every hour.

Though Mexico adopted a General Ecology Law in 1988, giving environmental regulators authority over *maquiladoras*, the country has no measures limiting air pollution from furniture factories. "We are working on many other standards that are much more important," said Sergio Reyes Lujan, undersecretary for the environment. "The production of electricity, cement, textiles, chemicals."

He added that he is concerned about the health problems such fumes could cause, from mere irritation to long-term damage from smog. New factories, he said, will have to comply with whatever standard is the tightest in the world, until Mexico can frame its own.

As for existing companies, Reyes said, "I don't know if it's this week, next week, next month, or even next year, but with or without a standard, we will stop situations like that."

Meanwhile, plant manager Pliner said: "I haven't had any complaints."

But then the residents of *La Cienega* have not complained, except among themselves, about any of the contamination they suspect comes from *maquiladoras* in Tijuana. That is a common reaction, said Laura Durazo, a social anthropologist who helped form one of the city's nascent environmental groups.

"They simply accept," she said, "that this is part of Tijuana's progress."

In the yards of *La Cienega* stand empty 55-gallon drums purchased from used furniture stores or roving trucks—price: about \$3.50. Most now serve as trash receptacles, but some hold water for washing or flushing toilets. "This container will be hazardous when emptied," one warns in English. "Residues will be explosive or flammable."

An outfall spills directly into a shallow stream where dogs splash and drink. In poor-

er neighborhoods, squatters use such canals for bathing. Water samples analyzed for *The Times* in August by a San Diego laboratory show levels of two suspected carcinogens, perchloroethylene and bis (2-ethyl-hexyl) phthalate, at 18 to 24 times the drinking water standards of the U.S. Environmental Protection Agency.

The concrete pipe emerges from a steep rise next to *Muebles Fino Buenos*. The company has told Mexican regulators that it sends its waste water into the city sewage system, in an area where there is no treatment. This particular pipe may also carry residues from any number of sites further southwest, where two more *maquiladoras* make magnetic heads and baby furniture. Perchloroethylene is used in both industries. Bis (2-ethylhexyl) phthalate is used to soften plastics.

Where do the chemicals come from? Mexican regulators are in no position to unravel mysteries like these.

Even with recent budget increases, there is little money for analyses and few staffers are available for investigations. For the foreseeable future, the government will simply have to trust in industry, said Diane Perry, a UCLA analyst who has studied the border region for the past five years. U.S. and other foreign owners "will have to do it on their own, knowing that the enforcement's not going to be there," she said.

In a widely publicized move this summer, border-area inspectors, with their ranks doubled to 100, visited 1,000 *maquiladoras* to check the firms' documents. They found that in 1990, less than a third of the companies had applied for the required environmental operating license, by 1991, after a series of well-publicized crackdowns, 55% had. In 1990, only 14.5% has proof that they sent hazardous wastes back to the United States for disposal as required; in 1991, 31% had.

The new figures show major progress, but Reyes conceded that they are still abysmal. "We will improve them further," he promised. To that end, inspectors are being hired to double the number along the border again in 1992.

Muebles Fino Buenos is one of the positive statistics. The environmental inspector who arrived Aug. 13 was the first ever to pay a formal visit. (One had dropped by briefly before). Pliner produced a notebook containing the factory's application. A stamp acknowledged its receipt on Sept. 27, 1990, by SEDUE—the Spanish acronym for the federal ministry that includes the environmental office.

The EPA also had been notified that about 325 drums of hazardous waste would be shipped back across the border in 1991.

The SEDUE inspector pronounced himself satisfied.

The license documents were submitted late—six months after opening for assembly of furniture and four months after spraying had begun. This was illegal, according to Reyes, but the government will not punish for the offense because it shows more effort than other firms have made. He added, that from now on, new industries will face penalties.

Because the license was pending, the company was churning out bedroom sets and tables without a permit. Operating under such circumstances also was not strictly legal: since 1990, every new business must have its license before even starting construction of its facility.

But environmental officials admit that it is partly their fault. More than a year after *Muebles Fino Buenos* submitted its papers,

overworked regulators have not gotten around to reviewing the documents. The wait is typical. And until the application is examined, SEDUE cannot decide what changes, if any, to require.

"We are trying to respond very, very rapidly," Reyes said. "They are going to receive a written answer."

"We are rewriting history here. It was only recently that anyone here started to care about the environment. It will take time."

The backlog troubles EPA officials who deal regularly with SEDUE. Said one, who spoke on the condition of anonymity: "This is a situation where the economic activity has gotten way ahead of the regulatory activity."

The EPA official also worries about SEDUE's emphasis on documents: "I would like to put SEDUE [inspectors] in respirators and have them look at what's really going on. They're afraid to take the bull by the horns. . . . They just deal with the paperwork."

There also has been little attention paid to the indirect pollution caused by *maquiladoras*.

Finegood's warehouse is at what was once the Carson plant—just a few miles from what was once the Compton factory. Diesel trucks, the owner said, make 20 round-trip treks each weekday between Tijuana and the distribution center. In a year, that means about 13.9 tons of carbon monoxide is added to the air along the way. The trucks also discharge about 20 tons of nitrogen oxides and 4.2 tons of hydrocarbons, the two main building blocks of smog.

An overall increase in cross-border traffic—from 12.4 million crossings in 1987 to 16.9 million in 1990—concerns air pollution authorities in San Diego and the Los Angeles region. One problem is the Customs stations themselves, where hundreds of idling vehicles sometimes wait as long as an hour. Nearly half the cars and trucks are Mexican-registered and not subject to smog checks.

The jobs offered by *Muebles Fino Buenos* and the other *maquiladoras* also lure newcomers from the rural interior. Tijuana grew from about 429,500 people in 1980 to about 743,000 in 1990—and these official census numbers are widely assumed to be low.

The city's skyrocketing population has outstripped the government's ability to provide basic services. In response to complaints about a proposed border environmental plan, SEDUE recently announced that 24,000 houses will be connected to Tijuana's sewers next year. By 1995, an international treatment plant is scheduled to open, but financing arrangements are not complete. For now, 12 million gallons of raw sewage flow into the Tijuana River each day.

The operators of *Muebles Fino Buenos* know firsthand about the infrastructure problems. Raw sewage spilled across the property when pipes overflowed during a winter storm. And the company did not plan on constructing its own water reservoir and electric generating substation. But it had to be done.

Finegood does not mind. He sees himself protecting a 35-year investment. "I've spent much of my life in this company," he said. "I'm not a young kid anymore. But I couldn't get anything for the company there. Nobody's going to buy a furniture company in Los Angeles now."

H.R. 3842, THE TERRITORIAL SEA AND CONTIGUOUS ZONE EXTENSION AND ENFORCEMENT ACT OF 1991

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. JONES of North Carolina. Mr. Speaker, Today I have introduced H.R. 3842, the Territorial Sea and Contiguous Zone Extension and Enforcement Act of 1991. The principal purpose of my legislation is to declare the sovereignty of the United States over the 12-mile territorial sea and to begin to implement Presidential Proclamation 5928 of December 27, 1988, which extended the U.S. territorial sea from 3 to 12 nautical miles for certain purposes.

At the end of his term in office, President Reagan declared a 12-mile territorial sea for the United States mainly to protect our national security interests. The Presidential proclamation had the effect of expanding the international seaward boundaries of the United States from 3 to 12 miles. Since the time George Washington was President, the United States has had a 3-mile territorial sea. But now, the United States has a 12-mile territorial sea, as do some 120 other nations which have acted in accordance with evolving international law.

Within its territorial sea, a nation exercises virtual sovereignty, similar to that which it exercises in its land territory. This means the United States can control all activities within the territorial sea vis-a-vis foreign persons and vessels, much as it does within its land territory. There is one exception—within the territorial sea, all foreign vessels have the right of innocent passage. Innocent passage does not mean, however, that vessels can conduct intelligence-gathering operations, and submarines must navigate on the surface and show their flag.

The Presidential proclamation asserted both the jurisdiction and sovereignty of the United States over the extended territorial sea. As an accompanying legal opinion from the Justice Department indicated, the question whether the President had the constitutional authority to assert sovereignty of the United States over an area that was equivalent, in international law, to the acquisition of territory was "open to some question." The most extensive acquisitions of territory by the United States have been accomplished through the use of the treaty-making power. By treaty, the United States acquired the Louisiana Purchase, the Gadsden Purchase, the Oregon Territory, California, Alaska, the Panama Canal Zone, and the Virgin Islands. In all these instances, the Senate had to give its advice and consent. The other major annexations of territory involved the admission of new States, such as Texas and Hawaii. These annexations were accomplished by the exercise of Congress' authority to admit new States into the Union. The only instances in which the President, acting alone, acquired new territory for the United States were the acquisitions of a few small islands in the Pacific Ocean.

To preserve the Congress' prerogatives to acquire new territory for the United States and

to cure any possible defect in the proclamation, my legislation declares the sovereignty of the United States over the territorial sea. I note that similar declarations are contained in the comprehensive crime bills now pending before the Congress, H.R. 3371 and S. 1241. Should these bills be enacted into law before we have completed work on my bill, I will amend my legislation as needed.

The Presidential proclamation explicitly provides that the extension of the territorial sea to 12 miles does not alter existing State or Federal law. In other words, the United States has a 12-mile territorial sea in the eyes of the rest of the world, but until Congress amends Federal laws to conform to the extended territorial sea, existing authorities only apply within the former 3-mile territorial sea. This disclaimer means that Congress has the responsibility of completing what the President could only begin. If the United States is to have a meaningful 12-mile territorial sea, it must have the statutory authority to enforce its laws in the extended maritime zone. Only Congress can amend U.S. laws to accomplish this.

The second objective of my bill, therefore, is to amend various Federal maritime laws to make them applicable throughout the extended territorial sea. In most instances, the conforming amendments provide implementing agencies, such as the Coast Guard and the National Oceanic and Atmospheric Administration [NOAA], with important new enforcement powers over foreign persons and vessels violating U.S. marine resource laws. For example, the Coast Guard and NOAA will be able to seize vessels carrying illicit products when they first enter the 12-mile territorial sea. The bill also extends the coastwise laws of the United States, providing added benefits to the U.S. Merchant Marine and U.S. Fleet.

This bill represents only a start on the process of implementing the territorial sea proclamation. The laws amended by this bill are primarily those within the jurisdiction of the Merchant Marine and Fisheries Committee. For some months, the staff of my committee has been examining our law to determine which ones should be amended. This bill represents a first step in identifying laws to be amended. It is only the beginning of the process. Through the hearing process we will obtain the views of the administration and affected constituents to make sure we have not done something inadvertent or excluded some laws which should be extended. At the end of my statement, I have appended a list of laws amended by this bill.

The legislation also extends the contiguous zone of the United States from 12 to 24 nautical miles. The contiguous zone is a maritime zone adjacent to the territorial sea within which a nation can prevent infringement of its customs, fiscal, immigration, or sanitary laws and protect its territory and territorial sea. The contiguous zone was not extended by Presidential Proclamation 5928 because of the question whether the President, acting alone, could and should supersede the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone. This convention, to which the United States is still a party, only provides for a 12-mile contiguous zone. But, it has been overtaken by evolving customary international law which now recognizes the right of a nation

to have a 24-mile contiguous zone. Acting together, the Congress and President can establish a 24-mile contiguous zone for the United States, providing further protection to our territory.

My bill also authorizes the Under Secretary of Commerce for Oceans and Atmosphere—The Administrator of NOAA—acting through the Director of the National Sea Grant College Program, to award a grant for a policy study of existing State and Federal laws to determine their adequacy for the management of living and nonliving resources within the extended territorial sea. The results of this study shall be provided in a report to the Congress, the President, and the public, in 1 year from the award of a grant to the sea grant institutions designated to conduct the study. I expect this study to examine whether any further changes are needed to Federal or State laws to manage the resources of the extended territorial sea.

This legislation explicitly provides that it does not change State or Federal boundaries as they existed prior to the enactment of this legislation. The dividing line between the States and Federal Government within the extended territorial sea is established by the 1953 Submerged Lands Act. With the exception of Texas and the gulf coast of Florida—which have a 3-marine league or 9-mile seaward boundary—all States and most territories have a 3-mile seaward boundary. Within this boundary, the States own and regulate offshore resources, including oil and gas and fish. Beyond this boundary, the Federal Government has exclusive jurisdiction and management responsibility. Nothing in my bill changes this demarcation of authority as between the States and the Federal Government. My bill only provides the Federal Government with enhanced enforcement powers over resources between 3 and 12 miles that are currently managed by the Federal Government.

Implementing the Presidential proclamation on the territorial sea is not a simple matter. For many years we have operated on the basis that the United States has a 3-mile territorial sea. Virtually all Federal maritime laws are based on this presumption. My bill sticks one toe in the water and begins to change this presumption. We will see through the hearing process whether the bill goes too far or not far enough. I welcome the support and comments of my colleagues, the administration, and interested parties in this endeavor.

LIST OF AMENDED MARITIME LAWS AND TERMS
 Marine Mammal Protection Act—"import" and "territorial sea."
 Endangered Species Act—"territorial sea."
 Antarctic Marine Living Resources Convention Act—"territorial sea."
 Fur Seal Act—"territorial sea."
 Lacey Act—"territorial sea."
 North Pacific Halibut Act—"import" and "territorial sea."
 Magnuson Fishery Conservation & Management Act—"import" and "territorial sea."
 National Sea Grant College Program Act—"territorial sea."
 Marine Protection, Research, and Sanctuaries Act (titles I and III)—"territorial sea," "contiguous zone."
 Shore Protection Act of 1988—"territorial sea."

Ocean Thermal Energy Conversion Act—"territorial sea."
 Rivers & Harbors Appropriation Act of 1899—"waters of the U.S.," "navigable waters."
 Anchorage Grounds—"navigable waters."
 Vessel Bridge-to-Bridge Radiotelephone Act—"navigable waters."
 Ports & Waterways Safety Act—"navigable waters."
 Deepwater Port Act—"territorial sea" and "contiguous zone."
 International Navigational Rules Act—"territorial sea."
 Act to Prevent Pollution from Ships—"navigable waters."
 Oil Pollution Act of 1990—"territorial seas."
 Foreign Vessel Salvage Operations—"territorial waters."
 Uninspected Vessels Generally—"navigable waters."
 Recreational Vessels—"waters subject to the jurisdiction of the U.S."
 Uninspected Commercial Fishing Industry Vessels—"high seas."
 State Regulation of Pilots—"high seas" and "navigable waters."
 Captain of the Port—"territory," "territorial waters of the U.S.," "waters within the jurisdiction of the U.S."
 Merchant Marine Act, 1920 (sec. 27, 27A)—"points in the U.S."
 Merchant Marine Generally—"navigable waters of the U.S."
 Shipping Act, 1916 (sec. 1, 511)—"common carrier by water in interstate commerce," "high seas."

INTRODUCTION OF COMMERCIAL SPACE COMPETITIVENESS ACT OF 1991

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. HALL of Texas. Mr. Speaker, today I am introducing the Commercial Space Competitiveness Act of 1991, a bill that is intended to encourage the growth and development of commercial space activities in the United States by establishing coherent policies for Federal activities which affect commercial space businesses.

Over the past three decades, commercial space activities have made important contributions to the U.S. Space Program and the national economy. Although communications satellites represent the only truly commercial space business to succeed to date, I believe that many exciting ideas exist for harnessing the benefits of space for economic gain. Many of these ideas will depend on the Federal Government as the initial customer and will be strongly influenced by Federal space programs and policies. For example, today the Federal Government spends more than 10 times as much on space goods and services as the private sector—and the vast majority of private sector space spending is for communications satellites.

I believe that the Commercial Space Competitiveness Act will help the entrepreneurs of today and tomorrow bring the benefits of space down to Earth for the benefit of all Americans and will maintain this Nation's lead-

ing position in commercial space activities. At the same time, greater dependence on commercial suppliers of space goods and services, as provided in this legislation, would improve the efficiency and cost effectiveness of our Nation's civil and military space programs.

The bill represents the product of three hearings held by the Subcommittee on Space in July. In these hearings, the subcommittee received testimony on the overall status of commercial space activities, the implications of the commercial space policy guidelines approved by the President earlier this year, and issues of concern to the commercial launch industry.

One critical issue we covered in our hearings involves the potential use of missiles retired from the military arsenal as space launch vehicles. As a result of the Strategic Arms Reduction Treaty signed this summer by President Bush and President Gorbachev, hundreds of military missiles will become available for alternative uses. By using these missile assets to build space launch vehicles, it may be possible to reap substantial benefits from the investment that American taxpayers have made in these tools of the cold war. On the other hand, using these missiles may be more expensive than buying commercial launch services and dumping these missile assets on the private market could cause significant damage to our commercial launch industry.

The bill I am introducing today would implement a responsible and careful approach to this complex and difficult problem. The bill basically requires any Federal agency wanting to use missile assets for space launch to show that they are cheaper than available commercial launch services and to employ the services of the private sector wherever possible when using the missile assets as launch vehicles. The bill also sets up a process for selling excess missile assets to the private sector.

These and the other provisions of the bill are summarized in the attachment I have provided as part of my statement.

In closing, I urge my colleagues in the House and in the other body to recognize the great potential of commercial space activities and to give this bill their full support.

SUMMARY OF THE COMMERCIAL SPACE COMPETITIVENESS ACT OF 1991

Extension of Liability Provisions: Section 201 of the bill extends the sunset date on the Commercial Space Launch Act provision on Government payment of third party liability claims above industry's insured level, reflecting the continuing incapacity of the private insurance market to cover these liability risks.

Commercial Launch Services for Sub-orbital Payloads: Section 202 of the bill requires NASA, by 1993, to purchase commercial launch services for sub-orbital payloads. Such payloads are not included in the current law and NASA currently launches sub-orbital payloads using mostly civil service personnel. The bill also redefines the conditions under which NASA may exempt specific launches from the requirement to purchase commercial launch services. This redefinition specifically requires NASA to purchase commercial launch services if they could be made available in response to a procurement request, even if such services are not currently available. Greater use of commercial launch services should improve the cost effectiveness of Federal space programs

and allow U.S. industry to improve its competitive position in international markets.

Launch Vouchers: Section 203 of the bill requires NASA to set up an innovative program to demonstrate the feasibility of issuing launch vouchers to space scientists for payment of commercial launch and payload integration services as part of grants they receive to develop sub-orbital or small orbital experiment payloads.

Space Transportation Infrastructure: Section 204 of the bill establishes a matching grant program in the Department of Transportation to improve and add to U.S. space transportation infrastructure. The program would require that at least half of the cost of any infrastructure improvement or development program funded by these grants be financed by private industry and the states. All projects must be recommended by a Selection Committee composed of NASA, the Defense Department, and the Transportation Department and be evaluated on the basis of the contribution of the grant activity to both Federal and industry needs.

Trust Fund for Licensing Fees: Section 205 of the bill establishes a trust fund to collect revenues from licensing fees assessed on launch companies by the Department of Transportation. Revenues in the trust fund may only be used for purposes approved by the companies which pay the user fees and may not be used to cover the operating expenses of the Department of Transportation.

Use of Decommissioned Missiles for Space Launch: Title III of the bill establishes policies for the Federal use of decommissioned missiles as space launch vehicles and for the possible sale of these missile assets to the private sector. The bill requires agencies to determine, before using the missiles for space launch, that use of missiles is more cost effective than the purchase of commercial launch services. The bill requires agencies using the missiles to purchase commercial services for refurbishment launch of the vehicles constructed from the missiles. The bill also establishes a process by which agencies will hold competitions for these contracts and a process through which agencies may sell excess missile assets to the private sector.

Anchor Tenancy and Termination Liability: Section 401 of the bill establishes criteria for when the Federal Government may enter into contracts as an anchor tenant (the first major customer) for commercial space products. The bill also provides NASA with the authority to compensate commercial providers in the event that the Government terminates anchor tenancy contracts for its convenience.

Use of Government Facilities: Section 402 of the bill establishes criteria for when non-Federal entities may use Federal space-related facilities. The bill requires the Federal agency owning the facility to charge users only for costs directly attributable to their use of the facility. Section 206 of the bill requires NASA to conduct an inventory and identify Federal launch facilities which could be made available for outside use.

Protection of Information: Section 403 of the bill amends the 1958 NASA Act to provide NASA with the identical authority available to all agencies under the Stevenson-Wylder Act. This authority allows agencies to protect from disclosure information which private companies develop in cooperative research activities with the agencies. NASA requested this provision because the agency prefers to use the authority of the NASA Act to arrange cooperative projects.

Commercial Space Achievement Award: Section 404 of the bill establishes an award

for corporations or individuals who have contributed to commercial space activities or technologies. To qualify, corporations must obtain at least half of their space-related revenues from non-Federal sources.

TRIBUTE TO ST. PATRICK'S
PARISH

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. CARDIN. Mr. Speaker, Today I rise to pay tribute to St. Patrick's Parish in the Fells Point community in Baltimore. The church was first established during George Washington's first term as President of the United States in 1792. It is currently the oldest active parish in the city of Baltimore. The parish has survived 200 years and will celebrate its bicentennial during 1992.

The first church building that was established by Father Garnier, the pastor of the church, was a crude, unplastered building on the third floor of a house located on Bond and Fleet Streets. The first mass celebrated had a congregation of 12, however, the number grew steadily under the guidance of Father Garnier.

The second church building was opened in 1793 in the home of Mr. Edward Haghtrop on Thames Street. In 1796, Father Floyd leased a lot on Apple Alley for \$40 a year, and a church was built. Each member of the parish contributed to its construction. During this time, the congregation grew so large that the building was quickly outgrown.

In 1806, the cornerstone was laid for the new church building at the current site of St. Patrick's Church. The church was opened in 1807 and the citizens of Baltimore proudly and modestly proclaimed it the finest church in the area.

The parishioners of St. Patrick's have always responded to problems that afflict their community. The church began a school in 1815 with the mission of educating Baltimore's poor children, especially focusing on children who lacked educational opportunities. The church is also home to Assisi House. The mission of Assisi House is to provide assistance to Baltimore's poorest citizens by supplying food and clothing for the needy.

The faithful of St. Patrick's have experienced their own difficulties while focusing on the difficulties of other in the community. One serious challenge occurred in August of 1983. A disastrous fire seriously damaged the church building. The process of rebuilding was a slow and arduous task. For several years, the congregation was forced to worship in the church hall. Rebuilding continues to this day. However, the spirit of the Parishioners was not dampened by the damage of the building. Part of the building was lost, but not their spirit.

Mr. Speaker, I would like you and my colleagues to join me in celebrating the bicentennial of St. Patrick's, a parish dedicated to helping the community of Baltimore.

EXTENSIONS OF REMARKS

THE SITUATION IN THE SOVIET
UNION

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. ASPIN. Mr. Speaker, Senator Nunn and I recently proposed giving the President authority to use \$1 billion from the fiscal year 1992 Pentagon budget to provide food and medicine for the Soviet people this winter and begin the process of dismantling the Soviet nuclear arsenal and reducing its military industrial complex. I looked at the proposal as an insurance policy for the United States against chaos in a country with nearly 30,000 nuclear weapons. Like any insurance policy, it might prove unnecessary. But if the Soviet Government disintegrates and severe shortages of basic goods tear at the social fabric of the country, the command and control of nuclear weapons would surely weaken. A breakdown in discipline or even civil war would cause these weapons to fall into the wrong hands.

Unfair and inaccurate characterizations of the aid proposal created a political atmosphere that made it impossible to include the initiative in the fiscal year 1992 Defense Authorization Act. However, the specter of chaos in the former Soviet Union has not gone away.

Many recent press accounts confirm the strain. A story in the November 18 *The Washington Post* reported that Soviet health officials have or can produce only 30 to 35 percent of their drug needs this year. This figure is only half the supply available last year. Another story in the *Post* dated November 19 said United States Ambassador Robert Strauss has noted Russian and Soviet aid requests have shifted dramatically toward food staples like flour, wheat, and bread. Strauss added he was convinced the requests were based on genuine need. Another piece noted the mayor of St. Petersburg announced rationing of all kinds of food beginning December 15 because the city has been receiving only half of what it needs.

A November 17 article in the *Baltimore Sun* describes the potential exodus of Soviet scientists who design and build nuclear weapons. A November 21 article in *The Washington Post* raises the possibility of strife among republics and the Soviet military. In the story, a high-ranking Soviet Defense Ministry official warned that the armed services will defend themselves and their equipment from attack by force if necessary.

I am providing my colleagues a copy of these stories and hope they will bear these disquieting developments in the former Soviet Union in mind.

[From the *Washington Post*, Nov. 18, 1991]

SOVIET MEDICINE IN DIRE STRAITS

(By Eleanor Randolph)

MOSCOW.—"It's freezing in here," moaned Marina Elenova from under a sheet and blanket in Room 68 of the heart patients' ward in Moscow's Hospital No. 4. The room was cold, even for those in heavy sweaters, and Marina Elenova had wrapped her head with a dish towel for extra warmth.

"Also," she shouted, "the sheets have not been changed in a month."

November 21, 1991

As the doctors and guests turned to listen, Marina Elenova saw, perhaps for the first time, the hospital director and the heart ward chief, both looking distressed. Suddenly she became nervous, as many Muscovites still do in the face of authority. "But the treatment here is good, of course," she added quickly.

If Marina Elenova recuperates from a heart attack—13 percent in this ward do not—she will emerge from Moscow Hospital No. 4 in about a month. In the "cardiac therapy" ward, the death rate is high because the equipment is old, drugs are scarce, and the doctors are overworked. Like others taken to hospitals in the disintegrating Soviet Union, Marina is a victim of a medical system in a state of emergency.

"Now the situation here is so hard that the only idea for this hospital is to survive," Alexander Stepanov, director of No. 4, explained quietly in this office. Founded by empress Catherine the Great two centuries ago as Russia's first facility dedicated to healing the poor, this oldest hospital in Moscow has remained a center for anyone who needs help in this huge, struggling city.

"The only idea is to try to at least conserve the care that we have now," Stepanov said.

Doctors, patients and politicians here finally are acknowledging the Soviet medical system's vast problems. Officials are opening their hospitals to Western inspection teams, speaking frankly and begging the West for help. A photo in the *Komsomolskaya Pravda* newspaper last week, for example, showed a surgeon in an operating room in Siktivkar near the Urals holding up his "scalpel." It was an ordinary two-edged razor blade.

The number of deaths caused by substandard care is not available, but estimates of the number of people who will die over the next year due to inadequate care range up to hundreds of thousands. Interviews with a number of doctors, patients and medical officials—both those working here and those visiting from the United States—have helped draw a grim picture.

Drug supplies in the Soviet Union are erratic. Last year in the Russian republic, hospitals reportedly made do with 70 percent of the drugs needed. This year, health officials are saying they have—or are able to produce—30 to 35 percent of their needs. Vladimir I. Deighin, Russian deputy minister of health, said the shortage has been caused in part by the virtual disappearance of drugs produced for the Soviet Union by former satellite countries in Eastern Europe. Plants there now are demanding payment in hard currency instead of Russian rubles.

Deighin said the Russian government plans to buy 100 percent of the "life-essential" drugs needed, but such medicine is expensive at a time when everything, including hard currency, is in short supply. In October, the Russians paid about \$59 million to Western pharmaceutical firms for a supply of life-essential drugs that Deighin said would last about a month.

Drug supplies from the West have not been arriving in the amounts or types that Russian doctors had hoped. Some drugs are unknown here and lose potency while scientists check them out. Others do not meet Russian or Soviet drug standards, such as some children's medicines with codeine. New pharmaceutical joint ventures are being formed to fill these gaps, Deighin said, but most will not begin full operations for more than a year.

Doctors and patients, however, said the need for some drugs is urgent. Insulin, which

diabetics need to survive, is so scarce in some areas outside Moscow that only children and the sickest adults receive any.

Antibiotics are becoming scarce and are used only for serious cases in some areas. In Byelorussia, medical officials trying to save their supplies for residents of their republic have said that to obtain drugs, citizens now must have a prescription from a doctor and their Byelorussian residence card.

Equipment is anticipated and hard to obtain. At the All Union Cancer Research Center outside Moscow—the country's version of the U.S. National Cancer Institute—the huge diagnostic X-ray machine is 17 years old. The defibrillator machine for heart patients at Moscow's No. 4, bought from the former East Germany, is newer, but the staff said they had to start repairing it two months after it went into operation.

"If Western hospitals want to get rid of equipment after it's a few years old, we will take the second-hand machines gladly," said Boris I. Dolgushin, chief researcher at All-Union.

Even the most basic medical supplies are hard to find. Regular cotton thread is sometimes used to stitch wounds. Catheters are in short supply. Many hospitals have run short of disposable syringes and intravenous equipment.

Hospitals are often dark, grimy places, and efforts to enforce sanitary standards can be lax or ineffective. Cleaning people, who make barely enough money for a piece of sausage a week at today's prices, frequently refuse to work, sitting outside in the corridors smoking instead.

An American doctor from the Washington area recently toured what was said to be one of the Soviet Union's best surgery wards and said after the visit, "It looked terrible, awful."

"What concerned me most was that they did not change the sheets between patients. There was blood on the sheet, and I kept watching a fly light on it. Bandages were thrown in an old basin. I dare not ask how the medical wastes are disposed of here."

Doctors in the public health-care system—which is still the primary system for all but a few private doctors now opening clinics for the newly rich—are paid less than most bus drivers. Even though there are clinics with advanced and innovative care—such as those for eye surgery and skin transplants—the rewards in the field of medicine for ordinary doctors are dwindling, as they lose patients to such problems as a sudden lack of plasma, which occurred in Moscow during the last few weeks in September.

Some doctors have switched to less depressing and more lucrative jobs. Vasily Pavlov decided seven months ago to become an interpreter. "I liked being a doctor," said Pavlov, who has a wife and 4-year-old daughter. "But I couldn't live on the pay."

Others, such as Zakhar Simchovich, a specialist in arthritis and bone problems, have emigrated to the West. Simchovich left for Canada earlier this month because, as he said shortly before his departure, "professionally and for my family, it is like living in an earthquake."

Hospital patients, whose treatment in most cases is free, feel trapped in their beds, bored and afraid to question the medical staff about whether needles are clean or what medicines they are receiving. When a doctor or nurse walks into the room, fear among patients often is tangible.

Patients did not want to talk about their fears for the record, but at Hospital No. 4 in Moscow, heart patient Anatoly Barishnikov,

62, told visitors about a professor who had come to visit his ward earlier in the day. "I was surprised by the kindness of the professor," Barishnikov said. "He asked us questions very nicely," he kept saying, clearly unaccustomed to such treatment. "He listened so much to us."

In a society where medicines are hard to find and care is erratic, prevention is not a priority either. Immunizations have fallen off as supplies of vaccines diminish or lose effectiveness in unrefrigerated cupboards, even in Moscow. When a Moscow official asked an American group recently for help in obtaining dental supplies, he was asked whether there was fluoride in the city water. The Muscovite shook his head. They had barely heard of it, he admitted.

Problems with the official health-care system have become so overwhelming for many people that relatives provide the support care for ailing family members. In some cases, patients and their families "pay" for what is supposed to be free care by supplying to the medical facilities extra medicine or supplies purchased from the black market. If 10 disposable syringes are needed, for example, patients are advised to provide 30.

Others reject what serves for science in hospitals and turn to home remedies or medical charlatans. Medical scientists are alarmed at the increase in quacks who successfully trade on the emergency in Soviet medical care—such as a "healer" who has sold "charged water" to treat AIDS or a woman who sells a "magic stick" that she claims who remove nitrates if it is waived over food.

For many in the medical profession, foreigners provide the answer—either by bringing aid, providing money for joint ventures or appearing at their hospitals as paying patients.

In Hospital No. 4, in a building built in 1807, Korshunov Viacheslov, a famous Soviet hand surgeon, wants to have a section for, hardcurrency patients.

"But as you can see, the conditions do not encourage foreigners here," he said as he swept a hand toward a dim hallway. There along the wall, were extra beds. On one, a man sat, holding his bandaged hand and waiting for a spot in one of the rooms, which house 10 to 12 people. Down the hall, nurses appeared to be working on someone in a makeshift emergency ward. They had pulled portable curtains around the patient in the hallway for a moment of much-needed privacy.

"And worse is the first floor. The first floor is terrible," acknowledged Viacheslov. "It's frightening down there."

The first floor that day was indeed filthy and dark. The stairs were littered with cigarette butts and paper. Underneath was what looked like weeks of dust. As the visitors passed through, Stepanov said, "We have no one to clean. Those who are paid to do it don't want to do it. Even if we pay more, they still don't do it." The nurses and doctors sometimes have to scrub, but it wears them down month after month, he said. "They are too talented to be doing that, but they do it."

A revamping of the building is planned, but it will take more than paint and new linoleum floors to make it acceptable to a Western client, Viacheslov said. Without Western currency, however, the hospital will deteriorate. It is a debilitating cycle.

Now the doctors and nurses scramble to make everything last, to use supplies that they are not accustomed to using. Pain medicine, for example, is hard to find, and it

often comes in forms that Soviet doctors have never seen.

Sasha, 17, a factory worker, knows about the drug supplies in this hospital. As he sat forlornly on a cot in a huge patient dormitory, he explained that his hand had been caught in a wood-processing machine two weeks before.

"There was no pain during the operation," Sasha said hesitantly. "But after, of course, it was very, very painful."

"But you didn't ever cry out in pain," chided Stepanov from the end of the bed.

"Oh, no sir, no sir," Sasha agreed quickly, as the other patients laughed or smirked at him.

Stepanov then turned to his guests and explained: "Sometimes our drugs don't work very well. Sometimes our patients simply have to stand pain."

[From the Washington Post, Nov. 19, 1991]

STRAUSS SEES URGENT NEED FOR SOVIET AID

(By Fred Hiatt)

Moscow, Nov. 18—U.S. Ambassador Robert S. Strauss said today he is concerned about growing U.S. opposition to aiding the Soviet Union, and he urged the West to provide food and debt relief to his economically depressed country.

He said he will return to Washington next month and argue for the "kind of aid the Soviets expect and probably need—I'm absolutely satisfied that the needs are as they represent them to be."

Strauss did not mention any specific aid programs currently being considered, but he said he fears that the political climate in Washington, particularly heading into an election year, will make it hard for President Bush to push for a large aid package.

Strauss also likened the restive Soviet republics to independence-minded teenagers who eventually will see the wisdom of maintaining some form of political union. But he acknowledged that "there will never be a center as we've known it in the past," and he was full of praise for Russian President Boris Yeltsin, whose government has superseded that of Soviet President Mikhail Gorbachev in many respects.

Strauss, a well-connected Democrat who assumed this highly visible post for the Bush administration three months ago, said that even with Western aid the situation here "sure can blow up in our face in the next six months." But he said that a "modest" U.S. investment would be well-spent if it helps this former Communist dictatorship become a peaceful, free-market democracy.

"I'd rather risk a couple of billion bucks out here for our country . . . than fail to risk a couple of billion bucks and end up looking at a real fascist-type situation," Strauss said during his first substantive discussion with reporters stationed here since he settled in to his post.

Strauss's remarks came as senior finance officials of the seven leading industrialized democracies met with Soviet officials here to discuss aid and debt questions. The ambassador said Russian and Soviet aid requests have shifted dramatically recently, with "a lot more emphasis on just flour, wheat, bread."

"They know they're in for a hard time," he said.

The centralized economy built here over 74 years has disintegrated, with most Soviet republics declaring independence from Moscow and firms and farm collectives going their own way. But no new system has emerged to replace the old, and the result has been a deepening depression characterized by empty

shelves, declining exports and a shortage of foreign currency.

Strauss said Western creditor nations should negotiate a plan under which the Soviet Union would continue paying interest on its massive foreign debt while delaying payments of principal. Such a plan would be possible only if the republics and central government cooperate, he said.

But he acknowledged that selling the idea of debt relief and food aid in Washington will be difficult. Sen. Harris Wofford (D-Pa.) recently won a special election in part by attacking the Bush administration for doing too little to help Americans.

Strauss said the danger of economic failure here is not a repeat of August's failed Kremlin coup, but a surge of popular discontent. "There's an awful lot of people who'd like to swap what they have now and go back to the security of knowing what two rubles would buy—knowing all they have to give up would be a little freedom of speech," he added. "Out of that kind of climate, demagogues are made."

Strauss said he met Yeltsin Saturday and found him "very strong, very up, very knowledgeable." He said the Russian president is realistic about the coming challenges and the need for some form of union to replace the old Soviet administration.

The ambassador said he believes the central government still has an important role to play in controlling nuclear weapons, the army and international economic policy. He predicted that the 12 remaining Soviet republics, 10 of which have declared independence, will eventually agree.

"At times, the republics remind me of our children when they were growing up and they were teenagers," he said. "They thoroughly enjoyed their independence until their laundry got dirty and they had to get their laundry done." But Strauss also said it is inevitable that a new regional federation will be "Russia-influenced and -driven," since Russia is by far the largest and wealthiest republic. Yeltsin's government this weekend assumed control of most Soviet financial mechanisms.

Asked whether he would advise U.S. businessmen to invest money here in such chaotic times, the millionaire Texas lawyer found a way to express what he said is optimism tempered by realism.

"If I had \$100,000 and I was your age," he told a young reporter, "I'd be damn interested in coming over here and investing that \$100,000. If I had \$10 million and I was your age, I'd be interested in coming over here and investing \$100,000 of it."

[From the Baltimore Sun, Nov. 17, 1991]

SOVIET NUCLEAR SCIENTISTS RIPE FOR OFFERS FROM HIGHEST BIDDER (By Dan Fesperman)

WASHINGTON.—When the Soviet Union throws open its borders to would-be emigres this January, thousands of scientists who design and build nuclear weapons will face a decision that has government officials biting their nails from here to Moscow.

It is the nightmare prospect of Soviet "nuclear mercenaries" ending up anywhere from Iran to North Korea to Libya.

"After January, all the doors are open, and it is like the Wild West," said one Soviet official tracking the issue. "Some of these people, they have no scruples at all. They won't give a damn if it is Saddam Hussein or anyone else [who hires them], as long as there is work."

Such a possibility is realistic, he and other authorities say, because there is so little incentive for the Soviet scientists to stay.

Those who do can expect a bleak winter of unemployment brought on by 40 percent budget cuts in the Soviet nuclear program, or, if they're lucky, continued employment at low wages that for many are less than a bus driver makes. And even the higher-paid scientists will be trapped in the same crumbling economy, with its chronic shortages and ever-lengthening bread lines.

Those who leave, on the other hand, might be able to name their price in any of several places where governments want nuclear weapons expertise.

Anyone doubting that a few imported scientists can make much of an impact need only look back to 1945, when the United States plucked rocket scientist Werner von Braun from the ashes of Nazi Germany to jump start U.S. missile research and the space program.

That kind of potential impact causes officials to view the nuclear mercenary issue as a far greater danger than the already publicized fear that a Soviet nuclear weapon might fall into the wrong hands amid the chaos of political disintegration.

"You have scientists whose *raison d'être* disappeared at the end of the Cold War," said William C. Potter, director of the Center for Russian and Soviet Studies at the Monterey Institute of International Studies. "They are ripe for offers from abroad."

Though estimates vary, authorities and government analysts say there are probably from 3,000 to 5,000 scientists with knowledge of such vital facets of nuclear arms production as uranium enrichment—generally the most difficult step in building a weapon—or bomb design.

Mr. Potter, who led a workshop of U.S. authorities on such issues last month in Moscow, said Soviet officials told him that "Soviet nuclear scientists have been approached by foreign governments for employment."

Apart from the economic incentives, Mr. Potter cites "the ideological, religious, ethnic, and historical ties" to Middle Eastern countries of some of the scientists in some of the southern Soviet republics. He also warned that there are far more people to worry about than the 3,000-5,000 at the heart of the nuclear weapons program.

"On top of that you have all of the people who have served in the Soviet armed forces in one capacity or another and have worked around or otherwise used nuclear weapons in their daily routines," Mr. Potter said.

"Then you have the people in the nuclear power sector who, while they may not be working with nuclear weapons, per se, have skills which would be of use to a potential proliferant."

In addition, he said, there are about 100,000 Soviet scientists with high enough security clearances to have obtained information that could be helpful to a fledgling weapons program.

To keep track of at least some of those people, U.S. intelligence services are stepping up efforts "in terms of developing analytical capabilities and increased resources," one U.S. official said. And keeping tabs on the mercenary issue will be one of the first chores of the CIA's new Non-Proliferation Center that opened in September.

But authorities here and in Moscow say that not even the Soviet government seems to have a firm handle on who knows what, much less the ability to keep track of the scientists if they start leaving in January. Nor is anyone likely to suggest trying to keep scientists from leaving.

That's especially true for the United States, which has long made a human rights

issue out of restrictive Soviet emigration policies. One of the most frequently cited examples has been Andrei D. Sakharov, the nuclear weapons designer-turned-dissident who was repeatedly denied permission to leave the country until 1989, the final year of his life.

So, U.S. officials are trying to think of other ways to make the scientists stay put, such as helping to pay for research to determine the best way to disarm Soviet nuclear weapons.

Thousands would be dismantled under the recent arms treaty agreement, and other countries might keep the scientists employed doing this by picking up the tab, one official said. "At the policy level, there is a sense of urgency," he said. "You need to keep these people in the country or at least find some safe avenues."

Oleg Bukharin, a Soviet physicist who has joined efforts to alert his countrymen to such issues, said that the best way to keep scientists happy would be "by offering them a good job at a good salary," though he admitted that that will be difficult. Mr. Bukharin, who has spoken to colleagues who specialize in nuclear physics, said, "They seem to be very pessimistic, and they don't see any solution."

"It is difficult to say what they will do," said Andrei Zagorski, vice director of the center for international studies at the Moscow State Institute of International Relations. "It might happen that there are some that will accept those kinds of [outside] offers."

Mr. Zagorski joined Mr. Bukharin and a handful of other Soviet citizens last week in a return visit to the Washington area to meet with members of the U.S. group led by Mr. Potter. Mr. Zagorski is heading the nascent Association of Non-Proliferation in his country.

But even the scientists who stay home could become part of the nuclear proliferation problem, authorities say, if they end up working for a burgeoning wave of new companies that are trying to generate much-needed cash by marketing "peaceful nuclear explosions" and other arms-related technology to the world at large.

The early leader in this group is the International Chetek Corp., an 11-month-old company created by nuclear scientists who were about to be laid off from the Arzamas-16 nuclear weapon design center. With a boost of 200 million rubles from the Soviet Ministry of Atomic Power and Industry, Chetek has begun touting its willingness to blow up hazardous waste with underground nuclear explosions and has already hired a Canadian firm, PHD International Trading Inc. of Montreal, as its international sales agent.

Danny Wolfson, PHD's Chetek representative, said he has received about 40 inquiries from potential customers in Canada and the United States during the past two months, including one U.S. state that he would not identify.

That kind of interest alarms Tariq Rauf, senior associate of the Canadian Center for Arms Control and Disarmament, in Ottawa. "This is the first time anyone involved with nuclear weapons production has come on the market to offer their technology and services to anyone who is interested," Mr. Rauf said. He said this only makes it more likely that some customer will end up acquiring the technology. "They [at Chetek] have not ruled out taking the PNEs [peaceful nuclear explosions] to other countries and using them on foreign soil."

"Totally impossible," Mr. Wolfson responded. "No nuclear device of any shape,

matter or form will ever leave the U.S.S.R., under any circumstances." The waste will be shipped to the U.S.S.R. for destruction, he said.

Other new Soviet companies getting in on the nuclear business are Vremya, which Mr. Rauf said is marketing nuclear materials and equipment, and the uranium-marketer Tenex, a recently privatized enterprise.

Making these companies more worrisome, Mr. Potter said, is that Soviet controls on exporting such products are rapidly being relaxed, as oversight shifts from the Ministry of Foreign Affairs to the Ministry of Foreign Economic Relations.

"And the main mandate of the Ministry of Foreign Economic Relations is to bring in hard currency," he said. "Basically, everything is for sale."

[From the Washington Post, Nov. 21, 1991]

SOVIET ARMY SAYS IT WILL DEFEND ITSELF

(By Fred Hiatt)

MOSCOW, Nov. 20.—The Soviet army is prepared to defend its equipment and installations—by force, if necessary—against attacks from independence-minded republics, a military spokesman said in an interview today.

Lt. Gen. Valery Manilov, chief of information for the Soviet Defense Ministry, said his ministry and the Interior Ministry jointly have warned the republics not to try to seize Soviet military property. Such attempts "cannot be tolerated any longer," the ministries said.

"Under the law, the armed services have every right to defend themselves and their property, and they are determined to act in accordance with the law," Manilov said.

The ministries' warning represented the most forceful effort yet to prevent the Soviet armed forces' disintegration, which many fear could lead to civil war. Since a hard-line Communist coup failed three months ago, most of the 12 remaining Soviet republics have been accelerating their drives for independence, in many cases claiming the right to form their own armed forces and seize Soviet military equipment within their borders.

Manilov said the warning was aimed at the Ukraine, Moldavia, Georgia and Azerbaijan, all of which have laid claim to Soviet military property on their territories or have attempted to "take inventory" of arms and ammunition.

The movement has aroused most anxiety in the West with respect to nuclear weapons, which are concentrated in Russia but which also are located in the Ukraine, Kazakhstan, Byelorussia and perhaps other republics. Today, Manilov repeated assurances that "full-scale control" of nuclear arms is in the hands of the central government.

But the republics have been far more assertive with respect to conventional arms, claiming possession of army and navy bases and in some cases disarming small units of Soviet troops, according to press reports.

"Attacks on military units with the aim of seizing weaponry, armored vehicles, ammunition and other equipment pose the most serious threat to stability and internal security," the ministries' statement said. "In certain areas, military equipment and property of army units have been stolen. Only the restraint of army officers has made it possible to avoid bloodshed and numerous victims."

"The demands to cede weapons and military equipment have been accompanied by threats to stop supplies of water, fuel and energy," the statement said, without mention-

ing republics by name. "Such facts cannot be tolerated any longer. They are aggravating the already extremely tense situation and are fraught with the most unpredictable circumstances."

"No one should have any doubts that the army servicemen have every right to necessary defense, including the use of arms."

Alexander Konovalov, an expert on conventional arms and troops at Moscow's Institute of USA and Canada, said attempts by republics to divide the armed forces could eventually provoke armed clashes.

"Right now, it's very difficult to imagine such a thing, but everything is changing so quickly," Konovalov said in a recent interview. "The West has not realized the scope of the danger."

Konovalov said he believes that in the short term republics are unlikely to attack military installations but will try to woo their officers with promises of improved living conditions and benefits. He said such promises may be especially enticing in the Ukraine, where many troops returning from Eastern Europe have been living in tents for a year or more.

Also influencing the situation, he said, is the fact that about 30 percent of Soviet army officers are Ukrainian. Similarly, many of the troops stationed in Azerbaijan, which is believed to be arming itself in preparation for a possible conflict with neighboring Armenia, are Azerbaijanis.

Manilov said he has "no doubt" that Soviet troops in Azerbaijan and elsewhere "will remain loyal to their oaths and to the rules of their army . . . and to the defense minister and the general staff."

"I think this statement will have a sobering effect on violators and a morale-boosting effect on those in service," Manilov said.

NEW HAMPSHIRE MOURNS THE LOSS OF RICHARD DUNFEY

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to Richard P. Dunfey, an outstanding individual who has given a lifetime of distinguished public service and personal generosity to the citizens of New Hampshire. Richard died this week, and people from all walks of life are mourning the loss of this exceptional man, who spent the last 12 years of his life serving as the chief justice of New Hampshire's Superior Court.

Richard Dunfey was a proud member of a well-respected New Hampshire family. This family has always been willing to work tirelessly on causes they believed in, no matter what the financial or personal cost. Richard's death falls especially hard on the hearts of New Hampshire citizens, because it so closely follows the death of several others from the Dunfey family.

Mr. Speaker, on November 21, 1991, the Manchester Union Leader published an excellent editorial tribute to Richard Dunfey and the Dunfey family by Jim Finnegan, which I would like to share with my colleagues.

THE DUNFEY LEGACY

One hopes that when future historians comment on the legacy of the Dunfey family in New Hampshire they will not be too pre-

occupied with the purely political aspects of that legacy.

To be sure, the political impact the Dunfeys made on the Granite State, and indeed the nation, is legendary. But the Dunfeys, may it be recorded by historians for all time, were not simply good politicians.

They were good people.

That salient point was emphasized, although it hardly needed restating, by virtually everyone who commented on the death this week of Richard P. Dunfey, for 12 years chief justice of the state Superior Court and the sixth of the Dunfey children to die since 1989.

Over the years, this newspaper frequently has found itself on the opposite side of political issues from the powerful Dunfey dynasty, whose influence, outdistancing even its business interests, ran all the way to the White House. Could the history of those days be relived, undoubtedly nothing would be changed. The same political battle lines would be drawn, and the political wars would be waged just as vigorously.

But the deaths especially of Walter and William, and now Richard should remind all of us that some things in this life are much more important than points of ideological contention. The archtypical liberal, we have noted frequently, is generous—most notably with other people's, the taxpayers', money.

But the Dunfeys, perhaps due in large measure to their Irish heritage, are distinguished for their financial support of public charities and their many unheralded personal kindnesses.

Monsignor Philip Kenney made that point well when he said on the occasion of Judge Dunfey's death:

"Even though they were born here in America, I think their parents impressed upon them what I call an 'immigrant mentality.' There was always room at the immigrant's table for someone in need, and in a social sense, the Dunfeys have always shown great generosity toward the less fortunate, and most often, they have done so anonymously."

Political historian Charles Brereton was making much the same point when he observed:

"Once people become successful in business, a lot of them just sit at home and clip coupons, but not the Dunfeys."

Business, philanthropy, national and international political causes—whatever the Dunfeys did they did with verve and dedication and a genuine humanitarian instinct. They wouldn't have known how to be apathetic, to be less than role models deserving of emulation.

May the six remaining Dunfey children enjoy long lives perpetuating that enviable heritage.

TRIBUTE TO RABBI FABIAN SCHONFELD

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Rabbi Fabian Schonfeld, spiritual leader of the Young Israel Synagogue of Kew Gardens Hills. Rabbi Schonfeld is being honored this weekend by a grateful congregation, on the 40th anniversary of the synagogue which he helped to found in 1951.

A simple listing of Rabbi Schonfeld's activities yields accomplishments enough for any man. He has been the spiritual leader of a vibrant religious community for 40 years. He has been president of the Rabbinic Council of America and the Rabbinic alumni of Yeshiva University. He is an executive member of the World Jewish Congress, chaplain to the Jewish postal workers, and a contributor to numerous Jewish publications. Within the religious community, Rabbi Schonfeld is looked up to for guidance, for wisdom, and for leadership.

And still, Mr. Speaker, when the people of Young Israel and their guests meet this Sunday to honor this man, the true congregation of Rabbi Schonfeld will not be fully represented. For Rabbi Schonfeld has for many years reached out to touch all the people of his community. A man of tireless and legendary compassion, Fabian Schonfeld has always extended his hand to everyone, regardless of race, regardless of all the trivial differences which so sadly continue to come between us.

He has worked with the police to help them understand the needs of the community, and with the Queens Valley Home Owners Association to improve the quality of life for the people of his county. Through his work on the Queens black-Jewish people-to-people project, Fabian Schonfeld has tried to bring together all the people of his larger congregation, to foster understanding, friendship, and above all compassion. City, State, and National politics have all been touched by his energy, and have all turned to him for help. If the measure of a man is in what he does for others, than Rabbi Schonfeld is truly a giant.

Presidents have sought him out to inspire national conventions, and every local official I know has benefited from his counsel and wisdom.

It has been my privilege to know Rabbi Schonfeld from the time I was in Hebrew school. From that and other vantage points I have watched him work for the betterment of Queens and our Nation. It is my privilege to join those who honor him this weekend. I know that he will continue to show the same dedication and energy to his work that he always has, and that he will continue to touch the lives of all those around him. I am only sorry that we do not have more people like Rabbi Schonfeld among us.

Mr. Speaker, I ask all of our colleagues in the House to rise and join me in wishing Rabbi Schonfeld 120 years of health and continued good works.

OPPOSITION TO H.R. 3769

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. OWENS of Utah. Mr. Speaker, I rise in opposition to H.R. 3769. As we know, this legislation would cap credit card interest rates. That this issue strikes a significant emotional and political chord is without question. What we should question is both the short and long-term impact of this legislation in its current form. I appreciate this opportunity to present to my colleagues a number of important con-

siderations before they cast their opinion, and possibly their votes, in favor of this legislation.

First, let us ask whether or not this legislation will provide an added boost to the economy. It is conceivable that for some consumers, this will somewhat lighten the burden of debt repayment. But most consumers are doing just that—paying off debt. They are jittery about their jobs. Their health care expenses. Their mortgages. They are holding on to their paychecks to save for better days. And a good number of consumers pay their credit card bills on time, with no interest added.

Before the end of the session, we will have mandated new, much higher capital levels on banks. Granted, much of the banking industry's current woes are self-inflicted. But what we will essentially be doing is telling banks "You have to have reserves of x amount, but you have to build that capital with one arm tied behind your back." A cap, in and of itself, would simply lower profit margins and exacerbate an already grave situation—banks cannot lend money to small businesses and homeowners if they don't have adequate capital.

Second, we seem to be forgetting what banks do. Granted, the existence of federally-insured deposits constitutes a basic social contract between banks, Government and consumers. We have been revisiting that contract over the past 3 weeks, and will likely do so again for years to come. But banks operate fundamentally as a profit-making enterprise, seeking to maximize profits and, more often than not, to minimize risks.

The banks' natural response to this legislation is not to increase lending. It is to charge higher annual fees, turn away higher-risk applicants and cut back on services. Should we tack on amendments to this bill prohibiting banks from taking these steps as well? If so, we cross the boundary from regulation to micromanagement. And we can't outlaw the possible inflationary consequences. Yet to avert the natural, market-driven reaction to such a policy, that is what we would have to do.

Third, we have heard much about the disparities between the prime rate and credit card interest rates. But let us look at that in a different perspective. Interest rates declined, yet economic recovery remains sluggish. Those rates declined as a result of administrative fiat, not market pressures. What that suggests is that the prime rate is artificially low, not necessarily that credit card interest rates are inordinately high.

We do have options. There are thousands of credit card issuers nationwide, with variable rates and accompanying services. We can bridge the gap between the consumer and the marketplace by providing for greater disclosure of rates, and I am receptive to the solution advocated by the Gentleman from New York [Mr. SCHUMER]. Capping rates does nothing to enhance competition in the industry.

Mr. Speaker, I am pleased that the House leadership has opted to take a step back and think through this legislation more carefully. The American economy is more consumer-driven than that of almost any other industrialized nation. Americans will eventually pull out their wallets and there credit cards when the economy recovers. But we need a period

of austerity to build our reserves and restore consumer confidence. Such is the downside of a market economy, but it is also the unfortunate reality. Credit card interest rates, and the accompanying consumer frustration, are a symptom of the more complex problem of rebuilding the Nation's low rate of savings. Let us not skirt around that important task by supporting the mandatory rate cap.

JEFFERSON COUNTY SHERIFF HONORED

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. ERDREICH. Mr. Speaker, I'd like to take this opportunity to extend my congratulations to Sheriff Mel Bailey, who has been inducted into the Alabama Peace Officers Hall of Fame. I'd also like to share with my colleagues some of the many professional and civic contributions Sheriff Bailey has made to our community.

Sheriff Bailey has served Jefferson County as sheriff for more than 28 years. He held various positions with the Birmingham Police Department until being elected sheriff in 1963. One of his major achievements as sheriff was the creation of a professional law enforcement operation for Jefferson County.

Under Sheriff Bailey's leadership, innovative crime-fighting equipment was obtained for his department and for use by other law enforcement agencies. Sheriff Bailey implemented a standard training procedure for his officers and chaired the committee of the Alabama Peace Officers' Association that established standardized training for all law enforcement personnel. The Sheriff was also responsible for setting up one of this area's most effective neighborhood watch programs back in 1974.

Sheriff Bailey has been supportive of legislation that benefits both law enforcement and the citizens of Jefferson County. The Sheriff is actively involved in many professional, church and civic organizations in the State.

Sheriff Bailey is truly deserving of this prestigious award and it is my honor to pay tribute to one of Alabama's most highly respected elected officials. Attached is an editorial from the Birmingham News praising Mel Bailey for this distinguished honor.

[From the Birmingham News]

BAILEY MAKES HALL

Congratulations to Jefferson County Sheriff Mel Bailey, who has been inducted into the Alabama Peace Officers Hall of Fame.

Bailey has served the Birmingham area as sheriff for more than 28 years. He made the sheriff's office the professional division of government it has become.

He put his deputies into uniforms and marked cars and had them investigate auto accidents and keep proper records.

People in this county take those things for granted now, because of Bailey.

The Sheriff also was responsible for setting upon this area's most effective neighborhood watch programs back in 1974.

The Hall of Fame, which was created by the Legislature in 1987, only has six members.

Also inducted with Bailey was retired FBI agent Joel Hitt of Mobile, who served with the federal law enforcement agency 35 years.

Discussing Bailey's induction, former Peace Officers Association president Joseph W. Stone said the sheriff is one of the most highly respected elected officials in Alabama.

That's high praise that is well deserved. Bailey's honor makes all Jefferson County feel proud.

H.R. 2440, THE CREDIT CARD
DISCLOSURE ACT

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. SCHUMER. Mr. Speaker, today I am introducing, along with Mr. TORRES, chairman of the Consumer Affairs and Coinage Subcommittee of the House Banking Committee, a revision of H.R. 2440, the Credit Card Disclosure Act.

Last week, the President called for credit card issuers to bring sky-high credit card interest rates back down to Earth. When the Senate took him up on his request, it brought uncertainty and panic to Wall Street and a firestorm of criticism. By the White House's own admission, it turns out that the President was just winging it.

Well, we in the House are not winging it. For years, I have been calling on the credit card issuers to stop gouging the consumer and bring down rates. In 1988, we entered my Fair Credit and Charge Card Disclosure Act, which, for the first time, required card issuers to disclose clearly and conspicuously in tabular format, the terms of their cards on initial applications and solicitations. No longer could card issuers hide their high rates and fees in the fine print.

My belief was that if consumers knew about the high rates and fees they were going to be charged, they would take their business to competitors that offered lower rates. This bill succeeded in letting consumers know that they could get low-rate, no fee credit cards if they just shopped around.

This year, I introduced H.R. 2440, to further combat the card issuers who persisted in ripping off consumers on rates. It has become increasingly clear that the market for credit cards does not work. In a declining interest rate environment, many credit card issuers—primarily large commercial banks—continue to charge an average 19 percent interest to consumers.

You would expect that in a declining rate environment, banks would be passing on their savings from a lower cost of funds down to the consumer. In fact, the current situation is the exact opposite. Banks have lowered the interest they pay out to consumers for CD's, checking, savings accounts et cetera, but the rate they charge consumers for auto loans and credit card loans have actually gone up. Over the past 2 years, the average credit card rate has risen almost a full percentage point as the bank's cost of funds have gone down a full 2.5 points. Credit card rates are as high today as they were when the discount rate was 14 percent.

In the current recessionary climate, consumers are running up higher debt balances be-

cause they are out of work. Others are trying to get out from under the debt they rang up in the 1980's. It is therefore important to alert them to better credit opportunities and make it easier for them to switch to cards with less onerous interest rates. The Schumer-Torres bill facilitates a consumer's ability to change to lower rate cards and further increases disclosure by credit card companies so that consumers have the information to make an educated decision.

American consumers ran up over \$328 billion in transactions in 1989 using 268 million credit cards and this is expected to rise to \$500 billion by 1995. The typical American family has 4.6 credit cards. In families making over \$75,000 per year, the number rises to 7.4 cards. Because the credit card is such a pervasive part of the American landscape, it is critical that the market work in the consumer's favor.

The bill we are introducing today accomplishes four things:

First, it fosters true competition in credit card rates by requiring banks to prominently notify cardholders of their interest rates on all advertisements and on the envelope of every mailing.

Second, if a card issuer changes any term of the credit card agreement, it must notify its customers 30 days in advance of the change and allow the consumer to cancel the card and pay off any outstanding balance on the original terms.

Third, it mandates a GAO study to once and for all find out why there is virtually no competition on interest rates among the biggest 10 banks.

Fourth after completion of the study, it authorizes the President to impose a reasonable floating cap, which at today's low rates would be about 15.5 percent. The President started this latest panic with his winging it, so we're going to let him determine whether to impose the cap.

We believe that this bill is a responsible and thoughtful response to the calls from the President, and ourselves, for lower interest rates. It is now up to the card issuers, in the next 9 months, to show that they compete for customers, not only with perks, but most importantly, with rates. It just makes no economic sense for 7 of the top 10 card issuers to offer the exact same 19.80 percent rate to most of their customers if there is true competition in the market as so many industry participants claim.

If the GAO study confirms our claims that there is no competition in the credit card industry, it will be up to the President to finally take meaningful action, to complement the strong disclosure provisions of our bill, instead of just winging it.

The president has fired the initial shot across the bow of the card issuers by calling for lower rates. In 9 months, the President again will be holding a loaded gun, in the form of the GAO report—and it will be up to him to pull

the trigger and finish what he has started.

CONGRESSIONAL SALUTE FOR
ALICIA M. TURENNE

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. OBERSTAR. Mr. Speaker, it is with great pride that I rise today to pay tribute to Alicia M. Turenne from International Falls, MN, who placed second at the National Right to Life Oratory Contest. At a time when America has been called the disposable society, it is encouraging to see that there are committed young individuals who believe in the sanctity of life. Because an essential element of the pro-life movement is education, I would like to commend to the attention of my colleagues the award-winning speech of Alicia M. Turenne:

THE TRAGEDY OF ABORTION

(By Alicia M. Turenne)

When a 92 year old man dies in his sleep, we give it very little thought because this person has had the opportunity to live a full and satisfying life. A 48 year old person dies of a sudden heart attack, we are saddened because we feel that this person still had time to enjoy life and share experiences. A 19 year old student is killed in a car accident. We are angered at the senseless death of this individual who had just begun to experience the challenges and blessings of life. A five month old baby dies of crib death—we grieve for this child because he barely had a chance to fulfill the hopes and dreams we had for him. An infant still inside the mother's womb is killed by an abortionist. This baby did not have any chances, opportunities, or experiences. 1.6 million of these babies are killed each year in the United States.

Babies who at the moment of conception have 46 chromosomes and an entirely unique genotype that will determine every characteristic of this new life—until death. A baby who at only three to four weeks gestation has a backbone, a spinal column, a complete and complex nervous system, and a pulsating heart that is pumping blood. This same baby is not recognized as even "potential life" in the United States. A baby who at only six weeks gestation has tiny hands, fingers, and toes. The child's liver has taken over the production of his or her own blood cells, and the child has his or her own circulatory, digestive, and eliminating systems. Brainwaves can be detected and read by scientific instruments. Yet every year in the United States, 28 out of every 1000 women between the ages of 15 and 44 kill this baby. A baby who by the end of eight weeks gestation has a skeleton that has begun to change from cartilage to true bone, and a jaw with gums and teeth buds. The baby responds to touch, and perceptible movements can be recorded. Still one of these babies is killed every 20 seconds in the United States. A baby who after three months, the first trimester, has fully formed hands, fingers, legs, feet, and toes. Fingernails are beginning to grow and fingerprints appear. The heartbeat can be heard with a fetoscope, and genitals reveal the sex of the new child. The baby can turn its head, curl and fan its toes, and open and close its mouth. The child can sleep, wake up, and breathe amniotic fluid regu-

larly which exercises and helps develop the respiratory system. The baby can drink, digest, and excrete portions of the fluid. This baby is not protected by law in the United States.

In a society in which we are so proud of our freedoms and liberty, it is ironic that we don't grant a baby its one natural right-life. Pro-choice advocates feel that a woman should be able to have her rights-to control her own body. I believe in these rights also-until her rights impose on the rights of another person, in this case the child she is carrying.

Pro-choice advocates also support abortion because there are many children in the world today that are suffering. This is true and it is definitely one of the evils of our society, but I can not understand how one can hope to correct one evil by compounding it with another evil—the taking of a life.

A third reason given to justify abortion is that the child in the womb is not normal. Sometime during development something went wrong, and the child isn't perfect. Which of us is perfect? Perfection is an unrealistic image portrayed to us in movies and in media propaganda. It is an opinion.

Denise is a friend of mine, and she is mentally handicapped. When I was in kindergarten, Denise worked in the lunchroom. Her job was to hand out the milk. I remember she would always point to the different kinds of milk—skim, chocolate, or two percent—showing us that we had a choice. After I had made my choice, and she had handed me the right kind, she would smile with the feeling of accomplishment that we all have after we've done something right. Now that we're older I still see Denise frequently around town, and she greets me with the same warm smile and "hello" as I remember from grade school. Denise is not the same as everyone else, but she has brought happiness to me just as I know I have brought happiness to her. Does society have the right to deny either Denise or me our happiness and friendship?

I have great faith in our country. The people of America, both as individuals and as a government, have always been able to find the truth and have implemented systems which protect the truth. I believe the Americans are truly good and that with education we will come to realize the tragedy of abortion. As a society we will learn to help unwed mothers, support and not condemn pregnant teenagers, and we will accept people as they are because we are all unique. Just as Americans found the truth and reversed the Dred Scott decision to recognize the black person as a human being, so will Americans today discover the truth and overturn the Roe vs. Wade decision of 1973 to recognize the unborn baby as a human being. Someday soon Americans will realize that the child within the mother's womb is indeed a human being, here for a reason, and definitely worthy of life.

IN SUPPORT OF THE HIGHER
EDUCATION AMENDMENTS OF 1992

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. SERRANO. Mr. Speaker, I rise to call your attention to one of the most important pieces of legislation that will impact this Nation and how we prepare our youth for the future,

H.R. 3553—the Higher Education Amendments of 1992.

I am one of those individuals who believes that when it comes to education there should not be any spending limits. Developing our human resources should be a priority because it would guarantee our future ability to compete in the global market. Education is power, and until every American recognizes that fact, and is afforded the opportunity to fully participate and reap the benefits, we shall continue to decline as a nation.

H.R. 3553 provides access to a quality education for all, albeit low-income students, part-time nontraditional students or, middle-income students. This bill is particularly sensitive to nontraditional students in that it includes measures to ensure equitable financial aid, special services such as child care and special hours for nontraditional students. I am particularly pleased that also incorporated in this measure is a provision I authored, the Teacher Opportunity Corps Program. This program would award grants to teachers aides/paraprofessionals working in economically depressed school districts. Several States have successfully initiated such programs involving committed individuals working as paraprofessionals, frequently employed in schools that serve children with the greatest needs, and that unfortunately, also suffer a shortage of full time qualified teachers.

I am especially pleased that the act also provides a mechanism to make whole the victims of unscrupulous schools who have defaulted on student loans and thus deterred many from continuing their education. If we can forgive a debt of \$7 billion for Egypt, we can forgive students who have been taken advantage of by scheming operators.

It is particularly important that when students do enroll in college or university that they are focused on their studies and not distracted about whether their loan or grant will cover all their educational expenses. If we are truly about the business of refining this Nation's education system it is imperative that all students have access and choice of educational programs regardless of their economic background. By establishing the Pell grant program as an entitlement, students would be assured of an amount not subject to the whims of policymakers.

Mr. Speaker, I have often stated and stand by the fact that, education is the best and surest way out of the poverty and misery that our people live in. Many of the problems that affect our communities would be solved, or at least dealt with, if people had the ability to read, write and defend themselves properly. As we move into the 21st century, it is vital that we educate all Americans to acquire the skills and knowledge that are essential to being successful and productive members of our society. By enhancing the educational attainment of our competitiveness in the world market, we only can strengthen the state of our economy.

I urge my colleagues to support the Higher Education Amendments of 1992, H.R. 3553.

ALLEGHENY NATIONAL FOREST
PROTECTION

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. KOSTMAYER. Mr. Speaker, In the Allegheny National Forest [ANF]—Pennsylvania's only national forest—groves of cherry, oak and hemlock stand, towering over hiking trails and cold water trout streams. Within its congressionally-designated wilderness are thousands of precious acres largely untouched and unspoiled by man, including Pennsylvania's only designated wilderness. According to the 1986 Forest Service [FS] land and resource management plan for the ANF—

The Forest is situated in the rugged plateau country of northwestern Pennsylvania. The topography is characterized by flat to rolling plateaus which are frequently dissected by stream valleys. . . . The watersheds provide high quality water supplies for local communities and habitat for deer, black bear, squirrels, rabbits, grouse, non-game species, and predators. At least 49 different mammals are common to the Allegheny. Water is a plentiful resource with several reservoirs and over 500 miles of stream available. These provide for a variety of fishing and hunting experiences. Opportunities for forest-based recreation are both numerous and diverse. Many miles of trails exist for the hiker, cross-country skier, and snowmobiler. Developed recreation facilities include four beaches, six boat launches, eighteen campgrounds, three overlooks, and nine picnicking areas.

The reality of the Allegheny National Forest is startlingly different, however. The ANF is home to 6,000 oil wells and the countless miles of dirt roads linking these wells. Because of the activities connected with oil and gas operations, many of the forest's streams that used to support native trout are now silted over, brine spills have killed the trees, and uncounted acres have been disturbed by road building, equipment storage, rock pit and pipeline construction, and the scattering of oil field debris and abandoned equipment. Quite by change, a group of citizens discovered a 33-ton pile of oily debris that had been dumped in the ANF with the apparent acquiescence of the Forest Service. Only after this inadvertent discovery was brought to their attention did the agency require removal and proper disposal. On countless occasions, private mineral operators have adopted the forest for their convenience, illegally using all-terrain-vehicles to carve short cuts through the woods to connect their well sites. The FS has resisted calls to adopt modern, environmentally sound land management practices and take decisive enforcement steps to balance oil and gas activities with other legitimate multiple use objectives.

Mr. Speaker, a routine staff investigation of the impacts of oil and gas operations on the Allegheny National Forest has led me to realize that the Forest Service regards itself as powerless to protect the lands and waters of the ANF. The Service's position is that since the oil and gas rights beneath its lands are privately owned, it can only use persuasion as a method to rein in activities that severely im-

tract surface resources owned by the public. Today I am introducing legislation that would assure that the Forest Service and the public regain their authority to bring matters under control.

My bill gives the Forest Service 6 months to adopt regulations to protect the natural, cultural, historical, scenic and recreational resources in national forests from the impacts of privately owned oil and gas exploration and drilling. In 1979, the National Park Service promulgated regulations to control the activities of private oil and gas mineral rights holders inside national parks. These regulations permit oil and gas operations but with built-in safeguards that allow park rangers to prevent unnecessary or undue degradation to surface resources. As applied to the Forest Service, the rules would trigger a National Environmental Policy Act [NEPA] review that informs FS management officials and the public of the scope of planned activities and allows for the development of measures to mitigate the impacts of these activities. If the Forest Service fails to finalize rules within 6 months of this bill's enactment, then a modified version of the existing Park Service regulations would apply to the exercise of privately owned oil and gas rights in national forests.

These rules would compel the Forest Service to come to grips with the very troubling issue of the cumulative impacts of oil and gas development activities on national forests with significant private oil and gas ownership. As matters now stand, forest supervisors wash their hands of any attempt at assessing the impacts of road building, timber cutting, and oilfield waste disposal practices that accompany oil and gas activities. In the Allegheny National Forest, each of the thousands of oil or gas wells that have been routinely approved has required 5 or more acres of surface clearing. Yet, rather than seeking ways to mitigate the very real effects of such development, the Forest Service routinely ignores the cumulative impacts.

My bill also includes language authorizing citizen suits as a mechanism for bringing operations into compliance with the law. In many instances, and informed and vigilant citizenry is our best hope for protecting the public interest in the face of an entrenched and unsympathetic regulatory bureaucracy. The potential for enforcement action from ordinary citizens will send a message to unscrupulous operators while protecting responsible ones from unfair competition by those that flaunt laws and regulations that protect the environment.

Mr. Speaker, I am also introducing today legislation to amend the Solid Waste Disposal Act to require the regulation of produced water from oil and gas exploration, development and production. Produced water, a highly concentrated brine that accompanies oil and gas in underground formations, often contains elevated concentrations of metals and such carcinogenic compounds as benzene. These highly saline fluids can be 10 times saltier than sea water.

The damage that the unregulated dumping of produced water has done to the wetlands of the gulf coastal States has been amply documented in a Public Broadcasting Service documentary. Careless handling and discharge of these brines have killed trees and polluted

streams in the Allegheny National Forest. The practice of land spreading as a disposal method in the such Eastern States and Pennsylvania and Ohio has, according to recent studies, caused an ominous build-up of the hazardous component of these brines in soils and groundwater. In short, the failure to regulate produced water disposal clearly and decisively at the Federal level has had very significant—effects on the environment.

Mr. Speaker, I am cognizant of the need to encourage domestic energy production in an environmentally sound manner. My bill on produced water regulation strikes a careful balance between the desire to stretch domestic reserves and the need to protect our environment. It provides producers with options on how they can treat their produced waters most effectively and economically while significantly improving the environment around their well operations. It is my hope that the House will move promptly on these bills when we reconvene in January.

ON THE OCCASION OF THE 15TH
ANNIVERSARY OF THE VENTURA
COUNTY AND COAST REPORTER

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. LAGOMARSINO. Mr. Speaker, I would like to take this opportunity to congratulate Nancy S. Cloutier and everyone associated with the Ventura county and Coast Reporter as they celebrate the newspaper's 15th anniversary.

Originally founded as an 8-page monthly newspaper named the Marina & Tower Views in November 1976, the Reporter went weekly in 1979 and changed its name to its present form.

The Reporter began its new life in 500 square feet of office space in wagon Wheel Junction on Buckaroo Avenue "over the barber shop, in front of the roller rink, and behind the bowling alley" with a staff of 5.

The publication became adjudicated as a newspaper of general circulation in 1981.

The Reporter moved to the Telephone Road Plaza in 1983, occupying 1,000 square feet and growing to 28 pages weekly. The paper continued to grow in staff and page size, eventually moving to its present 2,000 square foot location in Ventura Harbor Village in early 1986.

The Reporter is owned by Nancy, a 15-year Ventura resident who has been owner, publisher, and editor-in-chief for 12 years. There are 12 full-time and over 30 part-time employees who publish over 35,000 copies weekly.

The newspaper serves the communities of Ventura, Oxnard, Camarillo, Ojai, Fillmore, and Santa Paula, offering news of current events affecting the cities and county of Ventura as well as coverage of cultural events, fine arts, entertainment, sports, ecology, real estate, boating, and recreation.

Again, Mr. Speaker, I congratulate Nancy on achieving this milestone and wish her every success in the years to come.

INTRODUCTION OF THE SAT-
ELLITE HOME VIEWER ACT
AMENDMENTS OF 1991

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. BOUCHER. Mr. Speaker, today I am pleased to be joined by 13 of my colleagues in introducing the Satellite Home Viewer Act Amendments of 1991.

Senator LEAHY will be introducing a companion bill in the other body.

Mr. Speaker, the goal of the bill is simple—to lower the prices home satellite dish [HSD] owners pay to receive superstation and network affiliate programming.

The Satellite Home Viewer Act [SHVA] of 1988 established a legal framework for the retransmission of satellite-delivered broadcast programming, including superstations and network affiliates uplinked for the HSD market, by providing a statutory compulsory license to satellite carriers. The SHVA also prohibits satellite carriers from discriminating against HSD distributors in the use of this compulsory license. Despite the SHVA's explicit prohibition against discrimination, the Federal Communications Commission [FCC] documented in its June 5, 1991 report that discrimination exists and as a result HSD distributors are paying unreasonably high prices for broadcast programming.

While the SHVA permits injured parties to bring an action for violations of the prohibition against discrimination, the Copyright Office has concluded that HSD distributors are not entitled to sue for discrimination because they lack standing. The parties with standing, namely the copyright owners, have no incentive to sue because they have suffered on pecuniary injury. Thus, the aggrieved parties—HSD distributors—are left without a remedy for the price discrimination found by the FCC.

As a result, dish owners are paying excessive prices to receive broadcast programming. Most dish owners live in rural areas that are too sparsely populated to support a cable TV system and too remote or mountainous to receive clear over-the-air TV signals.

Our bill will amend the SHVA to allow distributors of programming to HSD owners to sue satellite carriers for unlawful discrimination. The bill will:

Give standing to distributors to bring civil actions against satellite carriers for unlawful discrimination.

Define "unlawful discrimination" as: first, the unreasonable refusal of a satellite carrier to deal with an HSD distributor which meets reasonable requirements for creditworthiness, or second, the refusal of a satellite carrier to offer to an HSD distributor the same price, terms or conditions, taking into account cost savings reasonably attributable to the number of subscribers served, as the satellite carrier has offered to a cable operator or other multichannel video provider.

Create an exception to the prohibition on unlawful discrimination where the satellite carrier can demonstrate that the price differential is justified by an additional cost incurred in providing wholesale carriage to the HSD distributor.

Permit distributors to avail themselves of the remedies provided for copyright infringement, including injunctive relief, compensatory and statutory damages, costs and attorney's fees.

This legislation has been endorsed by groups representing consumers, HSD owners, HSD dealers, and others, including the following: Consumer Federation of America, Consumer Satellite Coalition, National Rural Telecommunications Cooperative, National Rural Electric Cooperative Association, National Telephone Cooperative Association, the Program Packers Segment of the Satellite Broadcasting and Communications Association, Heart of America Independent Satellite Dealers, National Farmers Union, National Grange and Communicating for Agriculture.

The Copyright Office has recognized the need for this legislation and so testified during a July 10, 1991 hearing before the Subcommittee on Intellectual Property and Judicial Administration.

I want to thank the Senator from Vermont [Mr. Leahy] for his assistance in structuring the legislation we are introducing today, and ask my colleagues in the House to join us in this effort. It is a straightforward means of solving a problem that is affecting hundreds of thousands of HSD owners throughout the Nation.

PRESIDENT BUSH AND CIVIL RIGHTS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. STOKES. Mr. Speaker, President Bush today is reportedly considering action that would shame and disgrace himself, his administration and his political party in the eyes of history.

On the very day that he signed the Civil Rights Act of 1991 into law, his administration contemplated using an Executive order to repeal 25-year-old Federal rules, regulations guidelines and policies designed to assure equal opportunity in employment and contracting. This action would be a perverse insult and slap in the face to every American who believes in the ideals of this Nation.

By Executive directive, President Bush has been urged to order Federal agencies to discard many of the programs that they have been using to break down long-standing practices of racial and sexual discrimination in employment and contracting. Such action would effectively abolish the uniform guidelines for employee selection, a set of rules and guidelines used by the EEOC to detect patterns of job discrimination and by other agencies in the design and implementation of their recruitment and hiring programs. It would effectively gut the guidelines of the Office of Federal Contract Compliance in which Government contractors must take affirmative action to insure that job applicants represent a diversified work force.

More devastating than the direct impact on Federal agencies is the spill-over effect that such an edict would have in the private sector. Employers and contractors have followed Fed-

eral guidelines and have developed policies that are consistent with Federal Government policy. President Bush's change of policies would provide fresh license to discriminate. Minority and female entrepreneurs who simply seek a piece of the action would be told that the "good old days" and the "good old boys" are back at DOT, the SBA, the FAA, NASA or wherever and that racism, sexism and cronyism will once again rule in the Federal contracting marketplace.

Mr. Speaker, any directive by President Bush would reduce his signing of the civil rights bill to a cynical act. Civil rights to this President are little more than a shell game: Give with one hand and take with the other. The President signs a bill to restore rights and remedies, his staff proposes a directive that emasculates those same rights and remedies. Although I am outraged, I am not surprised. This President and his predecessor have been in office 11 years and we have had 11 years of full retreat on civil rights, 11 years of vicious racial politics and 11 years of malicious and misguided policy. We should not forget the proposed tax exemptions to private segregated schools, the initial opposition to the Voting Rights Act extension, the wholesale attack upon and denigration of affirmative action, the clumsy effort to ban minority scholarships, Willie Horton, Clarence Thomas, the phony quota bill rhetoric and the rest of the sad legacy of this administration.

Mr. Speaker, perhaps issuing a license to discriminate as you sign a Civil Rights Act wins some political plaudits from the most insecure elements of our Nation. Perhaps it would be a clever diversion from the disaster that this administration has made of the national economy for 11 years. Whatever the explanation may be, the action would speak for itself. The proposed directive is an attempt to undercut the intent of Congress, to compromise legal protections granted by the courts and to roll back the clock on civil rights. Any such action would be a national disgrace.

I have seen a copy of the proposed signing statement for the Civil Rights Act of 1991 containing language directing Federal agencies to review and terminate existing affirmative action and equal employment policies. Apparently, the reaction to this proposal has been so negative that the administrative retreated from its issuance, at least for now. Let us hope that it is buried forever.

LINDA MEDDERS OF SANTA ROSA RECEIVES RECYCLER OF THE YEAR AWARD

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. RIGGS. Mr. Speaker, I am proud to announce that Linda Medders of Santa Rosa, CA, has been honored as the 1991 Recycler of the Year by the National Recycling Coalition of Washington, DC. She was awarded this honor in recognition of her outstanding achievements over the past decade for Empire Waste Management's recycling division in Santa Rosa.

With landfill problems affecting much of our country, the First Congressional District in northern California, under the leadership of Linda Medders and Empire Waste Management, has consistently reduced its landfill problems through community recycling and educational programs.

Linda Medders success story exemplifies the benefits of hard work and dedication. She began at Empire Waste Management's recycling division in Santa Rosa, CA, in 1981. As the only woman in a crew of 50, she started in the yard sorting the thousands of cans and bottles from the truckloads of materials that entered the facility daily.

Ten years later, after sorting material in the yard, running forklifts and bailers, organizing and driving reclamation routes, training drivers, handling community relations, speaking with schools and community groups, and creating and producing advertising, Linda now runs the recycling department of Empire Management, Inc., a division of Waste Management of North America.

Empire started one of the Nation's first curbside recycling programs in 1978, when sorting trash was relatively rare. When Linda came on board in 1981, Empire ran two residential recycling routes and two part-time commercial routes. Now there are 10 residential and 5 commercial recycling routes running full-time trying to keep up with the demands of the City of Santa Rosa, as well as Sonoma and Mendocino counties.

With Linda's knowledge of the recycling industry and the popularity of recycling growing simultaneously, Empire began working in the community to promote the advantages of its programs and how they could benefit the community and the environment. Linda began speaking at schools, hospitals, retirement homes, Cub Scout meetings, Lions Club sessions, and other forums to promote recycling. She also gave tours of Empire's facilities to children so they could see first-hand the thousands of cans and bottles being recycled.

When this outreach program started, Linda had to work to convince area groups to have her speak about recycling. Now, she is bombarded with so many requests for her time that she can barely keep up with them. Recently, Linda gave a tour of Empire's facilities to a visiting Russian delegation.

To promote Empire's message through advertising, Linda created these characters: Veri Peri, a small green bottle with a French accent who's pleading to be recycled; Red Daily, a cigar-smoking newspaper reminding people to save their papers; and Patty Plastic, a lonely plastic container with a valley girl accent. Using these characters in radio ads and print materials, Linda reached children and adults with the message that recycling is fun, as well as the right thing to do.

California's First Congressional District is proud of Linda Medders. Due to her hard work and dedication the communities of the district are becoming environmentally conscious and better educated about the benefits of recycling. I am proud to represent her and I encourage my colleagues to look at her achievements as a model for waste management programs around the country.

BUSH ATTACK ON CIVIL RIGHTS
ACT**HON. WILLIAM (BILL) CLAY**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. CLAY. Mr. Speaker, as we all learned this morning, President Bush was prepared to undo 30 years of civil rights progress at the very same hour that he was going to be signing the Civil Rights Act of 1991. I have seldom seen such an outrageous, cynical attack on civil rights as this.

White House staff began circulating a draft directive yesterday afternoon at 4 p.m., less than a 24 hours before it was to be announced, that would have eliminated all Federal policies that give preferences to minorities and women in hiring or promotion.

I am outraged. As far as I'm concerned, there is about as much difference between David Duke and George Bush as there is between tweedle-dee and tweedle-dum. Before the ink was even dry on the Civil Rights Act of 1991, George Bush had begun waging guerrilla warfare on the very rights it was intended to protect. This would have been worse than declaring open war on civil rights, as my good friend Ralph Neas of the Leadership Conference on Civil Rights said. That gives him too much credit. This would have been a sneak attack.

George Bush acts like David Duke won last week. Mr. President, David Duke lost. The good citizens of Louisiana were revolted. Do what the deepest of the Deep South did. Reject racist politics.

The President was thinking of doing through executive fiat what the Congress would not do. I am haunted by memories of Southern governors who used similar tactics in refusing to carry out the law of the land. This is a modern day version of the 1950's massive resistance and interposition to the extension of civil rights. This draft directive indicates an arrogant disregard for the law, the will of the Congress and the decency of the American people.

The White House draft being circulated for release today would have terminated the Government's 13-year-old Uniform Guidelines on Employee Selection Procedures, which are used by private and public employers to determine how to comply with anti discrimination laws. The directive also would have ordered all Government agencies to begin phasing out "any regulation, rule, enforcement practice, or other aspect of these programs that mandates, encourages or otherwise involves the use of quotas, preferences, set-asides or other similar devices, on the basis of race, color, religion, sex or national origin."

As we know now, the furor created by news accounts led President Bush to rescind the directive this morning. However, his press secretary refused to rule out the possibility that the President would later order the elimination of these policies that have opened doors for minorities and women for over 30 years.

As chairman of the Committee on Post Office and Civil Service I intend to ensure that any changes in the affirmative action policies of the Federal Government proposed by the

White House in the implementation of the Civil Rights Act receive full and detailed congressional review. It is readily apparent that at least some in the White House no longer believe that race and sex discrimination are a problem. One wonders whether those individuals would even acknowledge that there has ever been a problem. I will do all within my power, however, to remind George Bush of the fact that many Americans continue to be denied equal opportunity on the basis of their race or sex, that Americans are still victimized by a legacy of over 400 years of discrimination, and that the Federal Government, especially in its capacity as an employer, has an imperative and abiding moral obligation to redress these wrongs.

GUN VIOLENCE IS OUT OF
CONTROL**HON. LES AU COIN**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. AU COIN. Mr. Speaker, the special interests are at it again. In the closing days of this session of Congress, the gun lobby is trying once again to kill the Brady bill. We beat them fair and square on the House floor, so they're trying to go around us to get their way.

Right-wingers in Congress in league with the gun lobby are trying to hold local crime-fighting funds hostage, hoping to defeat a simple waiting period for handgun purchases.

Evidence from the States shows the Brady bill will help keep guns out of the wrong hands. Oregon's own waiting period prevented over 250 felons and mentally disturbed people from buying handguns last year.

Gun violence is out of control, and so is the gun lobby. I'm sick and tired of its dilatory tactics. Congress must move the crime bill and the Brady bill before it adjourns.

CREDIT CARE LEGISLATION

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. TORRES. Mr. Speaker, today Congressman CHARLES SCHUMER and I are introducing legislation we have developed on the issue of credit card interest rates. We have come to an agreement that presents a prudent approach to addressing the disparities in rates consumers are charged on their credit card purchases.

The gloom and doom forecast of the banking industry amounts to a hue and cry over possible impingement on their profit margins. Banks are actually experiencing one of their largest credit card profit margins since 1982. It is clear that these profits are not being passed on to consumers in the form of lower interest rates, but instead are being achieved at the expense of the consumer.

When my subcommittee held a hearing on this very issue last month, it was apparent to me that the banks could not justify credit card

interest rates at or near 20 percent when the cost of borrowing was near 5 percent. A 15-point spread cannot be justified based on costs alone.

However, we cannot dismiss the effect on the market of the Senate's vote last week to impose an interest rate cap. That action demonstrated just how volatile the marketplace is. While a rate cap is appealing, we must legislate in the national interest. I am confident that the approach Mr. SCHUMER and I have developed is the sensible way to proceed.

Our legislation, by mandating a study of the credit market, will keep attention focused on this issue which is so critical to Americans. Americans carry a total of more than 980 million credit cards and will run up a tab of close to \$500 billion in credit card transactions by 1995. Because the credit card is such a pervasive element of our American economy, it is imperative that the market work in the consumer's favor. This issue will not go away until Congress is convinced that competition is alive and well in the credit card industry.

TRIBUTE TO ANDREW MATTHEW
SNAUFFER**HON. GEORGE W. GEKAS**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. GEKAS. Mr. Speaker, I rise today to congratulate Andrew Matthew Snauffer, of Montoursville, PA, on attaining the rank of Eagle Scout. Andrew is the son of Donald and Kathleen Snauffer.

Drew, as he is known to his family and friends, worked his way up through the ranks in his Cub Scout and Boy Scout troops, earning numerous badges and awards since he first started Scouting in 1980. Drew is a member of Troop 21 at the Faith United Methodist Church in Montoursville.

Drew undertook an Eagle Scout project that benefited the Willing Hand Hose Company No. 1 of Montoursville and the Montoursville Fire District. Drew organized and supervised the unloading, cleaning, painting, and reloading of the cabinets on four fire trucks. Due to his effort, these fire trucks are now much more visible to traffic at nighttime. Drew worked with 24 other Scouts and firemen on this important venture, contributing a total of 176 man-hours to the project. What is most remarkable about Drew's effort was that he accomplished it while he was in a leg cast and using crutches because of a skiing accident. Such dedication under these circumstances is truly admirable.

Drew is currently attending Penn State University studying nuclear engineering. He was an outstanding scholar at Montoursville High School, as he received several academic and scholastic awards and honors. He has been very active in his local church and in local charitable organizations.

Mr. Speaker, I ask all of my colleagues to join me in paying tribute to Andrew Snauffer for his many achievements, as his family, friends, and fellow Scouts honor him on becoming an Eagle Scout. I have no doubt his future will be a bright one.

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. RITTER. Mr. Speaker, I rise today to recognize the 23d anniversary of Hogar CREA, which is being celebrated this Saturday, November 23, at the Codado Convention Center in San Juan, PR.

I cannot say enough positive things about Hogar CREA's excellent work in helping drug addicts become free of their dependency. It is an important international organization that is heavily involved in the front-line battle against drug abuse in the United States and throughout many of the countries of Central and Latin America.

Hogar CREA first established itself in the continental United States in my congressional district in the Lehigh Valley of Pennsylvania. They now have a beachhead of 3 treatment centers in my congressional district and I am determined to help them spearhead their expansion into other areas and other cities and towns in the United States that need help with drug treatment and education.

Earlier this year, I helped arrange a meeting between Joe McHugh, the head of congressional liaison at the White House's Office of National Drug Control Strategy, and Juan Jose Garcia Rios, president and founder of Hogar CREA International.

Hogar CREA provides a unique drug treatment program to addicts that works. It has a success rate of over 90 percent and it is a treatment model worth studying and supporting.

I have seen first hand how Hogar CREA's treatment and rehabilitation program transforms hopeless drug addicts into productive and enthusiastic citizens who care about their communities and their fellow man. It is a metamorphosis that offers hope to people and communities throughout the United States and the Americas.

The banquet this Saturday in San Juan follows the 4th Annual Crusade for Faith and Hope that was held in August and reached out to 78 communities in Puerto Rico. The banquet commemorates yet another year of CREA's determination to provide rehabilitation to addicts and to prevent drug addiction through education.

Mr. Speaker, it is important to recognize and salute Juan Jose Garcia Rios for his outstanding courage, faith, and vision in founding Hogar CREA. The truths that he discovered in his own personal battle as an exaddict, have been a source of light for those struggling to overcome and unshackle themselves from drugs.

I would also like to thank Anger Blanco, vice president of Banco Central; Atilano Codero, banquet president; Donald Carson, CREA supporter from my congressional district; Tomas Torres, with WAPA TV Channel 4; Martin Cotto, national treatment director in the United States; Francisco and Silma Gonzalez and others for their support and work with Hogar CREA.

Mr. Speaker, Hogar CREA's 23d year of success and growth is something we should

note as we look toward the future of better and more effective treatment for those afflicted with drug addiction in the United States.

I send my best wishes for their continued efforts and their banquet celebration in San Juan.

O.W. MOTIVATIONAL, INC., SELECTED AS THE 621ST DAILY POINT OF LIGHT**HON. CHARLES LUKEN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. LUKEN. Mr. Speaker, I would like to take this opportunity to congratulate O.W. Motivational, Inc., on being selected as the 621st Daily Point of Light.

The organization was founded in 1987 by Dr. Obadiah Williams, a retired educator, and prepares students and their parents for successful academic careers. The Early Childhood Stimulation and Parent Training Program takes a proactive stance on the improvement of the American educational system.

The program equips children with the proper learning tools before they enter school. Preschool children and their parents, who are often from low-income communities, attend three 2-hour sessions each week where volunteers teach the alphabet, numbers, and other basic skills to the youngsters, while teaching their parents games and techniques for reinforcing the learning process at home. The children also practice visual and audio development, and motor and quantitative skills.

O.W. Motivational is currently based at the First Church of God in Cincinnati, OH. Volunteers are available at the church to tutor 1st through 11th grade students in reading and mathematics.

Obadiah Williams and his volunteers are an excellent point of light in honor of American Education Week, as they brilliantly light up Albert Einstein's theory that, any definition of a successful life must include serving others. I am proud to have this organization in my district.

INTRODUCTION OF THE DOMESTIC INDUSTRY SAFEGUARD ACT**HON. STEVE GUNDERSON**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. GUNDERSON. Mr. Speaker, today I am introducing the Domestic Industry Safeguard Act, aimed at protecting American industry from foreign ownership which results in downsizing and asset sales.

Congress and the administration have been reluctant to adequately address the trend of increasing foreign ownership of U.S. businesses. While this trend is helpful in terms of increasing overall economic growth through investment, numerous examples exist of where foreign ownership hurts individual companies.

In 1987, I introduced similar legislation after several hostile foreign takeovers nationwide

left thousands of American workers unemployed. Today, I am reintroducing the legislation after determining that this trend continues.

For example, since introduction of the first legislation, the French-owned Michelin Corp. bought up America's Uniroyal-Goodrich Tire Co. Promises were made by Michelin that the friendly buyout would result in recapitalization of Uniroyal-Goodrich operations. Instead, Michelin is forcing the closing of Uniroyal plants.

One of those plants, located in Eau Claire, WI, employed over 1,400 workers prior to the buyout. Earlier this year Uniroyal announced it would close the plant by late 1992. Since the announcement, over 700 employees have been permanently laid off, and the U.S. Government has had to step in with financial assistance for those displaced. This certainly cannot have been a good transaction from the perspective of U.S. interests.

As important, the transaction was clearly not in the best interests of U.S. workers, or communities built up around Uniroyal plants. Some 1,400 workers will be forced to retire or look for new work. In most cases, this requires relocation, retraining, and reassessment of retirement goals. For the community, the merger and subsequent demise of Uniroyal operations in Eau Claire will mean \$20 million annually will be drained from the local economy. The secondary effect on local businesses and other local employees will be tremendous.

On a broader scale, the American economy is at risk. Upon introduction of this legislation in 1987, I reported that the annual number of foreign takeovers of American businesses increased eightfold between 1976 and 1986. That trend is increasing. At that time, foreign takeovers accounted for between 5 and 10 percent of total merger activity. The percentage continues to grow. In 1987, I quoted Lawrence Brainard, chief international economist for Manhattan's Bankers Trust as stating, "By the end of this century, the United States may have the most modern manufacturing sector in the world, but it won't own it."

An irony of foreign takeover is that, for U.S. tax purposes, foreign corporations are allowed to fully deduct their debt service financing while taking over a U.S. company. In times of increasing budget deficits, this deserves review by Congress.

Also, current law allows those leading takeover attempts to borrow up to 100 percent of the purchase price for the target company. This practice inevitably leads to the strategy of buying a company, stripping it of its most valuable assets to pay off debt, then selling the remaining shell of the company for profit. Such leveraged buyouts rarely have as a main goal improving the operations of a firm alone for profit.

The Domestic Industry Safeguard Act will not prevent foreign investment in, or even takeover of American companies. However, it requires more stringent reporting requirements and asset sale prohibitions for foreign firms attempting to take over U.S. firms.

The House Energy and Commerce Committee is currently acting to restrict the foreign ownership of some sensitive U.S. industries. These industries are targeted for protection due to the sensitive information that may be transferred abroad through takeovers. It is

time to take a similar interest in the welfare of American workers and communities who have everything to lose in some foreign takeovers.

PEARL HARBOR VETERANS
HONORED

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. ROHRABACHER. Mr. Speaker, on Wednesday, November 27, 1991, 600 southern California veterans will receive the Congressional Pearl Harbor Commemorative Medal in honor of their military service in Hawaii on December 7, 1941.

This special ceremony will bring together over 1,000 people—Pearl Harbor veterans, next of kin, and proud families—in a World War II hangar at the Armed Forces Reserve Center Airfield in my district. Central to the organizing of this event is airfield commander, Lt. Col. James Ghormley III, California Army National Guard. His cooperation and leadership has made it possible for me to stage a great event in an environment familiar to our Pearl Harbor heroes.

The story of the American servicemen and women who defended Hawaii against the Japanese attack on Pearl Harbor is written with the ink of bravery, courage, and sacrifice. These defenders of freedom have earned their place in history. They deserve our recognition and we owe them our thanks. In the same tradition of commitment and shared honor, Colonel Ghormley and his servicemen and women have made possible this special recognition event for our Pearl Harbor veterans, and a great opportunity for us to express our thanks to them.

RALPH EMERY: A LIVING LEGEND

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. GORDON. Mr. Speaker, middle Tennessee has known and loved many popular personalities—entertainers, public servants, and civic activists. But only a handful have earned legend status. Ralph Emery is one of those distinguished few.

As a youth during the late 1950's and early 1960's, I can remember settling back with my parents in our living room to listen to Ralph Emery's program on WSM radio. Only in his mid-20's Ralph already was developing a legion of fans of all ages with his down-home style and humor.

His stature skyrocketed throughout the Nation. Syndicated radio programs began in 1968, and his "Goody's Presents Ralph Emery" now airs on more than 445 radio stations. Between 1961 and 1970, he was voted the No. 1 country music disc jockey six times.

By 1972, his appeal grabbed the attention of the growing television industry, and he became host of the early morning "Opry Almanac" show on television station WSMV in

Nashville. By January 1, 1972, the show had been renamed the "Ralph Emery Show."

For 20 years, his morning show has taken on a variety of challengers and today garners a 67-percent share of the morning viewing audience in middle Tennessee and southern Kentucky. No locally produced program in the country can match that record.

In addition, from 1974 until 1980 he hosted the syndicated television show "Pop Goes the Country." He hosted "Nashville Alive" on superstation WTBS from 1981 to 1983, and for the last 8 years he has hosted "Nashville Now" on the Nashville network, which is viewed daily in more than 1 million homes across the country.

From 1985 through 1989, the show was voted by the readers of Music City News, the Nation's largest country music publication as their favorite television series. In 1986 he was overwhelmingly voted favorite cable personality by readers of Cable Guide Magazine. In 1989, he was inducted into the Disc Jockey Hall of Fame.

Many stars forget their roots once they've reached the big time. They become detached from their fans. They abandon the places they call home. Not Ralph Emery. He remains active in civic affairs, using his name, his time, and his energy to make his community a better place for all to live.

While the folksy charm is the real Ralph Emery both on and off the camera, don't confuse his style with any stereotype, because he has a keen insight of not only the entertainment business but also the problems of everyday folks that is matched by few. It's that genuine warmth and sensitivity that have endeared him to thousands of people across our Nation.

Mention his name and just about anyone will tell you how Ralph Emery gives them more than just news and entertainment to start their day; he provides them with the kind of warm-hearted cheer that makes each new day a joy.

INTRODUCTION OF THE FEDERAL-
STATE PESTICIDE REGULATION
PARTNERSHIP ACT OF 1991

HON. CHARLES HATCHER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. HATCHER. Mr. Speaker, today I am joined by my distinguished colleague from Montana, Mr. MARLENEE, and 28 other Members in cosponsoring the Federal and State Pesticide Regulation Partnership Act of 1991 to ensure the effective and uniform Federal and State regulation of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA].

The proposal we set forth today seeks to amend FIFRA by preempting local jurisdictions from regulating the sale and use of pesticides. This legislation will ensure that the field of pesticide regulation is occupied entirely by a partnership of Federal and State governments. The issues surrounding pesticide regulation are complex and demand that we rely on sound, scientific judgment based on fact.

When regulations are based on fear, hysteria, and other unscientific grounds, we stand to lose many benefits and we threaten to dismantle an effective regulatory mechanism.

All citizens can and should have an interest in pesticide decisions, and we support the concept of locally specific pesticide regulation—when warranted and when scientific fact supports it. It is imperative, however, that those decisions be made in the context of a Federal-State partnership, and not scattered across tens of thousands of local bodies.

We believe that the Federal and State governments are best equipped with the resources and expertise necessary to develop and administer a sensible, uniform, regulatory program which will ensure that the public continues to enjoy the benefits of access to tested and proven pesticide products—both agricultural and nonagricultural products.

This legislation has the support of the Coalition for Sensible Pesticide Policy [CSPP], a broad coalition of almost 160 State, regional, and national trade associations whose members depend upon the use of tested and proven pesticide products. CSPP's members represent structural pest control companies, nurseries, florists, arborists, landscape and lawn care companies, general, specialty, and agricultural chemical manufacturers, advocates for sound environmental practices, and a wide variety of agricultural interests such as crop growers, animal producers, individual commodity groups, food processors, grocers, and wholesalers. Included at the end of this statement is a list of CSPP member organizations.

On June 21, 1991, the Supreme Court handed down a decision in the case of Wisconsin Public Intervenor versus Mortier which effectively opened the door for the more than 83,000 local jurisdictions nationwide to enact their own pesticide regulations. The Court ruled that, while FIFRA establishes a strict and complex Federal-State process governing the sale and use of pesticides, the FIFRA statute does not explicitly preempt local municipalities from regulating pesticides to the extent allowed under State law.

However, in reaching its decision, the Court was mindful of the potential chaotic effect of its ruling on the real world of pesticide use and regulation. Fully aware that tens of thousands of local municipalities with potentially insufficient expertise would be free to regulate pesticide use on their own, Justice White concluded, " * * * Congress is free to find that local regulation does wreak [such] havoc and enact legislation with the purpose of preventing it. We are satisfied, however, that Congress has not done so yet." The ramifications of this decision are potentially devastating.

We believe that the recent Supreme Court decision will:

Allow local regulation of pesticides to quickly encumber agricultural production. Immediately, farmers are at risk of facing regulation of their modern production tools by the smallest possible units of government—more than 83,000 sub-State jurisdictions throughout our Nation.

Result in fewer job opportunities in agriculture, the crop protection industry, and pest and vegetation control, because many of these businesses typically operate across several local jurisdictions, each of which would be free to adopt conflicting and/or overlapping regulations.

Result in reduced availability and use of tested and effective pesticides and other sanitation products, which would in turn reduce our ability to control the spreading of certain diseases via insect control. It could also increase the price of food through new artificial limits on agricultural productivity and food processing/storage protection.

Shift control away from EPA to local, often very diverse, jurisdictions on issues affecting the whole Nation. Even more troubling, these local government units will seldom have the scientific and technical expertise to make the difficult decisions which are currently the domain of EPA working in concert with other Federal and State bodies.

Undermine, if not eliminate, the Federal/State government control over key domestic regulatory matters, at a time when there are ongoing international trade discussions.

Erode the ability of the Nation's best scientific and technical experts to participate in complex pesticide regulatory decisions. By diverting these decisions to 83,000 local units of government, participation by such experts at EPA and the State level is made virtually impossible.

In addition to the economic impact I have just mentioned, a burgeoning umbrella of local regulation may damage the health and welfare of the American public. The Supreme Court's recent decision could result in reduced availability and use of tested and effective pesticides and other sanitation products which, in turn, would erode our ability to control the spread of disease via insect control. Too frequently, we forget about the important human health benefits provided by the proper use of pesticide products.

For example, proper mosquito abatement programs in numerous States effectively reduce the spread of diseases, such as mosquito-borne encephalitis, carried by these insects. Without proper public health programs, these diseases might once again become epidemic in the United States. Herbicides also control ragweed, thus reducing the costs associated with suffering from hay fever. Other herbicides control dandelions and clover, and discourage stinging insects from recreational and home and lawn areas, thus reducing potential insect stings. In States across America, the proper use of pesticide products are used against ticks that cause Lyme disease.

LEGISLATIVE HISTORY OF PREEMPTION ISSUE

Under section 24(A) of FIFRA, Congress extended limited pesticide authority to the States to regulate the sale and use of pesticides. The legislative history clearly demonstrates that Congress did not want to share its authority with local jurisdictions.

When the Senate Committee on Agriculture passed its FIFRA bill in 1972, its accompanying committee report concluded:

The Senate Agriculture Committee considered the decision by the House Committee to deprive political subdivisions of states and other local authorities of any authority or jurisdiction over pesticides and concurs with the decision of the House of Representatives. Clearly, the fifty states and the federal government provide sufficient jurisdictions to properly regulate pesticides. Moreover, few, if any, local authorities, whether towns, counties, villages or municipalities, have the financial wherewithal to provide necessary

expert regulation comparable with that provided by the state and federal governments. On that basis and on the basis that permitting such regulation would be an extreme burden on interstate commerce, it is the intent that Section 24, by not providing any authority to political subdivisions and other local authorities of or in the states, should be understood as depriving such local authorities and political subdivisions of any and all jurisdiction and authority over pesticides and the regulation of pesticides. 3 U.S. Code Cong. & Ad. News, page 4008 (1972).

At about the same time, the Senate specifically rejected an amendment that would have allowed local political subdivisions such as cities, towns, counties, et cetera, to regulate the sale and use of pesticides. The vote was 71 to 0. Despite this explicit legislative history, the Supreme Court did not recognize that Congress never intended to vest local governments with the authority to regulate pesticides.

BACKGROUND ON WISCONSIN PUBLIC INTERVENOR, ET AL. VERSUS MORTIER, ET AL.

For those of you who are unfamiliar with the June 21, 1991, Supreme Court decision, I would like to give you some background surrounding the case. The Wisconsin Public Intervenor case centered on an ordinance adopted by the small town of Casey, WI, which required applicators to submit an application for a permit from local officials 60 days before the application of pesticides to public lands, aerial spraying of pesticides, or the application of pesticides to private lands subject to public use.

Individuals applying for the permit under this ordinance were required to provide a description of the pesticides to be used, associated risks, chemical and nonchemical alternatives, regulatory status of the specified chemicals, environmental impact of the proposed application, precautionary measures to preserve the health and safety of the public, and the positive and negative effects of eliminating or reducing the proposed use.

In addition, upon approval of the application, the ordinance required that signs be posted 24 hours prior to application. The town board vested itself with the authority to deny, amend, or grant the permit. A resident of Casey applied for such a permit. However, the town board denied the permit application. Subsequently, the resident brought suit against the town arguing that the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) preempted the town's ordinance.

A Wisconsin county court agreed and ruled that the Casey ordinance was preempted by FIFRA. The Wisconsin Public Intervenor and the town of Casey then appealed the lower court's ruling to the Wisconsin Supreme Court, which also held that FIFRA preempted the ordinance. The case was then appealed to the U.S. Supreme Court.

THE JUNE 21, 1991 SUPREME COURT DECISION

Justice Byron White wrote the Supreme Court's June 21 opinion and Justice Antonin Scalia wrote a concurring opinion. The Court received eight separate amicus briefs arguing points on both sides of the case, in addition to an early brief by the Justice Department urging the court to review the case.

In the end, Justice White wrote, " * * * we conclude that FIFRA does not preempt the town's ordinance either explicitly, implicitly, or by virtue of an actual conflict."

In reaching its decision, the Supreme Court reviewed various methods for finding Federal preemption, including express, implied, and actual conflict preemption analysis. In the end, the Court concluded that although congressional committee reports arguably supported the preemption argument, the express language of the statute itself did not provide sufficient justification for preempting local regulation of pesticides. In his written opinion, Justice White reasoned that because FIFRA did not actually address or provide the type of detailed regulations concerning pesticide use found in the Wisconsin statute, it could not be said to preempt all local regulation.

Mr. Speaker, I would like to direct your attention to an excellent analysis of the Supreme Court decision as written by Lawrence S. Ebner, partner in the Washington, DC office of McKenna & Cuneo. With your permission, we request that a copy of his article entitled "FIFRA Pre-emption Battle Expected To Shift Congress, States in Wake of Supreme Court Decision," which appeared in the July 19, 1991, issue of BNA's Chemical Regulation Reporter, be included with my statement today.

In the article, Mr. Ebner writes, " * * Perhaps the most disappointing aspect of the court's opinion is the short shrift that it gives to industry's arguments as to why local regulation of pesticides would obstruct Congress' objectives, including protection of health and the environment."

Mr. Ebner continues by stating that the Court offered little explanation for its finding that no actual conflict between FIFRA and local regulation exists. He writes, " * * Instead, the court dismissed industry's arguments as resting on 'little more than snippets of legislative history and policy speculations.'"

The article aptly concludes that " * * The challenge is to prevent the Wisconsin Public Intervenor decision from turning pesticide regulation on its head."

Mr. Ebner also makes an excellent rebuttal to arguments fueled on public fear and hysteria that industry's efforts to resolve the local jurisdiction issue will put the public at risk by "failing to take into account localized needs and conditions." His answer is one we should all take heed of, " * * To the contrary, both EPA and State agencies have in the past—and can in the future—adopt localized restrictions on pesticide use where and when appropriate. Equally important, pre-empting local governments from regulatory decisions are based on dispassionate scientific judgments, that they are well balanced and shielded from political pressures, and that cost-effective pest control will remain available for the benefit and protection of society."

EMERGENCE OF LOCAL ORDINANCES

During the 1980's and early 1990's, many local jurisdictions have been enacting restrictions on pesticides that create considerable hardship on farmers, ranchers, foresters, homeowners, pesticide users and manufacturers, formulators, and distributors. These nearly 85 jurisdictions have, in effect, attempted to deny the pesticide user and the public the specific benefits of pesticide control.

We now face the possibility that thousands of local jurisdictions will attempt to regulate the sale and use of pesticides, and the notification

of use of pesticides. Many small businesses face the confusing prospect of trying to market pesticide products in multiple jurisdictions, thus impeding interstate and intrastate commerce. Since the Supreme Court decision, we have several other real world examples which illustrate just how complex the local jurisdiction is.

Within the few short months which have elapsed since the Supreme Court issued its decision, we have witnessed a firestorm of unnecessary local ordinances which, if adopted, could cost thousands and thousands of local dollars to implement. We do not feel that we should be wasting limited resources, especially at a time when we are having to reach deeper into pockets to fund programs that serve a purpose.

To give you some idea, the Burlington, VT City Council is considering a proposal that would require 72-hours advance notice prior to any commercial or private outdoor pesticide application to residential grounds greater than 200 square feet. Prenotification and posting requirements would also be established for application to trees and shrubs. In addition, the proposed ordinance would require that property owners adjacent to golf courses and other nonresidential application sites receive 72-hours advance notice. The draft regulation would also prohibit the use of lawn care chemicals on the grounds of a licensed day care center, preschool, primary or secondary school, without prior approval from the Burlington Board of Health.

Residents of Missoula, MT, recently overwhelmingly defeated a referendum which would have made it a violation of law to apply pesticides on any area larger than 50 square feet unless special signs were posted 1 day before application and 2 days after. Homeowners would have been subject to a fine of as much as \$100 a day for violation of the ordinance—even if the pesticide application was performed by another party or even if the signs were stolen by somebody else off of their property. The mandate of this proposal, however, did not stop with the residents of Missoula, MT. This initiative went one step further by seeking to include pesticide applications made anywhere within 5 miles outside town limits. Had this proposal passed, it would have had a severe impact on the many ranchers and farmers who live and work near Missoula.

Posting requirements have also been considered in Howard County, MD. One proposal requires that signs be displayed for at least 24 hours prior to pesticide application by a custom or commercial applicator. Signs would have to remain posted for a period of 3 to 7 days following application.

Earlier this summer, the city of Lake Winnebago, MO, proposed an ordinance which would ban the use of a number of widely utilized pesticide products within city limits. The list of targeted chemicals includes diazinon and dursban. These two chemicals are commonly used in a variety of tested, effective, EPA-registered home garden pesticide products used by homeowners around the country. The city of Lake Winnebago proposal sets forth stiff fines of as much as \$500 per incident.

In Ohio, the October 8, 1991, issue of the Cleveland Plain Dealer reported that the Fair-

view Park City Council adopted an ordinance which requires property owners and commercial applicators to provide written notice to occupants within 150 feet of spray application sites. The notice is required 1 week prior to pesticide application and must include information on when the spraying is to occur as well as a description of which chemicals will be used. The city council also approved a provision requiring that signs be posted at the application site.

In Denver, CO, a proposal is under consideration which would place posting and notification requirements on homeowners and building owners. Presently, Colorado pesticide law preempts local ordinances regulating commercial applicators. This ordinance would affect the property owner—regardless of the fact that he or she contracted the services of a commercial pesticide applicator.

The town of Agawam, MA, would make it illegal to spray pesticides between the hours of 6 p.m. and 8 a.m. If adopted, this would mean that pesticide applications in such facilities as schools and day care centers could only take place during normal operating hours when children were present. This ordinance, in essence, would significantly increase the exposure of children to pesticides.

In Mansfield, MA, an ordinance has been proposed which sets out specific requirements for the size and color of posting signs at application sites that differ from those requirements already set out by State law.

Another proposal would require the residents of Plum, PA, to remain in their homes during residential fumigations.

These examples are but a few of the many ordinances, based on inadequate expertise, which are emerging now on an almost daily basis. They illustrate very clearly the fact that local jurisdictions simply are not equipped to make the scientific and regulatory decisions required to regulate pesticides in a sound, reasonable fashion.

CONCLUSION

Before we, as a nation, face the chaos and havoc mentioned by Justice White, we need to reinforce and reinvigorate a Federal-State partnership of pesticide regulation, so that we can obtain a degree of effective and uniform public policy. To discourage 83,000 local jurisdictions from attempting to regulate the sale and use of pesticides, we need to enact this legislation, the Federal and State Pesticide Regulation Partnership Act of 1991, that will amend FIFRA to preempt local jurisdictions from regulating the sale and use of pesticides.

Mr. Speaker, we insert the bill in full with this statement.

COALITION FOR SENSIBLE PESTICIDE POLICY
 Agricultural Alliance of North Carolina.
 Alabama Agricultural Chemical Association.
 All-America Rose Selections.
 American Agri-Women.
 American Association of Nurserymen.
 American Farm Bureau Federation.
 American Sheep Industry.
 American Society of Agricultural Consultants.
 American Sod Producers Association.
 American Soybean Association.
 American Wood Preservers Institute.
 Animal Health Institute.
 Arizona Pest Control Association.

Arkansas Agricultural Pesticide Association.

Associated Landscape Contractors of America.

Associated Landscape Contractors of Massachusetts.

California Association of Nurserymen.

Chemical Manufacturers Association.

Chemical Producers and Distributors Association.

Chemical Specialties Manufacturers Association.

Chocolate Manufacturers Association.

Colorado Pest Control Association.

Connecticut Nurserymen's Association.

Connecticut Pest Control Association.

Corn Refiners Association.

Delaware Association of Nurserymen.

Delmarva Agricultural Chemical Association.

Eastern Regional Nurserymen's Association.

Florida Nurserymen and Growers Association.

Florida Pest Control Association.

Garden Centers of America.

Georgia Green Industry Association.

Georgia Pest Control Association.

Gulf Course Superintendents Association of New Jersey.

Hawaii Agricultural Alliance

Hawaii Pest Control Association.

Idaho Soil Fertility and Crop Protection Association.

Illinois Fertilizer & Chemical Association.

Illinois Landscape Contractors Association.

Illinois Pest Control Association.

Indiana Pest Control Association.

Industrial Biotechnology Association.

Institute of Shortening and Edible Oils.

International Sanitary Supply Association.

International Society or Arboriculture (New Jersey Chapter).

Iowa Fertilizer and Chemical Association.

Iowa Nurserymen's Association.

Iowa Pest Control Association.

Kansas Fertilizer and Chemical Association.

Kansas Grain and Feed Association.

Kansas Termite and Pest Control Association.

Kentucky Pest Control Association.

Landscape Contractors Association, MD-DC-VA.

Landscape Ontario Horticultural Trades Association.

Louisiana AG. Industries Association.

Louisiana Pest Control Association.

Maryland Alliance for Responsible Regulation of Pesticides.

Maryland Nurserymen's Association.

Maryland State Pest Control Association.

Massachusetts Arborists Association.

Massachusetts Biotechnology Council.

Michigan Agri-Business Association.

Michigan Alliance for the Rational Approach to Pesticides (MARAP).

Michigan Nursery and Landscape Association.

Michigan Pest Control Association.

Millers National Federation.

Minnesota Biotechnology Association.

Minnesota Pest Control Association.

Minnesota Pesticide Information and Education.

Mississippi Nurserymen's Association.

Mississippi Pest Control Association.

Missouri Association of Nurserymen.

Missouri Pest Control Association.

National Agrichemical Retailers Association.

National Agricultural Aviation Association.

National Agricultural Chemicals Association.
 National-American Wholesale Grocers Association.
 National Arborist Association.
 National Association of Plant Patent Owners.
 National Association of State Departments of Agriculture.
 National Association of Wheat Growers.
 National Broiler Council.
 National Cattlemen's Association.
 National Christmas Tree Association.
 National Confectioners' Association.
 National Corn Growers Association.
 National Cotton Council of America.
 National Council for Environmental Balance.
 National Fertilizer Solutions Association.
 National Fisheries Institute.
 National Food Processors Association.
 National Forest Products Association.
 National Grain and Feed Association.
 National Grange.
 National Landscape Association.
 National Pest Control Association.
 National Pork Producers Council.
 Nebraska Fertilizer and AG-Chemical Institute.
 Nebraska State Pest Control Association.
 New England Nurserymen's Association.
 New England Pest Control Association.
 New Jersey Nursery and Landscape Association.
 New Jersey Pest Control Association.
 New Jersey Turfgrass Association.
 New York State Nursery/Landscape Association.
 New York State Pest Control Association.
 North Carolina Landscape Contractors Association.
 North Carolina Pest Control Association.
 North Dakota Agricultural Association.
 Ohio Agrobusiness Association.
 Ohio Grain & Feed Association.
 Ohio Nurserymen's Association.
 Ohio Pest Control Association.
 Oklahoma Fertilizer and Chemical Association.
 Oklahoma Pest Control Association.
 Oregon Agricultural Chemicals Association.
 Oregon Association of Nurserymen.
 Oregonians for Food and Shelter.
 Pennag Industries Association.
 Pennsylvania Agronomic Products Association.
 Pennsylvania Nurserymen's Association.
 Pennsylvania Pest Control Association.
 Pest Control Operators of California.
 Pest Control Operators of Oregon.
 Pesticide Association of New York State.
 Pesticide Association of North Carolina.
 Professional Lawn & Pest Applicators of Idaho.
 Professional Lawn Care Association.
 Responsible Industry for a Sound Environment.
 Rocky Mountain Plant Food and Agricultural Chemicals Association.
 Society of American Florists.
 South Carolina Pest Control Association.
 South Dakota Fertilizer and AG Chemical Association.
 Southern Agricultural Chemicals Association.
 Southern Nurserymen's Association.
 Tennessee Pest Control Association.
 Texas Association of Landscape Contractors.
 Texas Pest Control Association.
 The Alliance for Environmental Concerns.
 The Alliance of Rhode Island Professional Pesticide Applicators.

United Egg Producers.
 United Fresh Fruit and Vegetable Association.
 United States Canola Association.
 United States Chamber of Commerce.
 Virginia Pest Control Association.
 Washington Friends of Farms and Forests.
 Washington State Nursery & Landscape Association.
 Washington State Pest Control Association.
 West Virginia Nurserymen's Association.
 West Virginia Pest Control Association.
 West Virginia Vegetation Management Association.
 Wholesale Nursery Growers of America.
 Wisconsin Agri-Business Council.
 Wisconsin Fertilizer and Chemical Association.
 Wisconsin Forestry/Right-of-Way/Turf Coalition.
 Wisconsin Landscape Contractor's Association.
 Women Involved in Farm Economics.

[From the Chemical Regulation Reporter,
 July 19, 1991]

FIFRA PRE-EXEMPTION BATTLE EXPECTED TO
 SHIFT TO CONGRESS, STATES IN WAKE OF SUPREME
 COURT DECISION

(By Lawrence S. Ebner)¹

On June 21, the U.S. Supreme Court ruled 9-0 that the Federal Insecticide, Fungicide, and Rodenticide Act does not pre-empt local governments from regulating the use of pesticides (*Wisconsin Public Intervenor v. Mortier*, 59 LW 4755, US SupCt 89-1905, 6/21/91; 15 CRR 387).

The court's opinion, written by Justice Byron White, is legalistic and mechanical, what *The New York Times* described on June 22 as "a dry review of the text and history" of FIFRA.

Justice Antonin Scalia's separate concurring opinion is a little more spirited, and even accepts industry's view of FIFRA's legislative history, but will be of interest primarily to legal scholars who question the legitimacy of using congressional committee reports to interpret federal statutes.

Neither the court's opinion nor Scalia's concurrence squarely addresses the real issue concerning local regulation: Whether allowing tens of thousands of municipal and county governments to ignore or second-guess the Environmental Protection Agency's and the states' scientific and regulatory determinations will undermine the well-coordinated system of professional federal/state pesticide regulation that has evolved under FIFRA during the past 20 years.

TOWN OF CASEY ORDINANCE

The Supreme Court made it clear at the outset of its opinion exactly where it was coming from on the issue of local regulation. The first footnote explains that the Town of Casey, Wis., which has a population of 400-500, is "large enough to enact the ordinance at issue" in the case (59 LW 4756).

The Casey ordinance requires a permit to be sought at least 60 days before applying pesticides aerially or to public-use lands. To obtain a permit the prospective pesticide applicator must submit to the Town Board extensive information, including a description

¹ Ebner is a partner in the Washington, D.C., office of McKenna & Cuneo, where he specializes in pesticide legal matters. He submitted an amicus curiae brief in *Wisconsin Public Intervenor* on behalf of the National Pest Control Association, National Agricultural Chemicals Association, Agricultural Commodity Coalition, Edison Electric Institute, and Chemical Manufacturers Association.

of the pesticides and quantities to be used, their regulatory status and potential risks, available chemical and non-chemical alternatives, the environmental impact of the proposed pesticide application and any chemical alternatives, and the precautions that will be taken to protect the public.

The Town Board then can deny or grant the permit, or grant it with conditions.

If a permit is granted, placards must be posted giving at least 24 hours' advanced notice of the pesticide application.

It is impossible to read the elaborate text of the ordinance without concluding that the members of the Casey Town Board (1) have made it extremely difficult to obtain permission to use pesticides, and (2) have reserved for themselves apparently unfettered discretion to disallow or restrict the use of pesticides which both EPA and Wisconsin authorities have determined will not cause unreasonable adverse effects when applied in accordance with label precautions and directions.

The court held that "FIFRA does not preempt the town's ordinance either explicitly, implicitly, or by virtue of an actual conflict." *Id.* at 4757. This ruling reversed a decision of the Supreme Court of Wisconsin, and resolved the split of authority on FIFRA preemption of local regulation that had developed among several federal appellate courts and state supreme courts.

The Supreme Court case provoked numerous amicus curiae briefs, not only from pesticide industry associations, but also from the solicitor general, a number of states, public interest groups, and others.

THE COURT'S PRE-EMPTION ANALYSIS

The court identified "textual inadequacies" in FIFRA, such as inconsistent usage of the term "state," and found that "the statutory language *** is wholly inadequate to convey an express pre-emptive intent on its own." *Id.* at 4758.

Based on FIFRA Section 24(a), which authorizes "states" to regulate pesticide "sale or use," the court found that "the statutory language tilts in favor of local regulation" because "political subdivisions are components of the very entity the statute empowers." *Id.*

Along the same lines, the court pointed to FIFRA's statutory structure in finding that "[w]hatever else FIFRA may supplant, it does not occupy the field of pesticide regulation in general or the area of local use permitting in particular." *Id.* at 4759.²

The court emphasized that "FIFRA's authorization to the states leaves the allocation of regulatory authority to the 'absolute discretion' of the states themselves, including the option of leaving local regulation of pesticides in the hands of local authorities," *Id.* at 4758.

Accordingly, the states remain free to enact legislation (as several have) to prohibit or otherwise restrict their political subdivisions from regulating pesticides.

Although the industry relied heavily on FIFRA's legislative history to establish congressional intent to pre-empt local regulation, the court found it "at best ambiguous." *Id.* In this regard, the court adopted EPA's view (expressed in the solicitor general's brief) that the two key Senate committees

² The court's decision does make it clear the regulation of pesticide labeling "fall[s] within an area that FIFRA's program pre-empts." *Id.* at 4760. Accordingly, even under *Wisconsin Public Intervenor*, local governments, like the states, are pre-empted from regulating pesticide labeling. See FIFRA Section 24(b), 7 USC 136v(b).

(agriculture and commerce) with responsibility for rewriting FIFRA in 1972 "agreed to disagree" about local regulation. See id.

Scalia pointedly took exception to the other justices' interpretation of the same legislative history. He quoted from the 1972 Senate Agriculture Committee report which explained that FIFRA Section 24 "should be understood as depriving *** political subdivisions of any and all jurisdiction and authority over pesticides." Id. at 4761 (Scalia, J., concurring) (quoting S Rep 838, 92 Cong, 2d Sess 17 (1972)).

Scalia found that "[C]learer committee language 'directing' the courts how to interpret a statute of Congress could not be found, and if such a direction had any binding effect, the question of interpretation would be no question at all." Id. at 4761.

As to the supposed disagreement between the two Senate committees, Scalia cited a Commerce Committee report confirming that the Agriculture Committee report "states explicitly that local governments cannot regulate pesticides in any manner." Id. (quoting S. Rept. 970, 92nd Cong, 2d Sess 27 (1972)).

According to Scalia, "[t]his legislative history clearly demonstrates *** not (as the court would have it) that the two principal Senate Committees disagreed about whether [the 1972 FIFRA Amendments] pre-empted local regulation, but that they were in complete accord that it *did*, and in disagreement over whether it *ought* to." Id. (emphasis in original).

Nevertheless Scalia concurred in the Court's holding because he believes that committee reports are unreliable indicators of congressional content.

INDUSTRY ARGUMENTS GIVEN SHORT SHRIFT

Perhaps the most disappointing aspect of the court's opinion is the short shrift that it gives to industry's arguments as to why local regulation of pesticides would obstruct Congress' objectives, including protection of health and the environment. Even where there is no express preemption, federal law pre-empts a state or local law which "stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress." Id. at 4767 (quoting *Hines v. Davidowitz*, 312 US 52, 67 (1941)).

Although the court "discern[ed] no actual conflict *** between FIFRA and local regulation generally," it offered little explanation for this misperception.

Instead, the court dismissed industry's arguments as resting "on little more than snippets of legislative history and policy speculations." 59 LW 4760.

The industry had argued that local governments lack the technical resources and expertise to regulate pesticides competently; that local regulation would render superfluous the comprehensive system of professional federal-state regulation established by FIFRA, and that multiple, overlapping, conflicting or inconsistent, and onerous local ordinances would lead to regulatory chaos and prevent cost-effective pest control.

The court found that "Congress is free to find that local regulation does wreak such havoc and enact legislation with the purpose of preventing it *** [but] has not done so yet." Id.

A NEW CHALLENGE

Because the Supreme Court has ruled that FIFRA as currently written does not preempt local regulation, the focus will shift from the courts to the legislative arena, where the industry will seek amendments to FIFRA or state laws. As a practical matter,

such amendments will not change the status quo, since it has been widely understood for 20 years that local governments do not have the authority independently to regulate pesticides.

The challenge is to prevent the Wisconsin Public Intervener decision from turning pesticide regulation on its head. At a minimum, industry will urge local governments to exercise forbearance and give deference to EPA's and state agencies' scientific and regulatory determinations, while continuing to cooperate on pesticide enforcement.

Public interest groups inevitably—but erroneously—will contend that industry's efforts to meet the challenge of local regulation will place the public at risk by failing to take into account localized needs and conditions.

To the contrary, both EPA and state agencies have in the past—and can in the future—adopt localized restrictions on pesticide use where and when appropriate. Equally important, pre-empting local governments from regulating pesticides will help ensure that regulatory decisions are based on dispassionate scientific judgments, that they are well balanced and shielded from political pressures, and that cost-effective pest control will remain available for the benefit and protection of society.

Wisconsin Public Intervener affords Congress and state legislatures a fresh opportunity to reaffirm those objectives.

INTRODUCTION OF THE FEDERAL-STATE PESTICIDE PARTNERSHIP ACT OF 1991

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. MARLENEE. Mr. Speaker, Mr. HATCHER of Georgia and I, along with 28 other members of the House Committee on Agriculture, are introducing today the Federal-State Pesticide Regulation Partnership Act of 1991. Upon enactment, this legislation will rectify a serious problem which has arisen recently as we attempt to protect the public against any potential harm from the use of modern pesticides and agricultural chemicals. Congress and the various States have recognized the need to protect the public in this area, but we have also attempted to do so within a framework which allows for an orderly, scientifically sound regulatory approach, thus maximizing nationwide uniformity and enforcement in dealing with this serious matter.

Earlier this year, the U.S. Supreme Court issued a decision which held that our current Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA] does not actually preempt local units of government from second guessing the Environmental Protection Agency and adopting their own pesticide regulations. Previously, most officials familiar with FIFRA and pesticide regulation had assumed that local governments were prohibited under the Federal statute from adopting such local regulations.

Under the Supreme Court's reading of FIFRA, however, some 83,000 local units of government—counties, cities, townships, even school districts—are now free to independently enact pesticide use regulations. Further, there

is no requirement that such local regulations be adopted with even a shred of scientific input, and no requirement that the 83,000 local jurisdictions coordinate their rules. Consequently, that is a very real potential for conflicting and overlapping and inconsistent regulation.

On the surface, such a result may not seem particularly troublesome. But consider, for example, that home pest control or lawn service companies operating in urban areas could be faced with having to comply with 10 or 15 or more different sets of regulations in order to be in compliance. Just imagine the enormous additional costs which our consumers would be required to bear, not to mention the very real possibility that such companies simply could not adjust to so many conflicting and confusing rules in order to stay in business.

In addition, Mr. Speaker, the scope and economic impact of this problem is not as limited as some might think. Businesses which depend upon access to EPA tested and approved products include farmers and ranchers, home and commercial pest control companies, nurseries, arborists and florists, rights-of-way maintenance firms, and lawn care companies—just to name a few. In fact, to date more than 160 national, regional, and state-level trade associations and producer groups, representing thousands of businesses and tens-of-thousands of agricultural producers, have joined together to form the coalition for sensible pesticide policy in support of the bill we introduce today. The groups comprising this coalition—ranging from the National Association of State Departments of Agriculture to the U.S. Chamber of Commerce—are not opposed to the rational, reasonable, and scientifically based regulation of pesticides.

They do support this legislation, which now becomes necessary in order to prevent a state of regulatory chaos. They recognize that such chaos could actually threaten to undermine the orderly, effective regulation of such pesticide compounds. With confusing and conflicting regulatory disharmony, everyone will lose—agricultural producers, consumers, business enterprises, wage earners, local tax bases—virtually everyone will suffer an enormous and adverse economic impact.

The reality of local activity in this very complex and technical area of pesticide regulation is not speculative. Since the Court's decision, about 100 attempts at local regulation have been identified—and no two efforts have proposed identical sets of regulations. Not only are thousands of dollars being spent in supporting or opposing these ordinances, but misinformation about the safety and proper handling of pesticides is becoming epidemic. When this happens, the public interest and the proper regulation of pesticides are ill served.

Not all of these proposals are adopted or approved by local interests. On November 7, for instance, the voters of Missoula, MT, soundly rejected a referendum initiative which not only would have impacted that city's own residents, but which would have purported to extend the regulations to all persons within a 5-mile radius of the town's boundaries. We believe this result shows the public—when adequately informed about the issue—does not want or need more and more complex and localized pesticide regulations. Fortunately, in

this case the good citizens of Missoula recognized that a three-tiered local-State-Federal regulatory scheme which conflicts and overlaps simply will not work in their best interests.

Some might attempt to say that we have not focused on the rights of local citizens to have a voice in the area of pesticide regulation. To the contrary, we absolutely believe that local input into this important area is wholly justified and highly desirable. However, we also believe that the public health and safety are best served when we employ the type of technical and scientific considerations involved in effective pesticide regulation within the context of the Federal-State partnership envisioned under FIFRA.

Finally, Mr. Speaker, I would point out that the Supreme Court did underscore in its opinion that Congress is certainly free to enact legislation for the purpose of preempting this hodge-podge of local regulatory activities if we believe that the result will wreak havoc with the goals and effectiveness of our nationwide statutory approach to the problem under FIFRA. We firmly believe the Federal-State Pesticide Regulation Partnership Act of 1991 which we introduce today will address the concerns expressed by the Court, and will prevent the political, regulatory, and economic havoc envisioned by the Court as a result of multitudinous local regulatory efforts. We respectfully urge the speedy adoption of this important measure.

NIH CELEBRATES 50 YEARS IN BETHESDA

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mrs. MORELLA. Mr. Speaker, I rise to congratulate the National Institutes of Health Alumni Association, which, this weekend, will celebrate the 50-year anniversary of NIH moving from Washington, DC, to its current headquarters in Bethesda, MD.

As NIH's Representative in the Congress, this landmark occasion in the history of the agency is a source of great pride for me. Little needs to be said about the outstanding biomedical research being conducted each day at NIH. As we all know, the agency has been at the forefront of efforts to combat the scourges of AIDS, cancer, heart disease, and other public health menaces.

NIH's move to Bethesda in 1941, signified the beginning of the agency's mandate to "further the health of all mankind," as President Franklin D. Roosevelt stated in 1941. Indeed, with the move came a complete reorientation of the Institutes from epidemic control and sanitary engineering to broad-based human health research, diagnosis, and treatment. Today, NIH has expanded the scope of its activities to include investigation of virtually all facets of human health.

This weekend, former and current NIH scientists, researchers, doctors, and support personnel will travel from all parts of the country and the world to celebrate this landmark in the history of the Institutes. It is a pleasure for me to bring this noteworthy event to the attention

of the Congress, and I know that my colleagues join me in warmly congratulating the agency, its talented alumni, and the entire staff.

CREDIT CRUNCH REQUIRES IMMEDIATE ACTION

HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. HAYES of Louisiana. Mr. Speaker, today we received word from the Board of Governors of the Federal Reserve that they are lowering the discount rate by half a percentage point to 4.5 percent—the lowest rate in 18 years. That's an extraordinary measure, even in a time when the Fed has taken several steps to drive down interest rates. And it is ironic indeed as interest rates are falling that so many of our constituents are unable to obtain financing for sound business ventures.

Any number of factors might be blamed for such a state of affairs. But it is far more important to assure the future economic health of the Nation than to ascribe blame for the causes of the current crisis. Mr. Speaker, a lack of liquidity lies at the core of the Nation's inability to recover from this recession. Of course, in a market economy like ours, there are limitations—and appropriately so—to the ability of the Federal Government to leverage the performance of the economy. Unfortunately, despite all the positive measures that have been taken, economic recovery remains stymied by a persistent lack of liquidity.

There is little doubt among the men and women who run the farms and small businesses in this country that the combination of a weak economy and the savings and loan debacle have had a chilling effect on lending. Time and time again, our friends in the banking industry have told us that their willingness to make prudent loans for new ventures has been hamstrung by overly cautious regulators. Mr. Speaker, financial institutions need to re-examine their credit policies with a view toward the role these institutions play in fueling economic recovery. Regulators need to be sensitive to the dangers that overly restrictive credit policies pose to the health of the economy. Economic strength will minimize the effects of the bank failures these regulators are charged with resolving. The sooner the economy recovers, the less likely it will be that more taxpayer funding will be needed. Yet that recovery cannot occur unless regulators are equally vigilant in criticizing both unduly lenient and unduly restrictive bank lending practices.

Today, my colleagues from Texas [Mr. BRYANT], Washington [Mr. CHANDLER] and Florida [Mr. MCCOLLUM] are joining me in introducing a resolution expressing the sense of the Congress that the policy of the United States to foster improved financial stability of the Nation's banking and thrift institutions "shall be consistent with the preservation of the availability of credit, under safe and sound lending practices, for commercially prudent business purposes in order to create jobs and promote a speedy and robust economic recovery."

The resolution calls on the Treasury, including the Comptroller of the Currency and the

Office of Thrift Supervision, the Federal Deposit Insurance Corporation and the Federal Reserve Board, in consultation with the Secretaries of the Departments of Agriculture and Commerce and the Administrator of the Small Business Administration to review current policies and practices to identify those that may adversely affect the availability of credit for sound commercial purposes.

The resolution also calls for a report to the President and to Congress on the actions and initiatives taken and on any legislative recommendations.

I would like to include the text of the resolution in the RECORD at the conclusion of my remarks.

Mr. Speaker, the current combination of low interest rates and tight money is without precedent. It is choking our economy. I urge my colleagues to join me in supporting this resolution as a first step toward addressing the credit crunch.

WHOSE RECESSION IS THIS?

HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. BUSTAMANTE. Mr. Speaker, we're in a recession, one that may be very long. And what do we hear from the White House? "It's not my recession." The President, while he won't even admit we have an economic slump, is busy blaming it on Congress for not acting, on the banks for not lending, or even on the American people for not buying.

He's blamed it on the distinguished majority leader of the other body, who is also named George. Nice try—but obviously a case of mistaken identity.

No, Mr. Speaker, this recession is clearly the property of the White House. Clearly the property of this government-by-veto administration. And we need some leadership to get us moving out of it. Not blaming, not Congress-bashing, not criticism of the American consumer. We need leadership.

The Congress and the American people understand that this Bush recession can't just be wished or denied away. It's time for the President to realize that, too.

It's time to stop blaming, and start acting.

IN SUPPORT OF NATIONAL SENIOR SOFTBALL WEEK

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a segment of our society which remains increasingly spirited—those who say you're never too old to stay active. I am of course referring to those who are engaged in sports and physical fitness well beyond their 50th birthday.

With a growing interest in health and fitness, our society has been witness to a great increase in the number of athletes over 50. One

of the more popular sports for such individuals is softball. It is so popular, in fact, that each year at the end of September they have their own world series.

That is why I am introducing a resolution to designate the last week of September as National Senior Softball Week.

In 1985, Mr. Ken Maas and Ms. Jacqui Jolly founded the National Association of Senior Citizen Softball [NASCS] to dispel the myth of aging—that becoming older does not mean you no longer want to stay competitive and active. They promoted their association with missionary zeal to assist those who wanted to play softball, not just be bench warmers for younger players in other leagues.

To showcase the best in senior softball, Mr. Maas and Ms. Jolly began the NASCS tournament in Clinton Township, MI, starting in 1985 with 12 teams—contrasted with 57 teams in 1991.

By 1988, the NASCS tournament was so successful that the Sporting Goods Manufacturers Association [SGMA] approached Mr. Maas with the idea of a senior softball world series. Together they founded Seniors Softball World Series Inc., and held the first world series during the last week of September 1989 in Greensboro, NC, with 68 teams. Last year, the world series attracted 83 teams to Palm Beach County, FL. Next year the world series will be held from September 21 through September 27 in Wayne County, MI, and promises to be even more successful.

I am introducing this resolution to recognize those who participate in this competitive athletic endeavor on a national and international level. Not only are these participants having fun, they are promoting intergenerational role modeling by engaging in a worthwhile activity that gives our youth a positive image of the future.

I also want to pay tribute to the many who have dispelled the myth of aging by participating in senior softball. At an age when most have hung up their cleats, these competitors are making new friends, accepting new challenges, and adding years to their lives.

I urge my colleagues to support National Senior Softball Week.

PROTECTING PENSIONERS AGAINST PBGC INSOLVENCY

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. PETRI. Mr. Speaker, today, the Secretary of Labor will issue an alert to the Congress that one of the cornerstones of the foundation that protects the pensions of our Nation's workers and retirees is flawed and in need of repair. The Pension Benefit Guaranty Corporation [PBGC], established under the ERISA pension law to guarantee the benefits of pensioners in terminated underfunded plans, has already incurred a \$2 billion deficit which will rapidly escalate unless the Corporation's rightful seat in the bankruptcy courts is restored and solidified.

Fortunately, for the 40 million participants in the defined benefit pension plans who look to

the PBGC for their retirement income security, help is in the offing. I commend my colleague from the State of Washington, Representative ROD CHANDLER, for introducing legislation, the Pension Protection in Bankruptcy Act, which will help keep the PBGC solvent and able to meet its pension obligations in the long run. I am pleased to join Representative CHANDLER and many other of my colleagues in the House as a cosponsor of this important retirement income security measure.

Over the past decade the PBGC single-employer termination insurance program has received several shots of legislative aid in an attempt to place the program on a sounder financial footing. For example, employer premium taxes were increased substantially and made risk-related, minimum funding standards were strengthened, the insurable event was transformed from mere plan termination to one requiring financial distress, and the PBGC's recovery of plan underfunding in bankruptcy proceedings was enhanced. However, several recent court rulings involving the pension plans of the LTV Corp. threaten the PBGC's claim and status in bankruptcy and, therefore, the long-term solvency of the pension safety net.

These court rulings have set aside the priority claims for pension plan underfunding which are clearly given the PBGC under title IV of ERISA. Unless this new loophole is quickly closed, we can expect to see many other corporations, such as LTV, deliberately invoking chapter 11 bankruptcy proceedings in a blatant attempt to shed their unfunded pension liabilities. More immediately, the PBGC estimates that unless the loophole is closed the single-employer program could be faced with up to \$8 billion in additional liabilities from companies already in bankruptcy.

The Congress has a clear duty to put to an end this idea that LTV and other companies may have, that is, to pass along to their competitors or the taxpayers the cost of paying the pensions of their own workers.

I urge my colleagues in the House, who wish to avoid another S&L type crisis and taxpayer bailout, to cosponsor and seek the early enactment of the Pension Protection in Bankruptcy Act of 1991.

AID TO FAMILIES WITH DEPENDENT CHILDREN EXTENSION ACT

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mrs. MINK. Mr. Speaker, today, I have introduced legislation to extend Aid to Families with Dependent Children [AFDC] for 30 days after an individual or family become ineligible for assistance.

The transition between government assistance and self-sufficiency is often difficult. Despite an increase in income, families often cannot cope with the immediate elimination of AFDC funds. Plagued by unpaid bills, unexpected emergencies, and an unpredictable economy, families who are struggling to survive by their own means are often sabotaged by circumstances, they do not control.

In the case of families that are able to increase their income and wean themselves off of assistance, it is often 1 or 2 weeks after AFDC benefits have been cut off before they actually receive the increased income from a new job or promotion. This means children will go unfed, the sick uncared for, and families will suffer.

The legislation I have introduced today would give families an additional month to make this transition. The bill allows families who become ineligible for AFDC benefits or must reduce their benefits because of increased income to receive the current level of AFDC benefits for an additional 30 days. This would assure that the people will actually receive the increased income before AFDC benefits are reduced or eliminated.

Mr. Speaker, this is a practical solution to a real problem. I urge my colleagues to join me and support this 1-month extension of Aid to Families with Dependent Children benefits.

COSPONSORS TO H.R. 534

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mr. DAVIS. Mr. Speaker, I would like today to list additional cosponsors to H.R. 534, a bill to repeal the recreational boat tax: Representatives CASS BALLENGER, JOHN W. OLIVER, ROBERT K. DORNAN, JOHN R. KASICH, and RICHARD H. BAKER.

THE BREAST IMPLANT DECISION

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 21, 1991

Mrs. LLOYD. Mr. Speaker, on November 14, 1991, Representative OAKAR and I introduced legislation to allow women of this country seeking breast implant surgery to be fully informed of the risks involved before making a decision. The Breast Implant Informed Decision Act (H.R. 3783), will require that all States enact informed-decision laws which require physicians to fully apprise women of all risks, both known and those currently being studied, associated with breast implants by way of a standardized written summary in layperson's terms. Unfortunately, this has not always been the case for the two million women who have already undergone the surgery since implants became available in 1961. For many of these women, implants have posed no problems or ill effects, but some women have had to deal with unwelcome and often unexpected side effects and other health concerns resulting from implants, namely those made of silicone gel.

Many of these women also assumed that the implants they sought were approved by the Food and Drug Administration [FDA]. Unfortunately, implants were on the market well before the agency began to regulate medical devices in 1976. However, due to concerns over their safety, the FDA has required that

manufacturers of silicone gel implants provide the agency with evidence that their products are safe and effective by early January, 1992. Women should note that the FDA action does not mean that silicone gel implants are unsafe. Rather it means that the FDA does not have information from the manufacturers to prove their safety. The FDA reports that they still have not been presented with adequate data to answer their concerns.

On the same day that H.R. 3783 was introduced, an advisory panel to the agency issued its recommendation that silicone gel implants be kept available to women while necessary scientific research is conducted by the manufacturers. I am heartened to see that the panel also recommended that women be given detailed information about the risks and benefits of implants. The FDA will consider these recommendations and issue a final decision in early January.

Once again, women are shortchanged by inadequate research data. Understandably, they are confused, angry, and worried as a result. Women want the ability to make an informed decision as to whether the benefits of breast implant surgery outweigh the risks in their individual situations. This is especially the case for women recovering from breast cancer, many of whom report the invaluable role implants played in recovery back to their old selves. No matter what a woman's reason for seeking implants may be, she deserves to know the potential risks, both those that are currently known and those under investigation, before she makes this very personal decision with her physician. The Breast Implant Informed Decision Act will ensure this right to all women seeking breast implants in this country.

The Commissioner of the FDA, Dr. David Kessler, has assured us that the agency will make a balanced assessment of the risks and benefits of silicone implants and will do all they can to expedite research efforts to gain

the necessary research data. Until women have access to the research results, they should not be precluded from access to an option which clearly has provided important benefits to hundreds of thousands of women. However, as is the case with all medical devices, women should also be aware that there are risks associated with breast implants. I urge my colleagues to support H.R. 3783 and the right to make an informed decision on this deeply individual and private issue.

A TRIBUTE TO R.E. "JEFF" KASLER

HON. JERRY LEWIS

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 21, 1991

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the outstanding public service and lifetime achievement of my good friend R.E. "Jeff" Kasler of Long Beach, CA. Jeff will be recognized at a special dinner in his honor in early December celebrating his 30 years of distinguished service with Kasler Corp.

Jeff Kasler is a giant in the engineering and construction industry. His career, spanning almost 45 years, has been highlighted by personal and professional integrity. Over the years, Jeff and his company have made important contributions to the high quality and technological sophistication of American civil engineering.

Following his service in the U.S. Navy Air Force, Jeff graduated from Purdue in 1946 with a bachelor of science degree in aeronautical engineering. After a year working as an aircraft designer for Northrop Aircraft, Jeff began his career in public works as a junior civil engineer with the California Bridge Department.

A couple years later, he went to work as a labor foreman with what was then Frederickson & Kasler, a partnership founded and led by Jeff's father, C.E. "Jack" Kasler. In his 12 years there, Jeff served as a project superintendent, chief engineer and assistant general manager. The company grew and prospered laying the foundation for a promising future.

In 1962, Jeff founded and incorporated Kasler Corp. Under his leadership, the company has become a national leader in the construction and repair of highways, bridges, freeways, airfields, and other infrastructure projects in the Western United States. But Kasler's work has not been limited to roads and bridges. The 1980's began with Kasler Corp.'s award of a \$145 million contract, the company's largest ever, for the space shuttle launch complex project at Vandenberg Air Force Base in California. The decade ended with Kasler receiving a \$124 million contract, the largest highway contract in the history of the California Department of Transportation, for the Century Freeway Super 37 project due for completion in 1994.

Jeff's innovative work in research, testing and construction has earned him a great deal of well-deserved recognition. Among his many honors, Jeff has received the Distinguished Engineering Alumnus Award from Purdue University as well as the 1989 Lifetime Achievement Award from the Los Angeles Chamber of Commerce for being an "outstanding member of the industry whose professionalism and leadership has enhanced the economic vitality and quality of life in our region."

Mr. Speaker, words are not enough to measure my admiration and respect for Jeff Kasler who I am proud to call my friend. I join his many friends, his wife Elaine, and children Jill, Judy, and Steve, in asking you to join me in honoring this fine man who is certainly worthy of recognition by the House today.