EXTENSIONS OF REMARKS

SPEECH BY JOHN BRADEMAS, PRESIDENT OF NEW YORK UNIVERSITY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. HAMILTON. Mr. Speaker, I would like to draw the attention of my colleagues to an excellent speech delivered by my close friend and former colleague John Brademas, the president of New York University, who so ably served the people of the Third District of Indiana for 22 years and served with distinction for 4 years as the majority whip of the House. His speech, "Economies in Transition: Management Training and Market Economics Education in Central and Eastern Europe," warrants the attention of all who are interested in the success of United States assistance programs to the new democracies of Central and Eastern Europe.

The text follows:

A MOMENT TO SEIZE: A U.S. PARTNERSHIP FOR MANAGEMENT TRAINING AND MARKET ECONOMICS EDUCATION IN CENTRAL AND EASTERN EUROPE

(Address of John Brademas, President, New York University)

We meet at an extraordinary moment in world affairs. We are witnessing the defeat of a savage aggressor who ruthlessly invaded and plundered a small neighbor. The campaign against Saddam Hussein is successful in large part because of President Bush's skill in building, under United Nations auspices, an international coalition. We must all hope that the war is brought to an end swiftly and with minimum casualties and that we can soon turn to the difficult task of building a structure of stability in the Middle East.

Mesmerizing as is the drama in the Persian Gulf, we cannot permit it to divert our attention from developments elsewhere in the world which will profoundly affect the shape of the next decade and the new century ahead.

In the Baltics the crackdown by leaders of the Soviet Union signals a retreat from glasnost and perestroika as the peoples of that country struggle with massive, deep-seated internal problems.

In the Third World, millions cry out for freedom and for decent living standards.

In the People's Republic of China, repression of dissent and reversion to hardline ideology and practice darken hopes for progress in that vast nation.

In South Africa, the hated, and hateful, system of apartheid is crumbling but there, too, the path to a just society will not be smooth.

But it is a challenge of a different kind that brings us all here tonight and tomorrow—nothing less than the drive, after four decades of Communist rule, of the peoples of Central and Eastern Europe, to establish free and democratic political institutions and free, market-oriented economies.

The purpose of this conference is, therefore, a noble one and I want to commend its organizers on a creative and significant initiative:

Deputy Secretary of State Lawrence Eagleburger,

Deputy Secretary of the Treasury John Robson,

Chairman of the Council of Economic Advisers Michael Boskin,

Administrator of the Agency for International Development Ronald Roskens, and

Bruce Gelb, Director of the United States Information Agency.

I pay tribute also to the leadership on this vital question of a distinguished Member of the United States House of Representatives, Congressman Martin Frost of Texas.

A PERSONAL COMMITMENT TO INTERNATIONAL EDUCATION

It is a privilege to appear before such a distinguished audience of so many leaders of American business and industry, foundations and private international organizations as well as officials from Federal agencies closely associated with Central and Eastern European relations. I am pleased as well to note the outstanding representation of my colleagues from the academic world, and, of course, I offer a special welcome to our many eminent guests from abroad.

I am, for several reasons, pleased to have been invited to speak at this opening session.

First, as a Member of Congress for twenty-two years, including four as Majority Whip, I was involved with matters affecting U.S. relations with Europe over a period extending from the Eisenhower era through the Carter years. I also sat on the House committee with principal responsibility for education at all levels—schools, colleges and universities—the arts and humanities, museums, libraries and other institutions of learning and culture. Indeed, in 1966, I was chief sponsor of the International Education Act, aimed at encouraging more attention to international studies in this country.

Second, for over a decade I have served as president of the largest private university in the United States—New York University, with some 47,000 students in 13 schools, colleges and divisions and an annual operating budget of $1.1 billion. Our proud tradition as educator of immigrants and their sons and daughters began when NYU first welcomed newcomers from Europe more than a century and a half ago. Today NYU operates programs in countries around the world, including more than a dozen in Europe.

Third, both as a Member of Congress and since, I have on a number of occasions visited Poland—I may observe that my wife is of Polish descent—Czechoslovakia, Hungary, Romania, Yugoslavia, East Germany and the Soviet Union. In 1979 Speaker O'Neill appointed me to lead a delegation of seventeen Members of Congress to visit the Soviet Union to meet in the Kremlin with members of the Supreme Soviet. In fact, we were the first American political leaders to meet Eduard Shevardnadze, in Tbilisi, when he was party chief of Georgia.

Here let me note that an important interparliamentary dialogue with the newly elected legislative leaders of Central and Eastern Europe is headed by Congressman Frost. He is chairman of a congressional task force, appointed by Speaker Tom Foley, which visited Prague, Budapest and Warsaw last year and made recommendations to assist the development, in those and the other new democracies, of effective national legislatures.

And if I may be permitted a personal aside, I recall another trip, over twenty-five years ago, to Yugoslavia, where, as a young Congressman, I encountered a young Foreign Service officer, a friend of many years, Larry Eagleburger.

A final, and telling, reason I was pleased to accept Bruce Gelb's invitation is a philosophical one—my firm conviction that there is a close and intimate relationship between open, competitive economies and free and democratic political institutions.

A CALL FOR PARTNERSHIPS

This vital linkage is aptly described in the current issue of the journal Foreign Affairs, where author William Pfaff writes: "The radiance of Western justice and success is the power that caused the east European nations and the Soviet Union to abandon what they were and attempt to become what we, the democracies, have made of ourselves . . . It is a moment to seize."

It is, indeed, this "moment" that brings us together—from both sides of the Atlantic; from the public and private sectors; from the worlds of business, academia, foundations and government—the moment to consider how best to encourage democracy and market reform in the newly liberated nations of Eastern and Central Europe.

When I began these remarks, I listed crises in various parts of the globe. To round out the context from which I speak, I must also note certain unpleasant realities here in the United States.

We Americans face a burgeoning array of problems of our own, from combating crime and drugs to cleaning up the environment, from fighting AIDS to dealing with homelessness, from reinvigorating a listless school system to reigniting a stalled economy.

Worse, our ability to finance the immense efforts necessary to address these troubles has progressively deteriorated. The cost of the Mid-East war, soaring toward $1 billion a day, has sharpened the contours of a deepening recession and poured kerosene on the fires of a $300 billion deficit in a Federal budget already strained by the cost of the savings and loan bailout.

Despite our domestic dilemmas, we cannot ignore our obligations abroad, particularly when they embrace goals so long sought and so eminently desirable as assisting the nations of Central and Eastern Europe in setting up market-based economies and free political institutions.

Our task, it seems to me, is to determine, in this respect, the appropriate role of the United States. Given the nature of the challenge and the limits of our financial means, I want to assert, as clearly as I can, two fundamental principles.

First, if Americans are to be effective in contributing to democratic practices and market economies in Central and Eastern

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Europe, we must forge in this country a creative, innovative, broad-scale partnership that will command the talents and energies of American business and industry, private foundations, colleges and universities, and the Federal government.

Second, some of the resources of that partnership must be targeted squarely on management training and education in market economics. Without knowledgeable practitioners, market economies and democratic regimes in Eastern and Central Europe can neither be successfully introduced nor developed.

The reasons we in the United States should forge such a partnership, among ourselves and with our European colleagues, must be obvious. Not the least is that at our best, Americans are champions of free peoples and open markets. Clearly, such a policy of partnership is in our national interest as a world power. And finally, a politically and economically vibrant Central and Eastern Europe affords opportunities for American business and industry. Whether trade, investment or multinational ventures, promising new fields ought not to be left solely to other industrialized countries.

We recognize, of course, that the European Community can be expected to play a major role in the transformation going on within its neighboring nations. This is natural, given proximity and history. EC involvement is also a financial imperative as the United States can provide only limited aid.

We welcome initiatives on the part of Western Europe, Japan and others. But I reiterate that I would not wish to see a resurgent Central and Eastern Europe in which the major contributions came only from Germany and Japan. The United States must be a partner, too, and a continuing presence, in the economic revival of that vital heartland.

A CRUCIAL ROLE FOR COLLEGES AND UNIVERSITIES

Our contribution need not come only from the government, which is why I have urged the creation of a broad-based partnership. Nor must our participation always take the form of cash. We have much else of value to offer.

As fundamental to economic development as roads, bridges, tunnels, power and communications is the indispensable element of brainpower—trained minds, skilled managers, educated leaders.

The development of competitive economies in Central and Eastern Europe will depend in no small part on how rapidly and effectively new managers can be trained and new knowledge imparted. You and I know the conceptual problems in these countries. What is a free market? How does it work? We know, too, the lack of basic skills required to operate in a market economy. How to set up a business, calculate profit and loss, perform basic accounting, establish production and marketing goals—all these functions require education and training.

In an article in the current issue of The Atlantic Monthly, entitled, "The REAL Economy," Robert B. Reich of Harvard celebrates the crucial role of education in society. He writes:

"Increasingly, educated brainpower—along with roads, airports, computers, and fiber-optic cables connecting it up—determines a nation's standard of living. In the emerging economy of the twenty-first century only one asset is growing more valuable as it is used: the problem-solving, problem-identifying, and strategic-brokering skills of a nation's citizens. [I]intellectual capital has become a uniquely important national asset."

Certainly one source of education and training in Central and Eastern Europe will be American business and industry as American firms become more actively involved there.

I note, for example, the purchase by General Electric of a half-interest in Tungsram of Budapest, a tentative agreement by General Motors to buy a plant in Slovakia, the purchase by Sara Lee of a controlling interest in Compack, third largest food company in Hungary.

Such acquisitions in Central and Eastern Europe bring with them both an infusion of American business management skills and education in market economics. These capabilities may be imparted either by on-the-job example or in formal training sessions set up by the companies.

Even as each corporation will tailor in-house instruction to fit its own needs, broad-gauged programs of education remain the province of colleges and universities. In the United States there are some thirty-five hundred institutions of higher learning with an enormous diversity of academic strengths. At New York University, for example, we offer courses and carry out research in subjects ranging from business to law, from the humanities to medicine, from the performing arts to computer science. And we are particularly strong in European area studies.

Here I must return to the concept of partnership, for although institutions of higher learning can supply the expertise, they are unable, as nonprofit organizations, to subsidize assistance projects. Universities must depend on support from such sources as the SEED program of the Federal government.

SEED: THE PARTNERSHIP AT WORK

SEED is, of course, the acronym for the Support for Eastern European Democracy Act, first passed in 1989, an initiative in which Congress had a strong role, and which is a main focus of this conference.

SEED essentially represents the commitment of the American people to helping the democracies emerging as the former Communist-controlled countries develop free political institutions and market-oriented economies. The legislation is an umbrella for a variety of assistance programs directed at housing, agriculture, environment, medicine and trade as well as private sector activities.

To carry out the purposes of SEED, Congress appropriated $370 million for fiscal 1991, an increase of $90 million from the year before. SEED projects have benefited Poland, Hungary, Czechoslovakia, Romania, Bulgaria, Yugoslavia and East Germany. This support has provided food, children's relief, humanitarian aid, parliamentary orientation, trade and business connections, water pollution control training and student exchange.

Here I note that in both the House and Senate reports accompanying the appropriations for SEED for fiscal 1991, Congress emphasized several specific uses of the funds. Among these uses was a program to provide practical business management training to the nations of Eastern Europe. Activities in both the United States and the home countries were encouraged.

Two sponsors of this conference, the Agency for International Development—AID—and the United States Information Agency—USIA—are leading the efforts to implement SEED.

I believe colleges and universities in the United States can play a major role here.

Indeed, my own institution, New York University, through our School of Continuing Education, has launched two programs. Not only because I believe our projects strong and carefully crafted but also, I respectfully submit, because I believe them models of the kind of partnership of which I have been speaking, I should like to say a word about them. Here let me note that our NYU School of Continuing Education, one of the largest in the United States, has for more than 70 years served those who, while pursuing their education, may also hold down jobs and support families. Here, through flexible study arrangements, one may work toward a degree or learn any of a wide range of trade or professional skills. The School today, under Dean Gerald Heeger, offers some twenty-five hundred courses; approximately fifteen thousand persons take classes each semester.

Both our projects would be coordinated through the office of Polish Deputy Foreign Minister Antoni Kuklinski and undertaken in cooperation with the University of Poznan and the Institute of East-West Business Dynamics, an American organization formed by business, academic and public sector leaders seeking to encourage U.S. trade with the Soviet Union and Central and Eastern Europe. The Institute is chaired by a distinguished former United States Ambassador, Angier Biddle Duke.

Let me describe these projects briefly.

Under the first, designated, "Management Training and Economics Education Program in Eastern Europe," 250 people a year, in groups of 50 each, would be brought to the United States for intensive seven-week courses on our campus. These persons would include executives, managers, union leaders, entrepreneurs, government officials, university faculty and technical school instructors. Attendees would be expected, on their return to Poland, to pass their freshly acquired know-how on to others.

This "teach the teacher" aspect makes the program not only a renewable resource but an expandable one. It can exert a tremendous multiplier effect.

Classroom lectures and workshops would cover managing, marketing, finance, law, data management and analysis. To see consumer choice functioning in the marketplace, our guests would go on field trips to retail stores, industrial suppliers, the New York Stock Exchange and a wholesale food distribution facility, among other examples of the free market system.

Finally, each participant would be placed in an internship with a business firm where he or she can observe a manager, owner or business professional responding to the daily demands of a competitive market.

NYU faculty members would visit Poland annually to provide follow-up instruction to those who completed the New York phase and to conduct seminars for new groups of trainees.

A permanent international computer link would be set up, making our faculty and staff available on-line to consult on market transition problems in Poland. The network could also spur the development of an electronic learning community among Polish business managers.

Our other project would take the form of a six-week, intensive training program at the University of Poznan taught by NYU faculty. How-to-do-it techniques and modern business practices would be emphasized. The instruction would be targeted on thirty-five business school faculty and entrepreneurs in undergraduate and graduate programs, technical schools and institutes in Poland.

Here I applaud the efforts of other universities in the United States which have developed, or are developing, their own plans to

offer management and marketing education in the countries of Central and Eastern Europe, and I would encourage other institutions of higher learning to do so.

Let me conclude my remarks with an observation on the public-private partnership I have so vigorously advocated and the great significance I assign to it. We all realize that after nearly three generations of command economies and authoritarian governments in Central and Eastern Europe, there are massive obstacles to the establishment of parliamentary democracies and market-based economies. To achieve these goals will be neither simple nor easy. But to do so is essential.

Surely the task of consolidating free and democratic governments in the nations of Central and Eastern Europe and transforming their economies demands the efforts of us all in this country—business and industry, foundations and universities and the Federal government—a genuine partnership.

And indispensable to the success of this partnership is * * * education.

That is why I recall tonight the solemn words of the philosopher Alfred North Whitehead: "In the conditions of modern life, the rule is absolute. The race which does not value trained intelligence is doomed."

Well, I do not believe our race, the human race, is doomed * * * so long as we recognize the value—indeed, the necessity of trained intelligence and insist on the resources to support it.

REMARKS BY BENJAMIN MEED, CHAIRMAN, WARSAW GHETTO RESISTANCE ORGANIZATION

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. GREEN of New York. Mr. Speaker, I should like to share with my colleagues the comments of my constituent, Benjamin Meed, chairman of the Warsaw Ghetto Resistance Organization [WAGRO]. I believe you will find Mr. Meed's remarks, given before a gathering of American Jewish Holocaust Survivors in New York City on April 7, 1991, to be of interest. The text of Mr. Meed's statement follows:

REMARKS BY BENJAMIN MEED, CHAIRMAN, WARSAW GHETTO RESISTANCE ORGANIZATION

Distinguished Guests, Ladies and Gentlemen, Fellow Survivors,

We are together again to say Kaddish B'tzibur, to remember our past and to reaffirm the Jewish future, to assert our solidarity with the people of Israel.

We are here to remember the victims—husbands separated from their wives, children torn from their parents, joined again only in death. Lovingly we recall their lives, their mentshlekhkeyt and their courage in the face of the brutal conditions of the ghettos, the forests and the Nazi death camps.

We meet again to tell the world that we have not forgotten how we were betrayed and abandoned by a world of indifference, that we shall never forget Auschwitz, Treblinka, Majdanek, Buchenwald, Sobibor. That we shall never forget the Warsaw Ghetto and all the ghettoes and camps saturated with Jewish blood.

Today, on the 48th anniversary of the Warsaw Ghetto uprising, on this collective remembrance day, we ask ourselves, Can it happen again?

Imagine that 50 years after the Holocaust, a dictator threatens to turn Tel Aviv into a crematorium. The gas is German gas; the missiles are made in the Soviet Union. And were it not for the State of Israel, the nuclear weapon would have been a French nuclear weapon.

But hopefully, it will not happen again—because there is Israel, and because Israel's great ally is America.

All of us saw the TV pictures during the Gulf War—Jews huddling in sealed rooms, mothers cuddling frightened children, families putting on their gas masks. It was a riveting, a painful experience as we saw the Scuds flashing in the evening sky over Israel. Here was the enemy that had threatened to destroy the Jews, many of them survivors of the Holocaust with their sons and daughters and their grandchildren.

I was in Israel during those days. I shall never forget our arrival. The airport was empty. All the world's airlines had stopped flying to Israel except El Al. We were greeted cordially—but immediately handed gas masks. When the Scuds came, I too entered the sealed rooms, wearing my gas mask, prepared—as all of Israel was prepared—for the worst.

Israel was ready and eager to attack the missile sites, held back only because President Bush asked the Israeli leaders to exercise restraint. At the same time, America took to battle. Instead of indifference there was action—Operation Desert Storm. American Patriot batteries were rushed to Israel. Israeli and American soldiers worked together to shoot the Scud missiles out of the sky. The brutal dictator was defeated before he could carry out his threat to scorch the soil of Israel.

Meanwhile, in Eastern Europe, anti-Semitism is still alive. Communism has collapsed, but in its stead rightwing nationalism has taken over. But Jews are not abandoned today. Israel stands ready to receive every Jew. And our people are coming today even as they came during the Scud bombings, when their first act upon landing in Israel was to put on a gas mask.

Could there be a more dramatic demonstration of Israel's significance in the life of the Jewish people—that thousands of immigrants continued to pour into a country under nightly missile attack, and that the people of Israel opened their doors and their hearts to welcome them in the face of terror from the skies?

We have watched this modern Exodus with a feeling of great pride—but also with envy because when we were in need, there was no Israel and the free world was closed to us. We lived in total isolation, abandoned by all, forgotten by all. Today the abandonment of the Jews is history, part of the past, not the present.

One reason for this change is that we remembered. We refused to forget or let the world forget. America heard the voices of the survivors and remembered. President Bush, his advisors and the American people understood what was at stake in the Persian Gulf, and we acted to confront and to defeat the tyrant. Miraculously, the victory was swift and the casualties our forces suffered small. Today, as we honor the heroism of the American troops, and as we mourn the fallen U.S. soldiers, let us also remember whom we can trust—and with whom we can share American weapons. Today we know that our courageous soldiers won the war, but we have all the reasons to be concerned what the peace will bring.

Will pouring more billions of dollars worth of arms into Saudi Arabia make the region safe? Will Syria be convinced to expel the terrorists whom it has sheltered, protected, paid, trained and armed? Will Kuwait be persuaded to lift the economic boycott of Israel? Let us remember who America's real friends are, before another Middle East arms race begins. Let us not forget that Israel is the proven, trusted ally.

On this, the 48th anniversary of the Warsaw Ghetto uprising, we have much to remember—and also much to look forward to. Within the next two years great museums will open in Washington, in Los Angeles, and here in New York, dedicated to teaching the lessons of the Holocaust—that hatred must be confronted and not ignored; that the oldest form of racism is anti-Semitism; that singling out Jews as victims offers no safety for other religious, racial or ethnic minorities, or for civilization itself.

We have grave responsibilities, but little time. We have accomplished much, but there is much more we must do to document our own fate—and the story of how we rebuilt our lives.

Even as we are gathered here to remember the monstrous murder of six million Jews, and to give thanks for the success of Operation Desert Storm, the news today makes us concerned about the fate of the Kurds and the Shi'ites of Iraq—the victims of a contemporary slaughter by their own murderous ruler, Saddam Hussein.

As Jews, we have pledged "never again." But we never meant ourselves only. For we have learned that hatred is not confined to Jews alone, that once let loose the poison spreads—to others. We who came back from the pit of hell have known the cruelty of silence and indifference.

On this Day of Remembrance, let us speak out and let us act so that there will never again be another Holocaust of any people of any faith or any race. This is the lesson that is part of our yet unfinished task to teach the world to be on guard so that the unthinkable should not be possible again.

Remembrance, said the Baal Shem Tov, is the secret of redemption. Let us work together, then, so that the world will remember and understand what happened to us, so that it will never happen again, to anyone anywhere. Let us remember!

PROTECTING U.S. PATENTS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. LEVINE of California. Mr. Speaker, American today can be proud of her leading world position in biotechnology, one of the most promising high-growth industries as we enter the 21st century. Particularly in my home State, biotechnology companies provide an increasing number of high-paying jobs and are one of the new cradles of American technology innovation. If we hope to afford this vital industry at least the minimal patent protection it deserves, we must be cautious that in international negotiations we do not trade away the very patent rights that help grow such dynamic, high-risk companies.

I commend to my colleagues' attention the following article, "Bartering Away American Biotechnology: The Coming Erosion of U.S. Patent Protection," which brilliantly lays out the core issues facing U.S. trade negotiators,

and the devastating impact a reversion of U.S. patent law could have on one of our most critical industries. Giving away the basic protections that ensure a competitive and creative American biotechnology industry would be short-sighted and irresponsible, and it is my hope that we heed the warnings of these prescient authors.

BARTERING AWAY AMERICAN BIOTECHNOLOGY THE COMING EROSION OF U.S. PATENT PROTECTION

(By Lloyd R. Day, David M. Madrid and James R. Batchelder)[1]

Will the United States trade away its dominant position in biotechnology at the bargaining table of upcoming international trade negotiations?

Just as Japan and Europe struggle to catch and overtake America's scientific and industrial leadership in biotechnology, the U.S. Government is considering drastic changes in U.S. patent and trade laws, changes which could irretrievably tilt the competitive balance in favor of America's foreign competitors.

The finishing touches to The Hague Patent Harmonization Treaty should be complete by June of this year, and many authorities believe the U.S. Government will buckle under to mounting international pressure to jettison certain long-standing features of American patent law that favor American inventors over their Japanese and European counterparts. The coming year may also see the elimination of a potent International Trade Commission (ITC) remedy currently available exclusively to domestic innovators to protect against the unfair trade practices of foreign importers. Finally, by year's end the General Agreement on Tariffs and Trade (GATT) may also be modified, posing a further threat to America's high technology industries.

American biotechnology companies are no longer competing with their foreign counterparts simply in the marketplace. For better or worse, they now find themselves also competing with both local and foreign interests to fashion the rules by which domestic and international trade will be conducted. The stakes are high, and the far-reaching domestic and international implications of the changes currently being proposed will mandate a much closer partnership between entrepreneurs, scientists and lawyers to successfully navigate these unchartered waters.

PATENT LAW HARMONIZATION

A major international push is underway to "harmonize" American patent law with that of its trading partners, most notably Japan and Europe. In essence, the U.S. is being asked to abandon its current patent law. Such harmonization would eliminate one of the most distinctive features of U.S. patent law, the pro-innovator "first-to-invent" rule, in favor of the Japanese and European "first-to-file" rule. Harmonization would convert America's race to invent and innovate into a race to file.

No one contests that a first-to-file rule would profoundly impact the American biotechnology industry. Proponents of harmonization contend that a first-to-file rule would make world markets more accessible to American entrepreneurs. They suggest that by forcing American innovators to concentrate on being first to file for patent protection in the U.S., harmonization would for the first time stimulate American innovators to win first-to-file races abroad. It is further argued that America's adoption of foreign patent laws would place American innovators on an "even playing field" in foreign patent prosecutions and litigation. Additionally, proponents of harmonization denounce the expensive and protracted interference proceedings necessitated by the American first-to-invent system.

Critics of harmonization observe that U.S. cultural, economic and legal incentives are in many ways calibrated to encourage innovation. The first-to-invent rule embodies that ethic by rewarding patents to those who are first to advance the "body of knowledge," even if they share their ideas with others before seeking to patent them. Within U.S. universities and research institutes, upon whom America has depended so heavily for much of its groundbreaking innovations in biotechnology, electrical engineering, superconductivity, and computer science, patent law harmonization would undercut the strong academic impetus to expand the body of knowledge by publishing promptly and freely innovative concepts as they occur. Under a harmonized patent system, such currently commonplace practices would result in the forfeiture of all patent rights unless, in each case, disclosures were preceded by a patent filing. Innovation can hardly flourish under a legal system whose principal incentive would be to "bottle up your ideas" before sharing them with others.

Furthermore, harmonization's critics point to its significant disadvantages to American biotechnology. The U.S. first-to-invent rule distinctly favors domestic inventors over foreign competitors, not only in obtaining U.S. patents, but also in successfully conducting patent interference, validity and infringement proceedings.

With a few minor exceptions, a foreign inventor cannot claim a date of invention under U.S. law based upon evidence of conception and reduction to practice occurring outside of the U.S. Only the filing of a foreign patent application can serve as evidence under U.S. law to establish the date upon which an invention was made outside the U.S. No other evidence of conception and reduction to practice occurring outside the U.S. can serve to establish a date of invention under U.S. law. Thus, foreign inventors are almost always limited to the date of their first patent filing as their date of invention. U.S. inventors are not so limited: they can offer evidence of conception and reduction to practice in the U.S. occurring prior to filing to establish a date of invention before their first patent filing. This rule creates two important advantages for domestic interests: (1) American inventors are given the opportunity to obtain a date of invention earlier than their first patent filing by offering evidence of their prior conception and reduction to practice in the U.S. and (2) foreign inventors are encouraged to invest their research and development resources in the U.S. in order to claim the benefits of prior conception and reduction to practice under U.S. law.

Additionally, critics of harmonization underscore the extent to which the first-to-invent rule has molded the American biotechnology industry's strategic approach to innovation and patent prosecution. The first-to-invent rule has afforded American innovators the opportunity to divide the patent process into two phases, focusing first on research and development, and second on pursuing a patent. Few small to mid-size American biotechnology companies have the inclination or capacity to file for patents on inventions whose future profitability at the earlier stages of conception or initial reduction to practice is at best uncertain.

The financial and legal resources needed to exploit a "first to file" system will not only foment conglomeration of the American biotechnology industry, but will also favor foreign companies already adept at patent prosecution within the first-to-file world.

Moreover, the purported advantages of harmonization have been called into question. Although harmonization would force American high technology industries to become familiar with the patent laws now governing Japan and Europe, this would not guarantee American innovators equal access to foreign markets. Critics of harmonization observe that the hostility of many foreign courts to patent applications and enforcement actions by American innovators has been matched only by the resistance of many foreign cultures to American products. Nor do the evils of American patent interference practice appear so daunting when one considers the advantages which the first-to-invent rule bestows upon domestic innovators.

ITC INTELLECTUAL PROPERTY JURISDICTION

One of the most effective remedies available to domestic innovators to protect against unfair trade practices is found in section 337 of the United States Tariff Act of 1930. Section 337 empowers the ITC to investigate alleged "unfair methods of competition and unfair acts in the importation of articles in the United States." If the ITC determines that an unfair act has been committed, it can issue a cease and desist order or an order excluding all infringing imports. In the overwhelming majority of Section 337 cases, the sole "unfair act" involved is a patent infringement.

In recent years, the Japanese and Europeans have exerted their increasing economic leverage in opposition to Section 337. Of particular concern to the Japanese and Europeans is the unavailability of any affirmative relief to foreign respondents in Section 337 proceedings. Equally distressing to the Japanese and Europeans are the extreme time constraints imposed by Section 337 proceedings. As a matter of law, most Section 337 investigations must be concluded within a year, and in no case later than 18 months, after the ITC's initiation of the investigation. Also under attack is the ability of domestic innovators to litigate simultaneous patent infringement claims before the ITC and the U.S. District Court.

As a result of the advantages afforded domestic innovators by Section 337, the Japanese and Europeans joined in a GATT complaint against the U.S. The GATT council adopted a GATT panel finding that Section 337 is inconsistent with the GATT. The U.S. chose not to block the GATT council's adoption of the finding and consequently is required to revise Section 337 to comply with the GATT. While many proposed revisions are under consideration, it is clear that domestic innovators are likely to lose the advantages once afforded by Section 337. The loss of this potent remedy will most likely occur by year's end.

THE GATT NEGOTIATIONS

Facing billions of dollars in lost exports due to piracy of American technology, the U.S. for several years has been attempting to include intellectual property standards in the GATT. The basic proposal has been to establish a minimum standard of intellectual property protection with which member

[1] Messrs. Day, Madrid and Batchelder are trial lawyers with Cooley Godward Castro Huddleston & Tatum in Palo Alto, specializing in technology litigation, principally for the biotechnology industry.

countries must comply by enacting satisfactory national laws.

The intellectual property initiative, however, is not alone on the bargaining table, but finds itself grouped with the concerns of other U.S. industries. In fact, the initiatives of the American agricultural and textile industries have garnered the lion's share of GATT deliberations, and in at least one instance have brought the negotiations to a standstill. Should the Uruguay Round resume, it is feared that U.S. negotiators, pressured to conclude the negotiations this year, will be influenced to trade away protection for American intellectual property in favor of competing domestic interests.

WHO WINS, AND WHERE DO WE GO FROM HERE?

Many observers believe that patent law harmonization and the changes to ITC jurisdiction and the GATT are inevitable. The crucial questions remain whether the U.S. will gain as much as it concedes in arriving at these changes, and how this bartering will affect American biotechnology.

After decades of virtually unrestricted access to American technology, our Japanese, European, and other trading partners finally profess interest in negotiating standards for intellectual property protection. They in essence propose that the U.S. give up its first-to-invent patent system and ITC jurisdiction in exchange for a more "even playing field" by affording American innovators meaningful and promptly enforceable patent protection in foreign markets.

What are the realities of this proposal? Will the U.S. trade away effective and certain domestic protections in return for promises by our trading partners that they will impartially and promptly enforce their existing patent laws? Does our experience with such promises in the past give us confidence in their fulfillment today?

Because the tangible benefits to U.S. industry of foreign promises to level the playing field for American industry are far from certain, America's trading partners could offer a much more attractive *quid pro quo* by eradicating existing laws and policies which have proven detrimental to American high technology industries. For example, as but one very important concession America could seek in return for adoption of the Hague Patent Harmonization Treaty, Japan could be required to drop its long-standing refusal to sign the 1970 Hague Convention on Taking Evidence Abroad in Civil and Commercial Matters. This concession would eliminate the enormous impediments American litigants now encounter in seeking discovery of Japanese witnesses and their documents in U.S. litigation.

The tendency of America's trading partners to make promises, rather than take concrete action, is cause for concern. Trading proven advantages for uncertain gains rarely proves to be any bargain at all.

Loss of the first-to-invent rule and section 337 will have real and direct consequences for the American biotechnology industry, and many other domestic industries as well. They can expect to see (1) a significant increase in the number of foreign infringement plaintiffs in U.S. courts, coupled with an increase in the winning percentages posted by foreign litigants; (2) a distinct advantage to larger and better financed firms equipped to win the first-to-file race; and (3) a period of adjustment in which foreign biotechnology companies will undoubtedly prove more adept at exploiting the newly "harmonized" U.S. patent system than their American counterparts.

Biotechnology companies can minimize the impact of these changes only by thoughtful long-range strategic planning on two levels. First, biotechnology entrepreneurs, inventors and counsel must rethink and restructure their approaches to innovation, patent issuance and litigation. In particular, they must develop the means to win first-to-file races and to achieve their objectives in a changing legal landscape.

Second, the U.S. biotechnology industry must recognize that it has become largely vulnerable to a political process shaped by competing foreign and domestic interests with proven success at influencing and shaping the changing rules of competition. Absent vigorous lobbying efforts on a concerted front, the American biotechnology industry, much like the semiconductor industry before it, may fall victim to shortsighted policy makers playing fast and loose at the international bartering table.

SALUTE TO OFFICER JAY CARROTT

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. GALLEGLY. Mr. Speaker, I rise today to honor Senior Officer Jay Carrott, who recently was named the "Police Officer of the Year" by the Simi Valley, CA, Police Department.

As the former mayor of Simi Valley, and a resident of the city for more than 20 years, I am especially proud to be able to share Officer Carrott's accomplishments with my colleagues.

Jay didn't earn this award—selected each year by his fellow officers—for any one accomplishment. Instead, he earned it for his day-in, day-out performance in one of society's most demanding occupations.

A full-time officer for just 4 years, Jay dreamed for years of a career in law enforcement while working for a major corporation. Finally, despite the financial sacrifice the move involved for himself, his wife, Amy, and their three children, he decided to fulfill his dream. It's a decision that has benefited both Jay and the residents of Simi Valley.

Jay is a member of the special weapons team, and in fact was injured in the line of duty last year when he broke through a window to save a man from shooting himself. He has received numerous commendations from the community for his dedication and skill in carrying out his duties.

Mr. Speaker, I ask my colleagues to join me today in honoring an outstanding police officer and an outstanding man, Officer Jay Carrott.

RECOGNITION OF LT. COL. LINWARD APPLING

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SKELTON. Mr. Speaker, an outstanding soldier who has led the ROTC unit at Lincoln University, Jefferson City, MO, retired from active duty April 1, 1991. Since Lt. Col. Linward Appling assumed his duties as a professor of military science at Lincoln University in 1985, the ROTC unit has won numerous competitive awards and has become a leading provider within our State of second lieutenants for the U.S. Army, both Active and Reserve.

Lt. Col. Linward Appling ends a most remarkable career. He was born in Roberta, GA, and is a 1961 graduate of Crawford County High School. He entered the Army in 1961 as a private and spent his first 9 years in the service as a noncommissioned officer. In 1970, he received a BA degree in social science, with emphasis in business, from Coker College, Hartsville, SC, and in 1975 an MA degree in political science, with emphasis in public and health care administration, from Wichita State University, Wichita, KS.

His initial assignment as an officer was with the 4th Battalion, 10th Infantry, Fort William D. Davis, Republic of Panama, where he served as platoon leader, company executive officer, assistant operation officer (S–3), and company commander. In 1971 he returned to Vietnam for his second tour of duty and served as a reconnaissance platoon leader and company commander in the T Infantry (Air Mobile), S Airborne Division.

Subsequent assignments include company commander at Fort Jackson, SC, the armor officers' advanced course at Fort Knox, KY, assistant professor of military science at Wichita State University, Wichita, KS, organizational effectiveness/organizational development staff officer, battalion operations officer (S–3), and executive officer with the 193d Light Infantry Brigade, Fort Clayton, Republic of Panama, and as the J–1 for the joint special operation support element and the deputy adjutant general of the U.S. Readiness Command, MacDill Air Force Base, Tampa, FL.

LTC Linward Appling's military education includes the Infantry Officers' Candidate School—1969, Airborne School—1975, armor officers' advanced course—1978, Command and General Staff College—1978, the organizational effectiveness/organizational development staff course—1982, the Armed Forces Staff College—1982, Military Personnel Officers' School—1985, and the Armed Forces defense computer science course.

His awards include the Bronze Star Medal, the Defense Meritorious Service Medal, the Air Medal, the Army Commendation Medal—three awards, the Army Good Conduct Medal, the National Defense Service Medal, the Vietnam Service Medal—two awards, and several theater and service medals. He wears the Combat Infantryman's Badge and the U.S. and Korean Parachutist Badges.

He and his daughter Linda reside in Jefferson City, MO, and I am pleased that he will remain a resident of Jefferson City, MO, on the faculty at Lincoln University. He will head the Participants Training Program there. I know that the other Members join me in wishing Lt. Col. Linward Appling the best in the days ahead. He retires with the satisfaction of having contributed immeasurably not only to the U.S. Army during his years of service but also with the satisfaction of having been an inspiration to Army leaders of the future.

DICKSON STUDENT WINS FLAG DESIGN CONTEST

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SUNDQUIST. Mr. Speaker, I ask my colleagues to join me in saluting a young man from my district who was recently honored in connection with National Youth Art Month. Alan Sholes of Waverly, TN, won the flag design contest sponsored by the Council for Art Education and joined the winners of other State contests for the flag raising ceremony here in Washington.

Alan is a talented young man. He represents well the sort of talented young person this program is designed to recognize and encourage. I know my colleagues will join me in wishing him well as he furthers his education. And I commend those in Tennessee, like Youth Art Month Chair Christina Campbell, and elsewhere for their support of this very worthwhile program. I look forward to working with them in the future to encourage the creative talent of more bright young Americans.

EVELYN LEA, DADE SUPER TEACHER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, every school district has those teachers who stand out. They stand out not because they seek attention, but rather, because their devotion to students speaks for itself. Ms. Evelyn Lea is one of those educators. She has taught for 25 years and presently devotes herself to the first grade students at Cypress Elementary in Miami. The Miami Herald recently recognized her as one of Dade County's super teachers in a March 24 article. That article follows:

As far as Eveyln Lea is concerned, first grade sets the stage for the rest of a student's school days. So she does her best to give all her kids a good start.

Lea, who teaches at Cypress Elementary, has launched hundreds of students on their way during her 25-year career. She believes each child is unique, and she makes an effort to treat them that way.

"The students don't forget her," said Marianela Valdes, assistant principal at Cypress. "She's very special. We have a lot of good teachers here, but she's one of our stars."

Lea also makes quite an impression on parents.

"She makes the kids feel good about themselves," said Sherri Hussey, whose daughter Kathryn is in Lea's class. "Most of the parents wish she could stay with the kids for the entire 12 years."

Lea, 58, sets high expectations for her kids and tries to draw out their creative talents through art, poetry and writing. Her classroom is lined with posters, drawings and poems done by the kids.

"I try to put myself in their place, and ask what I would want from a teacher," Lea said. "I try to get them to express themselves, because that opens the door to other learning."

Lea is soft-spoken and was obviously surprised when a reporter visited her class. It seemed the attention made her nervous.

"She doesn't look for a lot of recognition," said Valdes. "But she always goes above and beyond her duties as a teacher."

Lea said she's never wanted to do anything but be a teacher. Raised in North Florida, she got a bachelor's degree from Florida Atlantic University and a master's from Florida International University.

"My mom instilled a love of learning in me when I was very little," Lea said. "My parents encouraged me to teach and I never had any doubt that is what I would do."

Her first teaching job was at Pinewood Acres, a private school, in 1965. In 1970, she joined the Dade public school system, teaching at Olympia Heights Elementary. In 1976, she moved over to Cypress and she's been there ever since.

Although she's taught children at most elementary grade levels, Lea enjoys the first-graders most.

"They're so eager to learn," Lea said. "They're sensitive and they have such a loving manner. It's easy to mold them. But they can be very feisty sometimes."

Wednesday, she worked on reading with a group of six kids while the rest finished writing assignments. Feisty or no, it was a quiet and focused group of children.

"She's very nice to us," said Benny Tillinger, 7. "She gives us a lot of work but she doesn't yell at us."

Lea said she looks forward to getting a new group of students each year. She enjoys that almost as much as the constant visits she gets from former students, some of whom are now in college.

"This is what I love doing," Lea said. "I really do dread the day I have to retire."

I am proud to have Ms. Lea as an elementary school teacher in the 18th Congressional District of Florida. I have confidence that many teachers like her continue to believe that children are our future and that they are worth devoting our lives to.

TRIBUTE TO NICOLA ANTAKLI

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a distinguished individual, Mr. Nicola M. Antakli. Mr. Antakli is being honored as World Trader of the Year by the World Trade Club of the Greater Detroit Chamber of Commerce.

Mr. Antakli is founder and president of Intraco Corp., a leading world trade company. Founded in 1971, Intraco is the major exporter of many industrial products to the Middle East. Among the products it exports are architectural and automotive glass as well as replacement auto and engine parts.

Mr. Antakli is also president of two other trading companies: Intraglas Corp. and Automotive Service Industries. He is president of Unitrade International, a real estate investment company. He also serves as a partner and board member for three additional firms, United Trading Establishment, Intraco [UAE] Limited and Saudi American Glass Co.

Mr. Antakli's successful ventures go far beyond his professional affiliations. He is a leader in his community—one of those remarkable individuals who stretches his days to give substantial amounts of time to his profession, his community, his church and his family. To name just a few organizations in which Mr. Antakli is involved is to reveal the breadth of his interests. He is an active member of the Boy Scouts of America, the Antochian Orthodox Christian Archdiocese of North America and the National Association of Arab Americans.

I commend Mr. Antakli on his exceptional community involvement and his professional achievements in international trade. It is critical for us, as a country, to become more competitive in the global economy of the 21st century. The foresight, enthusiasm, and commitment of innovative entrepreneurs like Mr. Antakli are key in achieving economic balance between the United States and our trading partners. These same qualities are vital to making our community a better place to live for all of us. I am confident of Mr. Antakli's continued success and know he serves as an inspiration to all of us.

SSI COMMUNITY LIVING AMENDMENTS OF 1991

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. STARK. Mr. Speaker, today, Congressman ROBERT MATSUI and I are introducing a bill, the "SSI Community Living Amendments of 1991." It is a major piece of long-term care legislation that begins with the neediest segments of our population. It differs from other long-term care legislation because it applies a social rather than a medical model.

As its name implies, this bill uses the Supplemental Security Income [SSI] Program to identify eligible persons and to provide them with the help they need to stay in their own homes or in small group living situations—a setting which may provide a higher quality of life at a lower cost than institutionalization.

When the SSI Program began in 1974, it served poor aged, blind, and disabled persons with a minimum income supplement. The number of SSI recipients—4.3 million people in 1975—has not increased dramatically—4.76 million people in 1990, but there has been a shift among the categories of people receiving SSI. In 1975, 53.4 percent of the persons receiving SSI received it only because they were 65 or older and met the other eligibility criteria. In 1990, only 30.5 percent of SSI recipients received it on the basis of their age only. The number of SSI recipients 80 years old or older did not decrease as much as recipients between the age of 65 and 79. This means that the SSI population today is primarily the frail elderly, the long-term disabled, and disabled children, who need home-based or supported living arrangements, including long-term nonmedical residential care. So, generally using SSI eligibility, this bill targets the poorest of the frail elderly and disabled.

We believe our bill supports a reconstituted Federal/State partnership to do the following: First, maintain the Federal role of a national

minimum income standard for the aged, blind, and disabled; second, create incentives for State assistance to low income aged and disabled who need additional assistance to maintain themselves in their own home or, if needed, in a supported-living long-term care arrangement; and third, establish cooperative Federal/State efforts to identify and correct instances where SSI and other vulnerable aged and disabled are living in inadequate and unsafe board and care residences or live in isolation with inadequate protective oversight.

In preparing this bill, the questions which were the most difficult to answer were: First. How many other people could an individual live with and still be eligible to receive this supplement? Second. Could anyone not receiving SSI be eligible to receive this supplement? Third. Who can be a provider of the regular assistance a person needs with their activities of daily living [ADL's]?

People on SSI reside in all types of living situations: in their own homes, in small and large group residences. We knew our bill would not be able to provide for all SSI recipients needing help with their ADL's. If we could enable people to stay in their own home and receive the help they needed there, the quality of their life would be better and it could be more cost efficient.

Then we struggled with how we could impose enforcement of standards for board and care homes, if we were targeting our funds to individuals living in their own homes or in other small group living situations.

It became clear that we could offer money to States to help them improve the board and care facilities and if they accepted this challenge, they could be eligible for additional money to help them supplement individuals who needed help with ADL's in order to stay in their homes or in small group residences. So that's what we did. We set the bill up with two parts: Title I—Income Supplements and Title II—Quality Assurance for SSI Recipients in Group Living Arrangements. If the States fulfill this section 1635 of title II, they will receive matching Federal funds to carry out title I.

In discussing the question—"Could anyone not receiving SSI be eligible to receive this supplement?" We knew we could be taking a small pot of money and trying to divide it among a greater number of people than we were when we started. However, we did not want to limit recipients to just the people now receiving SSI for a number of reasons, including the following:

State supplements already extend beyond SSI recipients;

Persons needing help with ADL's might have a monthly income a few dollars above the $407 or $610 limit but a monthly income below the amount a SSI recipient receiving a supplement provided by this legislation will have.

So, our bill does define eligible individuals to include poor people who have monthly incomes beyond the meager SSI allowance but whose income is not sufficient to meet their needs based on the individual determination of the value of the assistance needed.

The possibility for abuse and/or misuse of funds surfaced when we discussed the question—"Who can be a provider of the regular assistance a person needs with their ADL's?" We conjured up worst case scenarios, that is a brother-in-law receiving money to provide regular assistance which consists of turning on a TV set and watching it. We knew we did not want our limited resources going to people we felt would be caring of people anyway. We certainly did not want to discourage people who help others for noble reasons. But, we also acknowledged that people who were not family or friends could be engaged to provide assistance and then fail to give it. We moved to the question—"if SSI money is personal income and individuals determine how to spend it, shouldn't the supplemental amount be treated in the same way?" In addition, the States are required to have a case management system, a plan of care for each individual and a system for a periodic review of services, which should provide safeguards against providers who do not deliver the needed services.

In many other areas, the bill, on purpose, leaves decisions to the States. States vary widely in what they provide as supplements to SSI. It makes no sense to bring everyone back to the starting line nor can we make sure all arrive at the finish. We can and do encourage all States to continue what they are doing and to move forward. We wanted to use existing structures that work; we did not want to impose new structures just to have uniform structures.

There are requirements the States must meet in order to receive funds under title I. These requirements identify systems to be developed as part of the comprehensive plan to implement the bill but leaves the development of these systems to the States. We believe the requirements allow flexibility, creativity and accountability, ingredients for a successful program.

Once the systems are in place and the program is operating, the States shall submit two reports yearly to the Secretary of Health and Human Services, one—a financial accounting of the funds and the second—data, in a uniform manner, on the characteristics of the individuals served by this legislation, including the types of residence which they live in and the monthly amount of assistance and the services provided.

While drafting the bill, we were able to consult frequently with the National Association of State Mental Health Program directors and with staff from the Congressional Research Service, the Center for the Study of Social Policy and the Mental Health Law project. We are extremely grateful for their interest, input, and encouragement.

Our bill establishes a capped entitlement program. There will be people who will advocate doing more than we have done. We believe our approach is reasonable and responsible.

A summary of our bill follows:

SUMMARY.—

TITLE I. ASSISTANCE TO INDIVIDUALS IN NEED OF CARE

1. It provides federal matching funds to States to give funds to or on behalf of aged or disabled individuals to assist them in obtaining services to maintain themselves in their own home or a non-medical residence in the community. Fifty percent federal matching would be provided and States would be required to maintain their current level of expenditures for such assistance provided to such individuals.

2. Among the requirements for a State to qualify for federal matching funds are the following:

Have in place a system for establishing the criteria for targetting assistance to those individuals in greatest need for regular assistance.

Provide for a system of assessing the needs of individuals to determine the amount of assistance eligible individuals need on a regular basis for their activities of daily living related to the physical or mental limitations of the individual. Eligibility would be limited to SSI recipients and individuals just above the SSI income standard in a State but whose income is not sufficient to meet their needs based on the individual determination of the value of the assistance needed.

Have in place a case management system with respect to the individuals who would receive assistance which provides for the person managing an individual's case to develop a plan of care for the individual when required.

Have in place a case review system which reviews the appropriateness and amount of services being provided to individuals receiving assistance.

Have in place procedures and enter into an agreement with the Secretary to identify and investigate inadequate group care facilities.

3. Funds provided to the States under the program would be limited to assistance to eligible individuals living in their own homes or in small group living arrangements. The size limitations would include:

For the mentally ill, mentally retarded, or developmentally disabled, group residences not exceeding 16 people;

For the aged, group residences not exceeding 30 people.

(These suggested limitations are included in model board and care standards published by the Center on Legal Problems of the Elderly of the American Bar Association).

4. The program would be an authorized capped entitlement to the States (similar to the title XX Social Services program). The funds would be allocated to the State of the basis of the population of the State. The capped entitlement ceiling would be: FY 93, $250 million; FY 94, $500 million; FY 95, $1 billion; and FY 96, $1.5 billion.

TITLE II. PROTECTIVE SERVICES AND HOUSING QUALITY ASSURANCE AMENDMENTS

1. For the purpose of assisting States in identifying SSI recipients in unlicensed group living arrangements, the Social Security Administration would be required to provide States information which identifies non-medical residences where three or more unrelated SSI recipients reside.

2. It provides the option to the Social Security Administration to contract with a State, at the option of a State, to carry out some part of the Department's responsibilities related to making SSI or OASDI payments through a representative payee. This may include: identifying, investigation, approving and providing for the continuing accountability of representative payees.

3. It provides for grants to States related to the protective services and special housing assistance needs of SSI recipients and other low income aged, blind and disabled individuals. $100 million for each of the four fiscal years 93-96 would be authorized for allocation to the States on the basis of the number of SSI recipients in the State. To qualify for funding a State would:

Be required to have procedures to identify, investigate and take action to protect SSI recipients found living in unlicensed board and care homes or other group living arrangements. The provision in current SSI law which reduces Federal SSI benefits if an individual is living in an unlicensed facility would be repealed. It would be replaced with this new requirement on a State as a condition of receiving these grant funds and the federal matching funds under Title I of this bill.

A State would have the option to utilize such funds to assist other groups of low income aged, blind and disabled individuals identified as in a particular need of obtaining housing assistance and other related services including, but not limited to the following:

Mentally ill denied care in nursing homes under the new nursing home screening program and those identified with priority housing needs in the federally assisted State Mental Health Planning program; and

Frail elderly with priority housing and protective services needs identified by State and Area Agencies on Aging.

THE DEATH OF A PIONEER

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mrs. BENTLEY. Mr. Speaker, it is with great sorrow and remorse that I speak of the death of Dr. Aris Allen, a prominent Maryland doctor, politician and close friend, and have taken much of this information from an article written by a free-lance writer Blaine Taylor.

Dr. Allen has been referred to by many as a pioneer for his accomplishments. Having quit school at the age of 14, Aris Allen worked various jobs until obtaining his high school diploma at the age of 27. He worked his way through Howard University Medical School and took part of this training in the Army. At the close of World War II, Dr. Allen chose Annapolis, MD to establish his practice.

At the time, Dr. Allen was only one of three black doctors in the city. Using the attic of his home, Dr. Allen built his own operating table and practiced medicine with his wife, Dr. Faye Allen, until 1982. From his humble beginnings, Dr. Allen eventually served as chief of staff for a period of time at Anne Arundel General Hospital.

In addition to his achievements in the medical field, Dr. Allen continued to involve himself in the interests of mankind and became involved in politics. As president of the local PTA, Dr. Allen was appointed to the county school board by the late Republican Governor, Theodore R. McKeldin. It soon became apparent that Dr. Allen's political career was well underway.

Aris Allen served several terms in the Maryland Legislature and was the first black chairman of Maryland's Republican Party. Thus becoming the only black chairman of any State Republican Party in the Nation. Dr. Allen was also a candidate for Lieutenant Governor when he was the running mate with U.S. Senator J. Glenn Beall who was unsuccessful in the 1978 Maryland gubernatorial race.

In addition, Dr. Allen served as secretary to the Republican National Convention in 1980 and was responsible for various duties such as the calling for the roll of States as the GOP nominated Ronald Reagan for the office of President. In 1981, Dr. Allen resigned from the Maryland State Senate to serve as a medical affairs adviser to the Health Care Financing Administration for the Reagan administration.

Regrettably, upon returning to State government in the house of delegates this fall, Dr. Allen took his own life after learning he had cancer. His absence will be felt greatly by all whose lives he touched. I had the pleasure of knowing and working with Dr. Allen and held great respect and admiration for him. I always was impressed by his sense of commitment and dedication to his fellow man and extend my deepest sympathy to his family and friends. Civic-responsibility was not just a coined phrase for Dr. Allen, it was a life long endeavor.

It is rare in life when we meet someone who embodies such special traits that they have a profound affect on the way we approach life. Yet, Aris Allen was one of those special individuals who did just that. There could not have been a more appropriate title for the biographical account of his life than the title he gave it, "Achieving the American Dream."

Aris Allen made his own way through life and set no limits to what he could achieve. A great American, rich in character and achievement, Dr. Aris Allen sought to serve others as a physician and legislator.

One cannot help but be inspired by the life of Aris Allen. I deeply regret his death, yet the legacy he left behind and the accomplishments of his life will continue to inspire generations to come.

TO HONOR JAMES ROBERT CALHOUN, PRESIDENT GENERAL OF THE SONS OF THE AMERICAN REVOLUTION

HON. STEVEN SCHIFF

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SCHIFF. Mr. Speaker, I rise to honor the president general of the National Society of the Sons of the American Revolution. I am particularly pleased at this event, because Col. James Robert Calhoun is the first New Mexican elected to this office.

Colonel Calhoun was born on a Sioux Indian reservation in North Dakota and spent his early years on reservations in the Dakotas. He moved to New Mexico in 1933, and graduated from Santa Fe High School in 1937. After obtaining an associate of arts degree from Colorado College in Colorado Springs, and a bachelor science degree from the University of California, Berkeley, he obtained a master of business administration from George Washington University, and completed the Harvard Graduate School of Business advanced management program. He is a member of the Kappa Sigma Fraternity.

Colonel Calhoun's military service is equally stellar. His career spans 30 years, and includes service during World War II, the Korean war, and the Vietnam war. He received numerous military awards including the Legion of Merit with two oak leaf clusters, the Army Commendation Medal with one oak leaf cluster, Korean and Vietnam Service Medals with three campaign stars, and the Army General Staff Identification Badge. He is a graduate of the Army Command, General Staff College, Armed Forces Staff College, and the Industrial College of the Armed Forces. During his military service he functioned primarily as a comptroller and finance and accounting officer.

The New Mexico chapter of the Sons of the American Revolution recognized Colonel Calhoun's leadership abilities when they elected him president of the Albuquerque chapter in 1980 and New Mexico State Society president in 1982–83. During his service with the SAR he has received the Minuteman Award, Patriot Medal, War Service Medal, Silver Good Citizenship Medal, Liberty Medal and personally sponsored 53 new members. His leadership abilities served him good stead in his tenure on numerous committees, executive officeships and during 10 Congresses and 23 trustees meetings.

Colonel Calhoun is married to the former Constance Carpenter, and has 4 children and 11 grandchildren. His wife and daughters are members of the Daughters of the American Revolution, and his son and grandson are SAR's. Colonel Calhoun is also active in a wide range of other community activities.

I congratulate the Sons of the American Revolution in their choice of Col. James Robert Calhoun as president general. They could not have done better.

STOP THE ARAB BOYCOTT AGAINST ISRAEL

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. LEVINE of California. Mr. Speaker, despite all the private assurances received from the Saudis and Kuwaitis that they would assume a more compromising position toward Israel after the war, here have been few signs of change in attitude from the Arab world.

Many American firms may be denied Kuwaiti contracts because their company conducts business with Israel or employs Jewish workers. The Arab League's secondary boycott, which prevents Arab countries from doing business with third parties that trade with or invest in Israel, has strangled the Israeli economy for 40 years. Vital potential trading partners of Israel, such as Japan, are kept at the beck and call of the oil-producing nations and prevented from investing in Israel.

Last month, a member of the United States Senate was denied a visa for a congressional delegation visit to Saudi Arabia and Kuwait simply because his passport was marked with an Israeli entrance stamp. You do not have to be Jewish to be scarred by this symbol of the Jewish State—you only need to have visited Israel. That is enough to prevent any diplomat or citizen from any country in the world from entering an Arab State.

These outrageous policies must end. Today, I have introduced a resolution calling on the Arab States to end their boycott against Israel

and their longstanding policy of not accepting passports with an Israeli entrance stamp. Senator LAUTENBERG, the Senator who was denied the visa by Saudi Arabia and Kuwait, introduced essentially identical legislation in the Senate today.

I find it appalling that these gulf states can maintain such offensive policies in the wake of a war in which Americans sacrified their lives to ensure the independence and security of these nations. Such policies are a sad reminder of the deep-rooted rejectionist attitudes among the Arab States toward the State of Israel.

My resolution calls on this administration to use the tremendous leverage we have over these gulf States to insist that they lift the Arab boycott to provide a gesture of good faith and a confidence building measure between the Arab States and Israel. Israel and the entire international community has waited over 40 years for such a bold action from these states. It is time for the Arab world to respond.

Mr. Speaker, I urge my colleagues to join me in sponsoring this important and timely piece of legislation.

TRIBUTE TO MISSOURI STATE REPRESENTATIVE ROBERT L. DUNNING

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SKELTON. Mr. Speaker, it is a privilege for me to pay tribute to a friend and former member of the Missouri House of Representatives. With the swearing-in of the 86th General Assembly of the State of Missouri last month, the distinguished political career of State Representative Robert L. Dunning ended.

Bob Dunning's record of public service deserves recognition. It serves us all to note it here so it may serve as an example for future generations to emulate.

His service began with many from his generation in defense of our country in World War II. He served in the Navy. On returning home to Henry County, he married his wife of 47 years, Elizabeth. He and his wife have raised three children and built a successful farming operation.

Public service continued to call him, and he served on the Clinton City Council. He was elected to the Missouri House of Representatives in 1976 and served seven terms with distinction. He served as chairman of the Agri-Business Committee in the Missouri House of Representatives.

Additionally, Robert L. Dunning has served as an elder in the Clinton Christian Church and has been a member of the VFW, American Legion, and the Clinton Mason Order.

As he prepares for quieter time at home with Elizabeth, I use this statement to express may respect and affection for this man and to wish him the best in the days ahead.

TRIBUTE TO THE MICHIGAN AUDUBON SOCIETY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to the Michigan Audubon Society and their efforts to promote sound policies in the field of conservation. The Macomb Audubon Society is hosting the 1991 annual convention of the statewide organization in Mount Clemens, MI this weekend.

As a citizen and as a Member of Congress I have been passionately concerned with the preservation of our environment. One of my proudest moments as a legislator was helping to preserve St. John's Marsh, near Algonac, MI, as a home for a wide variety of waterfowl and fish. We must all work together to ensure the ecological integrity of our area is preserved.

Legislation and elected officials can go a long way toward preserving our environment, but it is primarily through community groups, like the Audubon Society, that public awareness is developed and nurtured. The Michigan Audubon Society has a clearly stated goal: "To achieve, through education, public recognition of the value and need for protecting and preserving wildlife, plants, soil, water, and other natural resources and fostering an understanding of their interdependence." I believe they make a critical contribution to improving the quality of life for all living beings.

In addition to pursuing their own work, the Michigan Audubon Society supports the efforts of kindred organizations. They have taken the exceptional step of adding the Wildflower Association of Michigan, the Michigan Loon Preservation Association, the Great Lakes Regional Corporate Environmental Council, and the Michigan Bird Records Committee as associate member organizations.

The nearly 10,000 member Michigan Audubon Society owns or manages over 5,000 acres of critical habitat and natural areas in Michigan. Through 44 local chapters, Michigan Audubon is the only chapter of the National Audubon Society to be organized on a statewide basis with its own local chapter network.

The Michigan Audubon Society is also unique in that it was organized in 1904, predating the National Audubon Society. For 87 years they have been committed to providing a safe and clean environment for all species of life to coexist—a truly noble cause.

Again, Mr. Speaker, I wish to commend the efforts of the Michigan Audubon Society on the eve of their annaul convention. Their program theme provides a fitting four word conclusion, "Quality Habitat, Quality Life."

HONOR FOR EDUCATOR WELL-DESERVED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SUNDQUIST. Mr. Speaker, this week an accomplished educator from Memphis, TN, will be honored with the first national Distinguished Educator Award from the Horatio Alger Association. Dr. Jane Walters is principal of Craigmont High School, the optional school for international studies.

In that capacity, she has helped build a nationally recognized program in international studies, complete with a thriving foreign exchange student program and a first-rate record of academic achievement. I have on several occasions taken part in Craigmont's impressive Ceremony of the Flags, when the banners of hundreds of nations are displayed and their cultures and traditions are celebrated, both by Memphis students and their new friends from abroad. Craigmont offers us each day an example of how we all ought to get along with one another, whatever differences of race, culture, language, or religion we may have.

Jane Walters has served our community in Memphis as a gracious and tireless advocate for education, one who demands the best of her students and who gets it—along with their respect and thanks.

I know this House will want to join me in recognizing this fine educator, whose work has touched so many young lives, and whom I am proud to call my friend.

INTRODUCTION OF SAN DIEGO FEDERAL EMPLOYEE PAY EQUITY ACT OF 1991

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. LOWERY of California. Mr. Speaker, I rise today to introduce legislation which will address the glaring pay inequity which now confronts the Federal employees of the San Diego area.

Last year, my colleagues and I on the House Appropriations Subcommittee on Treasury, Postal Services and General Government strongly supported the inclusion of the Federal Pay Reform Act in the fiscal year 1991 Treasury appropriations bill. Under the new law, all areas will receive locality pay beginning in 1994, and Federal law enforcement personnel will begin to receive it in 1992. The pay reform plan will at last enable the Federal Government to hire and, more importantly, retain the best workers this country has to offer.

On December 12 of last year, the President wisely ordered an immediate 8-percent pay adjustment for the Federal employees of the Los Angeles, San Francisco, and New York areas. I applauded this action because the gap between private and Federal pay in these high cost cities had begun to cause severe recruitment and retention problems. The President should not have stopped there, however. By almost any measure, San Diego County has become one of the most expensive metropolitan areas in the Nation, and Federal pay has failed to keep pace with the soaring cost of living. An objective analysis of this issue demands that the 20,000 Federal employees of San Diego receive the same 8-percent adjustment as their counterparts in other parts of California.

The need for a pay differential in San Diego becomes clear when one compares San Diego County with the five nearby counties which the Office of Management and Budget defines as the Los Angeles "Consolidated Metropolitan Statistical Area"—Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties. San Diego has more special salary rates than four of the five counties, a higher cost of living than Orange, Ventura, and Riverside, and a higher median home cost than Riverside and San Bernardino. Indeed, based on the share of income needed to make monthly house payments, San Diego is the second least affordable city in the United States.

Another telling point of comparison lies in the per diem rate schedule for reimbursing Federal employee travel. The rates for Los Angeles and San Francisco—$124 and $122 respectively—easily surpass San Diego's $110, but Riverside County at $108, Oakland at $100, San Jose at $97, and San Bernardino County at $79 fall well short of the San Diego mark. If some Federal statistics justify the exclusion of San Diego County, these numbers make a different and contrary argument.

Mr. Speaker, perhaps the real problem we must address is that OMB's standards for defining metropolitan areas fail to accommodate or define the growth that has occurred in southern California during the past decade. But whatever the reason, San Diego County deserves the 8-percent adjustment. It is unrealistic and counterproductive to ask thousands of Federal employees to remain patient in the face of a policy which appears neither fair nor reasonable. If our goal is to improve the morale and quality of the Federal work force and to reward dedication to public service, we cannot tolerate this type of treatment.

This legislation will grant San Diego's Federal employees the 8-percent pay increase they need to begin to close the gap with the private sector. If we fail them now, we will have workers who lack both the wherewithal and the desire to work for the Federal Government. In my view, to lose some of the "best and the brightest" because Uncle Sam pays their neighbors more for the same work would be a bitter and senseless tragedy.

STEVE YUEN, A VERY SPECIAL DENTIST

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. STARK. Mr. Speaker, I rise to pay tribute to a leader within the California dental profession, Dr. Stephen S. Yuen, DDS, of Hayward.

Dr. Yuen has contributed mightily to his profession and the public and he is stepping away from leadership after more than 25 years of service, though not from the practice of dentistry. It is for his public service that I am pleased to commend Dr. Yuen.

Let me first acknowledge Dr. Yuen's contributions to the dental profession—through leadership that took him to the top elected appointed offices of his local society and the California Dental Association, a warm and witty writing style that earned him numerous awards as the association's journal editor, his organizational skills and legislative activities on behalf of dentists and their patients.

But Dr. Yuen's lasting contributions to the dental health of Californians may well be his leadership in crafting the State Association Senior Dent Program through which more than 8,000 dentists provide discounted care for eligible senior citizens. A model for service to elderly persons with modest incomes, it is likewise a testament to the vision of Steve Yuen, who saw the need, and to his leadership in responding to that need.

I am honored to recognize Dr. Stephen Yuen's service and to wish him well in his continued pursuits with dentistry, his community, his family, and his patients.

ARSENIO MILIAN, ENVIRONMENTAL ADVOCATE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, Arsenio Milian has been a tireless advocate of the environment in south Florida. He has fought to protect the everglades both as public servant and private citizen. The Miami Herald recently ran an editorial highlighting Mr. Milian receipt of the Thomas Barbour Award and commenting on his advocacy of the environment. That article follows:

In awarding its prestigious Thomas Barbour Medal to Arsenio Milian, the Fairchild Tropical Garden fittingly has recognized a courageous and effective advocate for South Florida's environment.

The award is named for the renowned naturalist (1884–1946) whose influential 1945 book *The Vanishing Eden* was one of the earliest warnings of South Florida's looming environmental problems. Past recipients include Marjory Stoneman Douglas, John Pennekamp, Nixon Smiley, David Fairchild, and Edwin A. Menninger.

The medal reads: "For vision, unselfish devotion to the preservation of that vanishing Eden, South Florida." That befits Mr. Milian, who just ended four years of exemplary service on the South Florida Water Management District's governing board.

There, the Dade Countian was a tireless champion of efforts to protect and restore the Everglades. In particular, he repeatedly questioned the board's spending of more than $5 million on lawyers to fight a Federal lawsuit aimed at keeping pollution of the 'Glades. He also helped to persuade the district to follow affirmative-action principles in awarding contracts.

Yet environmental education may be the cause dearest to Mr. Milian. While on the water-district board, he pressed for greater efforts in that area. He also was the guiding spirit behind the founding of Citizens for a Better South Florida, a broad-based group that has had a positive impact on public awareness and governmental policies.

Mr. Milian's departure from the water-management board is no reflection on his service. Rather, like the replacement of Timer Powers four years earlier, it reflects the painful political reality that new governors with fresh mandates often want to fill key posts with their own appointees.

Mr. Milian's leaving the board won't end his public service, thank heaven. he's one medalist who knows that the race to save the environment is a marathon, not a sprint.

Mr. Speaker, I am proud to have a citizen so committed to the environment as Mr. Milian in my congressional district. It is my hope that his example will be inspiration for others in our community, and nationwide, to defend the integrity of our environment.

SALUTE TO NATIONAL VOLUNTEER WEEK

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. GALLEGLY. Mr. Speaker, I am proud to rise today to honor the millions of Americans who volunteer their time and talents to aid others. One of America's greatest resources is its volunteers. Volunteers give freely of their time, energy, and ability and only ask for a smile and a thank you for their countless hours of service.

I have long thought that the spirit of voluntarism, of pitching in and helping friends and neighbors in times of trouble, was one of the cornerstones of our Nation for generations. And while for a time some turned more and more to Government, I am proud that the spirit of helping others has always burned strongly in our great country, and is perhaps burning more strongly today than ever.

To recognize this tradition and the people who continue it, the Nation observes National Volunteer Week from April 21 to April 27. And while all of our volunteers can accept their Nation's thanks during this week, I would like to pay special recognition to the volunteers of the Motion Picture and Television Fund, based in my district in Woodland Hills, CA.

These men and women are dedicated, selfless, and compassionate in their efforts to better the health and welfare of the patients and retirees of the entertainment industry. They may think their contributions are small, but their efforts are greatly appreciated.

Mr. Speaker, I ask my colleagues to join me in congratulating the volunteers of the Motion Picture and Television Fund on a job well done, and in wishing them the best for the future.

IN TRIBUTE TO JAMES L. KIMERY, COMMANDER IN CHIEF OF THE VETERANS OF FOREIGN WARS

HON. STEVEN SCHIFF

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SCHIFF. Mr. Speaker, I rise to honor the commander in chief of the Veterans of Foreign Wars. I am particularly honored to do so because Mr. James L. Kimery is a resident of the city I am proud to call home—Albuquerque, NM.

Mr. Kimery joined the VFW in 1952 while on active duty with the U.S. Air Force. He served

two terms as commander of Post 7686 in Alamogordo, NM, and was captain of the all-State team in 1956–66. He also served as department chief of staff in 1967–68, and as post quartermaster in 1968.

Mr. Kimery was elected department commander in 1970 and became department adjutant-quartermaster in 1972. Over the next 14 years, he held a number of VFW Western Conference positions and a variety of national committee appointments. In 1986–87, Mr. Kimery served as the VFW's national inspector general, and as a member of the National Council of Administration. He was elected commander in chief of the VFW during the 91st national convention, held recently in Baltimore.

Mr. Kimery has a very distinguished record of service in the U.S. Air Force. He was stationed on Guam between 1945 and 1947, and earned the Asiatic-Pacific Campaign Medal. He earned the Army of Occupation Medal for his tour of duty in Japan in 1948–49. Mr. Kimery served a total of 21 years in the Air Force, including tours in France and Germany.

Mr. Kimery is a licensed pilot and a licensed A&P mechanic who enjoys restoring old airplanes during his spare time. He is also a member of the Air Force Association, the Aircraft Owners and Pilots Association and the International Commanche Society for aircraft owners.

Mr. Kimery and his wife, Dorothy, live in Albuquerque, where he is a member of VFW Post 9354.

I congratulate the Veterans of Foreign Wars on their selection of Mr. James L. Kimery as national commander in chief. They could not have made a more outstanding choice. I join all New Mexicans and all Americans in congratulating him on this great honor, of which he is so richly deserving.

THE PORNOGRAPHY VICTIMS PROTECTION ACT OF 1991

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. GREEN of New York. Mr. Speaker, today I am introducing the Pornography Victims Protection Act of 1991. I believe that we can no longer stand by and say that pornography is a victimless crime. A Federal Commission has documented that abuses of coercion, intimidation, and fraudulent inducement into posing and performing are rampant in the pornography industry which is controlled by organized crime. The victims often are people who were sexually abused as children and/or are financially distressed. This, to me, is the major outrage of pornography; and it is time to empower the victims by providing them with legal recourse for the harm that has been done to them. The legislation I propose today is unique contrasted to all other pornography legislation because it confronts the pornography problem and provides the opportunity for justice without infringing on our first amendment rights.

The Pornography Victims Protection Act of 1991 would allow victims of pornography, both child and adult, who are coerced, intimidated, or fraudulently induced into posing or performing in pornography to institute Federal civil actions against the producers. If they prevail, such victims would receive treble their actual damages and cost of bringing suit. Furthermore, the bill authorizes the Attorney General to seek $100,000 in civil penalties from any person violating Federal child or adult pornography statutes. If the Government prevails, it is authorized to distribute the penalty money among all of the identified victims in the case.

In addition to providing monetary and injunctive relief to victims, direct civil actions will facilitate enforcement of related criminal statutes. Like a direct action for victims, a Government action for civil penalties will be subject to a lower burden of proof than in a criminal prosecution, and this should facilitate action against pornographers. Unlike direct actions, victims would not be required to come forward publicly. This is an especially valuable benefit in child pornography cases, since many child victims are unwilling or unable to endure the severe traumas of courtroom testimony.

Last Congress, in order to deal with concerns raised by the booksellers and publishers, the legislation was rewritten to focus exclusively on targeting and penalizing producers. All criminal provisions embodied in the bill apply exclusively to the producers and not the transporters or distributors. This bill provides a sound and constitutional mechanism for deterring sexual exploitation and compensating victims.

Due to its dubious legal status and organized crime involvement, pornography is primarily an underground industry with little or no accountability toward its work conditions or product. Obscenity law only addresses the offense to society's sensibilities and ignores the victimization that is part and parcel of the pornography industry. Without conflicting with our first amendment rights, the Pornography Victims Protection Act would provide civil remedies to the forgotten victims whose hurts are unaddressed by current obscenity laws.

In closing, I believe the Pornography Victims Protection Act of 1991 will effectively combat a great degree of sexual exploitation in the United States and I should like to take this opportunity to encourage my colleagues to cosponsor.

A TRULY SPECIAL MAN

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mrs. BENTLEY. Mr. Speaker, it is with great sorrow and remorse that I speak of the death of a long time friend, Howard Head.

An inventor and philanthropist, Howard Head is perhaps best known in the business world for his innovative work with sporting equipment. Concerned over his difficulties with tennis and snow skiing, Howard Head set out to improve tennis rackets and snow skis. A design engineer at the Glenn L. Martin Co. aircraft plant in Middle River, MD, during World War II, Howard Head used his engineering skills to improve sporting equipment.

His work quickly developed into a very profitable and widely acclaimed producer of sporting equipment. In 1966 the Head Ski Co. in Timonium, MD, was grossing $25 million a year in sales. What began with financial resources of no more than $6,000 in poker winnings and borrowed money from friends was now a thriving multimillion dollar business.

However, Howard Head not only will be remembered for his business success, but also for his interest and support of cultural and medical institutions. Mr. Head along with his wife recently pledged $1 million to a $13 million campaign for the Center Stage Theater in Baltimore. In addition, he has served as a trustee of the Baltimore Museum of Art and financed entirely the Howard Head Sports Medical Center in Vail, CO.

Having known Howard very well, I held great respect and admiration for him and regarded him as a man with a great wealth of character and spirit. He pursued his dreams and interests undaunted and was a shining example of the American dream. Starting with very little, Howard Head developed a fortune and never forgot to share it through his philanthropist interests.

Many years ago, I had the special privilege of producing for the Head Ski Co. a film entitled, "Great Skiis for Great Skiing." In that capacity I and my television team worked closely with Howard Head in preparing the script and shooting the film. It was a rare and special opportunity to work hand in hand with a real genius—a successful American inventor.

A special person and close friend, I regret the passing of Howard Head. He will be remembered fondly by all those whose lives he touched.

MAXWELL R. THURMAN'S RETIREMENT ADDRESS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SKELTON. Mr. Speaker, on February 26, 1991, Gen. Maxwell R. Thurman retired from active duty with the U.S. Army. His career spanned 37 years of distinguished service to our Nation, including commander in chief of the Southern Command. At his retirement ceremony, General Thurman made an address which is excellent advice to the military and to policymakers in our country for the days ahead. I herewith insert General Thurman's remarks:

RETIREMENT REMARKS OF GEN. MAXWELL R. THURMAN

Secretary Cheney, distinguished Members of Congress, General Powell, General Vuono, distinguished guests, friends. To Secretary Cheney and General Powell—on behalf of us all—we thank you for your dynamic leadership. Twice in the past 18 months, our Armed Forces have been victorious in combat. In Operation "Just cause," and in Operation "Desert Shield" and "Desert Storm," the men and women of the Armed Forces have had great leadership from the Cheney-Powell team. We thank you for that.

I can begin with a mild understatement—and say that I am happy to be here. So many

of you, through your prayers and support, have had a hand in that. The Johns Hopkins medical team led by Dr. Phil Burke, and the Walter Reed team led by Dr. Frank Ward—all superbly supervised by my brother, General Roy Thurman and the Good Lord, have made it happen!

This is a humbling event, and a difficult one. Difficult because that is the nature of good-byes. Humbling because the honors today come from an institution to which I am greatly indebted and from people to whom I owe so much. My thanks to you General Vuono and to the old guard and to Pershing's own, for providing this splendid farewell.

I entered the Army in the same way that the majority of young people do today. I was not planning on an Army career. I was not certain where my time in the Army would lead. But I did have certain expectations—just like the ones young men and women bring to their service today. I expected to be challenged. I expected to be a part of a high quality organization—one with strong and deeply ingrained values—one committed to excellence—one where both the individual and the team could find success.

I am here today because my expectations were met and exceeded.

In time I came to understand that we are all responsible for making sure that those same expectations are met for those who are presenting themselves for service in our Armed Forces today.

That responsibility has been the most exciting and rewarding part of my service. In preparing for it, I worked with extraordinary people, encountered interesting, challenging problems, took part in what have now become significant historical events and, best of all, touched and was touched by American soldiers.

Perhaps my greatest source of pride is my association with the high quality—recruited—volunteer Army. When I was assigned that opportunity in 1979 it started me on a unique journey through our Nation, our Army and our military.

On that journey we had the opportunity to reassert the most fundamental values of our Army, and, at the same time, create new ways of doing business in support of those values.

What we began institutionalizing in 1979 were the historic values of the Army—values now codified as candor, commitment, competence and courage.

When, in 1979, we faced the nadir of recruiting fortunes for the Army and for all the services, we had to decide what principles and values would drive and sustain the commitment we made to turn our fortunes around. Quality became the watchword describing our national campaign of market research—targeted advertising—and our objective of high school graduate recruits. These were new methods, but traditional values! The commitment to quality then—as now—was to excellence—to expecting high standards—to demanding high standards—to achieving high standards. What we committed to was an Army where a soldier could be all that he or she could be.

When, in the early 1980's, we were confronted with the challenge of how to train these high quality recruits to their potential, we put a renewed premium on competence, and built our classroom and field training centers around the requirement of proven performance. Today—with "Grenada", "Just Cause" and "Desert Storm" as testimony—tactical and technical competence have become the measured accomplishments of our forces. Not simply given the quiet nod of assurance—but demanded—tested—improved—and tested again.

High quality, highly trained American troops deserve the very best equipment in the world, and we worked with American industry to give it to them. There were naysayers along the way. The Patriot Missile was killed three times. The Bradley Fighting Vehicle and the Apache Helicopter fought their toughest battles on Capitol Hill. But today, the coalition nations and, most important, American servicemen and women are safer and more capable than ever before, when put in harm's way. Our Nations's leadership, with our Congress, has taken it as a moral commitment to provide our forces with the systems that are now protecting our troops and defeating our enemy in Operation "Desert Storm." American industrial workers have every right to be proud of their contribution to our services and to our war efforts.

The total force became a reality in the 1980's. In the days of "Just Cause," 2,500 Reserve component soldiers were mobilized. In the months of "Desert Storm," 150,000 will answer the Army's call. The total force is an American and military success story. Any problems we have encountered pale against the talent—dedication and professionalism of our guardsmen and reservists.

Our fighting doctrine has proven itself as well. And, more important, we have institutionalized the development of future doctrine so that our forces, equipment, and training will meet our Nation's needs as we cross into the 21st century.

We now fight "Joint." We did it during "Just Cause," and we are doing it during "Desert Storm." It required institutional candor, and it took commitment to change the way the services have been doing business for decades. It involved development of new competencies. And, it took a great deal of moral courage to put new organizations and procedures into operation forcefully, completely and, now, successfully. The sophisticated and massive campaign of the past 41 days deserves its rightful place in history—it has been nothing short of extraordinary!

I am as grateful as I am proud of having had the opportunity to be a part of this exciting period in the history of our Army and our military. And, of course, my gratitude extends back through each of 38 years, to a remarkable collection of soldiers and public servants. To General William Depuy, who taught me, as a Lieutenant Colonel, lessons which brought me to this podium today. To Generals Palmer and Kerwin and Kroesen and Vessey and Wickham: Vice Chiefs of Staff who opened up for me the breadth and complexity of the Army.

I am grateful to the Chiefs of Staff I have been privileged to serve directly. To Generals Westmoreland, Weyand, Rogers, Meyer, Wickham and Vuono. And to three Chairmen, Vessey, Crowe and Powell. Each of these leaders permitted their officers to serve and to use their own initiative. That is the best of both worlds—and it is a leadership style we should all encourage. I am particularly indebted to Secretary Cheney and Secretary Jack Marsh, who snatched me from the jaws of retirement in the summer of 1989. Thanks for your confidence sir.

There will never be a good time for me to leave the Army, but it is especially difficult with all that lies immediately ahead. The challenges are impressive but not forbidding. Every crisis presents itself as "a last possible chance," only to be followed by another. What I know from experience—is that there is always time to do the right thing.

The right thing in the days ahead is to hold the ground we have gained, and to look ahead for creative solutions based on solid principles and values. Just as we had the moral courage to profit from our experiences in Vietnam to build the military we have fielded today, we must have the courage to re-examine issues which have now presented themselves for rational debate.

What has our experience in Desert Storm taught us about the composition of our active military forces for the future?

How will we balance the total force now that our policies and programs have been tested by fire?

How will we compete in the market place for the high quality men and women we must have to defend our Nation and its interests?

Will we invest sufficient funds for modernization of our equipment to keep our technological edge over any foe?

I am confident that these challenges and others like them will be answered with strong and positive resolve. We have come too far—worked too hard—achieved too much to retreat when the only enemy facing us is a tough decision.

But regardless of how the issues sort out, our duty is still to take care of our country's most precious resources—the youngsters who come to us with personal goals, genuine patriotism and extraordinary spirit.

This particular generation of soldiers will be special. Their "soldier values," their skill—their stamina—their discipline—their commitment—and their courage—will be forged by winning on "Just Cause," and "Desert Storm" battlefields!!

They will also be our future leaders. In the military and in the Nation. Like wartime generations before them, they are earning that right, and we can all look forward to the day when their "soldier values" take root in home towns across the Nation.

Remember that the combat tested sergeants commanding M1A1 tanks and Bradley fighting vehicles in the desert today, will train the Nation's volunteer sons and daughters in the decade ahead. The combat tested company commanders leading our troops today, will be the generals in the year 2010. Our Nation will be in good hands!!

Our military today should be the source of our Nation's optimism for tomorrow. We know that the combination of solid values—hard work and American ingenuity and spirit is the unbeatable combination it has always been. We see it on the battlefield today—quality men and women of the Army, Navy, Air Force and Marines—serving their Nation with distinction and pride—I am proud to have served with them—God bless them all—and God Bless America!!

EDUCATOR CLOSES DISTINGUISHED CAREER

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SUNDQUIST. Mr. Speaker, I rise to ask the House to join me in saluting the career of a fine gentleman and a distinguished educator from my State of Tennessee. Later this month, Samuel J. Winters will close a career of 37 years, 27 as an elementary school principal. For the last 17 of those years, he has directed

the work of East Montgomery Elementary School in Clarksville, where his friends and colleagues will gather on April 21 to honor his service and to say thanks.

Here in Congress, we often have occasion to mark the work of great men and women and remark on the impact they have had on us. I think it fitting to recall that few have a more important calling than those to whom we entrust the education of our children. Few things in life can match the wonder in a child's eyes. For 33 years, Mr. Winters has helped spark a love of learning in Clarksville's children.

The highest award any of us can win in this life is the respect of those who know us best. By that standard, Mr. Winters has earned a special place indeed. I ask my colleagues to join me in saluting his service and wishing him godspeed on his well earned retirement.

THE ADMINISTRATION'S DANGEROUS DEFERENCE TO RIYADH

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. LEVINE of California. Mr. Speaker, in her commentary in yesterday's Wall Street Journal, Laurie Mylroie reveals disturbing evidence of Saudi Arabia's influence over American policy in the Middle East.

Ms. Mylroie asserts that the administration agreed to a Saudi plan to stage a military coup against Saddam. When the coup failed to materialize, the Saudis panicked and warned the administration that Islamic fundamentalists might take over the rebellion in the south.

According to Ms. Mylroie, the Saudis are largely responsible for President Bush's unconscionable abandonment of the Kurds and other Iraqi dissidents.

In response to the Saudi's concerns, the administration reversed its course and left the rebels on the northern and southern Iraqi borders to be mercilessly slaughtered by Saddam's army, after having encouraged the Iraqi people to rebel and signaling that the United States would assist in that effort. The betrayal of the Kurds will no doubt go down as one of the most tragic chapters in American history, and one that could have been avoided.

As Ms. Mylroie notes, American deference to the Saudis has historically hindered American interests in this region. The current crisis is no exception. It is time American policy in the Middle East was based on American interests—including the promotion of democratic values—rather than on that of a monarchical and self-serving regime.

I strongly urge my colleagues to review the following insightful and revealing article:

LED ASTRAY BY THE SAUDIS IN IRAQ

(By Laurie Mylroie)

As refugees from Saddam Hussein's terror flee north and south, the debate about U.S. policy toward Iraq proceeds with little understanding of that policy. Many think the administration had no policy for Iraq, but that is incorrect.

The U.S. was responsible for military operations against Iraq, while the question of Iraq's political future was left largely to the Saudis. The idea, shared by Washington and Riyadh, was to encourage a coup. The Iraqi military, stung by its humiliating defeat at the hands of allied forces, was to overthrow Saddam Hussein. This, however, would not simply be left to chance. The Iraqi army would be actively encouraged by a popular revolt.

The model was Romania, where the population rose against Nicolae Ceausescu and the army joined the people, while the institutions of the Ceausescu state continued to function. Similarly, the Iraqi army would take over and rule with what remained of Iraq's political institutions.

This was to be accomplished principally through the offices of Salah Omar Ali al-Takriti. Mr. al-Takriti, now in Saudi Arabia, was a Baathist and an associate of Saddam's when the party seized power in 1968. A member of the party's regional leadership, Mr. al-Takriti was closely involved in the 1969 public hanging of 14 Iraqis in Baghdad, 11 of them Jews, on trumped up charges of spying for Israel. He exhorted the crowds that assembled in Liberation Square on that occasion and was appointed minister of culture and information the next year. In the early 1980s he served as Iraq's ambassador to the United Nations.

MR. AL-TAKRITI'S CHANCE

In August 1982, after Iraqi forces were pushed on the defensive in the war with Iran and Iraq looked to lose, Mr. al-Takriti resigned his position and went into exile. He began to promote himself as an alternative to Saddam, claiming his qualifications were that he was Sunni, Arab and from the same town as Saddam. In the current crisis Mr. al-Takriti has found his chance.

This figure, without much of an authentic political base, convinced the Saudis he could arrange a coup through contacts in the Iraqi military. The Saudis promoted him and Saad Jabr, a London-based Shiite, also without a substantial political base. Early last month a senior Saudi intelligence officer, Gen. Mohammed al-Utaibi, told members of the Damascus-based Iraqi opposition that they must take Messrs. al-Takriti and Jabr as equal partners or they would get no support from Saudi Arabia and the U.S.

The U.S. appears to have been aware of Saudi plans and acquiesced to them. Mr. al-Takriti briefed American officials in Riyadh about Iraq's internal situation. The U.S. ambassador even requested a meeting with him.

Certainly aspects of the plan for Iraq were put into operation. A January intelligence finding let the Central Intelligence Agency assist Saddam's Iraqi opponents. Support included a CIA-backed radio station in Saudi Arabia, which Mr. al-Takriti helped run, and which repeatedly called on the Iraqi population to revolt. On Feb 15, shortly before the start of the ground war, President Bush called "for the Iraqi military and the Iraqi people to take matters into their own hands to force Saddam Hussein . . . to step aside"—the Ceausescu scenario. He added: "We have no argument with the people of Iraq. Our differences are with Iraq's brutal dictator."

Some two weeks later, almost as soon as hostilities ceased, the Shiite population in the South revolted. The administration warned Saddam against using chemical weapons. It also said that using fixed-wing aircraft and helicopters would be a violation of the provisional cease-fire. Whatever protection such prohibitions provided American forces, they also made it easier for the angry and disgruntled remnants of Saddam's forces to march on Baghdad.

The Shiites were soon joined by the Kurdish population in the North. Massoud Barzani, head of the Kurdish Democratic Party, with large numbers of trained fighters under his command, first hesitated. He did not want a repetition of August 1988, when Iraq used chemical weapons against the Kurds. Untold numbers died then and 100,000 refugees fled to Turkey, where most of them remain. With the U.S. statements forbidding much Iraqi military activity. Mr. Barzani threw his forces into the fray, quickly capturing all Kurdistan, as Saddam's troops in the North melted away. The perception that Mr. Barzani held a strong hand was an important factor in undermining the will of Saddam's troops to fight.

But Salah al-Takriti's coup failed to materialize. With Iraq's Shiites in revolt and no military action against Saddam in sight, the Saudis panicked. Some Iraqi exiles, long based in Iran, had joined the fighting in a limited way. The Saudis warned Washington that the uprising in the South was in danger of being taken over by Islamic fundamentalists, according to an Iraqi opposition figure then in Riyadh. Washington then switched course. On March 26, the administration announced publicly that the U.S. would not prevent Iraq from using helicopters. Predictably, Saddam took that as an invitation to mow down his civilian population. The helicopters dropped napalm and phosphorous bombs.

Although not announced publicly, the U.S. also stopped interfering with flights of fixed-wing aircraft. Since a decision had been made to let Saddam suppress the rebellion, the quicker the better was a likely rationale. The tales of horror coming from southern Iraq were difficult for American opinion to bear. The U.S. Air Force controlled Iraq's skies and had just succeeded in impressing its power on the same forces now butchering civilians. Inaction would become harder and harder to justify. Besides, the Pentagon brass wanted to bring the boys home by the Fourth of July.

Having decided it did not want Iraq's revolts to succeed, the administration stood fast as the slaughter continued; Saddam's suppression was deemed "an internal Iraqi affair." In last Friday's U.N. Security Council session on the Kurds, the U.S. still wanted to "deplore" Saddam's repression, rather than use the stronger "condemn," pressed successfully by France.

The administration hasn't made an adequate case for the shift in U.S. policy. Iraq's territorial Integrity was not threatened by the revolts. The Shiites consider themselves Iraqis. The Kurds are demanding autonomy for themselves within Iraq and democracy for the country.

Nor does neighbor Turkey view Kurdish demands with apprehension. The alternative is continuing guerrilla war in Iraq, with destabilizing consequences for Turkey's Kurds. Thus, in February, President Turgut Ozal called for a democratic, federated Iraq. (None of the most senior administration officials pronounced the "D" word when it came to Iraq, because the U.S. was deferring to Riyadh.) President Ozal called for the U.S. to shoot down Saddam's helicopters, and now, with Turkey's stability and his political career threatened by the Kurdish influx, he calls for U.S. action. Mr. Ozal is inhibited from speaking louder because of apprehensions about alienating the Bush administration, which has tied its policy to the Saudis'.

Iraq's Shiite revolt raised little threat of an Islamic republic, despite Saudi claims to the contrary. The commander of the Iraqi exiles in Iran, who crossed into Iraq with the start of the rebellion, reported that Iran would let only a limited number of men across the frontier. As a senior administration official explained March 26: "The Shi'a in Iraq are Arabs. The Shi'a in Iran are Persians. . . . The Shi'a are not going to establish control over all of Iraq in the way that the Shi'a established control over Iran. . . . Some of the worst-case scenarios that are being painted by some of the commentators outside . . . we just don't share."

Saudi Arabia is an extremely conservative society, the only major state in the Middle East without any modern institution for political representation. The Saudis' strict Sunni Wahabi establishment discriminates against its own Shiite population, while the ruling family is notoriously insecure. If the Saudi apprehension was about Iranian-controlled fundamentalism, then it was almost certainly exaggerated. If it was about power for Shiites, then it was not a concern America shared.

DISAPPOINTED ADMINISTRATIONS

There is a long history of U.S. administrations basing Middle East policy on Riyadh, only to be disappointed. In 1957, King Saud was enlisted to endorse the Eisenhower Doctrine, and reversed himself in a matter of months. On the last such occasion, the U.S. worked with Saudi Arabia in Lebanon after the Israeli invasion, only to find the Saudis unable to secure Syria's acquiescene in U.S. policy, as the Reagan administration had expected.

Saudi Arabia is now seen as the heart of the projected new U.S. military presence in the Gulf. But Riyadh is not doing the U.S. a favor by letting America defend it. It needs the U.S. Meanwhile, America has paid a heavy price for Saudi blunders in Iraq. An urgent re-evaluation of U.S. policy is needed to define American interests. They go far beyond making the Middle East safe for the al-Saud.

FIFTH-GRADE CLASS ADOPTS READY RESERVE FORCE SHIP

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mrs. BENTLEY. Mr. Speaker, on Friday, April 12, I will have the pleasure of attending a very special ceremony at the Pot Spring Elementary School in Timonium, MD.

Ms. Elizabeth Wise's fifth-grade class has adopted the SS *Cape Archway,* a Ready Reserve Force ship deployed during Operation Desert Storm. What makes this momentous occasion even more special is that this is the second time Ms. Wise's fifth grade class has adopted the ship.

The ship originally was adopted by her fifth-grade class in 1978–79 when it was a U.S.-flag commercial ship sailing under the name of the SS *African Neptune.* The ship was purchased by the U.S. Government in 1980 for use as a Ready Reserve Force ship and laid at anchor until activated for use in Operation Desert Storm. The SS *Cape Archway* is a specially fitted cargo ship used for shuttling ammunition. The ship's master is Capt. Edward McManus.

On a visit to the ship in the Persian Gulf, the commander of the Military Sealift Command, Vice Adm. Francis R. Donovan, USN, noticed a photograph of schoolchildren that hung on the bulkhead. The photograph was of Ms. Wise's class dated October 1978.

It has been a longstanding practice for school classes to adopt a U.S. Navy or commercial ship as the experience proves educational for the children and a morale builder for the crews. The class will write the captain or crew members and ask questions about the ship or life at sea and occasionally actually will visit the ship if possible while the vessel is in port.

After noticing the picture which had hung in the ship for 13 years, Vice Admiral Donovan asked a member of his staff to see if the current fifth graders at Pot Spring Elementary School would be interested again in adopting the ship. The class was indeed interested in adopting the ship again and Ms. Wise, in fact, still teaches fifth graders at the school.

I am very proud of Ms. Wise's fifth-grade class at Pot Spring Elementary School which is located in my district. I long have been an avid supporter of our Military Sealift Command and have sought to encourage a greater understanding about the importance of sealift capability. Operation Desert Storm emphasized the importance of rapid mobilization capability and underscored the vital need for sealift capability.

Despite having some of the world's best military equipment, it is impossible to participate in virtually any type of conflict unless we can get the equipment and troops to where they are needed. The need for military sealift is unquestionable.

I am proud of the work our Military Sealift Command [MSC] performed in Operation Desert Storm. Their hard work and dedication was vital to the success of Operation Desert Storm. In addition, I also appreciate the interest exhibited by Ms. Wise's fifth-grade class. The class has demonstrated that not all knowledge is learned through a book and that students also can learn through unique first hand experiences such as adopting a ship and writing its crew members.

On April 12, Vice Admiral Donovan will present each of the students an official Military Sealift Command "certificate of appreciation." Ms. Wise and the school will receive framed photographs of the SS *Cape Archway.* The students also will be treated to a skit showing the function of MSC ships. Students of Ms. Wise's 1978–79 class also are to be on hand for the occasion. This is without a doubt a very valuable experience for the students and a special opportunity for the SS *Cape Archway* and her crew to show their appreciation for the friendship displayed by Ms. Wise's class.

Mr. Speaker, my fellow colleagues, it is with great pleasure and anticipation that I look forward to visiting Ms. Wise's fifth-grade class with Vice Admiral Donovan. I am very proud to be a part of such a special occasion.

PRESIDENT BUSH FOLLOWS THE CORRECT PATH

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. BEREUTER. Mr. Speaker, this Member wishes to commend the exceptional leadership that has been demonstrated by George Bush. Our President was able to organize an international coalition to respond to Iraq's naked aggression. Against all predictions, he was able to hold it together and secure the backing of the United Nations in forcing Saddam Hussein to leave Kuwait. As Commander in Chief, he was ultimately responsible for the decision to use force when it became clear that sanctions alone would not accomplish our objectives. But in the aftermath of the brilliant victory in the Persian Gulf, there has been a disturbing eagerness to denigrate the significance of the coalition's achievements and, by extension, the leadership of George Bush.

Mr. Speaker, this Member commends to his colleagues the editorial of March 29, 1991. This New York Times editorial presents a balanced, insightful appraisal of the U.S. actions. It correctly notes that "the United States lacks the moral authority, the international backing, and the political know-how to impose a new government on Iraq."

THE GENERAL VS. THE PRESIDENT

What makes the contretemps between Gen. Norman Schwarzkopf and his Commander in Chief so disappointing is that the first time around, he was the very model of a patriotic general.

On Feb. 27, the very day that President Bush decided to end the slaughter of the retreating Iraqi forces, a reporter asked General Schwarzkopf whether he feared that decision would keep him from fulfilling his assignment.

"We've accomplished our mission," he replied, "and when the decision-makers come to the decision that there should be a cease-fire, nobody will be happier than me." That was admirably said, right out of the Book of Civilian Control.

But now, the stolid, solid general says he would have preferred to continue the repugnant "turkey shoot" a little longer. He seems to be second-guessing himself as well as Mr. Bush.

The President, who yesterday tried to cool the controversy, was right to stop the slaughter when he did; right to agree to a tough U.N. cease-fire plan that could quickly free U.S. troops from Iraq, and right to chastise the general for, long after the fact, redefining his mission.

General Schwarzkopf may be protecting himself against the charge that the allies let too much of Iraq's military get away. It turns out that he overestimated the number of Iraqi weapons his forces had destroyed. And he could not have guessed how quickly Iraq's defeat would spark uprisings by the Kurds and Shiites or how brutally Iraq's army would try to repress them.

But the general could have kept up the pounding for weeks without eliminating Iraq's military capacity to repress its own people. Destroying its ability to attack its neighbors was the right objective. Destroying its ability to defend itself against covetous neighbors would have gone too far, inviting dangerous instability. That's why Mr.

Bush was wise to stop the shooting when he did.

The President is also right to try to extricate U.S. troops from Iraq's civil strife. However much Americans want Saddam Hussein to be toppled, his fate is best left to the Iraqi people. The U.S. lacks the moral authority, the international backing and the political know-how to impose a new government on Iraq.

The presence of American troops deep inside Iraq is already forcing Washington to take sides in the internal struggle. It shot down two Iraqi aircraft attempting to attack Shiite rebels—but let Saddam Hussein's helicopters through. That could make the troops hostage to Shiite reprisal. But if Iraq can now be brought to accept the U.N. cease-fire, all allied forces can be promptly withdrawn.

General Schwarzkopf had a chance to offer his military advice on when to stop the shooting. Whether or not he did so, and whatever he recommended at the time, that decision was quite properly a political one, involving much more than how many Iraqi tanks remained in U.S. gunsights. The President made the right call, then and now.

A TRIBUTE TO STACY ANN PORTER

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. GINGRICH. Mr. Speaker, I would like to share with my colleagues a beautifully written essay by Stacy Ann Porter of McLean, VA. Miss Porter, who is in the fifth grade, entitled her paper, "What the Bill of Rights Means to Me." It was recently selected as the outstanding essay in the State of Virginia and she is now competing on the national level. I would like to commend Miss Porter on her timely and beautifully composed essay.

After rereading this essay, I was struck by the concluding sentence: "I can strengthen the Bill of Rights by exercising my rights and showing others by my example what it means to be a good citizen." I would like to suggest that Miss Porter is doing just that and wish her much success in the future.

WHAT THE BILL OF RIGHTS MEANS TO ME

(By Stacy Ann Porter)

The Bill of Rights is the first ten amendments to the United States Constitution. It is a list of the freedoms and liberties of the people of the United States.

When the Constitution was first drafted, many of the states were concerned that the new Federal Government might deprive people of their rights and exercise power unwisely. Before some of the states would ratify the Constitution, they insisted that a Bill of Rights be added clarifying what the government could not do. To them and to us, the Bill of Rights is like a shield protecting our freedoms.

We only need to look elsewhere around the world to see what can happen to people who live in countries that do not have the freedoms contained in our Bill of Rights. In some countries, people are not free to worship as they would like, to speak out for what they think is right, or to print what they want to in newspapers. They are afraid that the police will break in and search their houses for no reason at all. I would hate to live in a country where these kinds of things happen.

On Sundays, I attend church with my family without being afraid of what might happen to me. I am free to be a member of the girl scouts, but no one forces me to join. I can express my opinions in school and other places. I love to read books, and it would be hard for me if I could not read what I want to. These things mean a lot to me.

One of the reasons that the Bill of Rights means so much to me is because some of my ancestors helped to bring us the freedoms in the Constitution. An ancestor of mine on my father's side, George Soule, came to America on the Mayflower. He was an indentured servant. He came to America so that when he had worked to pay off his passage, he could get new freedoms that he did not have in England, and so that he could start a new life in a land of opportunity. Some of my other ancestors fought in the Revolutionary War.

When the Bill of Rights was written by our Founding Fathers almost two hundred years ago, the world was very different from how it is today. Then, the United States only had about 4 million people, and most of them lived on farms. Even though the world is much different today, the freedoms in the Bill of Rights are still very important and true. And they are important for people everywhere all around the world.

Many people take the freedoms in the Bill of Rights for granted. If they lived in a country where there was a dictator, they would realize how important the Bill of Rights is, and they wouldn't take it for granted anymore.

I feel that I have a responsibility to help protect the freedoms that we have in the Bill of Rights. I can strengthen the Bill of Rights by exercising my rights and showing others by my example what it means to be a good citizen.

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IF I HAD A WISH . . .

(By Stacy Ann Porter)

If I had a wish, my wish would be
For a world as peaceful, beautiful and bright
As a clear, crisp, star-filled night.

Where hunger would leave and be no more
Where dreams could race and fly and soar
Not just for some in certain places
But for everyone, everywhere regardless of races.

Where leaders would be kind, honest, and fair
And people could be happy everywhere
Where fish and fowl, animals and trees
Could enjoy clean air and crystal blue seas.

Where people care about each other
And treat each person like a brother
Where drugs can heal instead of destroy
And babies are born healthy whether girl or boy.

Where everyone feels part of a big family
That includes everyone, everywhere
. . . you and me.

If I had a wish, my wish would be
For a world as peaceful, beautiful and bright
As a clear, crisp, star-filled night.

A CLOWN FOR ALL SEASONS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. JACOBS. Mr. Speaker, what is Jonathan Winters if not a national treasure.

It is said that President Kennedy gave Pierre Salinger a loving cup with the following, East Indian inscription: "Three things are real—God, human folly and humor. Since we cannot understand the first two, we must do what we can with the third."

[From Newsweek, Apr. 1, 1991]

A CLOWN FOR ALL SEASONS

(By Harry F. Waters with Lynda Wright)

It was the series' very first run-through, a dining-room setup featuring Jonathan Winters and his youngest TV grandson. As Winters lumbered through the door, he spotted a bowl of hand-painted eggs resting on a sideboard. He picked it up, walked over to the boy and sorrowfully informed him: "Ben, it's about your brother. We don't know what he's eating but this is what we're getting." Few sitcom writers could hack out a laugh line like that. As a matter of fact, none did: it bolted unbidden from the singular mind of Winters himself. Thanks to a fast-blooming new ABC comedy called "Davis Rules," the nation's elder statesman of spaciness is back in fashion. You might even say that this is suddenly becoming the season of Winters.

Of the nearly 50 series launched since last September, "Davis Rules" currently owns the second highest rating ("America's Funniest People" owns the highest—but then that's a spinoff, and a wretchedly homemade one at that). Granted, this sitcom's premise does not quicken the pulse. Winters plays Gunny Davis, a loopy but lovable grandfather who moves in with his widowed son (Randy Quaid) to help raise his three grandsons. Now for the beauty part. Instead of handcuffing the free-winging Winters to a script, producers Tom Werner and Marcy Carsey have encouraged him—actually, instructed him—to ad-lib and improvise. The upshot is a pleasantly engaging comedy laced with bursts of pure, lunatic magic. No one seems to be getting a bigger charge than the show's 65-year-old centerpiece. "For the first time in my life," says Winters, "I'm really having fun."

Every 22-minute script for "Davis Rules" contains five minutes of spaces for Winters' impromptu riffs. Sometimes there's a suggested topic that surfaced in rehearsal, more often just expectant ellipses trailing from a line. Whatever the ignition device, Winters never has a problem zooming into orbit. One moment he's mocking the kids in fractured Norwegian, the next he's advising them to handle a bully by sideswiping him with the family car ("BOOM! He's a silhouette!"). Before retiring for the night, he announces: "I got the bedroom window closed, but the cat is halfway out. (Eye-rolling shrug) I guess it can wait 'til morning." Speaking of cats, Winters' weirdest improv came when one of the boys arrived home with a ventriloquist's dummy: he scrunched into a feline crouch, curled his fingers and began hissing. "It was amazing," recalls cast member Patricia Clarkson. "Who would think of hissing at a dummy?"

Need she ask? This is, after all, a man who in real life once climbed atop the rigging of a historical ship, informing police that he was the Man in the Moon. Until now, however, television has never figured out how to package Winters' unpredictability. After becoming an instant legend on "The Jack Paar Show" (and inventing, in Maude Frickert, the world's randiest grandmother), he presided over a pair of desultory variety series. Next came a one-season gig on "Mork and Mindy" that only confirmed that Robin Williams had swiped his style. He plunged into painting and writing, turning out widely lauded surrealistic works and a volume of best-selling short stories. Then producers Werner and Carsey, who know how to build sitcoms around stand-up comics ("The Cosby Show," "Roseanne"), offered him the role of Gunny along with a creative blank check. Winters is grateful. "They're letting me do things I've always dreamed of doing," he marvels. "They've given me the freedom to take chances."

Unfortunately, both "Davis Rules" and its star could use a little more domestic support. This is the kind of sitcom in which the writers give the kids lines like: "Girls are more complicated than women because they're so . . . (smirk) . . . unformed." Randy Quaid, though, makes a splendid foil. Wisely, he's replaced his big-screen gooniness with geniality, playing off Winters with the sort of wary affection that John Goodman accords Roseanne Barr. The scenes in which father and son gropingly come to terms with old wounds are as touching as they are unexpected.

Tough pop: The irony is that Winters still harbors hostility toward his own father, an Ohio stockbroker. Shortly after meeting a Newsweek reporter, he says: "I was numb for a long time because I had an old man who was hard on me from the beginning." All that discipline, he goes on, filled his childhood with "insecurity, shyness, neuroses and paranoia." Today Winters' world is filled with kitsch: he's an obsessive collector of it. The San Fernando Valley house that he shares with his wife of 42 years overflows with baseball bats, walking canes, beer steins, tomahawks, military hats, cigar boxes, cowboy guns, railroad medallions and some two dozen statues of Buddha.

All viewers care about, of course, is how Winters stuffs the spaces in his show. It's a challenge that makes his tiny eyes gleam. Here's Gunny trying to sell a "genuine" Indian doll to a woman tourist. "This says 'Taiwan'," she notes, checking the doll's underside. "No, that's '*Nawiat*'," he corrects. "The Nawiat Indians." That's where the script leaves off and the master takes over: "It was small tribe, only about 36 of them, a wonderful tribe. They didn't have a chief, but they had a very strong woman. She was 6-foot-9. And rather than have all the Indians go to war when the white men came to massacre them, she hid them under her dress. And when the white men—they can be kind of crazy—saw things moving under her dress, they ran away."

Another ignition, another BOOM! Forget the calendar: Winters rules.

ACCLAMATION FOR HEIDI KRISTINA STRUVE

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mrs. VUCANOVICH. Mr. Speaker, I rise today to pay tribute to Heidi Kristina Struve, a senior at McQueen High School in Reno, NV. It gives me great pleasure to announce that Heidi was awarded first place in the Voice of Democracy Broadcast Scriptwriting Contest. The contest theme this year was "Democracy—The Vanguard of Freedom." Over 138,000 secondary school students participated in the contest this year, with the winning contestant from each State receiving a trip to Washington, DC, for the final judging as a guest of the Veterans of Foreign Wars. Of these finalists, 14 national winners were selected to receive scholarships totaling $62,500. I have the honor to present Ms. Struve's winning script to you today:

"To such a task we dedicate our lives and our fortunes, everything that we are and everything that we have, with the pride of those who know that the day has come when America is privileged to spend her blood and her might for the principles that gave her birth and the peace which she has treasured. The world must be made safe for Democracy!"

This quote by Woodrow Wilson expresses the incredible importance of our democracy. America is a country of freedom, opportunity, and success. And we demonstrate best Democracy as the Vanguard of Freedom.

I will begin by relating democracy and freedom to the American Revolution; next I will discuss democracy's effect on me; and, lastly, I will present the growing spread of Democracy throughout the world today.

To begin with, over two hundred years ago, our ancestors fought mercilessly for independence from their mother country. Young men, and even women, worked together as one to obtain their goal—freedom. "Government for the people, by the people" became their basis for ruling the new world. It was only natural for democracy to protect that freedom our founding fathers fought so hard for. Indeed, George Washington, John Adams, John Hancock, Thomas Jefferson—every one of these great men agreed that the only way America could maintain her ideals was through government of the people.

Today, I can't go through a single day without being affected by my protector—democracy. I stand at 8:30 every morning and place my right hand over my heart and repeat a pledge that expresses my believe in this country. I exercise my rights with every word uttered from my lips, every line I read on a newspaper, and every church I choose to attend. I hold my freedom closer to my heart than any other single thing, and I thank democracy for its protection.

Lastly, 1989 was a year of drastic change. Starting with a small group of suppressed individuals who wanted freedom, we have seen the fall of the communist bloc. No more do we see the Iron Curtain spread over Europe—we see rays of light shining through. No more do we see communism but an increased shift toward democracy. Ladies and gentlemen, freedom is in the air, and democracy is on the rise! Ceaucescu and Honecker have been ousted, and we see Havel and Kohl making new strides toward protecting this newfound freedom. They have chosen democracy.

In conclusion, democracy—government for the people and by the people—gave our forefathers a method of ruling to protect the freedom they worked so hard for; I live for freedom and appreciate democracy as its protector; and in the East European world today, freedom has been achieved and governments are adopting democracy as their protector. Yes, democracy is the vanguard of freedom.

Mr. Speaker, it is a great honor and distinct privilege for me to ask my colleagues to join me in recognition of Heidi Kristina Struve and her remarkable accomplishment in the Voice of Democracy competition.

ONE SMALL COUNTRY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. GILMAN. Mr. Speaker, on Tuesday, March 19, A.M. Rosenthal in his "On My Mind" column in the New York Times made an impassioned plea to congressional leaders and the administration to allow his holiness the Dalai Lama to address a joint session of Congress. Mr. Rosenthal spoke of the genocide in Tibet by the Communist Chinese and points out that the Dalai Lama does not ask for soldiers or Patriot missiles, "just attention, and plain words to its oppressors that genocide is as ugly in the mountains as in the desert."

Mr. Speaker, where many of us welcome the proposed greeting of the Dalai Lama in the Capitol rotunda, I strongly believe that we in the Congress should have allowed the Dalai Lama to speak before a joint session. His years of experience and insights into the last giant Communist nation on the globe which has the second largest trade deficit with our Nation, would be helpful to all of us. But most importantly, he should be allowed to speak to prevent the Congress from becoming a partner to a coverup of genocide.

Mr. Speaker, accordingly I request that Mr. Rosenthal's timely article be printed in full at this point in the RECORD:

ONE SMALL COUNTRY

There was no way to escape writing this column. I thought I was going to write about other things, which I knew would interest more people, like the Soviet Union's approaching civil war or Saddam Hussein's approaching annihilation, or those sickening lynching pictures from Los Angeles.

But I could not escape knowing that now was the time to write about Tibet—and how cruel April will be in Washington for one small country unless members of Congress say no, they have had enough.

Every person has certain things about which he feels he must speak now and then, not because people listen but because they don't. Something strong coming out of experience or convictions insists that eventually attention may be paid but even if not, at least speak.

Some of the reasons I cannot escape the Dalai Lama and his countrymen are personal—years spent in Asia as a foreign correspondent, and detestation of Communism

and all other forms of dictatorship—all, no picking and choosing.

Another reason has to do with Raphael Lemkin. Raphael Lemkin was a very annoying man. For years he wandered the headquarters of the United Nations, plucking at diplomats, trying to persuade the member countries to sign a convention making it a crime to destroy a whole people or its culture. After a long time they did sign, and he died, almost alone.

Tibet is a victim of a case of genocide as ugly as any since World War II. The country has 6.5 million people when Communist China invaded in 1950. Its Government of monks was tyrannical in its own ways. But its people were united by common history, common language, the common religion of Buddhism.

Nine years later the Dalai Lama, for Tibetans the 14th incarnation of the spirit of godliness and their national leader, escaped to India. In exile, traveling the world, he has grown to be a celebrated international political and religious figure and, ever more, his people's leader.

But in the Himalayas, at least a million Tibetans were murdered or tortured to death, or died of starvation because of Chinese colonialism.

Beijing annexed two-thirds of Tibet. Scores of thousands of children were shipped to China for education and indoctrination. Millions of Chinese were sent into Tibet, a criminal, genocidal attempt to erase Tibet's reality. In the annexed areas they outnumbered Tibetans.

The United States refuses to recognize the Tibetans. Be sensible—what kind of a market is Tibet compared with China and how many missiles does it have?

The Dalai Lama goes on. He offers to give up foreign and military affairs if Beijing gives Tibetans self-rule. He outlines a Tibetan government base on democracy and nature. And in 1989 this man who cannot get beyond State Department doors, literally receives the Nobel Peace Prize.

Tibet asks no soldiers from the United States, no Patriots, just attention, and plain words to its oppressors that genocide is as ugly in the mountains as in the desert.

The greatest of all American assets, tested and proved repeatedly, is not that it is a world policeman but that it will give its political support to freedom. There lies American national interest in Tibet.

In Washington are senators and representatives of both parties who believe this Congress has passed seven resolutions supporting Tibetans. In Tibet they are passed from hand to hand, a secret wheel of prayer.

Last year, members of both Houses tried to organize a joint session of Congress for the Dalai Lama. The White House objected, so they selected a new date—April of this year, when the Dalia Lama would again be in the United States.

But just a few days ago the White House was seized by a sudden desire to have President Violeta Barrios de Chamorro of Nicaragua speak to a joint session in April, and of course Queen Elizabeth is coming in May. Congressional leaders said that eliminated the Dalai Lama because after all how many joint sessions could you have?

Traditionally Congress follows the White House lead on joint sessions for foreigners, but there is no law about it. Representative Charles Rose, the North Carolina Democrat, says he is so mad he may have a meeting on the Capitol steps. Others talk about a meeting in the Rotunda.

Everybody knows it won't be the same thing at all. A joint session, such as Lech Walesa had after he received the Nobel Peace Prize, would be recognition of the captivity and hope of the Tibetan people. It does not seem too much, in the interest of one small country and this large one.

TWENTY YEARS OF THE WOMEN'S MOVEMENT

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. PICKLE. Mr. Speaker, it is difficult to believe that the political movement to gain equal rights for women is 20 years old. The women's movement has enjoyed its successes and endured its set-backs, but it remains as vital and energized in the 1990's as it was in its infancy in the 1970's.

A recent conference in Austin, TX, organized by Liz Carpenter, press secretary to former First Lady, Lady Bird Johnson, provided dynamic evidence that the women's movement is alive and well. No one could be better suited to organize such a celebration than Liz Carpenter, who has been one of the primary forces in the women's movement in Texas and the Nation. Her efforts "to celebrate the past and embrace the future" of the ongoing struggle for equal rights drew almost 3,000 people to the daylong conference.

I ask unanimous consent to insert into the RECORD reporter Brenda J. Breaux's account of the conference published in the Austin American-Statesman so that my colleagues can join in the celebration and the renewal of the effort to assure equal rights for all Americans.

3,000 CELEBRATE FEMINIST STRUGGLE—LEADERS OF WOMEN'S MOVEMENT CHEERED AT UT CONFERENCE

(By Brenda J. Breaux)

The women's movement of the 1970s graded the roadways for equal rights and it's now up to this generation of women to pave those roads, according to advocates speaking Saturday at a University of Texas conference.

Nearly 3,000 people attended the daylong women's conference that called for all women "to celebrate the past and embrace the future" of the fight for equal rights.

At times, the conference resembled a pep rally. Conference speakers, who were at the forefront of the women's movement in the 1970s, had to pause repeatedly because of thunderous applause, cheers and standing ovations from the audience.

"It shows how alive the women are, and they are really re-energized," said Liz Carpenter, an organizer of the conference. "We didn't know there would be such a resounding approval. We were all moved. What it says is that the women's movement is alive and thriving in Texas, Gov. Ann Richards' victory just revived it. All of us haven't heard that kind of resounding approval in a while."

Carpenter decided to use the 20th anniversary of the founding of the National Women's Political Caucus to bring together the leaders of the women's movement.

Speakers at the conference included author Betty Friedan, founder of the caucus; Jill Ruckelshaus, former caucus president; author Shana Alexander, a former television commentator and columnist Linda Ellerbee, a former news anchor. Also, Austin attorney Sarah Weddington, who won the landmark Roe vs. Wade case, moderated a panel that included Railroad Commissioner Lena Guerrero, Texas House of Representatives Speaker Pro Tem Wilhelmina Delco and state Treasuer Kay Bailey Hutchison.

The leaders, who emerged from the movement started nearly 20 years ago, say the women of today have a lot of work ahead.

Today's leaders must work to ensure equal pay for equal work, help more women move into positions of power and dispell male myths and ideologies, they said.

"You are seeing the rewards and we are seeing the rewards of our work," said Friedan, who wrote *The Feminine Mystique*. "We organized the women's movement to make them enforce the law of equal rights. I call on you to get the rights and get them secured. I call on you to demand the same American know-how shown in the Persian Gulf to be used to end homelessness, provide better education and equality."

Friedan said she and other women who had experienced what it was like before the fight for equal rights will never return to that time. But, women of today must recognize attempts are being made to make them choose to return there, she said.

Women have begun to influence education, business, law and most of the areas dominated by males in the past, Friedan said. Women today must face the challenge of creating a new model of society influenced by both men and women, she said.

The fight for equal rights and to have it all may be possible, but it will be a tiring struggle, said Ruckelshaus.

"If you want it all, go for it. You can get it. But you will be exhausted," Ruckelshaus said. "Women my age are tired of explaining the (women's movement). We are almost too tired to take over the world, but not that tired. I don't despair on this generation."

This generation of women can teach its children equality by expanding its sons' knowledge beyond masculine myths and not imposing old feminine restrictions on its daughters. Ruckleshaus said.

"At about age 13, girls start learning to back away from the challenges and taking on what is expected of them," Ruckleshaus said. "We have to stop that, but we cannot lose the feminine nature because the world is suffering because there's not enough of it."

Sensitivity, understanding and caring come naturally to women and they must learn to trust their strengths and apply them to make the world a better place, Alexander said.

"Racism and sexism are the same thing," Alexander said. "We need a coalition of all the powerless groups and only women can hold it together. Women as a political group are equal to men in all ways except for one—their lack of confidence in themselves."

Through the fight against oppression, Alexander said, women have learned to counterpunch, but have not lost sensitivity. If women had been in charge, the war in the Persian Gulf may never have taken place, she said.

"We would have found another solution and would not have had to win at any cost," Alexander said. "Like one leader said, we bombed them back into the Stone Age with a cost of terrible human suffering. Was that necessary? I don't think so."

Alexander said America is doomed if decisions continue to be made without regard to what the majority of people want. The women's movement will also have to start considering all women and not just the middle class, the wealthy or white women, she said.

"The blue-collar workers and those on welfare, these are the women who we are working for," Alexander said. "If nobody fights for these people the nation is doomed and we are going back to the Stone Age."

Ellerbee, who was the guest speaker, said it is time for women to start teaching men. More women are in the work force, but many of those women miss days at work because they take the time to be a part of their children's lives.

"Fathers are torn between work and family because it is not socially acceptable for men to stay home," Ellerbee said. "This sets up conflicts. Well, welcome to the real world. Socially acceptable means career advancement. . . . Corporate America does not stop because of a single act of kindness. Women know that human beings are more than the carcasses they bring to the office. Nobody lies on their deathbed and says, 'Gee, I wish I had spent more time at the office.'"

The turnout of nearly 3,000 people—mostly women—was somewhat expected, Carpenter said, but the featured speakers were overwhelmed, moved and surprised by the positive response from the audience.

Most of the speakers received standing ovations, and applause drowned out speakers many times.

Carpenter said the women's movement went underground during the era of President Ronald Reagan, and many of its leaders were lost.

"Reagan just tried to send everybody back to the kitchen," she said. "Women were discouraged. They were just waiting to be pushed and shoved. The signs should be obvious to people in political life that women really want to work on the things that count for themselves and their families. Those things include the homeless, health care and education."

JIMMY DELSHAD HONORED WITH THE "BURNING BUSH AWARD"

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. LEVINE of California. Mr. Speaker, from time to time, our community elects to honor a person who demonstrates outstanding service to his or her fellow being. Such a person is Jimmy Delshad. On April 17, 1991, the Federation of Jewish Men's Clubs and the Mens Club of Sinai Temple, will take the opportunity of expressing its admiration by presenting Jimmy with this year's "Burning Bush Award."

Jimmy Delshad arrived in America from Iran at the age of 19, not because he was forced to, but rather because he chose to further his education in a free country. His love for Jewish values prompted him to move and settle in Los Angeles, where he continued his education in the field of computer science. He received his bachelor of science degree with honors and continued his graduate studies at the University of Southern California.

While attending college, with the help of his brothers Mike and Fred, he formed an international club society for promoting cultural exchanges among all foreign students. Jimmy and his brothers also formed the Delshad Trio and performed for numerous charity organizations. He met his wife Lonnie while both were active in the Student Zionist Organization, and they have been married for 23 years. The Delshads have been members of Sinai Temple since 1972.

Jimmy and Lonnie became active in Akiba Academy and have provided significant sources of energy and funds for the past 11 years. Their children, Debra, age 17, and Daniel, age 15, are both products of Sinai Akiba Academy.

Jimmy is a very active member of Sinai Temple, serving as vice president of the men's club, as a member of Sinai Temple's Board of Directors and chairman of the membership committee. Jimmy was selected as the Man of the Year in 1990, on behalf of Sinai Temple Men's Club. He has created, produced, and directed "Around the World With Music," an annual event sponsored by the men's club. Jimmy believes in giving before receiving and that an individual's opportunities for growth are limitless.

Jimmy is the president and CEO of his own computer manufacturing company, American International, which he founded 13 years ago. He lives with his family in Beverly Hills.

I ask that my colleagues in the U.S. House of Representatives join me in saluting Jimmy Delshad as he is honored by his beloved community of friends.

ARIZONA DESERT WILDERNESS DEDICATION

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. RHODES. Mr. Speaker, this past weekend, on April 6, 1991, I had hoped to participate in the dedication of 2.3 million acres of new desert and wildlife refuge wilderness areas in Arizona. However, illness prevented me from attending the dedication. BLM State Director Les Rosenkrance was the master of ceremonies for the event which was held at the Eagletail Mountains Wilderness Area, about 65 miles west of Phoenix.

These new Arizona wilderness areas were designated by the Congress in legislation we passed last year. I want to include in the RECORD, the remarks I had prepared to give at the dedication. It was appropriate that these remarks were dedicated to my friend and colleague from Arizona, Representative MORRIS UDALL, chairman of the House Committee on Interior and Insular Affairs.

The remarks follow:

DEDICATION OF ARIZONA WILDERNESS AREAS

Remarks of Hon. John J. Rhodes III

Thank you, Mr. Rosenkrance. Senator Deconcini, my colleagues from the House—Jim Kolbe and Jon Kyl, ladies and gentlemen, I am pleased to be here today.

We all worked diligently and in the spirit of compromise to be here today. But, the fact is, it is because of the extraordinary vision of one man that we in fact made it here today.

For my part, I want to pay tribute to that man, and dedicate this event to him. Where we are today is representative of this quiet and peaceful man. Yet, what we are about today will be calculated among the manifold accomplishments that will be his legacy to Arizona and America.

When we considered the Arizona Desert Wilderness legislation on the floor of the House of Representatives a little over a year ago, Morris Udall said:

"The generations of Udalls before me met their challenge to tame the wilderness, to settle it and make it a home for succeeding generations."

It is because of Chairman Udall that we meet in this place, this day. He said, "There, truly, are lands of undisputable national significance." Mo Udall is, likewise, a man of undisputable national significance.

Among the 39 new and expanded wilderness designations contained in the Act that designated this site, are a relative handful of diminishing desert riparian areas. Like the Indians and settlers who first traveled these beautiful yet unforgiving lands, people are always drawn to the oasis in the desert. Chairman Udall wanted especially to protect those refreshing and nourishing lands and waters. His was a thirst to protect all these lands for generations not yet born.

His own words say it best: "Long after our own footsteps have been forgotten, these places will remain. Their eloquent stillness will bear testimony that we as a people are grateful for our chance to walk upon this Earth, and that we have the strength, the courage and the wisdom to leave at least these places as we found them."

Finally, Mo said "In wilderness, we value that which man did not create, and by restraining man's altering hand, we hope to honor this powerful work."

Those are powerful words from a gentle man. And, in honoring his work, we honor the man whose visionary love for this living desert has culminated in the reality we celebrate with him today.

OMNIBUS ADOPTION ACT OF 1961

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SMITH of New Jersey. Mr. Speaker, today I, along with 50 of my colleagues, am introducing the Omnibus Adoption Act of 1991. This bipartisan legislation is probably the most comprehensive bipartisan adoption legislation ever introduced in the House of Representatives.

Mr. Speaker, adoptions, especially unrelated domestic adoptions, have declined dramatically in the United States during the past two decades—a fact that is both tragic and unnecessary.

In 1970 for example, there were almost 90,000 unrelated domestic adoptions but today it is estimated that there are only about 50,000 annually. A number of factors can be cited for this decline: persistent misinformation and negative opinions concerning adoption; the dramatic increase in abortion on demand—there is now only 1 adoption for every 30 abortions in the United States; as well as an increased social acceptance of single parenthood; and marked increases in welfare assistance to single female parents.

While we must all recognize that even in the most advantageous of circumstances, adoption can be a trying proposition for the birth mother, evidence suggests that the benefits to all concerned, including the birth mother, are

overwhelmingly positive. In fact, some research indicates that those women who do choose to make an adoption plan for their children will be less likely to live in poverty, more likely to complete high school, and less likely to have additional unplanned pregnancies.

Adoption also provides a child who might otherwise face a bleak or less than positive childhood the prospect of having loving parents, a stable home, a higher standard of living, and enhanced career opportunities as the child matures into adulthood. In fact, according to the 1982 National Survey of Family Growth, only 2 percent of adopted children lived in poverty, compared to almost 62 percent of children living with mothers who have never been married.

Adoption also provides adoptive parents who earnestly desire to form a family the opportunity to fulfill that dream. Today there are approximately 2 million couples and individuals waiting to adopt a child—including children with special needs. In addition, the long waiting periods experienced by prospective parents have forced untold thousands to give up hope to ever adopting a child.

Mr. Speaker, it requires a tremendous amount of courage, selflessness and a special love of children for a birth mother to make an adoption plan for her child. The heroism required of the birth mother in taking such a step should not be overlooked, trivialized or minimized. Above all, these mothers deserve our deepest respect, our support and all the tangible assistance a compassionate society can possibly provide.

For years the Congress, the administration and State governments have talked about the positive benefits of adoption; however, little action has been taken. This year we plan to change all that.

Tomorrow, I, along with over 50 cosponsors in the House of Representatives, will introduce the Omnibus Adoption Act of 1991. This legislation would provide some very real and tangible benefits for adopted children, adoptive families and women who make adoption plans. Mr. Speaker, let me briefly summarize the major sections of this legislation.

First, the bill sets up the National Advisory Council on Adoption. This Advisory Council will monitor the implementation of the provisions of this Act and will also make recommendations for additional changes in law to promote adoption as a loving option.

Second, the bill provides enforcement mechanisms to implement the adoption data collection system mandated by Public Law 99-509. The Department of Health and Human Services is required to have this system operational by October 1, 1991, and we must insure that the final regulations are promulgated in time to reach this deadline.

Third, the bill establishes a Federal fellowship program for graduate studies on the positive benefits of adoption for adopted children, adoptive families and women who make adoption plans. This provision responds to the important need to establish a strong information base upon which adoption policy is predicted.

Fourth, the Omnibus Adoption Act of 1991 would provide States with grant money to develop and implement educational programs regarding the positive benefits of adoption. Let me emphasize that education on adoption is sorely lacking today and the Federal Government must take the lead in promoting new positive images regarding adopted children, adoptive families and birth mothers who choose adoption.

Fifth, the bill would reform Federal employee and military health insurance in order to require that adopted children receive health insurance coverage equal to that afforded to biological children, including coverage of preexisting conditions from the time of placement. It is only equitable that adopted children be treated the same as biological children under insurance policies.

Sixth, the bill would require, as a minimum standard for Federal health benefit plans, a requirement that expenses incurred by Federal employees or military personnel for prenatal and maternity care of the biological mother of a child which is adopted by that individual, be reimbursed to the Federal employee. This program would provide equitable treatment of employees who choose to build their family through adoption and would also help to provide health care to uninsured pregnant women.

Seventh, the Omnibus Adoption Act of 1991 creates a means tested $5000 refundable tax credit for adoption expenses. As you may know, Mr. Chairman, the up front costs of adopting a child can run in excess of $10,000, a staggering amount of money for the average American family.

Eighth, the bill creates a new program to provide low income pregnant women with certificates to pay for services provided by maternal housing and services facilities. For women who must face a crisis pregnancy, we need to insure that they have access to prenatal and maternity care regardless of their income or marital status. In a maternity home setting, these women can find the support they may lack in order to make the best possible decision for themselves and their child.

The next section of the bill establishes a program within the Department of Housing and Urban Development to provide grants to private nonprofit organizations to repair and rehabilitate existing buildings for use as maternity housing and services facilities. This provision is designed to increase the number of maternity facilities, currently estimated at about 300, a dramatic decline over the last 25 years.

Finally, Mr. Speaker, the Omnibus Adoption Act of 1991 makes a number of sense of the Congress recommendations for changes in State adoption law. Several of the witnesses testifying today will help make the case for these changes.

Mr. Speaker, adoption works. It works for children who need families; it works for couples seeking to form families; and it works for pregnant women who want to make an adoption plan for their children. However, if we are to truly make the adoption option work there is much that needs to be done and that can be done at the Federal level. The Omnibus Adoption Act of 1991, would be a very important step in that direction.

A summary of the Omnibus Adoption Act of 1991 follows:

TITLE I—NATIONAL ADVISORY COUNCIL ON ADOPTION

Section 101—Establishes the National Advisory Council on Adoption. The purpose of the Council is to monitor the implementation of the provisions of this Act and to recommend additional changes in law to promote the objectives of this Act. Membership of the Council will be chosen by the Secretary of HHS and should represent a wide range of private and public organizations.

TITLE II—ADOPTION DATA COLLECTION SYSTEM

Section 201—Requires the Secretary of HHS to report to the Congress within 30 days, and continue to report every 30 days, in order to insure that the final regulations for the Adoption Data Collection System are being implemented in accordance with the original intent. This Data Collection System is required to be operational not later than October 1, 1991.

TITLE III—ADOPTION EDUCATION PROGRAMS

Section 301—Establishes a program of graduate study fellowships for innovative programs concerning the effects of adoption on the children who are adopted, the families who adopt children and the biological parents who make an adoption plan. Such programs would include basic research, development of model curriculum and instructional programs, and development of counseling programs. Authorizes $1 million for fiscal years 1992, 1993, 1994, and 1995.

Section 302—Establishes an Adoption Education Grant Program to be administered by the Department of Education. Grants will be provided to any State which implements programs of adoption education. The Secretary of Education will make grants based upon the number of States applying, the number of students to be served and the cost of the program to be assisted. $25 million are authorized for fiscal years 1992, 1993, and 1994.

TITLE IV—FEDERAL EMPLOYEE AND MILITARY ADOPTION BENEFITS

Section 401—Allows Federal employees to use sick leave for purposes relating to the adoption of a child.

Establishes as a minimum standard for Federal health benefit plans a requirement that the expenses incurred by a Federal employee for prenatal and maternity care of the biological mother of a child which is adopted by a Federal employee be reimbursed to the Federal employee. Requires the Federal employee to provide notification of an intent to adopt in order to qualify and requires that the adoption become final before any reimbursement is made. Prohibits payments for any surrogate parenting arrangements.

TITLE IV—FEDERAL EMPLOYEE AND MILITARY ADOPTION BENEFITS

Section 402—Establishes a program for members of the uniformed services under which the member will be reimbursed for the costs of prenatal and maternity care of the biological mother of a child which is adopted by the member. Requires the member to provide notification of an intent to adopt in order to qualify and requires that the adoption become final before any reimbursement is made. Prohibits payments for any surrogate parenting arrangements.

Expands insurance coverage of dependents to include prenatal care.

Authorizes care for any preexisting conditions for children adopted by the member from the time a written plan of adoption is made.

Section 403—Requires OMB and DOD to coordinate their efforts in developing and implementing regulations to carry out the provisions of sections 401 and 402.

TITLE V—ADOPTION TAX CREDIT

Section 501—Creates a refundable tax credit for adoption expenses. Credit is up to $5,000 for adjusted gross incomes up to $60,000 and is then phased out for incomes from $60,000 to $100,000. The tax credit cannot be used for step parent adoptions or for any surrogate parenting arrangements.

TITLE VI—MATERNAL HEALTH CERTIFICATES

Section 601—Establishes an HHS program to provide maternal health certificates for eligible pregnant women to use to cover expenses incurred in receiving services at a maternity and housing services facility. To be eligible, the pregnant women must have an income, not including the income of any estranged spouse, which is less than 175 percent of the poverty line. The certificates will be good for up to $100 for each day services are provided to the eligible pregnant woman.

Defines a maternity and housing services facility as a nonprofit facility licensed or approved by the State to serve as a residence for pregnant women during pregnancy which provides appropriate supportive services, which may include: room and board; medical care; educational and vocational counseling general family counseling, including adoption counseling; and basic transportation services.

Authorizes $50 million for fiscal year 92, $75 million for fiscal year 93, and $100 million for fiscal year 94.

TITLE VII—REHABILITATION GRANTS FOR MATERNITY FACILITIES

Section 701—Establishes a HUD program to provide grants to private nonprofit organizations to repair and rehabilitate existing buildings for use as maternity housing and services facilities.

Section 702—Requires grantees to submit applications to HUD and to include such assurances as the Secretary of HUD requires.

Section 703—Limits the number of grants to 100 per year with a maximum grant amount of $1 million. Allows grants to be used for the acquisition and/or rehabilitation of existing structures for use as maternity and housing services facilities.

Section 704—Requires each grantee to submit reports to HUD to insure that the grants are being used for acceptable purposes.

Section 705—Defines a maternity and housing services facility as a nonprofit facility licensed or approved by the State to serve as a residence for pregnant women during pregnancy which provides appropriate supportive services, which may include: room and board; medical care; educational and vocational counseling general family counseling, including adoption counseling; and basic transportation services.

Section 706—Requires the Secretary to consult with the National Advisory Council when developing regulations.

Section 707—Authorizes $25 million in fiscal year 92, $40 million in fiscal year 93 & $60 million in fiscal year 94.

TITLE VIII—CHANGES IN STATE ADOPTION LAW

Section 801—States that it is the sense of the Congress that every State should implement and enforce certain laws relating to adoption, including requirements that:

(1) The State make available to all prospective adoptive parents all relevant information concerning the medical, social, and economic history and ethnic background of the child and the child's biological parents—except that such information shall not identify the child or biological parents by name;

(2) a State-approved professional shall be required to conduct a home study of the prospective adoptive parents prior to the placement of the child in their home;

(3) courts shall require a complete listing of all expenses incurred in the adoption of a child prior the finalization of the adoption proceeding;

(4) the State shall guarantee adequate legal representation for the biological mother of a child during any legal proceeding;

(5) persons with whom a child is placed for adoption must file a petition for adoption within 1 year of placement; and

(6) States should establish minimum health benefits such that enrollees in every insurance plan would receive reimbursement for the costs of prenatal and maternity care of the biological mother of a child which is adopted by the enrollee, provided the enrollee gives notification of an intent to adopt and requires that the adoption become final before any reimbursement is made.

Minimum standards for health benefits plan should include requirements that prenatal and maternity costs of all dependents are covered and that coverage for adopted children must be equal to that given to biological children—no limitation of coverage could be based upon any preexisting condition.

MIAMI HERALD EDITORIAL DEFENDS LANGUAGE LAW IN PUERTO RICO

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. FUSTER. Mr. Speaker, as I told my colleagues earlier this week, there have been some misunderstandings in Washington and elsewhere about the bill signed into law last week by the Governor of Puerto Rico which establishes Spanish as the only official language of the Commonwealth of Puerto Rico. As I emphasized this week, Mr. Speaker, this new law does not, in any way, create a separation of any kind—real or imagined—between Puerto Rico and the United States. Nor does it prohibit the use of English in Puerto Rico.

The import of this new law has been well expressed in an editorial in the Miami Herald, Mr. Speaker; it has well captured the essence of what we in Puerto Rico have been saying all along. With that in mind, I would like to share that editorial with my colleagues today.

[From the Miami Herald, Feb. 18, 1991]

HISPANIC STATE OF MIND

With brilliance, Puerto Rico's intellectuals have made an irrefutable case for the Hispanic character of the island's culture. Even so, it could be argued that modern Puerto Rico is neither fully American nor fully a part of the Spanish-speaking Caribbean.

Yet its hybrid culture has displayed great strength and resiliency since Puerto Rico became an American colony in 1898. Washington's first colonial officials subjected Puerto Rico to an intense and unjust "Americanization" campaign. By 1930, it became evident that Puerto Ricans were not becoming model English-speaking colonial subjects. The campaign failed dismally and scarred Puerto Rican society. The immense majority of Puerto Ricans remained monolingual Spanish speakers.

De facto, Spanish is still the island's language in daily life, government, schools, business. De jure, however, Puerto Rico has been officially bilingual since 1902. But that appears poised to change if the island's Senate passes a House-approved bill making Spanish the official language of Puerto Rico.

Criticized by some as a "Spanish-only" measure, the bill is nothing of the sort. It provides for using English where it is now used: in financial transactions, in relations with the Federal Government, in education; and in official records and documents. It even recognizes the "transcendence" of English and acknowledges it as the island's preferred second language.

Indeed, in practice, the measure will leave things as they are in Puerto Rico. But it constitutes an eloquent expression of the island's genuine Hispanic identity.

Significantly, Puerto Rico's three main political parties seem to agree on the Hispanic character of Puerto Rican culture, though statehood advocates oppose the measure to make Spanish the island's official language. Confusedly, they claim that it will harm Puerto Rico's changes for statehood. Only Puerto Rican voters rejection of statehood in a referendum can do that. And questions about its future cultural identity may have to be answered by how Puerto Rico defines its political status.

A TRIBUTE TO 970 AM RADIO WKHM

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. PURSELL. Mr. Speaker, I rise today to pay tribute to an outstanding radio station of the Jackson, MI community. This radio station has served the community with distinction and embarking on its 41st year of excellence. This organization is WKHM Radio located at 970 on the AM dial.

Celebrating its 40th anniversary of broadcasting, WKHM has covered local, national, and international news stories; broadcast live sporting contests and dramas; introduced people to their neighbors; and in many cases, helped the Jackson area as much as they could.

WKHM has received over 2,000 awards, citations, and honorary notices since 1951. United Press International and Associated Press have recognized the station seven times as "Station of the Year."

The radio station offers an adult contemporary format 24 hours each day and has grown to be an important source of information for residents of Jackson County.

Mr. Speaker, I ask my colleagues to join with me in congratulating a truly outstanding organization of the Jackson community, WKHM, on their 40th anniversary. I wish them continued success in providing services to the community.

THE OLDER AMERICANS HEALTH PROMOTION AND DISEASE PREVENTION ACT OF 1991

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mrs. LOWEY of New York. Mr. Speaker, I rise today to introduce the Older Americans Health Promotion and Disease Prevention Act of 1991, a bill to significantly improve senior citizens' access to and participation in health promotion and disease prevention services. I urge my colleagues to join me as cosponsors of this important legislation.

As all of us know, health care costs continue to skyrocket in the United States. No one shoulders a heavier burden in this regard than our Nation's senior citizens.

One of the most important components of a comprehensive strategy to reduce health care costs is to emphasize preventive health care programs. If we prevent disease before it occurs, we will not only save huge sums of money, but we will also substantially improve the quality of life for Americans.

Recent studies have shown that older Americans are able to benefit significantly from health promotion and disease prevention services. Some senior centers and congregate meal programs funded through the Older Americans Act are already providing these services, but only on a limited basis. The Older Americans Health Promotion and Disease Prevention Act is designed specifically to increase older Americans' access to these services—at sites which are already visited by thousands of seniors each day. These sites are ideally suited for the provision of preventive health services such as blood pressure screening, exercise programs, smoking cessation programs, nutritional counseling and weight reduction programs, alcohol control, and injury prevention, among others.

These wellness programs will help senior citizens take responsibility for their own health care needs. The result will be higher quality care for our seniors, and significantly reduced costs for the taxpayers.

Across the Nation, there is nothing more critical to senior citizens than responding to their health care needs. The older Americans Health Promotion and Disease Prevention Act will make a significant contribution in this regard. This bill has been introduced in the other body by Senator Harkin and several colleagues. It has been endorsed by the National Council of Senior Citizens and the National Council on the Aging.

Once again, I would urge all of my colleagues to join me and Representatives MURPHY, OWENS of New York, MINK, DE LUGO, OWENS of Utah, BILBRAY, ENGEL, and WILSON in cosponsoring this important measure.

A brief summary of the bills provisions follows:

THE OLDER AMERICANS HEALTH PROMOTION AND DISEASE PREVENTION ACT OF 1991

BILL SUMMARY

Sections 1 and 2: Section 361 (Part F—Prevention Health Services) is amended to require the Commissioner on Aging to make grants to the States to provide disease prevention and health promotion services and information at senior centers, congregate meal sites, home-delivered meals programs or at other appropriate sites.

Section 3: Defines the term "disease prevention and health promotion" services to mean:

(1) Health risk assessments;

(2) Routine health screenings;

(3) Nutritional counseling and educational services;

(4) Health promotion programs, including those aimed at alcohol abuse reduction, smoking cessation, weight loss and control and stress management.

(5) Group exercise programs;

(6) Home injury control services;

(7) Screening for prevention of depression;

(8) Educational programs on the availability, benefits and appropriate use of Medicare covered preventive health services; and

(9) Counseling regarding followup health services found to be needed based on any of the above services.

These services shall not include any for which payment is available through the Medicare program.

Section 4: Authorizes $25 million in fiscal year 1992 and such sums as may be necessary in fiscal years 1993–1995 to carry out this program.

EXTRATERRITORIAL EMPLOYMENT PROTECTION AMENDMENTS, 1991

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. MFUME. Mr. Speaker, on March 28, 1991, I forwarded a personal letter to the House leadership and a Dear Colleague to every Member of the House expressing my intent to amend title VII of the Civil Rights Act of 1964 to provide coverage for American citizens working abroad for American-based firms. With your permission, Mr. Speaker, I wish to submit a brief summary of my amendment to be included within the text of my statement for the CONGRESSIONAL RECORD.

Mr. Speaker, on March 26, 1991, the Supreme Court ruled in EEOC versus ARAMCO that title VII, which prohibits discrimination, does not apply to American citizens working for American-based firms overseas. The Supreme Court ruled that Congress never expressly said that title VII applies to American citizens abroad. The Court said that laws passed by Congress are presumed to apply only within the United States, unless Congress spells out a broader reach.

The Court's decision could affect more than 2.2 million U.S. citizens residing abroad and 2,000 U.S. companies with 21,000 subsidiaries in 121 countries.

Mr. Speaker, my bill addresses this situation equitably for American citizens and businesses. Simply, my amendment defines an employee as being a U.S. citizen. I exempt American-based firms from compliance with my amendment if it causes them to violate the laws of the foreign nation in which they are operating.

However, if an American-based firm controls a corporation through the interrelation of operations, common management, centralized control of labor relations, and the common ownership or financial control of the employer and corporation is covered by this amendment.

The effective date of my amendment will be on the date of enactment and the amendment shall not apply to conduct occurring before the date of enactment of this act.

Mr. Speaker, I will work diligently to ensure that my amendment receives bipartisan support from both sides of the aisle and hope that we will be able to incorporate this amendment into the Civil Rights Act of 1991 during floor action.

I encourage all of our colleagues to review the legislation and contact me if you wish to support my effort, or if you have any questions or comments.

INTRODUCTION OF THE RICO IMPROVEMENT ACT OF 1991

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. HUGHES. Mr. Speaker, today I am introducing the RICO Improvement Act of 1991 on behalf of myself, Mr. BOUCHER, and a bipartisan list of distinguished members of the Judiciary Committee.

I would like to take special note of the exceptional contribution to this bill by the gentleman from Virginia [Mr. BOUCHER]. We would not be this far along to a consensus without his admirable skills and diligence. This bill is essentially, the same as H.R. 5111, which was favorably reported from the Judiciary Committee late in the second session of the 101st Congress, but was not brought to the floor due to the press of other legislative business and the intensity of our budget deliberations.

As some of you know, Congress has been working for over 6 years to reform civil RICO, ever since the U.S. Supreme Court warned that civil RICO had come to be used in ways never envisioned by Congress. In fact, the extensive hearings over the years have established beyond dispute that civil RICO's powerful treble damages remedy, designed for use against criminal racketeering, is being used with increasing frequency as a tool in every day civil litigation to leverage extraordinary settlements from and to damage the reputations of adversaries.

The RICO Improvement Act of 1991 is a compromise bill, fashioned after considerable negotiations in the 101st Congress to develop the best vehicle to curb this misuse of the RICO statute. The bill preserves the use of multiple damage civil RICO actions for those cases where there has been egregious criminal conduct but it removes the availability of civil RICO from ordinary commercial transactions. Thus, civil RICO will continue to be available to plaintiffs for use against the most serious kinds of fraud, such as that in many of the savings and loans cases, but it will preclude its use in most routine disputes where much of the past abuse has occurred.

Last year, there was some concern about a provision in an earlier draft of the bill which allowed judicial discretion in the award of damages in some pending cases. While this provision would not have relieved any defendant of liability, I offered an amendment at full committee which removed the judicial discretion provision. The bill now is prospective only.

In the first 10 years after RICO was enacted into law in 1970, it was used sparingly on the criminal side, and hardly at all in civil cases. Only in the last 8 years have there been definitive interpretations of its broad language by the U.S. Supreme Court. The Department of Justice prosecuted fewer than 300 criminal cases from 1970 to 1980 and from 1970 through 1985 there were only 270 reported civil RICO cases.

It is in this latter area, civil RICO, where our investigation has shown that we have our greatest problem. The Administrative Office of the U.S. Courts indicates that since 1985 there have been about 1,000 civil RICO cases filed each year. Numbers alone, however, do not reflect the effects of the infusion of these complex cases into the Federal system, or the impact of the mere filing of such a case against a defendant.

It is also noteworthy that the Judicial Conference of the United States has twice called on Congress to reform the civil provisions of RICO, and Chief Justice Rehnquist recently reiterated the need for reform of the statute.

Without belaboring the point, it is our opinion that on the basis of over 1,200 pages of testimony in the 100st Congress and many more thousands of pages in prior Congresses, there is a need for RICO reform.

The bill I am introducing today is our best effort to remove the ambiguities, tighten up some of the essential elements of civil RICO, and still maintain it as an effective law enforcement tool without the unwanted excess baggage of ever increasing commercial litigation.

The following are highlights of the bill:

First, a tightening up of the pattern of racketeering requirement in RICO and codify the concepts of continuity and relationship as articulated by the majority opinion in the recent Supreme Court case in H.J. Inc. and the Department of Justice guidelines on single episode.

Second, limiting civil actions under RICO to cases involving egregious criminal conduct. To implement this limitation, the bill included a judicial gatekeeper provision, under which the courts are to dismiss suits that do not meet that standard.

The rationale for this approach is found in the legislative history of RICO. That history indicates that the primary purpose for allowing private civil suits under RICO was to promote the public interest by allowing for so-called private attorneys general suits. This was based on the premise that these civil suits would supplement governmental action and would attack real criminal conduct—not just contracts disputes written up to sound like crimes. The bill is sensitive, however, to the invidious nature of the S&L frauds and other major financial frauds where civil RICO is especially pertinent.

Opponents of RICO reform claim that RICO reform efforts could help crooks involved with the savings and loan scandal. This is patently false. The RICO Reform Act focuses civil RICO upon egregious criminal fraud, and there is no question that the savings and loan scandal is a text book example of just such conduct. But to leave no room for doubt—or grandstanding—on this subject, the RICO Reform Act of 1991 specifically states that misconduct related to savings and loan failures will be presumed to meet the egregious criminal conduct test, the effect of which will be to permit plaintiffs to proceed under civil RICO.

The bill maintains treble damages for those actions and other egregious conduct that pass the gatekeeper test. This will also reserve civil RICO for major white-collar frauds such as large consumer frauds and other financial frauds in the future.

Third, the bill also sets a clear and convincing standard of proof for civil RICO. This is an intermediate standard of proof for civil cases usually used in State cases involving allegations of fraud and other quasi-criminal wrongdoing by a defendant. As such it appears appropriate for civil RICO.

Fourth, the bill specifically states that civil RICO jurisdiction lies exclusively with the Federal courts and makes it clear that RICO is not available as a remedy in nonviolent free speech and assembly situations.

This legislation presents a sound basis for curbing most of the abuses of RICO while at the same time maintaining civil RICO as a useful tool to combat and deter major criminal activity. I also believe the guidance contained in this bill and the legislative history will provide an appropriate legal framework for future use of civil RICO as an extraordinary civil remedy.

My long and deep involvement with this issue convinces me that the RICO Improvement Act of 1991 provides a carefully balanced approach to civil RICO reform. It enjoys the active support of a broad array of business, labor, and public interest organizations. It deserves your strong support as well.

JAPAN IS RISKING A TRADE WAR WITH AMERICA

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. ROTH. Mr. Speaker, there is a troubling chain of recent events in our trade relations with Japan, which raises the possibility of a coming trade war. As the ranking Republican on the Foreign Affairs Committee's Subcommittee on International Economic Policy and Trade, I have been monitoring these developments with growing concern. Other Members, I know, share my assessment of this situation.

The latest report on barriers to American exports, issued by the United States Trade Representative, cites Japan for more trade obstacles than any other single country. As a result, Japan alone accounts for 40 percent of our Nation's $101 billion trade deficit.

The USTR report also provides an extensive catalog of the pending bilateral negotiations between the United States and Japan over trade obstacles, including: computers, semiconductors, paper products, auto parts, telecommunications, construction, and wood products.

Moreover, our trade negotiators continue to pursue the structural impediments initiative, a unique round of talks with Japan about their more fundamental obstacles to American exports.

Although modest progress is being made in several areas, the overall Japanese posture is continued resistance to any substantial progress. In fact, Japan seems to be backing away from trade commitments made in earlier talks, most notably in the area of United States access to Japan's semiconductor market.

Nothing could better underscore the hardening Japanese attitude than the recent outrageous action of blocking the exhibition of American rice products at a trade show, with the reported threat of arrest of the American exhibitors.

Japan must come to understand that America is losing patience with this all-take-no-give posture. Many of us in Congress believe in fair trade and oppose protectionism for its own sake. But I for one also believe in being realistic. That is why I support extension and strengthening of the "Super 301" provisions of the Trade Act.

The pattern of Japanese actions may well lead us to actions that are even more severe. The test will be in how Japan responds in the current series of negotiations. If Japan persists in their current policy, we in Congress will respond. We do not want a trade war, but neither will we continue to allow Japan free access to sell $90 billion a year in this country if we do not gain better access to Japan's markets.

This assessment is shared in Europe, which is closely watching United States-Japan trade relations. A recent article in the London Times is a cogent summary of the deteriorating situation, and I commend it to my colleagues.

[From the Sunday Times, Apr. 7, 1991]

JAPANESE RISK A TRADE WAR

(By Irwin Stelzer)

The Japanese seem intent on destroying the world trading system that has brought them from the ashes of defeat to an astonishing level of affluence. Last week's meeting of Toshiki Kaifu, the prime minister, with President Bush provided several great photo-opportunities—smiling allies preparing plans for a new world order—but didn't obscure the hard fact that Japanese-American relations are at a low ebb. And if a trade war does break out, weakening the General Agreement on Tariffs and Trade (Gatt), Europe will inevitably be drawn in.

That trade war might just happen. Congress is rife with anti-Japanese sentiment, in part because Japan dithered so long before agreeing to share the burden of the Gulf war. First it offered token financial support. Then it offered $13 billion, an acceptable but modest sum, given its dependence on Middle East oil. Then it held back payment until fluctuating exchange rates reduced the value of the yen it was giving by some $500m. Congress is annoyed.

But not nearly so annoyed as it is over Japan's persistent refusal to open its markets to American goods, a refusal that reached ludicrous heights at a recent trade fair in Japan.

The United States Rice Council displayed 10 lbs. of American rice in a locked glass case, under a sign: Have a Rice Day. Japan's agriculture minister ordered its removal. When the Americans refused, the Japanese threatened to cut off their electricity and to have them arrested. They surrendered and withdrew the offending grains. But Edward Madigan, secretary of agriculture, fired off a letter to his Japanese counterpart pointing out that America's 2m farmers might stop buying Japanese pick-up trucks. Of such stuff is a trade war made.

More significantly, the Office of the United States Trade Representative, in its latest report on trade barriers, complains about Japan's high tariffs on petrochemicals, aluminum, paper and a wide range of farm products. It also asks Japan to relax its quotas on imports of shoes, wheat, rice and peanuts, and to abandon artificial barriers to timber and other imports. It points out that Japanese government procurement rules continue to discriminate against foreign computers (see opposite). The list goes on—for 17 pages.

None of this is small beer. The Trade Representative estimates that one restriction—on imported rice—is costing American farmers $656m a year. Perhaps even more important is the fuel Japan's policies add to protectionist fires in America.

The Democrats, led by the House minority leader and presidential aspirant, Richard Gephardt, have been groping for an opposition theme. They think they have found one. Under the headline No More Uncle Sucker, Senator Ernest Hollings wrote in the New York Times: "We tried to set an example of high-minded free trade and openness, and we were mugged."

Pressure to retaliate by restricting imports has not been relieved by recent declines in the trade deficit with Japan. Critics of Japan's one-way policies say the improvement is ephemeral and misleading—ephemeral because the drop in America's imports is due to a transient, recession-induced reduction in our appetite for television sets, video recorders and cars. And misleading because the quality of trade is turning against America, even as numbers measuring the quantity of imports and exports improve.

"More and more of the high-tech, high-quality, high-end jobs are being controlled by the Japanese," says Professor Bruce Scott of Harvard. The National Association of Manufacturers agrees. In a letter to Bush it called for a fundamental re-evaluation of relations with Japan to prevent declines in "living standards, leading-edge technologies, research-and-development-intensive exports and per-capita income".

If that re-evaluation results in anything like the "results-oriented" trade policy for which many Democrats are pressing—quantitative targets for trade, by product—look for Japan to retaliate. There is a new feeling of assertiveness in that country, reflected in videos, shown here, depicting lazy American factory workers unable to cope with Japanese methods or keep the pace set by Japanese managers.

This assertiveness is reflected in a hardening of Japanese attitudes. Japan's agriculture minister says there will be no easing of restrictions on rice imports. Its vice-minister of finance for international affairs refused a request to drop restrictions on American financial-services firms. And flexing his creditors' muscles, he threatened to curb the flow of Japanese credit if America retaliated.

All of this bodes ill for the fledgling economic recovery. A good deal of the world's prosperity stems from the increase in world trade that accompanied postwar liberlization efforts. Japan makes good, inexpensive cars for Americans to drive; Americans make films that Europeans watch; Europe provides fine engineering products. Everyone benefits.

But America is also the world's most efficient producer of food and financial services. Its computers are among the best, as is its telecom equipment. Yet the Japanese government won't let its people have free access to these products, apparently thinking that America will continue to buy $90 billion of its goods every year even though we can't display, much less sell, 10lb of rice in Tokyo.

Japan may be right. But if its politicians are wrong, and America's protectionists get the bit between their teeth, the Uruguay Round may end in failure and the liberal world trading system may be festooned with restrictions that make goods more expensive, and economic growth more difficult.

NATIONAL D.A.R.E. DAY

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. LEVINE of California. Mr. Speaker, today I am reintroducing legislation with my colleague FRANK WOLF to designate September 12, 1991, National D.A.R.E. Day. D.A.R.E., an acronym for Drug Abuse Resistance Education, is an educational program which teaches students the skills necessary to say no to drugs.

Traditional drug abuse programs emphasize drug identification and the harmful effects of drugs and alcohol. D.A.R.E. goes beyond that, and teaches kids in very practical terms how to resist the pressure to use drugs. The program is taught by veteran police officers who have direct experience with the tragedies and crimes caused by drug abuse, and who can speak about the effects of substance abuse with unmatched credibility.

Many experts believe that substance abuse prevention should begin early. Although the core of the program is directed at fifth and sixth graders, the D.A.R.E. Program has four levels, taking kids from kindergarten through high school. From kindergarten through fourth grade D.A.R.E. officers make periodic visits to classrooms, to acquaint the children with the program and with the officers, laying the groundwork for later classes.

In the fifth and sixth grades, students are taught the core of the program, which consists of 17 lessons, taught once a week over the course of a semester. These classes are on a wide range of subjects, including drug use and misuse, decisionmaking and risk taking, resistance techniques, and assertive response styles. Other D.A.R.E. units help students understand self-image, recognize stress and manage it without taking drugs, and analyze and resist media presentations about alcohol and drugs. In junior high and high school, the program follows up with another 19 lessons, building on the values and techniques taught in the core course, and applying them to real life situations.

Independent research has confirmed the success of the D.A.R.E. Program. D.A.R.E. graduates are less accepting of drug use and more able to resist peer pressure to use drugs. The D.A.R.E. Program also contributes to improved study habits and grades, decreased vandalism and gang activity, and a more positive attitude toward the police and school.

Originally developed as a cooperative effort of the Los Angeles Police Department and the Los Angeles Unified School District, D.A.R.E. Programs are now being taught in all 50 States and the District of Columbia. Additionally, the D.A.R.E. Program has been adopted for use internationally in the Department of Defense dependent schools. This year, more than 5 million students will be taught drug resistance skills in the D.A.R.E. Program.

Mr. Speaker, I would like to commend those involved with D.A.R.E. It is making an important contribution to the fight against substance abuse by our young people. I am pleased to have the opportunity to recognize this outstanding program.

A copy of the bill follows:

H.J. RES. 217

Whereas Drug Abuse Resistance Education (DARE) is the largest and most effective substance-abuse prevention education program in the United States and is now taught to 20,000,000 youths in kindergarten through 12th grade;

Whereas DARE is taught in more than 150,000 classrooms, reaching more than 3,500 communities in all 50 States and the Department of Defense Dependent Schools worldwide;

Whereas the DARE program has become a model substance-abuse prevention program for the world and is now taught in Australia, New Zealand, American Samoa, Canada, Costa Rico, and Mexico;

Whereas the DARE core curriculum, developed by the Los Angeles Police Department and the Los Angeles Unified School District, helps prevent substance abuse among school-age children by providing students with accurate information about alchohol and drugs, by teaching students decision-making skills and the consequences of their behavior, and by building self-esteem while teaching students how to resist peer pressure;

Whereas DARE provides parents with information and guidance to further their children's development and to reinforce the decision to lead drug-free lives;

Whereas the DARE program is taught by veteran police officers who have years of direct, on-the-street experience with lives ruined by substance abuse, giving the officers a credibility unmatched by teachers, celebrities, or professional athletes;

Whereas each police officer who teaches the DARE program completes 80 hours of specialized training in areas such as child development, classroom management, teaching techniques, and communication skills; and

Whereas, according to independent research, DARE generates greater respect for police officers, substantially affects students' attitudes toward substance use, and contributes to improved study habits, higher grades, and decreased vandalism and gang activity: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 12, 1991, is designated as "National DARE Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

A SIMPLE BUT EFFECTIVE BILL TO HELP DEAL WITH VIOLENT CRIME

HON. BEN NIGHTHORSE CAMPBELL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. CAMPBELL of Colorado. Mr. Speaker, I rise today to reintroduce legislation I believe will go a long way toward quelling our unacceptable rate of crimes committed with a firearm.

As many of my colleagues may know, I was recently the victim of a violent attack. While I will never know if my assailant was actually carrying a weapon, I believe my legislation would act as a strong deterent.

During the 101st Congress, I sponsored H.R. 2529, legislation that attracted the support of 68 of my colleagues. The bill I have introduced today is identical.

This legislation will be aimed directly at criminals. Provisions in my legislation will strengthen a number of weak penalties in existing law. For instance, no longer will convicted felons receive only a slap on the wrist when caught in possession of a firearm. My bill would create a mandatory 5-year minimum sentence without opportunity for parole for the unlawful possession of a firearm by a convicted felon, fugitive from justice, unlawful user of a controlled substance, or a knowing transferor or receiver of a stolen firearm.

In addition, this legislation would increase the general penalties for violations of Federal firearms laws from a discretionary 5 years and/or $5,000 fine to 10 years and/or $10,000 fine. The enhanced penalties for possession of a firearm in connection with a crime of violence or drug trafficking crime are also increased for a first-time offense from 10 years to 30 years without opportunity for parole, probation, or concurrent sentence.

While this bill is similar in certain respects to provisions of other crime fighting measures, it differs from most in at least one important aspect.

Many proposals only address crimes involving semiautomatic assault weapons. While it is true that we recently have seen an increase in crimes involving these weapons, the fact remains that well over 90 percent of all firearm-related crimes involve weapons other than assault rifles. While semiautomatic assault weapons may command more media attention than handguns, I think it is important to recognize the prevalent role that handguns play in violent crime.

For this reason, I think it significant that the penalties called for in my legislation apply to all violators of Federal firearms laws, regardless of what types of weapons are used. Misuse of firearms is intolerable and should not be dealt with lightly, regardless of the weapon involved.

In closing, Mr. Speaker, the bill I have introduced is a simple yet effective measure to deal with the problem of violent crime. I encourage my colleagues to join me in this effort and look forward to addressing this important concern.

INTRODUCTION OF THE THE PENSION REFORM ACT OF 1991

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mrs. KENNELLY. Mr. Speaker, today I am introducing the Pension Reform Act of 1991.

We have made important strides recently in improving pensions for women, particularly in the Retirement Equity Act of 1984 and the Tax Reform Act of 1986. But we need to do more.

My legislation would allow pensions not divided at the time of divorce to be divided now, pursuant to a court order, thereby effectively making the Retirement Equity Act retroactive.

My bill would extend the 5-year vesting period for single employer pension plans to multiemployer plans.

Faster vesting leads the way to greater portability, the ability to carry one's credit for service in an employer sponsored pension plan from job to job. My bill would also require the General Accounting Office to study pension portability and make recommendations to Congress.

Finally, Social Security integration is a little known, but potentially devastating, mechanism whereby employers may reduce pension benefits by the amount of Social Security to which an employee is entitled. My legislation would eliminate integration entirely by January 1, 2000.

I would urge my colleagues to support this vital piece of legislation.

DEFENSE DEPARTMENT IN PROCESS OF CREATING A NEW REVOLVING FUND

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. RAY. Mr. Speaker, I rise today to bring to the attention of my colleagues an important change going on at the Department of Defense. The Department of Defense is in the process of creating a new revolving fund called the defense business operations fund—the DBOF. Technically, the DBOF is a single revolving fund designed to place Department of Defense business accounts under one umbrella. The DBOF represents an effort by the Department of Defense to restructure its financial operations. Fiscal year 1992 will be the first year of the DBOF. In fiscal year 1992 we will see the dissolution of existing Army, Navy, and Air Force stock and industrial funds. These accounts will be replaced by the DBOF.

In the past, the services have maintained control of their respective stock funds to fund their supply, depot maintenance, and transportation needs. The DBOF will end this control. Mr. Chairman, the DBOF will be controlled by the Department of Defense. This means that the Defense Department can shift these funds around in any way they see fit, without regard to the priorities set by the services.

During the Easter recess I visited the Air Force logistic centers. I discussed the DBOF at length with each commanding general and I conclude that little is understood about the DBOF and what it will mean for the services. The House Armed Services Subcommittee on Readiness will hold a hearing later this month on the DBOF and other major changes occurring in the Pentagon. I encourage my colleagues to study the DBOF closely as it will have a serious impact on the way service funds are managed, and could significantly reduce congressional oversight of such funds.

THE CAPITAL GAINS TAX FAIRNESS ACT OF 1991

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. DORGAN of North Dakota. Mr. Speaker, today I'm introducing the "Capital Gains Tax Fairness Act of 1991" to provide capital gains tax relief for middle income taxpayers. Some of us in Congress feel that it's time to consider a proposal that offers real and substantial capital gains relief to small businesses, farmers and other individuals who receive modest amounts of capital gains income each year.

In contrast to the President's proposal which would give 83 percent of the benefits to those with incomes over $100,000 a year, my proposal would focus its benefits on the middle income taxpayers who have an occasional capital gains.

The legislation that I've introduced allows an individual taxpayer to take up to a $200,000 basket of capital gains income at a lower rate over the lifetime of the taxpayer. Specifically, an individual would be permitted to exclude from income 50 percent of long-term gain received from the sale of most capital assets—except publicly traded assets and collectibles—up to a lifetime cap of $200,000. This proposal, that I developed in the 101st Congress, was passed by the House as part of last year's budget summit. It was later dropped in conference with the Senate.

In addition, my bill permits taxpayers to exclude a modest $1,000 of annual capital gains income received from asset sales including publicly traded assets. However, this exclusion is phased out for those taxpayers who make over $150,000 per year. The annual $1,000 exclusion amount is not counted against the lifetime cap.

This legislation is designed to help the family that sells a small business or family farm after owning it for 20 years, or a family that is cashing in some of the stock saved for their kids college education. It seems to me that it's only fair to eliminate the taxing of 20 years of inflationary value in those circumstances. The advantage of this approach is that it would offer capital gains relief to those who truly need it, without breaking the bank and without giving a tremendous tax cut to the wealthiest Americans.

Growth should be provided by generally lower taxes for everyone, not special tax breaks only for the rich. That's why I've developed a capital gains approach to ensure that

capital- and ordinary-income tax rates stay relatively low, while providing relief from the inflationary gain that occurs on the asset sales of middle income Americans. Business investment decisions will remain guided by the marketplace, and not directed, once again, by sophisticated tax shelter peddlers for the rich.

In my judgment, this policy will help to strengthen the economy, to lower interest rates and to create new jobs and greater opportunities for future generations. I urge my colleagues to cosponsor this bill.

A full text of the bill follows:

H.R. 1721

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Capital Gains Tax Fairness Act of 1991".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—REDUCTION IN CAPITAL GAINS TAX FOR INDIVIDUALS

SEC. 101. REDUCTION IN CAPITAL GAINS TAX FOR INDIVIDUALS.

(A) GENERAL RULE.—Part I of subchapter P of Chapter 1 (relating to treatment of capital gains) is amended by adding at the end thereof the following new section:

"SEC. 1202. CAPITAL GAINS REDUCTION FOR INDIVIDUALS.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a deduction for the taxable year an amount equal to the sum of—

"(1) the annual capital gains deduction (if any) determined under subsection (b), plus

"(2) the lifetime capital gains deduction for nontradable property (if any) determined under subsection (c).

"(b) ANNUAL CAPITAL GAINS DEDUCTION.—

"(1) IN GENERAL.—For purposes of subsection (a), the annual capital gains deduction determined under this subsection is the lesser of—

"(A) the net capital gain for the taxable year, or

"(B) $1,000.

"(2) PHASE-OUT FOR INCOMES BETWEEN $100,000 AND $150,000.—The $1,000 amount specified in subparagraph (B) of paragraph (1) shall be reduced by an amount which bears the same ratio to $1,000 as—

"(A) the adjusted gross income of the taxpayer for the taxable year in excess of $100,000, bears to

"(B) $50,000.

"(3) CERTAIN INDIVIDUALS NOT ELIGIBLE—This subsection shall not apply to—

"(A) any taxpayer whose adjusted gross income for the taxable year exceeds $150,000, or

"(B) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

"(4) ANNUAL DEDUCTION NOT AVAILABLE FOR SALES TO RELATED PERSONS.—The amount of the net capital gain taken into account under paragraph (1)(A) shall not exceed the amount of the net capital gain determined by not taking into account gains and losses from sales and exchanges to any related person (within the meaning of section 267(b) or 707(b)(1)).

"(c) LIFETIME CAPTIAL GAINS DEDUCTION FOR NONTRADABLE PROPERTY.—

"(1) IN GENERAL.—For purposes of subsection (a), the lifetime capital gains deduction for nontradable property determined under this subsection for any taxable year is 50 percent of the qualified gain for such taxable year.

"(2) LIMITATION.—

"(A) IN GENERAL.—The amount of the qualified gain taken into account under paragraph (1) for any taxable year shall not exceed $200,000 reduced by the aggregate amount of the qualified gain taken into account under this subsection by the taxpayer for prior taxable years.

"(B) SPECIAL RULE FOR JOINT RETURNS.—The amount of the qualified gain taken into account under this subsection on a joint return for any taxable year shall be allocated equally between the spouses for purposes of determining the limitation under subparagraph (A) for any succeeding taxable year.

"(3) QUALIFIED GAIN.—

"(A) IN GENERAL.—For purposes of paragraph (1), the term 'qualified gain' means the lesser of—

"(i) the net capital gain for the taxable year reduced by the annual capital gains deduction for such taxable year, or

"(ii) the net capital gain for the taxable year determined by only taking into account gains and losses from sales and exchanges on or after April 11, 1991 of qualified assets.

"(B) SPECIAL RULES.—

"(i) For purposes of subparagraph (A)(ii), any amount treated as a capital loss for the taxable year under section 1212 shall be treated as a loss from a sale or exchange on or after April 11, 1991 of a qualified asset.

"(ii) A taxpayer may elect for any taxable year not to take into account under this subsection all (or any portion) of the qualified gain for such taxable year. Such an election, once made, shall be irrevocable.

"(4) QUALIFIED ASSETS.—For purposes of this subsection, the term 'qualified assets' means any property other than—

"(A) stock or securities for which there is a market on an established securities market or otherwise, and

"(B) property (other than stock or securities) of a kind regularly traded on an established market.

"(5) SUBSECTION NOT TO APPLY TO CERTAIN INDIVIDUALS.—This subsection shall not apply to any individual who has not attained age 25 before the close of the taxable year.

"(d) SECTION NOT TO APPLY TO CERTAIN TAXPAYERS.—No deduction shall be allowed under this section to—

"(1) a married individual (within the meaning of section 7703) filing a separate return for the taxable year, or

"(2) an estate or trust.

"(e) SPECIAL RULES.—

"(1) TREATMENT OF CERTAIN SALES OF INTERESTS IN PARTNERSHIPS, ETC.—For purposes of subsection (c), any gain from the sale or exchange of a qualified asset which is an interest in a partnership, S corporation, or trust shall not be treated as gain from the sale or exchange of a qualified asset to the extent such gain is attributable to unrealized appreciation in the value of property described in subparagraph (A) or (B) of subsection (c)(4) which is held by such entity. Rules similar to the rules of section 751(f) shall apply for purposes of the preceding sentence.

"(2) DEDUCTION AVAILABLE ONLY FOR SALES OR EXCHANGES ON OR AFTER APRIL 11, 1991.—The amount of the net capital gain taken into account under subsections (b)(1)(A) and (c)(3)(A)(i) shall not exceed the amount of the net capital gain determined by only taking into account gains and losses from sales and exchanges on or after April 11, 1991. For purposes of the preceding sentence, any amount treated as a capital loss for the taxable year under section 1212 shall be treated as a loss from a sale or exchange on or after April 11, 1991.

"(3) DETERMINATION OF ADJUSTED GROSS INCOME.—

"(A) IN GENERAL.—For purposes of subsection (b), adjusted gross income shall be determined—

"(i) without regard to the deduction allowed under this section, but

"(ii) after the application of sections 86, 135, 219, and 469.

"(B) COORDINATION WITH OTHER ADJUSTED GROSS INCOME LIMITATIONS.—For purposes of sections 86, 135, 219, and 469, adjusted gross income shall be determined without regard to the deduction allowed under this section.

"(4) SPECIAL RULE FOR PASS-THRU ENTITIES.—

"(A) IN GENERAL.—In applying this section with respect to any pass-thru entity—

"(i) the determination of when the sale or exchange occurs shall be made at the entity level, and

"(ii) any gain attributable to such entity shall in no event be treated as gain from sale or exchange of a qualified asset if interests in such entity are described in subparagraph (A) or (B) of subsection (c)(4).

"(B) PASS-THRU ENTITY DEFINED.—For purposes of subparagraph (A), the term 'pass-thru-entity' means—

"(i) a regulated investment company,

"(ii) a real estate investment trust,

"(iii) an S corporation,

"(iv) a partnership,

"(v) an estate or trust, and

"(vi) a common trust fund."

(b) TREATMENT OF COLLECTIBLES.—

(1) IN GENERAL.—Section 1222 is amended by inserting after paragraph (11) the following new paragraph:

"(12) SPECIAL RULE FOR COLLECTIBLES.—

"(A) IN GENERAL.—Any gain or loss from the sale or exchange of a collectible shall be treated as a short-term capital gain or loss (as the case may be), without regard to the period such asset was held. The preceding sentence shall apply only to the extent the gain or loss is taken into account in computing taxable income.

"(B) TREATMENT OF CERTAIN SALES OF INTERESTS IN PARTNERSHIPS, ETC.—For purposes of subparagraph (A), any gain from the sale or exchange of an interest in a partnership, S corporation, or trust which is attributable to unrealized appreciation in the value of collectibles held by such entity shall be treated as gain from the sale or exchange of a collectible. Rules similar to the rules of section 751(f) shall apply for purposes of the preceding sentence.

"(C) COLLECTIBLE.—For purposes of this paragraph, the term 'collectible' means any capital asset which is a collectible (as defined in section 408(m) without regard to paragraph (3) thereof)."

(2) CHARITABLE DEDUCTION NOT AFFECTED.—

(A) Paragraph (1) of section 170(e) is amended by adding at the end thereof the following new sentence: "For purposes of this paragraph, section 1222 shall be applied without regard to paragraph (12) thereof (relating to special rule for collectibles)."

(B) Clause (iv) of section 170(b)(1)(C) is amended by inserting before the period at

the end thereof the following: "and section 1222 shall be applied without regard to paragraph (12) thereof (relating to special rule for collectibles)".

(c) MINIMUM TAX.—Paragraph (1) of section 56(b) is amended by adding at the end thereof the following new subparagraph:

"(G) CAPITAL GAINS DEDUCTION NOT ALLOWED.—The deduction under section 1202 shall not be allowed."

(d) COORDINATION WITH MAXIMUM CAPITAL GAINS RATE.—Subsection (h) of section 1 (relating to maximum capital gains rate) is amended to read as follows:

"(h) MAXIMUM CAPITAL GAINS RATE.—

"(1) IN GENERAL.—If a taxpayer has a net capital gain for any taxable year, then the tax imposed by this section shall not exceed the sum of—

"(A) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the greater of—

"(i) taxable income reduced by the amount of the net capital gain, or

"(ii) the amount of taxable income taxed at a rate below 28 percent, plus

"(B) a tax of 28 percent of the amount of taxable income in excess of the amount determined under subparagraph (A).

"(2) COORDINATION WITH SECTION 1202 DEDUCTION.—For purposes of paragraph (1), the amount of the net capital gain shall be reduced by the sum of—

"(A) the amount allowable as a deduction under section 1202(a)(1), plus

"(B) the amount of the qualified gain (as defined in section 1202(c)) for the taxable year to the extent taken into account under section 1202(c)(1) for the taxable year."

(e) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 62 is amended by inserting after paragraph (13) the following new paragraph:

"(14) CAPITAL GAINS DEDUCTION.—The deduction allowed by section 1202."

(2) Clause (ii) of section 163(d)(4)(B) is amended by inserting ", reduced by the amount of any deduction allowable under section 1202 attributable to gain from such property" after "investment".

(3)(A) Paragraph (2) of section 172(d) is amended to read as follows:

"(2) CAPITAL GAINS AND LOSSES OF TAXPAYERS OTHER THAN CORPORATIONS.—In the case of a taxpayer other than a corporation—

"(A) the amount deductible on account of losses from sales or exchanges of capital assets shall not exceed the amount includible on account of gains from sales or exchanges of capital assets; and

"(B) the deduction provided by section 1202 shall not be allowed."

(B) Subparagraph (B) of section 172(d)(4) is amended by inserting ", (2)(B)," after "paragraph (1)".

(4)(A) Section 220 (relating to cross reference) is amended to read as follows:

"SEC. 220. CROSS REFERENCES.

"(1) For deduction for net capital gains in the case of a taxpayer other than a corporation, see section 1202.

"(2) For deductions in respect of a decedent, see section 691."

(B) The table of sections for part VII of subchapter B of Chapter 1 is amended by striking "reference" in the item relating to section 220 and inserting "references".

(5) Paragraph (4) of section 691(c) is amended by striking "1201, and 1211" and inserting "1201, 1202, and 1211".

(6) The second sentence of paragraph (2) of section 871(a) is amended by inserting "such gains and losses shall be determined without regard to section 1202 (relating to deduction for net capital gain) and" after "except that".

(7) Paragraph (1) of section 1402(i) is amended to read as follows:

"(1) IN GENERAL.—In determining the net earnings from self-employment of any options dealer or commodities dealer—

"(A) notwithstanding subsection (a)(3)(A), there shall not be excluded any gain or loss (in the normal course of the taxpayer's activity of dealing in or trading section 1256 contracts) from section 1256 contracts or property related to such contracts, and

"(B) the deduction provided by section 1202 shall not apply."

(f) CLERICAL AMENDMENT.—The table of sections for part I of subchapter P of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 1202. Capital gains deduction for individuals.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years ending on or after April 11, 1991.

(2) TREATMENT OF COLLECTIBLES.—The amendments made by subsection (b) shall apply to dispositions on or after April 11, 1991.

(3) COORDINATION WITH PRIOR TRANSITION RULE.—Any amount treated as long-term capital gain by reason of paragraph (3) or (4) of section 1122(h) of the Tax Reform Act of 1986 shall not be taken into account for purposes of applying section 1202 of the Internal Revenue Code of 1986 (as added by this section).

TITLE II—DEPRECIATION RECAPTURE

SEC. 201. RECAPTURE UNDER SECTION 1250 OF TOTAL AMOUNT OF DEPRECIATION.

(a) GENERAL RULE.—Subsections (a) and (b) of section 1250 (relating to gain from disposition of certain depreciable realty) are amended to read as follows:

"(a) GENERAL RULE.—Except as otherwise provided in this section, if section 1250 property is disposed of, the lesser of—

"(1) the depreciation adjustments in respect of such property, or

"(2) the excess of—

"(A) the amount realized (or, in the case of a disposition other than a sale, exchange, or involuntary conversion, the fair market value of such property), over

"(B) the adjusted basis of such property, shall be treated as gain which is ordinary income. Such gain shall be recognized notwithstanding any other provision of this subtitle.

"(b) DEPRECIATION ADJUSTMENTS.—For purposes of this section, the term 'depreciation adjustments' means, in respect of any property, all adjustments attributable to periods after December 31, 1963, reflected in the adjusted basis of such property on account of deductions (whether in respect of the same or other property) allowed or allowable to the taxpayer or to any other for exhaustion, wear and tear, obsolescence, or amortization (other than amortization under section 169, 185 (as in effect before its repeal by the Tax Reform Act of 1986), 188 (as in effect before its repeal by the Revenue Reconciliation Act of 1990), 190, or 193). For purposes of the preceding sentence, if the taxpayer can establish by adequate records or other sufficient evidence that the amount allowed as a deduction for any period was less than the amount allowable, the amount taken into account for such period shall be the amount allowed."

(b) LIMITATION IN CASE OF INSTALLMENT SALES.—Subsection (i) of section 453 is amended—

(1) by striking "1250" the first place it appears and inserting "1250 (as in effect on the day before the date of the enactment of the Capital Gains Tax Fairness Act of 1991", and

(2) by striking "1250" the second place it appears and inserting "1250 (as so in effect)".

(c) CONFORMING AMENDMENTS.—

(1) Subparagraph (E) of section 1250(d)(4) is amended—

(A) by striking "additional depreciation" and inserting "amount of the depreciation adjustments", and

(B) by striking "ADDITIONAL DEPRECIATION" in the subparagraph heading and inserting "DEPRECIATION ADJUSTMENTS".

(2) Subparagraph (B) of section 1250(d)(6) is needed to read as follows:

"(B) DEPRECIATION ADJUSTMENTS.—In respect of any property described in subparagraph (A), the amount of the depreciation adjustments attributable to periods before the distribution by the partnership shall be—

"(i) the amount of gain to which subsection (a) would have applied if such property had been sold by the partnership immediately before the distribution at its fair market value at such time, reduced by

"(ii) the amount of such gain in which section 751(b) applied."

(3) Subsection (d) of section 1250 is amended by striking paragraph (10).

(4) Section 1250 is amended by striking subsections (e) and (f) and by redesignating subsections (g) and (h) as subsections (e) and (f), respectively.

(5) Paragraph (4) of section 50(c) is amended to read as follows:

"(4) RECAPTURE OF REDUCTION.—For purposes of sections 1245 and 1250, any reduction under this subsection shall be treated as a deduction allowed for depreciation."

(6) Clause (i) of section 267(e)(5)(D) is amended by striking "section 1250(a)(1)(B)" and inserting "section 1250(a)(1)(B) (as in effect on the day before the date of the enactment of the Capital Gains Tax Fairness Act of 1991".

(7)(A) Subsection (a) of section 291 is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively.

(B) Subsection (c) of section 291 is amended to read as follows:

"(c) SPECIAL RULE FOR POLLUTION CONTROL FACILITIES.—Section 168 shall apply with respect to that portion of the basis of any property not taken into account under section 169 by reason of subsection (a)(4)."

(C) Section 291 is amended by striking subsection (d) and redesignating subsection (e) as subsection (d).

(D) Paragraph (2) of section 291(d) (as redesignated by subparagraph (C)) is hereby repealed.

(E) Subparagraph (A) of section 265(b)(3) is amended by striking "291(e)(1)(B)" and inserting "291(d)(1)(B)".

(F) Subsection (c) of section 1277 is amended by striking "291(e)(1)(B)(ii)" and inserting "291(d)(1)(B)(ii)".

(8) Subsection (d) of section 1017 is amended to read as follows:

"(d) RECAPTURE OF DEDUCTIONS.—For purposes of sections 1245 and 1250—

"(1) any property the basis of which is reduced under this section and which is neither section 1245 property nor section 1250 property shall be treated as section 1245 property, and

"(2) any reduction under this section shall be treated as a deduction allowed for depreciation."

(9) Paragraph (5) of section 7701(e) is amended by striking "(relating to low-income housing)" and inserting "(as in effect

on the day before the date of the enactment of the Capital Gains Tax Fairness Act of 1991".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions made on or after April 11, 1991, in taxable years ending on or after such date.

SCHOOL-BASED MEALS FOR OLDER INDIVIDUALS AND INTERGENERATIONAL PROGRAMS ACT OF 1991

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mrs. LLOYD. Mr. Speaker, today, I am introducing the School-Based Meals for Older Individuals and Intergenerational Programs Act of 1991. This legislation will expand the congregate meals program authorized under the Older Americans Act [OAA]. The bill addresses the need for nourishing meals for millions of older Americans, and the importance and benefits of providing opportunities for the young and old to interact.

Senator BROCK ADAMS, who is the chairman of the Senate Committee on Labor and Human Resources' Subcommittee on Aging will also introduce this legislation. It is more than appropriate that Senator ADAMS sponsors this particular measure because it is modeled on a program located in Seattle, WA, entitled "SPICE"—School Programs Involving Our City's Elderly. The SPICE Program, which has been in operation for over 16 years, is known as one of the most successful intergenerational programs in the Nation. I would like to take this opportunity to express my appreciation to the program's executive director, Ken Camper, for contributing his expertise and insight throughout the development of this bill.

Mr. Speaker, I have two principle reasons for introducing this legislation. First, the development of ways to provide congregate and home-delivered meals to needy older Americans is essential. There are millions of older individuals who could benefit from nutritious meals, but the meals are simply not available to them. This unfulfilled need is increasing as our population ages and as funding sources are reduced. It is imperative that during this year's reauthorization of the Older Americans Act we act to confront this problem. Second, I believe that intergenerational programs are critical to our future. We must unite the young and the old to enable them to exchange ideas and to assist one another in coping with the demands of our complex society.

Mr. Speaker, my vision is to reduce age segragation and intergenerational tension through the development of innovative programs involving individuals of all ages. My legislation will fund such programs in communities with severe needs. This legislation has been written with the experiences of numerious intergenerational programs in mind. It combines a low-cost lunch for older adults with a variety of educational, health, recreational, and social activities that will benefit students and the elderly.

Mr. Speaker, the bill creates a new subsection under the Nutrition Services Program in the OAA to furnish nutrition providers with grants to establish new congregate meal sites in schools. The grants would be used to develop meals programs that are desperately needed and intergenerational programing that will offer the elderly's unique range of knowledge, talents, and experiences to the students of these schools. It is my hope that this interaction between generations will benefit older individuals by acknowledging that society wants and needs to tap them as a vital resource. This program attempts to promote a sense of self-worth among older individuals and provide them with rewarding activities in roles as tutors, teacher aides, special speakers, playground supervisors, and in many other volunteer roles.

At the same time, I believe that the children and young adults of our Nation will benefit greatly from more interaction with older adults. Our young people face very difficult situations as they advance through the educational system. The intergenerational programs that this bill creates will assist students in schools with the greatest needs as evidenced by dropout rates, substance abuse, poverty, and other factors that indicate an at risk student population. Older Americans can and want to help their communities, including serving as positive role models for students.

School districts will benefit from this program, as well. They need broad-based support in their communities for school initiatives, and the elderly, who will become more familiar with the school systems through this program, can help on such initiatives. Schools and teachers also benefit from the availability of volunteers to provide classroom assistance. This program will also put to good use underutilized space and equipment that school districts often have as a result of decreases in enrollment.

The benefits of the School-Based Meals for Older Individuals and Intergenerational Programs Act are numerous, and I would like to further explain some of the many benefits of this program by inserting in the RECORD a section-by-section description of the bill for my colleagues' consideration. I insert the section-by-section description and a recent study by the National Association of Nutrition and Aging Services Programs [NANASP] regarding the status of nutrition sites in the RECORD.

Mr. Speaker, Senator ADAMS and I have written several advocates for the elderly regarding this piece of legislation. We have solicited comments from them on ways in which we can strengthen intergenerational initiatives. Their responses have been very positive and we anticipate embarking on a united effort to support this measure.

I look forward to working with my distinguished colleague Representative MARTINEZ, who serves as chairman of the Committee on Education and Labor's Subcommittee on Human Resources, which has jurisdiction over the Older Americans Act, and its former chairman, Representative KILDEE.

In conclusion, Mr. Speaker, I ask my colleagues to join me in supporting the School-Based Meals for Older Individuals and Intergenerational Programs Act of 1991. This bill provides needy older adults with nourishing meals and creates an environment in which students and older individuals may learn and profit from the experiences they share.

The material follows:

GRAND RAPIDS, MI.—The National Association of Nutrition and Aging Services Programs (NANASP) recently conducted an informal survey of its membership to obtain a "snapshot" of the status of elderly nutrition services throughout the United States.

The survey asked questions of its member nutrition providers concerning current and anticipated service levels and unmet nutrition needs in their area. Two hundred and seventh-three responses (273) were received from 46 states, plus Guam and Puerto Rico.

"What is revealed through this survey is that nutrition programs across the country are experiencing great difficulty in meeting the growing needs of the senior population," offered John Wren, NANASP First Vice-President and the author of the study. "The numbers of sites closed in FY90 or targeted for closing in FY91 is a red flag that these core services are at risk." (See attached Survey Compilation)

Twenty percent of those projects responding indicated that 133 meal sites had been closed in FY90. Respondees also indicated that 785,911 home-delivered meals had been cut in FY90.

Comments included in survey responses proved revealing. In order to maintain service, programs have "cut staff hours, eliminated all training, reduced educational programming at sites, and served less expensive food items". Clients are called upon to increase donations and only the most frail are put on the home-delivered meals program.

"The results of this membership survey are a call to action and an indication of the need for further study," noted Toby Felcher, President of NANASP. "It appears that the Title IIIC-1 nutrition programs have been severely eroded in their ability to serve the elderly."

For further information, contact NANASP at (800) 999-6262 or (616) 531-9909.

SURVEY COMPILATION

Question #1. Number of sites closed in FY'90: 56 programs (20.5 percent) reported 1 or more sites were closed in FY'90. Low—1 site, High—18 sites. Total Sites Reported Closed—133; 13 programs reported that only local fundraising avoided site reductions; 7 programs reported increases in number of sites/service levels due to fundraising/increase in local support; and 4 programs reported site closed unrelated to funding.

Question #2. Number of sites to be closed in FY'91: 55 programs (20.1 percent) reported 1 or more sites will close in FY'91. Low—1 site, High—11 sites; Total Additional Sites To Be Closed—137; of these 55 programs, 23 also had FY'90 closings, and 32 will experience reductions for the first time; 13 additional programs reported that site closings were "uncertain" or "unknown" at this time; 16 programs responded that although no sites were closed, the number of meals or days/hours of operation will be reduced; and 2 programs reported they need additional funds to maintain services.

Question #3. Number of H.D. meals reduced in FY'90: 65 programs (23.8 percent) reported H.D. meal reductions in FY'90; 785,911 meals were reportedly cut from programs in FY'90. and 8 programs will be able to increase H.D. meals by 165,141, 2 other programs will have unstated increases.

Question #4. Number of H.D. meals to be reduced in FY'91: 77 programs (28.2 percent) report that H.D. meals will be reduced in

FY'91; of these 77 programs, 42 had FY'90 reductions and 35 will experience reductions for the first time; 960,079 meals are planned for reduction in FY'91; 10 programs responded "unknown", "uncertain", or "?"; and 6 programs plan to increase H.D. meals by 60,898.

Question #5. Number of clients on congregate waiting list: 44 programs (16.1 percent) reported waiting lists for congregate nutrition services; 12,623 seniors were reportedly on waiting lists for services; and 8 programs also reported unserved/underserved areas within their communities.

Question #6. Number of clients on home-delivered waiting list: 129 programs (47.3 percent) reported waiting lists for H.D. meal services; and 18,523 seniors are on waiting lists for H.D. meals.

SECTION-BY-SECTION DESCRIPTION

The legislation amends the Older Americans Act of 1965 to provide nutrition services for older individuals and intergenerational activities in elementary and secondary school facilities.

SECTION 1: SHORT TITLE.

"School-Based Meals for Older Individuals and Intergenerational Programs Act of 1991".

SECTION 2: FINDINGS AND PURPOSES

Findings

1. There are millions of older individuals who could benefit from congregate nutrition services, but meals are unavailable or limited in the areas where they live.

2. There are millions of students who need positive role models, tutors, enhancement of their self-esteem, and assistance with the problems they face in our complex society.

3. Older individuals have a unique range of knowledge, talents, and experiences, which can be of immeasurable value for students as a part of their educational process, and intergenerational programs can provide older persons with the opportunity to contribute their skills and talents in our public schools.

4. Programs that create and foster communication between older individuals and youth are effective in improving awareness and understanding of the aging process; they can also promote more positive, balanced views of the realities of aging, and reduce negative stereotyping of older individuals.

5. Unusued or underused space in school buildings can be shared for intergenerational programs serving older individuals in exchange for good faith commitments to provide volunteers to assist the schools.

6. School districts need broad-based support in their communities for school initiatives, and intergenerational programs can help to enrich that support.

Purposes

1. To create and foster intergenerational opportunities for older individuals and students in the schools where meals and social activities are provided.

2. To assist students in schools with the greatest needs as evidenced by drop-out rates, substance abuse, poverty, and low rates of English proficiency.

3. To provide older individuals with opportunities to improve their self-esteem and make a major contribution to the educational process of our youth by contributing their unique knowledge, talents, and sense of history through roles as tutors, teacher aides, living historians, special speakers, mentors, playground supervisors, lunchroom assistants, and in many other volunteer support roles.

4. To provide the potential for older individuals to have access to school facilities, such as libraries, gymnasiums, theaters, cafeterias, audio-visual resources, and transportation.

5. To create other programs for interaction between students and older individuals, including class discussions, dramatic programs, sharing of school assemblies, mutual classes, field trips, and others.

SECTION 3: AUTHORIZATION OF APPROPRIATIONS

There are funds authorized for nutrition services and intergenerational activities for fiscal years 1992-95 at the following amounts: FY92—$50,000,000; FY93—$52,500,000; FY94—$55,125,000; and FY95—$57,881,250—to carry out subpart 3 of part C of title III. This reflects increases for inflation of five percent each year.

SECTION 4: SCHOOL-BASED MEALS FOR OLDER INDIVIDUALS AND INTERGENERATIONAL PROGRAMS

The Older Americans Act of 1965 is amended by adding a new subpart 3 under title III C.

The Commissioner will make grants to states under their state plans for the establishment and operation of projects that:

1. Are carried out in elementary and secondary schools,

2. Provide to older individuals hot meals, each of which assures a minimum of one-third of the dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council:

A. While schools are in session;

B. During the summer; and

C. On the weekdays in the school year when such schools are not in session

3. Provide intergenerational activities in which older individuals and students interact at such schools,

4. Provide social and recreational activities for older individuals at such schools,

5. Develop and maintain skill banks in which information on the skills and preferred activities of older individuals is maintained and available to school officials for providing such individuals with opportunities to serve as tutors, teacher aides, living historians, special speakers, playground supervisors, lunchroom cashiers, and assistants in such schools,

6. Provide opportunities for older individuals to participate in school activities (such as classes, dramatic programs, and assemblies) and use school facilities (such as cafeterias, libraries, gymnasiums, and auditoriums),

7. Applications will be submitted to the appropriate state units on aging with comments from the appropriate area agency on aging and local educational agency

8. 15 percent of the cost of each project shall be paid in cash or in kind from non-Federal sources,

9. Applicants must demonstrate the need for such projects, how the project will be coordinated with other nutrition services and other services currently provided,

10. Each year priority for grants will be given to entities that carried out a nutrition project under this program the previous year and to entities that carried out a nutrition project under Title 3, Part C of the Older Americans Act,

11. Priority will also be given to applicants that will serve schools with the greatest need as evidenced by such factors as dropout rates, substance abuse, and the number of limited English-speaking children,

12. The Commissioner will report to Congress on the effectiveness of this program,

13. Administrative costs are limited for this program, and

14. Funds may not be transferred from this program.

SECTION 5: EFFECTIVE DATE

This legislation shall take effect on October 1, 1992.

NATIVE AMERICAN TRUST FUND EQUITY ACT OF 1991: JUSTICE DELAYED IS JUSTICE DENIED

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SYNAR. Mr. Speaker, I rise today to introduce the Native American Trust Fund Equity Act of 1991, legislation to require the Secretary of the Interior to invest and pay interest on individual Indian money [IIM] funds held in trust by the Federal Government. Its enactment is necessary to prevent a grave injustice to many of the 300,000 Native Americans for whom the Bureau of Indian Affairs holds money in trust.

The system of trusteeship and Federal management of Indian funds is deeply rooted in Indian–U.S. history. Treaties are the first and probably most important means by which trust funds were held by the United States for the benefit of individuals or tribes. While the earliest treaties did not provide that the United States retain funds in trust for the tribes, in 1820 the Federal Government adopted the policy of holding tribal funds in trust. President Andrew Jackson may have been the first Federal trustee of Indian moneys.

Later, the role of trustee was delegated to the Secretary of the Interior. Since 1918, the Interior Department's Bureau of Indian Affairs [BIA] has had the legal authority to invest Indian trust funds. In 1938, the Bureau decided that all IIM funds would be invested and directed by its agency offices to do so. Since 1966, the BIA's branch of investment has pooled all IIM accounts for investment purposes. The Bureau allocates interest earned on the investment pool to individual accounts.

Historically, the trust fund comprised three types of funds held by the United States: Indian moneys, proceeds of labor [IMPL], including all proceeds of "pasturage and sales of timber, coal or other product of any Indian reservation * * * and not the result of labor of any member of such tribe"; tribal and individual Indian money [IIM] accounts; and tribal trust funds (often containing payments for cession of land). Today, IMPL accounts are being phased out and replaced by tribal and individual accounts pursuant to a 1981 act of Congress. The trust fund now consists chiefly of tribal and individual accounts. These funds are derived from a variety of sources including: judgments awards; oil and gas royalty income; land leases; timber stumpage; and investment income. The largest single source of income to the tribal trust funds consists of judgments from Indian Claims Commission cases.

The various Indian trust fund accounts now total about $2 billion, containing funds belonging to approximately 300,000 individual native Americans and the 254 separate Indian tribes.

Federal law requires the Secretary of Interior to deposit tribal funds in the U.S. Treasury or manage the funds in trust in the name of the United States. However, the same rules may not apply to funds held in trust for individual native Americans.

In fact, the Comptroller General has determined that the law, 25 U.S.C. 162a, governing the investment of individual Indian moneys [IIM] does not require the payment of interest on IIM accounts and that the BIA is not liable to IIM account holders for loss of interest, even those losses resulting from the Bureau's failure to manage IIM investments properly.

The Comptroller General's Decision, B-243029, dated March 25, 1991, but issued today, has the force of law. Title 31 authorizes the Comptroller General to advise agencies on how they may spend their appropriations (31 U.S.C. 3529) and, to settle claims against the Government. Technically, this decision is an advance determination advising the BIA that it would be in violation of appropriations laws to pay imputed, unearned interest on IIM accounts. In effect, the decision also advises the BIA on how the General Accounting Office would settle claims filed against BIA for imputed interest in IIM accounts.

The Comptroller General's decision was issued in response to a request by Stanley M. Speaks, Acting Deputy Commissioner of Indian Affairs, requesting an advance determination on the propriety of paying IIM account holders interest income that would have accrued but did not, because of the Bureau's management of those accounts.

Mr. Speaker, the Comptroller General's decision could not have come at a worse time for the Indian Trust Fund Program. In fact, it is a major setback in efforts to correct years of mismanagement and abused by the BIA. Neither the BIA, the Congress, nor the IIM account holders are in a position at this time to calculate with any certainty an estimated total of lost interest, or even to identify, for example, those accounts or portions of accounts that have not been invested, over what period of time BIA may have failed to invest particular IIM funds, or when interest may not have been posted properly.

As my colleagues may know, because of inaccurate financial records, poor accounting processes, and inadequate management and controls of Indian trust funds by BIA documented in numerous audit reports by the Department of the Interior's own Office of Inspector General [OIG], Congress has instructed the Bureau to audit and reconcile all Indian accounts to the greatest extent practicable (Public Law 101-512, 104 Statutes 1915 (1990); Public law 101-121, 103 Statutes 702 (1989)).

As documented by the OIG and others, there have been many instances where the Bureau has, either by neglect or by decisions, failed to invest some IIM moneys, and has deprived accounts holders of the opportunities to earn interest income by failing to record interest income properly or to credit an account holder with interest earned. For example, the BIA has not calculated interest on oil and gas royalties since 1985, although such funds are invested as part of the IIM pool of funds.

For example, from 1982 through 1989, the OIG issued 30 separate audit reports covering various aspects of BIA's management and accounting for trust funds. Here is a summary of the OIG findings:

Individual Indian money accounts [IIM]: (Nine audits from 1983 to 1988) The BIA did not have a centralized managerial operation with responsibility and control over all aspects of the individual Indian money operation. Many BIA agencies did not reconcile their account balances with BIA's control account balances, did not meet their trust responsibilities relating to funds held in supervised accounts, and made significant errors in computing interest payable on IIM's. The agencies had numerous accounting errors and other internal control weaknesses.

Oil and Gas Royalty Payments: (Four audits from 1983 to 1986) Royalties were not distributed to Indian mineral owners in a timely manner. Interest earned on oil and gas revenues deposited in special accounts and U.S. Treasury accounts were not distributed to tribes and individual Indians. Oil and gas collections were not deposited on time.

Judgment Award Funds: (Ten audits in 1988) Improper accounting entries and inadequate internal control resulted in overdisbursements of judgment award funds and negative account balances. Permanent investment accounts were reduced below authorized levels. Funds were not distributed to IIM's.

Leasing and Realty Operations: (Five audits from 1982 to 1984) Agricultural lands remained unleased for extended periods, and leases were not reissued in a timely manner. Fair rental rates and grazing fees were not charged. Delinquent rents were not collected, and interest was not collected on late rental payments. Rents were not properly distributed and grazing fees were not equitably allocated to landowners.

This is only a summary of the extensive management and accounting failures of BIA. Furthermore, these difficulties are symptomatic of the chronic problems of a BIA accounting system that cannot accurately tell tribes of IIM account holders how much money they have or should have.

To make matters worse, when Indian trust funds have been lost, the appropriate account holders have not been reimbursed because the Bureau does not have a formal policy for reimbursing account holders for losses. In fact, the Bureau has repeatedly failed to even notify account holders when such losses have occurred. The loss of trust funds is inconsistent with the Bureau's fiduciary and trust responsibilities. It is apparent that the Bureau must establish a policy that ensures that account holders who sustained losses of principal and interest are able to recoup losses after a reasonable time has elapsed. It is unfair and unreasonable to expect anything less.

Coupled with the manifest BIA management failures, the Comptroller General's Decision is a recipe for serious injustice in Indian country. The result is unfair, but Congress can correct the situation by enacting the Native American Trust Fund Equity Act of 1991.

The Comptroller General's decision turns on the wording of 25 U.S.C. 162a, which authorizes the Secretary to invest IIM moneys, but does not require him to do so. Clearly, the BIA should be required to invest these funds and to make them as productive as possible for the beneficiaries. The Native American Trust Fund Equity Act of 1991 will do just that. Moreover, it will authorize the Secretary of the Interior to pay lost interest resulting from past BIA failure to properly manage IIM investments.

Stated simply, the Native American Trust Fund Equity Act of 1991 reinforces our moral and ethical obligations to individual indian moneys account holders. By its enactment, Congress will create the authority for the Secretary of the Interior to honor our fiduciary responsibilities to native Americans; however, any expenditures under such authority will be subject to the annual appropriations process.

Mr. Speaker, clearly, the responsibilities imposed by treaties, statutes and the courts have established a complex set of responsibilities for the BIA. However, accounting for the daily and annual balances of the trust fund has been a continuing point of controversy and rightful criticism of BIA management. There are hundreds of thousands of native Americans who look to the BIA for help, understanding and cooperation. They deserve leadership. They deserve support. They deserve accountability. They deserve a fair shake and honest administration from their government. They deserve the Native American Trust Fund Equity Act of 1991.

I hope my colleagues will join me in cosponsoring this legislation and helping to ensure its rapid enactment.

TRIBUTE TO GAYLE LAVALLEE—WINNER OF CABLE IN THE CLASSROOM EDUCATOR AWARD

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SWETT. Mr. Speaker, I rise today to pay tribute to a truly remarkable schoolteacher from my home State of New Hampshire. Gayle LaVallee, a 7th grade English and social studies teacher at Merrimack Valley Middle School, was recently selected as one of only 14 persons nationwide to be awarded the 1991 Cable in the Classroom Educator Award.

"Newsroom," a project designed by Continental Cablevision, helped Gayle expose her students to reportorial and interpretive newsgathering. Under her direction, the students used their newfound skills to write and edit a weekly newspaper. The students conducted interviews, wrote editorials—which offered them an opportunity to express their personal opinions on issues, and conducted polls of the student body, thus involving the entire school. Under Gayle's leadership, but with an impressive degree of autonomy, the students succeeded in producing a stellar work of journalism.

Mr. Speaker, an alarming 25 percent of students fail to graduate from high school every year. Our country desperately needs more imaginative teachers like Gayle to create programs which build self-confidence and help students recognize and reach their full potential in academia. With this sort of hands on program students are encouraged not only to remain in school, but to excel. The importance

of Gayle's drive and determination cannot be overemphasized. She has shown us that creativity on the part of our teachers can provide an educational program which is both entertaining and rewarding. It is innovative teachers like Gayle who help to turn impressionable young teenagers into conscientious students.

Mr. Speaker, I ask my colleagues to join me in congratulating Gayle LaVallee on receiving this most deserved award. It is refreshing that amidst the crisis in education our great country faces there are people like Gayle, who so effectively demonstrate that dedicated people can make a crucial difference in the lives of our Nation's children.

TRIBUTE TO BUSINESS/EDUCATION SERVICES AND TRAINING PROGRAM

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. HERTEL. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the Business/Education Services and Training [BEST] Program, as well as the Drop Everything and Read [DEAR] Program of Madison Heights, MI.

The Best Program is a development of the Madison adult education consortium which is designed to be comprehensive hands-on student training and education project with the help of credit unions in the Metropolitan Detroit area. The early progress of the program is a positive indication of its future success in this area, as well as its capacity to expand into other fields of industry.

In addition, the people of Madison Heights are earning the title of the "Community That Reads" through an innovative reading program designed to involve community leaders and businesses in the task of teaching our children to read. To that end, Thursday, April 18, 1991, has been declared Community Reading Day wherein celebrity readers and volunteers will visit classrooms in the city of Madison Heights from 1 p.m. to 1:30 p.m. All classrooms in the city of Madison Heights will drop everything and read. The city has gone even further to resolve that all local businesses and government offices be encouraged to drop everything and read during this half hour period.

Many people speak of helping the youth in their communities gain valuable on-the-job skills and experience and even more speak of fighting illiteracy, but the education professionals and business leaders of Madison Heights are doing it. My dear colleagues, please join me in commending and congratulating these citizens of Madison Heights for their valiant and worthwhile endeavors.

A TRIBUTE TO ANDY WINDERS

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. ATKINS. Mr. Speaker, there have been many great basketball players to take to the parquet floors of Boston Garden, from Cousy and Russell to Bird and Parish. Recently, however, a player more inspiring than any Celtic great that graced that famous floor has come to my attention. That player was Andy Winders.

Andy is a senior at Action-Boxboro Regional High School, and captain of their boys basketball team. As their captain, Andy led the team to the division 2 State Championship game. Unfortunately, Action-Boxboro's remarkable season did not end on a positive note. They lost a 76–74 heart breaker to the opposing team from Sharon.

What was impressive about Action-Boxboro, and in particular, Andy Winders, was not the way they played the game itself, it was not the 35 points Andy scored, it was not the fact that 25 of them came in the second half and it was not the fact that he made three pointer after three pointer in the waning minutes of play. It was the fact that he did all of this while suffering from Cystic Fibrosis.

The disease and the accompanying nagging cough have afflicted Andy since birth, but he has not let this adversity hinder him in any way—on or off the court. He is president of Action-Boxboro's chapter of the National Honor Society and is highly respected by his peers, teachers, and coaches.

Mr. Speaker, I hope that the example that has been set by Andy Winders not only reminds us how fortunate many of us are, but drives us beyond the fetters of our limitations.

HARRIET TAYLOR UPTON NATIONAL HISTORIC SITE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. TRAFICANT. Mr. Speaker, I introduced legislation yesterday that would designate the former residence of famous suffragette Harriet Taylor Upton of Warren, OH, a national historica site.

Harriet Taylor Upton dedicated her life to the cause of women's rights. In 1921, she served as a representative from Ohio on the national executive committee of the State Suffrage Association. She also served as an honorary vice president of the association that same year. As treasurer of the National American Woman Suffrage Association, Harriet Taylor Upton Transformed the association into a debt-free, profitable organization.

In addition to her work in the suffrage movement, Mrs. Upton was a major figure in other spheres of national politics. She served as vice chairperson of the executive committee of the Republican National Committee—the first woman to ever hold that position from either party. She was also instrumental in opening the U.S. Diplomatic Corps to women.

My legislation would give the U.S. Department of the Interior the authority to acquire the property with either government money, donated funds or by exchange. The former residence would be designated as the Harriet Taylor Upton National Historic Site and would be administered by the National Park Service.

I encourage my colleagues to cosponsor this bill. Harriet Taylor Upton's residence is a previous historic landmark. It should be preserved and maintained to educate future generations of Americans and as a lasting tribute to this great American.

TRIBUTE TO FORMER DODGER GREAT JOHN ROSEBORO

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. DYMALLY. Mr. Speaker, I rise to pay tribute to a great Californian, John Roseboro. Those of us who are fans of the national pastime vividly recall the outstanding job that John Roseboro did as catcher for the Los Angeles Dodgers. During the sixties, John caught more than 100 games for 7 consecutive years and every inning of every game in the first 4 Los Angeles World Series—1959, 1963, 1965, and 1966.

After an illustrious career as a player, John Roseboro used his leadership qualities in the world of business. In the midseventies he started a public relations company, Fouch Roseboro. Not surprisingly, the company was and continues to be a successful enterprise.

Mr. Speaker, Roseboro's success in the business world didn't provide the personal happiness he derived from playing baseball. He was once quoted as saying "the only thing that I have really enjoyed in my life is baseball. The rest you do to exist." It's crystal clear that No. 8 should be utilizing his skills as a big league manager. In 1987, he began the journey toward his ultimate goal by signing on as a minor league catching instructor. Since that time he has served as a roving instructor to minor leaguers in the Dodger organization. His most recent assignment is manager of the Licei Tigers in the Dominican Republic Winter League. Apparently, John Roseboro has the golden touch because the Licei Tigers won the Winter League Championship for 1990. This is a well deserved honor for John Roseboro and his players.

As the major league baseball season begins and throngs fill the Nation's ball parks, serious baseball fans are waiting anxiously for the day that John Roseboro trots out for the pregame meeting with the umpires prior to a team that he manages taking the field. Mr. Speaker, I hope we don't have to wait much longer for that moment. John Roseboro deserves it and so does baseball.

RETIREMENT: JOHN CROWLEY, PASADENA BOARD OF DIRECTORS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. ROYBAL. Mr. Speaker, this month, the city of Pasadena will lose one of its most distinguished public officials. John Crowley has served the citizens of southern California in a number of capacities for over 40 years, and on behalf of all of my constituents, I would like to pay tribute to him on the occasion of his retirement from the Pasadena Board of Directors.

Since 1978, John Crowley has served on the Pasadena Board of Directors, highlighted by a term as mayor from 1986 to 1988. During his tenure, he was instrumental in developing a long-term financial plan for the city as well as helping Pasadena meet its growing infrastructure needs.

Director Crowley began his career in 1942 as a consultant to the public administration service in addition to serving as the southern California manager of this League of California Cities. In 1983, he became the city manager of Monterey Park, CA. After serving the city of Monterey for 8 years, John took a break from public service to concentrate on a career in real estate development and management. In 1978, he returned to public life when he was elected to the Pasadena Board of Directors, representing the city's first district, a position he will relinquish this month.

In addition to his impressive public record, John has been active in a number of other areas. He is a past president of the Southern California Chapter of the American Society for Public Administration, a member of the National Civic League Board of Directors, and member of the Burbank-Glendale-Pasadena Airport Authority. In his community he has been the chairman of a number of organizations including the Pasadena Area Liberal Arts Center, the city of Pasadena Cultural Heritage Commission, and the Pacificulture Foundation and Asia Museum. And, he is currently a member of the board of managers of his alma mater, Swarthmore College.

Mr. Speaker, it would take all day to read a list of all of John's accomplishments. An even longer list might be the number of southern Californians who have benefited from his dedicated service. He will be missed on the Pasadena Board of Directors, but there is no doubt that he will remain an active and valued member of the community. We wish him the best in his retirement.

INTRODUCTION OF A BILL TO CORRECT THE TARIFF INVERSION ON CERTAIN IRON AND STEEL PIPE AND TUBE PRODUCTS

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. RUSSO. Mr. Speaker, I rise today to introduce a bill to amend the Harmonized Tariff Schedules of the United States to correct the tariff rate inversion on carbon and stainless steel pipe and tube products. A general policy behind the tariff schedules of the United States and those of our trading partners is to effect higher tariffs on higher value-added products. However, the Harmonized Tariff Schedule of the United States applies lower tariffs on higher value-added products, steel pipes and tubes, than it applies to the input products, steel sheets and plates.

I, and several of my colleagues on the Ways and Means Committee, have sought a reasonable remedy for this unintended and unfair tariff inversion since the issue was first brought to my attention in 1985. We have communicated our concern about this issue to the U.S. Trade Representative on many occasions. The U.S. Trade Representative has acknowledged that this tariff inversion has been harmful to U.S. producers of pipe and tube products. Furthermore, it is agreed that tariff inversions, in general, are contrary to national and international tariff policies. However, the U.S. Trade Representative has opposed a legislative approach to this problem in favor of international negotiations under the auspices of the Uruguay round.

It was first suggested to the Trade Subcommittee on July 7, 1988 that the U.S. Trade Representative would seek to correct the tariff inversion between welded steel pipes and tubes and flat-rolled steel through the GATT tariff negotiations. Former U.S. Trade Representative Clayton Yeutter indicated then that this tariff inversion was a high priority for the United States at the Uruguay round trade talks. On September 22, 1988, the Trade Subcommittee held a hearing to consider my bill to correct the tariff inversion. At that hearing former U.S. Trade Representative General Counsel Judith Bello assured members of the subcommittee that the United States would seek to correct the inversion through the GATT. U.S. Trade Representative Carla Hills reiterated the administration's intention to address this issue in the GATT multilateral negotiations in correspondence to me dated May 4, 1989.

I understand that the United States has proposed in the multilateral tariff negotiations the complete elimination of tariffs for all steel products shipped between GATT signatories. I understand further that there was a good deal of support for this proposal among our GATT trading partners, although no final agreement on tariff issues was reached when GATT negotiations fell apart last December due to agricultural issues.

The U.S. pipe and tube industry together with the domestic steel industry supports the U.S. Trade Representative's efforts to eliminate steel duties here and abroad. If the U.S. Trade Representative is successful in these negotiations, the tariff inversion between pipe and tube and flat-rolled steel would be deleted, and steel trade, in general, would be fairer. However, in the absence of a multilateral agreement addressing steel tariffs and the elimination of this inverted tariff, I will aggressively pursue a legislative remedy in the miscellaneous tariff bill process.

To provide some background on how this problem arose, prior to 1960, the duty on pipes and tubes was more than twice the duty on the input product, steel sheets. In 1960, however, the duty for sheet was changed to an ad valorem rate of 10 percent, or about $5 per ton at prevailing prices, while the duty on pipe remained at the specific rate of 30 cents a pound, or about $6 per ton. Rampant inflation in the 1970's caused steel prices to more than quadruple. By 1975, duties on sheet and plate were $20 per ton and those on pipe remained at $6 per ton. Through an oversight, this inversion caused by inflation was not corrected at the time that pipe and tube products were converted to the ad valorem system in the 1979 GATT round.

The legislation I am introducing today would correct this undesirable inversion by increasing the tariffs on most welded carbon steel pipes and tubes from their present range of 0.5 percent to 1.9 percent to a range of 4.9 percent to 6.5 percent; stainless steel pipes and tubes would be increased from the present range of 4.9 percent to 5 percent up to 9.5 percent to 10.1 percent. This increase would equalize the duties between sheet and pipe in a way that should have been done when the TSUS was converted to the ad valorum system.

The tariff inversion contributed to the severe decline in the domestic pipe and tube industry through the late seventies and the early eighties. The inversion encouraged a huge influx of imports of pipe and tube products to the United States. Foreign producers shifted export production from sheets to pipe to avoid the higher duty. In the process, U.S. labor lost as many as 15,000 jobs in the pipe and a higher U.S. trade deficit. Imported steel pipes and tubes rose from 26.1 percent of the market in 1979 to a high of nearly 60 percent in 1984. Import penetration in the pipe market was 36.6 percent in 1990 compared to only 17.6 percent for all steel imports.

This bill has the full support of the carbon and stainless pipe and tube industries, as well as the American Iron and Steel Institute and the United Steelworkers Union.

This legislation is completely consistent with our tariff policy and with our obligations under the GATT. The United States is required to compensate those trading partners who request compensation for the extra duties this bill would impose. This bill provides the administration with negotiating authority in the event that a claim for compensation is made. I have full faith in the ability of the U.S. Trade Representative to be able to negotiate any compensation claims in a way that will spread out the effects of such compensation over many products and industries so as to make its effect benign.

The existing tariff inversion between carbon and stainless pipe and tube products and the flat-rolled input products is placing an unfair burden on the U.S. pipe and tube industry. This inversion was not intended and is undesirable. It conflicts with our general tariff policy of having higher tariffs on higher valued products, a policy which our trading partners share. I once again urge my colleagues to support my efforts to alleviate the harm caused by this tariff rate inversion.

SUPPORT FOR REGIONAL INITIATIVE TO BRING PEACE TO EL SALVADOR

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. BURTON of Indiana. Mr. Speaker, I would like to express my support for the regional initiative of the Governments of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama to bring peace to El Salvador. On December 17, 1990 in Puntarenas, Costs Rica, the Presidents of these six Central American nations signed the Declaration of El Salvador.

The Declaration of El Salvador recognizes the efforts of the Salvadoran President Alfredo Cristiani, since his inauguration on July 1, 1989, to end the Salvadoran armed conflict through dialog with the FMLN and to attain full assimilation of this armed rebel group into peaceful and democratic life of the country. This statement of support for the Government of President Cristiani sends an important message to the FMLN and demonstrates that these presidents are committed to peace and political stability in the region.

Mr. Speaker, the Salvadoran conflict frustrates political and economic development in Central America. The United States Government must support all efforts to bring about a cease-fire in El Salvador, including regional plans such as the Declaration of El Salvador and multilateral initiatives such as the negotiations taking place under the auspices of the United Nations. The end of the armed conflict in El Salvador will mark the beginning of a new era not only in El Salvador, but in all Central America.

CONGRATULATIONS TO THE WOONSOCKET NORTH STARS HOCKEY TEAM

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to extend my heartiest congratulations to the Woonsocket North Stars hockey team, double winners in the recent New England Hockey Championships. The North Stars' pee wee "A" team took the honors in the New England level I tournament held in Augusta, ME, while the Squirt "A" team was victorious in the Yankee Conference level II competition in Cranston, RI. I sincerely congratulate and applaud the efforts of all of the participating athletes, their coaches, and their parents.

In addition to the glory and honor that accompanies this achievement, the North Stars pee wee team will have the privilege of representing all of New England in the national championships. They will be one of eight regional champions from across this country vying for the national title in Detroit, MI. I wish them all the best of luck as they strive for the title.

This great accomplishment is significant, not only for the North Stars, but for all youth alike. This team has proven that hard work, dedication, and true sportsmanship can reap many rewards.

TRIBUTE TO ALDO RAY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. MILLER of California. Mr. Speaker, I ask my colleagues to join me in remembering a distinguished constituent of mine, the late Aldo Ray.

Aldo Ray was raised in Crockett, CA, where his father worked in the C&H Sugar Refinery. He served as a Navy frogman in World War II and was attending school on the GI bill at University of California at Berkeley when he was simultaneously elected constable of Crockett, and won the part in a football movie, "Saturday's Hero," starring John Derek and Donna Reed.

After serving as constable for a year, Mr. Ray headed for Hollywood. During his career, he played in over 60 movies, starring with actors such as Humphrey Bogart, Spencer Tracey, Jane Wyman, Ann Bancroft, and John Wayne.

He returned to live in Crockett in 1983, where he was welcomed by fellow townspeople who still regard him as "one of the guys." Last month, Mr. Ray lost a 2-year battle with cancer. He will be remembered fondly by friends and family as one whose success never caused him to lose his identity or forget his hometown.

Mr. Speaker, I know that my colleagues join me in saluting Aldo Ray, a man who touched many lives through his community involvement and films.

THE 13TH ANNUAL QUEENS HALF MARATHON

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SCHEUER. Mr. Speaker, this Sunday, on April 14, 1991, the College Point Road Runners Track Club will sponsor the 13th Annual Queens Half Marathon.

Over 1,500 runners will participate in the 13.1-mile race, which passes through New York City's Borough of Queens in the Malba and College Point communities. Runners come from all over the Metropolitan area to participate in this festive event.

The day also includes, for the first time, the Annual Skaggs Walsh 5K Run. This 5-kilometer run is for endurance runners who have not yet graduated to the longer half-marathon, though I am sure it will be just as exciting an event. This new event is named for the Skaggs Walsh Oil Co., who over the years have supported the Queens Half Marathon.

Mr. Speaker, this year's event is an extra special one, because it typifies the giving spirit of the people of Queens. It is being dedicated to Joseph Obremski, who has been paralyzed for the last 7 years. Funds raised at the event will go toward the cost of a spinal operation that may allow Mr. Obremski to walk again. Queens Surface Transit has already pledged a very generous $20,000 toward the day's goal of $50,000.

Mr. Speaker, it will be my pleasure to join my friends and neighbors at these races this Sunday in McNeil Park, which were created out of a sense of community spirit, and embody the spirit of caring and involvement that is a real part of Queens history. Events like this make me proud to represent such an active and giving community.

Mr. Speaker, it is also appropriate at this time to thank the organizers, the College Point Road Runners Track Club, and the sponsors, especially Skaggs Walsh Fuel Oil Co.

Mr. Speaker, in conclusion, I would like to say to Mr. Joseph Obremski that he is in the thoughts and prayers of everyone connected with the race.

HONORING A LONGTIME PUBLIC SERVANT

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. HEFLEY. Mr. Speaker, on May 1, 1991, Mr. Pete Hoke will retire as president of Goodwill Industries in Colorado Springs. The agency has become one of the top Goodwill's in the Nation under Pete's leadership and after 17 years of dedicated service, he will be missed.

Pete Hoke will turn 76 in August and began his career with Goodwill in 1969 after retiring as a colonel from the Air Force. He has served as Goodwill's chief executive officer since September 1974.

Under Pete's leadership, the Colorado Springs Goodwill has grown from a $1 million to a $5.5 million agency and has consistently been among the most successful Goodwills in terms of innovative rehabilitation programs. It also enjoys one of the highest levels of per capita community support for retail sales among the 179 Goodwills in North America.

In the 17 years of Pete's presidency, the agency has held the highest national accreditation given by the Commission on Accreditation of Rehabilitation Facilities and has won over 15 national awards, including the prestigious J.M. Foundation Award in 1987 for providing the best program in the Nation for work services for severely disabled people. In 1989, the Colorado Springs Goodwill ranked "Number One" in the State of Colorado's Employment First Program, finding jobs for 1,375 local food stamp recipients. This past December, the El Pomar Foundation named Goodwill the recipient of the R.J. Montgomery Award for Excellence in Human Services.

Pete Hoke has been the recipient of several prestigious awards during his Goodwill career. He is one of only a handful of Goodwill executive directors to have won all three executive awards from Goodwill Industries of America, Inc. He won the Kenneth K. King Award for management excellence in 1979; in 1984, won

the P.J. Trevethan Award for making an outstanding contribution to the training of Goodwill personnel; and in 1985, won the Gerald Clore International Award for his involvement in Goodwill's international activities.

Among his duties with Goodwill Industries, he has served as secretary and chairman of the conference of executives, and on the national GIA board. He has been a member of the Goodwill Industries International Council and Executive Committee since 1986.

Pete Hoke provided the leadership to make the Colorado Springs Goodwill one of the best in the country. His leadership is one that any Goodwill executive should be proud to emulate. I thank Pete for his wonderful service to our community and wish him all the best with this retirement.

TRIBUTE TO MARLENE LYNCH FORD

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. PALLONE. Mr. Speaker, I would like to take this opportunity to pay tribute to a distinguished member of the New Jersey State Legislature, Assemblywoman Marlene Lynch Ford.

Assemblywoman Ford will be honored on Wednesday, April 17, by the Ocean County Council, Inc., of the Boy Scouts of America. The occasion for the tribute to the assemblywoman is the 13th Annual James A. Underwood Memorial Good Scout Award Lunchoree of the Running Water District to benefit the Ocean County Council of the Boy Scouts.

Marlene Lynch Ford was elected to the assembly in 1989, having previously represented her Ocean County, NJ, Legislative District in the State capitol from 1984 through 1986. A native of Arizona, Ms. Ford grew up in Belmar, NJ, where she attended St. Rose High School. After graduating cum laude from Georgian Court College in Lakewood, NJ, she received her law degree from Seton Hall University and was admitted to the New Jersey Bar in 1979. After practicing law in New Jersey for a number of years and participating in community organizations, she was elected to the State assembly in 1983 at the age of 29—the youngest woman ever elected to legislature.

Ms. Ford is perhaps best known as the author of the "Ford Act," the Property Tax Relief Act of 1985, the largest tax cut for homeowners and tenants ever in New Jersey's history. In her relatively brief tenure, she has sponsored 14 other bills that were signed into law. She also created and chaired the Special Investigative Committee to Study Toxic Waste Dumping at Military Installations and the Special Committee on Missing Children. She currently serves as the chairwoman of the Assembly Judiciary, Law and Public Safety Committee, and is a member of the Joint Appropriations Committee.

It was my privilege to work with Marlene Lynch-Ford when we served together in the State legislature, and I still work closely with her on a variety of issues, including the environment, the economic development of the Jersey Shore and a number of community initiatives. Day in and day out, she provides her constituents, and all the residents of the State of New Jersey, with intelligent, caring and responsive leadership. Therefore, Mr. Speaker, I am proud to have this opportunity to pay tribute to this fine public official in the pages of the CONGRESSIONAL RECORD.

INTRODUCTION OF RESOLUTION COMMEMORATING THE 75TH ANNIVERSARY OF THE AMERICAN FINANCIAL SERVICES ASSOCIATION

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. GRAY. Mr. Speaker, I am pleased to introduce a resolution commemorating the 75th anniversary of the founding of the American Financial Services Association. I am especially pleased to recognize that the institution that has become today's AFSA was formed on April 19, 1916, in my home city of Philadelphia, PA.

There, 41 representatives met to establish a national association to encourage States to enact the Uniform Small Loan Act. The activities of this small group were the roots of the modern consumer credit industry, and enabled millions of American consumers to finance automobiles, household goods, and appliances.

I note that from its inception, when it was still called the American Association of Small Loan Brokers, the organization's focus on the average American was clear. In July, 1916, for example, the association's first official publication, the Loan Gazette, observed that, "The loan business is to the working people, what the bank is to the business man."

It is interesting to trace the growth of consumer credit in this country. The 1920's represented the decade that the automobile put America on wheels. By 1925, over three quarters of all cars were financed on an installment plan, with nearly 20 million cars on the road. Besides auto-finance, finance companies provided cash loans and sales finance for appliances and household goods to industrial workers and wage earners. In fact, it was not until 1928 that a commercial bank finally opened the first personal lending department.

Today, AFSA Members' products may differ—from new car loans, home equity loans, retail sales financing, credit cards, mobile home loans, and personal loans; and the customers may vary—but the focus on the consumer borrower rather than the corporate borrower has remained constant. The more than $190 billion in credit outstanding held by AFSA members is a tribute to this focus.

Mr. Speaker, I congratulate the association on its 75 years of providing services to the industry, to customers, and to the community.

THE NEED FOR HISPANIC PHYSICIANS IN THE UNITED STATES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. TOWNS. Mr. Speaker, I rise today to address a serious problem to America, a lack of Hispanic physicians.

I have recently become aware of the large number of physicians who have fled from Central and South American countries. However, these individuals are unlicensed to practice medicine in the United States, due to their lack of English skills.

This is a growing concern due to the growing number of Spanish speaking residents that come into the country every day. The problem is that the amount of doctors has yet to keep up with the population increase. For example, 40 percent of the people living in southern California are Latino, and of this same population there are well over a thousand unlicensed physicians. Presently, these physicians are working minimum wage jobs in order to sustain themselves until they are able to work in the field of medicine.

The lack of doctors has an adverse effect on the health care needs of the Hispanic community. In fact, most of these individuals are living without adequate health care. If this is allowed to continue, the United States will incur a major problem of illness in Spanish speaking communities.

Therefore it is extremely important that these physicians are allowed to get the instruction that is necessary to begin practicing medicine. Progams have been organized to help these individuals master the English language in order to get their licenses in America. For example, these programs prepare them for the Foreign Medical Graduate Examination in Medical Sciences. This test includes English proficiency, basic sciences, and clinical competency. This is a long process that requires much hard work and dedication, but it does lead to positive consequences in the end.

If these physicians become licensed, many Hispanics will greatly benefit. More of these individuals will be apt to get proper health care from someone who is a part of their community.

In the same manner, this will give these physicians an opportunity to give back to their own community and those that have supported them so much before. This is a chance to bring hope to people that have come to this country in search of better lives and let them realize that the United States is a place where people can have the prosperous futures that they so desire.

THE RETIREMENT OF WORLD BANK PRESIDENT BARBER CONABLE

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. RINALDO. Mr. Speaker, this is the second time that I have had the honor to thank Barber Conable for his service to the United States. The first time, in 1984, was on his retirement from the House of Representatives after serving the people of western New York for 20 years.

When I came to the House in 1973, Barber Conable was already well-known for his thoughful consideration of all sides of an issue before deciding what was right for the country. As a freshman Congressman, I soon learned to rely on his advice and leadership.

Many of us who visited his office left with a sense that Barber understood the roots of this country and had a clear idea of its future. This sense of history was reinforced by his antique desk with dozens of cubbyholes, and by his collections of Indian relics and prints of the Capitol.

As the ranking member of the Ways and Means Committee, Barber Conable left a lasting imprint on our tax laws and a legacy of public service that any person would be very proud of. Congress joined the people of Rochester in recognizing his value, and at his retirement from the House; Barber Conable is known to this day as one of the great legislators.

Then in 1986 at the age of 63, Barber agreed to come back to public service as the President of the World Bank. When he agreed to take the post, many of his friends warned that the World Bank was a huge, unresponsive bureaucracy with 6,500 employees scattered through 18 buildings in the Washington area. Managing the World Bank in an uncertain economy was said to be similar to maneuvering an aircraft carrier through an obstacle course.

However, he did it, and both the world economy and the World Bank are better for Barber Conable's service. Capital in the bank has grown from $90 billion to $174 billion. The bank, which once dealt solely with financing capital improvement projects such as dams and irrigation systems, is now much more active in projects to directly reduce poverty and to improve living standards. In the process, the World Bank is also much more sensitive to preserving the environment.

In addition, Barber warned early on that many less developed nations were spending an inappropriate amount on weapons, and that this could destabilize entire regions of the world. As usual, he was right.

Once again, I would like to take this opportunity to commend Barber Conable for his service to this country and to the world. Both are better places because of his efforts, insight, and leadership.

A TRIBUTE TO DARRELL COOK

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. HYDE. Mr. Speaker, please permit me to share with my colleagues a success story—a real life triumph for an individual, a private manufacturing firm, and the local, State, and Federal governments which cooperated to make a profound difference in life of one of its most vulnerable citizens.

Mr. Darrell Cook is a resident of Villa Park, IL. As a laborer with few skills, he moved from one menial job to another before landing himself in trouble with the law. Recognizing Darrell's potential to be a productive member of our community, a DuPage County, IL, probation officer referred him to the federally sponsored job training program in the county.

The program, financed under the Job Training Partnership Act [JTPA], successfully assessed Darrell's skills and vocational interests. He was soon enrolled in a 5-month computer service technician program where he received instruction in soldering, microprocessing, welding, and computer repair. Once completed, DuPage County officials placed Darrell in a job as a production welder with the Krack Corp. of Addison, IL. His average wage is $9.38 an hour, and as a member of the Metal Processors Union he now receives full medical benefits.

Recently Darrell was among six persons nationally to be honored by the National Assocication of Counties for his efforts. He certainly deserves to be recognized for his good work, as do the many dedicated people in the DuPage County Department of Probation and Court Services, the county's private industry council job training office, and Krack Corp. for developing and participating in a program that offers people a hand up, and not simply a handout.

I know my colleagues join with me in extending heartfelt congratulations to Darrell and all those who participated in this most successful enterprise.

A TRIBUTE TO MR. ROY THIGPEN

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. PARKER. Mr. Speaker, today I stand in the Halls of Congress, in the "people's Chamber," to speak in honor of a fellow Mississippian, Mr. Roy Thigpen.

Roy will retire on June 30, 1991, with 30 years of public service experience, 22 years with the executive branch of Mississippi State Government. His experience includes working with officials at the local, State, and national levels in the administration of a variety of programs.

Roy is a native Mississippian. His educational background includes B.S. and M.Ed. degrees, with further study at several universities in and out of Mississippi.

After working in the teaching field for several years, Roy joined the Mississippi Governor's Highway Program staff in 1969, and held positions ranging from field representative to director. Under Roy's guidance, this program underwent transition through merger and reorganization, becoming the department of criminal justice planning.

Roy was interim executive director of the Governor's Office of Federal State programs in 1987, and resumed directorship of the department of criminal justice planning in 1988, leading the agency to its eventual emergence as the division of public safety planning within the State department of public safety.

Roy has also served as chairman of the Mississippi Alcohol and Drug Advisory Council, and in 1984 as vice chairman of the National Association of Governor's Highway Safety Representatives. He was selected as an honorary member of Pi Alpha Alpha, the Public Administration Honorary Society. Roy has also served on various other councils and boards on local, State, and national levels, and is a past president of the Mississippi Chapter, American Society for Public Administration.

I commend Roy Thigpen on his dedication to public service and ask that you join with me in paying tribute to him on the occasion of his retirement.

TRIBUTE TO RAJIN PURI AND MICHAEL STEIN

HON. JAMES M. INHOFE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. INHOFE. Mr. Speaker, I would like to draw the attention of my honorable colleagues to the fact that today, two chemical engineers from the Amoco research facility in Tulsa, OK will be honored as distinguished inventors of 1991.

They are Rajin Puri and Michael Stein. They have invented a new, more efficient, and more economical method of obtaining natural methane gas from coal deposits than present technology.

The distinguished inventor honor is conferred by the Intellectual Property Owners Foundation, the educational arm of the Intellectual Property Owners, Inc. [IPO], a nonprofit organization of inventors, educators, and others working on behalf of people who hold patents, copyrights, and trademarks.

The inventors will be introduced tomorrow morning at a news conference at the National Press Club and they will receive the award tomorrow evening at a reception in the Cannon Caucus Room.

I congratulate these gentlemen and am proud to call them my constituents. I agree with IPO president, Donald Banner who called them "front line fighters in the battle to keep American innovation number one in the world." These inventors represent the best in the great American tradition of invention. They had the vision to see a need, the ingenuity to devise a solution, and the patience and resolve to refine those solutions until practical and workable.

My congratulations to my fellow Oklahomans and the IPO for encouraging and recognizing American ingenuity and know-how.

CONGRESSMAN KILDEE PAYS SPECIAL TRIBUTE TO JOHN LUKES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. KILDEE. Mr. Speaker, I would like to bring to the attention of my colleagues and the Nation a retirement ceremony that will be held Sunday, April 14, in Flint, MI, honoring Mr. John Lukes. Mr. Lukes is retiring after 44 years of dedicated and extraordinary service to the United Auto Workers Union and the hard-working members of UAW Local 599.

Shortly after Mr. Lukes was first employed by Buick Motor Division in 1942 he was called to serve his country in World War II. He spent 2½ years in the Army before returning to Buick in 1945. After taking an educational leave from General Motors he graduated from Michigan State University in 1949. With his military service and education completed he returned to work at Buick. Mr. Lukes has truly been a dedicated union activist working diligently for the rank and file. He has represented the membership in a number of key positions within the union. Mr. Lukes has served as alternate committeeman, editor of the "Headlight" newspaper for 7 years, and recording secretary of Local 599 for 25 years. Mr. Lukes has also served on the Flint Housing Commission and as president of the Security Employees Federal Credit Union for 13 years. For his efforts, Mr. Lukes received the Walter P. Reuther Distinguished Service Award.

In many ways, Mr. Lukes exemplifies the ideals that the unions have always championed. We pay tribute to him today for his deep commitment to improving and protecting the human dignity of his fellow workers. Undoubtedly, his countless years of leadership and involvement in Local 599 have contributed significantly to making our community a better place in which to work and live. His dedication to the labor movement and spirit of solidarity has been a personal inspiration to me. He has been a very important part of my personal formation. We in Flint are indeed fortunate to have such a fine union activist living in our midst.

Mr. Speaker, I would like to thank John for a lifetime of hard work which has helped to make UAW Local 599 one of the finest labor organizations in the country. The members of Local 599, his loving wife Katy, and his children are extremely proud of John. I urge my colleagues to join me in my wish to John for a most enjoyable retirement.

ENERGY POLICY

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SMITH of Florida. Mr. Speaker, I rise today to ask the Congress: In terms of energy policy, are we better off now than we were just 11 years ago?

Under the Presidency of Jimmy Carter, we established the most effective energy policy that this Nation has ever had. For all of President Carter's faults, I never hear anyone criticize his record on energy issues, because President Carter foresaw the events that have taken place in the Persian Gulf, events which have cost us American lives.

President Carter's energy policy called for less dependence on foreign oil, and less use of oil in general. Many scoffed at these ideas, but if we had followed President Carter's policy and continued to wean ourselves of our dependence on foreign oil, we may not have found ourselves fighting a war in the Persian Gulf.

Our addiction to oil got us into trouble long before we had to defend Saudi Arabia and liberate Kuwait. These aforementioned nations have had us at their mercy as they try to provide us with enough oil to quench our inexhaustable appetite for this product. In exchange for all of the money we gave them, they were kind enough to do such things as provide us with insufferably long lines at the gas pumps in both 1973 and 1979. We were at the whim of the sheiks, but President Carter tried to change that.

When Ronald Reagan took office, he reversed President Carter's policy. Our reliance on foreign oil has gone from just 40 percent in 1980 to 60 percent today. Our addiction costs us financially and in human lives lost during the Persian Gulf war.

We have just concluded that war—at least in its first phase. President Bush rallied the Nation in support of the coalition victory over Iraq, and his popularity is at an all-time high. It is the perfect time for the President to rally this Nation behind an energy policy that would have prevented us from having to fight a war in the Persian Gulf in the first place. But instead, what has the President done? Unbelievably, he has called for greater dependence on foreign oil. His plan is so awful that not only have my fellow Democrats rejected it, but the House Republicans have seen the Bush energy plan, turned it down, and came out with a plan of their own. It is difficult to understand the rationale for the administration's incredibly backwards policy.

It has been just over 10 years since President Carter tried to steer us away from our dependence on foreign oil. Since that time, as our poilicy has gone backward, our addiction has only become more appalling, and more costly. We have just fought one war because of it; will we have to fight another?

HONORING SGT. GEOFFREY PREUDHOMME—16TH AIR FORCE NONCOMMISSIONED OFFICER OF THE YEAR

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. YOUNG of Florida. Mr. Speaker, throughout our Nation, America's Armed Forces are returning home to the cheers and parades of a country grateful for the pride and professionalism with which they freed a country under siege.

It is an honor for me to let you know that one very special serviceman, S. Sgt. Geoffrey U.L. Preudhomme of St. Petersburg, FL, has uniquely distinguished himself through his service to our great Nation. In recognition of this outstanding airman, the Air Force has selected Sergeant Preudhomme as its 16th Air Force Noncommissioned Officer of the Year.

The Air Force Enlisted Recognition Program identifies outstanding airmen with the hope that their qualities of dedication and leadership will be emulated by others throughout the service. Sergeant Preudhomme, this year's honoree, currently serves as a chapel assistant in the 726th Air Base Group at Iraklion Air Station in Crete, Greece.

As a member of the Appropriations Subcommittee on Defense, I have many opportunities to visit with our troops here at home and abroad, and I have long known what the world saw throughout Operation Desert Storm: America's troops are the best trained, most dedicated, and professional fighting force anywhere in the world. Sergeant Preudhomme is symbolic of that pride and devotion which has rekindled a swell of patriotism in the American people.

Mr. Speaker, my thanks and best wishes go out to Sergeant Preudhomme and his entire family for this great and well-deserved honor.

WORLD WAR II U.S. CADET NURSE CIVIL SERVICE FAIRNESS ACT

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SLATTERY. Mr. Speaker, during the 99th Congress, the World War II Cadet Nurse Civil Service Credit Act (Public Law 99–638) was signed into law. This act, which I authored, allowed women who were employed by the Government and who had served in the U.S. Cadet Nurse Corps during World War II, to credit the time they served in the Cadet Nurse Corps toward their civil service retirement.

Unfortunately, some cadet nurses were unfairly excluded from benefiting under this law.

Today, I am introducing legislation which allows those women who retired from service before the World War II cadet nurse civil service credit legislation was enacted, to receive credit toward their civil service retirement for the time they served as U.S. Cadet Nurses during World War II.

I have introduced similar legislation in the past (100th and 101st Congresses). This legislation would benefit approximately 1,000 cadet nurses across the country who were not covered under Public Law 99–638.

Many nurses who had served as long, if not longer, than their counterparts who were employed by the Government as of the date of the enactment of Public Law 99–638—in many cases up to 20 and 30 years—simply happened to retire months or even days before the bill was signed into law. They should receive credit for the time they spent in the Cadet Nurse Corps just as their counterparts who were working for the Government at the time of enactment.

There is no reason why any cadet nurse, who answered the call of her country to serve in a time of need, should be denied credit for the time in service which she provided.

They deserve this retirement credit, however, not because they were patriotic, but, because they have earned it. All the women who served in the U.S. Cadet Nurse Corps provided two-thirds of this country's nursing service during World War II, a time of dire need for the United States.

This bill will finally recognize all cadet nurses who served and answered the call of their country. It is important to note that due to the advanced age of many of these nurses, this group of women is a small group getting smaller. The cost, therefore, would diminish over the outyears. I urge my colleagues to support this legislation and help me seek enactment this Congress.

I would like to highlight the service of one nurse who would benefit from my legislation as a shining example of the type of women who are cadet nurses.

Lt. Col. Melina Leduc has served her country for almost 50 years. Colonel Leduc is currently returning from service in Dhahran, Saudi Arabia, with the 386th Medical Detachment Hospital Unit. She joined the U.S. Cadet Nurse Corps during World War II, soon after here 17th birthday.

Colonel Leduc served in the Cadet Nurse Corps for 3 years, she then joined the nursing service at White River Junction Veterans [VA] Hospital in Vermont. She also served in VA hospitals in Pennsylvania and New York. She retired from the Lake City, FL VA Hospital in June 1986, after more than 37 years of service. She has been a member of the Army Reserves for 20 years.

Colonel Leduc reported working 12-hour shifts, 7 days a week in Dhahran. She cared for Iraqi POW's, in addition to American casualties. She experienced the nightly air raid alerts and interrupted surgery preparations to put on her gas mask and protective gear. She helped to care for our military personnel who were injured when a Scud missile hit the American barracks in Dhahran. The barracks was located very near her tent. And when she called the central coordinator for the cadet nurses still seeking recognition, Dorothy Larson, of Topeka, KS, to check on the status of this bill, she expressed her gratitude for the opportunity to again serve her country.

Colonel Leduc, like most of the cadet nurses after World War II, went on to serve in veterans' hospitals across the country. She exemplifies the commitment to service that has been the standard for cadet nurses. Please join me in supporting this legislation which fairly recognizes all cadet nurses who served their country.

"AN OFTEN-FORGOTTEN TRIBUTE"

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. DINGELL. Mr. Speaker, in times of great upheaval, heroes are sometimes unnoticed or even persecuted. True valor must be rewarded instead of ignored.

The heroes I wish to recognize today are the Arab peoples who risked their lives for the security of the Middle East. These people, including the Arab-Americans in our Armed Forces, fought in the coalition forces with distinction, and they played an important role in our recent victory.

Unfortunately, the American people have not sufficiently recognized the contribution of our Arab soliders—the Kuwaitis, Saudis, Egyptians—and many others who endured great hardships or gave their lives to ensure Saddam Hussein's defeat. These people have been regarded with suspicion because of their Muslim heritage, which has nothing to do with their loyalty to this or any other country. In the United States, Arab-Americans have been subject to undue scrutiny or harassment. Our Middle Eastern allies in the gulf conflict were given little recognition or praise. Discrimination of this kind is shameful.

My constituency holds one of the largest populations of Arab-Americans in the country. I believe that this group and others like them are owed our deepest respect and gratitude. Often the public misinterprets the thoughts and deeds of such people.

In the March 31 edition of the Washington Post, Paul D. Wolfowitz wrote an excellent tribute to the bravery of Arab soliders and resistance fighters, and I ask that my colleagues take the time to read the article that I request be inserted in the RECORD.

[From the Washington Post, Mar. 31, 1991]

DESERT STORM—AN ARAB VICTORY

(By Paul D. Wolfowitz)

The following is excerpted from an address to the American-Arab Affairs Council in Atlanta on March 1:

There's been a lot of nonsense spoken about Saddam Hussein's being an Islamic hero. Saddam Hussein is not an Islamic hero, and he's not an Arab hero—he's an international thug, a gangster. He has tried to cast himself in the mold of Saladin and other heroes of the Arab past, but Saddam is no Saladin. Saladin was a great general, generous in victory, a patron of the arts, founder of schools and mosques, builder of public works, a man who died owning less than when he came to power, a hero recognized in East and West alike as the paragon of chivalry.

Saddam Hussein's real role model seems to be Hulagu Khan, the infamous 13th century Mongol chief who murdered prisoners of war, slaughtered women and children, plundered and burned cities, hospitals and universities—the original Butcher of Baghdad.

I know Muslims well, particularly from my time in Indonesia—I know them as humane and peaceful people. I find it disgraceful that anyone would hold up Saddam Hussein as a Muslim leader, not just because his piety is pure propaganda, but because it is calumny to suggest that the atrocities he has inflicted on the people of Kuwait, Iran and Iraq are condoned by his religion. He may be second only to the Soviet Union in the number of Muslims anyone has killed in this century. To accept his claim to be a spokesman for Islam simply propagates the false stereotype of Islam as brutal and aggressive and intolerant.

But there are plenty of real Arab heroes of this war. I've already mentioned some of the statesmen. Many more have earned the highest honor. Some of their names are known: Fahad Ahmad Al Sabah, the Emir's brother, who was killed in action on Aug. 2 fighting for the precious minutes that enabled his government to escape to Saudi Arabia and carry on the struggle; Col. Turki Al-Firm, whose King Abdul Aziz Brigade of the Saudi National Guard dashed to the Kuwaiti frontier and faced the vast Iraqi army in those tense days when it was the only force between Saddam Hussein and Dhahran; Capt. Ayedh Al-Shamarani of the royal Saudi Air Force with his twin kill of a pair of Iraqi Mirages.

And Sara Al-Qabandi, a 19-year old Kuwaiti girl, who made the ultimate sacrifice for her country. Captured by Iraqi soldiers while carrying messages between resistance leaders on G–Day, Feb. 24th, she was tortured and murdered—chopped in half with an ax. Her sister later died in a Saudi hospital after being raped and unspeakably multilated by Iraqi soldiers in reprisal for Sara's valor.

Thousands more remain unknown, including Sara's comrades in the Kuwaiti resistance, who fought the invaders for weeks after the Kuwaiti armed forces had been forced to evacuate the country and continued to attack Iraqi soldiers, equipment and facilities until the Iraqis inflicted brutal reprisals against whole neighborhoods.

We Americans owe a special debt to those brave men and women who, under threat of death, secretly fed and sheltered Americans and other foreigners trapped in Kuwait. They led Westerners through the Iraqi lines to Saudi Arabia, then went back in to get more. And up until liberation day, the resistance continued to provide valuable intelligence information to the coalition forces at great personal risk.

Many more served with the Arab forces who led the liberation of Kuwait: the pilots of the Kuwaiti Air Force's 9th and 25th squadrons, who continued flying their A–4s against the Iraqi aggressors until their base was overrun, then evacuated to Dhahran to gain their revenge in Desert Storm; the Qatari brigade that fought with such distinction alongside Col. Turki's guardsmen at Khafji; thousands of other Arab soldiers, sailors and airmen, many of whom are truly heroes to the surrendering Iraqis for personifying the finest Arab traditions of generosity and hospitality.

I would not want to omit the many Arab Americans serving with distinction as members of U.S. forces. When I visited the 1st Marine Division in October, I went to the forwardmost battalion, which was posted immediately next to a Free Kuwaiti MP unit. I asked the Marine commander if he had any trouble communicating with the Kuwaitis, and he said no—not only did some of the Kuwaitis speak English, but he had two Arabic speakers in his unit: both Arab Americans.

A last important lesson is that what we have seen this week is not an Arab defeat.

On the contrary—it is a resounding Arab victory. The Arab League roundly condemned the invasion of Kuwait. Troops from nine Arab countries, representing more than half the world's Arab population, participated in coalition operations. Arab armies and air forces performed superbly in this conflict and played a leading role in the liberation of Kuwait.

CONGRATULATIONS TO WILDEWOOD CREATIVE PRODUCTS

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. LEHMAN of California. Mr. Speaker, I would like to rise before my colleagues today to recognize the achievements of WildeWood Creative Products, Inc., a small business in my congressional district that has been chosen as 1991 U.S. Small Business Administration's Small Business of the Year Award for the State of California. This is a tribute to the perseverance, dedication, and good old fashioned ingenuity of two people who founded this company back in 1981, Caren and Mark Eilrich.

WildeWood Creative Products, Inc., started as a way for Caren to entertain her child one day. She placed a few small beads in a clear tube, filled it with water and added a few drops of food coloring and put a cap on the tube. The space tube was born; and for Caren and Mark a simple idea evolved into a new business. By 1985, the business had incorporated and moved from their laundry room to a 2,000-square-foot warehouse. People were hired, equipment built, and full-time production of space tubes began. Tragically, Caren is not alive to accept this award with her husband; however she will be in the thoughts of many when this award is presented.

In the past 6 years, Mark, and the many hard working and invaluable employees at WildeWood Creative Products, have made this company the third largest private employer in Tuclumne County. Upon hearing that WildeWood Creative Products, was selected for the State of California Small Business of the Year Award, Mark commented that:

> The single most important element of WildeWood is not our products, or our machines, but the individuals who make up WildeWood. It is central to what WildeWood represents to me.

I am pleased and honored that WildeWood Creative Products has been selected for the 1991 Small Business of the Year Award for the State of California. The success of this company is a wonderful example of how far one simple idea can go. I wish WildeWood Creative Products and Mark Eilrich continued success in the future. Congratulations.

HONORING THE NAVY-MARINE CORPS RELIEF SOCIETY VOLUNTEERS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. LAGOMARSINO. Mr. Speaker, I rise today to pay my respect to the men and women of the Navy-Marine Corps Relief Society who, since 1904 have volunteered their time and services to assist the families of our Navy and Marine Corps personnel.

As you know, the recent call to active duty of thousands of reservists and the deployment of personnel already on active duty to the Persian Gulf, caused a significant disruption in the everyday lives of many of the men and women who made Operation Desert Storm a success. Not only were these individuals affected, but their families as well. The Navy-Marine Corps Relief Society, continuing in its tradition of service, helped to facilitate the transition these people faced.

For over 85 years the Navy-Marine Corps Relief Society has aided Navy and Marine Corps personnel in meeting everyday family needs as well as providing short-term financial assistance. In my own district, many families have benefited from the volunteers who staff the Navy-Marine Corps Relief Society at the Naval Construction Battalion Center, Port Hueneme. To these people I express my personal thanks for their time and assistance.

SUPPORT NORTHERN IRELAND PEACE TALKS

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. McGRATH. Mr. Speaker, during the recent district work period, I learned of the announcement by the Government of Britain and Ireland and the political parties of Northern Ireland, that they will soon begin talks aimed at bringing peace to Northern Ireland.

The differences within the Catholic and Protestant factions of Northern Ireland have been imbedded for over 400 years. It is unrealistic to believe that the talks will produce immediate results. What is encouraging, however, is that the rival sides have taken a step in the right direction. A peace plan will undoubtedly be the key to any future promise of self-rule in Northern Ireland.

The three tiered conference is also an opportunity for Sinn Fein, the political wing of the Irish Republican Army, to exhibit an acceptance of peace. To resort to terrorism during the conference, will only lead to the breakup of the talks. Terrorism activities will halt any chance of a lasting peace in the region. Any future talks will absolutely be placed in immediate jeopardy.

Mr. Speaker, I am urging all House Members to support these promising developments in Northern Ireland and promote the call for peace and justice in the region.

A CONGRESSIONAL COMMENDATION TO THE CITY OF LONG BEACH

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to recognize the city of Long Beach for their action in protecting against police misconduct. While people throughout the country have been viewing the horrendous act of police brutality that occurred against Rodney King in Los Angeles, they need only look as far as Long Beach, CA to find methods to remove this problem from their communities. Long Beach has made a concerted effort to improve police-community relations, and in doing so has provided a standard for the rest of the country to emulate. Due to the uproar in Los Angeles, and in other cities as a result of recent cases of police brutality, now is the time to encourage communities to follow Long Beach's lead in establishing a system to protect its citizens from police misconduct.

Following a nationally publicized incident in which a Long Beach police officer was videotaped seemingly pushing a motorist through a plate glass window, citizens voted to establish a Citizen Police Complaint Commission. This commission, which was approved through a vote in April 1990, is composed of 11 members who are broadly representative of the racial, ethnic, religious, labor, business, age, gender, sexual orientation, and disabled members of the general public, that reside in the city of Long Beach. Each member is appointed by the mayor, and subject to confirmation by the city council. One member of this commission is appointed to represent each of the nine city council districts, and two members are appointed at large.

In addition to the 11 committee members, the city manager has appointed an independent investigator. This person has the authority to receive, administer and investigate, in conjunction with the commission, allegations of police misconduct. The investigator places emphasis on excessive force, false arrest and complaints with racial or sexual overtones. The results of these investigations are then reported to the commission.

The commission is authorized to conduct hearings into allegations of police misconduct, when such hearings, in the discretion of the commission, will facilitate the investigative process. The commission's authority includes the power to subpoena witnesses, and to produce books and papers pertinent to the investigation. This hearing process is open to the public to the extent legally possible and insofar as it does not conflict with State or Federal law.

Police brutality is an unconscionable practice, and something that obviously must be stopped. Although the graphic display of violence shown in the recent Los Angeles case is disturbing to watch, the publicity generated by this unfortunate incident exposes this all too common practice. It provides us with a perfect opportunity to take active steps to remedy this violation of an individual's constitutional protection against cruel and unusual

punishment. Now, it is time to accept that this recent case is not an aberration, and avoid sweeping this important issue under the rug.

During this time of trial, it is imperative that cities throughout the country follow Long Beach's example and establish a system to promote an understanding between the law enforcement agencies and the public. Police-community relations are vital to the proper protection and service of the public. For the sake of all involved parties, this relationship must be improved.

A TRIBUTE TO GLEN A. JOHNSON ON HIS SELECTION AS ILLINOIS SMALL BUSINESS PERSON OF THE YEAR BY THE U.S. SMALL BUSINESS ADMINISTRATION

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SANGMEISTER. Mr. Speaker, I rise today to give tribute to an outstanding resident of my district, Mr. Glen A. Johnson, who was recently selected as the 1991 Illinois Small Business Person of the Year by the Small Business Administration.

Mr. Johnson of New Lenox, IL, is president of Oakley Millwork in Frankfort, IL, a firm that manufactures doors, windows, trim and hardware for new home construction.

Mr. Johnson's management of the company that his father founded 35 years ago has been marked by considerable achievement. Since he became president of Oakley in 1984, the company has shown steady growth—including the opening of two new plants—despite a fall off in the housing market. The company is three times more profitable than the industry average.

However, it is not only the growth and profitability of Oakley that made Mr. Johnson an excellent choice for this honor. His innovative approach to running his business is based on some old-fashioned values—quality, service and a belief that American workers are the best in the world.

Instead of looking for ways to cut corners, Mr. Johnson's products are manufactured to standards of quality that his great-grandfather adhered to when he made similar items by hand.

Mr. Johnson also understands that even the best-built doors and windows are of no use to builders if they must wait for them to be made. Therefore, Oakley offers a remarkable guarantee: no back orders on any of the 22,000 items stocked, or the product is free.

Since the guarantee was instituted 2 years ago, Mr. Johnson's company has spent less than $2,000 backing it up. Demonstrating the utmost confidence in his workers' ability to meet the guarantee challenge, he has promised to send his employees on a company-paid trip to Hawaii if there are no back orders in 1991.

Despite the long hours any small business person must invest in his company, Mr. Johnson is a dedicated family man. He and his wife, Cindy, have two children, Bjorn, 9, and Britta, 4. In addition to Mr. Johnson's economic contributions to his community, he also devotes his time and energy to Cub Scouts and the youth soccer team he coaches.

Mr. Speaker, I congratulate Glen A. Johnson on being selected as the Illinois Small Business Person of the Year, an honor he has earned with his hard work and innovative thinking.

ASTRONAUTS MEMORIAL

HON. JIM BACCHUS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. BACCHUS. Mr. Speaker, it is my privilege today to introduce legislation to honor the men and women who have given their lives in our Nation's exploration of space.

This joint resolution will designate the Astronauts Memorial, now being constructed at Kennedy Space Center, as the national memorial to astronauts who die in the line of duty. The memorial honors these heroes: *Challenger* crew members Francis R. "Dick" Scobee, Michael J. Smith, Ronald E. McNair, Ellison S. Onizuka, Judith A. Resnik, Gregory B. Jarvis, and S. Christa McAuliffe; *Apollo* 1 crew members Virgil I. "Gus" Grissom, Edward H. White II, and Roger B. Chaffee; and T–38 training astronauts Theodore C. Freeman, Charles A. Bassett II, Elliot M. See, Jr., and Clifton C. Williams, Jr.

I am proud that this resolution is my first as a member of this House. The history of human space exploration has been written in my district at Kennedy Space Center. The residents of my district and the people of Florida take great pride in this history, and this is why they overwhelmingly supported construction of this memorial by purchasing commemorative *Challenger* license plates. They and the Astronauts Memorial Foundation, which organized this project, have made possible a memorial that is highly deserving of this recognition as a national memorial.

This Astronauts Memorial helps us remember what has come before and reminds us of the bright future that space exploration offers to our Nation and to all people. Above all, it reminds us of the risks involved in expanding the boundaries of exploration and knowledge and tells us that we must push forward despite these risks.

MISSISSIPPI HAS LOST AN UNSUNG HERO—MR. SHADRACH DAVIS, JR.

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. ESPY. Mr. Speaker, a few days before the Easter recess, I learned that Mr. Shadrach Davis, Jr., of Tchula, MS, had died at the age of 68. During his lifetime, Mr. Davis was a leader in Mississippi's civil rights movement. He was a role model for black farmers who are struggling to survive in the South. He was a devoted family man and father. He was a life-long Christian. And perhaps most of all, he was dedicated to building a better community, a better State, and a better Nation.

In recent days, much of the Nation has watched the remarkable movie "Separate but Equal" which focuses on the work of Thurgood Marshall and the NAACP in ending the practice of separate but unequal education in the United States. Of course, Justice Marshall is now a member of the Supreme Court, and he has been recognized for his many contributions to the fight to end legal segregation in this country.

Yet, as the movie shows, there were countless other men and women of courage, laboring in the fields and in the pulpits, who were crucial to the cause of civil rights. Without their sacrifices and determination, the battles that Mr. Marshall fought in the courthouse, and Dr. Martin Luther King, Jr., Fannie Lou Hamer, Medgar Evers, and others championed in the streets, could not have been won. They are the unsung heroes of the civil rights movement, the foot soldiers during an era which changed American life like no other in our history. Sadly, many of them are leaving us now before the entire story is told.

Shadrach Davis was one of those unsung heroes. He was born in Schlater, MS, on August 12, 1922. At an early age he accepted Christ, and later moved to Tchula, MS, where he became a deacon of the Promise Land Missionary Baptist Church in Thornton, MS.

Mr. Davis was a veteran of the Armed Forces and a successful farmer in Holmes County. Since the early days of the civil rights movement, he has consistently been among those in the forefront of the struggle to bring about change in Holmes County and Mississippi. But while others may have been out front, Mr. Davis preferred to stay in the background, providing a solid rock and pillar for the movement to stand on. He never sought personal gain or glory for himself. Whenever there was a situation to be addressed, Mr. Davis could be counted on to be there.

He was among the first blacks to challenge the political exclusion in Mississippi by fighting for the right to vote. At a time when blacks faced systematic economic and physical reprisals for trying to exercise their rights as Americans, Mr. Davis was undeterred.

Those who knew him best remember Mr. Davis as a fearless man of quiet courage and selfless determination. He was thoughtful and resolute. He would often listen to others for a long time. But when he spoke he was always to the point. He also spent a lot of time trying to encourage and motivate young people to seek answers and do for themselves.

Mr. Speaker, each year our Nation loses more unsung heroes like Shadrach Davis, Jr. However, the fruits of their labor remain. Without the work of Mr. Davis and others, the changes which made it possible for me to be a Member of Congress would not have happened. But more than that, the progress we have made toward truly becoming one State and one Nation would not have occurred. His work was not in vain. Most importantly, his life has set an example for what we must do to build a brighter future.

HOSPICE CARE, INC., CELEBRATES 10TH ANNIVERSARY

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. SHAYS. Mr. Speaker, on April 6, Hospice Care, Inc., in Stamford, Connecticut celebrated its 10th anniversary. Since 1981, it has served more than 1,200 patients and their families. Last year Hospice Care was recognized as one of the top 10 percent of hospice organizations in the country.

Hospice is a way of caring for people with terminal illnesses. But it is much more than simply making a person comfortable while living out his or her days. The focus is on living and maintaining the patient's quality of life. At a time of tremendous transition and emotional stress for the family, Hospice works with each member to ensure his or her well being.

Hospice Care provides service regardless of a patient's ability to pay. That care involves a multidisciplinary team of professionals and specially trained volunteers working together with the patient to ensure the care is effective and responsive to the patient's needs. The most important member of that team is the patient, but it also includes nurses, social workers, home health aides, dieticians and occupational, physical and speech therapists.

When the patient passes away, another team helps the family cope with its loss. This assistance actually begins before a patient dies and may continue for more than a year afterward.

Mr. Speaker, Hospice Care has provided important services to the residents of the greater Stamford, CT, area for a decade. Many challenges lie in the decade ahead. The population is aging, yet the spread of AIDS and the incidence of other terminal illnesses like cancer results in people of all ages needing hospice care. I commend all members of the hospice team, both professional and volunteer, for their good work.

INTRODUCTION OF TOY SAFETY AND CHILD PROTECTION ACT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 11, 1991

Mr. GEJDENSON Mr. Speaker, I rise today to reintroduce the Toy Safety and Child Protection Act. As you may recall, I first introduced this legislation in the 100th Congress and then again in the 101st Congress. Last year, this bill was included in the Consumer Product Safety Commission reauthorization legislation, which passed the House but this language was removed in conference.

The intent of this bill is to address the increasingly serious problem of child safety and the need to increase the safety of toys sold in the United States. This legislation would require that toy manufacturers place warning labels on an especially dangerous class of toys: those containing small parts which can cause injury and even death of children by choking. This legislation would also require warning labels to state the potential hazards of the toy to young children.

According to the Consumer Product Safety Commission, between 1980 and 1989, 146 children under the age of 10 have died from choking on small toys and toys with small parts. Balloons and balloon fragments were involved in 63 of these choking deaths; 32 deaths were caused by small balls and 8 from marbles. In addition, in 1986, at least 113,000 children were treated in hospital emergency rooms for toy-related injuries. However, this figure does not even account for those children who are injured by small toys and toys with small parts but who are never treated in emergency rooms.

As a result of the introduction of similar legislation over the past several years and after years of constant pressure on the Consumer Product Safety Commission [CPSC] by Members of Congress, consumer advocates and physicians, the CPSC consented in June 1990 to begin rulemaking proceedings to evaluate the necessity to take this action to require warning labels on toys with small parts marketed for children over the age of 3, a process that may take years and, as we know from past experience, may never result in any action. I am reintroducing this legislation to ensure that the rulemaking moves forward and to ensure that swift action is taken to improve the safety of toys purchased in this country.

In 1979, the CPSC recognized the potential danger of certain toys when it issued regulations banning small toys and toys with small parts intended for children younger than 3 years of age. If a toy intended for children under age 3 could pass within a test cylinder 1.25 inches in diameter, that toy could not be marketed to those children. These regulations have prevented the senseless injury and even death of countless small children.

Toy manufacturers, however, still make thousands of toys with small parts for children over the age of 3. The Consumer Product Safety Commission currently does not require these toys to have informative labels which warn parents of the potential dangers to small children.

Though some toys do contain warning labels, these are placed there on an entirely voluntary basis. According to the CPSC, there is only one developed standard which is applicable to toys intended for children 3 to 6 years of age and which might address the risk of injury. This standard, developed by the American Society for Testing and Materials, however, has provisions intended to address a wide variety of hazards presented for a wider range of toys, some of which may be marketed for children as old as 14 years of age. It also does not include provisions which are specifically intended to address the choking hazards of small toys and toys with small parts.

In the past, the CPSC has recommended that parents "select toys to suit the age, skill, abilities, and interests of the individual child." The CPSC acknowledges, however, that "not all toys are age-labeled or provide adequate explanations of why certain toys may be inappropriate or even hazardous for children who are younger than the recommended ages." Unfortunately, the CPSC has failed to take regulatory action to require toy manufacturers to place informative labels on their products.

Furthermore, those manufacturers that include warning labels on their products may be failing to adequately phrase the warning, or give sufficient information to allow parents to make an informed decision. In an informal poll of parents buying toys, researchers found that most parents think that toy warning labels have to do with educational levels rather than the toy's safety. Many parents indicated a willingness to buy toys marked "recommended for children ages 3 and up" for their child who was under age 3 because they believed that their child was smarter than the average or could "grow into the toy."

However, when parents were informed that the label actually referred to the safety of the toy, not a single parent was willing to purchase that toy for their child.

The Toy Safety and Child Protection Act will resolve this problem not only by requiring all toys with small parts to contain a warning label to include the word "warning" in capital letters, but it must also contain a description of the potential hazard which could result. Though the standards would be developed by the Consumer Product Safety Commission, a likely possibility for the label could be: "warning, this toy contains small parts—use of this toy by a child under 3 years of age may cause choking."

Mr. Speaker, I urge my colleagues with small children and grandchildren to take a trip to the toy store. I urge you to look closely at some of the toys and their labels. You may see, for example, a paint set, currently available at some stores, which includes a minute brush which fails the small parts test and could easily be swallowed. This toy has no label.

There is nothing more important to a parent than being provided with complete and accurate information about the potential dangers of a toy. Nearly all these choking deaths and injuries from small toys parts are preventable. The "Toy Safety and Child Protection Act, will resolve this tragic problem by requiring all toys with small parts to have appropriate warning labels. Parents have a right to know which toys contain small parts and what danger small parts can present. At no cost to the taxpayers, enactment of this legislation could prevent the senseless death and injury of countless children.