EXTENSIONS OF REMARKS

THE INTRODUCTION OF H.R. 5674

HON. GUY VANDER JAGT
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. VANDER JAGT. Mr. Speaker, today I am introducing H.R. 5674, a bill to amend the Internal Revenue Code. H.R. 5674 will:

Forestall endless and expensive litigation between taxpayers and the Internal Revenue Service, by clarifying the eligibility of intermodal cargo containers for the investment tax credit and accelerated depreciation;

Remove a tax impediment that affects taxpayers saving for college education expenses;

Encourage competition in the property and casualty insurance industry by providing a special deduction for eligible small companies; and

Provide a level playing field for corporate taxpayers who acquire their outstanding debt from debtholders by issuing stock with a value less than the amount of the indebtedness.

I will describe briefly each major provision of H.R. 5674.

INTERMODAL CARGO CONTAINERS

H.R. 5674 will reverse a substantial retroactive change in the ability of U.S. companies to claim the investment tax credit and accelerated depreciation on the intermodal cargo containers which they lease to shipping companies and businesses. The legislation is specifically intended to overrule Revenue Ruling 90–9 with respect to containers placed in service by U.S. container lessors prior to January 1, 1991.

From its original enactment in 1962 until its general repeal in 1986, the investment tax credit generally was not allowed for property used predominantly outside of the United States. However, exceptions to this rule were provided for certain categories of assets used to transport people or property to and from this country. These exceptions sanction the predominant foreign use of transportation-related property as part of the credit's general goal to improve our competitive position in the world economy. One of these exceptions applies to containers used in the transportation of property to and from the United States.

Before January of 1990, there were no Treasury regulations or rulings interpreting the exception for containers, even though that provision had been in the law for more than 25 years. Consequently, container owners relied on a commonsense reading of the statute and the apparent congressional intent for the container provisions when determining how the credit applied to their containers. This interpretation also determined which containers qualified for accelerated depreciation. For more than 20 years, the audit practice of the Internal Revenue Service was to confirm the general availability of credits and deductions claimed by two groups of container owners—U.S. shipping companies and U.S. container leasing companies. For lessors, the container credit was by far the largest item on each tax return and could not have been simply overlooked by the audit agents. Over the years, the IRS also issued liberal interpretations of other transportation-related exceptions which further confirmed the lessor's general approach to the container exception.

Then, in 1984, IRS agents radically altered their audit practices with respect to container lessors and began disallowing the credit for containers because the lessors could not prove that each container touched the United States each year. In January of 1990, this approach was formally published in Revenue Ruling 90–9, which requires all container owners to demonstrate on a container-by-container basis that a substantial portion of a particular container's activity during the taxable year is in the direct transportation of property to or from the United States. "Substantial" is not defined or described in the ruling, so taxpayers have no basis on which to argue that they have met the ruling's requirement. The ruling defines "direct transportation" as involving only those trips that begins and end in the United States; trips between foreign ports are not taken into account, even if the property inside the container may eventually come to the United States. Neither of these adjectives—substantial and direct—is used in the statute, and neither has any support in the legislative history. Yet, the IRS applied the ruling retroactively.

Whatever the merits of the approach adopted by the revenue ruling, it represents a dramatic change from established practices. I believe it is fundamentally unfair for the IRS to retroactively interpret—and modify—the statutory container exception in this manner. First, while we could debate the intellectual niceties of whether the new position of the IRS represents a change in its position or, instead, the establishment of a position where none previously existed, such a debate could not obscure the fact that in the 20-year period following enactment of the credit, container lessors never had any indication that their records were inadequate to support their claiming the credit and deductions despite numerous audits. The IRS had opportunities to issue regulations or rulings on the container exception, but did not provide these or any other form of guidance. Indeed, an IRS project to provide guidance on the container exception that began in 1981 was closed a year later, after meetings with the container leasing industry, without any apparent change in existing practices.

Second, the IRS interpretation is inconsistent with judicial precedents which have liberally interpreted the investment tax credit provisions in general. I believe this interpretive approach of the courts, which is also reflected in IRS interpretations of other transportation-related exceptions which accompany the container provision, is consistent with congressional intent.

Third, as the Treasury and the IRS apparently have recognized in this case, such a major change in interpretive policy is a tax policy decision that requires careful review by the IRS and the Treasury, followed by publication in a national policy statement such as a published revenue ruling. Only through such a national pronouncement can all affected taxpayers be fairly put on notice that such a change has occurred. Any such major change of policy should be prospective only and should include complete relief under section 7805(b) of the Internal Revenue Code.

Fourth, any change in interpretive policy by the IRS with respect to the container exception should balance the IRS's strict—and possibly incorrect—reading of the statute against the need for a practical and reasonable resolution of the controversy. It is clear that Congress, in creating the container exception, did not contemplate that the IRS would interpret the provision in a manner which makes it practically impossible to utilize the benefits of the provision. The revenue ruling would require lessors to document retroactively the daily movements of individual containers. Providing such documents prospectively will be difficult enough, given that container lessors now typically manage fleets in excess of 200,000 containers that are used in carrying goods for lessees who are not under the control of the lessors. But retroactively providing such documents probably will be impossible. Lessors keep detailed records about their containers, but they cannot maintain records regarding container movements when they are not in control of the containers. Lessee documents, to the extent they have not already been disposed of, focus on shipments of cargo, not on the specific containers, and the cost of attempting to reconstruct the travel of a particular container probably would exceed the value of the credit. The willingness of lessees to provide such records to lessors—assuming the records exist—is a factor which lessors cannot reasonably be expected to influence retroactively.

The revenue ruling would apply to open taxable years, which generally include all of the 1980's for the leasing companies. That is a long period, but the lessors' exposure is even greater because the ruling also applies to containers placed in service in closed taxable years but which generated credit carryovers to open years. This extends the ruling's effect back as far as 1974.

If container lessors had had the benefit of a ruling or regulations 25 years ago, they could have taken the appropriate steps to qualify for the credit or to challenge the IRS interpretation in a timely manner. In any event, they could have set leasing rates and information requirements based on the costs of complying with the interpretation. But the retroactive imposition of a restrictive interpretation at this late date is unreasonable and unjustified.

As an alternative to the substantive and recordkeeping requirements of the revenue ruling, a safe harbor has been provided in Revenue Procedure 90–10, published at the same time as the revenue ruling. It is interesting to read the portion of the revenue procedure which confirms that the revenue ruling's recordkeeping requirements are unfair, noting that a safe harbor is necessary because separate tracing of containers is too costly and difficult given the numbers of containers and the fact that lessees have physical control over the containers.

However, the safe harbor effectively allows little more than half of the credits at issue for prior years. This is not an adequate solution to the retroactive problem posed by the revenue ruling. Moreover, the practical effect of the IRS's proposed safe harbor is not only to require a predominant use test but to impose an exclusive use test for purposes of determining whether the credit is allowed in full. By way of example, I believe that the containers used by the affected taxpayers could achieve a 100-percent qualification for the investment tax credit under the theory of the proposed safe harbor only if every trip made by containers worldwide was either to or from the United States. Likewise, a majority of the credit would be allowable only if a majority of all container trips are to or from the United States. I believe that this is clearly inconsistent with the language and the intent of the statute.

Taxpayers have argued with the IRS for several years about this issue in an effort to achieve an administrative result which would fairly resolve the controversy. They will likely now challenge the IRS in court. A legislative resolution is essential to prevent the unfair retroactive impact of the IRS revenue ruling, and to avoid wasteful and protracted litigation.

HIGHER EDUCATION EXPENSES ANNUITIES

H.R. 5674 will also take a modest step in the direction of assisting parents to save for the staggering costs of their children's higher education expenses.

The compelling need for assistance is now more apparent than ever. The cost of sending a child to a private university for 4 years averages more than $50,000, while the cost of a 4-year public university education averages $18,000. By the year 2007, the Department of Education estimates the total cost to attend a private university will increase to $200,000 and to $60,000 for a public university. These statistics spotlight a major financial problem facing parents.

Accumulating the funds necessary to cover these costs will be very difficult with after tax dollars for most, if not all, middle-income parents. With the stress on higher education by the Federal Government and the need for parents to accumulate the funds to cover the escalating cost, middle-income taxpayers should receive some tax assistance to enable them to meet their future educational expenses.

Under H.R. 5674, assistance would be made available by providing that when a taxpayer purchases a predesignated annuity for him or herself, or for a child or grandchild, to cover qualified higher education costs, the withdrawal of funds from the annuity to pay such education costs would be exempt from the 10-percent penalty for premature distributions from annuity contracts that is now imposed under Internal Revenue Code section 72(q). Safeguards would be provided by requiring that the annuity be designated for education costs at time of purchase. Qualified higher education costs are defined to include only undergraduate expenses incurred at institutions of higher education. Finally, under the terms of the legislation, annuity premium payments for a higher education expenses annuity would not count as a gift for gift tax purposes.

Other Internal Revenue Code sections provide direct benefits to taxpayers financing the cost of higher education. Section 135 of the code allows income from U.S. savings bonds to be excluded from income under certain circumstances if the income is used to pay educational costs. Section 2503 generally allows an unlimited gift tax annual exclusion for gifts which pay higher education tuition costs. H.R. 5674 would provide a mechanism to directly address the needs of middle-income taxpayers to save for the higher education costs of their children, which will be financially overwhelming.

SMALL PROPERTY AND CASUALTY INSURANCE COMPANIES

H.R. 5674 will begin to correct a gross inequity that exists between the current tax treatment of small property and casualty insurance companies and the current tax treatment of small life insurance companies, and improve the competitiveness of the property and casualty industry.

Small property and casualty insurance companies play an essential function in the insurance industry, by offering competition to the large insurance companies and by providing coverage in areas where the large companies often fear to tread. However, small property and casualty companies are more at risk than are the large diversified companies to the vagaries of nature. Massive earthquakes and damaging hurricanes can result in bursts of policy claims that can drive small property and casualty insurance companies to the brink of financial ruin. Small property and casualty insurance companies also are subject to surplus requirements that limit the amount of premiums they can write, thus making it difficult for such companies to grow. The Tax Reform Act of 1986 resulted in a significant increase in taxes on such small companies, thus hindering their ability to accumulate surplus.

Instead of imposing an impediment to the existence of small property and casualty companies, the tax law should at least provide a level playing field for such companies in relation to small life insurance companies.

Life insurance companies have the benefit of actuarial tables to aid in the prediction of losses, which makes the life insurance business inherently less risky than the property and casualty business. Small life insurance companies—those with total assets of less than $500 million—are entitled to the small life insurance company deduction under section 806 of the Internal Revenue Code.

H.R. 5674 will, over a 6-year period, put small property and casualty insurance companies and small life insurance companies closer to being on an equal footing for tax purposes. Under H.R. 5674, the small company deduction now limited to life insurance companies would be made partially available to property and casualty companies of similar size. However, due to revenue constraints, the exclusion percentage will be smaller and phased in as follows: 1992, zero percent; 1993, zero percent; 1994, 3 percent; 1995, 7 percent; 1996, 9 percent; and, 1997, 15 percent.

The same limitations that currently apply to small life insurance companies, for purposes of determining their assets and their insurance income, would apply to the deduction allowable to small property and casualty companies.

REPEAL OF THE STOCK-FOR-DEBT EXCEPTION

Finally, H.R. 5674 would provide for a level playing field by repealing the stock-for-debt exception that can now be used only by corporations that are in bankruptcy or that are insolvent.

The stock-for-debt exception is a judicially developed doctrine that is not grounded in sound tax policy.

The basic rule that applies to most taxpayers requires a taxpayer to recognize income when a debt is forgiven or otherwise canceled without full repayment by the taxpayer. When a corporation that is not insolvent or in bankruptcy transfers its stock to a creditor in satisfaction of its indebtedness, the corporation is treated under the code as having satisfied the indebtedness with an amount of money equal to the fair market value of the stock. Thus, to the extent the indebtedness exceeds the value of the stock, the corporation has income.

However, two special rules apply to corporations that are insolvent or in bankruptcy court. Under this first special rule, a bankrupt or insolvent corporation whose debt is forgiven and which otherwise would have income as a result of the forgiveness is not required to include the amount in its gross income. The corporation is required to reduce its net operating losses and other tax attributes by the amount of debt cancellation.

Thus, a bankrupt or insolvent corporation will never incur a current tax when its debts are forgiven, but also will not have available the net operating losses and other tax benefits generated by the borrowed funds which the corporation no longer has to repay. That result strikes a proper balance between allowing financially distressed taxpayers a fresh start and treating all taxpayers fairly and equally.

The second special rule applicable to bankrupt or insolvent corporations does not strike that proper balance. Under the stock-for-debt exception, a bankrupt or insolvent corporation is deemed not to have a cancellation of indebtedness when it exchanges qualifying stock for outstanding debt, even though the stock is worth less than the face amount of the debt. Because no cancellation of indebtedness is deemed to occur for tax purposes under this special rule, the exchanging corporation is not required to reduce any of its tax attributes. Thus, by using the stock-for-debt exception, an eligible corporation can retire its debts while preserving its net operating losses as a tax shelter to use against future income—an advantage not available to other taxpayers. That result goes beyond what is necessary to give bankrupt and insolvent corporations a fresh start, and is plainly unfair to other taxpayers not eligible to use the special rule. Therefore, the stock-for-debt exception should be repealed.

In conclusion, so that these necessary changes to the Internal Revenue Code can be made, I strongly urge my colleagues to work for the prompt enactment of H.R. 5674.

TRIBUTE TO SYLVIA ARMENI SCOCCA AND GIOVANNI MONACO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. TRAFICANT. Mr. Speaker, I rise before my colleagues today to honor Italian woman of the year, Sylvia Armeni Scocca, and also Italian man of the year, Giovanni Monaco. These upstanding citizens of my 17th Congressional District are fine role models for all.

Sylvia was born in Bovalino Marina in 1902 and immigrated to the United States in 1912. She has raised her seven children to be successful and productive members of society. Sylvia began her career in volunteering positions with the Sons of Italy Auxiliary Lodge. She has been an active member and volunteer at St. Anthony's Church since 1932. Recently, Sylvia passed her driver's test in order to relieve the burden of others driving her places.

Giovanni was born in 1897 in Santa Christina, Reggio Di Calabria. After serving in the Italian Army Alpine Corps, Giovanni emigrated to the United States and became a citizen on February 14, 1935. A lifetime member of Our Lady of Mt. Carmel Church, he has also assisted numerous immigrants in settling here, helping them find housing and employment, and helping them become an integral part of the community. Giovanni and his wife are enjoying 68 years of marriage.

These two citizens have been well-chosen for their positions as Italian woman and Italian man of the year for the 1992 Greater Youngstown Italian Festival. While raising outstanding families, they have also been leaders of their community. I extend my congratulations to Sylvia and Giovanni on their honorable achievements.

BETTY ISELIN—"MY FAIR LADY"

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. PALLONE. Mr. Speaker, on Saturday, July 25, 1992, Mrs. Betty Iselin will be feted as "My Fair lady" at the Monmouth Park Charity Ball in Oceanport, NJ.

Mrs. Iselin is certainly a most deserving recipient of this high honor, and Saturday's tribute represents an expression of deep gratitude on the part of everyone involved with the Monmouth Park Charity Ball. Mrs. Iselin has served as chairwoman of the ball for 42 years, and has been active on the ball committee for 45 years. During those years, her strong leadership and deep sense of community commitment have been in large part responsible for making the charity ball the great institution that it is in Monmouth County and the State of New Jersey.

Mrs. Iselin's list of other associations and affiliations is indeed quite impressive. She has served on the New Jersey State Board of Institutions and Agencies, on the board of the Monmouth County Office of Social Services, and on the board of Monmouth Medical Center in Long Branch, NJ. She has also been active with the Monmouth Museum.

Her husband, the late Philip Iselin, was the president of Monmouth Park Race Track and the owner of the New York-New Jersey Jets. She is the mother of James Iselin and Kay Ahlstrom, and she has three grandchildren.

Mr. Speaker, I can think of no more fitting tribute for Betty Iselin than to be honored on the occasion of the event for which she has contributed so much of her time, talents, energy and concern. It is a great honor to cite her accomplishments before this House.

SAVINGS AND LOAN INDUSTRY BAILOUT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. VENTO. Mr. Speaker, the Bush administration's management of the bailout of the savings and loan industry has been erratic, particularly the resolution of institutions by the RTC and the Office of Thrift Supervision [OTS]. They have preferred programs with fancy acronyms—ERAM and ARP—that are really no more than Government gambles, a roll of the dice. The idea was that in keeping institutions open, troubled S&L's and banks would bloom into health, prosperity, and profitability. This rainbow chasing idea is touted as being less costly than liquidation. Director Ryan regularly and boldly predicts he can reap savings in the millions and billion of dollars if only Congress will provide him the billions of dollars he needs to propup these weak institutions. It is also interesting to note that this sort of behavior is contagious as some Members of Congress now espouse their own panacea and deny the reality of S&L problems.

I have repeatedly asked Director Ryan to provide me with actual data from an ERAM or an ARP, or even from the various adventures into open thrift and open bank assistance that characterized the decade of the 1980's. After much back and forth, he provided me with a so-called transaction summary which he asserted provided a conservative estimate of savings to be gained by Government gambles rather than conducting a straight liquidation.

In an effort to be fair, I asked Congressional Budget Office [CBO] to review this transaction summary, although it didn't seem to me to advance the debate over whether the Government ought to or is capable of, winning at the open thrift gamble.

The CBO has reviewed Director Ryan's transaction summary, and I would like to place their response into the record so that my colleagues in the House of Representatives can judge for themselves whether there is any basis, other than wishful thinking, for concluding that allowing regulators to out guess the market and gamble taxpayer dollars on which institutions will actually survive, is a viable public policy. The CBO concludes that prompt closure of a weak institution may be the least cost option. But Director Ryan's transaction summary rules out this possibility entirely.

This House is being asked to take the cost savings of a fancy acronym policy on faith. Until I see bottom-line data from actual transactions that unequivocally show that savings have been realized over the long run, I must conclude that accepting such weak justifications or granting such faith to the regulators, in view of their irresponsible record of poor management, would be seriously misplaced. The American taxpayer will not be any better served by the 1990's pattern of the Bush administration's regulators of S&L's and banks—postponing closures and granting forbearance—than they were by the 1980's pattern of the Reagan administration's regulators—procrastinating and granting forbearance. These 12 years of Republican administrations has seriously compromised and compounded the S&L bailout costs that we are paying today.

VENTO INVITES RTC AND OTS TO PROVIDE FOR LONG-TERM SAVINGS—WISHFUL THINKING AND ESTIMATES OVERSHADOW THE HIGH STAKE GAMBLES

WASHINGTON, DC.—Calling the Bush administration's early resolution and open thrift strategies for dealing with failing thrifts a government "roll of the dice," Congressman Bruce Vento (D-MN) today released a review of these programs by the Congressional Budget Office [CBO]. Vento questioned the rationale of the Resolution Trust Corporation [RTC] and the Office of Thrift Supervision [OTS] and invited both the RTC and the OTS to provide hard data of long term savings rather than estimates.

"The open bank/open S&L policy path needs to be documented with hard data because the temptation to use the insurance fund and taxpayer dollars to bail out stockholders who should have their investment at risk, is very real," said Vento. "We hear a lot of cold talk about free enterprise and risk, but when the opportunity prevents itself these free enterprise speeches are put aside and the blanket of deposit insurance is used improperly to cover stockholder assets."

"The wishful thinking and estimates involved with open thrift assistance strategies do not take into account that the taxpayers are spending their hard-earned money for this government gamble," said Vento. "A plan for long term savings is the kind of leadership the American public deserve."

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 6, 1992.

Hon. BRUCE F. VENTO,
Committee on Banking, Finance, and Urban Affairs, Washington, DC.

DEAR CONGRESSMAN: As you requested, the Congressional Budget Office [CBO] has reviewed the material on open thrift assistance provided to you by the Office of Thrift Supervision [OTS]. You are correct that the data provided by OTS does not advance the debate over open thrift assistance. Rather, it provides a hypothetical case to support its position, without providing real data or exploring fully the alternatives. I am enclosing a memorandum prepared by CBO staff that examines the OTS material.

I hope that this memorandum is helpful to your evaluation of open thrift assistance.

Sincerely,

ROBERT D. REISCHAUER,
Director.

RESPONSE TO CONGRESSMAN VENTO'S LETTER OF JUNE 15, 1992

The material provided by the Office of Thrift Supervision [OTS] is based on a hypothetical case of a weak thrift institution that is a candidate for the OTS's early resolution program. As with any example of this sort, the conclusions depend strongly on the assumptions. It is impossible to tell from the example how likely the assumptions are to hold in any particular real case or how frequently they may be met. In addition, the OTS example limits the options by ruling out the possibility that the weak thrift could be closed right away. Yet, prompt closure may be the least cost option. Despite these limitations, the example is instructive as to how the OTS views the problem of closing failed—or failing—thrifts.

The premise of the OTS example is that it is less expensive to resolve a "weak" (that is, financially troubled) thrift early when the thrift would be likely to deteriorate over time if left open. That proposition is virtually unassailable. The OTS's conclusion, however, that a specific form of early resolution—so-called open thrift assistance—is the best policy choice, is more open to question. The OTS conclusion is supported solely by the following two assumptions given in the example:

Shareholders will challenge in court any attempt to close an institution before it is insolvent on a book-value basis. Those court challenges will cost more than can be saved through early closure.

Closing some, but not all, weak thrifts before they become insolvent on a book-value basis would signal an informal increase in regulatory capital requirements as they apply to closure. Such a signal would make it more difficult for other thrifts to raise capital from external sources, thereby causing additional failures.

Because the OTS believes that it cannot successfully close an institution that is solvent on a book-value basis, it is left with essentially two choices: wait for the institution to deteriorate enough for it to become insolvent on a book-value basis, or provide a financial incentive to obtain shareholder assent to resolving the institution early. In addition to the problem of fending off court challenges, the OTS appears to believe that an early closing of institutions that are solvent on a book-value basis would create funding problems for the entire thrift industry because of a change in how the market perceives the regulator's minimum standards of capital. But this belief is not fully developed in the example, and it is hard to see how well-capitalized thrifts would be affected in the way suggested.

The fulcrum of the argument about early resolution is the question of whether the OTS should close a thrift that is solvent on a book-value basis but considered "weak." The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [FIRREA] strengthens the regulators' ability to close institutions that are currently solvent on a book-value basis, but it does not require closure. In addition to insolvency, FIRREA provides seven other grounds for placing an insured savings association into conservatorship; five of these relate to the likelihood of imminent failure. Because those criteria require subjective judgments concerning the safety and soundness of an institution's practices, the criteria are open to dispute and may be subject to judicial review by shareholders, who may seek compensation for "unjustified" closure.

In the OTS example, there is little doubt that the market value of the thrift's assets is already well below an amount sufficient for it to cover its liabilities. The thrift has little chance of getting better on its own; if left open, it will continue to lose money—although it may not choose to book those losses as they occur. Indeed, that is the justification for resolving it early. However, in the example, acting early saves no money because of court challenges. A possibility exists that the thrift could be recapitalized from external private sources, through an acquisition arranged by the OTS. Such a recapitalization would be cheaper than closing the institution and having the RTC resolve it. But because the institution is not closed by the OTS, the acquisition requires agreement by shareholders. In the OTS example, agreement by shareholders can only be obtained at a cost to the government. There are several other potentially important variables in the example, such as the percentage of deposits that are insured and the franchise value of the weak thrift. However, these all play a relatively minor role in the conclusion.

Thus, the issue can be reduced to a question that can only be determined on a case-by-case basis: Do court challenges and other expenses incurred in closing a failing thrift outweigh the payment that would be made to shareholders and the acquirer if open thrift assistance is provided? Empirical evidence on this key question is mixed. The OTS has been successful in recapitalizing some weak thrifts from private sources or arranging their acquisition at little or no cost to the government. But the record of such recapitalizations or acquisitions supervised by regulators provides no definitive answers. Not all such actions are successful; some result in closing the recapitalized or acquiring institution.

In addition, the search for outside capital or partners to merge with has not always been successful. Such unsuccessful searches add to the costs of resolution by delaying closure. Although the OTS argues that supervisory actions taken against weakly capitalized or insolvent thrifts help avoid costly losses associated with delay, an analysis of RTC resolutions (and even the OTS's own example) suggests that some costs could be avoided by prompter action.

Evidence on the OTS's ability to close thrifts, such as the one in its example, is also mixed. On the one hand, the OTS has successfully closed thrifts that were solvent on a book-value basis just before closure. An easy way to avoid the technical question of solvency is for the OTS examiners to require a thrift to mark down shaky assets. Doing so makes the thrift insolvent on a book-value basis and avoids the technical problem of closing a "solvent" institution. In the OTS's example, the thrift has "high-risk loans" and "unacceptable risk assets," which have loss rates of 36 percent and 50 percent, respectively. Writing down these loans would more than offset the value of stockholder equity, thus showing the thrift to be insolvent and potentially precluding challenges by shareholders in court. On the other hand, stockholders have sued the OTS and its predecessor agency for forcing closure and creating losses. Although those suits have had mixed success in the courts, they are time-consuming, expensive, and create uncertainty as to the final outcome.

TIMES MEDIA CRITIC QUITS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. FRANK of Massachusetts. Mr. Speaker, one of the most important parts of our Constitution is the first amendment with its guarantees of freedom of expression. This is sometimes frustrating some of us when we read, occasionally, newspaper stories which are very inaccurate. But increasing the role of judicial or other governmental intervention seems to many of us a proposed cure far worse than the illness involved.

What is clearly the best antidote to media inaccuracy is a willingness on the part of the media itself to engage in the same sort of critical analysis of each other which the media applies to people in public life and elsewhere in our society. And I believe we have too few examples of this. Professional courtesy unfortunately interferes.

I was, therefore, particularly pleased to note that the Washington Post has begun a policy of providing a forum for thoughtful media criticism by one of its own leading journalists, Howard Kurtz. And an example of how important this function is came in two recent articles by Mr. Kurtz in which he documented the biased way in which the Washington Times presented a profile of Bob Woodward.

We ought to note and express our admiration for the courage of Don Kowet, who resigned as the media critic of the Washington Times precisely because the newspaper had handled his material in such a biased fashion. The role of Mr. Kowet, and the chronicling of that by Mr. Kurtz provide important examples for those interested in the kind of media self-analysis which will serve our democracy well and for that reason I believe it is useful that this material be reprinted here.

[From the Washington Post, June 26, 1992]

TIMES MEDIA CRITIC QUITS—WOODWARD PROFILE EDITED UNFAIRLY, KOWET SAYS

(By Howard Kurtz)

Don Kowet, the Washington Times' media critic for seven years, resigned yesterday, saying the paper's editors had "completely rewritten" his profile of Bob Woodward "to give it a far more negative spin."

"That piece has my signature on it, and it's not my piece," Kowet said in an interview. "I loved that paper, but I just can't work for them anymore. I want my byline to reflect what I write. . . . I want to be able to look at myself in the mirror when I get up."

Woodward, an assistant managing editor at The Washington Post, is a frequent target of Times Managing Editor Wesley Pruden, who refers to Woodward as "Mortuary Bob" in his column.

Pruden said he was "kind of astonished" at Kowet's account because "that's not what he told me. We discussed the editing of several of his pieces. He told me he was burned out on the media beat and he wanted to do other things."

"That's not true. . . . I specifically said I'm resigning over the Bob Woodward issue." Kowet replied. He said he complained that this was "part of a pattern" of unfair editing changes.

Kowet said Ken McIntyre, editor of the Life section, told him he had rewritten the

June 15 story; Kowet was on vacation at the time. He said McIntyre "indicated to me that he wasn't the only one involved in editing the piece." McIntyre's office referred questions to Pruden.

Pruden said he read the story before publication but did not recall making any changes himself. Asked if Kowet should have been consulted about wholesale changes in the article, he said: "I'm not going to get into a discussion of editing techniques."

In a note posted in the newsroom yesterday, Pruden said that Kowet had resigned "to pursue other projects on the horizons." Several staffers said they were upset about Kowet's resignation and protest.

The Times, which has a conservative editorial philosophy, maintains that its news columns are free of bias. "On certain sensitive stories my copy has been changed," Kowet said. "I detect a political correctness in some areas, which may be intensified" since Pruden succeeded Arnaud de Borchgrave as the paper's top editor last year.

In a similar controversy last fall, Dawn Weyrich Ceol quit the Times after Pruden rewrote her story about the Clarence Thomas-Anita Hill hearings in a way that she felt was unfair to Hill. Pruden said then that the Times is an "editor's newspaper."

Kowet, 54, is the author of 11 books, the former managing editor of Sport magazine and a former award-winning reporter for TV Guide. He said he considers himself a neoconservative on most subjects. The author of a book about Gen. William Westmoreland's libel suit against CBS, he has not been shy about criticizing the liberal press. Among other things, he has written that the PBS "Frontline" series is based on "left-wing bias and political paranoia."

Kowet's profile of Woodward, who with Carl Bernstein helped crack the Watergate scandal, was tied to the 20th anniversary of the break-in at Democratic headquarters.

Kowet said that 10 of the first 17 paragraphs were completely rewritten. According to Kowet:

Editors added that "the icon's credibility is under attack across the political spectrum. . . . Worse than the skepticism—of the now-classic Woodwardian reliance on anonymous sources, reconstructed conversations and interior monologues—is the ridicule."

This was followed by a reference to Pruden: "One columnist, noting Mr. Woodward's tendency to identify sources only after they are 'safely dead,' calls him Mortuary Bob."

Editors inserted the word "lurid" to describe Woodward's biography of John Belushi.

Editors added that The Post hired Woodward from the Montgomery Sentinel, where "he left the paper with a libel suit on its hands." Kowet said he believes the paper won the suit and saw no reason to mention it.

Editors inserted material from "Silent Coup," a book about Watergate that is sharply critical of Woodward.

Kowet had quoted University of Virginia political scientist Larry Sabato as saying: "When I read a piece by Woodward in The Post, I'm inclined to treat it very seriously because I know that he has some of the best contacts in Washington. But that doesn't mean I endorse all of his techniques. I find his stories insufficiently sourced sometimes. I think he asks the reader to trust him too much."

In the edited piece, the Sabato quote read: "I think that he asks the reader to trust him too much."

Kowet had quoted author Steven Weinberg as calling Woodward "one heck of a journalist. He understands how to look at an institution. And he knows how to ask the right question in just the right way." Weinberg also said that Woodward's use of anonymous sources sets "a terrible example" for other reporters.

The edited piece said, "Mr. Woodward may be 'one heck of a journalist,' agrees University of Missouri journalism professor Steven Weinberg, former director of the national group Investigative Reporters and Editors, but he 'sets a terrible example.'"

"There were dozens of things that skewed the piece to be negative," Kowet said. "To me, it was a 'hit.' . . . It was much meaner. . . . Quite frankly, when I started off, I had a fairly negative attitude toward Woodward." He said the original piece had been "tough but fair."

But Pruden said, "We were happy with the piece that ran. I don't think we've ever been unfair to Woodward. We've done some good reporting about Bob Woodward since he's become part of the story."

Kowet said minor editing changes were made before he and his fiancee went to Mexico on vacation. Because of the sensitivity of a piece involving the Times' main rival, he left his phone number and the hotel fax number and asked to be called if any changes were made. He said no editor called him, although a friend faxed him the piece the day it appeared.

Kowet, who turned down a transfer to the national staff, said he was tired of the media beat at the Times because "my main job seems to be to bash The Washington Post."

[From the Washington Post, June 30, 1992]

TIMES EDITOR AND EX-REPORTER AIR THEIR DIFFERENCES

(By Howard Kurtz)

It was one of those rare moments that only live television can provide: Don Kowet was on C-SPAN yesterday morning, explaining why he quit the Washington Times when a caller took him by surprise.

The man on the line was Wesley Pruden, the Times' managing editor. As Kowet sat shaking his head, Pruden declared that the reporter had just been through a divorce and was feeling "burned out." He is "not a very good writer," Pruden said, and his "stories have been rewritten constantly."

As for Kowet's charge that he resigned last week because the paper's editors had turned his profile of Bob Woodward into a hatchet job, Pruden said Kowet had been waiting "for the first suitable opportunity . . . to get his 15 seconds in the Style section of The Post, perhaps to enhance employment prospects at the expense of his colleagues here. . . ."

Kowet reached after the program, dismissed many of his ex-boss's comments as "a lie."

"I thought it was just trashy and sleazy for him to bring up my private life in order to smear me," said Kowet, who had been the Times' media critic for seven years. He added that "I never got rewritten on pieces that didn't have to do with politics."

Kowet rejected the suggestion that he milked the incident for personal reasons. He said he has no job lined up and that it was "the worst possible timing for me" because he is trying to sell his house and his fiancee is unemployed.

Pruden told The Post last week he was "kind of astonished" to hear Kowet's complaint about heavy-handed editing on the Woodward piece because "that's not what he told me." On C-SPAN, however, Pruden said, "Don did in fact say he was very unhappy with the editing of the Bob Woodward story."

Pruden said Kowet turned down a transfer from the Life section to the national staff, saying Kowet had told colleagues that "he didn't think he could take the pressure of working for a hard-charging editor like Fran Coombs," the national editor.

"There was no attempt in this case to make your story less or more negative or positive about Bob Woodward. . . . If anything, it had more polemics in it than the one we edited down," Pruden told Kowet on the air.

When Kowet noted he had won a feature writing award—"I can't be that bad," he said—Pruden shot back: "Don, you know as well as I do that awards are given for the finished product."

Pruden acknowledged that the incident may have hurt the paper's credibility, but added: "The Washington Times is a very different kind of newspaper. We are not politically correct." The Post, he said, is "running scared" and "doing everything they can do to hit us as hard as they can."

COLUMBIA'S FIAT CONNECTION

Furio Colombo, an Italian journalist and author, has just completed his first year on the faculty of Columbia University's Graduate School of Journalism.

Colombo also has an unusual sideline for a journalism professor: He is chairman of Fiat U.S.A., the public relations arm of the Italian car manufacturer. And his chair in international journalism is being funded by a $1.8 million grant from a state-owned bank in Italy.

Joan Konner, the school's dean, said yesterday that Colombo "is a recognized journalist. We checked his credentials with American and Italian journalists and found out he is indeed considered a fine journalist with a long list of credits."

Konner said she believed Colombo has retired from Fiat U.S.A., but a spokeswoman there said he is still the chairman.

The controversy came to light when Samantha Conti, a Columbia student, wrote a piece about it in the journal Lingua Franca. She quoted the head of foreign relations at Italy's San Paolo Bank as saying: "It was Furio Colombo's wish that we set up this professorship in international journalism."

Colombo, who has taught at other U.S. universities, could not be reached yesterday. He told the journal he had nothing to do with arranging the grant and did not see any conflict with his Fiat duties.

Konner said the journalism school would not have had the money to hire Colombo without the grant, but that it is a nontenured position and "is not tied to any specific individual."

Karen Rothmyer, a Columbia journalism instructor, said she was troubled by the appointment because "nobody else was interviewed for this chair. . . . The money and the person came as one thing." She said she had read one of Colombo's books and considered it "a piece of junk . . . I think they put a fast one over on the school."

As for Colombo's Fiat job, Rothmyer said the faculty was told that "they do things differently in Italy."

JULY 4TH SPEECH AT TRUMAN LIBRARY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. SKELTON. Mr. Speaker, this past Fourth of July, at the annual celebration at the Truman Library in Independence, MO, I had the occasion to hear an outstanding speech. It was delivered by Col. Ollie L. Tracy, U.S. Army, retired, of Kansas City, formerly from Higginsville.

Colonel Tracy's speech is entitled "Challenging Old Glory," and I insert it in the RECORD to share with the other Members of this body.

CHALLENGING OLD GLORY

(Speech by Col. Ollie L. Tracy)

Thank you, Doctor Zobrist, for that gracious introduction. Distinguished Guests; Ladies and Gentleman—Good Morning!

First, I want to say that it is an honor and a privilege for me to speak on this special occasion at the Harry S. Truman Library. When Dr. Zobrist invited me to make this presentation, he mentioned that Mr. Truman used to give these speeches on Independence Day until he was no longer able to do so because of ill health. I remembered that this is not the first time I've followed Mr. Truman at a speaker's podium. While you're looking me over, I'll tell you about it briefly.

Mr. Truman was invited to speak to the student body of about 1300 career officers at the Command & General Staff College, Fort Leavenworth in the fall of 1959 as I recall. I was on the faculty at the College at that time, and I was scheduled to lecture the same class at one p.m., following Mr. Truman's talk at 11 a.m. This was about the time that the Cuban Crisis was beginning to heat up in the international arena. Mr. Truman gave the class one of his rousing "give-em-hell" speeches, and the class responded in kind. I was backstage at the time of his finish, and as he was leaving I approached him and said. "Mr. President, that was a great speech; you're going to be a hard act to follow. I have a class-lecture with them at 1 p.m." He smiled and said he had the easy job. His was before lunch; you'll have them after lunch when they're ready for a nap. So, I'm pleased that this presentation is in the morning.

Before I begin my speech I would like to take this opportunity to congratulate the Kansas City American Legion Band for a job well-done. As a military man, that type of band music always inspires me. And, it brings back memories when I was a trumpet player in the Higginsville Municipal Band. We played many concerts for Fourth of July celebration.

Ladies and Gentleman, before me is a beautiful sight! High above us, in the background, is "Old Glory", waving majestically in the morning breeze, a striking emblem of our country, a symbol of everything that is good about our republic. I have a special feeling, today, for I have had the honor of serving under it both in war and peace, as have many of you. And today, our nation's birthday, is a special day for us to show that we are proud to be Americans, and richly blessed to have the privilege of living in America. What a priceless heritage has been left to us by those who have lived in the days gone by. They withstood the challenges of their times; they persevered; they pledged their lives, their fortunes and their honor to build and maintain this nation founded on the principles of faith in God, freedom, justice, liberty, equality and a government that has served as a model of democracy to the world for over two centuries.

Here, by this ceremony, we commemorate the birth of our nation! The Declaration of Independence in 1776 proclaimed our status as an independent nation. The Constitution of 1787 established a system of free and popular government. Quote: "Never before in history of mankind has a group of men, in a limited period of time, set down in writing and won the acceptance of a blueprint for this new government. A government that declared man's natural rights, and at the same time instituted a legal framework for society that guaranteed that these rights would be preserved." That accomplishment is astounding! "Yet, too often we take it for granted, hardly understanding or caring just what Independence Day really means, or really comprehending just what the Constitution and Bill of Rights are, and what they accomplished".

What can we do, what must we do to keep these great blessings and privileges intact? How can we insure that these great principles and all these qualities of life will be here for our children and their children after we are gone? "For over 200 years now our citizens have had the obligation to make the Constitution work. It is a living document that must be interpreted by each new generation. We must constantly measure our current freedoms and responsibilities by its lofty criteria."

But today, our liberties are being threatened! "Old Glory" is being challenged again, not only by the indifference and apathy of millions of Americans, but by factors so insidious that many of us fail apparently to recognize the impacts of these invasions! Every day, in urban streets and rural communities alike, our rights and liberties are threatened by rampant crime, street violence aggravated by judicial irresponsibility, and eroded by special interest groups and undermined by moral and ethical shortcomings. A significant segment of our population seems to portray a startling lack of moral fiber and virtue! It has been suggested that some of our problems stem from the fact that we have virtually eliminated from the public schools and higher education, any effort to teach moral values. But perhaps the most important, in my opinion, is that our basic institutions—the Family, the Church and the Community, including certain components of the media and the entertainment industry, are not doing an adequate job of building character and promulgating responsibility!

While preparing for this talk, I ran across these words in a little booklet, titled "God Bless America": Quote: "The things that will destroy us are—Politics without principle; Pleasure without conscience; Wealth without work; Knowledge without character; Business without morality; Science without humanity; and Worship without sacrifice." How true those words!

Having said this, I hasten to add that these transgressions are reversible. Quote: "Most importantly, the American people as a whole are still best characterized as law-abiding, deeply patriotic and basically morally sound". Good solid Americans must, and will, meet these challenges of today, as we as a nation, have met previous challenges and proven time and again over two centuries our forefathers to be correct. "America has prospered. Today we remain the strongest, freest and most prosperous country in the world, and we will remain so if we sustain the resolve manifested by the framers of our Constitution and the courage embodied by generations of Americans since that historic summer in Philadelphia."

As concerned Americans, we must teach our children and grandchildren, our history and heritage, and deeply impress upon them not only the privilege of that heritage, but the responsibility of perpetuating American spirit and strength, I strongly feel that we must teach our youth (our future leaders) respect for authority; acceptance of responsibility; simple honesty; self-discipline; and the work ethic! Our real strength, as always, lies in love of God, Country and Family!

You may have noted that I've used the word "responsibility" several times. The President of the Freedoms Foundation, Valley Forge, sounds this warning: "Too many Americans nowadays focus almost exclusively on their rights, seldom on responsibilities. Public dialogue is dominated by talk of rights while ignoring responsibilities". And one of our Supreme Court Justices states: "Responsibility is more than the other side of the coin of freedom; it is the foundation of freedom!". You cannot have rights without responsibility; it fits in with our "checks and balances" concept.

The Freedoms Foundation, under the chairmanship of the then Chief Justice Warren Burger, and with the involvement of a number of leading scholars from throughout the nation have created a document titled: "A Bill of Responsibilities." This document is not an attempt to further amend or change the Constitution. This document is only a means of promoting further discourse among the people and to emphasize our citizens' responsibilities to our nation and to fellow citizens. Here is a list of "responsibilities" as presented in this document: (1) "To be fully responsible for our own actions and for the consequences of those actions; (2) To respect the rights and beliefs of others; (3) To share with others our appreciation of the benefits and obligations of freedom; (4) To give sympathy, understanding and help to others; (5) To do our best to meet our own and our family's needs; (6) To respect and obey the laws; (7) To respect the property of others, both private and public; (8) To participate constructively in the nation's political life (for example, fulfill our duty to vote); (9) To help freedom survive by assuming personal responsibility for its defense; and (10) To respect the rights and meet the responsibilities on which our liberty rests and democracy depends."

Ladies and Gentlemen: I think you will agree that this uncomplicated document sets out a citizen's responsibility to our nation, and to each other, within the framework of our free society. No longer can we take our freedoms for granted. Therefore, we must never forget that each succeeding generation of citizens must accept the responsibility of preserving our hard fought-for independence, freedom and liberties. I am confident that the challenges to Old Glory will be met! But we must be involved! A current television commercial lead-in warns that we are more concerned about what we put into our car than what we put into our body. I suggest that we should be much more concerned about what is put into our head! That is to say: We must ask intelligent questions, but much more importantly, we must listen intelligently to the answers. Remember: "Eternal Vigilance is the price of liberty".

In closing, I want to repeat that it has been a privilege to speak here, to this fine

audience, on this celebrated occasion and at this historic site! I wish you and yours a most enjoyable and safe holiday on this glorious Fourth of July. As you leave this ceremony, take a long look at the "Stars and Stripes" still rippling gallantly in the morning breeze. Quote: "Think of it reverently, thank God for it and listen to its message of freedom and hope: Defend me! Never let my enemies tear me down from my lofty position lest I never return. Keep alight the fires of patriotism; strive earnestly for the spirit of democracy; worship God and keep His Commandments. Then, I shall remain the bulwark of peace and freedom for all mankind. I am your flag, the symbol of the spirit of America, the emblem for all the world to see, the one common bond for all Americans. I am Old Glory!" And finally, as you pay honor and respect to our flag, whether standing for the National Anthem or as the flag passes by, you should stand a little taller, hold your head a little higher and clasp your heart a little tighter—and be uplifted, be uplifted by the feeling of pride and confidence that our legacy will be sustained! The United States of America will remain the land of the free and home of the brave!

NORWAY FINDS A NEW WEAPON TO COMBAT BURMA'S TOTALITARIAN RULE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. BEREUTER. Mr. Speaker, the people of Burma continue to be ruled by a ruthless totalitarian regime. The military dictatorship maintains control only by terrorizing the population, and they smother every hint of individualism with brutal efficiency. Anyone who dares question their dictatorial rule is arrested, or simply disappears.

This week marks the fourth anniversary of the arrest of Aung San Suu Kyi, the leader of the pro-democracy movement who despite her incarceration actually won a general election in May 1990. True to form, the military junta declared the election null and void, and kept Ms. San Suu Kyi under arrest.

With absolute control over all forms of information, the people of Burma are left totally in the dark. It would be understandable if they believed that no one was aware of their plight. They are offered no solace. They are offered no hope.

But this week the Norwegian Government has begun to broadcast to the people of Burma uncensored news, information, and cultural programming via shortwave radio. Delivered in their native tongue, this radio network serves as a voice for the democratic government in exile. It tells the Burmese people that they are not alone. Mr. Speaker, this Member applauds the initiative that the Norwegian Government has exhibited in initiating these radio broadcasts. While this body has approved a number of resolutions condemning the human rights abuses of the Burmese military junta, it is important that this issue continues to be raised at every opportunity.

Mr. Speaker, a recent editorial in the Lincoln Journal commends the efforts to the Norwegian Government to provide uncensored information to the people of Burma. It provides an instructive lesson in pro-active human rights policy. This Member would ask that the July 21, 1992, editorial from the Lincoln Journal, entitled "Broadcast in Burma's Behalf," be entered into the RECORD.

JUST STOP TESTING

President Bush's announcement the United States will halt producing plutonium and enriched uranium was no bold step.

This country ended processing nuclear-weapons-grade uranium 28 years ago. Plutonium production stopped in 1988. We've got a great abundance of the stuff on hand.

What would have been striking is a presidential order to end all nuclear weapons testing for a year. That is what governments in Moscow and Paris unilaterally decided upon, and are implementing.

The administration's posture, as developed in a letter earlier this month to Sen. J. Bennett Johnston, is that the number of nuclear weapons tests will be reduced to no more "than six tests per year over the next five years, or more than three tests per year in excess of 35 kilotons." And safety, or warhead reliability, is supposed to be the main purposes of those Nevada explosions.

Would the operational character of the nation's vast inventory of nuclear weapons be endangered if the United States matched the current Russian and French test moratoriums? No reputable scientist has said so. On the contrary, many take the opposing view.

The Senate should move on legislation cosponsored by 51 of its members directing a one-year testing recess. A bill to that effect carried in the House last month. Congress, not the executive, is on the right track about nuclear weapons testing.

BROADCAST IN BURMA'S BEHALF

Give Norway credit for creative diplomacy. Contradictory, too, some might say.

The Norwegian government maintains diplomatic relations with Burma's military government. But it admits its heart belongs to Aung San Suu Kyi, the Nobel Peace Prize winner who just completed three years under house arrest in her country. Her democracy movement won a national election two years ago but Burma's incumbent generals never allowed it to take office.

So, starting this week, Norway's government is allowing the democratic Burmese opposition to use the Norwegian Broadcasting Corporation's shortwave system one hour each day to beam a message to the people of Burma. The program broadcasts uncensored news, cultural programming, commentary and announcements from the dissident government in "internal exile."

The government of Oslo decided "we would do whatever we could . . . to help the democratic organizations of Burma," said Deputy Foreign Minister Jan Egeland. No doubt the broadcasts will enhance the stature of the opposition coalition. Egeland added: "I know of few other examples of any country going this far."

That's true. Lately the opposition has drawn some financial support from Canada and Europe, but mostly the world deplores the squelching of democracy in Burma without taking steps to remedy it. Washington is one of the capitals that has limited itself to hand-wringing. Last week our State Department issued a statement praising Aung San Suu Kyi's "courage and indomitable spirit." But it didn't even mention her government in exile, headquartered in rebel-held territory along the Thai border.

The Nobel laureate probably wishes a lake of oil would be discovered beneath her country. Then Washington would be lobbying the United Nations for action and placing its armed forces on alert. Meanwhile, Norway at least is doing something.

HOUSE RESOLUTION 516, PROVIDING FOR THE CONSIDERATION OF H.R. 2607

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. DINGELL. Mr. Speaker, I am providing this information for the RECORD to correct misstatements that were made during consideration of House Resolution 516 on Tuesday, July 21, 1992, by the House.

In his remarks on House Resolution 516, CONGRESSIONAL RECORD, July 21, 1992, page H6262, Representative RITTER, the ranking Republican of the Subcommittee on Transportation and Hazardous Materials, made statements that do not accurately reflect the intent of the committee with respect to the subject legislation. First, in addressing section 9 of the legislation, Representative RITTER stated that:

> Section 9 of this bill, an administration-requested provision, merely clarifies safety enforcement authority in a situation were (sic) a railroad has delegated total obligation and accountability to an outside contractor for a continuous and ongoing operation performed by the railroad and its employees. An example would be a small railread (sic) contracting out its entire signal system maintenance program. Correlatively, there is no intention to bring within FRA's authority individual contracts performed to a railroad's specifications—for example, repair of a particular section of track under the railroad's direction. This provision is merely confirming the legal status quo, not expanding FRA's reach beyond rail carriers.

The gentleman from Pennsylvania is correct that the provision was included in the legislation at the request of the administration and that it is intended merely to clarify the current scope of FRA's safety authority. However, Mr. RITTER's statements draw a blatantly erroneous distinction between: First, situations where a railroad delegates "total obligation and accountability to an outside contractor for a continuous and ongoing operation normally performed by the railroad and its employees"—that are, according to Mr. RITTER, covered by FRA's statutory authority; and second, situations involving "individual contracts performed to a railroad's specifications"—that are, according to Mr. RITTER, not covered under FRA's statutory authority. Correlatively, the factual examples given by Mr. RITTER of each type of situation do not reflect the intent of the coverage of section 9 of the legislation.

The clear and unambiguous language of section 9, which amends similar provisions in various rail safety laws, provides that rules, regulations, orders, and standards issued by the Secretary apply to a number of different persons, including "any independent contractor providing goods or services to a railroad" and "any employee of such * * * independent contractor." There is no distinction made in the legislation between the types of contractors described in Mr. RITTER's statements.

In the Committee's report on H.R. 2607 (H. Rpt. 102–205), we stated that section 9 "simply makes the Secretary's current authority explicit." We are unaware of any pronouncement by the Department of Transportation or the Federal Railroad Administration that draws the distinction described by Mr. RITTER. If such a distinction has been drawn by the administration, I request that such information be submitted in writing to the committee immediately, with an explanation of the history and rationale therefor.

During the floor debate on House Resolution 516, Mr. RITTER also addressed section 7 of the legislation, the provision that requires so-called end of train devices on most trains—CONGRESSIONAL RECORD, July 21, 1992, page H6262:

* * * although the baseline standard will be the use of the new devices, this legislation carves out certain minimum exceptions, for example, for trains operated under 30 mile (sic) per hour. What I want to stress here, Mr. Speaker, is that although those exceptions are mandatory, they are not exclusive. Under the "public interest and consistency with rail safety" standard of this legislation, additional areas may well be exempted from the end of train requirement. One area that should be carefully examined in this regard are the operations of our short line and regional railroads, who through entrepreneurial grit have kept many marginal lines in operation, but who are not a deep pocket with a great ability to absorb increased regulatory costs.

While I believe the plain intent and meaning of section 7 is not in question, I will emphasize two points to clarify the intent of this provision. First, there are five categories of trains listed in new section 202(r)(4) that the Secretary is directed to exclude from the new regulations, including trains "that do not exceed 30 miles per hour and do not operate on heavy grades." However, categories of such 30-mile-per-hour trains may be subject to the regulations if they are "specifically designated by the Secretary." Thus, as to 30-mile-per-hour trains, the exclusion is not completely mandatory, as Mr. RITTER has stated, because the Secretary may designate categories of such trains that will be subject to, not excluded from, the requirements of the regulations.

Second, Mr. RITTER is correct that the Secretary, in addition to the five categories listed in new section 202(r)(4), as discussed above, may exclude "any category of trains or operations" from the regulations, if the Secretary determines "that such an exclusion is in the public interest and is consistent with railroad safety." This provision speaks for itself and I am confident the Secretary will apply both parts of the statutory formula—that is, public interest and consistency with railroad safety—to any specific category of trains or rail operations that the Secretary determines should be excluded from the regulations under this provision. The legislation—accurately reflecting our intent—does not direct the Secretary to consider any particular category of trains or rail operations in carrying out this provision nor does it address the degree of likelihood that the provision will be exercised by the Secretary in any respect.

OKLAHOMA SCHOOL OF SCIENCE AND MATHEMATICS

HON. MICKEY EDWARDS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. EDWARDS of Oklahoma. Mr. Speaker, we are all aware of the need to increase dramatically the mathematics and science skills of American students. I have long fought for higher standards of education and I am pleased to let other Members of Congress know about a public high school in my district that has achieved an extraordinary record of success in its 2 years of existence.

The school is called the Oklahoma School of Science and Mathematics, and it officially opened in September 1990. The inaugural class graduated in June of this year after compiling an impressive record.

I congratulate the Oklahoma School of Science and Mathematics, both faculty and students, for their excellence and want to share with my colleagues the following profile of the first graduating class.

OKLAHOMA SCHOOL OF SCIENCE AND MATHEMATICS

PROFILE

Class of 1992

An increase in ACT composite scores from 25.4 to 30.5.

A national Presidential Scholar.

Five national Presidential Scholar semifinalists.

Fourteen National Merit Finalists.

Thirteen National Merit Commended Scholars.

Seven Robert C. Byrd Scholars.

Six Academic All-Staters.

A Fleming Scholar.

Twenty who qualified for Oklahoma Higher Regents Scholarships.

Three students accepted into the OSU Engineering Scholars Program.

First Place in Oklahoma and Fifth Place in the nation for the President's Committee on Handicapped Concerns Journalism Scholarship.

Overall Outstanding Team Performance and Outstanding Written Presentation Team Award at the Oklahoma Meteorological Applied Problem Solving competition.

Governor's Commendation, winning school for the 1992 Ability Counts essay competition.

First Place, High School State Championship, Oklahoma Mathematics League.

First Place in state and Second Place in nation for Junior Engineering Talent Search Teams competition.

National Consortium of Schools Specializing in Science, Mathematics and Technology Scholar.

Howard Hughes Medical Institute Scholar.

Oklahoma Irish-American Society honoree.

Johnson Controls Incorporated Foundation Scholarship.

Oklahoma Elks Foundation Scholarship.

Ball Corporation John W. Fisher Scholarship.

Oklahoma Moose Lodge Scholarship.

American Airlines Scholarship.

Two Phi Beta Kappa Scholarships.

Vance Air Force Base Scholarship.

International Order of Foresters Scholarship.

Scottish Rite Scholarship.

Baptist Medical Center Scholarship.

ITT Hartford Insurance Group Scholarship.

Phillips 66 Corporation Scholarship.

Oklahoma Christian University Senior Day Examination Scholarship.

Ole Miss Honors Program and Alternate for the Ole Miss Chancellor's Leadership Class.

First Place, Buttram String Quartet Award.

Second Place, OU Fencing Tournament.

College acceptances include: Eight to MIT, four to Cal-Tech, and five to Rice. Other college acceptances include Boston University, U.C. at Berkeley, Duke, Dartmouth, Georgia Tech, Harvard, Notre Dame, Purdue, Stanford, Tulane, Yale, Vanderbilt, Washington University, Xavier University of Mississippi, University of Texas, USC, Texas A&M, OU, OSU, Tulsa University, OBU, OCU, Oklahoma Christian, Phillips, Southern Nazarene and the University of Central Oklahoma.

CONGRATULATING ANTHONY BARBIERI OF SAN JOSE

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. MINETA. Mr. Speaker, some would have the American people believe that Government service is either home to perpetual mediocrity or a refuge for those who cannot find jobs in the private sector. I believe charges such as these to be myths perpetuated by cynics, and I am concerned that these cynics are having a negative impact on gifted young Americans who might consider a career in Government service.

Fortunately, Mr. Speaker, there are young Americans like Anthony Barbieri of San Jose. Recently, Mr. Barbieri was awarded a public service scholarship by the Public Employees Roundtable. This scholarship, 1 of 10 presented nationally, could not have been more deserved.

Mr. Barbieri wrote an essay about Government service to the Roundtable as part of his application for the scholarship. It is my pleasure to share that essay with you, Mr. Speaker, and my colleagues in the hope that it may help to stem the tide of cynicism about public service in America.

ESSAY BY ANTHONY JEROME BARBIERI

It has been said that "No man is an island, entire unto himself." This is very true, for each of us is a member of a greater continent of being, a society from which we receive benefit and unto which we owe our service. I have chosen a public service career because it offers me the opportunity to experience the three qualities I most desire in a career: civic participation, service to others, and personal fulfillment. The specific vocation to which I aspire is that of a community or state college professor.

First, I chose a career in public service because it gives me the chance to participate in the function of our great and multicultural society. I believe that the enduring cohesion and overall success of ours or any society depends on the active participation of its members. So many people complain of worsening conditions and structural deterioration in this country, but they refuse to accept responsibility on themselves. The greatest evil in a complex society is not the poli-

tician, but apathy on the part of the populace. Through a public service career in general, and specifically as a college teacher, I intend to actively participate in the greater arena of civic duty.

The second reason I have selected public service is that by very definition it presents me with the opportunity to serve my fellow man, to communicate to others the knowledge and talents I have acquired throughout my life. This is the key reason I have chosen to become a teacher. I have a passion for knowledge. I read constantly and am always eager to expand the horizons of my awareness. I have always wanted to communicate to others this passion, to try to inspire in them the same feelings of awe and connectedness I feel when I read a classic work of literature or open my mind to a previously unknown chapter in history. It is of fundamental and paramount importance in our society to encourage the age-old veneration of the teacher and his art, for I believe that to be a teacher is the greatest public service of all.

The third reason I chose a career in public service is that it gives me a greater sense of personal fulfillment than any other occupation I have undertaken. I have owned my own business; I have worked as a freelance writer; I have been a computer technician. But only when I was a teacher's aide did I feel a sense of reward or fulfillment at the end of each day. It was hard work, to be sure, but I felt that I was actually making a beneficial difference in someone's life. It is true that personal satisfaction may be the most selfish of my reasons, but it is a selfishness that takes joy in the selflessness of serving others.

I have attempted in this brief essay to demonstrate my justifications for selecting a career in public service. My belief is that public service offers me the greatest chance to experience civic participation, service to others, and personal satisfaction. The first step on my career path is to complete my B.A. degree in Asian and Islamic History at the University of Santa Cruz. I believe my goal is an honorable one, and I would greatly appreciate your financial assistance in helping me reach this goal.

HONORING OUR KOREAN WAR VETERANS—THE FORGOTTEN HEROES

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. KANJORSKI. Mr. Speaker, I am proud to pay tribute today to a very special organization of men and women from my district, the Korean War Veterans of Wyoming Valley. This Sunday, July 26, 1992, their dream of memorializing area servicemen who fought for their country in Korea, will become a reality, as hundreds of Korean War veterans and their families dedicate a monument on the grounds of the Luzerne County Courthouse. I am pleased to have been asked to participate in this important event.

The granite memorial, in four sections, contains the names of the 142 county residents who gave their lives for their country during the Korean conflict. Included in this list are the 33 members of the 109th Field Artillery who were tragically killed in a train wreck on September 11, 1950, en route to encampment. The monument will serve as a silent reminder of "The Forgotten War" for future generations.

The ceremony this Sunday will be the culmination of a 4-year project undertaken by the Korean War Veterans of Wyoming Valley under the distinguished leadership of Comdr. Bob Stochla. The dedication of Commander Stochla and ceremony chairman, Bob Alper, cochairmen, Earl Weigel and Marty Greenberg, as well as the committee members, Bob Mattern, Bill Stefancin, Jack Kline, John Washney, and Phil Weidner will long be remembered by all of the officers and membership of the Korean War Vets. I had the distinct pleasure of working with these fine men in helping to raise the funds needed to complete the project. All of these men exemplify patriotism in its purest form and I am proud to call them my friends.

Mr. Speaker, I would be remiss if I did not take a moment to pay special tribute to a man who was instrumental in waking up the entire Nation as the founder and coordinator of the acclaimed "Korean War Awareness Project," Tony Zdanavage of Berwick. Tony was held prisoner by the Chinese for 83 days. He relates the horror of his captivity in his book "Korea—The War America Forgot To Remember." Tony's relentless efforts have caused a national movement to erect a monument in our Nation's Capital. In Tony's own words, "All veterans should understand they are not alone with their feelings of being the forgotten survivors who lived through hell on Earth. We can be remembered."

In Korea, more than 1 million men and women fought to protect democracy and almost 55,000 gave their lives in a hopeless and unpopular war. I am pleased to have the opportunity to bring to the attention of my colleagues, and the Nation, the efforts of a small group of dedicated survivors, who are determined not to allow us to forget their sacrifice and courage. It is with great pride that I ask the Congress to join me in commending the Korean War Veterans of Wyoming Valley as they dedicate a permanent reminder for future generations, so that Korea will no longer be the forgotten war.

NEW ZEALAND REMEMBERS FIRST GI OFF THE BOAT

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. FEIGHAN. Mr. Speaker, in commemoration of the 50th anniversary of the Second World War, I would like to take the time to honor a native Clevelander Nathan Cook. Mr. Cook was the first American to land on the shores of New Zealand during the troop buildup preceding the Pacific operations of World War II.

Mr. Cook, a member of the 37th Infantry Division of the Ohio National Guard, exemplifies the dedication and patriotism that helped the United States and the Allied Forces win the war.

Deciding not to wait for the draft, Mr. Cook joined the Guard July 15, 1940, at the age of 30. Nathan Cook and his fellow U.S.S. *Uruguay* soldiers were a core group of the 500,000 New Zealand bound troops. These Allied forces proved crucial in the strike against Japan after the Pearl Harbor bombing.

It was no coincidence that Mr. Cook was the first down the gangplank. Realizing the historic nature of their journey, a soldier pointed out that Nathan shared the name of the English captain, James Cook, who in 1769 discovered New Zealand, remembered the English captain. With that in mind, Nathan's commander tapped him to be the first man ashore.

Mr. Speaker, it was 50 years ago on June 12 that our Pacific operations began, and we honor all the troops that fought in World War II, we should also honor and thank the man—Nathan Cook—with the special name and the special courage who started it all off for us.

At this point, I would like to insert in the RECORD a recent Cleveland Plain Dealer article featuring Mr. Cook, and I urge my colleagues to read it.

NEW ZEALAND REMEMBERS FIRST GI OFF THE BOAT

(By Lou Mio)

Nathan Cook never figured to become a celebrity when he boarded a troop ship in California 50 years ago.

The USS Uruguay was jammed with troops from the 37th Infantry Division, the Ohio National Guard unit federalized by Washington and sent into action during World War II.

"I joined the guard July 15, 1940, before they were federalized," said Cook. "I was 30 at the time and figured, 'Why wait for the draft?' "

Four months later, the 37th became part of the Army. The Ohioans were shipped to Camp Shelby, Miss., for training, and by 1942 were en route to the war in the Pacific. Cook was a first sergeant in the 145th Infantry Regiment.

The 37th was headed for Auckland, New Zealand, and the Fiji Islands, part of the Allied buildup to strike back at the Japanese, unstoppable since the attack on Pearl Harbor and threatening to invade Australia.

"We didn't know our destination until a day and a half before we arrived in New Zealand," Cook said.

The troop commander on the Uruguay wanted to do something special since these were the first American soldiers to come ashore in New Zealand. Somebody on board had a sense of history and remembered the name of the English captain who discovered and charted all of New Zealand in 1769—James Cook.

"Because we had the same name, the troop commander designated me to be the first man to walk down the gangplank," said Cook, 82, of Triskett Rd. "I recall the day pretty well. It was June 12 (1942). I was company first sergeant and kept all the records.

"We docked at Princess Wharf," Cook recalled. "I remember the thrill of being the first soldier down the gangplank, the excitement of the soldiers and the enthusiasm of the people watching us disembark."

Cook and the others in the convoy were the vanguard of an estimated 500,000 Americans who passed through New Zealand. Last October, David Conway, an Englishman, and Del Sutton, his New Zealand wife, organized Operation U.S. Down-Under when they learned that the government had nothing planned to commemorate the American presence during the war.

"I started it and dragged David in," said Sutton, of Auckland. The couple got things

rolling with $11,000 (about $6,000 U.S.) of their own money, but little governmental support until Conway wound up being interviewed in New Zealand's largest newspaper.

"I gave the government a well-deserved blast for its meanness," he wrote in a letter to the 37th Division Association. "It had the desired effect, because we now have all the money we needed so desperately in October.

"We say that our project is a people-to-people expression of thanks from the people of NZ to the people of America for saving us from the unthinkable," he wrote.

"There were half a million Americans here during World War II," Conway said in a telephone interview from Auckland. "You people had quite an impact. Things like Coca-Cola and hamburgers."

Sutton and her family saw a lot of GIs up close. The Army set up Camp Euart on their farm.

"My wife thought all New Zealand girls grew up with 5,000 Americans in the back garden," Conway said.

Conway and Sutton learned that Cook was the first American down the gangplank. They wanted to find him and bring him to New Zealand for this week's commemoration.

"I found out this month they were looking for me," Cook said. "I was surprised. It seems they were trying to get hold of me for a long time. There was a notice in the 37th Division newspaper. Somebody knew I was still around and called."

The prime minister of New Zealand offered to pay for Cook's trip. He had to decline.

"I checked with my doctor," said a disappointed Cook, who has emphysema and heart problems. "He said I would never stand it."

Undaunted, Conway contacted Cook and asked if he would say a few words on videotape. The tape was made Friday and sent to Conway.

"We want to show it in the Civic Theater in Auckland," Conway said. "It's a place Americans would know. The American ambassador will be there. Eleanor Roosevelt spoke there once."

American troops paraded down Queen St., the main street in Auckland, on June 19, 1942. The focal point of this commemoration will be a parade down the same street—50 years later.

Cook didn't stay long in New Zealand. The 37th went into action about one month later and fought continuously for 23 days on the island of Munda in New Georgia. Torn ligaments from a knee injury playing sandlot baseball caught up with Cook, who had been promoted to second lieutenant.

He was sent home and eventually discharged in July 1944.

On the videotape, Cook came close to tears while talking about his stay in New Zealand and the friendliness of its people.

"Many families requested us to send six or seven soldiers for dinner," he recalled. "They were very hospitable people. Many of them threw parties for us and even hired entertainers."

"We were in New Zealand about five weeks," he said. "To a man, I can say we all loved New Zealand and its people. I think they thought the same of us."

CALIFORNIA RATIFIES THE MADISON AMENDMENT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. LANTOS. Mr. Speaker, California has become the 40th State to ratify the Madison amendment. My good friend, State Senator Quentin L. Kopp, played an instrumental role in assuring its passage. I congratulate Senator Kopp for his fine work and I ask that Senate Joint Resolution 1, the bill calling for the ratification of the Madison amendment, be printed in today's RECORD:

SENATE JOINT RESOLUTION 1

Whereas the First Congress of the United States of America at its First Session, in both houses by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"The Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficient ends of its institution.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring*, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all or any of which Articles, when ratified by three fourths of the said Legislatures to be valid to all intents and purposes, as part of the said Constitution, viz.;

"Articles in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

"Article the second—No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened"; and

Whereas this proposed amendment will be valid as part of the Constitution of the United States when ratified by the legislatures of three-fourths of the several states; and

Whereas this proposed amendment has already been ratified by the legislatures of the following states Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming: now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That this proposed amendment to the Constitution of the United States of America be and the same is hereby ratified by the Legislature of the State of California; and be it further.

Resolved, That the Secretary of the Senate transmit certified copies of this resolution to the Archivist of the United States, Washington, DC, the President of the United States Senate, and the Speaker of the House of Representatives of the United States, with the request that it be printed in full in the Congressional Record.

TRIBUTE TO MR. HAROLD KENDLER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. PALLONE. Mr. Speaker, I would like to take a minute to pay tribute to a constituent of mine, Mr. Harold Kendler, who passed away this week. Harold Kendler was a man of extraordinary integrity and persistence, as well as one of the leading advocates in the country for Social Security notch justice.

As a railroad union official, Mr. Kendler was a tireless advocate for the common working man. As a retiree, he continued his dedication to the working men and women who had been shortchanged by the Social Security system. He cofounded the group End Notch Discrimination [END] and traveled all over the country organizing and rallying notch victims into a loud and unified voice for change.

It is fitting that we memorialize Harold Kendler today, Mr. Speaker, because today would have been the day that he testified before the House Ways and Means Committee about the need for notch reform legislation. For nearly 10 years, Congress has been holding up legislation designed to redress the grievances of the Social Security recipients born between 1917–26. Largely through Harold's championing of the notch issue, we have gathered over 280 cosponsors on the bill in the House of Representatives and have forced legislation to the closet point of passage in years.

Mr. Speaker, the motto Harold Kendler chose for his organization was, "Don't wait until we die * * * End Notch Discrimination Now." I only hope that Congress will take the example of his life, and not wait until other notch victims pass without receiving the benefits they so justly deserve.

Harold Kendler was a caring, light hearted man who enriched everyone he came into contact with. Without his presence, the notch community will be missing a fierce fighter and a true friend. He will be sorely missed.

DRUNK DRIVER KILLS FOUR YOUNG PEOPLE IN WORST ACCIDENT IN SANTA MONICA'S HISTORY

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. LEVINE of California. Mr. Speaker, it is with deep sorrow that I rise today to pay tribute to four young people; three whose lives were ended abruptly and one whose valiant struggle to live was both hopeful and inspiring. Rita Morgan, Julie Dicks, Rob Cash, and Christopher Baker were hit by a drunk driver

on the morning of June 7, 1992. This is the worst accident in Santa Monica's history.

Rita Morgan, the group's designated driver, had been in a coma since the accident. On June 30, 1992, she was disconnected from a respirator and began to breath on her own. Unfortunately, she gradually weakened and she stopped breathing Sunday morning, July 12. Rita graduated from California State University at Northridge with a degree in physical therapy last May. She previously worked as a physical therapist for the Los Angeles Clippers. In addition to her educational and professional accomplishments, Rita had been a great asset to the community. Her greatest joy had been her community service work as a clown. Rita, also known as Titi the clown, performed extensively with the volunteer organization visiting convalescent homes, children's hospitals, and the Special Olympics.

Julie Dicks and Rita Morgan had been friends since they attended Notre Dame High School. Julie graduated from San Diego State University in May 1992. She served this past year as a resident assistant in her dormitory, helping the incoming freshmen to adjust to college life. Julie planned to continue her education in order to establish a career in teaching. Although Julie lived in San Diego while attending school, she drove home every Sunday to visit her family and friends. She was also active in her church, singing in the choir, and setting an example to all who knew her.

Rob Cash had returned home to Santa Monica on June 2, after spending a year studying and working in Germany. Fluent in German, Rob graduated from the School of International Training in Brattleboro, VT, in June 1992 after completing his course of study and internship under the world issues program at that institution. Before transferring to the School of International Training, Rob attended Santa Monica College. While living in Santa Monica, he worked as a teaching assistant at the neighborhood nursery school. "Mr. Rob," as he was known to the children, also volunteered much of his time to various programs at the local YMCA. He also processed great love for and talent in soccer, having competed in the sport for much of his life.

Christopher Baker spent his life teaching and caring for the children in the community. Christopher worked full-time as a teacher at the neighborhood nursery school. Known to the children as Mr. Chris, Christopher, along with Rob Cash, provided the nursery school children with the rare experience of having male role models at that level. Following his work each day at the nursery school, Christopher had a second job as a coach at St. Joan of Arc School teaching athletics. He also taught tumbling at the YMCA on a voluntary basis. Even more than teaching, however, Christopher loved baseball. Christopher was involved with Santa Monica Little League for 16 years. He was manager and coach of a number of teams throughout those years and took great pleasure in the achievements of all of his players. He also took time out to give the players extra practice session and batting practice and to provide transportation to and from the games if necessary. In addition, Christopher played on three different softball teams, one of which plays in the Santa Monica Men's League.

The loss of these three young people who made such great contributions to the community is particularly tragic. The families, friends, coworkers and countless children and young adults whose lives they touched feel a great loss. They have now rallied together to more powerfully convey the message that drunk driving will no longer be tolerated in their community.

Julie, Rob, and Chris will be sorely missed. They provide a vivid reminder of the human cost of the crime of drunk driving. Congress must continue to find ways to get drunk drivers off the road and punish anyone who continues to drink and drive. I urge my colleagues to join with me in sending our deepest sympathies to the families of these four young victims; may the contributions of their sons and daughters be revered and long remembered.

I would like to submit for the RECORD a copy of the speech given by one of Christopher Baker's colleagues from the Santa Monica Little League. Dr. Barry Weichman helped Christopher coach his 1992 team and made these remarks at the dedication of the new batting cages at Memorial Park in Santa Monica to Christopher R. Baker.

SPEECH BY DR. BARRY WEICHMAN

On Sunday I was informed of the tragic and senseless death of someone who had just recently become a friend and teacher, Chris Baker. Chris was my son Jeff's baseball coach this year. As assistant coach, I was fortunate to spend time with Chris both in the dugout and on the field. Chris knew baseball. Chris loved baseball. He imparted his knowledge of and love for the game with great zeal and great dignity. He was respectful of his players and would relish in their accomplishments. He had coached my oldest son, Jerry, as an allstar and he had befriended my youngest son, Joseph, whom he had hoped to coach in the future. Chris had no children of this own. He was 26 years old.

Chris Baker was the ultimate volunteer. He nearly always chose to say "yes." In a world of take, I only saw Chris give. From his players he asked only that they do their best. So in losing Chris, what answers have I found? My friends, life is short. No one can predict when or even if we as individuals will be able to impact the world in which we live.

From my perspective, Chris Baker impacted profoundly my life, my family's lives, as well as the lives of many other children and families in Santa Monica by doing something that he chose to do, by saying "yes" to coaching and teaching the children. It was not his job, he received no payment. Coaching the children was not a stepping stone to advance his career. He gave of himself because Chris Baker did not have a concept of his life in which he did not give. Sure, there were plenty of other things he could have done with his time and energy, but Chris' concept of himself included giving of himself to help others, and it felt good.

TRIBUTE TO THE COMMUNITY WEATHERIZATION PROGRAM IN YOUNGSTOWN

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. TRAFICANT. Mr. Speaker, I proudly rise here today to honor a group of young men and women in my 17th Congressional District who took part in a wonderful program. The Community Weatherization Program is a program which takes young kids off of the streets to help rebuild homes of the elderly.

Recently, I received a letter from a Mrs. Elizabeth DaSaro in Boardman, OH. She is 77 years old and disabled. Her husband, who passed away a few years ago, was a disabled American veteran. Mrs. DaSaro's illnesses drained her savings years ago. Currently, she lives in a mobile home at a trailer park.

Mrs. DaSaro wrote:

> This wonderful group of young women and men pitched in with joy and gladness in their hearts to improve my mobile home. This to me was so welcome and heartwarming. I cried inside to be so richly blessed and rewarded.

Mr. Speaker, these young men and women are part of the Department of Energy's Weatherization Program that insulates and weatherizes homes for low-income families in Youngstown and in other communities nationwide. Part of the Youngstown Area Community Action Program, this program provides jobs and job training for 36 people. Many of the employees started as summer help and received practical job training.

Mr. Speaker, programs like this ultimately benefit the community in many ways. First, these programs provide tangible benefits such as jobs and job training. These programs weatherize homes for the winter. This conserves fuels and keeps fuel bills low.

Second, and most importantly, Mr. Speaker, this program shows those like Mrs. Elizabeth DaSaro, that somebody does care about their well being. Perhaps this is the most important benefit of all.

THE MARINE MAMMAL CAPTURE, EXPORT, AND PUBLIC DISPLAY PROTECTION ACT OF 1992

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. BILIRAKIS. Mr. Speaker, today I am introducing a bill which will provide greater protection for our Nation's dolphin—and more broadly, marine mammal—population.

Simply put, more can be done to prevent the needless deaths of these animals. According to the Marine Mammal Commission 1991 Annual Report to Congress:

> Over the past decade and a half, there has been an increase in the incidence of unusual marine mammal mortalities throughout the world. These incidents have occurred in widely separated areas and have involved a variety of marine mammal species, including monk seals in the northwestern Hawaiian Islands, harbor seals in New England, manatees in Florida, and humpback whales in Cape Cod. Among the largest and most publicized were the deaths of more than 700 bottlenose dolphins along the U.S. Mid-Atlantic coast in 1987 and early 1988, and more than 17,000 harbor seals in the North Sea later in 1988.
>
> As noted in the previous annual report, there were two incidents of higher-than-normal bottlenose dolphin mortality in the Gulf

of Mexico in 1990. There also was a catastrophic die-off of striped dolphins in the Mediterranean Sea.

In light of these types of mass mortalities, Federal management of marine mammal protection laws must be taken even more seriously. Responsible policy must be established and enforced in an effort to respond to these mortalities and prevent needless deaths in the future.

Mr. Speaker, there is a dire need for the Federal Government to more strictly regulate the handling of marine mammals—the way they are captured and released, their transport between facilities, their care and handling in theme parks and oceanariums and their export to other nations. Dolphins and other marine mammals have died needlessly in captivity in the past, in numbers that are simply unacceptable, and we have a responsibility to address the reasons for these deaths. We cannot continue to carry on business as usual, but must carefully examine our procedures for dealing with marine mammals.

My bill would strengthen Federal law affecting the treatment of marine mammals in three main areas—capture, export, and public display. It would establish a tracking system in order to establish and maintain better records on the transfer of dolphins between facilities. Under this new tracking system, it would be easy to access an animal's health record, capture history, and other information vital to its handling. To stress the importance of such a tracking system, a moratorium would be established on the capture of marine mammals until this tracking system is in place.

Also, my bill would ban the export of marine mammals to other nations unless the animal is being exported in order to improve its health or well-being. It is simply not responsible policy to export dolphins captured in U.S. waters to other nations who may not enforce animal protection laws. It is inherently difficult to conduct oversight of other nations' enforcement of laws of this type, and unless oversight can be successfully achieved, the export of marine mammals is not responsible policy.

In addition, my bill would direct the Secretary of Agriculture to review the standards of care that must be adhered to by theme parks and other facilities that hold marine mammals in captivity. Many people have concerns that the environment in which marine mammals are placed in captivity differs too much from the environment from which they were taken. We have gained a great deal of knowledge about the needs and behavior of marine mammals in recent years, and this knowledge must be used to improve the quality of life of marine mammals held in captivity and prevent early deaths of these animals.

My bill also would require the Secretary of Agriculture to review standards established under the Animal Welfare Act for the care and habitat of marine mammals in captivity, and determine whether those standards are adequate, considering:

First, the sizes of marine mammals;

Second, current knowledge of marine mammal physiology and behavior, with respect to their need for exercise, auditory capabilities, and their pre- and post-natal requirements;

Third, their psychological and physical well-being;

Fourth, their needs related to social grouping, including minimum group size, gender, mix, and age composition;

Fifth, interspecies compatibility; and

Sixth, environmental modifications that might allow for more normal behavior and social interaction.

In addition, permits for research on marine mammals would be limited to 2 years under this bill, unless the Secretary of Commerce issues a special extension for a long-term study. Also, guidelines would be set up for releases of marine mammals taken for research back into the wild—so that this is done in the most humane manner possible. For example, the bill requires that the animals be released in their original site of capture.

Civil and criminal penalties for those who break the animal welfare laws must be increased to maintain adequate compliance. The bill would raise the penalties for those who violate provisions of the Animal Welfare Act relating to marine mammals to be equal with the penalties under the Marine Mammal Protection Act. Civil penalties would be increased to not more than $10,000 for each violation and criminal penalties for knowing violations would be increased to be not more than $20,000 for each violation, and/or imprisonment for not more than 1 year.

I simply feel that these issues outlined in this bill must be examined by Congress as a body and in the committees of jurisdiction. These are serious issues, and current law affecting the handling of marine mammals needs to be debated, considered carefully, and amended.

VACLAV HAVEL: HERO OF THE VELVET REVOLUTION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. BEREUTER. Mr. Speaker, the prodemocracy movement in East and Central Europe has produced a handful of genuine heroes—Lech Walesa in Poland, Boris Yeltsin in Russia, and Eduard Shevardnadze in the former Soviet Georgia. But this Member is convinced that there is no greater figure than President Vaclav Havel of Czechoslovakia. In 1989, he led the Czechs and Slovaks in a marvelous, wondrous, bloodless velvet revolution. And he has become one of the world's leading voices of reason.

Now, however, with the Slovaks splitting away from the Czechs, President Havel is stepping down from the Presidency of the Czech and Slovak Republic. But this quiet, gentle man deserves the heartfelt thanks of us all. This Member only hopes that the people of Slovakia and the Czechlands will, in time, rediscover the message of peace and unity that Vaclav Havel espoused.

This Member would ask that the July 22, 1992 editorial of the Omaha World Herald be entered into the RECORD. As the World Herald correctly notes, both the "Czechs and Slovaks owe him a debt of gratitude that would be difficult indeed to repay."

[From the Omaha World Herald, July 22, 1992]

HAVEL'S VELVET INTERLUDE

Vaclav Havel, the playwright and philosopher who led Czechoslovakia out of the collapsing communist orbit, is out. He was brought down by the ethnic divisions that have plagued his part of Europe since the dawn of recorded history.

Czechoslovakia now heads toward a breakup into Czech and Slovak republics. Havel, who had served as president of the united republic, was blocked from a second term in office. He has resigned several months before the end of his first term.

Havel has been an admirable leader during a difficult time. About three years ago, he and a group of other dissidents and artists assumed power in what has since been called the Velvet Revolution, a bloodless ouster of the communist regime. Since then, he has gained international respect for himself and his government.

Havel used the sheer force of his intellect to help bring down communism and get the new republic on tract. He exercised a moral force that was due in part to his countrymen's respect for the years he spent in prison for his beliefs. His courage is unquestioned. His policies while president were mostly progressive and farsighted. And he brought a new humanist view to the once-repressive government.

But it was not to last. Havel worked hard to save the federation. He now concedes that the centuries-old ethnic resentments were so strong that the breakup of the country may have been inevitable once the heavy hand of communism was lifted.

Observers have predicted that the dissolution may be peaceful when it comes. The two states may simply break apart without a vote, each forming its own independent government and existing as neighbors. That would be in stark contrast to what was once Yugoslavia, where old ethnic resentments have erupted into a tragic series of civil wars.

But it is too bad that the Czechs and the Slovaks didn't respond to Havel's eloquent, responsible call to unity. Under his enlightened leadership, a united Czechoslovakia could have provided the rest of Europe an example of how different ethnic groups can get along—an example that can't be presented too often.

Factionalism is winning out over good sense, as it often does. But thanks to Havel, the transition from communism to freedom was smooth and bloodless. Czechs and Slovaks owe him a debt gratitude that would be difficult indeed to repay.

IN MEMORY OF MAYOR LARRY VICTOR TALBOT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. SKELTON. Mr. Speaker, recently, an outstanding Missourian, the mayor of Bagnell, MO, Mayor Larry Victor Talbot, met an untimely death. His contributions to his community will long be remembered.

Born in Montgomery City, MO, in 1926, Larry Talbot later moved to Shelby County, where he spent most of his life. In 1968, he married Carol McSorely.

Talbot worked in bridge construction most of his life. Most recently, he was the operator of

Camp Bagnell, 5 miles downstream from Bagnell Dam. He was a Baptist, a veteran of the Korean war and was a member of the Lake of the Ozarks American Legion.

Larry Talbot is survived by his wife, mother, 4 daughters, 2 stepdaughters, 2 half-brothers, 3 sisters, 1 half-sister, and 11 grandchildren. He will be missed not only by his family and friends, but by the community he served.

TELLING THE FBI'S STORY

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. OXLEY. Mr. Speaker, John Collingwood, the inspector in charge of the new Office of Public Affairs and Congressional Services at the Federal Bureau of Investigation, is an old friend from my hometown of Findlay, OH. I congratulate John, and I commend the following profile from yesterday's Washington Times to the attention of my colleagues:

TELLING THE FBI'S STORY

(By Jerry Seper)

The first arrest John Collingwood made as an FBI agent was the realization of a boyhood dream, even if it was a little less glamorous than he'd pictured it.

No international terrorists. No dangerous spies. No white-collar thieves or La Cosa Nostra crime bosses. No corrupt public officials.

It was hijackers. Trucks. Small trucks. They stole shrimp. It wasn't a very big case.

But, Mr. Collingwood says, that experience as a member of the FBI's major theft squad in Detroit taught him a big lesson. And he hopes to keep it in mind during his most recent assignment as the FBI's chief flak catcher.

"The real keepers of the image of the FBI are the agents on the street," he says. "That's the story we want to tell, the story that the American public and the Congress needs to hear."

"Cases are being solved by agents who continue to knock on doors and ask the right questions," he says. "They're responsible for what the FBI has been and what it will become."

Mr. Collingwood, a lawyer and 17-year veteran of the Federal Bureau of Investigation, took over Thursday as inspector-in-charge of the new Office of Public Affairs and Congressional Services Office. Created by FBI Director William S. Sessions, the office combines two others—the Office of Public Affairs, headed by Thomas F. Jones (since named agent-in-charge of the FBI field office in Cleveland), and the Office of Congressional Services, formerly headed by Mr. Collingwood.

The appointment came as no surprise to those who work with Mr. Collingwood. Or to those who have known the Findlay, Ohio, native during his 12 years at FBI headquarters, where he also has served in the Legal Research Unit and as chief of the bureau's Civil Litigation Program.

Soft-spoken and articulate, Mr. Collingwood, 44, has kept his head down in the dog-eat-dog climate of bureau headquarters. He is one of a handful of FBI executives with immediate access to Mr. Sessions. As a special assistant to the director for two years, many believe he is one of Mr. Sessions' closest advisers.

"He has the director's ear, there's no question about that," one high-ranking FBI official says. "But more importantly, he knows when to use it and knows better than to abuse it."

"Genuinely likable and very charming," is another FBI executive's assessment. "He is determined, tireless, shows great self-discipline and has honed a no-nonsense management style that works."

That style may have been developed during his college days at Bowling Green University, where he received a bachelor's degree in 1970 from the School of Business. Or at the University of Toledo, where he got his law degree in 1975. Or at his family's Ford dealership in Ohio, where he worked for two years before entering law school.

In fact, he went to law school with the FBI in mind.

"I thought at the time that most everyone in the FBI was a lawyer and that it was the route to take if I wanted in the agency," he says. "So I took it."

The road to Washington began in 1975 at the FBI field office in Detroit, where he worked first on the major theft squad and later on the organized crime squad. (That first arrest in the great shrimp caper went down inside a brewery, but that's another story.)

In 1978, the bureau sent him to the Defense Language Institute in Monterey, Calif., a prestigious Pentagon facility. The school teaches more than a dozen languages to intelligence specialists and others, including the FBI. It is considered one of the most intense language courses in the country.

Mr. Collingwood's specialty was Cantonese, which he used on his next assignment at the FBI field office in Portland, Ore. He worked Asian gangs and foreign espionage cases. (Actually, he admits his first chance to use his newly acquired Cantonese came at a Chinese restaurant in San Francisco.)

Two years later, Mr. Collingwood arrived in Washington. He was coaxed here by John Mintz, former assistant director of the FBI's Legal Counsel Division. Mr. Mintz, during a visit to the Portland field office, was looking for agent/lawyers to bolster his legal staff.

"It was a good opportunity for me and I didn't hesitate to take it," recalls Mr. Collingwood, admitting that he and his wife, Mary Ann, also wanted to reduce the miles between them and their families in Ohio and Michigan.

"But I still miss being out in the field," he adds. "That's something that's ingrained in all agents. Solving crimes is what it's all about, and that's the story we hope to tell."

The Collingwoods live in Northern Virginia with son Mark, 10, and daughter Stephanie, 13.

In his spare time, Mr. Collingwood says, "I'm really into two things. My kids' sports—my life revolves around Little League and swimming—and the other thing is computers. You wouldn't expect a lawyer to be into computers, I guess, but I am."

Nothing fancy, just a regular personal computer he uses with on-line services and various kinds of software.

At work, his office's tasks are to tell the news media and the public what the FBI does and why; prepare FBI publications; respond to inquiries; manage congressional relations; oversee FBI testimony before congressional committees; and provide Congress with information on FBI operations, guidelines and accomplishments.

There is one particular story that many expect John Collingwood to try to tell, although without much fanfare.

A longtime loyalist, he is a staunch defender of Mr. Sessions—who recently has come under fire from inside and outside the bureau. In answering questions, Mr. Collingwood often defers to comments and policy statements his boss has made.

"The director is extremely motivated to do more and to better serve the public with the same or fewer resources.

"The director is a firm believer that Congress and the American public have every right to know what the FBI is doing. * * *"

The defense is not contrite, nor does it appear to be planned. Mr. Collingwood believes Mr. Sessions' cheerful approach to problem solving is misinterpreted by critics as weakness or lack of interest.

"His record at the FBI is clear," the public affairs chief says, "He has waded into some of the stickiest issues ever confronting the agency without hesitation."

The media and others have questioned the FBI director's policies and management style. The most potentially damaging and divisive criticism, however, may be that coming from many of his own agents who are angry over what they see as moves to initiate a quota system in the hiring of minorities and women.

The predominantly white FBI Agents Association, which represents more than 60 percent of the FBI's 10,400 agents, is seeking a court order to force Mr. Sessions into revealing the contents of an agreement he signed in April with black agents. That agreement guarantees job assignments, promotions and training opportunities. Hispanic agents won a similar pact three years ago in a race discrimination lawsuit.

Female agents balked at a recent equal treatment. The women said they were "tired of the separatism and group interest that appears to be growing within the ranks of the FBI."

Mr. Collingwood won't discuss allegations of a quota system, saying the matter involves pending litigation. He does say, though, that Mr. Sessions has not been afraid to take on extremely difficult issues.

"His view is that he'll do what has to be done and that the facts will speak for themselves," Mr. Collingwood says, in his first official defense of the director.

Mr. Collingwood's efforts to tell the public and the media about the FBI and its accomplishments may be an easier task today than it was before. It's no secret that former Attorney General Dick Thornburgh, who wanted to name his own man as FBI director, often moved to control and limit the FBI's access to the media.

Mr. Thornburgh resigned in August to run unsuccessfully for a Senate seat from Pennsylvania. His successor, Attorney General William P. Barr, has not instituted similar constraints.

Mr. Collingwood has no comment on all this, except to say that his office will operate under "clear mandates" handed down by Mr. Sessions.

"Our job is to serve our customers. That includes the media, the public and Congress," he says. "We are the servants of the American public, and it has every right to know what the FBI is doing."

UNITED STATES LAWYERS ARE WELCOMED BY RUSSIA

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. SPRATT. Mr. Speaker, the Wall Street Journal recently ran an article describing the Central and East European Law Initiative [CEELI], a program which is sponsored by the American Bar Association. CEELI provides United States legal expertise to nations throughout Eastern Europe and the former Soviet Union as these nations restructure their legal systems. Critical to the success of CEELI is the principle that lasting political reform depends on a stable, respected, and well-functioning system of law.

CEELI attorneys have already helped to advise nations in the redrafting of commercial codes, judicial procedural rules, and even national constitutions. Even though CEELI does receive a modest amount of Federal funding, the cost to taxpayers is very small since all the American attorneys who participate in the program do so without compensation. CEELI is an excellent example of a public and private partnership providing an important service to new democracies. I support programs of this type which maintain America's role as the leader of the free world, and I encourage my colleagues to learn more about CEELI.

[From the Wall Street Journal, June 12, 1992]

UNITED STATES LAWYERS ARE WELCOMED BY RUSSIA

(By Jonathan M. Moses)

American lawyers, often reviled at home, are getting a warm reception in Russia. Not to mention Romania, Lithuania and Bulgaria.

Increasingly, U.S. lawyers, judges and law teachers are offering their services to help write laws and constitutions for the newly emerging democracies of the former Soviet bloc. While many in the U.S. contend that U.S. lawyers have made a mess of their own legal system, novice lawmakers in countries with leftover Marxist legal systems apparently think American and West European lawyers have something to offer.

"Perhaps we're on a continuum, and the reputation of lawyers here in the U.S. is well-deserved," said U.S. Appeals Court Judge Richard L. Nygaard, who has advised constitution writers in Romania, Lithuania and Bulgaria. "But there, it's quite the opposite. They really, truly need more lawyers."

And the lawyers are coming. From committees sanctioned by the American Bar Association to law professors independently dispensing legal advice as they travel through Central and Eastern Europe, the source is as varied as the issues that need confronting.

Much of the work so far has been in such non-commercial areas as constitution writing. The topics are broad. Civil rights, the structure of the judiciary and the power of the legislative and executive branches are all on the constitutional agenda. Other efforts have included criminal and administrative law reform, as well as a sister-law school program involving at least 90 U.S. law schools and nascent schools in Central and Eastern Europe.

Andras Sajo, a Hungarian scholar specializing in international law and comparative constitutions, says that the U.S. legal system also has been influential in technical areas such as environmental law, banking law and securities regulation. "These are systems that have never been seen before," said Prof. Sajo, who will be teaching at the newly created Central European University in Budapest.

Prof. Sajo, who was trained as a lawyer in Hungary, said that other, broader U.S. legal ideas are more difficult to transfer since the European Continental tradition has roots in Central and Eastern Europe. For example, he said, it is unlikely that the new republics will give up the European judicial system that limits the power of most judges in favor of a U.S.-style judiciary that gives most judges a crack at determining the constitutionality of laws.

One of the most active of the U.S. groups providing legal advice is the Central and East European Law Initiative, CEELI, of the American Bar Association. With a prestigious board that includes Associate Justice of the U.S. Supreme Court Sandra Day O'Connor, CEELI has been able to call on the elite of the American legal profession to participate in its programs.

Most of the legal advice is being provided without charge. To guard against conflicts of interest, CEELI requires participants in its programs to disclose any work that they or their law partners are doing in these countries and to agree not to promote their law firms in the course of providing advice. But many of the same firms also are looking toward the region to generate commercial business once the legal and political climates are ripe.

Often participants in CEELI programs offer line-by-line critiques of proposed laws or constitutions. Lawyers and legal scholars participating in these programs agree that some of the best advice they can offer is based on the experience they've had at home about what works and what doesn't. The U.S. experience shows up in suggestions such as those made by a legal counsel to the U.S. Senate that strict ethical rules be set up for legislators, and those made by a federal judge that women's rights be codified.

But the participants quickly reject the notion that they're pushing the U.S. system over others. "Frankly, I don't think our constitutional model is a very good model. I don't push it at all," says Herman Schwartz, a professor at American University Law School and a member of CEELI's advisory board.

Laurence Tribe, a professor at Harvard Law School who independently advises Central and East European nations, says it would be the height of "hubris" for U.S. legal scholars to view themselves as "wandering James Madisons." He adds that past experiences of legal scholars writing constitutions in new republics have proven to be a failure precisely because the U.S. authors imposed their own ideas over all others.

Indeed, the Central and East European lawmakers feel free to pick and choose from the varied choices on the world's constitutional menu. For example, most of the new republics appear to favor the specific language in Western European treaties on human rights, as opposed to the more general U.S. Bill of Rights. But it is the U.S. system of separation of powers, as opposed to the parliamentary systems of some West European countries, that is favored.

Even with the best legal advice the U.S. has to offer, there's no guarantee that a new constitution, or law, will be approved. Even Czechoslovakia, which has strong links with Western intellectuals and which is viewed as one of the more constitutionally advanced of the Central and East European nations, hasn't approved its constitution because of disputes between Czechs and Slovaks over power sharing.

As for the feeling U.S. lawyers and legal scholars have that they're getting the respect in Central and Eastern Europe that they no longer get at home, Prof. Sajo says that his U.S. colleagues shouldn't let it go to their heads. "They talk to other lawyers there, that's where that idea is getting reinforced. They're not talking to ordinary folks."

DISCRIMINATION AGAINST ASIAN AMERICANS IN COLLEGE ADMISSIONS CONTINUES

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. HUNTER. Mr. Speaker, recently the chancellor of the University of California at Berkeley in an op-ed article in the Los Angeles Times attempted to justify the admission policies of that university. He admitted to the amazing fact that even such an academically renowned institution such as Berkeley admits only 55 percent of its undergraduate students on the basis of academic merit.

He tries to justify subjective selection of the other 45 percent of its students as an attempt to encompass a broad diversity. He claims this is culturally sound. He asks if this is fair and answers: "We think so, and in that sense it is fair."

On July 16, the Los Angeles Times published a letter to the editor from our colleague DANA ROHRABACHER that demolishes this sophistry.

I insert in the RECORD Chancellor Tien's article and Congressman ROHRABACHER's letter to the editor.

I also ask permission to insert another letter published the same day from apparently an Asian-American high school student denied admission who tells what he thinks of Chancellor Tien's fairness.

Mr. Speaker, I also insert a letter from Congressman ROHRABACHER to Education Secretary Alexander setting forth the slowness of the Department in investigating Asian-American discrimination complaints pending at the Department.

Mr. Speaker, this is a continuing problem that the Department ought to act on immediately. I commend this correspondence to all who are interested in truly nondiscriminatory college admissions policies.

[From the Los Angeles Times, July 7, 1992]

A DIVERSE STUDENT BODY SERVES A DIVERSE SOCIETY

(By Chang-Lin Tien)

After bidding farewell to 8,550 graduates, one of my most satisfying experiences, I am also faced at this time of year with one of my most unpleasant tasks: explaining to many parents why their fully qualified sons and daughters could not be admitted to UC Berkeley, their campus of first choice. I have calculated that each year since 1986, Berkeley has provided bad news to 12,000 families,

and it is likely that this number will continue to increase.

The rationing of a finite good, the cost of which is borne in part by taxpayers, must be done with care and openness. This process is fraught with pitfalls because it is based on fundamental values of a democratic society—equality and individual merit—that, at times, are at odds with one another. Our responsibility is to seek a proper balance between the two. This requires continual attention and refinement of our policies.

Fortunately, the Legislature and the Regents of the University of California have given us guidelines for this ever-changing balancing act. The Regents' Policy on Undergraduate Admissions states: "Mindful of its mission as a public institution, * * * the University seeks to enroll, on each of its campuses, a student body that * * * encompasses the broad diversity of cultural, racial, geographic and socio-economic backgrounds characteristic of California." The Master Plan for Higher Education provides further boundaries by stating that only the top 12.5% of a high school graduating class is eligible for admission to the University of California.

Here is how we currently seek the proper balance. About 55% of our total admissions are based on academic criteria, a combination of grade-point average and test scores. This rate is much higher than at leading private universities. In the remaining 45%, we seek to "encompass the broad diversity" necessary for a quality educational experience. In a variety of ways, preferential consideration is given to applicants based on: special talents in athletics, music or debate; race and socio-economic disadvantage; disability; rural school attendance, and nontraditional grading systems. But remember, we are talking about the very best high school graduates in all of these categories.

Why do we strike this balance? First, because this is educationally sound. We know that grades and test scores are not the only measures of excellence. Measures such as leadership and special talent are also important.

Second, this is also culturally sound. In the wonderful heterogeneous environment we live in, we must produce future leaders who are from diverse backgrounds and who themselves thrive on diversity. Quite apart from California's dramatic and swift demographic change, and our responsibility to serve the needs of all Californians, our students' focus of attention must be the world community.

Finally, this approach is consistent with the longstanding tradition and principles of public education in a democratic society, particularly with regard to racial and social integration and access for the poor.

Is this process fair? Those students who worked very hard, did well academically and were not admitted might say no. But even if we admitted the entire freshman class strictly on grades and test scores, we would still turn away 1,500 students with perfect grade-point averages. Is this process in the best interest of society? We think so, and in that sense it is fair.

Can the process be improved? Because the variables we must take into account are constantly changing and to some degree out of our control, we constantly seek improvement and refinement. We cannot control the number of students who accept our offer of admission. Nor do we have any real control over the rate of eligibility of various high school graduates by ethnicity.

Are we succeeding in meeting our educational and societal mission? Yes, without any question. In what former UC President Clark Kerr has called the greatest experiment in higher education, UC Berkeley has succeeded in producing an undergraduate student body that surpasses any previous group in academic quality while at the same time being thoroughly heterogeneous. We have not only integrated the student body, our students are stronger academically than ever before. I see this every day as I talk with students around campus. I think this is a matter of great pride for the citizens of California.

[From the Los Angeles Times, Juy 16, 1992]

DISCRIMINATION AT UC BERKELEY

UC Berkeley Chancellor Chang-Lin Tien's column ("A Diverse Student Body Serves a Diverse Society," Commentary, July 7) is a thinly veiled excuse for racial discrimination.

It is disconcerting to discover only 55 percent of admissions decisions at UC Berkeley "are based on academic criteria." This travesty according to the chancellor is "educationally" sound, "culturally" sound and is consistent with a democratic society.

Nonsense! The chancellor left out "politically" sound, which is really the driving force behind his admissions policy. This is an example of racial politics, pure and simple, on the part of America's most prestigious academic institutions.

The chancellor is doing nothing less than bowing to the forces of political correctness, which insist on racial based decisions and admission quotas. Applications for admission to our universities should not include the name, age, sex or race of the applicant. The merit system and protecting individual rights are complementary to democracy, not juxtaposed goals. Everyone has an equal opportunity to compete and not to be discriminated against. That's what equality is all about. Unfortunately, Asian-American children are hurt the most by this racist imperative insisted upon by the liberal elite.

Chancellor Tien may serve as a good role model for young Asian-Americans, but he justifies discrimination that will keep those very same Asian-American children out of UC Berkeley only because of their race.

REPRESENTATIVE, DANA ROHRABACHER.

Long Beach.

As a recent high school graduate who was denied admission to the University of California, I completely disagree with Tien, who felt that the admission policies of UC Berkeley serve the needs of California. As a publicly funded institution, it is inexcusable that only 55 percent of all admitted applicants were based upon academic criteria while the remaining admitted students were admitted on any variety of the factors deemed necessary for the purpose of diversity.

Should Californians fully and blindly entrust these admission officers with the selection of students for this state's most prestigious university? How is this state served when thousands of hard-working, qualified students, who drudged through four years of high school, can be denied admission because one is unfortunate enough to be a member of the "improper" ethnicity? Is UC Berkeley a trophy case to display diversity?

I'd like to remind Tien and the UC regents that UC Berkeley belongs to the people of California, not the elite few who use our tax dollars to deny admission to thousands of fully qualified students so that they can realize their personal quest to bring salvation to society by creating the "perfect" student population.

ERIC LEUNG.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 25, 1992.

Hon. LAMAR ALEXANDER,
Secretary, U.S. Education Department; Washington, DC.

DEAR MR. SECRETARY: Next week, July 1, 1992 is a triple anniversary in the long history of Asian quota college admissions discrimination cases pending in the Department's Office for Civil Rights.

On July 1, 1992 it will be four and a half years since the start of the investigation of discrimination against Asian American applicants to UCLA. To date no letters of findings on the undergraduate or special admit program have been issued even though the letters have been written for months.

On that same day it will have been one year and nine months since the "violation" letter of findings in the UCLA graduate math program was issued. I find it inconceivable that the Department would let a civil rights violation exist for 21 months without taking enforcement action.

On July 1, 1992 it will have been 9 months since I filed a complaint against what appears to be a quota system in the admissions policies at the University of California, San Diego. So far no letter of findings has been issued in this case either.

As you know I have corresponded with you and other Department officials and talked to you repeatedly about this situation, but nothing seems to happen.

Clearly something is wrong in the enforcement of civil rights in the Department.

I think it would be fitting for you, me and Michael Williams, the Assistant Secretary for Civil Right, to sit down together on this anniversary day, July 1, and engage in a complete review of the status of these 3 severely delayed cases as well as the other 3 Asian American admission quota cases that have been pending at the Department for a long time.

I look forward to your favorable response to this request.

Sincerely,

DANA ROHRABACHER,
Member of Congress.

SALUTE TO LAUREL COUNTY SCHOOL SYSTEM

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. ROGERS. Mr. Speaker, I come before this body today to speak about the remarkable renaissance in education taking place in Laurel County, KY. Thanks to the work of the teachers, administrators, students, parents, and citizens in Laurel County, my district has been catapulted into the national spotlight as being a model for successful education reform. I want to take this time to give tremendous credit to the Laurel County school system for their success, and I urge my colleagues to look at their work as we work toward reforming education throughout the Nation.

True reform does not happen overnight, and the people of Laurel County have long been at the forefront of education reform. What has made Laurel County schools successful is the commitment of the people of Laurel County to improve the opportunities for their children.

There is no more committed community than Laurel County. Their commitment can be

measured by their success. And Laurel County's success is demonstrated by the fact that Laurel County schools have been singled out to participate in several exciting national pilot projects on education reform.

What this means for our children is the best quality education possible, not just in southern Kentucky, but throughout the Nation. I cannot tell you how proud I am of Laurel County for their work.

Reform is not easy, but with caring and commitment it can and will succeed. And, Mr. Speaker, that is what we have seen in Laurel County. I commend them for their work and hope my colleagues will join me in recognizing their success.

TAPPING THE DBOF SLUSH FUND

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. IRELAND. Mr. Speaker, in early July, during consideration of the fiscal year 1993 defense appropriations bill, I offered an amendment to: First: Deny the use of $1.9 billion in excess defense business operations (DBOF) cash to pay for two DDG–51 destroyers; and; second, transfer the cash to the Treasury to reduce the deficit.

The defense appropriations bill calls for using $1.9 billion in excess DBOF cash to bankroll the purchase of two of the three DDG–51 destroyers funded in the bill.

Mr. Speaker, DBOF was set up in 1991 to better manage and account for the cost of purchasing spare parts, supplies and maintenance for the Armed Forces. Unfortunately, DBOF has been converted into another DOD slush fund. The idea of siphoning $1.9 billion from the DBOF slush fund to finance two DDG–51 destroyers is totally inconsistent with the legislation governing DBOF, the defense authorization bill, and the President's budget. It is deceptive and misleading, and I wanted to do everything possible to stop it.

The DDG–51 destroyers were requested in the budget by the President. They were authorized. Three DDG–51 destroyers are in the defense appropriations bill. Why is $1.9 billion in excess DBOF cash needed to pay for these ships?

The committee went outside of the bill to finance the destroyers. Two of the three destroyers were moved off budget—to the DBOF cash account—the preexisting cash pile. As a result, those destroyers are not counted in the $5.5 billion appropriated for the Navy Shipbuilding Program. The money for the destroyers is to be spent instead on two amphibious assault ships, sealift ships, and a AOE supply ship—none of which were either requested or authorized.

My amendment was defeated by voice vote, but not on the merits.

My opponents successfully shifted the focus of debate away from the issue—the use of the DBOF slush fund to buy special interest items. They characterized my amendment as an attack on the Navy Shipbuilding Program. It would kill the DDG–51 program, they charged. It would eliminate the amphibious ship construction capacity in the United States. It would put 11,000 shipyard workers on the street immediately. Moreover, scooping up excess defense dollars and reapplying them to a more efficient purpose, they claimed, is one of the historical functions of the Appropriations Committee.

Mr. Speaker, my amendment was neither directed at the DDG–51 destroyers nor at the Navy Shipbuilding Program. We are a maritime nation and depend on naval power for our national security. I want to make that crystal clear right now. My amendment was directed at the unethical and misleading way the DDG–51 destroyers are financed in the bill.

Scooping up excess defense dollars may indeed be one of the historical functions of the Appropriations Committee, but using excess DBOF cash to pay for special interest items is neither desirable nor appropriate. Excess, unneeded dollars, by their very nature, should be returned to the Treasury to reduce the mounting public debt.

Excess, unneeded dollars lying around the Pentagon—with little or no control and oversight—creates a dangerous situation. It is a recipe for abuse.

Slush funds, like DBOF and the M accounts, make it easy for the DOD money wizards to buy special interest items. Without slush funds, the DOD money wizards must endure the painful process of making offsets—cuts to make room for add-ons. DBOF simplifies and facilitates the process.

In order to understand why the plan to use $1.19 billion in excess DBOF cash to pay for two DDG–51 destroyers is a bad idea, it is first necessary to understand how DBOF works, and particularly how the excess cash is generated.

WHAT IS DBOF?

DOD created DBOF in October 1991 by consolidating the nine existing industrial and stock funds along with other activities such as the Defense Finance and Accounting Service, Defense Commissary Agency under the DBOF umbrella.

DBOF is not an institution or an organization. It has no commander or headquarters building. It is a bookkeeping operation run by the DOD comptroller.

Clearly, there is nothing in the DBOF charter that authorizes the use of cash balances to purchase major weapons systems, such as ships and aircraft.

HOW DBOF WORKS

The military services receive billions of dollars annually in direct appropriations from Congress to make purchases from DBOF. Unit prices of items sold are based on the valuation of inventories being sold plus the cost of storing, handling and managing those inventories. DBOF managers attempt to maximize the dollar value of sales to generate huge cash balances by inflating and otherwise manipulating prices. Prices are regulated by the need for cash.

DBOF is a mechanism to jack up the cost of defense and lower readiness. It is a cash generator for special DOD special interest items. DBOF makes bad business sense.

HOW DBOF UNDERMINES COMBAT READINESS

I now want to explain how the DBOF price-fixing scheme works, because this is the crux to the issue.

A hypothetical example will help to put the whole issue into better perspective.

The Air Force submitted a budget request in January for replenishment spare parts of, say, $1.7 billion. Included in that request is $5 million to purchase 100 landing gear parts for the F–15 fighter. The requirement for F–15 landing gear replacement parts is based on the projected flying hour program, wearout rates, and a unit cost of $50,000 per part. Congress reviews the request and approves $5 million for 100 F–15 landing gear parts.

The Air Force presents $5 million in appropriated funds to DBOF to purchase 100 F–15 landing gear parts. DBOF managers accept the $5 million but agree to provide only 50 parts—even though the market price of each assembly is still $50,000. DBOF purchases 50 assemblies for $2,500,000 and has them shipped to the Air Force. DBOF pockets the difference—$2,500,000—as the cost of doing business with DBOF—money allegedly needed to cover the cost of shipping, handling, and storing the assemblies. Capturing those costs is a laudable goal. Those costs must be paid in full. Unfortunately, that's not where the extra money goes. The $2,500,000 goes into the DOD honey pot—to be tapped by the DOD money wizards to pay for special interest items.

The Air Force does not get the 100 F–15 landing gear parts it needs to execute the flying hour program. With only 50 in stock, the flying hour program has to be cut back. Instead, of the required 20 flight hours per month to maintain proficiency, F–15 pilots will get just 12 to 14 hours per month. Combat readiness goes down.

The F–15 landing gear parts price-fixing scheme is repeated 150,000 times a year or more. With annual sales of $80 billion, it doesn't take long to accumulate billions in excess cash, and that's exactly where we are today.

In the short space of 8 months, price manipulation has generated a DBOF cash balance of $5.4 billion as of June 12, 1991. We know that $2.8 billion—or more than half the current cash balance—is excess. This includes the $1.9 billion identified by the House Appropriations Committee, and another $850 million identified by DOD in the fiscal year 1992 omnibus reprogramming measure submitted to Congress in May. How much more is excess?

What is the net effect of the DBOF price-fixing scandal. By agreeing to take $1.9 billion in excess cash from DBOF to pay for the DDG–51, we rob the readiness accounts—money needed to maintain combat training and readiness—all to pay for special interest items. The cost of defense goes up and readiness goes down. DBOF weakens our national security.

I hate to say it, but I really believe this is the true purpose of DBOF. This is why DBOF was created by clever Pentagon bureaucrats—to generate excess cash to give the DOD money wizards flexibility—a substitute for discipline in the accounting and finance process.

DBOF is a bad idea for other reasons as well.

DBOF ALSO UNDERMINES ACCOUNTABILITY

DBOF breaks down the integrity of the various appropriation accounts. Procurement, R&D, military personnel, O&M, and military construction moneys are already being

pumped into DBOF, but the separation and identity of those accounts are not maintained in DBOF. Those moneys—once inside DBOF—are mixed and blended and then merged into one big pot as they were in the M accounts. As one Air Force financial manager put it, "Congress will no longer appropriate for specific purposes but simply ensure that the DOD Kmart is adequately capitalized." Once laundered through DBOF, the money can be used for anything. This is a recipe for abuse.

DBOF is nothing more than a mechanism for laundering congressional appropriations to allow DOD to cover a host of unauthorized activities beyond the purview of Congress.

I believe DBOF is inconsistent with sound financial management. It is inconsistent with congressional oversight. It is inconsistent with the law governing the use of appropriations—31 U.S.C. 1301(a).

DBOF SHOULD BE ABOLISHED

I had fully intended to offer an amendment to kill DBOF when the Armed Services Committee met to mark up its bill in May, but thanks to the hard work of Mr. HUTTO's fine staff, that did not seem necessary—at the time. The defense authorization bill, as passed by the House, imposes strict controls on DBOF—I thought. Section 331 of the bill, I thought, would keep DOD and Congress from using DBOF as a slush fund. How wrong I was.

A quick glance at the fiscal year 1992 omnibus reprogramming told me that more stringent controls are needed. DOD plans to use $838 million in excess DBOF cash to bankroll the omnibus reprogramming measure. We do not know where the $838 million came from, and we do not know where it will go. There is no audit trail. The DBOF laundry operation has washed it clean.

Then came the fiscal year 1993 defense appropriations bill and the proposal to take $1.9 billion in excess DBOF cash to buy two DDG-51 destroyers. That was the straw that broke the camel's back in my mind. That convinced me that DBOF should be abolished.

Excess cash lying around the Pentagon puts the money wizards in the driver's seat.

Mr. Speaker, we can never hope to reduce the deficit nor can we hope to bring some real reform to the Department of Defense and Congress until all slush funds and the political engineers, who create and run them, are eliminated and removed from the scene. I know both the Armed Services and Appropriations Committees share my apprehension about DBOF. I only hope the two committees are able to act more decisively next year and shut it down.

TRIBUTE TO SOUTHEAST QUEENS COMMUNITY BAPTIST MINISTERS ALLIANCE

HON. FLOYD H. FLAKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. FLAKE. Mr. Speaker, it was with great joy and respect that I stood before the House of Representatives on Wednesday, July 22, 1992, to present a group of visiting ministers from my district in southeast Queens.

There are many people who ask the question, "What is the church doing to revitalize, to rebuild, and to bring social and economic opportunities to the people of this Nation?" Many have concluded that the solutions can come only from Government. As I presented these ministers, I wanted my colleagues in the Congress to know that these clergy members are involved in community revitalization initiatives. These ministers participated in seminars conducted by Government agencies that provided them with invaluable information regarding community development, economic empowerment, improved health care services in urban communities, and broader educational opportunities.

Several of my colleagues in the Congress attended the luncheon and reception to meet this August body of clergy persons. The Members in attendance were: Representatives LUCIEN BLACKWELL of Philadelphia, WILLIAM CLAY of St. Louis, JOHN CONYERS of Detroit, RON DELLUMS of Oakland, BILL GREEN of New York City, CHARLES HAYES of Chicago, BARBARA KENNELLY of Hartford, JOHN LEWIS of Atlanta, RAYMOND MCGRATH of Valley Stream, MICHAEL MCNULTY of Green Island, CHARLES RANGEL of New York City, THOMAS RIDGE of Erie, GUS SAVAGE of Chicago, CHARLES SCHUMER of Brooklyn, LOUIS STOKES of Shaker Heights, EDOLPHUS TOWNS of Brooklyn, MAXINE WATERS of Los Angeles.

Currently, this group, which came together in 1984 when I first ran as a delegate to the Democratic Convention, has stayed together, and has put together a 501(c)3 corporation. That corporation is now building 500 low-income housing units in the community in which I serve.

I am proud of them because they understand there is no separation in the role of prophecy and the role of performance. They have spoken. Now, through their performance, the community is better served. Their tireless efforts provide stability, housing, and an opportunity to give a level of community service that I think is worthy of relating to other communities throughout this Nation.

I am pleased that the Southeast Queens Clergy for Community Empowerment and the Baptist Ministers Alliance of Queens and Vicinity has come here today, and that Reverend Betts has shared with us the prayer this morning. The ministers in attendance were: Rev. Carl Baldwin, Godian Fellowship Church; Rev. Charles Betts, Morning Star Baptist Church; Rev. Freddie Brunswick, Salem Missionary Baptist Church; Rev. Alfred Cockfield, Battalion Pentecostal Church; Rev. Simon Cockfield, Battalion Pentecostal Church; Rev. Marie Cone, Hope Mountain Baptist Church; Rev. Edward Davis, Presbyterian Church of St. Albans; Rev. Steve King, Jr., Christ Gospel Baptist Church; Rev. James Missick, Antioch Baptist Church; Rev. Richard Moore, Holy Unity Church; Rev. Maxine Nixon, Morning Star Baptist Church; Rev. Charles Norris, Sr., Bethesda Missionary Baptist Church; Rev. Curtis G. Norton, Merrick Park Baptist Church; Rev. Martello Payne, Jr., First Church of God in Christ; Rev. M. Edward Reed, Mt. Carmel Baptist Church; Rev. Ernestine Sanders, Evangelical Christian Church; Rev. Lars Silverness, JFK Protestant Chapel; and Rev. Gregory Tucker, One Way Church of God.

TRIBUTE TO REV. S.L. ROBERSON

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. FORD of Michigan. Mr. Speaker, I want to offer congratulations to Rev. S.L. Roberson, who is this weekend celebrating his 38th anniversary as pastor of the Metropolitan Memorial Baptist Church of Ypsilanti, MI. He was born in Moundville, AL, to Garther and Estella Roberson. The family moved to Ypsilanti shortly after he was born. S.L. Roberson received his formal training in the public schools of Ypsilanti, went on to study at Detroit Bible College and Eastern Michigan University. He received his doctor of divinity degree from Urban Bible College, and then served our Nation in the Marine Corps.

In 1954, Reverend Roberson was called to the Metropolitan Memorial Baptist Church family, where he is still pastoring the congregation. He has performed uncounted weddings, funerals, baptisms, and other services for the people of his church. His ministry has been productive and spiritual, and as evidence of his leadership he built the edifice in which the congregation worships. His future plans include an education unit at the church, and he takes great pride as a founder of the Harriet Street Commerce Center which will bring prosperity to the entire community of Ypsilanti.

Reverend Roberson is married to Hollie Roberson; they are the parents of 4 daughters and 1 son, and have 12 grandchildren.

Over the years, Reverend Roberson has exemplified the spirit of commitment and dedication to this Church and his God, and he continues to be a productive contributor to the community. I wish Reverend Roberson and his family many more years of health and happiness in serving the people of Metropolitan Memorial Baptist church.

IN TRIBUTE TO LOUIS LEVINE

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. HUGHES. Mr. Speaker, On Monday, July 27, a very special exhibit will be on display in the Rotunda of the Cannon Building. This exhibit is the art of Louis Levine, my friend and constituent. Louis was a well loved painter and personality in his native Atlantic City, and his adopted home of Mexico, where he spent much of his time.

When he was 15, Louis began his career by doing quick sketches of visiting tourists on the boardwalk in Atlantic City. Not long after, Louis earned the reputation of being the world's fastest artist at the 1939 World's Fair. Over the years Louis participated in many shows hosted by such well respected institutions as the Pennsylvania Museum of Fine Art in Philadelphia, the Academy of Fine Arts in

Philadelphia, and the prestigious Corcoran Gallery here in Washington, DC. Later, in San Miguel, Mexico, Louis concentrated on capturing the elusive spirit of Mexico and the character of its colorful people. He did this with uncommon ability and remarkable insight.

Sadly, Louis passed away a few weeks ago, before he could see his paintings displayed in the Rotunda. I know he was excited about this opportunity, and I am pleased that Louis' family and friends have carried out his plans for the exhibit. I hope you will visit the Cannon Rotunda between July 27 and August 7. I think you will agree that Louis Levin created a remarkable collection of vivid paintings that truly embody the beauty of Mexico.

HONORING IRA BORNSTEIN

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. FAWELL. Mr. Speaker, I rise today to join the French Government in honoring Mr. Ira Bornstein for his achievements in improving the quality of graduate education. As director of the International Student Exchange Program at Argonne National Laboratory, Mr. Bornstein recently received the L'Ordre des Palmes Academiques, an award honoring outstanding service in education, presented by the French Minister of National Education.

Now in its 16th successful year, the International Student Exchange Program is a model of international scientific cooperation in education. The program is conducted under the auspices of Argonne National Laboratory, the American Nuclear Society, the European Nuclear Society, and the U.S. Department of Energy. American students work at summer jobs at leading research centers in France, West Germany, or Japan. In turn, students from those countries work on summer research assignments at Argonne National Laboratory.

Under Mr. Bornstein's leadership, the International Student Exchange Program has allowed talented graduate students to work directly with top researchers and gain valuable insight into future scientific careers. Nearly all of the participants in the program have gone on to graduate studies in nuclear science and technology, and have proven to be outstanding ambassadors for their countries. The program has helped to sow the seeds of international scientific cooperation and understanding among its participants.

Mr. Bornstein has indeed distinguished himself as a leader in graduate education programs, and I applaud his dedication to the students of this program, who represent the world's future in nuclear science and engineering.

A TRIBUTE TO GLADYS JANE O'NEILL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. NEAL of Massachusetts. Mr. Speaker, I wish to pay tribute to the passing of a wonderful human being. Today we all mourn the loss of one of our community's most loving, nurturing, and feeling members, Gladys Jane O'Neill. Gladys was born in October 1938 to John and Caroline Tenczar in Chicopee Falls, MA. Although she left our world at a relatively young age, she graced us with her presence to leave a lasting impression on everyone she met.

Mr. Speaker, residing in the Pioneer Valley for all of her life, Gladys O'Neill has demonstrated admirable qualities and has proven to be an outstanding member of our community. The compassion, the charity, and the love she presented to others was almost breathtaking to experience. She was the type of person who was always more concerned with the people around her than herself. This selfless individual should be remembered by the community as someone who they should attempt to exemplify.

Gladys O'Neill had a very close family and always spent every holiday with her family. She married Robert Walter O'Neill in July 1957 and had three children over the first 14 years of their marriage. From her children, Gladys received four wonderful grandchildren. This caring woman was the epitome of what is known as someone who possessed family values. Spending hour after hour with her children in order to educate them on the importance of trust, love, and good citizenship, Gladys O'Neill was able to see her tireless efforts succeed as her children raised four beautiful and loving grandchildren.

Not only was she a loving mother, but Gladys also worked at the F.W. Sickles plant for close to 10 years. Gladys was able to balance the rigors of raising a family and performing admirably on a full-time assembly job by relying on her relaxed, easy-going nature to satisfy such demanding requirements. She had the patience and also the faith of a saint. As a member of St. George's Parish in Chicopee, she was able to attend mass daily. Trusting her measureless faith, Gladys was able to offer her loved ones the very best support in any type of situation.

Mr. Speaker, although we are all saddened to see such a wonderful and caring individual pass away from our lives, I know that everyone who has come into contact with Gladys O'Neill has been touched in a very special way. In addition, the members of the Ludlow Country Club who enjoyed Gladys' time and company on the course will miss Gladys a great deal. They realize that their time spent with Gladys has given them a rejuvenated outlook on life. Mr. Speaker, I would like to pay tribute to Gladys Jane O'Neill and recognize the importance of her loving and caring qualities to the Second District of Massachusetts.

EXPLANATION OF RELATIONSHIP WITH THE POST OFFICE

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. MAVROULES. Mr. Speaker, I would like to commend my colleagues on the task force that investigated the House post office for their fine work. Since I was named in the minority report, I would like to inform my colleagues of my relationship with the post office.

Mr. Speaker, I was unaware that a member of my staff had set up a postal box at the Brentwood Post Office facility in Washington until the press inquired about the matter in April. When I was made aware of its existence, I immediately ordered the closure of the post office box.

I have since learned that on several occasions, perhaps five to six times per year, mail from the postal box was delivered to the congressional office. The office never once requested the post office to make the deliveries. No one associated with my office was aware that these deliveries could constitute an impropriety. In fact, the task force that investigated the House post office said in its report released July 22 that "the task force did not receive any evidence that a Member violated a Federal law or regulation, or House rule, in connection with the post office boxes."

CAPTIVE NATIONS WEEK

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. DINGELL. Mr. Speaker, only 3 weeks ago, we, as Americans, celebrated the 216th anniversary of the birth of our Nation. Americans are blessed with a hard fought national freedom. However, many nations cannot achieve the precious freedom we enjoy in this country. As the oldest surviving democracy in the world, the United States recognizes these captive nations July 20–24 in the 33d observance of Captive Nations Week.

It is important for the American people to recognize Captive Nations Week. It enables we, the people, to voice support for the liberation of all people oppressed by totalitarian regimes. It gives us an opportunity to celebrate the new found freedoms gained by millions of people in Eastern Europe, Central Europe, and Central Asia and to give inspirational support to the remaining captive nations in their fight against oppression. During Captive Nations Week, we, Americans, must reaffirm our democratic tradition and extend a message of hope that the human spirit will prevail over the autocratic, tyrannical governments which continue to deny freedom to well over 1 billion people in nations such as Cuba, mainland China, North Korea, Tibet, North Caucasia, Cossackia, Idel-Ural, and the Far Eastern Republic. The list of captive nations remains long and discouraging, but we must continue to view it as a symbol that we do not accept the oppressive activities of the Communist dictatorship or other forms of imperial rule.

Let us use Captive Nations Week as an opportunity, once again, to reaffirm publicly our commitment to freedom and to continue to negotiate and work for freedom of all nations. I look forward to a time when the observance of Captive Nations Week is no longer necessary, and when the freedom of those suffering under oppressive governments can be restored. Until that victorious day we will continue to offer prayers and support for the liberation of all captive people.

TRIBUTE TO HUMAN RIGHTS ADVOCATE MILTON TEPPER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. BERMAN. Mr. Speaker, I rise today to salute a dear friend, valued adviser and extraordinary individual, Mr. Milton Tepper. Milton and I have been friends for many years and it gives me great pleasure to honor one of the San Fernando Valley's finest.

Throughout his life, Milton has been a pioneer in championing social and civil rights issues and is greatly admired and respected by all. Well recognized as an advocate for human rights and his single-minded determination to fight for what he believes, Milton has distinguished himself for his devotion to humanity and is a shining example of how important it is to help others.

He is a leading representative for virtually every senior group in the San Fernando Valley and has devoted time and energy to ensure that countless community organizations operate to their fullest potential. He has personally helped hundreds of older Americans to recognize the joy of living and the need to continue to live life to its fullest.

Milton works hard on numerous government advocacy committees and usually takes on the tough jobs himself, seeing them through to the end. He is a dedicated member of the Elder Abuse, Long Term Care, and Mental Health Task Forces. He has also been very active with the American Association of Retired Persons and was recently elected chairman of the local chapter. He is an outstanding ANDRUS volunteer and an active and hard working member of a long list of community organizations and advisory boards. His association with such a range of senior organizations makes him a fine representative of California's senior citizens.

I am personally grateful to Milton for his distinguished service as chairman of my senior advisory council, a council of senior leadership representative of the senior organizations in the San Fernando Valley community. During Milton's tenure as chairman he diligently worked to keep me updated on concerns of older Americans and the special needs of my constituency.

I am proud to be counted as one of Milton's friends and it is my distinct privilege and pleasure to ask my colleagues to join me in paying tribute to Milton Tepper.

TRIBUTE TO LT. LLOYD H. HUGHES

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to Lt. Lloyd H. Hughes, a man whose gallantry and bravery earned him the Nation's highest decoration, the Medal of Honor.

To many, the thought of actively participating in a full scale war is unfathomable. But to Lt. Lloyd H. Hughes, it was merely a symbol of patriotism, an unquestionable act of love for his country. After being stationed at a variety of Texas and southwest bases, Lieutenant Hughes was called to active duty in June 1943. He departed the United States for duty in the European area, and upon his arrival in Africa, was assigned as a pilot.

On August 1, 1943, Lieutenant Hughes served in the capacity of pilot of a heavy bombardment aircraft participating in a long and hazardous minimum altitude attack against the Axis oil refineries of Ploesti, Romania, launched from the northern shores of Africa. Approaching the target through intense and accurate antiaircraft fire and dense balloon barrages at dangerously low altitudes, Lieutenant Hughes' aircraft received several direct hits causing serious physical damage. Despite the gasoline streaming from the left wounded wing of the aircraft, Lieutenant Hughes chose to continue his valiant mission fostered only by his unequivocal concept of duty. Rather than jeopardize the planned formation and sacrifice a successful attack, he unhesitatingly entered the blazing area and dropped his bomb load with commendable precision. After successfully bombing the objective, his aircraft emerged from the configuration with the left wing fully ablaze. It was then, and only then, that Lieutenant Hughes chose to forcefully land his aircraft, a crash landing that sent him to his death amidst the blazing fields on that August day in 1943.

Regardless of the consequences and utter disregard for his own life, Lieutenant Hughes' heroic decision to complete his call of duty rendered a meritorious and laudable service to our country in a time of battle. Though Lieutenant Hughes did not survive his mission, his admirable loyalty and devotion to his country will continue to live on in the everlasting annals of our Nation's history.

THE INCREASED RAILROAD LOCOMOTIVE VISIBILITY ACT

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. GLICKMAN. Mr. Speaker, on February 14, three Kansas teenagers tragically died when their car was hit broadside by a freight train at a rural railroad crossing. Eyewitnesses to the accident say the car's brake lights did not even flash prior to the accident. It seems as if the teenagers had no idea the train was coming, despite the train's approaching headlight and sounding whistle.

Nothing has been done to stop this kind of needless death. These accidents are occurring all over the United States because motorists either do not see or do not recognize oncoming trains. Existing regulations requiring trains to have an illuminated headlight and to sound their whistles at all crossings are obviously not enough to warn motorists of an approaching train. Headlights are often mistaken for street lights and whistles cannot always be heard over blaring car radios.

Today I am introducing legislation to give motorists better warning of an approaching train. My legislation will require all locomotives to be equipped with lights known as "ditch lights," which illuminate both sides of the engine and the areas contiguous to the tracks. The new lights, when combined with the headlight above, create a triangle of light which would be difficult to mistake for anything but a moving locomotive. Installation of ditch lights is not prohibitively expensive. In fact, some railroads already use them.

I urge my colleagues to join me in supporting this important safety legislation, so we can put an end to the needless deaths caused by rail accidents all over America.

BUCK BUCHANAN: NATIONAL CELEBRITY AND LOCAL HERO

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. WHEAT. Mr. Speaker, it is with sadness and profound regret that I report to my colleagues the death of Kansas City legend Buck Buchanan late last week. A Hall of Fame football great, a prominent community leader and a good friend, Buck was a genuine champion both on and off the playing field.

As an all-pro defensive lineman for the Kansas City Chiefs, Junious "Buck" Buchanan secured a lasting place in football history. A 1962 graduate of Grambling University, he helped lead the Kansas City Chiefs to two world championship games, including the first Super Bowl ever played in 1967 and a Super Bowl victory in 1970.

Characterized by his skill, strength and speed, Buck was also a member of six AFL All-Star Teams, two Pro Bowls, and was the Chiefs' most valuable player in 1965 and 1967. In 1990, he earned football's highest personal distinction when he was inducted into the Pro Football Hall of Fame.

Even though he could have comfortably retired to a life of leisure after his legendary football career, Buck chose to go forward and help tackle even bigger challenges facing his own community. And even though he had every right to boast about his Hall of Fame play, Buck remained a proud but unassuming man throughout his life.

A powerful advocate for minority business development, Buck was a founding member of the black Chamber of Commerce of Greater Kansas City and later served as that organization's president.

Through his leadership and enthusiasm, Buck almost singlehandedly organized a charity golf tournament in Kansas City to raise

funds for the black chamber of commerce scholarship fund.

He coaxed his friends, cajoled his coworkers, and persuaded his associates to join in the effort. And as a result of his work, the tournament brought in tens of thousands of dollars for needy college-bound students.

Buck could barely contain his excitement on the night that he turned the proceeds over to the scholarship fund. The elation in his glowing expression was unforgettable and reflected his profound commitment and utter joy in extending hope and opportunity to our youth.

Concerned and committed to improving his community and State, Buck was also a board of elections commissioner for the State of Missouri and was appointed last year to the Board of the Kansas City Downtown Minority Development Corp.

Proud to lend his name and efforts to attracting more people to the city he loved so well, Buck also served as a board member of the Greater Kansas City Convention and Visitors' Bureau.

Despite a 2-year battle with lung cancer, Buck never gave up his role as an active civic leader. Notwithstanding his hardship, Buck continued to serve as a powerful role model reaching out and enhancing the lives of countless individuals.

Never one to complain, Buck was one of the most outgoing, unpretentious and unfailingly cheerful persons that I have known.

He was gentle giant who will never be forgotten by his grateful community, his many friends and admirers, and his loving family. I extend my sincere sympathies to Buck's devoted wife, Georgia, his sons, Eric and Dwaine, and his daughter, Nicole.

Although his life was cut short by cancer, Buck Buchanan lives on as a symbol of pride and inspiration to all those who knew him. His compassion, drive, and tireless commitment will be sorely missed but fondly remembered.

TRIBUTE TO SOUTH CAROLINA PEACH PRODUCERS

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. DERRICK. Mr. Speaker, today is Peach Day. As I speak, literally thousands of fresh, sun-ripened South Carolina peaches are being delivered to Members of Congress and their staffs.

South Carolina, a State known for its rolling hills, sun-baked beaches and fertile farm land, is a leading producer of peaches. In 1991, in my district alone, the counties of Aiken, Edgefield, Allendale and Barnwell produced nearly 125,000 pounds of peaches.

Mr. Speaker, when our peach industry prospers so does our economy. The planting, nurturing, harvesting, distribution and sale of South Carolina peaches provide hundreds of jobs.

On this special day, I ask that my colleagues join me in recognizing the work of South Carolina's peach producers. The peach producers of South Carolina are proud to continue their tradition of offering a sampling of the fruits of their fields to Members of Congress and their staffs.

THE 105TH ANNIVERSARY OF THE CITY OF COLTON

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. BROWN. Mr. Speaker, it is with great pride that I recognize the 105th anniversary of the city of Colton, CA, which I proudly represent.

I would like to draw the attention of my colleagues to the following, taken from a piece written by Hazel E. Olson which describes the rich history of Colton and all that it has offered in the last 105 years.

The Colton area began as two large privately owned ranchos. The vast San Bernardino Rancho, granted to Jose De Carmen Lugo family in 1839, completely absorbed the southeast corner of the present city of Colton. The Lugo family retained their holdings until 1851 when they sold it to the Mormon Colony.

The second land grant in the Colton area was the Jurupa Rancho, acquired by Juan Bandini in 1838. It lay south of the Slover Mountain along the Santa Ana River between Colton and Riverside. This became the site where New Mexican traders met from Taos and Sante Fe.

In 1841, the Lugos offered land to some of the New Mexican traders and their families if they would help drive off the raiders from stealing their cattle and horses. Some 20 families returned between 1842 and 1843.

Starting in the 1860's the Colton area began growing with various manufacturing companies starting up in the area. In 1861, Colton Marble and Lime Co. opened a quarry on the south side of the mountain and operated until 1887. It was then succeeded by the California Marble Co.

In the beginning, cement was imported from Germany and England. It was shipped to Colton and then packaged in sacks and barrels. In May 1881, the California Portland Cemetery Co. started manufacturing cement in the United States. The cement plant eventually grew and in 1927 presented the city of Colton with a highly developed park with a concrete bandshell and other facilities.

In 1875 the Southern Pacific Railroad placed its headquarters in Colton. It was officially decided to name the town Colton in honor of Gen. David Colton, a railroad official and attorney.

On July 18, 1887, the county board of supervisors, in accordance with the law, officially proclaimed Colton to be a city of sixth class. A week earlier, 176 citizens went to the polls to determine whether or not Colton should be incorporated as a city. After counting the ballots, 119 voted in favor of incorporation, with 57 against. The city of Colton now covers an area of approximately 16.1 square miles. It is governed by four council members and an elected mayor operating a council-manager type of government.

NAVY MUST BE HELD ACCOUNTABLE

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. EWING. Mr. Speaker, some sailors in our Navy are missing the boat. During the Persian Gulf war, women in our Armed Forces won our admiration as we watched them work side by side with their male counterparts to achieve victory. They proved themselves honorably. Upon returning home, however, some women in the Navy found that while they had gained our respect, they had not gained the respect of all their fellow sailors. The events which transpired at last year's annual Tailhook Convention in Las Vegas show us that there is a problem.

It is disturbing to me that there appears to be an unwillingness to admit that there is a need for change. Investigators have been thwarted in their attempts to identify the guilty parties because officers present at the convention have closed ranks and refused to cooperate. It is time for Congress to send them a message.

I have cosponsored House Concurrent Resolution 344 which expresses our anger and expectation that a full, uncompromising investigation will be completed and that the guilty parties, whomever they may be, will be punished. It is important that our Armed Forces know that this type of behavior will not be tolerated. I would urge all my colleagues to support this resolution.

As equally unbelievable is the fact that Congress is exempt from sexual discrimination laws. Theoretically, events similar to the Tailhook scandal could occur in Congress, but nobody could be held accountable because the laws could not be applied to Congress. I hope that others who have criticized the Navy for the Tailhook scandal will join me in demanding that Congress apply sexual harassment laws to itself.

As we all know, the Congress exempts itself from practically every law it passes, including such landmark legislation as the Civil Rights Act. Unlike the Navy officers who were sexually harassed, congressional employees who have been discriminated against cannot seek justice in Federal courts, but must instead go to some in-house, Member-run body for redress. The defendant, in other words, serves as the judge, jury, and appeals panel.

There are several bills such as the Congressional Accountability Act which would force Congress to live by the same laws it passes. I know this is a new idea to some in Congress but it should not be. For all those Members who find the Tailhook incident appalling, I encourage them to look right here in this body and join our effort to make Congress accountable for its actions. Sexual harassment is wrong, whether the offender is a sailor or a Member of Congress.

TRIBUTE TO JOSEPH E. PODGOR, JR.

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. LEHMAN of Florida. Mr. Speaker, in south Florida, many people spell clean water J-O-E P-O-D-G-O-R.

For almost two decades, Joe Podgor has been in the forefront of efforts to safeguard the Florida Everglades and the Floridan and Biscayne aquifers—the underground porous rock sponges that are the sole source of south Florida's drinking water supply.

When it comes to water quality issues, Joe has done it all: authored resolutions adopted by the Dade County Commission, creating model drinking water protection programs which are now being adapted for use around the country, testifying before congressional committees, serving on countless water quality study and advisory committees, and helping to draft regulations implementing water-related legislation.

Joe is currently executive director of Friends of the Everglades, Inc., one of Florida's most active and effective environmental groups.

It has been my pleasure to work with Joe Podgor over the past several years on water quality issues of importance to south Florida. Safe drinking water is crucial to the well-being of all of our citizens, and all of us are better off for Joe's efforts.

A BILL TO MAKE VARIOUS TECHNICAL AMENDMENTS TO CERTAIN FEDERAL INDIAN STATUTES

HON. JOHN J. RHODES III

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. RHODES. Mr. Speaker, I rise today to introduce legislation to make two technical amendments to certain Federal Indian statutes.

The first amendment is a correction of a land description with respect to the Grand Ronde Indian Reservation in Oregon. The Grand Ronde Reservation Act, Public Law No. 100–425, 102 stat. 1594 (1988) (codified at 25 U.S.C. §713f note) established a 9,811.32 acre reservation for the Confederated Tribes of the Grand Ronde Community pursuant to the provisions of the Grand Ronde Restoration Act, Public Law No. 98–165, 97 stat. 1064 (1983) (codified at 25 U.S.C. §713 *et seq*).

Under the terms of the Restoration Act, the selection of lands available for establishment of the reservation was limited to public lands administered under the Federal Land Policy and Management Act of 1976. The lands eventually chosen consisted of a large tract of Oregon and California Railroad grant lands in Yamhill County, about 6 miles north of the town of Grand Ronde, previously managed by the Bureau of Land Management. To compensate for the Bureau of Land Management's loss of this tract, section 4 of the Reservation Act described and redesignated a series of Federal public domain land parcels in Yamhill and Tilamook Counties—a total of 12,035.32 acres—as Revested Oregon and California Railroad Grant lands. These lands were considered comparable to the new reservation lands in production of timber and annual revenues.

Section 4(b) of the act sets forth descriptions of 48 such land parcels. The 47th tract, however, is incorrectly identified by an incomplete subdivision measurement. This legislation would correct that oversight. It does not change the acreage of the tract, 185.8 acres, nor the total acreage of the redesignation.

There have been two prior corrections made to the land descriptions set forth in section 4(b): Act of November 1, 1988, Public Law No. 100–581, title II, §202, 102 stat. 2938; and act of May 24, 1990, Public Law No. 101–301, §4, 104 stat. 206. The Department of the Interior is fully supportive of the correction, as is the tribe.

The second proposed technical amendment is to the Ponca Restoration Act, Public Law No. 101–484, 104 stat. 1167 (1990) (codified at 25 U.S.C. §983 et seq). This act restored Federal recognition to the Ponca Tribe of Nebraska in 1990.

Section 10 of that act directs the Secretary of the Interior to establish an economic development plan with the tribe. Section 10(a)(3) directs that the Secretary submit the economic development plan to Congress within 2 years of enactment—by October 31, 1992.

The amendment would extend the 2 year deadline for submission by a year, and is necessary because the Ponca Act was signed into law on October 31, 1990, in the very early stages of fiscal year 1991. No appropriations were provided to fund the Ponca's economic development plan that year, and the tribe had to wait a full year—until fiscal year 1992—for the appropriation of its planning funds. By extending the submission deadline by 1 year, the tribe and the Secretary will be allowed a full 2 years to develop and submit the plan, in keeping with the original intent of the Congress.

Mr. Speaker, I am very pleased to note that Congressman AUCOIN and Congressman BEREUTER—in whose districts the tribes affected by this legislation reside—both join me in sponsoring this legislation. I look forward to the support of the rest of my colleagues in moving it expeditiously through the House.

FUNDING FOR LA CROSSE NATIONAL FISH LAB

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. GUNDERSON. Mr. Speaker, for a couple of years now, I have come to the floor during consideration of the Interior appropriations bill to thank members of the committee for their support of the La Crosse National Fish Lab in La Crosse, WI. I am here today to repeat that exercise.

However, this year, in a time of big deficits, and big spending cuts, I want to point out that the committee has made an extra effort to keep the mission of the lab on track as much as possible—not by increasing overall funding, but by prioritizing projects under the committee's jurisdiction. It is gratifying to know that the world-class work underway at the La Crosse Fish Lab warrants placement on the top of that priority list.

The single biggest aquatic problem facing the upper Mississippi River region today may very well be the threat of the zebra mussel. Last year, the species was found for the first time on the upper river, indicating that the threatening menace is descending from the Great Lakes region. There, it has caused millions of dollars of damage by clogging water intake pipes and valves, and killing other important aquatic wildlife.

Now, our region is threatened. Communities along the river stand to lose millions of dollars due to these same problems. The mussels can cause fouled water intakes, can hamper the gates and locks of our navigation dams, can possibly eliminate our native mussel population, and can cause tremendous economic loss to the towing and barge industry, due to resulting decreased fuel efficiency and massive maintenance problems.

Fortunately, the La Crosse lab has a comprehensive and targeted research program underway to combat the pest. In years past, I have made the case for funding this research at $500,000, some of which is passed on to university cooperative research in Ohio. That base funding has been secured. Last year, I requested an additional $350,000 for the research program, which was provided, for a total of $850,000. That same amount was provided this year.

I remain very concerned about the projected worsening funding shortage for the lab's operations account—underfunding by $250,000. But, given the tremendous pressure of budget constraints, I am hopeful the F&WS will make further adjustments in next year's budget request to meet these needs.

Thanks again to Chairman YATES, Representative REGULA, and members of the committee for tending to the needs of the La Crosse lab.

TRIBUTE TO FRED PALMER, JR.

HON. CLYDE C. HOLLOWAY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. HOLLOWAY. Mr. Speaker, I am proud to pay tribute to my constituent and good friend, Fred Palmer, Jr., of Gonzales, LA. Fred and I have known one another for years. He is an oil distributor and a plant nurseryman, whose place of business is known for raising phalaenopsis orchids, flowers which I consider to be among nature's most beautiful.

Fred served with distinction for some 10½ years in the U.S. Air Force. He piloted the B–17 in the 8th Air Force during World War II, was shot down, and was a POW in Stalag Luft I. During the Korean conflict, he was the first pilot to land in Korea after the war, the first to deliver ammunition, and he evacuated the wounded. In the end, Mr. Speaker, Fred Palmer flew the peace conference team in and out

of Tokyo and Seoul on many times. His service to his country, during times of war and peace, is a credit to him and his family.

Recently, Fred Palmer learned he only had a short time to live. He tried chemotherapy but in his own words, he gave it up "in a last ditch effort to regain some quality of life not possible under that possible life extending protocol."

I join with Fred's wife Mary and four children, Fred III, Mimi, Diane, and Vic, in paying tribute to him. He is truly a brave American hero. We would all do well to follow his example.

CORDOVA BEACON CELEBRATES FIRST ANNIVERSARY

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. SUNDQUIST. Mr. Speaker, on August 7, the Cordova Beacon will celebrate its first anniversary of publishing in one of the Memphis area's fastest growing communities.

I have found in my district that community newspapers contribute to an area's sense of place, and I want to commend the Beacon's publisher, Buddy Murchison, for a job well-done. I look forward to seeing the Beacon grow along with the Cordova community.

GENERAL DE GALVEZ DAY

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. COLEMAN of Texas. Mr. Speaker, it is a privilege for me to rise today to recognize a true friend of the American people and a hero of the War of Independence who has received little recognition for his contributions to this country. Gen. Bernardo de Galvez was born on this day and so it is especially fitting that we honor him.

I speak today on behalf of the El Paso Chapter of the Granaderos de Galvez who have made it their mission to rewrite history so it might more accurately reflect the contributions of this patriot.

De Galvez, a Spaniard who passionately believed in American independence was the youngest governor of the Spanish colonies when the Revolutionary War erupted. In the early stages of the war, de Galvez provided cattle, money, munitions, and uniforms to American freedom fighters. And he would play a truly historic role in the war's conclusion.

As General Washington battled the British in the north hoping to corner them and force a surrender, his only concern was that British troops in the south might arrive to reinforce his foe. De Galvez seized the opportunity and personally led Spanish troops against British troops in the Louisiana Territory. He and his soldiers fought valiantly and drove the British from the territories back to the Gulf of Mexico. De Galvez efforts prevented reinforcements from reaching Yorktown enabling General Washington to secure his final War of Independence victory at Yorktown.

Mr. Speaker, Bernardo de Galvez is but one example of the many American patriots of culturally diverse backgrounds who have contributed so greatly to this country. Unfortunately, some of these citizens have been overlooked in favor of more traditional Anglo-Saxon heroes. Let us recognize today that all Americans have an appreciation of their history and the role their ancestors have played in shaping our Nation. I salute the Order of Granederos and Damas de Galvez in their efforts to have this great man's birthday honored as a national holiday.

TRIBUTE TO RICHARD HOVORKA

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. JOHNSON of South Dakota. Mr. Speaker, I'm pleased today to be able to honor a man who brought a great deal of credit to his community, State, and Nation: South Dakota State American Legion Com. Richard Hovorka, from Tabor, SD.

Richard honorably served his country in the Korean war, serving in the Army Signal Corps from 1952 to 1954. His activities in the American Legion have included serving as a past post commander, past Bon Homme County commander, past District 7 commander, past State vice commander, and was elected to the post of State Legion commander on June 16, 1992 at Watertown, SD.

Richard has been a farmer for 35 years, has served as the treasurer of his local school board, as Bon Homme County A.S.C.S. country committeeman for 18 years, and is a proud member of South Dakota Farmers Union.

He married Sharleen Kaiser in 1956, and that union has produced three sons and one daughter; they also are the proud grandparents of seven grandchildren.

Additionally, Richard has five brothers who all served in World War II, Lloyd, Willard, Lester, Cletus, and Alvin.

Richard's community of Tabor is honoring him on Saturday, August 29, with a parade at 2 p.m., a program at 3 p.m., and a free pork barbeque to follow, with the music provided by the Tyndall Accordian Club.

Our Nation is much greater because of the sacrifice of men like Richard Hovorka, Mr. Speaker, and it is my pleasure to honor him in this forum today.

TRIBUTE TO REV. EDMUND K. CHENEY, S.J.

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. EARLY. Mr. Speaker, I rise today to pay tribute to Rev. Edmund K. Cheney, S.J., who recently observed the 50th anniversary of his ordination in the Society of Jesus. Father Cheney, a native of Lowell, MA, who resides in Worcester, was ordained a Roman Catholic priest on June 13, 1942, and has spent these five decades as an outstanding educator, missionary, social activist/reformer, and chaplain while traveling throughout the world.

Prior to his ordination, Father Cheney spent 3 years studying and teaching in the Middle East, studying Arabic in Damascus, Syria in 1936 and 1937 and teaching chemistry at Baghdad College from 1937 to 1939.

His most noteworthy accomplishment began shortly after his ordination, when he was assigned to St. Mary's Mission at Above Rocks in the parish of St. Catherine in Jamaica and initiated a social, economic, and educational revolution. With the help of the village's inhabitants, Father Cheney set to work constructing schools and community centers. He first trained villagers in the building trades, then supervised the construction as architect, contractor and engineer while these villagers contributed the labor. Father Cheney spent 15 years at Above Rocks and his work and guidance helped produce a day school, a boarding school, a trade and crafts center for vocational training, a community dispensary, a convent, and a rectory. St. Mary's College, the equivalent of an American secondary school, was the first such Catholic school on the island in nearly 50 years and perhaps represents his finest achievement.

Additionally, Father Cheney oversaw growth in manufacturing, founded a credit union, developed a poultry cooperative and served on two school boards, as chaplain of the St. Vincent de Paul Society and as a member of the board of the directors for the Jamaica Social Welfare Commission. His contributions were recognized by Queen Elizabeth II and Princess Margaret, who received him during visits to Kingston in 1953 and 1955, respectively. The Holy See sent him as its observer to the U.N. Food and Health Commission Meeting in Trinidad in 1958.

Father Cheney returned to the United States in 1960, serving 4 years as chaplain at Boston City Hospital and 16 years as chaplain at Worcester City Hospital. He has served in various capacities in a number of fraternal and community organizations and remains active in his retirement, serving as head chaplain of the New England Region of the Order of Alhambra. His missionary work has continued as well, taking him to the Bahamas for parts of the last 5 years and to the Indian reservation in Perry ME. In April of this year, he made a pilgrimage to the Jesuit shrines of Rome.

Mr. Speaker, distinguished colleagues, please join me in recognizing Father Cheney for his lifelong devotion to the church, to missionary work and to people worldwide.

COMMENDATION FOR VERA WILEY AND DIANNE VAUGHN

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1992

Mr. SUNDQUIST. Mr. Speaker, I want to share with my colleagues a real success story. It is the story of a young woman and her mother, both of whom took advantage of the

Job Training Partnership Act in Columbia, TN, and completed their high school educations.

I have been proud to support JTPA over the years because of success stories like this one in my district. I want to commend Vera Wiley and Dianne Vaughn on their diplomas, and Elaine Newcomb and her staff at JTPA in Maury County, and I ask that this article from the Daily Herald be reprinted in its entirety in the CONGRESSIONAL RECORD.

[From the Daily Herald]

FORMER DROPOUTS, MOTHER, DAUGHTER GRADUATE TOGETHER

(By Gayle Coulter)

Dianne Vaughn and her mother, Vera Wiley know what it's like to be without both a job and a high school diploma.

But they found the gumption and the help they needed to do something about it.

Vaughn, 38, said she dropped out of school when she was in the 10th grade. Wiley, 60, dropped out when she was in the ninth grade.

Both mother and daughter made the decision to seek their GEDs through the Job Training Partnership Act program in the fall of last year without knowing of the other's plan.

Vaughn had heard about the program from her case worker at the Department of Social Services. Wiley heard about it when she was working at the soon to-be-closed-down Weather Tamer factory and JTPA officials come in to outline special services offered to displaced workers.

JTPA was established by federal law in 1982 to provide economically disadvantaged individuals the training they need to hold good jobs in the private sector.

To qualify for JTPA programs, people must be out of work or earning low incomes. Many people who join the program are receiving governmental aid such as Aid to Families with Dependent Children (AFDC), food stamps or worker's compensation.

There is also a special Dislocated Worker program designed to provide new job skills for those who have lost their jobs through no fault of their own.

The various JTPA programs offer skills assessment testing, job search assistance, relocation assistance, basic education training, on-the-job training, specific industry skills training and vocational skills training.

In many cases, the JTPA can even help provide people who qualify for the programs with child care while they receive their training during the day.

Vaughn's three children were in school during the day, so child care wasn't a problem for her. She said the only part of the program that gave her any problem at all was algebra.

"I didn't understand algebra," she said. But I enjoyed geometry. I would never have taken it in high school—just the name alone would have scared me—but I really enjoyed it."

Both mother and daughter agreed classes were more fun the second time around.

"They (JTPA teachers) made it fun and interesting," Vaughn said. "We brought home report cards. My kids would laugh and say, 'Do I get to sign your report card, mother?'"

Wiley, who worked for WeatherTamer for 22 years, became interested in JTPA because she learned about the program for displaced workers before she became one.

"A lot of things have changed since I was in school," Wiley said. "I just went up there and had fun while I was learning."

She said she was "excited, scared and shaking" when she walked across the stage to receive her GED in May. But she was "thrilled" when it was placed in her hand.

"Not many people can say, 'My grandchildren watched me graduate,'" Wiley said.

Now, at 60, she said she is continuing her education with JTPA and learning computer and typing skills.

Both women said they would definitely advise young people to finish high school and give serious thought to their career plans.

"The kids in school now ought to stay and get their diplomas," Wiley said.

"You used to could find a job in a week's time. Now you can look for a year and still not find one," Vaughn agreed.

Vaughn said she had a friend who had graduated from high school who was beaten out of a job as a dog catcher by an applicant with a college degree in "husbandry."

"There's a lot more competition and not enough jobs to go around," Vaughn said. "The more education you have, the better off you are."