

EXTENSIONS OF REMARKS

PROF. LEWIS BRANSCOMB AND
HARVARD BUSINESS REVIEW
READERS CRITIQUE TECH-
NOLOGY POLICY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1992

Mr. BROWN of California. Mr. Speaker, the importance of the Government as a partner in improving the competitiveness of our Nation's industries is an increasingly central concern of American businesses. U.S. firms must operate in an environment in which international challenges permeate our economy, accelerating the speed of technological change, and expanding the scale and scope of the resources and expertise required to remain competitive. This is an environment in which our firms must have access to state-of-the-art practices and technologies to remain competitive. Working to meet these challenges, U.S. firms are often handicapped by the fragmentation of many of our industries and by difficulties in gaining and incorporating knowledge about the latest processes and products. One area in which there has emerged a strong argument for an active Government role is in improving and advancing the technological infrastructure that serves our Nation's industries.

The importance of this challenge was highlighted in recent issues of the Harvard Business Review [HBR]. Lewis Branscomb, former chief scientist at IBM, former Director of the National Bureau of Standards—now the National Institute of Standards and Technology—and current director of the Science, Technology and Public Policy Program at Harvard University's Kennedy School of government, has argued for a fundamental rethinking of our approach to policies affecting technology. In his article, "Does America Need a Technology Policy," in the March–April 1992 issue of HBR, Professor Branscomb notes that—

The issue isn't whether the United States should have a technology policy—it already does—but what kind of Government policies and programs make sense in the new competitive environment.

He notes that—

Instead of concentrating on the "supply" of new technologies, government should stimulate "demand" for innovative ideas by helping companies across the industrial spectrum speed up the commercialization of good ideas to meet specific business needs. This can be done by encouraging collaborative research among companies and between industry, universities, and government labs; by investing in the technological infrastructure on which all innovation is based; and by helping develop the tools and techniques that all companies need to be more productive.

In the subsequent May–June 1992 issue of HBR, responses to Professor Branscomb's ar-

ticle from 18 industrial representatives, analysts, and academics were published in "Technology Policy: Is America on the Right Track?" These responses reflected a remarkable consensus that reinforced Professor Branscomb's thesis, also arguing for thoughtful, strategic technology policy, developed in close collaboration with industry, that would bridge structural weaknesses that handicap our firms.

Many of these very concerns are being addressed in the National Competitiveness Act of 1992 (H.R. 5231) and the American Technology Competitiveness Act of 1992 (H.R. 5230). The former is legislation that was introduced by Mr. VALENTINE, chairman of the Subcommittee on Technology and Competitiveness, and was recently reported out of the Committee on Science, Space, and Technology. The latter is a broader legislative package that I introduced.

In these bills, we are moving toward the development of a more effective technology infrastructure through programs that strategically complement the activities of the industry, addressing needs that industry has identified. The formation of manufacturing outreach programs, of a computer network that will link the Nation's manufacturing extension offices, the greater coordination of technology policy with substantial industrial advice, and the enhanced support of advanced, technology-based programs, such as the Advanced Technology Program of the Department of Commerce, are among the provisions of these bills which have been well received by the industrial community.

A review of the National Competitiveness Act of 1992 has been provided by the central actor in the technology policy debate in the Harvard Business Review, Lewis Branscomb. In a recent hearing before the Subcommittee on Technology and Competitiveness, Professor Branscomb submitted a detailed assessment of the bill and endorsed each of its principal provisions. He reaffirms that two key weaknesses in national competitiveness that would be effectively addressed by the bill, (1) the national underinvestment in infrastructural technology, and (2) the need for the more effective diffusion of technical knowledge and skills.

The legislation proposed in H.R. 5231 and H.R. 5230 would make real and timely contributions to the long-term growth of our Nation's economy. Because of his insightful discussion of the need for this legislation, I would like to submit excerpts from Professor Branscomb's testimony to the CONGRESSIONAL RECORD.

EXCERPTS FROM THE TESTIMONY OF PROF.
LEWIS BRANSCOMB

In 1971 the Secretary of Commerce told the Congress the government had to react to the competitive threat from abroad to our high technology industry:

"The magnitude of the problem is such we cannot rely upon normal forces to maintain our advantage in technology. We have recog-

nized this fact in space, defense, and atomic energy areas. Other trading nations have recognized it in the area of civilian R&D and have taken steps to assist technological development. If we are to maintain our advantages in this area we must first of all accept the idea that it has become a proper sphere of governmental action."

This testimony did not come from a left-leaning advocate of "industrial policy;" it came from a conservative advocate of private enterprise and limited government, Mr. Maurice Stans, President Nixon's Secretary of Commerce. In the fifteen years since I served as Director of the National Bureau of Standards under Mr. Stans, forward looking Americans from both political parties have been looking for ways to convert U.S. leadership in science and engineering into better jobs and more competitive firms. This legislation represents a major step down that path.

Titles 1–6 of H.R. 5231 deal directly with science and technology; that is, they are concerned with microeconomic issues. I will focus on these titles this morning. But I want to acknowledge that macroeconomic policy, particularly tax and investment incentives such as those in Title VIII and some of those in the minority's bill H.R. 5229 are important to competitiveness too. The problem with macro policies is that they tend to be much more expensive than more tightly targeted and managed S&T activities, particularly since most of the technology policy innovations I favor can be done within the current total government R&D budget by managing defense conversion as called for in section 941.

The other alternative to S&T programs is trade policy. Too many Americans look to trade policy as a surrogate for technology policy. The President's trip to Japan is a very unfortunate demonstration of the failure of this approach. Our competitive challenge is with imported products on the store shelves here at home. Only measures to make American industry more productive and innovative will, in the long run, protect American workers from imported products of lower cost and higher value.

Some people debate whether the government should even have a "technology policy," even though America has had such a policy ever since World War II. For the first 20 years after the war that policy was based on government initiated investments in technology for defense, space and atomic energy, together with government funding of strong basic research in universities and national labs. Private industry had little difficulty fending for itself in a world of little competition. This policy served American interests very well. The trouble is, the old de facto policy is now obsolete.

Dr. Bromley recognizes that fact, for he is the author of the Administration's "U.S. Technology Policy", published by the White House and sent to the Congress on Sept. 26, 1990. It is not a bad policy as far as it goes, as it emphasizes technology diffusion and utilization as well as R&D. The Administration's fiscal year 1993 budget request has a number of initiatives that are quite commendable, proposing to double the budgets of

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

both NSF and NIST. But the Administration is still nervous about declaring its clear intention to use the \$70 billion the government spends on R&D a lot more effectively in pursuit of a strong economy, which is the source of the nation's security and a rising standard of living.

The policy we have been pursuing for the last 40 years needs bold revision. Here's why:

(1) Americans are losing confidence in the value of basic scientific research and of the universities in which it is conducted. Why? Because the public found out that the best science in the world is no guarantor of economic success if government and the private sector do not do enough to help Americans create, find, adapt, and use technology to good advantage. Trickle down doesn't work with science any better than it works with wealth. But a strong technology strategy will create equally strong demand for a leading position in science as well.

(2) To improve the competitive advantage of our manufacturing companies the government should invest in the kinds of technology that matter in commercial competition, and stop relying so heavily on defense and space spinoff and trickle down. Agencies have been investing billions in "megaprojects" in the mistaken expectation that if we spend enough money on technology for government missions, the "spin off" of technology to commercial firms will substantially enhance their competitiveness. As Linda Cohen and Roger Noll point out, the biggest government engineering projects almost inevitably create a captive constituency which then blocks the changes needed to keep such projects economically justified. Sylvia Ostrey calls this process "winners picking governments." Well managed big-science projects can, of course, be valuable for science, for defense, and for national pride. But improving competitiveness calls for more decentralized actions, such as those proposed in this bill. These actions should focus on access to technology and more effective use of technology in tens of thousands of small to middle sized firms.

(3) If U.S. commercial firms can't match Japanese costs, quality, and speed to commercialization, we should not ask Defense agencies or Defense companies to tell them how. The Defense department will have its hands full keeping its technology strong despite decreasing budgets. The military services' problems will be to get access to the world's best commercial technology. They should be sharing with commercial firms the cost of developing dual use technology both can use. If they do, both the economy and our security will be strengthened. Recommendations by the Carnegie Commission to broaden DARPA's mission to include dual use technology explicitly have been into legislation by Senator Bingaman. But as the legislation points out, effective capabilities to address commercial technology needs must be developed in the civil agencies.

(4) Competitiveness depends primarily on manufacturing cost and quality and the speed with which a firm can react to customer needs and exploit a new scientific advance. In short, a competitiveness strategy must address technologies for design, production processes, manufacturing and quality assurance—not just research and product development. The Committee's legislation correctly focuses on these "downstream" areas of technical performance, but the traditional U.S. non-military policy does not. Few of the government's mission-oriented programs involve manufacturing in high volumes, place a high premium on the lowest

possible costs, or are intended to respond very quickly to changes in both product and process.

The responsibility for generating and using technology to support economic competitiveness is primarily the responsibility of private industry. Seventy percent of U.S. R&D is performed by private firms, although government pays for half the R&D in America. Depending on whether a firm's technology is for commercial, military, or environmental use, the firm sees government pursuing laissez-faire policies, running a command economy, or forcing technology through regulations. It is increasingly anomalous that government insists on invoking three different and incompatible economic paradigms for technology generation, depending on whether the purpose of the technology is to meet military, commercial, or environmental markets.

The rationalization of these increasingly contradictory paradigms leads to two conclusions:

(a) The U.S. must have a well integrated industrial technology base that supports all of the nation's priority needs, encouraged by a public policy that serves those needs in a consistent manner. Progress in modern, science-based engineering depends increasingly on a publicly supported infrastructure of technical knowledge, skilled people, tools, materials, and facilities. Between the realms of basic science and proprietary technology there lies a large domain of public-good technology. Firms under-invest in this "infrastructural technology" because of low appropriability of the benefits.

(b) Economic performance rests primarily on how well the society uses existing technology, acquires skills, and scientific understanding. It follows, then, that the government's technology policy must give much greater emphasis to the diffusion of technical knowledge and skills. The primary elements of a diffusion strategy are: aggregating, evaluating, communicating, and absorbing non-proprietary information. The primary mechanisms are through education, mobility of technical personnel, and networks (both facilities and institutions) for promoting cooperation and sharing. Collaboration between the states and federal resources, especially for industrial extension services, is particularly important.

H.R. 5231 is consistent with this approach.

A TRUCK IS A TRUCK: SUPPORT THE MISCELLANEOUS TARIFF BILL

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1992

Mr. HUNTER. Mr. Speaker, later this week, when it considers H.R. 4318, the miscellaneous tariff bill, the House will have an opportunity to correct a 1989 Treasury Department ruling which overturned a Customs classification decision on multipurpose vehicles [MPV's].

As my colleagues are aware, the Customs Service studied the MPV issue for a year, and determined that all sport utility vehicles and minivans were properly classified as trucks rather than passenger cars.

The Treasury Department overturned this decision, replacing it with one which makes no

sense—based on the number of doors a vehicle has and the presence or absence of rear side windows. It was a decision which resulted from intense foreign lobbying, and it should not stand.

Earlier this week, a number of my colleagues joined me in circulating a "Dear Colleague" letter urging that the Congress uphold the original Customs Service decision by supporting enactment of H.R. 4318. We also wrote to the President urging that he support the legislation.

Today, I would like to insert into the RECORD, a February 1989 memorandum from the Deputy Commissioner of Customs to the Deputy Secretary of the Treasury urging that the Customs ruling be confirmed in full.

The Deputy Commissioner, following a tour of a Toyota plant, made a very compelling argument on behalf of the Customs Department position: "It is clear that the Forerunner is a truck, built in a truck factory, built on a truck chassis, built on a truck assembly line."

Mr. Speaker, a truck is a truck. And we have an opportunity to make that crystal clear when we consider H.R. 4318 later this week.

At this point, I would like to insert in the RECORD, a copy of the 1989 Customs Service memorandum. I urge my colleagues to read it:

U.S. CUSTOMS SERVICE,

Washington, DC, February 15, 1989.

To: Deputy Secretary McPherson.

Thru: Assistant Secretary for Enforcement and Operations Commissioner of Customs.

From: Deputy Commissioner of Customs.

Subject: Classification of Vehicles.

On February 15, 1989, I had the opportunity to visit a Toyota manufacturing plant in Japan. Information obtained in that visit is pertinent to the decision on the classification of vehicles under the Harmonized Tariff System. Based on this visit, the accuracy of Customs classification is confirmed. Customs' classification of each of Toyota's vehicles is exactly the same as Toyota's—absolutely no difference. The factory we visited was manufacturing pickup trucks and Forerunners.

While we were cordially welcomed by Toyota, it was very clear that they did not want us to visit the Forerunner/pickup truck plant. Every effort was made to discourage us. They claimed the assembly line was in disarray, in changeover, not fully operating, in conversion to the 4-door model, etc. The real reason for not wanting us to see became clear soon after arrival; i.e., we saw a totally integrated truck-manufacturing facility, totally segregated from automobile and station wagon manufacture.

While it is accurate to say that Forerunners and pickups are produced in the same factory, it is more precise to say they are produced on the same assembly lines—the 4-door Forerunner included. Line after line included 2-door and 4-door Forerunners intermingled with pickup trucks. The integration of the Forerunner with the pickup truck was virtually complete.

The factory engineer pointed out these differences between the 2 vehicles and the processing:

The finish on the Forerunner is superior because it is "designed for the transport of people!"

The back seat folds flat so it will be "more comfortable for persons to sleep."

The rear-wheel suspension is heavier to "carry heavy luggage."

It is clear that the Forerunner is a truck, built in a truck factory, built on a truck

chassis, built on a truck assembly line. It is hoped that this argument is not too simple in contrast to the complex and novel argument contrived by foreign manufacturers' representatives based on meeting notes, purposely deceptive information, and their own vivid imaginations. A brief visit provides striking and shocking confirmation of Customs' ruling.

A visit to the Toyota Headquarters was equally enlightening. You asked at our last meeting if we could develop a continuum from vehicles clearly designed "principally for the transport of persons" and those clearly designed for the "transport of cargo." Toyota itself has developed this continuum and classification system, in its internal literature, documentation, and working documents throughout its organization. On a huge 2-story wall, each Toyota vehicle is displayed on 2 large charts. On the left side of Chart 1 is each sedan and station wagon. On the left side of Chart 2 is each minivan, sport utility vehicle, and truck. The classification by Toyota is identical to that of Customs. The attached chart provides some small idea of the wall display. An even more dramatic representation will be delivered to you next week. Time did not permit additional visits. However, on the basis of evidence gained at Japan's largest manufacturer of motor vehicles, the accuracy, indeed perfection, of the Customs' ruling is confirmed.

Mr. Rohde accompanied me on this visit, and will be available to confirm and elaborate on our findings next week. If you are not completely convinced at this point to confirm the Customs' ruling in full, it is respectfully requested that you delay the decision until you have had the opportunity to be briefed by Mr. Rohde in more detail. This visit to Toyota's manufacturing plant was to Baltimore Harbor what lightning is to the lightning bug. In the meantime, I remain your man in Japan.

FATHER JEROME HOLTZMAN'S
PRAISE OF AMERICA

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1992

Mr. JOHNSON of Texas. Mr. Speaker, I have known Father Jerome Holtzman of Watertown, SD, for many years, and I was so impressed by a guest editorial that he wrote for the Watertown Public Opinion on our great democracy that I want to see it reach a wider audience. It's his view, and mine that, even despite all of our problems, America still serves as a beacon of freedom to the rest of the world. In all the depressing news about the economy, we sometimes forget what a wonderful country that we have, and what America means to the people of the world. I believe it contains much wisdom, Mr. Speaker, and I commend it to you:

DEMOCRACY AT WORK AND AT PLAY—A VIEW
FROM THE OUTSIDE

(By the Rev. Jerome Holtzman)

(Editor's Note: Today's Guest Editorial was written by the Rev. Jerome Holtzman, the new pastor of the Holy Name Catholic Church. Rev. Holtzman recently returned to the United States after serving six years as a missionary in Thailand where he learned first hand about what the lack of democracy

and freedom were all about. The thoughts below first appeared last Sunday in the Holy Name News. These thoughts deliver quite a message!)

Our form of democratic government may not be the best possible in the world, and it may not have to be applicable to every other country in the world, but I like it and it is fun. And I don't notice too many Americans stomping at the border to get out. Can you imagine an American Refugee Camp in Mexico or Canada?

My perspective may be prejudiced by living for six years in a country still struggling to establish a democratic form of government; in a country where just recently 1,000 people protesting against a military leader were killed. That same country has a king, a marvelous, beloved man. But to say one word in criticism of him could land you in jail or thrown out of the country. Imagine how crowded our jails would be if we had a law preventing us to say a bad word about our president.

Next to Thailand is Burma. It has an elected president, a lovely lady. She is imprisoned and many of her supporters have been killed. The oppressive military has forced thousands of refugees to seek sanctuary in Thailand and even Bangladesh. To the north of Thailand is Laos. Its Communist regime is still not welcoming back those who oppose the government or left for economic reasons. And then there is Cambodia: Pol Pot, who was responsible for killing 1 million of his own people, still claims a role in the present coalition government. The United States, for all its social, economic, racial, political and cultural problems is still the idol of freedom of millions throughout the world.

You may get tired of listening to all the political prophets and pundits. I love 'em! I certainly don't agree with all of them. And that is the point. You don't have to. That is our freedom: To agree or disagree. Nobody is going to shoot you, put you in prison, or kick you out of the country if you don't agree. Their language may be rhetorical, poetical, demagogical or just plain baloney. But much of it is classic and I delight in hearing English with all its regional accents and flavors. It sounds sweet to ears that have been bombarded with foreign tongues. This is American English. This is the U.S.A.

Are the party conventions worth \$22 million? I say yes. That is cheap advertisement for American patriotism. And it is much better publicity for our form of government than bombs or bullets.

What has this all got to do with the Gospel? I think everything. Part of our American mythology is to be a "light to the nations." We can be faithful to that divine call only if we continue our struggle for "equality, liberty and justice for all."

There is one thing my foreign friends don't understand about our system: How come only 40 percent of our eligible population would turn out to vote? I can't answer that one. Can you?

I don't believe the United States is the promised land. Nor do I believe it has to be number one. I just want to let you all know that I am happy, excited and grateful to be here.

A TRIBUTE TO JOHN J.
MACCARONE, GLEN COVE RECREATION OFFICIAL

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1992

Mr. ACKERMAN. Mr. Speaker, I rise today to honor the memory of John J. Maccarone of Glen Cove, NY.

A sports enthusiast who for more than 20 years was commissioner of parks and recreation for the city of Glen Cove, died July 15 at the age of 68 while attending a Glen Cove Golf Commission meeting at city hall. Mr. Maccarone participated in and coordinated numerous sports activities, including last year's All Saints Golf Classic to benefit All Saints Regional Catholic School in Glen Cove and Glen Head.

Mr. Maccarone had been honored by the Amateur Softball Association of America and had his name enshrined in the National Softball Hall of Fame in Oklahoma City. A 1942 graduate of Glen Cove High School, he went on to become a founder and past president of the Glen Cove Hall of Fame, which honors local athletes for their contributions to the city's youth and sports programs and provides scholarships to Glen Cove High School athletes.

Mr. Maccarone was also a World War II veteran, having served our country in the Army Air Force in England and Germany.

Mr. Speaker, I call on all my colleagues in the House of Representatives to join me in mourning the loss of John J. Maccarone. He was a great contributor to the community of Glen Cove, and will be missed dearly.

JOHN J. MACCARONE, GLEN COVE RECREATION OFFICIAL

(By Stuart Vincent)

John J. Maccarone, 68, a sports enthusiast who for more than 20 years was commissioner of parks and recreation for the City of Glen Cove, died Wednesday night of a heart attack while attending a Glen Cove Golf Commission meeting at City Hall.

"He's one of those people who is a real Glen Cover," Mayor Donald DeRiggi said of his commissioner. "He touched so many people through the Parks and Recreation Department and the golf course that he's very, very well known. He always accommodated someone who wanted to get their child into the day camp or wanted to get a team into a league or start a basketball tournament. He was somebody who not only did his job, but a lot more."

DeRiggi said it was not uncommon for Mr. Maccarone to patrol golf course greens at 6:30 a.m. and softball fields at 10 p.m. and on weekends.

Mr. Maccarone, who was a participant as well as a coordinator of numerous sports activities, had been honored by the Amateur Softball Association of America and had his name enshrined in the National Softball Hall of Fame in Oklahoma City. He helped to organize last year's All Saints Golf Classic to benefit All Saints Regional Catholic School in Glen Cove and Glen Head.

Mr. Maccarone was a founder and past president of the Glen Cove Hall of Fame, which honors local athletes for their contributions to the city's youth and sports pro-

grams and provides scholarships to Glen Cove High School athletes.

"He really, really loved sports," said his son, Glen Cove Councilman John L. Maccarone, who was with his father at the Golf Commission meeting Wednesday. "And you know what's great? He's going to be buried right next to Rocky Graziano. The champ is going to be right next to my pop."

A 1942 graduate of Glen Cove High School, Mr. Maccarone was a Locust Valley native and longtime Glen Cove resident. He was a World War II veteran, serving in the Army Air Forces in England and Germany. He later graduated from the University of Miami and was named city commissioner of parks and recreation by former Glen Cove Mayor Andrew J. DiPaola.

In addition to his son John, survivors include his wife, Elizabeth; two other sons, Robert and Richard, both of Glen Cove; a daughter, Leslie of Glen Cove; a brother, Ralph of Glen Head; two sisters, Mary Capobianco of Locust Valley and Laura Mastroianni of Glen Cove, and two grandsons. He was the brother of the late Patrick and Joseph Maccarone.

CONGRESS NEEDS TO PASS AN NIH REAUTHORIZATION BILL

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1992

Mr. MAZZOLI. Mr. Speaker, the following article from the July 20th issue of Business Week underscores the need for Congress to pass, and for the President to sign into law, the National Institutes of Health [NIH] reauthorization bill.

Research on diseases which affect disproportionately more women than men must receive both increased attention at the NIH and increased Federal research dollars. A General Accounting Office [GAO] study, conducted in 1989, pointed out an unacceptable disparity in the share of Federal dollars that go toward women's health research; and, quite properly, the National Institutes of Health is now making women's health research a top priority.

Under the leadership of Dr. Bernadine Healy, in 1990 the Institute established the Office of Research on Women's Health [ORWH]. The intent of this move is to include more women in clinical research and to direct increased resources toward finding cures for diseases which affect women exclusively.

More recently, the NIH, at the urging of the Congressional Caucus for Women's Issues, launched a path-breaking \$500 million, 10-year study—called the Women's Health Initiative—to determine how cardiovascular disease, cancer, and osteoporosis might be better prevented in postmenopausal women.

Programs like the ORWH and the Women's Health Initiative need to be adequately funded. However, last month the NIH reauthorization bill became caught up in the wrangling over fetal tissue research and, for that reason, did not become law.

That NIH bill would have authorized \$325 million for breast cancer research—a cancer which will kill 46,000 women this year—\$75 million for gynecological cancer research and

\$40 million for osteoporosis research. Furthermore, the NIH bill would have established, by statute, the Office of Research on Women's Health. Today, it only exists under executive branch authority. This change will make the office a permanent part of the NIH family of research arms.

Mr. Speaker, I have already cosponsored a number of bills in the 102d Congress which authorize increased funding levels for research on breast cancer and other women's diseases. And I would like very much to support an NIH reauthorization bill because it needs the funding as well as a new, secure mandate.

So, I urge Congress and the President to work together and, as soon as possible, bring an NIH bill to the floor which does not become a pawn in the battle over fetal tissue research, but which can be signed into law so the NIH can proceed in its vital and necessary work: to save the lives and protect the futures of millions of women.

FINALLY, A HEALTHY INTEREST IN WOMEN

(By Sunita Wadekar Bhargava)

Each year in the U.S., some 500,000 people suffer swelling in the joints and glands and other telltale signs of the sometimes-fatal immunological disease called systemic lupus erythematosus. About 90 percent of these victims are women, more than half of child-bearing age. Yet many don't know they have the illness. And doctors don't know what causes it, nor do they understand why it attacks women mainly and strikes black women three times as often as white.

Until two years ago, in fact, no one was even trying to answer these questions. Then, researchers at the National Institute of Arthritis & Musculoskeletal & Skin Diseases in Bethesda, Md., took action. In 1991, they started distributing information about the disease to black women and launched studies to determine what causes the disease.

As the efforts to unravel this mystery show, women's health issues are becoming a priority after decades on the back burner. Until recently, most new drugs were tested mainly on men, and a disproportionate number were aimed at men. Then in 1990, a General Accounting Office study put the blame on the National Institutes of Health, the nation's premier medical research and development body. That year, the NIH launched the Office of Research on Women's Health [ORWH]. And it gained an important patron when Dr. Bernadine P. Healy became NIH director in April 1991.

Through the ORWH, the NIH is pushing health centers, particularly its various institutes, to include women in clinical trials for medicines, to start work on diseases that afflict women only, and to study whether maladies such as heart disease, AIDS, and cancer affect women differently than they do men. "Medical research is starting to shift toward women's health issues," says Joan Kuriansky, who chairs the Campaign for Women's Health, a Washington, D.C., advocacy group.

In fact, the NIH's focus is fueling "an explosion of interest from drug companies," says Dr. Florence P. Haseltine, founding president of the Society for Advancement of Women's Health Research. In the past year, Wyeth-Ayerst, Sandoz Pharmaceuticals, and Pfizer, among others, have set up female health care research departments. As of last December, says the Pharmaceutical Manufacturers Assn. (PMA), there were 263 medicines in development for women at 79 drug companies. The lure for drugmakers: Lucra-

tive markets that should develop as millions of female baby boomers encounter fertility problems, then reach middle age and menopause.

MICE AND MEN

It will nonetheless take years to compensate for decades of neglect. Women are 52% of the U.S. population and face similar risk for many of the killers that hit men. But until now, research on such key problems as heart disease, lung cancer, and the effects of smoking—and on drugs to treat them—has been done mostly on mice and men, middle-aged white males at that. Researchers excluded women by arguing that pregnancy and women's fluctuating hormone levels could skew their results.

That's a risky oversight. Recent studies suggest that chemical differences between men and women create distinctions in their ability to absorb and metabolize up to 30% of all drugs. Women have more body fat than men, so some drugs may linger in their systems longer. The changes in hormone levels during the menstrual cycle also affect the behavior of drugs. These differences, says Dr. Lionel Edwards, chairman of the special populations committee of the PMA, can affect a drug's appropriateness and dosage. Without the right data, doctors can't tailor treatments for women.

FAIR SHARE

Such is the case with coronary heart disease. Women typically develop it 10 years later than men, and scientists have long interpreted this delay to mean that women are less affected by it. So, most prevention strategies and treatments for heart attacks are derived from research on men, including a landmark aspirin study financed by the NIH. Conducted by the National Heart, Lung & Blood Institute in 1981 on 22,000 male physicians, it found that men who take an aspirin every other day lowered their heart attack risk. But since women weren't included, researchers didn't know whether aspirin helps, harms, or has no effect on them.

That exclusion outraged women when it was cited in the GAO report. In 1989, the Congressional Caucus for Women's Issues urged the GAO to investigate whether the NIH discriminated against women in medical research. The GAO found that women weren't included in research and prodded the NIH to set up the ORWH. Since then, AIDS and cancer activists have joined in advocating that research on women's maladies should get more dollars.

Companies have reacted quickly. High on their lists are drugs to treat hot flashes caused by menopause, hypertension, congestive heart failure, osteoporosis, and breast, cervical, lung, and ovarian cancer. Since 1991, Sandoz Pharmaceuticals Corp. has stepped up its research on postmenopausal osteoporosis, the bone loss that affects 25 million U.S. women. "We are not only looking at drugs or treatment, but at a new delivery system," says Dr. Donnica L. Moore, associate director of the Sandoz Medical Education Center. Osteoporosis sufferers now take Sandoz' Miacalcin by injection, but Sandoz is testing a more convenient aerosol nasal spray. At Warner-Lambert Co., which has 21 compounds for women in development, reproductive biology is a top priority.

The NIH, meanwhile, has set an even more ambitious—and controversial—agenda. Its Women's Health Initiative, launched last year, is a \$500 million, 10-year plan to study 150,000 post-menopausal women to determine how diet, exercise, and hormone therapy might prevent cardiovascular disease, can-

cer, and osteoporosis. One trial will examine whether a low-fat diet helps prevent breast cancer and heart disease. The NIH also will screen applicants for funding to make sure they include more women in their studies or provide a rationale for not doing so. It also is asking researchers to evaluate how drugs behave differently in men and women.

Last year, the NIH made cardiovascular diseases, osteoporosis, and cancer its top priorities, and the agency boosted research on women in all three areas. Already, one new program promises insights in preventing lung cancer, the No. 1 cancer killer of women. One finding—that more girls than boys start smoking in their teens—suggests that prevention efforts need to focus more on girls.

The NIH is also putting more muscle behind research on AIDS in women. The disease is spreading faster among women than men, according to the Centers for Disease Control, but until last year most AIDS research was done on young, white males. To redress the oversight the NIH will spend \$120 million for research on AIDS in women in fiscal year 1993, up 56% since 1990.

GUARDIANS

These funds will help finance studies at the National Institute of Allergy & Infectious Diseases, an NIH affiliate. One will examine the effect of AIDS on 500 pregnant women and their offspring. Another, a five-year effort will examine how the AIDS infection manifests itself in 2,500 HIV-positive women. Of great concern is the relationship of the infection to women's disorders. Early findings show that HIV-infected women have higher rates of abnormal pap smears and cancer of the cervix, and they react differently to sexually transmitted diseases.

The new priorities are tentative, so far. "In an ideal world, our office should not exist," says Dr. Vivian W. Pinn, director of the NIH's ORWH. "But we have to be there to make sure that the other NIH institutes and affiliates are spending money on women's research. And Congress has yet to give statutory authority to ORWH, as the Women's Congressional Caucus has demanded. Unless this happens, advocates fear that women's concerns won't remain front and center at the NIH.

That would be too bad. It seems all too obvious that when it comes to doing medical research and developing drugs, women shouldn't be thought of as the same as men.

**HONORING DR. JOE A. LOPEZ,
PRINCIPAL, VALLE LINDO HIGH
SCHOOL**

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1992

Mr. TORRES. Mr. Speaker, I rise today to recognize a special individual and dedicated public servant, Dr. Joe A. Lopez, principal of Valle Lindo High School in El Monte, CA.

In 1969, Joe earned his bachelor of vocational arts degree from California State University, Los Angeles, and 1970 he earned another bachelor of arts degree of the field in sociology. He received his master of arts degree in 1974 from California State University, Long Beach. In 1986, he completed his doctor of education degree with an emphasis in institutional management at Pepperdine University.

He and his lovely wife, Madeline, have been married for over 40 years. They have 6 children, 12 grandchildren, and 1 great grandchild.

For the past 26 years, Joe has dedicated his career to the field of education. In 1966, he began his career in education with the Alhambra High School District as a classroom teacher at Mark Keppel High School. From 1972 to 1976, he served as counselor and director of title 1 programs, at Ontario High School. He was promoted to assistant principal of Excelsior High School, where he served from 1976 to 1980. His expertise in the areas of staff supervision, curriculum and instruction development, pupil personnel services, budgeting, administration of special programs, and the development of parent advisory committees have served him well since 1980 as principal of Valle Lindo High School.

In addition to his distinguished professional accomplishments, Joe has been involved with a variety of educational associations, including the Association for California School Administrators, California Teachers Association, National Educators Association, and California Continuation Association.

He also serves as a board member of Project U-Turn, member and past president of the El Monte/South El Monte Coordinating Council, advisory board member of the El Monte Comprehensive Health Clinic, and South El Monte Commission for the Youth-Anti-Gang Commission. In addition, he is active with the St. Vincent De Paul Society and Industrial Lions Club of South El Monte.

Since 1984, Joe has served as a member of my U.S. Academy Service Review Board. The board meets annually to interview and screen applicants who are seeking admission to a U.S. service academy. The dedicated work performed by Joe and the other members of the board is an indispensable contribution to me in selecting my nominees. Their work ensures that high standards are maintained for our Nation's future officer corps.

Mr. Speaker, it is with pride that I rise to recognize my friend and adviser, Dr. Joe A. Lopez, and I ask my colleagues to join me in saluting him for his outstanding commitment to the defense of our Nation and for his record of unselfish service to the residents of the 34th Congressional District.

**THE 25TH YEAR OF SERVICE BY
GREATER SAN BERNARDINO
KIWANIS CLUB**

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1992

Mr. BROWN of California. Mr. Speaker, I rise today to recognize the Kiwanis Club of Greater San Bernardino as it begins the 25th year of outstanding community service.

The club through its past and present distinguished leadership has been involved in every major community health, and/or educational project within the city of San Bernardino and continually strives to identify needs and provide services to the Westside community. For example, during the past 25 years, the club

has raised over \$110,000 and awarded 1,360 scholarships to local high school students.

Over the past 25 years, the Kiwanis Club of Greater San Bernardino has won many local, State, national, and international awards for its 16 projects. Some of the most recent award winning projects include:

Mexicali dental project: A 3-year project that provided complete dental services to children from two orphanages in Mexico. These children had never visited a dentist. The project received the Kiwanis California-Nevada-Hawaii Districts' Single Service Award;

Mexicali Blood Bank: A 2-year joint project with the San Bernardino Sister City Committee to raise funds to establish the first blood bank in Mexicali, Mexico. This project won the Kiwanis' International Single Service Award;

Inland Empire Future Leaders Program: Provides leadership training to local area eighth and ninth grade students. The program offers basic information on college requirements, courses, scholarships, and community resources available. The students are encouraged to network and are followed throughout their high school and college careers returning as group counselors, facilitators, mentors or sponsors of current participants. This project won the Kiwanis' California-Nevada-Hawaii Districts' Single Service Award;

Community Health Fair at Casa Ramona Community Center: Now in its third year, this program offers health services to 1,500 to 2,400 individuals in the heart of the Hispanic community, where health services are almost nonexistent to many recent immigrants. These immigrants are often struggling to meet basic needs—food, shelter, and clothing—and are unable to obtain conventional health services except for emergencies. I join the Kiwanis Club and other community organizations such as the U.S. Navy, the Hispanic News, El Chicano News, KCAI—Spanish language radio—and many public and private agencies in sponsoring the community health fair each year. This project received the Kiwanis International Single Service Awards.

I commend the Kiwanis Club of Greater San Bernardino for its outstanding record of charitable, educational, and public welfare programs.

TRIBUTE TO WILMA SWIFT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1992

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to one of my exceptional constituents, Wilma Swift, who on June 21, 1992, was installed as president of the ladies auxiliary to the Veterans of Foreign Wars Department, State of Ohio.

Wilma began her lifetime membership with auxiliary 7614 in Johnston, OH, 36 years ago. She was president of auxiliary 7614, 1959-60, president of Trumbull County Council Auxiliary, 1976-78, president of district 8, 1965-66. She has held offices and chairmanships on all levels of the auxiliary. In June 1987, she was elected to the office of department guard and has gone through the chairs to her present position of president.

Besides being a dedicated member of the auxiliary 7614, Wilma has also been a highly devoted family member. Wilma and her husband have been married for 44 years and have two daughters and three grandchildren.

I wish to extend my congratulations to Wilma Swift upon her position. Her dedication and hard work have earned her this honor. I wish her well in all she undertakes.

TRIBUTE TO REV. KAZIMIERZ WRONKA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1992

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Rev. Kazimierz Wronka for his outstanding contributions to the Polish-American community in Chicago and his work for the independence of Poland. Reverend Wronka, associate pastor of St. Richard's Parish in Chicago, will be celebrating his 25th anniversary in the priesthood on August 6, 1992. A man of great integrity and faith, he is a shining example of standing for the ideals of freedom even when the future appears bleak.

Reverend Wronka was born during the brutal Nazi occupation of Poland and grew up during Communist rule. His family was poor and his father passed away when he was only 2. Despite such adversity, Reverend Wronka pursued his education and the calling of his Catholic faith. After his ordination on August 6, 1967, he fulfilled pastoral duties for the Archdiocese of Lubin despite the severe constraints on religious liberty imposed by the Communists.

An invitation by an old friend brought him to the United States in 1974. Since his arrival, he helped alleviate the great need for priests in Polish-American parishes. He has devoted himself to the spiritual and social well-being of the community. Additionally, he continued to actively strive for a free Poland. When Poland finally regained its freedom, President Lech Walesa presented the Gold Cross of Honor to Reverend Wronka for his outstanding work in the priesthood and in the Polish freedom movement.

I am pleased to recognize the achievements of Reverend Wronka both in his 25 years as a priest and his contributions to the cause of freedom in his native land. I urge my colleagues to join me in saluting Rev. Kazimierz Wronka. I wish him and his parishioners good fortune in years to come.

SILVER SPRING, MD, CELEBRATES SESQUICENTENNIAL

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1992

Mrs. MORELLA. Mr. Speaker, I would like to bring to the Congress' attention the 150th anniversary of the founding of Silver Spring, MD.

The story of Silver Spring's origin, dating back to 1842, has become local legend. One

day while Francis Preston Blair, a leading Maryland statesman and newspaper editor, was riding in the countryside with his daughter Lizzie, he was thrown from his horse, Selim. Exasperated, he proceeded to chase his horse into a valley studded with pines and rich undergrowth. To his surprise, Blair found his horse in the high brush that enclosed a spring sparkling in the sunshine. Parched, F.P. Blair drank from the spring. Enthralled by the lovely pines and gurgling brook, Blair immediately decided to purchase the land, nearly 400 acres, surrounding the spring. Soon after, Blair and his family moved from Washington and made Silver Spring their new home. Their home became a favorite summer retreat for influential Washingtonians, including at least four Presidents, among them Abraham Lincoln.

In the following decades, Silver Spring's local prominence blossomed into a national reputation. Confederate Gen. Jubal Early selected Silver Spring as a staging area for a raid on Washington. Confederate miscalculations, and, as local legend has it, the alcohol of the excellent Blair wine cellar transformed the potentially critical raid into a minor skirmish at Fort Stevens. The failure of the Early raid proved to be a turning point in the Civil War.

Its colorful history and ethnic diversity has given Silver Spring a special personality among Washington's suburbs. One of Montgomery County's oldest suburbs, Silver Spring is the home of the region's first suburban hotel, the Holiday Inn on Georgia Avenue, and its first shopping center. In recent years, as the historic B&O Railroad line has been supplemented by suburban Metro transit, Silver Spring has grown into Maryland's second largest city.

On the occasion of the anniversary, the Silver Spring Urban District and the Silver Spring Sesquicentennial Committee have organized a very fitting tribute to Silver Spring—a series of Friday evening concerts through July and August at City Place Park, just a short distance from the original silver spring discovered by Francis Blair.

BRAVO DOME PLANT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1992

Mr. RICHARDSON. Mr. Speaker, northeastern New Mexico has one of the largest known concentrations of carbon dioxide in the world. The Amoco Production Co. has successfully drilled and marketed this carbon dioxide for the past 12 years while striving to preserve the natural landscape and enriching the economy of the surrounding communities.

I recently had the pleasure of touring the plant at Bravo Dome plant facilities of the Amoco Production Co. in Clayton, NM.

I urge my colleagues to update themselves on the production, history, operation and results of the Amoco Production Co. by reading the following information provided to me by Amoco.

Five years ago, Amoco Production Company began producing carbon dioxide gas

from a half mile below the grasslands of northeastern New Mexico.

The demand for carbon dioxide came from oil companies seeking to use the gas to recover more crude oil from maturing oil fields 200 miles away in the Permian Basin of West Texas and southeastern New Mexico.

In the first 60 months of production, some 533 billion cubic feet of the carbon dioxide gas were sold from the unit. Put another way, the volume sold from the Bravo Dome Carbon Dioxide Gas Unit and shipped to the Permian Basin would fill 9,190 Houston Astrodomes.

Along the way, more than \$28 million in royalties have been paid to some 2,000 royalty owners, many of whom live in New Mexico.

Amoco Production Company is the unit operator and has day-to-day operation responsibilities for Bravo Dome. Amoco owns a 74.5 percent working interest in the unit, which means it is responsible for paying that percentage of the total unit costs. Thirty other working interest owners—companies and individuals—share the remaining working interest in the unit.

Sales from the unit have increased every year since 1984 and averaged 365 million cubic feet per day during 1988. Carbon dioxide sales for 1989, however are expected to be lower. That's because only a few enhanced oil recovery (EOR) projects have been initiated in West Texas during the past three years, and because existing projects are—as expected—using less purchased CO₂ as the projects mature.

Amoco officials believe that eventually crude oil prices will stabilize at a point where additional EOR projects would be initiated. At that time, drilling in Bravo Dome will likely resume.

The long-term demand outlook for carbon dioxide is encouraging, and Amoco expects production to continue for another 30 years.

BACKGROUND

The Bravo Dome Carbon Dioxide Gas Unit covers more than a million acres in portions of Union, Harding, and Quay counties. It runs 49 miles east-to-west and 50 miles north-to-south. Underneath is a domal structure known by geologists as "the Bravo Dome."

The colorless, odorless carbon dioxide at Bravo Dome is found in sandstone, overlain by a sealing cap of anhydrite.

CO₂ in northeastern New Mexico was first commercially developed about the time of World War II for dry ice manufacturing. Some of these operations are still in existence.

In the 1950s, Amoco began researching the relationship between carbon dioxide—the simple compound of carbon and oxygen—and crude oil at its research lab in Tulsa, Okla.

In 1971, many companies—including Amoco—began acquiring acreage in northeastern New Mexico. At the same time, Amoco began applying its research efforts to CO₂ pilot projects in West Texas.

The Bravo Dome Carbon Dioxide Gas Unit became effective on Nov. 1, 1980: following approval by royalty owners, working interest owners, the New Mexico Commissioner of Public Lands, the New Mexico Oil Conservation Division, and the United States Geological Survey.

The unit was formed to achieve the most efficient and equitable development of carbon dioxide and to minimize surface impact on the unit area. Some 42 wells were drilled before the unit became effective. Development activity then increased rapidly. Today the well total—productive wells, dry holes, and disposal wells—is 391.

A few years ago, the Bravo Dome Carbon Dioxide Gas Unit was thought to hold about 10 trillion cubic feet of gas. The development activity at Bravo Dome has increased the gas-in-place estimates to 12 trillion cubic feet, one of the largest known concentrations of CO₂ in the world.

In addition to the largest amount of carbon dioxide available in northeastern New Mexico, there are three other advantages: the CO₂ is at a relatively shallow depth (average well depth is 2,318 feet); it's essentially pure (99.8 percent) and it's relatively close to the Permian Basin, where the largest market exists.

TODAY'S OPERATIONS

Some 260 wells currently produce the carbon dioxide gas at Bravo Dome. In addition, there are 111 other wells that are shut in, pending increases in demand.

As an example of the technology used at Bravo Dome, each producing well can be opened and closed by remote control. The solar-powered remote terminal units (RTUs) also allow continuous monitoring of data from each well. The RTUs transmit temperatures and pressures by radio and microwave to the Amoco plant operation center and the main office in Clayton. Amoco personnel there are able to check for well problems by comparing the data.

The carbon dioxide gas travels from the wells via underground gathering lines to the conditioning plant on Highway 420 (formerly Highway 65) in the southern part of Union County, about 50 miles south of Clayton.

The plant removes water and compresses the gas for shipment into sales pipelines that lead to the Permian Basin oil fields. There, CO₂ is injected a mile below the surface into oil-bearing reservoirs that have been producing since the 1930s.

The CO₂ enhances oil production by mixing with and displacing crude oil from the pore spaces of the reservoir rock. No enhanced oil recovery technology now known will do a significantly better job.

RESULTS

Through the end of 1988, Amoco and the 30 other working interest owners had spent more than \$300 million at Bravo Dome. That includes money for drilling, plant and gas gathering facilities, operations, and maintenance.

In the category of state and county taxes paid, Bravo Dome provided \$18.4 million through 1988. Some \$8.7 million of that was for severance taxes, while \$7.3 million was for school taxes. Another \$2 million was for ad valorem taxes and about \$400,000 was for conservation taxes.

Royalty payments to individuals, the state, and the federal government from Bravo Dome operations averaged about \$5.8 million a year during 1985-88.

Company tabulations indicate that less than 1/25th of one percent of the carbon dioxide brought up from below the ground as Bravo Dome has been lost in operations—from repairs in the field, testing, or plant shutdowns—during the entire life of the project.

Amoco Production Company has built about 500 miles of road throughout the unit, and installed hundreds of cattle guards. Amoco has also conducted many plant tours for local residents and other visitors. People are encouraged to come by any time during the day.

Given the mutual benefits of carbon dioxide production to royalty owners, working interest owners, and area residents, Amoco Production Company intends to continue its

record of production in the safest, most efficient manner possible.

TRIBUTE TO BILL BICE OF WAVERLY, OH

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1992

Mr. McEWEN. Mr. Speaker, I rise today to pay tribute to Mr. Bill Bice of Waverly, OH. He is a true example of courage that we all can admire.

While driving home from Columbus one night in late June, the 23-year-old Mr. Bice heard a loud boom. Looking in his rearview mirror, he saw a car sliding off the road in flames.

Trapped inside was Ms. Nancy Showers. Bice parked his vehicle and ran back to the burning car.

"The only thing I was concerned with was getting her out," Bice said. "I wasn't worried about getting hurt."

Ignoring his own safety, he pulled her from the flaming vehicle and carried her 100 feet to safety. There he tended to Ms. Showers until medical personnel arrived.

"Anyone would have done the same thing," Bice said.

Mr. Speaker, contrary to what this modest young man said, not just anyone would have done the same thing. Bill Bice placed himself in harm's way to save a total stranger. He is a hero in the truest sense of the word, and Ohio and all America can be proud of him.

TRIBUTE TO COACH BILL HAMANN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1992

Mr. SKELTON. Mr. Speaker, it is with personal pleasure that I rise today to congratulate Bill Hamann, of Lexington, MO, for his induction in the Missouri Football Coaches first class of Hall of Fame members on July 25, 1992.

Mr. Hamann was a football coach in Odesa, MO, from 1940 to 1942, having winning seasons—7-1 and 6-2—both years before serving in the Navy for 4 years. After returning from the Navy, Mr. Hamann went to the University of Missouri in Columbia, MO, to work on his master's degree. There he ran into the coach from Lexington, MO, Chuck Moser, who said that he was vacating the position. Having seen the Lexington Minutemen football team lose a game to Marshall, MO, 50-0, and knowing that the team had not won a game in two years, Mr. Hamann nevertheless accepted the coaching position. The Lexington Minutemen won every game that Mr. Hamann coached during his first football season in 1946.

Mr. Hamann was the football coach at Lexington, MO, for 22 years. The Minutemen won four conference titles and had consistently successful seasons under his coaching, utiliz-

ing new offense strategies that the other coaches in the conference soon copied. Mr. Hamann retired from coaching football in 1968. He then served as the color commentator for the local radio station from 1968 to 1988 for Lexington football games. His dedication to the Lexington Minutemen over the years has greatly contributed to the team's on-going success.

Bill Hamann is one of three coaches from Missouri's Fourth Congressional District named to the Missouri High School Football Coaches Hall of Fame. Also receiving this honor are Pete Adkins of Jefferson City, MO, and Cliff Cromer of Higginsville, MO. I ask my colleagues to join me in congratulating these men for their much-deserved recognition and their contributions to Missouri high school football.

REAL REMEDIES AGAINST UNFAIR TRADE PRACTICES

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1992

Mr. BOEHLERT. Mr. Speaker, I am introducing legislation today, along with my colleagues from New York, Congressmen McGRATH, WALSH, HOUGHTON, SOLOMON, and MCHUGH, to strengthen current law with respect to circumvention of antidumping and countervailing duty orders.

This language is nearly identical to section 425 of H.R. 5100, the Trade Expansion Act, which passed the House—280 for, 145 against—with my support on July 8, 1992. This bill is currently pending in the Senate Finance Committee. Frankly, if the administration had not promised a veto for H.R. 5100, this action today would not be necessary. The House had already responded. I regret the administration's decision to veto. I think it is a mistake.

I found it necessary to rework part of this legislation to permit parties that requested anticircumvention relief under the 1988 law the opportunity to refile. In such cases, the Department of Commerce would consider the record of circumvention already compiled under investigation, but under the legal standards articulated in section 425 of H.R. 5100. This would provide relief to the domestic industry on a more timely basis, and would prevent the foreign producers attempting to evade an antidumping duty order from using a moving target strategy to evade the law.

Congress in 1988, with my support, passed the Omnibus Trade and Competitiveness Act to give the Department of Commerce the tools and authority necessary to protect American industries from foreign predatory pricing and dumping techniques designed to drive U.S. manufacturers out of business.

Sadly, foreign concerns have found methods to circumvent these laws. It is also unfortunate that the U.S. Department of Commerce has been relatively powerless to stop certain flagrant sidestepping of the law. By shifting the manufacture and assembly of parts to phantom factories or screwdriver operations, foreign manufacturers continue to put a product

on the American market at a price lower than production cost or lower than market price. This drives higher quality American manufacturing jobs into extinction, and favors low-level assembly line jobs in the U.S.

For 13 years, the Smith Corona Corp. of Cortland, NY, has been the target of various types of predatory circumvention. The company is the only remaining American portable electric typewriter manufacturer, and has won six separate decisions against its Japanese competitors who have been found guilty of dumping under United States antidumping laws. I have worked with the company during these years to urge the Department of Commerce to vigorously enforce these laws, and stave off millions of dollars in unnecessary and arbitrary legal fees.

But the time is running out. A legislative remedy is warranted, and too many industries across the Nation are at stake. This correction, clarification, or empowerment bill is necessary to direct the Department of Commerce to review patterns of trade and manufacturing, close loopholes in the trade law, and require fair competition.

We should never cede manufacturing industries to other nations. We cannot allow anti-fair-market trade practices by foreign companies to devastate and dislocate American jobs and manufacturing interests. We must put forth real remedies against unfair trade if we are to promote U.S. workers and manufacturing.

TRIBUTE TO MAJ. GEN. RICHARD
F. GILLIS

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1992

Mr. RAY. Mr. Speaker, I rise today to congratulate Maj. Gen. Richard F. Gillis on a job well done during his 37 years in the U.S. Air Force, the last 4 of which have been at Robins Air Force Base, GA.

General Gillis has had a long and distinguished career in the Air Force. He entered the Air Force in 1954, and is a command pilot with more than 5,000 flying hours. His military awards and decorations include the Distinguished Service Medal, Legion of Merit, Meritorious Service Medal with oak leaf cluster, Air Force Commendation Medal with two oak leaf clusters, Combat Readiness Medal, National Defense Service Medal, and the Vietnam Service Medal with five service stars.

I have had the opportunity to work closely with General Gillis for the last 4 years during his tenure as Commander of the Warner Robins Air Logistics Center [WRALC]. General Gillis' service as Commander of the WRALC has been marked by many changes in the Air Force. The Air Force Logistics Command [AFLC] has been merged with the Air Force Systems Command [AFSC] to form the Air Force Materiel Command [AFMC]. WRALC will be an integral part of this merger and General Gillis has prepared WRALC for this change.

I am particularly proud of the positive relationship General Gillis has helped foster be-

tween the WRALC and the local Warner Robins community. As the defense budget continues to decline, and personnel reductions continue, community support is critical. I look forward to this legacy continuing.

General Gillis will retire on July 31, 1992, and I join his many lifelong friends in wishing for him and his lovely wife, Vera, much happiness in their future endeavors.

COMMEMORATIVE HONORING
SENATOR FREDERICK MALKUS

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1992

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to honor a man who has devoted the whole of his adult life to serving the public. Senator Frederick C. Malkus, Jr. turned 79 on July 1, and when the Maryland General Assembly reconvenes in January 1993, he will become the most senior State legislator in the United States, with 47 years of experience. This type of devotion by a public servant definitely deserves our praise.

Senator Fred Malkus began working for the public good during World War II when he served in the U.S. Army in Germany. It was during this time in his life that he decided a life of public service was what he wanted to pursue. He looked to Franklin Roosevelt as a role model to emulate, and decided he was going to be the kind of public servant that put people first, and fought for the values and needs of the people that he was representing.

Senator Malkus has preached a philosophy of fiscal pragmatism, fighting hard for programs that he felt were beneficial to his constituents, and vigorously opposing funding projects that he felt were wasteful, or not properly thought out. The most notable example of this dedication to financial responsibility came in 1976 when he and 21 other senators staged an 8-day filibuster in an attempt to halt the funding of the Baltimore subway system. This measure eventually passed, but it is the alternatives to the subway that he and his associates put forward in 1976, that are now being looked to as solutions to the commuting problems in the city of Baltimore.

I want to extend both my thanks, and the thanks of the people of Maryland, to Senator Malkus. His dedication to the public has been a shining example to all of us in public office as the way a representative of the people should conduct himself. His commitment to work for the State of Maryland for the past 47 years has made Maryland a better place, and it is a pleasure for me to rise today and say thank you.

SALUTE TO PHIL BOWMAN; RECIPIENT OF THE OHIO COAL MAN OF THE YEAR AWARD

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1992

Mr. McEWEN. Mr. Speaker, it is a pleasure for me to rise today to recognize the outstand-

ing achievement of Mr. Phil Bowman, vice president of Waterloo Coal Co. located in Jackson, OH. Mr. Bowman was recently awarded the Ohio Coal Man of the Year by the Ohio Mining and Reclamation Association for his outstanding business and community leadership.

Honoring coal industry leaders, the Ohio Coal Man of the Year award is given annually, by the Mining and Reclamation Association, to an individual who, through their hard work and dedication to Ohio coal, demonstrates outstanding business as well as community leadership. This award applauds the worthy efforts of it's recipients.

Mr. Bowman was the youngest board member of the OMRA when first appointed to the board in 1974. While serving as president of the R.A. Eberts Co., as vice president of the Waterloo Coal Co., and as a member of the board on trustees of the Holzer Medical Foundation and the Oak Hill Community Medical Center, Mr. Bowman illustrated an earnest dedication to Ohio coal and community affairs. Attributing his success to his grandfather, C.A. Bowman, founder of the Waterloo Coal Co. in 1934, his father, Harold Bowman and his partners, Mr. Bowman pledged to continue to represent the Ohio coal industry to the best of his abilities.

Mr. Speaker, I would like to echo the Ohio Mining and Reclamation Association's recognition of Mr. Bowman's hard work and dedication to Ohio coal and his community. Finally, I look forward to working with Mr. Bowman, to promote the use of our Nation's most abundant natural fuel resource: Coal. For the benefit of all my colleagues, I commend to your attention the following article from the July 20, 1992, edition of the Jackson Journal-Herald.

[From the Jackson Journal-Herald, July 20, 1992]

HE'S OHIO COAL MAN OF THE YEAR

Phil Bowman has been responsible for many positive community projects over the years, but now he has also been recognized for his outstanding efforts in his professional field.

Bowman, president of R.A. Eberts Co., Inc. and vice-president of Waterloo Coal Company, was named "Ohio Coal Man Of The Year" by the Ohio Mining and Reclamation Association (OMRA) at its annual meeting last month in Columbus.

Neal S. Tostenson, president of the OMRA, presented the award to Bowman, who was recognized for his outstanding leadership, not only with R.A. Eberts and Waterloo Coal Company, but in his community.

"I am very honored to be selected as Ohio Coal Man Of The Year," said Bowman, who was the youngest board member of the OMRA when first appointed to the board in 1974.

"I hope that I can live up to the standards set by others who have been selected Ohio's Coal Man Of The Year and I pledge to represent the Ohio coal industry to the best of my ability," promised Bowman.

"It is my belief that many of Ohio's widespread economic problems can be reduced by the production and clean burning of Ohio coal," he continued. "It is also imperative that Ohio utilities make Ohio coal part of their compliance plan for the 1990 Clean Air Act amendment."

Bowman also credited his family ties to the coal industry for helping to such an honor.

"I must give credit to my grandfather, C. A. Bowman, founder of Waterloo Coal Company in 1934, and father, Harold Bowman, as well as my partners, Bill Parks and Larry Darlington," he added. "The long relationship with devoted and faithful employees must also receive credit for this honor and it is with humble appreciation that I accept this award."

Bowman is on the Board of Trustees of the Holzer Medical Foundation as well as the Oak Hill Community Medical Center. He is currently serving a four-year term as the Jackson County Republican Party Executive Committee chairman.

Waterloo Coal Company also received recognition at the annual statewide meeting when it was presented with the Greening of the Lands award for those dealing with less than 25 acres.

But there were still more awards for Jackson County at the meeting.

Brenda Arthur-Weber, a vice-president of Sands Hill Coal Company, Inc. was named "Ohio Reclaimer Of The Year" by the OMRA. She was recognized for her outstanding leadership and contribution to reclamation of mined lands in 1991.

A special President's Award was presented to Sands Hill Coal Company for Overall Achievement in Reclamation and Mine Management in 1991.

R.A. Eberts Co. Inc., Waterloo Coal Company and Sands Hill Coal Company are all located in Jackson County and all mine in Jackson and Vinton counties.

TRIBUTE TO PAUL G. CANO

HON. BILL BREWSTER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1992

Mr. BREWSTER. Mr. Speaker, I rise today to pay tribute to a young man who was well known to Members of this body and whose apparent murder underscores the appalling crime that is rampant within our Capital City.

Paul G. Cano was director of government affairs for the American Society of Consultant Pharmacists. He was the epitome of everything a lobbyist should be. He was honest in his actions, sincere in his belief, warm in his personality, qualified for his work and eager to assist.

He started his career in Washington the summer of 1984 as assistant staff director of the U.S. House of Representatives Education and Labor Subcommittee on Employment Opportunities. In that committee staff work, he had primary responsibility for reviewing and overseeing employment and training legislation.

Two years later he joined the American College of Cardiology as assistant director of government relations until March, 1989, when he became Director of government affairs for the American Society of Consultant Pharmacists.

He was a member of the American League of Lobbyists and served on the government relations section council of the American Society of Association Executives. He received his BA in political science with a public service emphasis from the University of California at Santa Barbara.

Paul Cano was no stranger to this city. Although Paul Cano was a native of Los Ange-

les, he had lived and worked in Washington for more than 8 years. He knew the ways of the city.

On the morning of July 12, 1992, Paul disappeared. The condition of his apartment indicated he planned to return. A week later his car was found abandoned and partially burned. Finally more than 2 weeks after his disappearance, Paul Cano's body was found in a little used area of a Washington park. Apparently he was killed shortly after his disappearance.

Mr. Speaker, my deepest sympathy goes to the family of Paul G. Cano. Few can know the heartache they have suffered during the past 15 days. Life for this family was a roller coaster ranging from the joys of reported live sightings to despair and depression when those sightings proved false. Finally, the worst fears of the family have been confirmed.

We all know that death is in our future. We expect to face the loss of grandparents and older relatives. We are even somewhat prepared for the loss of parents and to the possibility of losing our spouse. But, no one can prepare to lose a child. It is a completely unnatural act.

It seems so useless when the loss is of a young person who is in the prime of life. The loss is compounded when death comes from criminal violence such as the conditions that claimed the life of Paul G. Cano.

Mr. Speaker, I hope the Congress will help this family in their sorrow. I hope we will make his death more meaningful. Paul G. Cano is not the first to die a violent death in this city—and unless something is done—he will not be the last.

Paul Cano's death should be the "straw" that makes us cry "Enough!"

THE HOSPITAL COST DISCLOSURE ACT OF 1992

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1992

Mr. MOODY. Mr. Speaker, I rise today to introduce the Hospital Cost Disclosure Act of 1992. This legislation will allow consumers to obtain currently hidden information about the costs of their treatment at our Nation's hospitals.

Earlier this year, "Prime Time Live" ran a story on the markup of prices at Humana, Inc.'s Louisville, KY area hospitals. The program showed that in 1990 the markup at those hospitals was 124 percent compared to an average of 54 percent at non-Humana hospitals. Just last week, Humana announced that they are lowering their charges by as much as 35 percent. The headline in the Louisville Courier-Journal reads: "Humana, stung by criticism, cuts prices at area hospitals."

The bill I am introducing today would require the same type of information to be made public for all hospitals. It would allow patients to learn the true cost of their treatment at a hospital. At a patient's request—or at the request of the entity making payment for the care—the hospital would be required to produce an itemized list of services provided, hospital charges,

and the cost to the hospital of providing each service.

It is time for us to look behind hospital bills. How much does an aspirin, for which we are charged \$8, really cost a hospital? Of course the overhead is higher in a hospital than in a doctor's office or a drugstore and therefore costs will be higher, but how much higher is reasonable.

Let consumers obtain the facts and then the hospitals can justify their huge markups. American consumers deserve to know where our health care dollars are going. If one news story can force a profitmaking chain of hospitals to cut prices 35 percent, then requiring all hospitals to make this information available could have dramatic effect on health expenditures.

This bill is certainly not the ultimate answer to the U.S. health care crisis and I would never argue that it is. However, not everyone in Congress—and certainly not the President—is willing to take a position on health care reform.

As most people know, I strongly support passage of a single payer health care system as the best answer for America. But, until we develop the political will to actually sign such a proposal into law, the Hospital Cost Disclosure Act of 1992 will help expose the inherent waste of today's health care system and, if the Humana example is repeated, it has the potential to provide significant savings to American consumers. It is a step in the right direction and I urge my colleagues to join me in this effort.

CREDIT AVAILABILITY ACT OF 1992

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1992

Mr. McCOLLUM. Mr. Speaker, the access to credit through healthy lenders is fundamental to the expansion of our economy. Although, recent thrift legislation was intended to restore the safety and soundness of those critical credit providing institutions, it contains some provisions which, without refinement, run the risk of unnecessarily limited credit availability. For this reason, today I introduced the Credit Availability Act of 1992.

Because of unanticipated changes in the health of the economy and the real estate sector, provisions of the Financial Institutions Reform, Recovery, and Enforcement Act of 1992 [FIRREA] affecting nonconforming real estate subsidiaries will reduce thrifts' ability to lend. My legislation, consistent with the intent of FIRREA, will help to foster a safe and well capitalized thrift industry by ensuring that unnecessary regulatory restrictions and current economic conditions don't restrict thrifts' ability to make good quality loans.

As currently in effect, FIRREA requires thrifts to deduct 100 percent of their real estate subsidiary loans and investments from capital by July 1, 1994. Already they must deduct 25 percent of the investments. That amount was to have increased to 40 percent this past July 1, but the increase was recently postponed to November 1, 1992, by Con-

gress. However, this delay does not resolve the problem posed by FIRREA but only provides us additional time to resolve it.

My bill authorizes the Office of Thrift Supervision [OTS]—in extraordinary circumstances and after consultation with the Federal Deposit Insurance Corporation [FDIC]—to grant thrifts, temporary and limited relief from increased capital set-aside requirements for real estate subsidiaries. Only thrifts that are well managed, are complying with all other rules and regulations, and would pose no risk to the insurance fund will be eligible. Any exceptions could not extend beyond July 1, 1997, and must require that at least 25 percent of thrifts' investments in these subsidiaries continue to be deducted from capital.

OTS has identified 324 thrifts which, as of December 31, 1991, had capital yet to be deducted due to nonconforming subsidiaries. Freezing the deduction at 25 percent would allow these thrifts to provide up to an additional \$30 billion in loans to the economy. This is because thrifts need about \$8 to \$10 in capital for every \$100 of loans they want to make. In addition, freezing the deduction would probably prevent some thrifts that are already short of capital from requiring regulatory intervention or even becoming insolvent. Thus, instead of having to restrict their lending activity or failing and leaving the market, they could continue serving borrowers.

The real estate subsidiary problem affects thrifts which hold nearly half the industry's assets—\$407 billion. One such thrift, Community Savings, F.A. of North Palm Beach, FL, recently testified before the Subcommittee on Financial Institutions about the effect of divesting its nonconforming real estate subsidiary on performance. Community Savings has deducted \$3 million from its capital to achieve the 25 percent divestment requirement of FIRREA. It faces another \$9 million writeoff before it will have fully divested its subsidiary. The CEO pointed out in his testimony that not only will this prevent Community Savings' achieving its reasonable expectation of becoming profitable, but also will ultimately lead to its falling out of capital compliance.

The amount of thrift industry assets held by those thrifts with nonconforming subsidiaries makes it very important that the industry's restoration to safe and sound condition be accomplished without tying the regulators' hands in every detail. Credit must remain available to encourage economic growth at the same time as taxpayer costs in closing failed thrifts are reduced. This bill upholds the intent of the Congress to ensure that the thrift industry is well capitalized and well managed while encouraging the availability of credit.

The following is the text of my bill and a section-by-section analysis explaining its provisions:

H.R. —

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Credit Availability Act of 1992".

SEC. 2. TEMPORARY, LIMITED EXCEPTION TO CAPITALIZATION RULE TO ENHANCE CREDIT AVAILABILITY.

Section 5(t)(5) of the Home Owners' Loan Act (12 U.S.C. 1464(t)(5)) is amended by add-

ing at the end the following new subparagraph:

"(F) EXCEPTIONS GRANTED BY DIRECTOR.—

"(i) IN GENERAL.—After consultation with the Corporation, the Director may grant such temporary, limited exceptions to the applicability of subparagraphs (A) and (D) to the eligible amount of a savings association's investments in, and extension of credit to, any subsidiary that is engaged in real estate activities, as the Director determines to be necessary and appropriate if—

"(I) the Director determines that extraordinary circumstances exist, or that adverse economic conditions exist at the national, regional, or local level;

"(II) the Director determines that the savings association meets the standards established for the approval of an exemption under paragraph (7)(C)(i); and

"(III) the savings association is not subject to an order issued by the Corporation under subparagraph (D)(iii) which is inconsistent with the grant of an exception under this subparagraph.

"(ii) ELIGIBLE AMOUNT.—The amount eligible for the exception under this subparagraph is limited to the amount of the savings association's investments in, or extensions of credit to, the subsidiary as of April 12, 1989, and any subsequent amounts invested or credit extended to complete projects or investments that were initiated by the subsidiary before April 12, 1989.

"(iii) MINIMUM DEDUCTION.—In granting any exception under this paragraph, the Director shall require the savings association to deduct from capital at least 25 percent of the eligible amount.

"(iv) ALTERNATIVE SCHEDULE FOR DEDUCTIONS FROM CAPITAL.—The Director shall establish, as a condition for granting any exception under this subparagraph for any savings association, a requirement that the savings association shall comply with such alternative schedule as the Director may prescribe for deducting the association's investments in and extensions of credit to subsidiaries covered by the exception.

"(v) TERMINATION OF AUTHORITY.—No exception under this subparagraph shall be effective after July 1, 1977."

SECTION-BY-SECTION ANALYSIS—THE CREDIT AVAILABILITY ACT OF 1992

SECTION 1. SHORT TITLE

The Credit Availability Act of 1992.

SECTION 2. TEMPORARY, LIMITED EXCEPTION TO CAPITALIZATION RULE TO ENHANCE CREDIT AVAILABILITY

The Director of the Office of Thrift Supervision (OTS), after consulting with the Federal Deposit Insurance Corporation (FDIC), is given authority to grant a limited and temporary exception to a provision of the capital requirement of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) for savings associations with investments in or loans to real estate subsidiaries not permissible for national banks.

In order to be able to grant the exception, the Director must determine that either extraordinary circumstances, or adverse national, regional, or local economic conditions exist. The Director must also determine that the exception would pose no significant risk to the deposit insurance fund, that the association's management is competent, that the association complies with all applicable laws, regulations, orders, and supervisory agreements and directives, and that the association's management has not

engaged in any activity endangering the association's capital or health. Concurrently, the association must not be subject to an FDIC order increasing the amount of subsidiary investments and loans the association must deduct from its capital.

Eligible amount—The amount eligible for the exception is limited to the sum of the association's investment in and loans to the subsidiary as of April 12, 1989, and any subsequent amount invested in or lent to the subsidiary for the purpose of completing projects initiated before April 12, 1989.

Minimum deduction—The association is required to deduct at least 25 percent of the eligible amount.

Alternative schedule for deductions from capital—The Director is required to establish an alternative schedule for the deduction of an excepted association's investments and loans to its subsidiaries.

Termination of authority—All exceptions granted by the Director end July 1, 1997, after which date all investments and loans in nonconforming real estate subsidiaries by associations shall be fully deducted from capital.

H.R. 918

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Mr. MARLENEE. Mr. Speaker, the Rahall substitute could easily be labeled the "Investment Curtailment and Job Export Act of 1992." If a single bill could kill an industry, could destroy thousands of jobs, this is it.

Many myths have been perpetrated, many misconceptions have been hatched about the 1872 mining law. One myth is that the act is unchanged from when it was passed 120 years ago. In fact, it has been amended 36 times.

This draconian law would damage our national economy three ways: It would force the big companies offshore; rise the price of vital and strategic minerals; and start the ultimate elimination of small and independent mining companies.

It's the small, independent companies which don't have the resources to fight the citizen lawsuit provisions of the Rahall bill. They will be unable to overcome the new hurdles put in front of them.

It's people like Jack Hughes, a 72-year-old man from Billings, MT. He's a veteran of two wars—the first man to enlist in Lewistown after Pearl Harbor. He was nominated for the Legion of Merit and other military honors. In his words, he's now "a cantankerous old man who wants to prospect for minerals without it costing him an arm and a leg."

It's Neil Peterson of Sheridan, MT, who says he and his neighbors depend on mining as an important tax base, an economic underpinning, a reliable employer and a vital force to the folks in the Ruby Valley who can't afford to come to Washington, DC, to lobby against this onerous legislation.

It's Pat Frankl and others like him in Granite County, who see the Rahall bill as an end to their way of life, ripping apart the very social and economic fabric which binds their western Montana community.

It's Barbara and Bill Seybert of Manhattan, MT. They're decent, hard-working, tax paying, children-raising folks who love Montana and want to protect the beauty we were privileged to grow up with.

These little folks and more asked for a hearing. Instead, Mr. Chairman, what we got was your appearance at a Greater Yellowstone coalition meeting, and lip service to a few big companies. It's evident from your substitute you weren't listening to them. With this bill, the environmental activists will get the gold, while the workers of Montana will get the shaft.

Furthermore, Mr. Chairman, I have been advised that Mr. DEFAZIO intends to offer an additional amendment, of an 8-percent gross production royalty on mining on public lands. Any such amendment would cost Montana dearly. Companies as large as Stillwater Mining Corp., which is operating our Nation's sole palladium mine, have stated if the royalty is adopted, they will close their doors. When our economy is already staggering, now is not the time to kill a vital industry and throw thousands out of work.

YOUTHSING 1992

HON. JIM BACCHUS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1992

Mr. BACCHUS. Mr. Speaker, I rise today to applaud the young people of Central Florida whose voices will rise on the first of August to brighten the lives of many other young children. At a time when our youth face so many difficult challenges from drugs to violent crime, it is a pleasure to recognize members of our community who make positive contributions and serve as excellent role models.

Mr. Speaker, the event which I recognize today is YouthSing 1992. On Saturday, August 1, 1992, 200 young people from the Cathedral Church of St. Luke will gather for a 1-day recording session. The proceeds of this compassionate recording will benefit "Give Kids the World," an organization that works with over 150 wish-granting foundations and hospitals around the country.

The marvelous organization, Give Kids the World, was founded in 1986 to help grant last wishes to children who have life-threatening illnesses by bringing the children and their families to the Walt Disney World area to experience a delightful experience along with their families. In May 1989, Give Kids the World opened a Holiday Inn Kids Village which provides free accommodations for 2,500 families each year. In addition to free accommodations, they provide transportation, admission to the area's theme parks, and complimentary

meals to create special memories for the children and their families.

The YouthSing 1992 benefit for Give Kids the World is an excellent example of what our youth can do to assist their communities. We must continue to encourage public service by recognizing young people such as those involved in YouthSing 1992. Positive grassroots efforts, such as YouthSing 1992, will truly make the world a better place.

JOHN P. GILL ASSUMES PRESIDENCY OF ARKANSAS BAR ASSOCIATION.

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1992

Mr. ALEXANDER. Mr. Speaker, John Gill of Little Rock is a friend and classmate of mine at Vanderbilt Law School.

Last month, he assumed the presidency of the Arkansas Bar Association—a well deserved honor.

I can safely predict that John will leave the ABA a better organization than he found it—because that's the way he works.

In an article in this month's edition of *The Arkansas Lawyer*, entitled "Please Don't Call Me 'Mister,'" John writes:

When you call me mister you erect a barrier to professionalism. I lost my young lawyer status two decades ago, but don't call me mister because I still hold dear that young lawyer ideal that you and I are officers of the court, specially educated and licensed by the state to serve others. We can't serve others until we know one another well enough to be on a first name basis.

That, Mr. Speaker, is John Gill. He is dedicated to the law, not because of the material rewards it may bring, but because it embodies the agreed rules by which we live together in this Nation.

And because the law stands as a shield, protecting the freedoms we all enjoy—regardless of our station in life.

John says those in the profession should be proud of their calling. He says that too many lawyers misunderstand Shakespeare's words, quoted from King Henry IV, about first killing all the lawyers.

He correctly points out that it is important to remember that, in context, what was being said is that in order to take over a government, you must first get rid of the lawyers because they are the protectors of freedom.

My friends also wrote that—

As professionals, lawyers are "called to serve others. As professionals we are called first to sacrifice, not to drive a Mercedes. Sacrificing ourselves to solve a problem means joining with our adversary in the search for truth."

I wish I could say that John's philosophy was universally shared by those in the profession. It should be.

John Gill's words are not hollow rhetoric. He practices what he preaches.

He has gone to bat for causes he believes in on a pro bono basis—because he loves the law and believes that it should serve to advance causes beneficial to society.

John says that one of the reasons he wanted to be ABA president was to highlight professionalism among lawyers in our State.

He calls that, at Vanderbilt, "They made [professionalism] an integral part of the curriculum. You knew you were there to learn how to help people."

I wish that all young lawyers were required to spend time in the offices of men like my friend, John Gill.

They would be better for it, the profession would be better for it—and the Nation would be better for it.

I congratulate John Gill and his partner in life, Marjem Gill, on his assuming the presidency of the Arkansas Bar Association.

I will honor John Gill's request not to call him mister—but I will call him a professional.

I believe he would like that.

[From Arkansas Lawyer, July 1992]

PLEASE, DON'T CALL ME "MISTER"

(By John P. Gill)

When you call me mister you erect a barrier to professionalism. I lost my young lawyer status two decades ago, but don't call me "mister" because I still hold dear that young lawyer ideal that you and I are officers of the court, specially educated, and licensed by the state to serve others. We can't serve others until we know one another well enough to be on a first name basis. In a disagreement with one of my partners, he said (as we talked it out), "I'm glad we became friends before we became partners."

Only when we have a comradery and a friendship will we have professionalism, because friends don't let friends down. Friends don't mistreat friends. Friendship is not built on lies, me-first, and rudeness. It is unprofessional to lie; it is unprofessional to be selfish; it is unprofessional to be rude. It is unprofessional not to return phone calls the day they are received. It is unprofessional to be egocentric. Although I was born during the centennial of Arkansas statehood, I'm still young enough to remember that this is an honorable profession to which all of us are "called" to serve others. As professionals, we are called first to sacrifice, not to drive a Mercedes. Sacrificing ourselves to solve a problem means joining with our adversary in the search for truth. Calling me "mister" can't help find truth; it only erects barriers.

One of Arkansas' great trial judges, Tom Digby, astounded me some years ago with a notice on his door requiring adversaries in any trial to contact each other and introduce themselves to each other before trial. He told me the notice grew out of lawyers not speaking before trial. How unprofessional can we be not to talk to each other before trial? How do you participate in dispute resolution if you don't talk to your adversary about the dispute and explore its resolution. I'm against mandatory Alternate Dispute Resolution. I'm for voluntary ADR and the professionalism which makes mandatory ADR unnecessary. A hired gun interferes with dialogue and with professionalism. If you're in this profession for money, or for winning, you're in it for the wrong reasons—your own ego. If you concentrate on professionalism, it is my experience that winning and money take care of themselves. Professionals communicate as well with each other as they do with jurors.

Members of the Methodist Church years ago were called "brother" or "sister". While I'm not ready for that, please don't call me minister either. Just call me John and we'll

start off without one barrier to communication. We will have a better Bar, and if I'm in a lawsuit with you, we'll start off without barriers, and begin the brother-sisterhood of professionalism. That doesn't mean I'll settle with you, but it does mean we'll concentrate on the issues, not egos.

JOHN P. GILL: THE MAN WITH A PLAN, REALLY
(By Paige Beavers Markman)

John Purifoy Gill of Little Rock took office as President of the Arkansas Bar Association on June 13, 1992. People surrounding him say he is organized, efficient—that's an understatement. His whole life—lawyering, collecting Arkansasiana (memorabilia from or regarding Arkansas), gardening, writing and community work, is all organized to a tee. Gill Wallace Clayton Fleming Elrod & Green, the law firm he leads, is ready for Gill to be President of the Arkansas Bar Association. If you've worked with Gill at all, you know Desi Gipson, his secretary/right arm. Desi assures us that he has been at work for over a year now preparing for his year at the helm.

BACKGROUND

John Purifoy Gill was born in Fort Smith, Arkansas but moved at six weeks of age because his father, the branch manager for Armour & Company, was transferred to Little Rock. His mother was a school teacher who Gill says taught most of the kids in Little Rock. His father eventually was in the insurance and real estate management business. Gill attended Little Rock Schools beginning at Fair Park Elementary, the school from which he now lives up the street. (He says he lives "only four blocks from the house I lived in when I started school, proof positive I haven't gotten very far in life.") He was in the first graduating class from Little Rock Central High.

Gill went on to Hendrix College in Conway, but was awarded a NROTC Scholarship to Vanderbilt in Nashville, Tennessee, after his second year. During his sophomore year at Hendrix he says "Some of us decided we missed Little Rock, so we drove down here and were hanging around the halls at Central High watching the girls go by, and a pretty girl walked by me. I asked a friend who she was and she said 'That's Marjem Jackson,' and I said 'I'd like to have a date with her.'" Marjem Jackson became Marjem Jackson Gill ten days after Gill graduated from law school. Gill, who was reportedly the first person in the United States to enter Law School on a NROTC Scholarship, says he went because "My dad thought it was a good idea."

After finishing law school, Gill entered the Marine Corps as an officer. Gill served in Quantico, Virginia, for three years and then returned to Little Rock to practice law. He remained in the Marine Corps Reserves for 24 more years. He began his law career as Assistant Attorney General, a job he held for two years before going into private practice.

PROFESSIONAL AND PERSONAL LIFE

Gill says he's a General Practitioner though he admits that there isn't really such a thing these days. Most of his work is in corporate litigation. He does great deal of complex litigation from the defendant and plaintiff sides and also plays a role in advising corporate boards on legal issues. He recently won an award for trying the "Crater of Diamonds" case about the diamond mines in Arkansas, demonstrating his acumen in environmental law, a growing field in Arkansas and in the nation as well. He says growing up in Arkansas made it easy for him to

try the case *pro bono*. The issue to Gill was Arkansas' self image. He felt that digging a lake out of one of our claims to fame—the Diamond Mines—would not be a positive thing for Arkansans to look back on. "In a lot of ways I think Arkansas has been treated as a third-world type state in that our resources are taken out and value added in other places, which would have been the case with the diamonds. The wealth is being taken out of this state, and I want to help stop that any way I can." Gill feels that Arkansas' self image has always been an unnecessary liability for us, he doesn't think there is any reason for us to have the self image we do. "We have wonderful things in Arkansas, we shouldn't ever have to apologize to anyone."

Gill has also enjoyed handling bond issues. He says that part of his due diligence involves researching the community or area which has afforded him one of his favorite pastimes—learning about Arkansas. Gill's collection of Arkansasiana is truly amazing. At his home in the Little Rock Heights area, you can see his collection of Arkansas woodcarvings. All the pieces are created by Arkansas artists, most subjects being Arkansas-related in one way or another. He also owns the largest collection of Arkansas maps with the exception of that of the Library of Congress. His Arkansas Trout Stamps, Duck Prints, currency, Audubon prints, Courier & Ives Prints and collections of Arkansas explorers' journals and writings is unrivaled. He also has examples of pottery of each of the Arkansas Indian cultures.

Why does he collect all of this? He says he started collecting Arkansasiana when he was in the service, "because I missed home." The interest grew into a hobby that he has virologously pursued and thoroughly enjoys. "I don't go out and search for things like I used to. Now if I hear of something, I'll go take a look at it." Gill is still searching for three "bird's eye views" of Arkansas, one of Little Rock, one of Fort Smith and one of Texarkana.

Unlike many lawyers, Gill does not golf. "It takes too much time," he says. "I prefer to play tennis, and I do quite a bit of gardening." Gardening he does. His home boasts beautiful landscaping and a rose garden surrounding the hot tub they added a few years ago.

Watching John and Marjem Gill together is truly a joy. They are a couple who have been and still are partners in their goals and everyday lives. Totally devoted to one another, they ask each other's advice on everything. Gill helps Marjem with her garden club; she helps him with his collecting. They laugh at each other; they jostle with each other; as a matter of fact, they act like a couple of kids. The couple has three children: Elizabeth, 26, who is married and living in Washington, D.C. working for Fannie Mae, the Mortgage Banker; Ward, 25, who is a First Lieutenant in the Marine Corps stationed at Camp Pendleton, California; and David, 22, a recent graduate of Hendrix who is now working for Snider Telecommunications in Little Rock; Family means a great deal to John and Marjem, obvious through their excitement at the coming weekend when all the children would be home for a wedding. They were scurrying around, making arrangements to make sure everyone would be happy and taken care of.

BILL AND THE ARKANSAS BAR ASSOCIATION

John Gill says that one of the reasons he wanted to be President is to try to highlight professionalism among lawyers in our state. He says his feelings about professionalism

come from his time at Vanderbilt. "They made it an integral part of the curriculum. You knew you were there to learn how to help people," says Gill.

He wants lawyers to feel proud of their profession. "Too many lawyers have always heard Shakespeare quoted saying 'First, we kill all the lawyers,' [King Henry IV] and they think it means something bad. Actually, in context what he was saying was that to be able to take over the government, you must first get rid of the lawyers because they are the protectors of freedom. A lot of the young lawyers think it's only important to win—that's the baloney—it's only important to protect another's freedom," says Gill.

His plan for the Bar year is complete, concise and well thought out. "This plan is not defensive, it's offensive. I didn't spend 27 years in the Marine Corps learning to retreat," says Gill.

The 'plan' came to the Bar Center in the form of approximately 30 typed pages. The goals and missions are laid out by priority; commentary comes before and after. This would be a good example of what you need if you ever hire someone to analyze your firm and make management suggestions. After reading the plan, I highly recommend John Gill should you ever need this service.

Highlights of his priorities include:

I. Facilitating the Practice of Law. This will include developing an advisory ethics opinion program, beginning a mentoring program for young lawyers, fee dispute arbitration and revamping the referral fee ethics to encourage referrals. Also, the Young Lawyers Section would be responsible for writing a Consumer Law Handbook. There would be an expansion of AMI for all routine tort cases and the development of value billing. The Association would publish annual updates of its handbooks and systems.

II. The Legal Profession. Priorities under this category include mandatory periodic professionalism courses for all attorneys, requiring 1 hour CLE on ethics each year, monitoring Professional Conduct Committee efficiency and having an audited verification of Lawyer Trust Accounts. There would also be a public service program on the necessity for obeying the law as a citizen's first duty, a revision of the code of professionalism and the establishment of legal advertising guidelines.

III. Unfinished Business—Modernization of the Arkansas Judicial System. Gill says we need state funding of the judicial system, non-partisan election of judges and criminal procedure reform. He wants to look at judicial campaign financing, judicial redistricting and compensation.

IV. Bar Organization. Establishing a permanent hot line for disaster/emergency relief is a priority along with an In House Counsel Section. Gill would like to see a Harold Flowers Section and a Women Lawyers Section. He wants to expand Bar Association office space, develop a Trial Notebook and a yearly calendar. The Association staff will use recycled paper and serve health food at luncheon meetings, do extensive promotions on form books, insurance and other Bar services.

A principal thrust of his emphasis is developing young lawyers in the profession, a matter on which he has already begun work.

Some of these things will take legislation, others will take legislation, others will take Supreme Court Rule. A lot of these things will take the hard work and cooperation of all Arkansas attorneys. I had to ask John Gill, "Don't you think you've set some lofty goals? Are you trying to set the world on

