EXTENSIONS OF REMARKS

TRIBUTE TO DUDLEY CROSSON

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. DARDEN. Mr. Speaker, today I would like to recognize Mr. Dudley Crosson of Carrollton, GA, who gave a total of 23 years as Carrollton's city manager. He retired from this post on September 30.

Mr. Crosson has made lasting contributions in his work as city manager of Carrollton, and the people of this community will long remember him as a man of tremendous character as well. I join the citizens of Carrollton in wishing him and his family the very best in his retirement.

At this time, I also would like to share with my colleagues an article appearing in the Carrollton Times-Georgian which tells of Mr. Crosson's career and of the community's deep appreciation for his work.

WHAT'S THE CITY TO DO?

(By Mark Griggs, Jr.)

After 23 years of helping Carrollton grow, City Manager Dudley Crosson is retiring and will now have time to do what he wants. The only thing is, he doesn't know what that is.

"Don't have anything planned," he said. "I'll wind up doing something, but I don't have anything planned."

Crosson announced his retirement, effective Sept. 30, at a City Council meeting last month. His long-time assistant, Danny Mabry, has been named as his replacement.

Former Villa Rica City Manager Bob Barr will be Mabry's assistant.

When asked this week if he would keep his hand in local government, Crosson said "I really can't say—I don't know what I'll be doing.

"I'd be willing to help them any way I could, but I can't say what I may be doing along those lines."

Crosson became city manager in 1966 and left the job in 1973 to go into banking. After serving as city manager for Douglasville for a year, he returned to Carrollton in that capacity in 1973.

He will have served a total of 23 years as Carrollton's city manager when he retires.

Among advances during Crosson's time in office, the city built a sewage treatment plant, expanded the fire and police departments, moved the police department into a new building, increased the water plant's capacity from about 1 million gallons a day to about 8 million gallons a day, West Georgia Regional Airport was built and north and south bypasses were built.

Crosson, though, said "I certainly wouldn't take any credit for it."

He said he could not say what the city's biggest accomplishment was during his tenure.

"That's hard to say. Everything we've done is important. When you build a library or something like that, its important," he said. "It would be hard for me to pick out one thing that's more important than the others."

When asked what he would miss most about the job, Crosson said "Probably just the people I've been fortunate enough to work with all these years," including people in city government and residents.

"I'll miss everything about it, but I don't know if I'll miss it enough to want to stay in it," Crosson said.

"I've enjoyed the years I've spent with the city," he said. "I think they've been mighty satisfactory, the things we've been able to accomplish."

There will be an open house at City Hall, with refreshments, from 3 to 5 p.m. Monday to honor Crosson and allow residents to tour City Hall. Monday is also his 65th birthday.

Crosson was also honored Thursday at a city employee picnic, and a roast in his honor was held Saturday night at the Ramada Inn.

Mayor Tracy Stallings, who was master of ceremonies at the roast, had this to say about Crosson when contacted last week:

"He's served with integrity, with dedication and with ability, and he has been a pioneer in the movement toward professionalization in local government in Georgia. And he's highly regarded by all of his peers and colleagues in local government throughout the state.

"He had the vision to look ahead in the future and anticipate growth and get done the things that needed to get done ... and I think he deserves credit for those, and managing the city's financial resources in a responsible manner."

And Mabry had this to say:

"I kind of view this roast as an opportunity for people in the community who have had associations with Dudley ... to get together in good natured fellowship and give Mr. Crosson an appropriate sendoff."

Mabry worked for Crosson for a total of about 10 years.

"He's kind of been a mentor to me," Mabry said. "He's afforded me every opportunity to be involved in government here in Carrollton.

"He never saw the limelight," Mabry said, but every major improvement in Carrollton over the last 25 years has had Crosson's input, and his planning helped put infrastructure in place.

"So it's been a pleasure and a privilege to work with him and I consider it one of the best learning experiences I've ever had," Mabry said.

"His mentoring and counsel to many younger members of our profession, including me, has resulted in better government in many cities and counties throughout our state.

Jack Threadgill, a retired certified public accountant who served for a while on the planning and zoning commission, is a personal friend of Crosson's and who was involved in several activities with him, also participated in the roast.

"I feel like he's had a significant influence on growth in Carrollton in his years in city government," Threadgill said.

Threadgill said Crosson thought of things others might not, like water and sewer, roads and other infrastructure improvements.

"I feel like he's always given that consideration and has given the city sound financial management," Threadgill said.

Another roaster was Toccoa City Manager Jim Calvin, a former president of the Georgia Municipal Association.

"I first met Dudley Crosson about 20 years ago when I was on the staff of the Georgia Municipal Association. Over the years I've developed a deep respect for Dudley's common sense, no nonsense approach to running government like a business," Calvin said.

"His mentoring and counsel to many younger members of our profession, including me, has resulted in better government in many cities and counties throughout our state.

"I recall many occasions when I'd ask Dudley's advice on a problem I was having. His response would usually begin with, "Son, you were dumb as hell to do it like that." This would be followed by some sage and worthy advice.

"All of us in the local government management profession will miss Dudley's wit and wisdom, and, yes, even his sarcasm."

Jim Burgess, executive director of the GMA, was also present.

"Dudley Crosson is truly a city manager's kind of city manager—the type of practical, common sense administrator that every city would like to have," Burgess said.

"He has run the city of Carrollton on a strict business basis, squeezing every cent out of every dollar to assure that Carrollton's citizens get the most for their money," he said.

"The Georgia Municipal Association sends its best wishes to Dudley Crosson on his retirement."

TRIBUTE TO HON. DANTE B. FASCELL

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. BROOKS. Mr. Speaker, when the 103d Congress convenes next January, the U.S. House of Representatives will meet for the first time in 38 years without the presence of our beloved and esteemed colleague and friend, DANTE B. FASCELL of Florida.

Farewells are moments when the joy of recollection of so many good times is mixed with the sadness of the likelihood that we may not see and work with a friend and colleague as often as we have in the past. For all in this Chamber, this year brings more than its share of such moments. But among such moments this is an especially significant one, for DANTE FASCELL is an exceptionally unique and gifted public servant.

It has been my good fortune to work with DANTE FASCELL on an almost daily basis for nearly 38 years, years of triumph and tragedy for our Nation and for each of us as individuals. Through all these times—especially the

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hard, often bitter, fights that are a part of our chosen profession—DANTE's incredible strength of character, his ebullience, his optimism, his grit and determination, his innate fairness and goodness have helped make this institution a place in which I and so many hundreds of others have been proud to serve.

The people of Florida's 19th Congressional District will miss his representation here in Washington because they have had a committed fighter who has steadfastly represented their interests on all issues of importance to south Florida.

DANTE, who ranks sixth in seniority in the House of Representatives, played a leading role in the passage of some of the most important domestic legislation in the last half of this century. Government in the sunshine, the creation of the Department of Housing and Urban Development, and congressional reform are but a few of the domestic initiatives DANTE FASCELL fought so hard for.

It was my honor and privilege to serve with DANTE FASCELL for 28 years on the House Government Operations Committee. During his tenure on that committee, DANTE served as chairman of the Legal and Monetary Affairs Subcommittee, where he compiled an outstanding record as an advocate of the people's interests. In January 1984, DANTE FASCELL resigned from the Government Operations Committee to take over the chairmanship of the House Foreign Affairs Committee.

DANTE FASCELL is recognized throughout the world as a champion of democracy and human rights. His steadfast advocacy of freedom for those who lived in the former Soviet bloc foreshadowed the fall of the Iron Curtain.

His energetic leadership of the Committee on Foreign Affairs insured Congress' active role in the formulation of U.S. foreign policy. The War Powers Act, the Inter-American Foundation, and the National Endowment for Democracy are all part of the Fascell legacy.

I will miss his wise counsel and warm friendship, but I want to wish DANTE and his lovely wife, Jeanne-Marie, all the best that life has to offer during a long and productive retirement.

At times like this it is customary to list a Member's accomplishments. DANTE's achievements are legion and I will get to them but the fundamental point I want to make first is that if not a single bill had borne his name, his presence alone would have made this a better place and our country too would have been well served.

Beyond all the concrete legacies of DANTE FASCELL's achievements lies a vast network of ways in which he has significantly improved legislation, usually in unheralded and unrecorded ways. Presidents, Speakers of the House, congressional colleagues, and scores of staff have benefited from his sage advice. But beyond that, he has enriched the lives of countless numbers of persons through thousands of acts of kindness; quiet advice given to men and women all over the Hill which have helped them craft the domestic and foreign policies of this country, deal with a family crisis, or just feel better for a friendly smile and hello.

Watching DANTE these almost four decades I have come to recognize four distinctive factors which pervade all of DANTE's work in the Congress. The first of these is a strong sense of duty. He believes that if he has the responsibility to get a job done he will get it done no matter what the obstacles. If the rules of the House, or the leadership of the House, or his own constituents or his own unerring sense of what must be done for our country tells DANTE he had a job to do, he will not rest until his responsibility has been fulfilled. This sense of duty has made him an incredibly determined person and contributed to making him one of the shrewdest and most effective legislators to be found anywhere.

A second guiding principle of DANTE's public service has been his dedication to the Constitution. Whether as the father of the War Powers Resolution or in reviewing the most innocuous of amendments the question is near off the agenda: Is it constitutional? Perhaps its the lingering curse of having become a lawyer or that sense of duty again, this time to his oath of office.

A third factor which pervades all of DANTE's work in Congress is the constant presence of another question in his mind: What is best for the country? Everyone in this Chamber has had to wrestle with such decisions, but for DANTE the question is always there in the smallest detail. If ever there has been a Member who clearly sees the big picture yet is master of every detail that Member is DANTE FASCELL. And yes, whatever is good for south Florida is what is best for the United States.

There is a fourth factor which even people who have known him for only moments recognize instantly. Call it joy or a zest for life or good humor, DANTE FASCELL enjoys people, ideas, the moment. Tragedy, defeat, betrayal seem only to strengthen rather than diminish this man's convictions about the innate goodness of life and the chance we all have to keep moving forward to build a better future.

Becoming the kind of person DANTE FASCELL is ought to be enough of an achievement for any one person but this bundle of energy or force of nature we will know as DANTE FASCELL has been busy for the last 50 years doing things. His staff know that action is his motto; he's told them thousands of times "Let's do something, even if it's wrong" Well he is done plenty and none of it is wrong.

DANTE's home is Miami, FL. When he first came to Congress he represented all of Dade County which includes Miami Beach, Hialeah and a score of suburbs of what has grown into a great metropolis. The county also contains another population center in south Dade centered around the city of Homestead and Florida City, as we in the rest of the country have come to learn in the last month as a result of the devastation of Hurricane Andrew. South Dade is an area of frame as well as the site of Homestead Air Force Base. As decades passed and new districts were drawn to accommodate Florida's growth, the part of DANTE's district in Dade shrunk to encompass the southern suburbs of Miami and the large southern part of the county. But DANTE's concern for the whole area or his vision for the future of his whole State has never lessened. DANTE also has represented another county, Monroe County, for all of his 38 years in Congress. We all know this unique area as the Florida Keys, a string of beautiful islands stretching south from the mainland toward Cuba.

DANTE FASCELL has never had Potomac fever. His heart has remained at home amid the sparkling waters, swaying palms, and biting fish of his district. Everywhere you look in south Florida you see the results of his labors. All of the infrastructure for growth and prosperity owe much to DANTE's efforts: the network of freeways; the world's largest passenger seaport; one of the world's greatest airports; and the modern bridges and roads that tie Monroe county together and to the rest of Florida. But DANTE's contributions go far beyond concrete structures. DANTE has done in Miami and in the Keys just what he has done here; he has planted ideas; stressed the need for vision; and in a thousand untraceable ways inspired others to leadership that have enriched the lives of the people of south Florida.

Economic growth and prosperity and infrastructure are all important but DANTE was one of the first in this body to recognize that the environment was vital to the future of his own community, to the lives of people and to all mankind. He began at home to help preserve and safeguard the Everglades, one of the Nation's most important natural areas. He pioneered efforts to save Florida's reefs, eventually establishing the Nation's first underwater national park, Biscayne National Park. He has acted to save endangered species such as the Florida Keys deer and to preserve the Keys unique ecology through establishment of the Florida Keys Marine Sanctuary. He has led efforts to preserve and protect important historic sites like Fort Jefferson. He has worked with local preservationists to safeguard the architectural heritage of Key West and the art deco district of Miami Beach. His efforts reached out from home toward regional and global issues. He is a leader in promoting an end to the pollution of our oceans, safeguarding marine mammals, stopping the release of ozone depleting chemicals, and establishing a global framework to evaluate and control global warming. He has prodded, pushed, and legislated to make environmental concerns a priority of U.S. foreign policy and of international development programs.

When most of us think of DANTE FASCELL, we think of foreign affairs, but before turning to his monumental achievements in that area I want to mention some noteworthy domestic achievements. DANTE and I served together for many years on the Committee on Government Operations. We had some exciting times. During his tenure on the committee DANTE was tapped by the leadership to spearhead a difficult fight to carry out one of President Johnson's major domestic priorities, the establishment of a Department of Housing and Urban Development. It was a tough fight and DANTE did it. He played a similar role in establishing the Transportation Department. As chairman of the Subcommittee on Legal and Monetary Affairs he became an expert in uncovering waste and fraud in Government spending and in finding ways in which the Government could more efficiently, and cheaply, carry out its work. He led a major effort to strengthen the Federal effort against organized crime and led efforts to streamline and improve Federal assistance for State and local policy departments. In the great fights of the 1960's to advance civil rights, his was a reasoned and moderate voice from the South

which helped make possible open housing and other legal advances in the war against segregation and prejudice.

Like many before and after him DANTE's firsthand experience of war had a profound impact on him and on how he would choose to lead his life. Returning from the battlefields of North Africa and Europe, DANTE wanted to play a role in shaping the future and he has done just that.

Since DANTE first arrived in Congress in the dark early days of the cold war he has played an increasingly important role in virtually every crisis and in every important aspect of U.S. foreign policy. Long before he became chairman of the Committee on Foreign Affairs he had become a respected leader throughout the world. The chairmanship merely made him more visible here, in the real America outside the beltway.

When DANTE arrived in Washington, Miami was a small southern city with links to Cuba and the Bahamas but with only hints of the vast changes that would later make Miami in part a Latin American city, a global commercial and financial metropolis. But DANTE FASCELL knew or sensed what could happen and soon he was recognized as the House expert on the hemisphere. He was one of the first to voice concerns about the real nature of Castro and the Communist agenda he would reveal only after attaining power. He has remained a champion of Cuba's freedom for more than 30 years. It is especially fitting that in these closing days of his congressional career Congress has passed a Cuban Democracy Act.

Through the decades DANTE has focused on much more than Cuba in our own hemisphere. He was here to help launch the Inter-American Development Bank, to help shape the Alliance for Progress and all the other programs designed to alleviate poverty and spur development in the Americas. He has been a staunch supporter of efforts to strengthen the Organization of American States and the inter-American system. His voice carried enormous weight in struggles against Communist insurgences yet he never ceased trying to support a middle course for democratic reform between the compelling tyrannies of left and right.

DANTE has left two very specific institutions as a legacy to the peoples of the Americas. One is the Inter-American Foundation, a small legacy of our Government which makes grants directly to groups of poor people throughout Latin America and the Caribbean. Its focus on grassroots development was scorned by development specialists and our aid bureaucrats when DANTE first proposed the need for a new approach to dealing with the problem of poverty. Now the Inter-American Foundation is widely recognized for its pioneering work and its has inspired creation of similar institutions to deal with problems in other regions of the world. Its ideas and techniques are even being employed here at home to deal with the problems of our inner cities. A second and more recent institution inspired by DANTE is the North/South Center of the University of Miami. It is a center for research designed to promote understanding between the peoples of the Americas. But DANTE is a practical man and he is making certain that this is no ivory tower institution but one where theory will be linked to the solution of the real problems of the hemisphere.

In reviewing DANTE's achievements I am reminded of Johnny Appleseed. DANTE goes through life dropping ideas. Some he nurtures to life himself. Others are found and cared for by others and take root and grow to the credit of others. DANTE does not care about credit but he does care about the idea. Creativity and humility are not always so easily blended. When our colleague Gerald Ford became President, DANTE wrote him a letter saying that American foreign policy was ignoring the island nations of the Caribbean and that just one small step would make a big difference. From then on Presidents and Secretaries of State speak not of Latin American but of Latin America and the Caribbean. From that semantic change, and DANTE'S continual prodding, came a whole host of changes including the Caribbean Basin Initiative.

In the early 1970's DANTE FASCELL led a then-successful effort to reorient and redirect America's vast development funds into new channels to more effectively address the needs of the poorest of the poor. By the late 1980's those reforms had run out of steam and again DANTE stirred the pot pushing for a new wave of reforms even before the collapse of communism. It has been one of DANTE'S greatest frustrations that he could not get the bloated air bureaucracy revitalized yet again. But DANTE while you are leaving here, we know you will not leave us alone until the job is done as I am confident it will be.

Vietnam was an agony for DANTE as it was for the Nation. He supported Johnson and he supported President Nixon, but when Nixon ordered the invasion of Cambodia, supposedly to speed the withdrawal of American troops, DANTE shared the fury of millions throughout the United States. Characteristically, FASCELL saw in what had happened a problem that he could try to fix, indeed a problem which the Constitution required him to try to fix. In DANTE'S view what the President had done was not just dumb or wrong, it was unconstitutional and if it was not that then the Congress should make it illegal. He went to work quickly drafting a bill to define the respective war powers of the President and the Congress. After months of the most serious deliberation, the war powers resolution was enacted over President Nixon's veto. Years later the same concerns would lead FASCELL to insist to President Bush that legal debates aside he simply could not take America to war in the Persian Gulf without the explicit approval of Congress. Bush wisely followed that advice and Congress approved military action against Iraq.

The 38 years of DANTE FASCELL'S career in Congress was during most of the cold war. DANTE played his part in all the twists and turns of that twilight struggle but characteristically he saw opportunity where others saw none. President Nixon had signed an agreement at the Conference on Security and Cooperation in Europe at Helsinki. The agreement ostensibly set up a process which would encourage progress on military, economic, and social issues between East and West. Critics saw it mostly as a mask for settling European borders in lieu of a final World War Peace Treaty. FASCELL looked at the pledges of respect for human rights as a way to legitimately allow the West to try and subvert the Soviet bloc from inside. With the support of the late Millicent Fenwick, he created the Commission on Security and Cooperation in Europe. As first Chairman of the Commission, FASCELL assured that the light of world public opinion shown on abuses of human rights and violations of political freedoms throughout the Soviet bloc. The Commission gave hope to human rights monitors behind the Iron Curtain and here at home forced administration after administration to keep the heat on the Soviets. This effort led by DANTE FASCELL was an important ingredient in the eventual collapse of the Soviet empire. Earlier in his career, FASCELL saved from extinction another important ingredient of America's strategy against communism, Radio Free Europe and Radio Liberty. It was his legislation that created the Board for International Broadcasting to bring the operation of the radios under sound and accountable management, and which secured their long-term financial stability. Now it is especially fitting that in these last few days Congress has enacted legislation introduced by DANTE FASCELL that provides aid to the democratic states which have succeeded the Soviet Union.

Arms control has been a major focus of DANTE'S efforts as chairman of the Foreign Affairs Committee. He worked hard to shape our country's approach to arms control and led the fight for a comprehensive policy. His leadership has been critical in support of a wide range of arms control initiatives: Mutual reductions in strategic arms; preventing the spread of ballistic missile technology; ending the production of fissile material and controlling its disposal; furthering the end of nuclear tests; banning chemical weapons; preventing nuclear proliferation; and furthering conventional arms control in every region of the world.

Communications has always fascinated DANTE whether between two persons or two countries. He has often repeated a statement he attributes to Edward R. Murrow that the longest distance in the world is between one person's mouth and another's ear. This interest led to an interest in America's efforts to communicate with the rest of the world, both with respect to the ideological competition that was at the heart of the cold war and with regard to the revolution in communications technology that is reshaping the world economy. DANTE was among the first to fully appreciate the political impact on global affairs of the new communications technologies. He has constantly strived to make the U.S. Information Agency a full partner in foreign affairs, and been a staunch advocate of the Voice of America, Radio and TV Marti, Radio Liberty and Radio Free Europe. He has been a strong advocate of expanded exchange programs and increased language and international education in America's schools. His recognition of the importance of effective communication to diplomacy manifested itself in the creation of the U.S. Institute for Peace and in support for strengthened training in language and communications skills for American diplomats. Recognizing the importance of the technological revolution, DANTE led a successful effort to open world markets for private satellite systems and he convinced Secretary Shultz to

establish a new bureau in the State Department for international telecommunications policy.

DANTE's concern for human rights was by no means limited to the Communist world. He worked closely with former Congressman Don Fraser to craft the laws which now assure human rights issues a prominent place in American foreign policy. He led a successful effort to enact a resolution heightening U.S. diplomatic concerns over torture and in these last few days he has been trying to get enacted legislation to implement the U.N. Torture Convention. Because of FASCELL's persistence a whole network of Government-funded programs now reaches across the globe to support the development of democracy. Long before President Reagan called for new U.S. efforts in this area, FASCELL came within a few votes of establishing a national institute to do what the National Endowment for Democracy and its affiliates now do.

Observers of Congress often distinguish between show horses and work horses. Usually they mean nothing complimentary when they refer to show horses, but in DANTE's case the two are applicable in the most complimentary ways. He can put on a show second to none, capturing in a phrase or a look the drama of the moment. More importantly, DANTE has never shrunk from a task most would have avoided as a thankless task or because the drudgery quotient was just too high. Perhaps the prime example of DANTE as work horse is the months he devoted to totally rewriting the Foreign Service Act to the great benefit of America's foreign policy. Similar tasks involved the Hostage Relief Act and creation of the Office of Foreign Missions designed to show unfriendly states their diplomats would receive the same courteous treatment afforded our own representatives abroad.

No list of DANTE's achievements would be complete without mentioning his support for Israel. Behind the scenes and out front he has seen a strong relationship with Israel as a cornerstone of any effective United States policy in the Middle East.

The list of DANTE FASCELL's achievements for America, at home and abroad, goes on and on. All of his achievements would not have been possible without the love and support of his family, his wife of 50 years Jeanne-Marie, and his two daughters Sandra and Toni and their families.

Tonight we honor one of the greatest legislators in the history of this body. We honor a man whose achievements far outweigh the recognition he has received. We honor a great friend, a fine human being, a great man, DANTE B. FASCELL.

DANTE B. FASCELL

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. BEVILL. Mr. Speaker, I rise to pay tribute to my good friend and colleague, DANTE FASCELL, who is retiring from the House of Representatives after serving the 19th District of Florida for 38 years.

DANTE has been one of the most distinguished and highly respected Members of Congress.

He has served his district with distinction and he has been a valuable public servant for the entire Nation.

As chairman of the Committee on Foreign Affairs, DANTE FASCELL has been a true statesman on foreign policy. He is recognized as a leader for democracy and human rights worldwide.

I have always admired DANTE FASCELL and I have enjoyed working with him over the years. He is a gentleman and a man of the highest integrity.

The Congress will miss his good works and his leadership, especially in the foreign affairs arena. But, we will not forget DANTE FASCELL. His accomplishments are part of our Nation's history and will always be remembered.

REPRESENTATIVE DANTE FASCELL

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. BROOMFIELD. Mr. Speaker, it is hard to imagine a more fulfilling career than representing the people in Congress—even when you spend every year of it in the minority.

Yes, I do regret that after 36 years in Congress I never had the chance to be chairman of the Foreign Affairs Committee. But I have been fortunate enough to have served with one of the best—DANTE FASCELL.

DANTE is a "10" in anyone's book. He may not look like Bo Derek but he has been one of the most decent, thoughtful, humane committee chairmen in the history of this great institution.

Throughout the cold war, and I have been here for most of it, the Foreign Affairs Committee has been a lightning rod for any dispute in any little corner of the world. It is probably been the most contentious committee in Congress.

Yet DANTE has presided over the deliberations of this committee with dignity, with fairness, and with as much bipartisanship as you could ask of someone who long ago committed himself, body and soul, to the Democratic Party.

He has always been willing to place the national interest above the interests of his party and even his own career. It must be said, he has carried a lot of water for Republican administrations—but only when he thought that their policies were the best policies for America.

He is not a rubber stamp for any administration—Republican or Democrat. He gives every issue that comes before us a great deal of thought. You can see that in the perceptive comments he makes at the beginning of committee hearings and markups—on issues large and small.

I would like to think that his support of America's response to Saddam Hussein was his finest hour. I know personally how difficult it was for him to go against the majority of his party. I also know that he truly believed that America had no other option than to stop such blatant aggression dead in its tracks.

There may be some in DANTE's party who feel that he has been too bipartisan, that he has let Republican Members push him around. No one pushes DANTE FASCELL around.

I saw that in Moscow in the mid-1980's. DANTE and I were scheduled for a meeting with the new Soviet leader, Mikhail Gorbachev.

Just before the meeting, we were told by Soviet aides that Gorbachev would not allow our Ambassador, Arthur Hartman, to attend the meeting.

It would have been easy for DANTE, a member of the opposition party, to agree to those terms. After all, Hartman was representing a Republican President.

But DANTE put his foot down. As we stood in the anteroom in the Kremlin, you could see the grit and determination in DANTE's face. Several times the Soviet aides went into a huddle with their leader. We stood our ground.

Each time the aides came out, DANTE had the same message: no Hartman, no meeting. We wore them down. Gorby changed his mind and ended up meeting with the three of us for more than 4 hours.

In all the years I have worked with DANTE I have found him to be tough-minded, but fair. Very fair. As chairman of a committee that is potentially one of the most partisan on Capitol Hill, he has managed our business with an impartiality and a tolerance that is unsurpassed in Congress.

His spirit of bipartisanship and his sincere concern for the rights of the Republican minority have made the committee's work more enjoyable and a lot more productive.

We have flown together many times around the globe to attend international conferences and other important events. DANTE and Jeanne-Marie have been gracious hosts and, as a team, they are probably America's finest ambassadors.

It will be difficult to fill DANTE's shoes on the Foreign Affairs Committee. He is a great statesman, a warm human being, a true friend, and I will genuinely miss him.

CHAIRMAN DANTE B. FASCELL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. HAMILTON. Mr. Speaker, I rise to join my colleagues in honoring the esteemed chairman of the Committee on Foreign Affairs, DANTE FASCELL.

It has been a pleasure for me to serve on the Committee on Foreign Affairs with Dante for 28 years. We have all learned a lot from him. DANTE can be proud of his many remarkable achievements as a tireless worker for the people of Florida, as a Member of Congress for 38 years, as a subcommittee chairman, as chairman of the Commission on Security and Cooperation in Europe and, for the last 9 years, as chairman of the Committee on Foreign Affairs.

DANTE has been an extraordinary legislator, popular with his colleagues and attentive to

their interests and concerns. He has always focused on trying to achieve what was possible. He has contributed time and again to the advancement of the national interest.

DANTE has had experience in dealing with virtually every major foreign policy issue. He is a recognized expert on international communications issues. He is one of Congress' leaders and most influential voices on Latin American and Caribbean affairs. He has championed human rights and made the promotion of democracy and pluralism a high foreign policy issue.

His legislative accomplishments are impressive and the list is long. Among his most memorable legislative initiatives and achievements are:

Requiring the President to consult with Congress on actions leading to war;

Providing the Congress with review authority and procedure on major arms sales abroad;

Prohibiting discrimination in foreign commerce through the antiboycott bill;

Supporting a nuclear freeze and nuclear nonproliferation;

Writing comprehensive antiterrorism legislation;

Changing the focus of foreign aid so that it benefits the poorest people in developing countries;

Authoring the legislation establishing the Inter-American Foundation;

Playing a leading role in legislation providing economic and security assistance for Israel;

Placing and maintaining the trade embargo on Cuba;

Reorganizing and maintaining of Radio Free Europe and Radio Liberty and the United States Information Agency;

Restructuring and overhauling of the Foreign Service personnel system, and

Reviewing the effectiveness of U.S. consular services abroad. This list could go on and on.

DANTE can look back on an impressive career with a full measure of satisfaction and a sure sense of a job well done. DANTE's leadership, friendship, sense of humor and formidable energy will long be remembered and will be missed by his colleagues. These qualities have earned him enormous respect at home and abroad. We are all in his debt.

For his colleagues remaining here, the loss is the FASCELL team. Jean Marie Fascell has given so much in time and friendship to others for so many years. She has made many significant contributions to our work here. DANTE's success and his many accomplishments owe much to her.

We wish DANTE and Jean Marie well in their well-deserved retirement. I am sure that DANTE will remain active on public policy and foreign policy issues. I also hope we will continue to see them. DANTE's wise counsel and his advice will always be wanted and appreciated.

TRIBUTE TO REPRESENTATIVE DANTE FASCELL

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. LAGOMARSINO. Mr. Speaker, I am very proud to join my colleagues in paying special tribute to an outstanding Member of Congress, DANTE FASCELL of Florida.

I have been very fortunate to have served for the last 18 years in Congress and, more specifically, on the House Foreign Affairs Committee with DANTE. I have always valued his professionalism, his rationality, and his cooperative spirit in always trying to find compromises, even when such compromises seemed impossible. DANTE's success record is an impressive one. Under his stewardship as chairman, the House Foreign Affairs Committee has been a responsible, driving force in helping craft and oversee American foreign policy.

Over the years I have particularly enjoyed working with Chairman FASCELL on the arms control issue. While many a time we have disagreed about policies affecting nuclear arms reductions, chemical weapons curbs and the like, those disagreements were based on tactics, never on the strategy of supporting American national security. Whether it was on the dangerous front lines in North Africa and Italy during World War II or in presiding over the Foreign Affairs Committee in the House, DANTE FASCELL certainly deserves credit for helping keep America strong and free.

As chairman of the International Republican Institute, I am reminded daily of another great accomplishment of DANTE FASCELL, namely helping create and direct the National Endowment for Democracy. The NED embodies DANTE's leadership role in the movement to spread the fires of freedom and democracy around the globe. Recognizing that helping others help themselves achieve political liberty and economic freedom through peaceful, democratic means is a formidable weapon against communism and other forms of totalitarianism, DANTE can take pride in knowing he and the programs he has supported have been and continue to be the source of the great changes happening in Latin America, Africa, Eastern Europe, the former Soviet Union and other parts of Asia. Being able to translate a commitment and vision for democracy into constructive, successful action is a talent that DANTE FASCELL has demonstrated well.

I have a deep respect for DANTE FASCELL's responsible outlook on affairs south of our border—or perhaps looking at it from his southern Florida perspective as across the straits and Caribbean Sea. While the temptations were great, especially in the 1980's, to make the already complex and emotional debates on Central and South America even more partisan, DANTE FASCELL did not. That takes a lot of courage and responsibility. Yes, the Latin American, among other, seas upon which the ship we call the Foreign Affairs Committee sailed were rough, with an experienced captain like DANTE at the helm, the storms were successfully weathered and, in fact, great accomplishments—like peace in Nicaragua and El Salvador and the establishment of the Inter-American Foundation—were achieved.

For almost four decades, DANTE FASCELL has been a valued, effective representative of southern Florida here in the House. In addition to his impressive foreign affairs legacy he can be proud of his accomplishments on the domestic front—everything from the creation of HUD to preserving the environment of the Everglades and Florida's fragile coast. His wisdom, respect for the institution and leadership will surely be missed. Winston Churchill once said, "politics are almost as exciting as war, and quite as dangerous. In war you can only be killed once, but in politics many times." While DANTE's commitment to his country meant there was only one choice about serving in World War II, our Nation and especially this institution has benefited from DANTE's choice of getting in—and staying in—politics despite the inherent dangers described by Churchill. Thank you for your service.

I extend my very best wishes to DANTE and his better half Jeanne-Marie on a certainly well earned retirement. Good luck.

TRIBUTE TO THE HONORABLE DANTE FASCELL

HON. NEAL SMITH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. SMITH of Iowa. I have known DANTE FASCELL since 1954 when I happen to have had the opportunity to be in the district he represents while he was running in the primary. I was impressed with the enthusiasm and the way he was able to organize others who were equally enthusiastic about his race. He has shown the same ability in all the years since I came to the Congress and he is leaving a huge legacy especially in the area of foreign affairs and more particularly his relationship with Western Hemisphere. No one has been a more effective leader in Congress with regard to the kind of activities and actions that would be helpful in cementing the relationships in this Western Hemisphere.

As chairman of the subcommittee which handles appropriations for foreign affairs, he also had an opportunity to cooperate with his foreign affairs authorizing committee in such things as the Commission on Security and Cooperation in Europe which he chaired, the National Endowment for Democracy, Inter-American Foundation, and the various activities which led up to the breaking up of the Soviet Union.

I consider him a special friend and one of the very great leaders who made a difference while I have been in Congress. Bea and I wish DANTE and Jeanne Fascell the very best.

TRIBUTE TO HON. DANTE FASCELL

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. VENTO. Mr. Speaker, I rise to recognize the tremendous service that Chairman DANTE FASCELL has accorded our Nation, serving for 38 years in the House of Representatives.

I have been pleased to serve with him for eight terms and observe his skills and talents up close. During this period, as a leading member of the Foreign Affairs Committee and finally assuming the leadership of that committee, he has demonstrated outstanding leader-

ship. DANTE FASCELL has brought a wonderful intellect and passion to his role on the significant issues and events that have reshaped the global political maps during the past four decades. His leadership these past 10 years has been absolutely essential in avoiding a polarization within Congress when many would have pulled apart attempts at a bipartisan foreign policy. I know that my constant concerns and my colleagues' feelings about our foreign policy no doubt taxed his ability to steer a policy path that led us to the achievements and status that exist today.

Congressman FASCELL has represented his district well for nearly four decades and he did not forget from where he came. In point of fact, DANTE has a wonderful common touch with people and certainly with his fellow Members, without pretense and an intensity and sincere, natural approach with people that explains at once both his unprecedented reelection to the House an his success in working within the House and Senate. DANTE is a person comfortable and at ease with the topics, the information, and people. Congressman FASCELL radiates confidence and a can-do pragmatic approach that has spurred all of us to tackle and resolve issues that would otherwise have drifted.

I have been especially pleased in my role leading the Parks and Public Lands Subcommittee in the House to work in cooperation with DANTE FASCELLL on the Everglades and the Fort Jefferson Monument. These key park issues in Florida evoke significant concern and controversy between conflicting goals. Surely it has taken all his skills to try and steer a proper policy course. With all the tension, I have been pleased to note that DANTE has always come down on the side of conserving such resources and attempted to safeguard them for future generations.

I hope in the future years he will have good health and be able to advise the members who continue to serve in Congress and that he will be able to enjoy the wonderful environment and resources of the great State of Florida, which he has protected, from a seat on a fishing boat with good action and good company.

All the best and thanks to you and your family, DANTE. You will be missed but we will take comfort in the example you have set and the wonderful record of accomplishment you achieved.

TRIBUTE TO DANTE FASCELL

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. WHEAT. Mr. Speaker, I am proud to join in this tribute to our friend and colleague, DANTE FASCELL—a true champion of progressive change both in our country and around the world.

Although DANTE is departing the House of Representatives for a well-deserved retirement, he leaves behind a proud legacy after nearly four decades of service in the Congress.

As a proven leader in this House, DANTE left his mark on a variety of landmark initiatives that have improved countless lives both here at home and abroad.

An architect of social policy reform, DANTE led efforts to establish the Department of Housing and Urban Development [HUD] and the Department of Education.

Serving as the chairman of the House Committee on Foreign Affairs during one of the most tumultuous periods in recent world history, he also played a key role in shaping U.S. foreign policy.

Whether working to end discrimination in the United States or actively promoting human rights internationally, DANTE has been a tireless advocate for social justice.

Whether fighting to protect the Florida coastal environment or leading efforts to control the worldwide spread of military arms, DANTE has succeeded in making our country and this world a better, safer place in which to live.

I am proud to have served in Congress with DANTE FASCELL. While, technically speaking, he is retiring, I am sure that DANTE will continue to lead an active life.

I wish DANTE and his family all the best as he looks back on a long and distinguished career and looks forward to the challenges that lie ahead.

TRIBUTE TO REPRESENTATIVE DANTE FASCELL

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. GUARINI. Mr. Speaker, I rise to join my distinguished colleagues in paying tribute today to my good friend, a senior Member of the House, and one of our leading experts on foreign affairs—DANTE FASCELL. He has served for 38 years with distinction, dedication and leadership, making his record virtually impossible to duplicate.

DANTE has many achievements—but the one which has made us most proud as Americans is his election and tenure as chairman of the House Foreign Affairs Committee. In this capacity, DANTE has worked hard to promote freedom and democracy abroad, while at the same time protecting our own vital interests here at home. He is credited with putting in place an effective trade embargo on Cuba, bringing about the containment of nuclear arms, and controlling the sale of arms around the world. Because DANTE championed the cause of the War Powers Act, the President is now accountable to Congress if we as a nation go to war.

DANTE's efforts also contributed to the collapse of communism. While serving as Chairman of the Commission on Security and Cooperation in Europe, he helped promote democracy in what was once the Soviet Union, and the areas under its control. DANTE has always been a champion of human rights, and has fought especially hard on behalf of the people in the former Soviet bloc countries. I have no doubt that many of those citizens feel as indebted to DANTE as we do here in America.

DANTE and I have worked together for years on the Select Committee on Narcotics Abuse and Control. I saw first-hand his diligent fight to stem the flow of drugs into his home district of southern Florida. His antidrug efforts have benefitted not only his constituents—but all citizens whose communities have been invaded by drugs and crime.

I know that DANTE's vigorous leadership—both on the domestic and foreign fronts—will be sorely missed. His valuable experience will be hard to replace, and his departure will leave a void that will be extremely hard to fill.

RETIREMENT OF REPRESENTATIVE DANTE FASCELL

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Ms. PELOSI. Mr. Speaker, I rise today to join with other Members of the House in honoring our good friend and colleague, Representative DANTE FASCELL.

For 38 years, DANTE has worked diligently for the benefit of the people of Florida, the people of this Nation, and the integrity of this institution. Throughout his term of service, he has played an instrumental role in the development and passage of many of the most important bills passed by the Congress in the last half of the 20th century.

On the domestic front, among his many contributions are helping to create the Department of Housing and Urban Development and the Department of Education. He also led the successful effort to establish a national marine sanctuary to protect the fragile ecosystem of the area around the Florida Keys, preserving a national treasure for generations to enjoy.

DANTE is a tenacious fighter with a strong appreciation for the Constitution. He has worked hard and against strong odds to preserve the balance of powers by fighting for Congress' rightful role in the realm of foreign policy. DANTE is without equal in his commitment to keeping Congress involved in the foreign policy process. Without him, for example, we would not have the War Powers Act.

He has also contributed enormously to the integrity of this institution. In 1973, the Democratic Caucus adopted his amendment requiring congressional committee sessions to be open to the public, unless the members of the committee voted in public to close the session. He then moved on, successfully, to insist on the opening of House-Senate conferences. And, believing ardently that the functionings of Government by and for the people should be open to the people, he helped to pass the law to open executive agency meetings.

DANTE's passion for the democratic system has stretched well beyond the borders of this country. During his tenure in Congress, many of the major foreign policy events that will shape the 21st century world have taken place. Throughout these events, DANTE has always stood firmly for the course of action he believed would strengthen democratic movements.

DANTE's retirement will have an impact on the quality of national debate and policy. At the same time, it will have an impact on those of us continuing to serve in this institution. I

will miss DANTE and wish him the best in all of his new endeavors.

HON. DANTE B. FASCELL

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. STOKES. Mr. Speaker, I want to thank the distinguished gentleman from Texas, Chairman JACK BROOKS, for reserving this time to pay tribute to our esteemed colleague and a senior Member of this body, DANTE B. FASCELL. Chairman FASCELL departs the Congress at the close of this legislative session. Today, we pause to salute a gentleman who ranks seventh in seniority in the House, and who, for the past 38 years, has represented the State of Florida and our Nation in an outstanding manner.

As we gather today, I, like my colleagues, find it difficult to sum up the legislative career and accomplishments of Chairman FASCELL. Suffice it to say that during his tenure in the House, DANTE has played a key role in the development of some of the most important legislation enacted by the Congress.

Mr. Speaker, under the chairmanship of DANTE FASCELL, the House Foreign Affairs Committee has been a major force in shaping U.S. foreign policy. He provided bipartisan leadership for the INF Treaty; measures to combat international drug trading; and for chemical and biological warfare agreements. The War Powers Act, the Inter-American Foundation, and the National Endowment for Democracy are a part of the legacy of DANTE B. FASCELL.

Chairman FASCELL is also respected and admired as a great champion of human rights around the world. Under his leadership, the Commission on Security and Cooperation in Europe which monitors compliance with the Helsinki accords, achieved international recognition and received numerous awards for its advocacy. DANTE FASCELL has also been a strong supporter of the State of Israel and he has been instrumental in changing the focus of foreign aid so that it benefits the most needy in developing countries.

Many of us are also familiar with Chairman FASCELL's diplomatic assignments. He was appointed by the President in 1969 as a member of the 24th General Assembly of the United Nations. He also served as an official congressional observer to the arms control talks in Geneva.

Mr. Speaker, when I came to Congress, DANTE FASCELL was recognized as a good leader; he was respected for his ability to be fair and nonpartisan; and he was admired by all for the level of compassion and diplomacy he brought to each assignment. More importantly, I remember that Chairman FASCELL was always available to junior Members of the House. He took the time to provide us counsel and advice, and to listen to our opinions.

I was honored years ago to serve with DANTE FASCELL on the Iran Contra panel. DANTE was vice chairman of the panel. During the extensive investigation and public hearings, I admired his dedication, leadership, and hard work. Our work also provided me an opportunity to enjoy a more personal side of a gentleman whom I consider a close friend.

Mr. Speaker, I join my colleagues today in saluting Chairman FASCELL. We extend our best wishes to his wife, Jeanne-Marie Pelot, his family. Today, we salute DANTE FASCELL and we thank him for his contributions to this body and the Nation.

CONGRESSMAN FRANK HORTON

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. FISH. Mr. Speaker, our longtime friend and colleague, FRANK HORTON, will be retiring from the House of Representatives at the conclusion of the 102d Congress. I rise this evening in honor of FRANK HORTON, the esteemed dean of our New York delegation.

It has been a delight working with FRANK. He is one of the few Members remaining who welcomed me to my first term in the Congress. Ever since, I have been thankful for his counsel and guidance.

For 30 years, FRANK HORTON has been an outstanding asset for his New York constituency and the Nation. How fortunate that this son of Texas came North to Cornell Law School and had the wisdom to stay. I think all of us from the Empire State now consider him a native.

FRANK HORTON is first and foremost a stand up guy. There is not a devious bone in his body, no hidden personal agendas. Looking everyone straight in the eyes, as New York's dean and as ranking member of Government Operations Committee, he has been a trusted guide for men and women of fundamentally diverse ideologies and constituencies steering them toward mutual understanding and achievement.

Lasting progress in our democracy and in this body depends upon a broadening consensus. FRANK HORTON has always made the extra effort to encourage a community of purpose in our delegation and in the House, with one aim in mind—to make a better country for all our people. The list of his accomplishments is long; the Paperwork Reduction Act, his unflagging efforts for revenue sharing for which all State and local municipalities should give him thanks, his work to create the Departments of Education and Energy, his push to elevate the VA to full Cabinet status to name just a few milestones in his career. In total, his has been the work of a statesman—an Empire statesman.

I will miss FRANK and his wonderful wife, Nancy, his willingness to achieve consensus, his clarity of purpose. I will miss his quiet humor and his booming voice in the red robed New York Congressional Choir. I will miss his good judgment, manners, and fairness. We bid farewell to a wise man and friend. I wish him all the best.

A LETTER FROM THE HORTON STAFF TO HON. FRANK HORTON

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. BOEHLERT. Mr. Speaker, today I would like to insert into the CONGRESSIONAL RECORD a letter to our retiring colleague, the chairman of the New York State congressional delegation, the ranking Republican on the Government Operations Committee, the ranking Republican on Post Office and Civil Service Subcommittee on Postal Operations and Services, and the ranking Republican on the Franking Commission, Congressman FRANK HORTON who is retiring after 30 years in the House.

OCTOBER 6, 1992.

DEAR CONGRESSMAN HORTON: As the 102d Congress prepares to adjourn, we the staff would like to extend to you our heartfelt thanks for the deep impression which you have made upon all of us. We have been privileged to witness the highpoints of your career, such as your chairing of the Federal Paperwork Commission; your authoring of legislation to create the Departments of Energy, Education, and Veterans Affairs; and your successful efforts to create Inspectors General for every department in the Federal Government to name just a few. We are honored to have been given the opportunity to play our part in contributing to your success.

As the Chairman of the New York Congressional Delegation and Dean of the New York State Republican Delegation, your guidance and leadership have helped to bring concerns of New York to the attention of your fellow colleagues in the Congress and to the Nation.

It would be a shame for the Congress to adjourn without letting people know of the Frank Horton that we know. Your commitment to the underdog, such as the senior citizens who experience trouble with Medicare and Social Security, the veterans who need help with their benefits, the students who want to attend the academies, or the farmers who have lost their crops make us proud to work for you. The list of the people, organizations, and groups which you have helped is as long as your distinguished career.

Indeed, as we have travelled throughout your District and in Washington, there is not a place that we can go that someone will not say how fortunate we are to work for such a wonderful Congressman. We agree.

As the final hour comes to a close and you cast your last vote in the 102d Congress, we hope you will know of our deep gratitude. On behalf of your personal staff in the 29th Congressional District of New York—Dolores Rose, Mary Pat Fitzgerald, Sheila Barker, Lois Almeter, Vivien Norman, Shirley McGrath, Art Kelly, and Hymie Klionsky; as well as from your personal staff in Washington, D.C.—Don Upson, James Ballentine, Bobby Shillinger, Elsie Anderson, Kathy Besser, Fay Maroulis, Lynda Dorman, Dan Moll, Phil Boyle, Jeff Kellmanson, and many others, we thank you very much for the high experience and the wonderful memories of working with a legend in the Congress. Thank you for the great adventure you allowed the members of your staff to share.

With deepest affection to you and Nancy from all of us,

Sincerely,

RUBY G. MOY,

Chief of Staff/Administrative Assistant.

TRIBUTE TO HON. FRANK HORTON ON THE OCCASION OF HIS RETIREMENT FROM THE HOUSE OF REPRESENTATIVES

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. McNULTY. Mr. Speaker, with the conclusion of the 102d Congress, we will lose one of our most illustrious Members when my friend and colleague, the Honorable FRANK HORTON, retires from the House of Representatives.

For 38 years, FRANK HORTON has served this House with distinction. As one who saw active service in World War II, he has always promoted the well-being of all veterans. A proud New Yorker—and a proud American—he has always sought to improve our relations with other nations.

I have the honor of serving with FRANK on the House Committee on Post Office and Civil Service and, of course, we work together as Members of the New York delegation, where he is the dean of our bipartisan delegation.

As a junior Member of the House, I am especially grateful for the friendship, support and guidance FRANK has extended to me over the last 4 years.

I shall miss him—as we all shall miss him in this House. I wish him well in all he undertakes. I know he will continue to serve the best interests of New York State and the United States of America in all his future endeavors.

I wish FRANK and Nancy all the best during the years ahead—they deserve it.

THE HON. FRANK HORTON

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. GILMAN. Mr. Speaker, I rise to join my colleagues in paying tribute to an outstanding Member of this body, one who will be sorely missed when the 103d Congress convenes in January. For those of us in the New York delegation, as well as for many other Members of this body from throughout the Nation, FRANK HORTON of New York has been an outstanding leader, a warm friend, and an exemplary legislator. He will be sorely missed.

FRANK HORTON first came to Congress 30 years ago, in 1962, during the era when John F. Kennedy was in the White House, Nelson Rockefeller was our Governor, and Jacob Javits and Kenneth Keating were our Senators. Throughout his 30 years in the House, FRANK HORTON always personified the standards of public service which that generation of leaders had set.

FRANK HORTON came to Congress in an era when the United States was united in its concern for the cold war, but differed in our view of how this international threat should best be met. It was also an era when, due in great part to this international tension, extremists of both the right and left clammored for reactionary or radical agendas which would have altered our American form of Government and which offered tempting opportunities to demagogues and opportunists. FRANK HORTON will always be remembered because he resisted extremes of both right and left, and instead guided his entire career by common sense, pragmatism, respect for the other person's point of view, compromise and—above all—a deep, abiding, and sincere patriotism.

Throughout his 30 years of service in this body, FRANK HORTON was consistent in his passion for increasing the efficiency and the accountability of our Federal bureaucracy. One of his proudest moments was the report of the Horton Commission, in the mid 1970's, which he chaired. This Commission found a "profusion of inconsistent and often conflicting laws, policies and practices" in our Federal Government, and its final report led directly to the passage of the Paperwork Reduction Act of 1980, legislation authored and steered through the Congress by FRANK HORTON.

Mr. Chairman, I have had the distinct pleasure of serving with FRANK HORTON not only as a part of our New York delegation caucus, but also as a member of the House Post Office and Civil Service Committee. I never cease to be impressed by FRANK's grasp of bureaucratic issues, his understanding of the need to cut back on needless duplication and paperwork, and his ability to see clearly solutions to our problems which seem to elude others. Two causes of FRANK's on our committee which are especially worthy of note are his efforts to have the Postal Service taken off of the Federal budget in order to insulate it from across-the-board spending cuts, and his tireless efforts to bring about long-overdue reform of the Hatch Act. While FRANK was successful in the first of these goals, he leaves this body without the second goal being achieved. It will certainly be a fitting memorial to FRANK and a tribute to the firm foundation he has planted if indeed Hatch Act reform is achieved in the next few years.

In recent years, FRANK HORTON's achievements have become even more numerous and even more impressive. It is FRANK HORTON who led the fight to place inspectors general in the various departments of the executive branch. FRANK often told us that these inspectors general have saved the taxpayers over $120 billion since he first succeeded in getting them appointed.

FRANK HORTON was also a leader in our successful efforts to have the Veterans' Affairs Administration raised to a Department with Cabinet-level status. Himself an Army veteran of World War II, FRANK certainly was prophetic in recognizing the need for this Cabinet-level agency at a time when our World War II veterans are just coming to the age when they are in need of long-term and nursing health care. The veterans of all our services knew perfectly well that they have had a firm and fast friend in FRANK HORTON.

The other items which were listed high on FRANK's agenda of priorities are problems which we in America all know we must confront, and FRANK HORTON was out in front on all of them: The need to address the problems of our global environment, underscored by FRANK's efforts to create a Cabinet-level Department of Environment; the need for fiscal restraints in our governmental practices to whittle down the Government deficit; the need to maintain a strong national defense including the need to continue SDI research and the need to stand up to aggression in the Persian Gulf and in other trouble spots throughout the world; the need to remember and reinforce the promise of our Declaration of Independence and Constitution for equality and civil rights for all; and many many challenges which we in Congress in general and in the New York delegation in particular were proud to follow FRANK's leadership.

For the past 15 elections, the people of FRANK HORTON's district kept returning him to the Congress by extremely impressive majorities. The region which sent FRANK HORTON to Congress and kept sending him back over and over is the Rochester, NY, area—an area always known for believing in common sense principles in conducting our Government and an area which richly earned a reputation before and during the Civil War as one of the strongest to condemn slavery and demand equal rights for all Americans. This part of New York State never forgot this heritage, and FRANK HORTON was always an exemplary representative of it.

In fact, FRANK served for many years as a member of the Rochester City Council after he returned from service in World War II and while he was a successful practicing attorney.

While we in the House admit readily that we will sorely miss FRANK HORTON, we must also grudgingly admit that he has certainly earned his retirement. While we know there is not doubt that his district would certainly have returned him to us, FRANK felt the time had come to spend more time with his wife Nancy, their four children, and their many loved ones.

Mr. Speaker, I invite our colleagues to join with us in wishing FRANK HORTON and his family the best of luck in coming years, and want to remind them that they will always have a welcome home here in the House of Representatives. FRANK HORTON may be leaving us, but his heart has touched all of our lives and his gracious spirit will remain even after he is gone.

IN HONOR OF HON. FRANK HORTON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. RANGEL. Mr. Speaker, I rise to honor my long time colleague and dear friend, FRANK HORTON. I can think of no one in our delegation over the time that I have served with FRANK who represented his own district in Rochester, but the entire Empire State from Montauk Point to Niagara Falls. Like in many States, in New York there are differences between those upstate and those downstate. FRANK HORTON in years in this body never let those differences get in the way of serving all New Yorkers.

I am particularly mindful of the role that FRANK played in the financial crisis that New York City experienced in the 1970's. He realized that the city's crisis was the crisis for all

New Yorkers and played a major role in securing the support the State and the city needed from Congress. Through, Members such as Frank other Members of the House came to recognize New York was more than just a group of loud left leaning Members. Through his leadership members came to recognize that what was happening to New York City could easily happen in their city and State, and, indeed, unfortunately has.

After Congress came to the rescue, and may I remind my colleague paid back every cent of the funds advanced, FRANK and I tried to think of some way that New York could say thank you. Along with several of New York's major corporations and labor organizations we developed the New York Festival. This biennial event was an immediate success as has become a tradition for Members to have a good time with the State's leading corporations and labor groups as the hosts. Its success is in large part to the effort FRANK has put into the event.

FRANK HORTON is not a Member that you can pigeon hole. He is a Member who votes his conscience. If we look at his record one only sees the consistency of what is good for the people of western New York, New York State, and the Nation.

Among the friendliest Members of this body, it is impossible for me to remember any time FRANK was anything but genial and courteous.

This House on both sides of the aisle will miss FRANK HORTON as will New York.

REPRESENTATIVE FRANK HORTON

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. BROOMFIELD. Mr. Speaker, our distinguished minority leader, BOB MICHEL, and I share a distinction that I am sure most legislators would not care to have: we have both served for 36 years in a Congress dominated by the other party.

That is something that has never happened before in the history of this Nation, and it is something that I hope never happens again—to the Republican Party, at least.

One of our fellow Republican Members, FRANK HORTON, has served almost that long in the minority. He knows how hard it is to make a significant impact in Congress when you do not have the votes either in committee or on the floor.

Despite that handicap, FRANK has been responsible for legislation that will affect the way the business of Government is conducted for years to come.

Because of his efforts on several landmark pieces of legislation, the Federal Government will be more efficient and more accountable to the American people.

These are not the kinds of bills that grab the headlines. They are mostly about the processes of Government. Yet long after today's front page crises are history, the quiet institutional reforms that FRANK has sponsored will have a profound effect on what kind of Government will serve the American people.

FRANK can be proud of a distinguished legislative career. One reason that he is such an effective legislator is that he has always had an ability to work with others. As the ranking Republican on the Government Operations Committee, he has their respect and affection of Members on both sides of the aisle.

FRANK and I have been very close friends over the years. We have walked together to the Capitol and back again to our offices in Rayburn for many thousands of rollcalls. He has been a good sounding board for many of my ideas and a good listener to many of my frustrations, and I hope I have been the same for him.

We have spend many an hour together on the House floor, listening to debates, recalling old days, wondering what the House is coming to, and just talking about things, great and small, that old friends talk about.

He and his wife Nancy have traveled on occasion to interparliamentary conferences with my wife Jane and I. FRANK has always worked hard at those meetings, and he has made a lot of friends for America. Yet the Hortons have always had time to take in the sights and share a meal with us, and their good company has made these trips a lot more enjoyable.

FRANK is not only a good friend but also a fellow Mason, and we both have been given the honor of being awarded the 33d degree as members of the northern Masonic jurisdiction of the United States of America.

He is an honest, decent, thoughtful human being. And he is one of the hardest working men I know—so much so that he is not retiring from Congress, but rather heading out in search of new ways to make a contribution to the country he loves.

I do not know where this search will lead him, but I would like to extend best wishes to both FRANK and Nancy and let them know that we will certainly miss them.

FRANK HORTON

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. GALLO. Mr. Speaker, I want to join with my colleagues today to recognize the significant accomplishments of an esteemed Member of this body for 30 years, the gentleman from New York [Mr. HORTON].

As the ranking Republican on the Government Operations Committee, FRANK HORTON fought to cut bureaucratic redtape and to increase Government accountability. In his years in this body, he has been a man of integrity, a man willing to vote his conscience—apart from partisanship.

For years, I have had the privilege of working with Mr. HORTON through the Northeast-Midwest Congressional Coalition. The distinguished gentleman from New York has accomplished much in this endeavor, and all of us in the coalition are especially thankful for his efforts over the years.

Like myself, Mr. HORTON cares for the preservation of the environment. For the last few years, we have been working to create a Department of the Environment to ensure a clean world through education and compliance. His departure will leave a void in our continuing fight for this and other environmental measures.

Mr. Speaker, I want to take this opportunity to thank our colleagues, Mr. FISH and Mr. SCHEUER from New York, for organizing this special order.

I join with my colleagues on both sides of the aisle in recognizing the many accomplishments of the dean of the New York delegation, FRANK HORTON, and I wish him all the best in the future.

TRIBUTE TO HON. FRANK HORTON

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. GREEN of New York. Mr. Speaker, I rise today to pay tribute to my colleague and the dean of the New York delegation, FRANK HORTON, who is retiring at the end of this Congress.

Our colleague from New York has been a wonderful leader and a good friend. We have worked together on numerous issues of importance to the State of New York and to our Nation. The gentleman from New York exemplifies what public service and integrity are all about.

The gentleman from New York has been a strong and consistent voice within the progressive wing of the Republican Party. I believe that the progressive Republican tradition for which he has stood—fiscal responsibility combined with compassion for those who need a helping hand—continues to define the path our Nation must take.

On a personal note, I extend my sincerest appreciation to my colleague from New York, who, in his role as a member of the executive committee of the Republican Committee on Committees, sponsored my successful effort to be assigned to the Appropriations Committee in 1981. That assignment has greatly enhanced my career in the House and has allowed me to do the work that I love.

I wish FRANK all the best in his retirement. He will be missed by all of us.

A TRIBUTE TO CONGRESSMAN FRANK HORTON

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mrs. MORELLA. Mr. Speaker, I pay tribute to a colleague and friend, Congressman FRANK HORTON, who is retiring at the end of the 102d Congress. As the dean of the New York delegation. Congressman HORTON has a long and illustrious record of accomplishments. Those of us who have worked closely with him will miss his efficient and affable leadership.

As ranking Republican on the Government Operations Committee, Congressman HORTON has worked toward improving the accountability of the executive branch and improving the efficiency of the entire government. The Whis-

tleblower Protection Act and the Paperwork Reduction Act are the result of the countless hours he spent promoting fairness for Federal workers who expose waste and fraud and promoting recommendations for policymakers to contain paperwork costs. Congressman HORTON has also worked to place inspectors general in Federal agencies to rid them of waste.

I have had the pleasure of being a colleague of Congressman HORTON on the Post Office and Civil Service Committee, where I have appreciated his incisive intelligence, his ability to achieve results and his gentle humor. He has been a mentor and a friend.

As an experienced legislator, leader and friend, Congressman FRANK HORTON will be missed. I regret that the people of New York and this Nation will no longer have the benefit of his experience. I offer him my best wishes for success with his future plans.

TRIBUTE TO FRANK HORTON

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. DINGELL. Mr. Speaker, the U.S. House of Representatives is losing one of its most remarkable Members this year. He is a role model of what a Member of Congress should be—to his constituents, this institution, and to public service.

In his 29 years in Congress, FRANK HORTON has established a reputation as one of the hardest working Members of this body. Party labels mean very little to FRANK. In fact, he has bridged the gap between partisans more times than I can count. His low key and reasoned approach to problems has made FRANK the consummate legislative repairman. But FRANK has lots of practice in banging on the pipes of Government through his leadership on the minority side of the Government Operations Committee. His work with GAO in looking into waste fraud and abuse, within Government, and protecting the public from contaminated imported wine, fruits and vegetables is noteworthy.

One of FRANK's great accomplishments is helping to create the Northeast-Midwest Congressional Coalition, and his tireless efforts for well over a decade to create programs to stimulate industrial growth in the Midwest. Under his leadership the coalition has been successful in improving Federal aid formulas for community development block grants and food stamps. And I can tell my colleagues that the State of Michigan has provided the coalition with clean and convincing evidence that the industrial Midwest has taken a beating for many years. FRANK HORTON has also established his prominence by this hard work on the Commission on Federal Paperwork. FRANK HORTON's fair and nonpartisan approach to these problems has won the respect and admiration from both sides of the aisle.

FRANK HORTON's versatility is also evidenced by his active participation in the Environmental and Energy Study Conference, a task force on aging, the United States-Canada Interparliamentary Group, the Congressional Travel and Tourism Caucus, the House-Auto Task Force, the North Atlantic Assembly and the Commission on Congressional Mailing Standards.

I will miss FRANK HORTON. His contributions to this body and to society will always be remembered and he will always be my friend.

A TRIBUTE TO HON. FRANK HORTON

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. CLAY. Mr. Speaker, I want to use this occasion to pay a special tribute to my friend and respected colleague, FRANK HORTON, who has announced his retirement from Congress. In carving out a distinguished congressional career which has spanned four decades, FRANK operated on the basic premise that this great institution functioned most efficiently and most effectively when programs, policies and decisions were the products of constructive bipartisanship.

FRANK's congressional activities on the floor and in the committees on which he served reflected his legal training and background. His decisions were based upon his personal evaluation of the evidence. Never a naysayer, he does know when to say no, and he certainly knows how and when to say yes.

In announcing his retirement, FRANK, with characteristic candor, summed up his political philosophy this way: "Working with chairmen, ranking members, members of the committee, this is the way to get legislation through, and this is to the benefit of the people."

As chairman and a longtime member of the Post Office and Civil Service Committee, I know FRANK practices what he preaches. He has been elbow to elbow with me in the trenches in our long fight to reform the Hatch Act and provide our dedicated work force with genuine political freedom. Whenever I sought volunteers to begin the legislative fight on Hatch Act reform, FRANK always was the first to sign up. In the early hours of the current Congress, FRANK joined with me in introducing H.R. 20, the latest attempt to reform the Hatch Act.

FRANK is no Johnny-come-lately in taking a stand to improve the workplace and personnel practices for Federal employees. As a senior member of the Post Office and Civil Service Committee, FRANK fought long and hard for the enactment of the Federal Employees Pay Comparability Act which was signed into law on November 5, 1990. For FRANK, it was the right thing to do, and he has been doing the right thing on behalf of the Federal work force for years before he brought his multiple talents to the Post Office and Civil Service Committee.

As committee chairman, I like to dwell on FRANK's accomplishments on our panel where he is the ranking minority member on the Postal Operations and Services Subcommittee and a member of the Human Resources Subcommittee. On the Postal Subcommittee, he has a well deserved reputation as an expert on postal affairs and a champion of postal employees rights. He consistently has been a stalwart on civil service issues.

While FRANK undoubtedly is one of the star performers on our committee, I would be doing him a disservice if I failed to mention he is the ranking minority member on the Government Operations Committee. It was from his position on that committee that he launched one of his major accomplishments—legislation creating inspectors general in the major departments and agencies.

FRANK HORTON has served with distinction under five speakers of this body and under seven Presidents. He is especially proud of the fact that he is chairman of the New York congressional delegation, despite the fact he is among its minority members. To me, that is a demonstration of FRANK's ability to get along with people and solve problems.

FRANK has mentioned how much he has enjoyed his 30 years of service in this body. I, for one, have enjoyed every moment I have worked with him. I am going to miss him, our committee will miss him, as will all Members of the House.

I join with all Members of this House in wishing FRANK and his wonderful wife, Nancy, every happiness in the years ahead. I am looking forward to continuing our friendship.

HONORING FRANK HORTON

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. LAFALCE. Mr. Speaker, it is my great pleasure to participate in this special tribute to FRANK HORTON, a friend, a long-time colleague, and a fellow western New Yorker.

This is FRANK HORTON's 15th term in Congress, which means that when I first took my seat here in Congress in January of 1975, FRANK had already been serving in this House for 12 years. Thus, from the very outset of my tenure here in Congress, FRANK was a person I looked to for his judgment and experience. And that has not changed at all in the last 18 years in which I have been privileged to serve with him.

Others here today can better attest to FRANK's work on the Government Operations Committee, where he is the ranking Republican, and on the Post Office and Civil Service, where he presently served as the ranking minority member of the Subcommittee on Postal Operations and Services.

But, as a fellow western New Yorker, I can certainly attest to what FRANK HORTON has meant to the people he has represented over these past 30 years. FRANK has always been a conscientious, dedicated and able public servant. Whether it was adding acreage to the Green Mountain National Forest, leading the fight to protect New York State wine producers, or looking after the interests of Rochester, FRANK HORTON has always been there when the people of his district needed him. And because of his effectiveness and commitment, the voters of his district always returned him to office by large margins on election day.

But FRANK's leadership has extended far beyond the confines of his district. He has done a great job here in this House for all of western New York and, indeed, all of New York

State, especially since he became dean of the New York delegation, a rare honor for a Member of a minority party.

As someone who represents a considerable portion of Rochester, I can say with great confidence that the people of Greater Rochester and all New York State are losing a true friend and champion with his retirement. And I can also say, as someone who has served in this House for 18 years, that he certainly will be missed by his colleagues in this House. And we all wish him the very best.

TRIBUTE TO REPRESENTATIVE FRANK HORTON

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. GUARINI. Mr. Speaker, there are many of us leaving Congress this year—but few have served with as much distinction as my esteemed colleague and good friend from New York—FRANK HORTON. FRANK is leaving us after serving in the House for 30 years. He has been one of the most active Members I know.

After fighting for our country in World War II, FRANK decided to continue serving our country as a civilian. He was elected to the 88th Congress in 1962, and has been reelected to every Congress since then.

In 1973, FRANK was elected as the ranking Republican on the Committee on Government Operations. He has held this position ever since. He is also the ranking Republican on the Government Operations Subcommittee on Legislation and National Security.

The Government Operations Committee can claim a number of significant achievements under FRANK's tenure. To name a few, inspector general offices were established in all Federal departments, and have saved these agencies billions of dollars. The General Revenue Sharing Program was reauthorized, and provided up to $6 billion a year to support local and State governments.

FRANK also served as chairman of the Commission on Federal Paperwork, which resulted in changes that cut costs by $3.5 billion annually.

In 1986, FRANK asked the General Accounting Office to investigate reports that certain imported wine and fruit had been contaminated. These investigations proved critical to the health and safety of our Nation's consumers. Wine that was contaminated with a fatal substance known as DEG was removed from the shelves, and imported produce that had been treated with dangerous pesticides was inspected more thoroughly.

As cofounder and cochair of the Northeast-Midwest Congressional Coalition, FRANK worked diligently to stimulate industry and improve education. The coalition succeeded in redirecting $349 million into education for disadvantaged children. On behalf of our Nation's youth, I would like to thank him especially for giving children opportunities they might not otherwise have.

FRANK and I have become close friends over the years. Our country will miss his wise leadership, his constituents will miss his attention to their needs, and this entire body will miss his dedication and commitment to solving the problems of our country. I wish him well, and I look forward to our continued friendship. I know from past experience that he will be a tremendous success at whatever he pursues.

FRANK—you are one of a kind, and the House will shine less without you.

TRIBUTE TO HON. FRANK HORTON

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. WALSH. Mr. Speaker, It is with great personal pleasure that I rise today to join my colleagues in a well deserved tribute to the dean of our delegation, Congressman FRANK HORTON.

Words can not describe the respect and admiration I have for this gentleman. When I first came to Congress in 1989, FRANK HORTON went out of his way to make me feel welcome. He assisted me in obtaining the committee assignment I desired and made himself available to the many questions this new Member had about the workings of the House. One could not have had a better friend.

Not many people know of the hectic schedule FRANK maintained around here. He arrives at work daily, promptly at 6:22 a.m., to get a head start on his mail. Before most of us arise for the day FRANK is already hard at work.

During his great career in the House FRANK HORTON has seen everything from the Great Society programs, to Vietnam, Watergate, the Reagan era, and the end of the cold war. Thirty years of distinguished service to his country.

As my neighbor in the next congressional district I have seen firsthand the hard work FRANK provided the constituents he served. He held town meetings and walked the streets of the communities on a regular basis. It is no wonder he was continually returned to this body by overwhelming margins. The people he represented knew of his dedication to their interests.

Mr. Speaker, in closing I'd like to extend my best wishes to FRANK, his wife Nancy and also to his very dedicated staff. FRANK, may your retirement years be filled with good health and happiness.

HONORING FRANK HORTON

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. HOUGHTON. Mr. Speaker, this is a hard year for the House. We are losing some of our ablest Members. Perhaps my own State—New York—is the hardest hit. Our delegation will lose 182 years of congressional experience come January.

FRANK HORTON is one of the New York Members who has decided to retire, and one whose value I know firsthand. As the dean of the New York delegation, he helped me settle in when I arrived in 1986. And now, thanks to the quirks of redistricting, a piece of his district has been attached to the area I represent.

In Washington, we all know his record. Thirty years of service to the Congress and the country. FRANK's legislative record is proof positive of his commitment to good government.

Thanks to the new district lines, however, I've also gotten to know about his work back home. In introducing myself to the people and communities FRANK represents, I've heard directly about the work FRANK's done for them. Most of it isn't flashy. It doesn't grab headlines. But it means everything to the people involved. FRANK HORTON has been the best sort of Representative for them, and that really says it all.

Washington will miss FRANK HORTON. Western New York will miss him even more.

TRIBUTE TO HON. FRANK HORTON

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. PANETTA. Mr. Speaker, I would like to join the tribute to my esteemed colleague, FRANK HORTON. I am honored to have had the opportunity to work with FRANK in this body for the past 15 years. FRANK and I have had our differences, but I have always respected his integrity and leadership on the Government Operations Committee and in the New York delegation over the last 30 years. FRANK's record of exemplary service to the people of the State of New York and this Nation stands as a reminder to the Members of this body of what can be accomplished through perseverance and dedication to the public good.

FRANK is an example of the kind of Congressman who can overcome partisan differences, who can keep his eyes on the interests and aspirations of his constituents, and play a truly constructive role in the Congress year after year. He has contributed to the works of this Congress for many years, and I am pleased to be able to offer my own tribute to his service. FRANK, I have enjoyed working with you, and I wish you and your family the very best as you embark on a fulfilling retirement.

TRIBUTE TO FRANK HORTON

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. REGULA. Mr. Speaker, I am pleased to join a Special Order for my colleague and friend from New York, FRANK HORTON. FRANK has been a first-class Member of this body.

His thoughtful, responsible leadership has served his constituents well while always recognizing the national interest.

During my first term, I had the privilege of serving with FRANK on the Government Operations Committee. I will always remember the

wise counsel and hand of friendship he extended to me as a freshman Member of the Congress and the committee.

FRANK leaves this body with the respect of his colleagues and with the goodwill of many friends.

Mary joins me in wishing FRANK and Nancy good health and a life with new challenges.

TRIBUTE TO FRANK HORTON

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. CLINGER. Mr. Speaker, when a man like FRANK HORTON decides to retire from the House of Representatives it creates a void that will be extremely tough to fill. FRANK HORTON has served here with great distinction for 30 years. That kind of knowledge, of institutional memory is priceless.

It has been my great privilege to serve on the Government Operations Committee with FRANK for the past 12 years. As the ranking member of what can be a committee where partisanship often rears its head, FRANK has demonstrated uncommon skill. The job requires many different qualities, sometimes the tact of a diplomat, at others the stubbornness of a mule, or the patience of Job. FRANK has them all in addition to a keen intelligence and a helpful sense of humor.

I owe Congressman HORTON a great deal. He has been a wonderful teacher and a good friend. Much of whatever I know about being an effective legislator I have learned from him, starting with the need for hard work. FRANK sets an example for all of us in the hard work department and, in a committee with as broad and diverse a jurisdiction as Government Operations, it means longer hours and lots of homework.

The legacy of significant legislation that FRANK HORTON has played a major role in drafting and shepherding to enactment is long and distinguished. He was a principle author of the landmark Paperwork Reduction Act. He was the driving force behind the Chief Financial Officer Act of 1990 and joined with then Chairman JACK BROOKS to author and enact the Inspector General Act of 1978, and these are just a few of his legislative accomplishments.

And FRANK HORTON is an uncommonly civil person—a southern gentleman from upstate New York by way of Louisiana. He is always an unfailingly courteous and thoughtful colleague. I will miss his wise counsel and warm friendship next year and wish FRANK and Nancy all the best for the future. They deserve nothing less.

HONORING FRANK HORTON

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mrs. SCHROEDER. Mr. Speaker, one of the most distinguished Members to ever serve in this body, FRANK HORTON, is retiring. The House of Representatives and the people of New York are losing a great Congressman, and I am losing a dear friend.

FRANK HORTON represents the best of this institution and he sets a standard that we all should shoot for. His accomplishments are a result of his genuine effort to make life better for the working man and woman. He is so practical and so sincere that you cannot help but work with him in his efforts.

I know this first hand. I have served with FRANK HORTON on the Post Office and Civil Service Committee since 1985. It has been a pleasure and an honor to work with FRANK. Together, we hammered out the Federal Employee's Whistleblower Protection Act, which drastically improved the protections for Federal employees who expose waste and fraud in the workplace. There were times when I was sure we would never pass this important law, but FRANK HORTON never gave up. If it were not for his ability to work with everyone on both sides of the issue, we would have failed.

He has an impressive record. Besides the Whistleblower Protection Act, he enacted the Paperwork Reduction Act, the Chief Financial Officer Act, and the law establishing inspectors general in Federal agencies. Federal employees all across the country know his name. He has fought for them when it was unpopular to do so. He has made the Government more efficient, less costly, and a better place to work.

I will miss FRANK HORTON. I suspect, however, that Mr. HORTON will enjoy his time away from this Chamber. We may even find him lounging at a baseball game. He certainly deserves some time off. FRANK HORTON has been an MVP in Congress for 30 years.

You have made a difference in our lives and the lives of millions of Americans, and we wish you well.

CONGRESSMAN FRANK HORTON

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. QUILLEN. Mr. Speaker, it is with deep sadness and profound dismay that I rise tonight to bid farewell to my very close and personal friend, the dean of the New York State congressional delegation, FRANK HORTON.

FRANK HORTON and I were sworn together on January 3, 1963, as freshman Members of the 88th Congress. Prior to that, he had served his country with pride as an Army officer during the Second World War. He later went on to a flourishing career as a lawyer and a Rochester city councilman before winning his House seat.

As Congressman, FRANK's service to his constituents has been unequalled, as has his service to the Nation as a whole. He has kept an eye on the dangerous growth of Government power during his 20 years as vice chairman of the House Government Operations Committee. His personal crusade to cut Federal Government paperwork and redtape has made life easier for millions of Americans.

Although FRANK is leaving this institution which he has served so well, I look forward to keeping in contact with him and his family in the future. Without his expertise and guidance, this body will not be the same. FRANK HORTON leaves the House with all my best wishes, and I count myself privileged to have been his colleague and his friend.

TRIBUTE TO HON. FRANK HORTON

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. CRANE. Mr. Speaker, after three decades of service in this Chamber, FRANK HORTON of New York, is stepping down to take a deserved rest. Like many other colleagues, FRANK will retire at the end of this 102d Congress. This native of Cuero, TX, has served the Rochester, NY, area since his election in 1962.

FRANK leaves here as the ranking member of the important House Government Operations Committee, an investigative unit of the House of Representatives. He has a well known record of working well with Democratic chairmen of the committee to ease the flow of the committee's work.

FRANK was a leader in gaining revenue sharing for the Nation's cities, and worked hard to see that Federal funds were distributed to older cities in the Nation's Northeast and Midwest areas.

He was a leader in having inspectors generals named to Federal agencies.

FRANK served his Nation during World War II in the Army. He went on active duty before Pearl Harbor in 1941 as a second lieutenant, and was released to inactive duty as a major in 1945 after seeing duty in North Africa and Italy.

FRANK HORTON has served his Nation in war and peace. He leaves behind him a record to be proud of. He will be missed by all of us.

HONORING FRANK HORTON

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. STOKES. Mr. Speaker, I want to thank my colleagues, the gentlemen from New York, Mr. FISH and Mr. SCHEUER, for reserving this time for us to pay tribute to our colleague and good friend, FRANK HORTON. The distinguished dean of the New York delegation departs the Congress following 30 years of exemplary service. I am honored to participate in this special order recognizing his contributions to the Congress and the Nation.

FRANK HORTON came to this institution in 1962. Many of us are familiar with FRANK's legislative accomplishments here in this body. We have admired his work as vice chairman on the Government Operations Committee and the Subcommittee on Legislation and National Security. Many of us have also noted his efforts as the ranking minority member on

the Post Office and Civil Service Subcommittee on Postal Operations and Services, and as a member of the Subcommittee on Human Resources.

Mr. Speaker, we have worked closely with FRANK HORTON on the Northeast-Midwest Congressional Coalition. FRANK is the cochairman and cofounder of this group which monitors legislation and develops initiatives to stimulate industrial growth in the region. Due to his leadership, the organization has successfully improved Federal aid formulas for community development block grants and food stamps. The organization has also fought to ensure that the Northeast-Midwest region receives additional funding for elementary and secondary education.

In addition to his committee assignments, FRANK HORTON has played a key leadership role in the Congress. He serves as the New York representative on the House Republican Committee on Committees. This panel recommends committee assignments for all Republican Members of this body. In addition, he meets with other Members of the Republican leadership on a regular basis to discuss policy and legislative issues.

Mr. Speaker, I am pleased to participate in this special order because it allows us to reflect upon our friendship with the distinguished gentleman from New York over the years. He sits across this aisle from some of us, but he has been a good friend to all of us gathered here today. I am going to miss our frequent conversations standing at the doorway of the Chamber at the first voting station. Indeed, this little corner that he, CHARLIE RANGEL, BILL CLAY and I carved out for our frequent conversations will never be the same.

I will also miss FRANK HORTON's avid interest and extensive knowledge of baseball history. We spent many hours discussing the games and its greatest players. I am proud to inform my colleagues that in just a few weeks, a postal facility in my congressional district will bear the name of one of baseball's greatest legends, Luke Easter. This could not have been accomplished without the strong efforts and commitment of FRANK HORTON. I look forward to seeing him in Cleveland for the dedication.

Mr. Speaker, as he leaves this Chamber, each of us are saddened to bid farewell to a great friend, a respected colleague and an outstanding legislator. The 29th District of New York and the Nation has benefited from his service. I join my colleagues in wishing FRANK, his lovely wife, Nancy, and his family well.

A TRIBUTE TO CONGRESSMAN FRANK HORTON

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in recognizing Congressman FRANK HORTON, dean of the New York congressional delegation and Representative for the 29th District of New York for 30 outstanding years of service in the House of Representatives.

As the ranking minority member of the Government Operations Committee and its Subcommittee on Legislative and National Security, FRANK has been instrumental in securing the passage of the Whistle Blowers Protection Act and installing inspectors in a number of Federal agencies, as well as giving early support for a separate Department of Education. Additionally, FRANK is a senior member of the Committee on Post Office and Civil Service where he has made many contributions over the years benefiting Federal employees and improving the Postal Service.

Most importantly, FRANK HORTON has worked vigorously and tenaciously to increase efficiency and accountability in Government. In this regard many of his legislative objectives are now public law, including the far-reaching Paperwork Reduction Act.

As FRANK HORTON retires from Congress, I want to wish for him and Nancy an abundance of good health and happiness in the years ahead.

REPRESENTATIVE FRANK HORTON

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. MONTGOMERY. Mr. Speaker, I want to join in this tribute to our retiring colleague from New York, FRANK HORTON. I appreciate Mr. FISH and Mr. SCHEUER taking this time to allow us to pay tribute to our friend. FRANK HORTON had been in Congress for two terms when I came to Washington in 1967. We became friends then and have enjoyed a warm relationship since that time.

He has been a member of the Government Operations Committee for nearly 20 years. During that time, FRANK has been involved in efforts to reduce the paperwork burden and has tried to help develop initiatives to make the Government run more efficiently.

As chairman of the Veterans Affairs Committee, I want to say how much we appreciate the help FRANK HORTON has given us on veterans programs. He is a World War II veteran himself and has been very supportive of efforts to improve the lives of this country's veterans over the years. I particularly want to thank FRANK for the work he did to help elevate the Veterans' Administration to a department. That has become a reality and has given veterans a seat at the Cabinet-table at the White House.

We are going to miss our friend and colleague, but I know Members on both sides of the aisle join me in saluting him on an outstanding career.

TRIBUTE TO FRANK HORTON

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. BEVILL. Mr. Speaker, it is an honor for me to join my colleagues in honoring our good friend and distinguished colleague, the dean of the New York delegation, FRANK HORTON. FRANK is retiring after 30 years of outstanding service to the people of New York's 29th Congressional District.

He has served his constituents well and he has also been an excellent public servant for our entire Nation.

I have always admired FRANK and valued his friendship and leadership here in the Congress. He is a gentleman, a man of the highest integrity and principles and I am honored to have served with him.

As the ranking Republican on the House Government Operations Committee, FRANK is highly respected for his efforts to improve the efficiency of a wide range of Government agencies.

FRANK has been wonderful to work with over the years and I will miss his companionship here in the Congress. His contributions to our Nation will long be remembered.

TRIBUTE TO HON. FRANK HORTON

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. BLILEY. Mr. Speaker, I would like to take the opportunity of this special order to say a few words about my good friend and esteemed colleague FRANK HORTON upon his retirement from the House of Representatives. I have had the great pleasure of knowing FRANK for the 12 years that I have served in the House.

As ranking minority member on the House Government Operations Committee, FRANK has led the fight in Congress for good government. The sponsor of the Paperwork Reduction Act, FRANK's leadership has had the dramatic effect of making government more user-friendly for taxpayers. As a result of his Whistleblower Protection Act, Government workers no longer need fear retribution when they report fraud and abuse.

As a fellow member of the North Atlantic Assembly delegation, I have enjoyed spending time with FRANK on our trips overseas to the NATO Assemblies. Those trips have given me the chance to get to know him far away from the pressures of Washington, and I value his friendship.

There can be no doubt that FRANK has earned his retirement after dedicating 30 years to public service. He leaves behind a long legacy of protecting the interests of New Yorkers and all Americans. We will miss his leadership in this body and his wisdom accumulated from 30 years of experience fighting for the interests of others. I wish him all the best in his future pursuits.

HONORING FRANK HORTON

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. WOLF. Mr. Speaker, I rise today to recognize the service of one of our colleagues,

Representative FRANK HORTON, who is leaving the House following the conclusion of the second session of the 102d Congress.

FRANK has been an honest and hard-working representative for his constituents in the Rochester area of New York for three decades. FRANK came to Washington following service to his Nation during World War II, 15 years as an attorney in Rochester, and 6 years on the Rochester City Council.

I had the pleasure of serving with FRANK for several years on the House Post Office and Civil Service Committee. FRANK, who is the second ranking Republican on this committee, has always been a strong supporter of our Nation's fine Federal employees and their families. As the ranking Republican on the House Government Operations Committee, FRANK has made an excellent impact on Government with his work on such legislative issues as the Whistleblower Protection Act and the Chief Financial Officers Act of 1990.

FRANK has been a fine representative to his constituents and a credit to this institution. I know I join my colleagues in thanking FRANK for his 30 years of service to our Nation and wishing him well as he begins his retirement.

TRIBUTE TO HON. FRANK HORTON

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mrs. MINK. Mr. Speaker, I rise to join my colleagues to bid farewell to the Honorable FRANK HORTON of New York who has decided to retire from this body.

When I first came to this House in 1964, FRANK was already here, carefully developing a calm and persistent legislative style that would become his trademark. FRANK always had a thoughtful and rational response to whatever the question at hand.

Being able to work with Congressman HORTON as the ranking Republican Member was one of the reasons I was pleased to join the Government Operations Committee when I returned to Congress. His leadership helped develop legislation like revenue sharing for cities which was an important landmark of cooperative efforts between the Federal Government and local governments. It is especially noteworthy that Congressman HORTON is the author of House Joint Resolution 173, which designates May 1991 and May 1992 as "Asian/Pacific American Heritage Month."

FRANK, you always reminded us that the way that the Government does its business is often as important as the business it is doing. This is at the heart of your commitment to root out fraud and Government waste, and your efforts to make sure Government programs were being implemented in accordance to law.

As we confront the difficult fiscal and budgetary challenges ahead of us, we will sorely miss your ability to look beyond the posturing that so often accompanies an agency's justifications for its activities in order to separate the chaff from the wheat. I assure you that we will carry on your work in this regard. But it will be far more difficult without your steady leadership.

Our democracy relies on people who bring a strong intellect to the issues, and who make sound judgments without being swayed by the partisan currents of the moment. FRANK is just such a person, and his willingness to break with his party and his colleagues when his understanding of the issues compelled him to take a different position on them. This is not always easy, and when someone like FRANK HORTON leaves this body we remember just how important personal integrity is to this institution.

Representative FRANK HORTON of Rochester, NY has been an inspiration for this House. His constituents know well that for the last 30 years they have continually sent someone to this institution who did an outstanding job of representing their interests—I hope they also realize that they did an enormous service for this country by sending the Members of this body such a distinguished person.

FRANK, I wish you all the best in the many years ahead of you, and I truly hope they include many visits to Hawaii. Aloha.

352D CIVIL AFFAIRS COMMAND, HUMANITARIAN RELIEF IN THE PERSIAN GULF WAR, 20 AUGUST 1990–20 JULY 1992

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. HOYER. Mr. Speaker, on October 30, 1992, the 352d Civil Affairs Command will hold a formal Desert Storm Homecoming Anniversary Ball. The 352d Civil Affairs Command is a Reserve general officer command in my district located in Prince George's County, MD. I am very proud to relate to the Congress the outstanding accomplishments of the oft decorated and highly dedicated citizen soldiers of this command during Operations Desert Shield, Desert Storm, and Desert Calm.

The outstanding accomplishments of the 352d Civil Affairs Command in the gulf war earned them recommendations for the much coveted Meritorious Unit Commendation and the Humanitarian Service Medal for their contributions to the relief and restoration of Kuwait City and the Emirate of Kuwait. Numerous members of the command were individually decorated with the Legion of Merit, the Bronze Star Medal, the Joint Service Commendation Medal, the Army Commendation Medal, the Joint Service Achievement Medal, and the Army Achievement Medal. The command is also eligible for all three Campaign Streamers issued thus far.

The command played a major role in planning civil affairs operations during Operation Desert Shield by deploying members of the command in early August 1990 to work closely with Third U.S. Army's Civil Affairs Staff and Operations and battle planning staff. Other members of the command were assigned to various staff positions at U.S. Central Command in Riyadh, Saudi Arabia, the Naval Central Command, and the U.S. Special Operations Command. In early December, at the request of the Kuwaiti Government, the command formed the Kuwait Task Force, made up of subject experts, to begin planning for the provision of emergency and restoration services following the liberation of Kuwait.

Throughout December 1990 until February 1991 the command continued to deploy troops to the desert in preparation for their mission to provide humanitarian relief to the people of Kuwait. In January 1991, Gen. Norman Schwartzkopf, unleashed the thunder and lightning of Operation Desert Storm. Shortly afterwards, members of the Command's Coalition Warfare Branch accompanied combat forces into Kuwait and Kuwait City. On February 28, 1991, the main body of the Command's Combined Civil Affairs Task Force began the treacherous journey into Kuwait, travelling over bombed out roads littered with war debris and through areas of the country not yet secured by United States and Coalition Forces. The command arrived in Kuwait City at 11:00 p.m. and brought with it a 76-truck convoy of emergency food and supplies for the people of Kuwait.

Beginning the very next morning, March 1, 1991, the Combined Civil Affairs Task Force, operating under the command of Third U.S. Army's Task Force Freedom, began relief and restoration operations for the people and country of Kuwait.

For the next 2½ months, the 550 men and women of the Combined Civil Affairs Task Force, now supplemented by the 431st Civil Affairs Company from Little Rock, AR, the 432d Civil Affairs Company from Greenbay, WI, and the Active Component's 96th Civil Affairs Battalion, Airborne, from Fort Bragg, NC, supported by a 4,500-person support force from Third U.S. Army's Task Force Freedom, toiled under the burning oil fires of Kuwait to restore those basic life-sustaining emergency services needed to revitalize this once proud and beautiful country of Kuwait. Timeliness, technical proficiency and innovation were the qualities demonstrated by the members of the Combined Civil Affairs Task Force whose herculean humanitarian efforts ensured that no further loss of life resulted from lack of essential services.

I was briefed by the Task Force at Camp Freedom at Kuwait City when the unit was in the midst of operations that helped ensure rapid restoration of electricity and other services, as well as food distribution.

To quote Ambassador Edward W. Gnehm, Ambassador to Kuwait, "The soldiers, noncommissioned officers and officers of this command have worked tirelessly and selflessly to support the reconstruction of Kuwait. They have served under conditions that were extremely austere and sometimes dangerous. Every member has shown noteworthy attention to detail and a genuine sense of urgency. Their technical expertise, organizational skills and flexibility have cut through organizational constraints and given the Kuwaiti people what they needed most: Rapid and effective help. The challenge has been formidable, but the soldiers have responded magnificently".

Mr. Speaker, as a result of the absolutely magnificent accomplishments of the soldiers of the 352d Civil Affairs Command, not one precious life was lost for lack of food; not one child thirsted for water; not one Kuwaiti citizen suffered from pestilence. Law and order was

quickly restored, allowing the vulnerable citizenry the precious time necessary to recover—in peace. The once smoke-darkened Kuwaiti skys glowed with the numerous successes resulting from the untiring energy, love and devotion to duty exhibited by the brave and heroic men and women from the 352d Civil Affairs Command.

Accordingly, the men and women of the 352d Civil Affairs Command, were truly the calm after the storm. Each soldier of the command can justifiably take great personal pride in their individual and unit's gulf war accomplishments.

CPT Alberti, Jr., Paul L.
MAJ Alcan, Bruce H.
SPC Allen, Joseph E.
MAJ Allison, Kenneth J.
LTC Baker, Jr., Wilson.
CPT Barsotti, Ercole.
SFC Baylor, Angela.
COL Beasley, Michael.
COL Blount, Lawrence C.
COL Brackney, Richard C.
LTC Brooks, Mark E.
SGT Bryant, Karen D.
MAJ Bushey, Douglas J.
MAJ Caplan, Les M.
LTC Carr, James R.
1LT Closs, Carolyn R.
SPC Cooper, Leon A.
SPC Craig, Robin T.
SSG Crosse, Islyn I.
SSG Dambach, Fredrick W.
MAJ D'Angelo, Colomba A.
SFC Daugherty, Carmen Y.
MAJ Davidson, Charles H.
SPC Dominski, John A.
CPT Driessen, Robert S.
COL Duncan, Richard E.
SFC Elam, John E.
COL Elliott, Randall T.
MAJ Ettinger, William.
COL Evans, James H.
SSG Feuer, Deborah A.
SFC Fields, Henry L.
LTC Fielder, Robert E.
SFC Forte, June A.
CPT Foye, Robert L.
1LT Fraley, Derrick
CSM Freeman, William H.
SGT Fulco, Mark A.
LTC Gebhards, John E.
SFC Gedge, Donald C.
LTC George, Edward H.
COL Geyer, Richard E.
LTC Ghent, III, James R.
SGT Gibbs, Wayne W.
MAJ Gibmeyer, John F.
SPC Goard, Cynthia M.
SPC Gray, John E.
SGT Greene, Maurice L.
LTC Greenhut, Jeffrey F.
COL Gulick, James S.
1LT Hamilton, Clay M.
MAJ Harbell, John W.
MAJ Hashem, Steven S.
LTC Hirsh, Carl M.
SSG Hope, Carol A.
LTC Howton, Charles F.
LTC Huber, James P.
SGT Hyater-Davis, Yolanda A.
LTC Johnson, Theodore R.
MAJ Johnston, Gary N.
COL King, Edward A.
LTC Lambrinos, Jorge J.
COL Lange, Gary A.
MAJ Langley, Kim G.
PFC Lanier, Alfreda A.
MSG Lee, Larry L.
SPC Lenihan, Claire E.
SPC Lewis, Carolyn V.
SPC Lewis, Deborah A.
COL Lichtenstein, Jack D.
SPC Lora, Diego A.
LTC Luedeke, James A.
CPT Marsh, Scot W.
SFC McDonald, Layton D.
SGT McKenzie, Ben.
LTC McKinney, Donald C.
LTC McNaugher, Thomas L.
SGM Mead, Michael J.
LTC Meyer, Gary W.
LTC Miller, Edwin D.
CPT Miller, Jr., James M.
LTC Mitchell, David C.
BG Mooney, Jr., Howard T.
SSG Murphy, Kevin J.
MAJ Natsios, Andrew S.
COL Neale, John D.
MAJ Newcomb, Dana L.
COL Padar, George Z.
LTC Paternoster, Jr., Pete.
LTC Perl, Raphael, F.
MAJ Peters, Robert D.
SSG Philpott, Cynthia L.
SPC Poe, Jr., David C.
LTC Polk, Artie L.
SFC Popescu, Sr., John P.
SPC Reilly, Kelly M.
SGT Reilly, Kevin P.
CPT Riley, Brian T.
1TC Russell, Timothy R.
COL Sadek, Charles H.
1LT Salazar, Jeffrey A.
LTC Setzer, David A.
SSG Skidmore, Charles E.
SFC Skipwith, Jessie L.
COL Smith, Herbert J.
COL Smith, Ronald M.
SGT Smith, Teresa A.
MAJ Sternfeld, Michael D.
MAJ Thorsen, Robert H.
CPT Trail, William H.
MAJ Trombetta, Jr., Orfeo.
MAJ Ulmer, David.
SFC Venson, Sheila M.
MAJ Verrier, Fernand R.
COL Walz, Jr., Arthur H.
LTC Webber, David J.
MAJ Whidden, Stanley J.
SFC White, Gracie V.
SFC Widner, David D.
MAJ Williams, John L.
COL Wilson, Lester R.
MAJ Wilson, Thomas R.
MAJ Winder, Jr., Coulberne.
SPC Wolfgram, Franklin M.
SSG Wolfrey, Brenda L.
CPT Wolverton, Wayne A.
SSG Wright, Franklin L.
SSG Wright, Virginia D.
SFC Yost, David L.
LTC Young, Bennett H.
COL Young, Ralph H.
LTC Balazik, Joseph.
LTC Marsh, Schappi.
LTC Nicholson, Michael.
LTC Sanders, Barbara.
MAJ Thomas, George.
LTC Vannett, Lilia M.

TRIBUTE TO ALAN CRANSTON

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. MONTGOMERY. Mr. Speaker, Senator ALAN CRANSTON has been a genuine friend to veterans and their families throughout his distinguished career. I just want to take this opportunity to thank him for his work in the Senate and for our friendship. Our two committees, the Veterans' Affairs Committee, have always worked together very closely under his leadership. Because of that, we've been able to get a lot of important legislation through the Congress.

Many of the programs administered by the VA are healthy and successful because of ALAN's efforts. There's no way I could cover all of his achievements, but many are landmark.

He's the architect of the Veterans Readjustment Counseling Program, which has grown to almost 200 vet centers since ALAN's legislation was enacted in 1979. Vietnam veterans in particular owe a great debt of gratitude to ALAN for his labors in their behalf.

He has led efforts to provide responsible education, rehabilitation, and employment benefits to veterans; he's worked to strengthen the housing program; he was instrumental in the establishment of the Court of Veterans Appeals and in getting the VA upgraded to a Cabinet Department.

As the principal Senate author of all veterans' health care legislation enacted since he came to Congress, he's been a watchdog over health care benefits. ALAN played a major role in helping thousands more veterans gain access to VA health care by increasing the emphasis on outpatient treatment, which is less costly.

His efforts were crucial in making certain that the proposal to tax veterans' disability compensation never saw the light of day, and he's been especially outspoken on budget matters and has taken OMB to task for its irresponsible proposals.

This brief summary doesn't do justice to ALAN's accomplishments. Suffice it to say that not once in his 24-year Senate career has ALAN CRANSTON ever let our veterans down. ALAN, as you head back to California, rest assured that we're going to keep watch over all your good works. Thank you for a job exceptionally well done.

TRIBUTE TO SENATOR JAKE GARN

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. OWENS of Utah. Mr. Speaker, last night, at 9:43 p.m., one of my good friends closed out his 18 years in the U.S. Senate. Senator JAKE GARN and I have known each other for many years—we first became acquainted in 1974 when he beat me in my first race for the Senate—and from that time as political rivals, we have developed a genuine friendship.

Working with JAKE has enriched both my time and my performance in the House. On some issues, we found ourselves ideologically opposed—but on most that dealt with Utah's future well-being, we have found ourselves close allies. It is fitting that we will end this congressional session with the enactment of the Central Utah Project legislation, and, hopefully, State school lands bill of great importance to Utah, two examples of how we have been able to work so well together.

If there is a more honest man in the Senate than JAKE GARN, I have not met him. JAKE's

undisputed integrity, his dedication to Utah and the United States, and his well-known impatience with the inefficiencies of our legislative system, are legendary.

He is a family man who is caring enough to give up a kidney for a daughter in need, and adventurous enough to revel in a trip into space on the space shuttle *Discovery* in 1984. He was prescient enough to see the savings and loan crisis looming on the horizon, worked as hard as anyone to prevent it, and then labored constructively to repair the damage. JAKE's assignment on the Appropriations Committee, a job he has done with quiet diligence, has meant a great deal to Utah. On a national level, he has also been one of the true champions of the space program in Congress.

Six years ago, when I returned to Congress, I expected one of my most difficult tasks would be to get along with JAKE GARN. After all, he had defeated me for the Senate years before and we came from different ends of the political spectrum. But I was absolutely wrong. To the astonishment of almost everyone, he and I have become good personal friends as well as working colleagues. We have some real idealogical differences, but we have worked together for Utah—not always with complete agreement, but with complete confidence and trust in each other.

Utah has probably never had a more effective Senator. My overriding impression of JAKE will always be of his honesty and integrity. Despite intense political pressures to do otherwise, he always played fair with me, even on very partisan issues. He has my gratitude and respect. His absence will be keenly felt. I will miss working with him in the Senate and Utah will miss his powerful voice for our interests. Marlene and I join in wishing him and Kathleen great success in this new direction their lives will be taking.

GAO AUDIT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. SOLOMON. Mr. Speaker, the General Accounting Office has been required by law since 1987 to audit independent counsels every 6 months. Thus far, not a single such audit has appeared. If the GAO had been willing or able to do such an audit on the $35 million Iran/Contra extravaganza of Lawrence Walsh, he probably would not have been so cavalier about spending tens of millions of dollars in the pursuit of butterflies.

In a letter to congressional leaders on September 1, the Comptroller General tried to explain away the GAO's noncompliance with the law by blaming a computer snafu—the flimsiest excuse I have ever heard.

The same letter promised that the GAO would issue a report on the Walsh investigation before Congress adjourned sine die. The House adjourned for the year, and the Senate closed down last night. Still, there is no sign of an audit.

It has been clear to me all along that the GAO was stalling until Congress got out of town. And it is equally clear that assurances from the GAO have become just another way of saying, "The check is in the mail."

This entire episode is going to be recalled in detail next year when the GAO comes to Congress for funding. It is about time this agency started demonstrating the same responsiveness to individual Members of Congress that it has for the Democrat leadership.

BE STRONG, DR. ELSIE SCOTT

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to commend the following New York Times article, "To Teach New Policing, A New Kind of Teacher," to my colleagues. It describes the work and challenges of Dr. Elsie Scott, deputy commissioner for training, New York city Police Department. Dr. Scott is a longtime friend who I can always count on to get to the heart of difficult matters in a straight-forward, professional, and nonthreatening manner. She has a knack for making people truly feel that they can be integral parts of solutions.

Just recently, she served as a panelist during the Congressional Black Caucus Youth Brain Trust which I chaired. Her comments were enthusiastically received when she noted that the problems are not going to disappear and that we must all become involved in working through them, no matter now difficult or different that may be. The time has come for us to develop a stronger sense of community. Dr. Scott will do much to foster the concept.

TO TEACH NEW POLICING, A NEW KIND OF TEACHER

(By Craig Wolff)

Elise Scott, charged with changing the soul of the New York City Police Department, is a rarity in the force: black, a woman and raised in the rural South.

As deputy commissioner for training at a time when the department is undertaking the new concept of community policing, her role has taken on increased significance with the departure of Police Commissioner Lee P. Brown, the program's chief advocate, and the unruly police demonstration at City Hall last month that has raised questions about the officers' attitudes toward the communities that they police.

It is Ms. Scott's job to give the police academy curriculum its first overhaul in years and in effect, to reschool the 29,000 rank-and-file officers, who are accustomed to reacting, to spinning from one emergency call to the next. She is to help them instead become problem solvers with a strong bond to the neighborhoods they serve.

"The idea of community policing is simple," she said. "It values the community as customers. And it is a way for minorities to feel connected. It is a shame that Commissioner Brown has left, but I am confident that the work will and should continue."

DISCOURAGEMENTS

Ms. Scott admits she was discouraged by the City Hall demonstration and earlier disturbances in Washington Heights. "I thought it would take five years to institute community policing," she said. "We were doing well until all these things came up. The recent events, including the riots in Washington Heights, have really set us back in race relations and community relations in the city. To tell you the truth, I'm very depressed about the whole situation."

In trying to change the department, Ms. Scott has encountered a department bureaucracy that is often torn between keeping officers on patrol and providing the time for training. Department officials have acknowledged that without enough time or money, she is unable to send her instructors to seminars on community policing, so that even the trainers are not always trained.

Sitting in her sixth-floor office behind her big desk at the academy, on East 20th Street, the other day, she said: "things are a lot better now. But I knew coming here that I wasn't going to be readily accepted. I knew that I brought baggage with me. I'm black. I'm a woman. I'm a non-New Yorker with a Southern accent."

As she talked about her background, she gave scarcely a clue that she recognized anything uncommon in her biography—a black woman who grew up in the Deep South frightened of white police officers who is now retraining an overwhelmingly white department. "Don't make it sound so unusual," she said. "I have a missionary-type personality. You have to train people to look at each other as individuals. I have to do things to make life better for people. When you're born black, that gives you added responsibility."

Unquestionably, Ms. Scott said, she inherited her stubbornness and perseverance and some anger from her father—a Baptist minister and fighter for civil rights from Lake Providence, La., who was shot in the arm by night riders while driving the family home one night.

She remembers that once a week her father would go to the courthouse in Lake Providence to try to register himself or a member of his congregation to vote. Week after week he was turned away.

He persisted, always calling in the Justice Department when a black man or woman was harassed or beaten. Then, one night in 1962 as she and her parents and her four brothers and sisters were returning home, a car pulled alongside theirs and a shotgun was fired at them. Her father was wounded. She says her family was privately told it was a white police officer who fired the gun, and an F.B.I. agent who investigated agreed. The policeman, she said, is still a law-enforcement officer.

Her family, she said, was constantly terrified by threatening calls in the middle of the night and by crosses burned by the Ku Klux Klan on their lawn and in front of the church.

It was routine, Ms. Scott said, for the family to sit around the kitchen table and draw up plans on what the children should do if their mother and father were killed.

Ms. Scott said that as a child she had three desires. "One was to sleep peacefully," she said. "The second was to walk down the street and not have some white man harass me or expose himself to me and the third was to be anonymous, because I was always Rev. Scott's daughter."

Ms. Scott said her background will help her recognize the challenges awaiting officers on the street.

"Remember, I may not be from New York, but I know what people go through," she said. "I know what it's like to grow up with bullets all around."

Ms. Scott graduated from Southern University in Baton Rouge, La., and received

graduate degrees from Atlanta University and the University of Iowa. Recruited to the National Organization of Black Law Enforcement Executives as a research manager, she became its executive director. Mr. Brown first met her when she was a graduate student and he was delivering a lecture.

The police academy curriculum already shows signs of remodeling. Inspector Thomas P. Lawless, the academy's commanding officer said that all captains and sergeants have had a one-day training session on community policing. The 3,000 officers now assigned to community policing have received five hours of orientation. And there is a community-policing task force at the academy assigned to make changes in the curriculum.

But, Ms. Scott said, "One day of orientation is not enough. We have to spend more time with cultural-awareness training. There were things said and done at the demonstration that could be interpreted as racist and that is disappointing and tells us that there is work that has to be done."

Ms. Scott said the demonstration also pointed to the need for officers to spend more than the six months they get for training before being sent into the field, something closer to the system in Israel and Japan, where police officers remain at the academy for a year. And she said it perhaps suggested that the recruiting process needed changing.

The academy has attempted to integrate community-policing training into every course, Ms. Scott said. But, she said, "I don't know if there's much more we can do because the culture is stronger than anything we can teach them in the classroom. That's why there needs to be an emphasis on in-service training."

Mr. Speaker, I am sure my colleagues will want to join me as I wish Dr. Scott the best of luck in her endeavors to teach community policing to the 29,000 rank-and-file officers of the New York City Police Department.

TRIBUTE TO CHARLES W. McDOWELL

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. HUBBARD. Mr. Speaker, I take this opportunity to pay tribute to a highly respected Kentuckian, Charles W. McDowell, the executive director of the Kentucky Department for the Blind since its beginning in 1977, who died March 25 in Atlanta, GA, at age 55.

Charles McDowell headed the move of State services for the blind in Kentucky from a division within the department of education with a $2.8 million budget in 1977 to a department for the blind with six divisions and a $9.3 million budget in 1991. The department for the blind is part of the Cabinet for Workforce Development.

Charles McDowell also was a former mayor of Providence in Webster County in western Kentucky; a former social studies teacher at Webster County and Providence high schools; and a former instructor at Madisonville Community College.

"His first priority, both in his job and in life was that blind people would be taken care of—jobs for the blind. Our agency was always in the forefront, not only in the State, but nationwide, in technology * * * for use by blind people," said Sam Serraglio, Charles McDowell's administrative assistant in the department.

He said that Charles McDowell was recently successful in getting an appropriation for a statewide rehabilitation facility for the blind, to be located in Louisville, probably next year.

Serraglio said that Charles McDowell allowed those who worked under him to develop their skills.

Charles McDowell, who was blinded at age 13 in a hunting accident, like other blind people relied heavily on his hearing skills.

As head of the department for the blind, Charles McDowell would recite statistics to State legislators. They were provided orally to him by his assistant, and he recited them as though he was reading them.

"As he put it * * * blind people don't just develop their hearing skills, they listen more carefully than sighted people do. They listen to every word," Serraglio said.

Charles McDowell would describe in vivid detail scenes from movies he had "seen" for students and colleagues.

"He traveled on his own. Very often, around the office, we really wondered if he was totally blind. The man was remarkable," Serraglio said.

Workforce Development Cabinet Secretary William D. Huston said: "He has made a positive, lasting difference in the success of the Department and in the rehabilitative gains made by Kentuckians who are limited by blindness or severely impaired vision.

"Over the years, his leadership and inspiration have helped countless individuals become more independent, enter the workforce or contribute to society in other gainful ways. His courage will be missed."

Charles McDowell held a bachelor's degree from Murray State University and a master's degree in special education from Peabody College in Nashville.

Surviving are his wife, Lucretia "Lucy" Riddle McDowell of Frankfort, a professor at Midway College; two sons, Charles Patrick McDowell and Daniel Ryan McDowell, both of Frankfort; three brothers—Ethan McDowell of Eddyville, KY, Larry McDowell of Slaughters, KY, and Huey McDowell of Chandler, IN; and a sister—Velda King of Madisonville, KY.

It was my privilege to attend the August 14, 1971, wedding of my friends Charles and Lucy McDowell at First Baptist Church in Madisonville.

My wife, Carol, and I extend our deepest sympathy to the family of Charles W. McDowell.

IN SUPPORT OF THE CONFERENCE REPORT ON H.R. 5006, DEFENSE AUTHORIZATION FOR FISCAL YEAR 1993

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. SKAGGS. Mr. Speaker, I want to state my support for the conference report on H.R. 5006, the National Defense Authorization Act for Fiscal Year 1993. I am pleased that four provisions that are important to me have been included in the conference report that we are considering today, and would like to thank and congratulate all of the conferees for their effort in completing work on this legislation before adjournment.

First, the inclusion of my amendment to deal with the problems defense nuclear workers face with the downsizing of the weapons complex is a victory for the tens of thousands of defense nuclear workers who, like their counterparts in the Department of Defense, have served their country's national security mission. It lets them know that their contribution has been respected, not just with words but with real practical assistance. This provision, included in the bill's comprehensive economic conversion package, will require the Department of Energy [DOE] to:

Minimize layoffs through the use of retraining of employees, early retirement, attrition, and other options;

Provide first preference to current nuclear workers when filling new positions—for waste cleanup, for example—in the weapons complex;

Retrain nuclear workers for work in environmental restoration and waste management activities at DOE facilities;

Provide relocation assistance to employees who choose to transfer to openings at other facilities;

Assist DOE employees who are to be laid off in obtaining employment retraining, education, and reemployment assistance; and,

Provide local impact assistance to communities affected by the restructuring plan being developed by DOE.

DOE would be required to submit to Congress a plan for carrying out this program within 180 days of enactment, and would be required to update the plan on an annual basis. The plan is to be based on consultations with representatives from State and local governments, employee unions, State and local educational institutions, community groups, and the Secretary of Labor. DOE will be required to notify the employees at the defense nuclear facilities and affected communities at least 120 days prior to any changes in its work force. This is an important step in the transition that these facilities will be undergoing, and will be welcomed by the workers, their families, and the communities they live in.

Second, I am pleased that the conferees included a provision the Senate put in its version of the bill that provides $40 million to continue reimbursing the cities of Broomfield, Thornton, Northglenn, and Westminster for the cost of the water diversion project to protect their water supplies from Rocky Flats run-off. This is important to the people of those cities who have had to live with the anxiety of wondering what plutonium and other toxics in their drinking water could do to their lives. Essentially identical language was included in the defense authorization bill for fiscal year 1992, and I'm happy to see it included in this year's bill as well.

Third, it's important that the bill contains the medical monitoring provision I sponsored in the House. It requires the Secretary of Energy,

in consultation with the Secretary of Health and Human Services, the American College of Physicians and Surgeons, the National Academy of Sciences, labor organizations, and others, to initiate a medical evaluation program for current and former DOE employees who have been exposed to hazardous and radioactive substances, and provide those employees with comprehensive medical examinations to evaluate the consequences of their exposures. After being exposed to harmful substances, such as plutonium and beryllium, these workers must know that any harmful effects caused by that exposure will be discovered as soon as possible. This provision will give them that knowledge.

Passage of this provision may moot several pending workers' compensation suits across the country involving DOE workers who have been exposed to hazardous and radioactive substances at DOE facilities. If that happens, the workers' attorneys may not receive compensation they would have been entitled to under current law for handling cases they undertook because of the very concerns that prompted this legislation. That hardly seems fair, and that's why I supported language to state that reasonable attorneys' fees could still be awarded in such cases. In the end, however, the conferees could not agree on the appropriate language; this is unfortunate.

The fact that this bill does not include provisions for attorneys' fees, however, should not be construed as suggesting that the courts do not have the power to award attorneys' fees in these cases anyway. I believe that this is well within the courts' prerogative, and it is my hope that the judges in these cases will use their inherent power to award reasonable fees to the attorneys where appropriate.

Finally, I'm glad the conferees provided $2 million for site work for the redesign and development of the Fitzsimmons Army Medical Center in Aurora, CO. Hundreds of thousands of active duty and retired military personnel throughout the Rocky Mountain region rely on this important facility for medical services, and the Army relies on Fitzsimmons as its preeminent teaching institution for military medicine.

Economic analyses have shown not only that the redesign and reconstruction of Fitzsimmons is the most cost effective way to continue these critical benefits, but that the planned new replacement facility could generate savings to the Federal Government of $39 million annually. I'm disappointed that the conferees did not include $30 million, provided by the House bill, to complete design work on the new hospital, but I plan to work with members of the committee to ensure the inclusion of these critical funds in next year's bill.

Again, I support this conference report, and I urge my colleagues to do so as well.

LETTER TO SID MORRISON

HON. MIKE KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. KOPETSKI. Mr. Speaker, on behalf of the Oregon Congressional delegation, I would like to enter into the extension of remarks the following letter to our colleague SID MORRISON of Washington. I am pleased to have this honor because of the attention and guidance the gentleman from Washington has shown this freshman Member from Oregon. That the gentleman chose to tackle the entrenched and difficult problem of solving the Northwest's old growth timber crisis says much about his strength of character. I have served with Mr. MORRISON for only 2 years, but I will miss him and his counsel and hope that I, in my career, can reach the standard he has set as both a legislator and a friend.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 9, 1992.

Hon. SID MORRISON,
Longworth House Office Building,
Washington, DC.

DEAR SID: We would like to thank you for your vision and tenacity in piloting the Northwest delegation's efforts to achieve a balanced solution to the old growth timber crisis. We want to acknowledge publicly and show our appreciation for the laborious task you accepted and the conscientious work you did in guiding our sometimes fractious group down the road to a rational and reasonable solution to the Northwest's most critical natural resource conflict. We Oregonians especially want to thank you for your understanding with regard to the unique set of problems this issue has brought to our state. As the "convener" of a seemingly endless series of Northwest delegation old growth timber meetings in your office in Longworth, you amply displayed your genuine concern for the complex differences between the two states, both of which are dramatically but distinctly affected by this issue. You carefully guided us through times of impasse and disagreement, a skill that has resulted in significant progress toward a realistic timber strategy; one that we can bring forward with us into the next Congress.

Sid, we hold in high regard your foresight and courage. Along with your colleagues from the State of Washington, we will miss your insight, counsel and persistence, but most importantly, we will also miss your consistently affable manner and friendship. We wish you all the best in your future efforts.

Sincerely,

LES AUCOIN,
PETER DEFAZIO,
RON WYDEN,
MIKE KOPETSKI,
BOB SMITH.

A TRIBUTE TO JAMES J. BINNS

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. BLACKWELL. Mr. Speaker, I rise today to pay tribute to Mr. James J. Binns. On September 30, 1992, one of the most esteemed academic institutions in the Nation, LaSalle University dedicated the James J. Binns Fitness Center. I would now like to take a moment to reflect on the truly remarkable career of this great man.

James J. Binns' relationship with LaSalle University is most extensive, dating back to his graduation from LaSalle College High School in 1957. Four years later in 1961, Mr. Binns graduated magna cum laude from LaSalle University, and returned to complete his master's degree in 1992. Jimmy is also a 1961 graduate from Villanova Law School.

Indeed, Mr. Binns' professional career has been most celebrated. As a licensed practitioner of the law in Pennsylvania, Massachusetts, New York, New Jersey, the District of Columbia, and Colorado, Jimmy is a veteran of several hundred civil and criminal jury trials, and has tried more than 15 first-degree murder cases. In the early 1980's he won 51 consecutive cases defending the rights of union members against criminal charges brought as a result of a massive school strike in Philadelphia.

In 1981, he successfully represented race car driver Bobby Unser in overturning a USAC ruling, thereby enabling Unser to regain first place in the Indy 500, and become a three-time champion of that prestigious event. In addition, Mr. Speaker, Jimmy has spent the last 10 years successfully defending the World Boxing Association in 20 consecutive lawsuits, including claims brought by Muhammad Ali, Marvin Hagler, Don King, Evander Holyfield, Tim Witherspoon, and Mike Tyson. Mr. Binns also spent 7 years as chairman of the Pennsylvania Boxing Commission from 1980 to 1987.

Mr. Speaker, I am also pleased to report that Jimmy Binns has also channeled his tireless energies for his home city of Philadelphia, serving as chairman of the Organized Crime Task Force of the Citizen's Crime Commission of Philadelphia. Mr. Binns also held the distinguished position of chairman of the Judicial Selection Commission of the Philadelphia Bar Association. His other civic involvements include the Police Athletic League, the Boy Scouts of America, and the Philadelphia Charity Ball, just to name a few.

As a trustee of LaSalle University, Jimmy Binns has consistently striven to improve the quality of life at that institution for its students, faculty, and administration. In addition to his previous endowment of an athletic/academic scholarship, Mr. Binns has been a dedicated alumnus, and a strong voice for LaSalle University.

Mr. Speaker, I would now like to ask my colleagues to join me in paying our greatest tributes to Mr. James J. Binns. Thank you Jimmy, and keep up the great work.

RUSSIAN GOVERNMENT'S DEBT TO INDSPEC

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. FOGLIETTA. Mr. Speaker, I rise on this occasion to express my extreme concern over the Russian Government's continued failure to pay the United States employee-owned INDSPEC Chemical Corp. for services rendered.

In early 1990, the United States employee-owned INDSPEC Chemical Corp., which has traded with Russia for over 15 years, delivered resorcinol, a chemical used to manufacture

tires, to the Russian Republic under a contract with a Russian Government agency. To this day, despite numerous overtures to the Russian Government, the corporation has yet to receive any of the $1.7 million owed for this product.

Last month, the Honorable Peter Aven, Russia's Minister of Foreign Economic Relations, told a representative of the INDSPEC Corporation that there was no urgency to pay this 30-month old debt because the Bush administration had told him that Russia will get United States aid without satisfying obligations to United States companies. We cannot choose to reward the Russian Government for its failure to pay United States citizens for outstanding commercial debt.

In these days of economic hardship, it is more important than ever that we look after the interests of American corporations. At a time when we are considering substantial sums of monetary aid for the former Soviet Union, it is crucial that we make it clear to them that they must honor their commercial debts.

It is one thing to owe money to other governments, but when money is owed to everyday hard-working American citizens, every effort must be made to insure that they are properly compensated for their work. Furthermore, it is vital that we impress upon the Russians the importance of paying their commercial debts as they seek to become a new partner in the free market economy. Efforts to do so can only help to improve future United States-Russian trade relations.

I urge my colleagues and the administration to help the American workers by pressuring the Russian Government to make good on their commercial debt to INDSPEC, and other United States corporations.

TRIBUTE TO HERBERT "HUB" COPE

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. HUBBARD. Mr. Speaker, I take this opportunity to pay tribute to a longtime friend of mine, Herbert "Hub" Cope, who died at age 81 at his home in Mayfield, KY, on April 3, 1992.

From 1957 until 1983 Hub Cope was president and business agent for Local 607, Amalgamated Clothing and Textile Workers Union, at Mayfield. He was district manager for the union at least 10 years. Hub Cope was primarily responsible for Local 607's beautiful new building in Mayfield, which was completed and dedicated in 1975. In his work Hub Cope was extremely effective and efficient, assisting many hundreds of workers at Merit Clothing Co. in Mayfield. For many years Merit Clothing Co. was the largest employer in Mayfield, with as many as 2,000 employees at times during the 1970's.

A major reason for smooth working relations between Merit Clothing Co. and Amalgamated Clothing and Textile Workers Union was Hub Cope.

He was an active member of First Baptist Church in Mayfield.

A close friend of mine, Hub Cope urged me to run in 1967 for State senator in Kentucky's First Senatorial District. When he first encouraged me to consider that 1967 race I was 28 years old (1965).

Survivors include two sons, Jacob A. Cope, Lynchburg, Va., and Randle L. Cope, Mayfield; two sisters, Ernestine Williams and Maydeen Dowdy, both of Mayfield; and one grandson, Jason Cope, of Lynchburg.

He was preceded in death by his lovely wife, Ozell Cope, in 1989.

My wife Carol and I extend our deepest sympathy to the family of Herbert "Hub" Cope.

IN TRIBUTE TO FRANK MILLIKEN

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mrs. ROUKEMA. Mr. Speaker, in each community in the United States there are public servants who, through their dedication and caring for their friends and neighbors, make a difference. I rise today to pay special tribute to a public servant in my own community who, after 33 years on the Ridgewood, NJ police force, has retired last week. The village of Ridgewood will miss Chief Frank Milliken for his leadership and caring.

A fifth generation resident of Ridgewood, Frank Milliken began his service to the village as a police officer in September of 1959. He quickly began to climb through the ranks of the department serving as sergeant, lieutenant, captain, and finally as chief of police beginning on July 1, 1981. Although he is young at the age of 54, he has decided that after 11 years, it is time to pass on the office to a new chief. His will be difficult shoes to fill.

Frank Milliken was a force for change in Ridgewood from the day he assumed his post. He brought the department into the modern age through the use of computers, which has increased the ability to solve crimes in a swift and competent manner. He also attended the FBI National Academy in Quantico, VA. During the intensive 11-week course, Chief Milliken acquired crime-solving skills and leadership training that he brought back to the Ridgewood department.

Frank's wife, their four children, and six grandchildren can be proud of his achievements. The families of Ridgewood can be equally proud as they have all benefited from his dedication and devotion.

Mr. Speaker, as the village of Ridgewood says a collective thanks to Chief Frank Milliken for his years of unselfish service, I ask my colleagues in the House to join in honoring this distinguished citizen.

CONGRESS AND TELECOMMUNICATIONS POLICY

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. FASCELL. Mr. Speaker, since the AT&T breakup, there has been considerable discussion as to what our Nation's telecommunication's policy should be. This is a very emotional and complicated issue. It easily explains why the Committee on Energy and Commerce and the Committee on the Judiciary have not reached an agreement on future policy.

I believe that the Congress needs to address this issue. I also believe that we can safeguard the needs and rights of consumers and, at the same time, establish a fair and level playing field. I hope that the two committees will reach a compromise and work with the Senate to present a bill that is acceptable to the President in the 103d Congress.

It is not only fair but it is essential to answer the questions and remove the uncertainty surrounding our Nation's telecommunications policy. There are many complicated issues which will not be easy to resolve, but it is in our competitive interest to set a policy to guide our Nation into the 21st century. I am not advocating action for action's sake; I am advocating sound and constructive action that will produce enormous benefits for our Nation.

OUR BLUNDERS IN YUGOSLAVIA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. CRANE. Mr. Speaker, I would like to direct my colleagues' attention to the following commentary on the political and historical factors behind the bloody civil war currently raging in Bosnia-Hercegovina. Published in the Honolulu Advertiser, the article sheds light on how the United States and the European Community have fueled the violence in former Yugoslavia through diplomatic errors. Given the urgency and seriousness of the conflict, I strongly urge my colleagues to read this enlightening article.

[From the Honolulu Advertiser, Aug. 16, 1992]

OUR BLUNDERS IN YUGOSLAVIA

(By Robert M. Hayden)

The disgusting brutality of the Serbian campaign in Bosnia makes it easy to view the whole Bosnian tragedy as the fault of the Serbs. Yet the Bosnian war, and Serbian campaign itself, are in large measure the result of diplomatic errors by the Europeans and Americans.

If the war is to be stopped, its causes must be addressed. This will require recognition of these errors.

The most fundamental error was to accept the disintegration of Yugoslavia. It was always clear that the country would not fall apart cleanly because of the complex intermingling of nationalities there. It was a basic error of logic to suppose that if Yugoslavia could not exist as a multi-ethnic state, the various republics could.

At the level of cynical Realpolitik, the answer was simple. In the newly independent republics, state chauvinism would replace state socialism, with the majority in each state permitted to discriminate against the largest scapegoat minority under a pious cover of "democracy."

This cynical solution has been applied in Slovenia and Croatia and in the Baltic republics of the former Soviet Union. However, there was a flaw in the reasoning. What if the hated scapegoat minority rose up in arms and rebelled?

With the collapse of Yugoslavia, the most vulnerable minorities in Croatia and Bosnia were the Serbs. In both regions, Serbs were already sensitive because of the ghastly civil war of 1941-45. The then-fascist "Independent State of Croatia," which included Bosnia, implemented a policy of genocide against the Serbs. In Bosnia itself, allied Croat and Muslim forces massacred Serbs, who responded by killing Muslims.

So Serb fears of oppression and worse were understandable. They were hardly reassured by a Croatian government that today belittles the wartime genocide, or by a coalition of Muslims and Croats to separate Bosnia's Serbs from Yugoslavia.

In this context of fear, the European Community and U.S. insistence on the inviolability of borders put the Serbs of Croatia and Bosnia in the unenviable position of the Kurds in Iraq. Their rejection of the Bosnian borders was to be expected, even as the brutality of their resistance can only be condemned. But this was the first blunder: to ratify the destruction of Yugoslavia without redrawing borders.

The second blunder was the premature recognition of Bosnia before a political solution could be reached, Bosnian Serbs had clearly shown that they rejected such a state unless they could have political autonomy amounting to virtual independence.

It was clear to all who knew anything about Yugoslavia that the recognition of an independent Bosnia in these circumstances would ignite a civil war. Lord Carrington, the EC special representative to Yugoslavia, Cyrus Vance, the former U.S. secretary of state, and Warren Zimmerman, U.S. ambassador to Yugoslavia, had counseled against it. Unfortunately, they were right.

Despite the simplistic war cries of that odd couple, Margaret Thatcher and Bill Clinton, the Bosnian tragedy cannot be solved by military action. While America tries to treat the Bosnian war as an international conflict, it is in fact a civil war. The Serbs fighting the Bosnian government are Bosnian Serbs—albeit supported by Serbia—who have been incorporated into a "sovereign" Bosnia against their own will. They boycotted the referendum on Bosnian independence and did not want to secede from Yugoslavia.

Any attempt to defend the territorial integrity of Bosnia would require a long war against these Bosnian Serbs. Nor would action against Serbia help Bosnia. The United States could destroy Serbia, but that would impoverish another 10 million people, most of whom oppose the war. It would create a few million more refugees. It would not force Bosnia's Serbs to submit to a Muslim-Croat coalition government.

At this stage, any attempt to preserve Bosnia will lead to a longer, bloodier, more horrible war. A better approach would be to accept that the recognition of Bosnia with its existing boundaries was a gross error and to draw new borders, presumably accompanied by transfers of population, a "solution" patterned after the partition of India in 1947.

To save face, the United States and EC may be able to insist on the fiction of a Bosnian "state," which is actually a confederation of autonomous cantons. That temporary solution would probably soon lead to the secession of the Serbian and Croation cantons and their attachment to the mother republics.

Patterning the division of Bosnia on the partition of India is hardly a complete solution. As that experience shows, such a solution is itself grotesque and will lead only to permanent armed hostility in what used to be Yugoslavia.

But an unhappy result was foreordained once the EC and the United States gave in to Germany's insistence on the destruction of the Yugoslavia created after the German defeat in World War I and reconstituted after the German defeat in World War II.

Having rejected multinational Yugoslavia, the EC and the United States cannot create a multinational Bosnia. To attempt to do so will enlarge the Balkans tragedy.

A TRIBUTE TO KENT SUH

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. FOGLIETTA. Mr. Speaker, I rise to honor Mr. Kent Suh on the occasion of his installation as the president of the Korean-American Association of Greater Philadelphia.

Bringing his life savings with him, an enterprising Kent Suh arrived in the United States in 1972. He began a bicycle business while also working at a neighborhood grocery store. In 1975, he was joined by his wife and two children. Together they opened the Food Center at Willington Street and Cecil B. Moore Avenue in Philadelphia.

Throughout his entrepreneurial career, Kent Suh has remained vigilant and consistent in building bridges between his native Korean community and the African-American community. Kent Suh has demonstrated a committed interest to Korean-Americans to participate in the democratic process, to encourage better understanding of and relationships with the non-Korean and non-Asian communities in Philadelphia. These efforts have greatly enhanced intercultural appreciation between Seoul and Philadelphia.

Kent Suh has participated with the Korean Business Association for over 15 years where he has served as vice president and founder of the association's board of directors.

In 1990, he was elected secretary general and executive vice president in 1991. Now, in 1992, Kent Suh leads the helm of the organization he is so tirelessly committed to serving.

For these efforts and the many other acts of good will and coalition building, I join with his family, friends, business associates, and members of the Philadelphia community in commending Kent Suh for all of his fine achievements.

IN HONOR OF THE CALIFORNIA HIGHWAY PATROL VALLEY DIVISION HELICOPTER UNIT

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. FAZIO. Mr. Speaker, I rise today to honor the California Highway Patrol Valley Division Helicopter Unit which has provided vital emergency services to the people of northern California for over 15 years.

The mission of this unit is to serve and protect the people of northern California through its varied activities in the areas of law enforcement, search and rescue, and medical emergencies. In fulfilling its mission, the Valley Division Helicopter Unit has become an important tool toward ensuring public safety, and is truly an asset to our community.

Operating out of Sacramento, which is a strategic center for northern California, the unit services 11 counties. The unit covers the heart of our region from Sierra in the north, San Joaquin in the south, Alpine in the east, and Sutter to the west.

In its role of law enforcement, the Valley Division Helicopter Unit is a welcome resource for the California Highway Patrol. In operations ranging from suspect-victim searches and ground officer backup, to overflying vehicle pursuits and monitoring traffic-related problems, the unit has served as a valuable agent for crime reduction.

As a search and rescue team, the Valley Division Helicopter Unit has done some of its most dramatic work. During the massive flooding of 1986 in the Sacramento area, the unit worked in concert with other relief and rescue units to coordinate rescues and monitor flood activities. When the Loma Prieta earthquake devastated the San Francisco Bay area, the unit was there to provide desperately needed assistance to the overburdened local law enforcement and assistance agencies. However, most of the unit's rescues are on a more personal scale, saving lost hikers or stranded survivors of accidents in isolated areas. No matter the scale of rescue, their efforts have proven invaluable in saving lives that might otherwise have been lost.

The medical service the unit provides is often an extension of its search and rescue mission. Patient transport by ambulance is often not an option, and this problem is compounded by the lack of sufficient medical facilities in some areas serviced by the unit. In the case of University of California, Davis Medical Center, the unit is utilized not only for rapid transit of patients, but for lifesaving deliveries of blood and organs. Add to this the fact that Sacramento has one of the State's highest incidences of traffic accidents. All this taken together, one can see that the unit's work truly is a matter of life and death.

While the unit has earned the thanks and praise of many people whose lives it has touched, it remains one of the great unsung heroes of our community. The people of northern California are indeed fortunate to have a public guardian in the California Highway Patrol Valley Division Helicopter Unit. I hope that my colleagues will join me in applauding its efforts.

HON. JIM MOODY: A GOOD AND FAITHFUL PUBLIC SERVANT

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. OBEY. Mr. Speaker, the way life is, we all too often do not express our appreciation to people in time for it to do any good, but I

would like to take this opportunity to express my appreciation for the 10 years of public service JIM MOODY has provided in this body on behalf of the citizens of the Fifth District of Wisconsin.

No two persons in public life agree on every issue, but there is nothing wrong with that because as Will Rogers once said, "When two people agree on everything, one of them is unnecessary." But no one can doubt that JIM MOODY has demonstrated exceptional integrity, an exceptional commitment to the public interest, and an exceptional desire to make life better for millions of Americans and, for that matter, millions of people around the world who have never even heard of any of our names.

JIM has demonstrated in his service here a deep passion for human rights and justice. He has never compromised in the slightest on the most important issue dividing this country—race relations. And he has devoted an immense amount of time to try to bring some sense to the economic policies of this Government. JIM has been among the forefront of those fighting for balanced reductions in the deficit and he has not been afraid to take an unpopular stand in promoting that cause.

He has been of tremendous help in seeing to it that Wisconsin's legitimate interests on issues such as taxation and highway funding are taken into account by this Government. He has done his job with integrity and good humor and I will miss him.

INTRODUCTION OF AN ACT TO ELIMINATE FOREIGN SHIPYARD SUBSIDIES AND TO ENHANCE THE U.S. MERCHANT MARINE

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. DAVIS. Mr. Speaker, Mr. LENT and I are introducing a bill to eliminate foreign shipyard subsidies and to enhance the U.S. Merchant Marine.

While we are extremely disappointed that we could not have been more successful in obtaining passage of maritime and shipbuilding reform this year, we wanted to provide the affected parties the opportunity to carefully review and consider the various proposals that have been woven together as a comprehensive package. This package will not please everyone—in fact I am now convinced that a bill cannot be drafted that will please everyone—even if that were a laudable goal.

Finally, I want to express my thanks to Secretary Card for his untiring efforts on this issue. No Secretary of Transportation has done more in such a short period of time to further the interest of this industry. He is to be commended. I remain convinced that this package, with only a few adjustments, would have been acceptable to an overwhelming number of our current U.S.-flag operators. I am also convinced that several of the budget problems that seemed to overtake the real issue facing the Congress will turn out to be nonissue next year.

H.R. 6212

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

TITLE I—FAIR TRADE FOR THE COMMERCIAL SHIPBUILDING AND REPAIR INDUSTRY

SEC. 101. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) in 1981, the United States Government terminated funding for the construction differential subsidy program, thereby ending direct subsidization of commercial shipbuilding in the United States;

(2) the international market for shipbuilding and ship repair continues to be distorted by a wide array of foreign subsidies including direct grants, preferential financing, equity infusions, research and development assistance, restructuring aid, special tax concessions, debt forgiveness, and other direct and indirect assistance;

(3) existing United States trade laws and trade agreements provide limited redress to domestic producers of ships for the trade-distorting subsidies and dumping practices of foreign shipbuilders; and

(4) a strong, effective multilateral agreement among all shipbuilding nations to eliminate trade-distorting practices in the shipbuilding and repair industry is the best means of providing for fair international competition, however, absent such an agreement, changes in United States trade laws are necessary to provide domestic producers of ships greater protection against unfair trade practices than is provided under current law.

(b) PURPOSE.—It is the purpose of this title to ensure fair trade in the commercial shipbuilding and repair industry by providing for effective trade remedies against subsidized and dumped foreign commercial ships.

Subtitle A—Subsidized Shipyard List and Required Vessel Entry Documentation Regarding Construction and Repair Subsidies

SEC. 111. SHORT TITLE.

This subtitle may be cited as the "Shipbuilding Trade Reform Act of 1992".

SEC. 112. LISTING OF SUBSIDIZED SHIPYARDS.

(a) ESTABLISHMENT OF LIST.—The Secretary shall establish and maintain a list of all foreign shipyards that receive or benefit from, directly or indirectly, a subsidy for the construction or repair of vessels.

(b) INVESTIGATION.—The Secretary shall conduct an investigation to decide whether there is reasonable cause to believe that a foreign shipyard receives or benefits from a subsidy for the construction or repair of vessels. That investigation shall be initiated when the Secretary has reasonable cause to believe that a shipyard receives or benefits from, directly or indirectly, a subsidy for the construction or repair of vessels—

(1) on the basis of information available to the Secretary; or

(2) on petition for an investigation from an interested party.

(c) DETERMINATION AFTER INVESTIGATION.—

(1) IN GENERAL.—Based on the investigation conducted under subsection (b), the Secretary shall make a determination as to whether a shipyard receives or benefits from, directly or indirectly, a subsidy for the construction or repair of vessels.

(2) CONSTRUCTION.—For purposes of this subtitle, a determination by the Secretary under paragraph (1) that a subsidy is being received by, or is benefiting, a foreign shipyard shall also be treated as being a determination that the subsidy is materially injuring, or is threatening material injury to, the domestic shipbuilding, ship repair, and related industries and the workers employed in such industries.

(3) NOTIFICATION AND PUBLICATION OF LISTING.—If the Secretary determines that a foreign shipyard receives or benefits from, directly or indirectly, a subsidy for the construction or repair of vessels, the Secretary shall—

(A) add the foreign shipyard to the list established under subsection (a);

(B) notify that shipyard of its inclusion on that list; and

(C) publish notice of that determination in the Federal Register.

(4) TIME LIMIT ON MAKING DETERMINATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall make a determination under this subsection within 90 days of receipt of the information or petition that serves as the basis for initiating an investigation under subsection (b), but such period may be extended by the Secretary if the Secretary considers the investigation to be extraordinarily complicated.

(B) MAXIMUM PERIOD.—A determination referred to in subparagraph (A) shall be made within the 270-day period beginning on the date of the receipt of the information or petition described in subparagraph (A).

(5) PUBLICATION OF LIST.—The Secretary shall publish the list of foreign shipyards receiving or benefiting from a subsidy for the construction or repair of vessels at least once every 6 months.

(d) EMERGENCY LISTING.—

(1) IN GENERAL.—If at any time the Secretary finds a reasonable basis to suspect that a foreign shipyard may be receiving or benefiting from a subsidy for the construction or repair of vessels, the Secretary may add that shipyard to the list established under subsection (a). The Secretary shall publish notice of that emergency listing in the Federal Register, which shall also include a schedule for investigation of the alleged subsidy.

(2) INVESTIGATION AND DETERMINATION OF EMERGENCY LISTINGS.—Within 90 days after publication of a listing under paragraph (1), the Secretary shall conclude the investigation and make a determination under subsection (c) whether the shipyard is receiving or benefiting from a subsidy for the construction or repair of vessels.

(e) REVIEW OF LISTINGS.—If a foreign shipyard that is listed under subsection (c) requests a review of that determination within 30 days after the date of the publication of the determination in the Federal Register under subsection (c)(2), the Secretary shall review that listing.

(f) SUBSEQUENT RECONSIDERATION AND REMOVAL OF LISTINGS.—

(1) RECONSIDERATION.—The Secretary may reconsider a listing under subsection (c)—

(A) on application from a foreign shipyard added to the list under subsection (c) alleging changed circumstances sufficient to warrant a reconsideration of that listing and notice of that reconsideration is published in the Federal Register; or

(B) if the Secretary receives information concerning the signing of an agreement between the United States Government and the foreign country in which the shipyard is located that provides for the immediate elimination by that country of construction and repair subsidies for vessels.

(2) RESTRICTION ON RECONSIDERATION.—A foreign shipyard may not make more than one application for reconsideration under this paragraph in any calendar year.

(3) BURDEN OF PERSUASION.—In any reconsideration under paragraph (1)(A), the burden of persuasion with respect to whether there are changed circumstances sufficient to warrant a determination that the foreign shipyard should be removed from the list is on the applicant.

(4) REMOVAL FROM LIST.—The Secretary may remove a foreign shipyard from the listing only if—

(A) the foreign shipyard has proven that the foreign shipyard does not receive or benefit from a subsidy, directly or indirectly, for the construction or repair of vessels; or

(B) there is a signed agreement between the United States Government and the foreign country in which the shipyard is located that provides for the immediate elimination of construction and repair subsidies for vessels.

(g) PENALTIES.—

(1) PENALTY FOR FALSE INFORMATION AND RENEWAL OF SUBSIDIES.—The Secretary shall place a foreign shipyard on the list established under subsection (a) for a period of not less than 5 years if the Secretary determines—

(A) that the foreign shipyard, or government of the country in which the shipyard is located, provided the Secretary with false or misleading information during the investigation conducted under subsection (b); or

(B) after making a determination under subsections (c) or (f) that the shipyard is not subsidized, that the shipyard receives or benefits from, directly or indirectly, any new construction subsidies.

(2) PENALTIES APPLICABLE TO CERTAIN OCEAN COMMON CARRIERS AND VESSELS.—

(A) MANDATORY PENALTIES.—Subject to subparagraph (D), the Secretary shall direct the Federal Maritime Commission to take the following actions with respect to any vessel that is owned or operated by an ocean common carrier and that is documented under the laws of a country in which is located a foreign shipyard that is listed under subsection (a):

(i) The suspension of the tariffs of the ocean common carrier with respect to the vessel for transportation to, from, or through the United States and the suspension of that carrier's right with respect to the vessel to use tariffs of conferences in the United States trades of which the carrier is a member.

(ii) The suspension, in whole or in part, of the right of the ocean common carrier with respect to the vessel to operate under an agreement authorizing preferential treatment at terminals, preferential terminal leases, space chartering, or pooling of cargoes or revenue with other ocean common carriers.

(B) DISCRETIONARY PENALTIES.—Subject to subparagraph (D), the Secretary may, without further proceedings, take one or more of the following actions with respect to any affected vessel—

(i) Place limitations on the sailings of the affected vessel to or from the United States or on the amount or type of cargo carried by the affected vessel.

(ii) Direct the appropriate customs officer at any port or place of destination in the United States to refuse the clearance required by section 4197 of the Revised Statutes of the United States to the affected vessel.

(iii) Direct the appropriate customs officer to deny entry of cargo into the United States that has been transported on the affected vessel if that cargo has been transported—

(I) through a port or place in the United States; or

(II) through a foreign port or place in a country contiguous to the United States.

(iv) Direct the Secretary of the department in which the Coast Guard is operating to—

(I) to deny entry for purpose of oceanborne trade of the affected vessel to any port or place in the United States or the navigable waters of the United States; or

(II) to detain the affected vessel at the port or place in the United States from which it is about to depart for another port or place in the United States.

(C) DEFINITION OF AFFECTED VESSEL FOR PURPOSES OF SUBPARAGRAPH (B).—As used in subparagraph (B), the term "affected vessel" means a vessel—

(i) that is documented under the laws of a country in which is located a foreign shipyard that is listed under subsection (a); or

(ii) the controlling interest in which is held by a citizen or national of, or a legal entity existing under the laws of, a country in which is located a foreign shipyard that is listed under subsection (a), regardless whether the vessel is documented under the laws of that country.

(D) DURATION OF PENALTIES IMPOSED UNDER THIS PARAGRAPH.—Any penalty imposed under subparagraph (A) or (B) shall apply during any period in which a foreign shipyard located in the country concerned is listed under subsection (a) or such portion of that period that the Secretary may specify.

(3) CIVIL PENALTY FOR CERTAIN COMMON CARRIERS.—A common carrier that accepts or handles cargo under a tariff that has been suspended, or after the right of the ocean common carrier to use another tariff has been suspended, under paragraph (2)(A) is liable to the United States Government for a civil penalty of not more than $50,000 for each day that it is found to be so accepting or handling the cargo.

(h) ACTION AGAINST THE UNITED STATES GOVERNMENT.—An interested party may bring a civil action against the United States Government, in an appropriate district court of the United States, for failure of the Secretary to use due diligence to add a subsidized foreign shipyard to the list established under subsection (a).

SEC. 113. VESSEL CONSTRUCTION SUBSIDY CERTIFICATIONS.

(a) CERTIFICATION REQUIRED AT ENTRY.—The master of a vessel shall, at the time of making formal entry of the vessel under the Tariff Act of 1930, deposit with the appropriate customs officer a construction subsidy certification for the vessel.

(b) CONSTRUCTION SUBSIDY CERTIFICATIONS.—

(1) IN GENERAL.—For purposes of this section, a construction subsidy certification for a vessel is a document that—

(A) is either—

(i) issued by the Secretary under subsection (c), or

(ii) in a form that the Secretary shall prescribe and signed by either the vessel owner or person that constructed the vessel; and

(B) attests, regarding any construction carried out with respect to the vessel, that the construction meets one of the requirements set forth in paragraph (2).

(2) CERTIFICATION REQUIREMENTS.—The requirements referred to in paragraph (1)(B) are as follows:

(A) No subsidy was granted or otherwise provided with respect to the construction of the vessel.

(B) The construction was completed, and the vessel delivered to the owner, before the effective date of this subtitle.

(C) The construction was carried out under a specific contract entered into on or before August 10, 1992, and the vessel is delivered to the owner not later than 30 months from the effective date of this subtitle.

(D) The construction was carried out with the benefit of one or more subsidies that were granted or otherwise provided during the 2-year period beginning on the effective date of this subtitle, but an amount equal to the value of each subsidy has been repaid to the agency that granted or otherwise provided the subsidy.

(E) The construction was carried out with the benefit of one or more subsidies that were granted or provided on or after the effective date of this subtitle, but an amount equal to the value of each subsidy, reduced by any amount repaid under paragraph (D), has been paid to the Treasury of the United States.

(F) The construction was carried out in a foreign country which is signatory to a trade agreement with the United States that provides for the immediate elimination of subsidies for the construction and repair of vessels.

(G) The construction of the vessel was—

(i) commenced on or after the effective date of this subtitle; and

(ii) carried out in a foreign shipyard not on the list established under section 112(a).

(3) APPLICATION OF CERTIFICATION REQUIREMENTS.—With respect to vessels constructed in a foreign country which is a signatory to a trade agreement with the United States that provides for the elimination of subsidies for the construction and repair of vessels, the requirements set forth in paragraph (2) shall be applied in a manner consistent with that agreement.

(c) ISSUANCE OF CONSTRUCTION SUBSIDY CERTIFICATIONS BY THE SECRETARY.—

(1) APPLICATIONS.—The owner or lessee of a vessel, or the builder of a vessel, may apply to the Secretary for the issuance of a construction subsidy certification for that vessel. An application shall be accompanied by any documentation that the Secretary may require for purposes of establishing the eligibility of the vessel for that certification, including, if compliance with the requirement in subsection (b)(2)(D) or (E) is alleged, information regarding the amount of each construction subsidy granted or provided with respect to the vessel and the payment or repayment of amounts equal to the value of the construction subsidy.

(2) ACTION ON APPLICATIONS.—After considering the documentation submitted with an application under paragraph (1), the Secretary, within 90 days after the day on which the application was received, shall decide whether to issue or deny the construction subsidy certification. The Secretary shall make the decision publicly available.

(3) DENIAL OR CONDITION OF ISSUANCE OF CERTIFICATION.—The Secretary shall, if a construction subsidy certification for a vessel is denied under paragraph (2), provide the applicant with a written statement of the reasons for the denial or condition. The applicant may, within 14 days after the date of the written statement, request a review of the denial or condition under subsection (d)(3).

(d) DETERMINATIONS AND REVIEWS.—

(1) PRELIMINARY INVESTIGATION.—The Secretary shall—

(A) on the basis of information available to the Secretary;

(B) on the basis of information provided by the Secretary of the Treasury under section 436(e) of the Tariff Act of 1930; or

(C) upon petition therefor from an interested party;

initiate a preliminary investigation to decide whether there is reasonable cause to believe that a vessel does not meet the construction subsidy certification requirements under subsection (b).

(2) DETERMINATIONS AFTER PRELIMINARY INVESTIGATIONS.—If the Secretary makes an affirmative decision under paragraph (1) with respect to a vessel, the Secretary shall determine whether the vessel meets any construction subsidy certification requirement under subsection (b)(2). If the Secretary makes a negative determination on the basis of failure to meet the requirement under subparagraph (D) or (E) of subsection (b)(2), the Secretary shall calculate, and set forth in the determination, the aggregate value of the subsidy or subsidies used in the construction of the vessel.

(3) REVIEW OF CERTIFICATION DENIALS AND CONDITIONS.—If a person whose application for a construction subsidy certification was denied or conditioned under subsection (c)(3) makes a timely request for review under that subsection, the Secretary shall review the denial or condition.

(4) CORRECTIVE ACTIONS.—If the Secretary makes a negative determination under paragraph (2), or upholds any certification denial or condition after review under paragraph (3), the Secretary shall set forth in the determination or review decision the action which must be taken in order to satisfy a requirement for construction subsidy certification for the vessel under subsection (b). The builder of the vessel shall be primarily responsible, and the vessel owner or operator secondarily responsible, for taking any corrective action. If that action is taken, the Secretary shall issue a construction subsidy certification for the vessel and that certification shall be treated as a construction subsidy certification issued under subsection (c).

(5) CONSEQUENTIAL EFFECTS.—After a negative determination under paragraph (2), or a decision under paragraph (3) upholding a certification denial or condition, becomes final and until a construction subsidy certification for the vessel concerned is issued under paragraph (4), the vessel may not—

(A) arrive at any port or place in the United States; or

(B) remain at any port or place in the United States.

SEC. 114. VESSEL REPAIR SUBSIDY DECLARATIONS.

(a) SUBSIDY DECLARATION AND SURETY REQUIREMENTS AT ENTRY.—

(1) IN GENERAL.—The owner or master of a vessel shall, at, or before, the time of making formal entry of a vessel under the Tariff Act of 1930, deposit with the appropriate customs officer a subsidy declaration for repairs made to that vessel since the vessel last entered the United States.

(2) INFORMATION IN DECLARATION.—The subsidy declaration made under paragraph (1) shall include a statement attesting to whether any repairs were made in a foreign shipyard since the vessel last entered the United States and, if repairs were made in a foreign shipyard, include—

(A) a list and description of each repair made;

(B) an identification of each foreign shipyard in which a repair was made and the date of that repair;

(C) the dollar value of the repair made in that shipyard; and

(D) any other information required by the Secretary.

(3) SURETY REQUIREMENTS.—

(A) REQUIREMENT ON ENTRY.—On or before entry, the owner or master of the vessel shall file with the customs officer a bond, proof of insurance, or any other surety, as the Secretary may require, in an amount equal to the dollar value of the repairs declared under paragraph (2) that were made in a shipyard listed on the list established under section 112(a) at the time of the repair.

(B) FORM OF SURETY.—A bond, proof of insurance, or any other surety filed under paragraph (A) shall be in a form determined by the Secretary to be satisfactory to insure the financial responsibility of that vessel owner to pay for any repair subsidies. Any bond submitted under this section shall be issued by a surety company found acceptable by the Secretary.

(C) CLAIMS AGAINST SURETY.—A bond, insurance, or other surety filed under paragraph (A) shall be available to pay for any repair subsidy determined by the Secretary or any penalty assessed under section 436.

(b) APPLICATION FOR REPAIR SUBSIDY DETERMINATION.—Within 30 days after the filing of the bond, proof of insurance or other surety under subsection (a)(3), the vessel owner may apply to the Secretary for the issuance of a repair subsidy determination for that vessel. An application shall be accompanied by any documentation that the Secretary may require for purposes of making the determination, including information regarding the amount of each repair subsidy granted and any repayment of the repair subsidy to the foreign government.

(c) REPAYMENT OF REPAIR SUBSIDY.—

(1) IN GENERAL.—A vessel owner shall pay to the United States Government an amount equal to any repair subsidy from which the vessel owned by that person has received or benefited.

(2) PRELIMINARY FINDING.—Within 30 days after the application, the Secretary shall make a preliminary finding as to the amount of repair subsidy which is to be paid to the Treasury of the United States. Notice of this finding shall be provided to the owner or his agent and published in the Federal Register. At any time before the preliminary finding is made, an interested party may file information with the Secretary regarding the validity or accuracy of the information provided by the vessel master or owner.

(3) PETITION FOR REVIEW.—Unless a petition for review of that determination is received within 15 days after the date of notification under paragraph (2), from either the owner or an interested party, the finding by the Secretary is final.

(d) FINAL REPAIR SUBSIDY DETERMINATIONS.—If the owner or interested party files a petition for review of the preliminary determination within the 15 days, the Secretary shall make a final determination within 30 days after the date the petition is filed.

(e) FORFEITURE OF SURETY.—Unless a repair subsidy payback payment is made within 30 days of the final order, the face amount guaranteed by the bond, insurance, or other surety shall be forfeited to the United States Government.

(f) INSUFFICIENT SURETY.—If the amount of the surety is insufficient to cover the amount of the repair subsidy ordered to be repaid, then the vessel may not enter or clear the United States until the full amount of the repair subsidy is paid to the United States Government.

SEC. 115. DEFINITIONS AND ADMINISTRATIVE PROVISIONS.

(a) DEFINITIONS.—As used in this subtitle:

(1) The term "construction" includes reconstruction.

(2) The term "interested party" means—

(A) a person that engages in ship construction or ship repair in the United States;

(B) a certified union or recognized union or group of workers which is representative of an industry that engages in ship construction or ship repair in the United States;

(C) a trade or business association, the members of which engage in ship construction or ship repair in the United States; and

(D) an association, a majority of whose members is composed of interested parties described in subparagraphs (A), (B), and (C) with respect to ship construction or ship repair.

(3) The term "foreign shipyard" includes a ship construction or repair facility located in a foreign country that is directly or indirectly owned, controlled, managed, or financed by a foreign shipyard that receives or benefits from a subsidy.

(4) The term "Secretary" means the Secretary of Commerce.

(5) The term "subsidy" includes, but is not limited to, any of the following:

(A) Officially supported export credits and development assistance.

(B) Direct official operating support to the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including—

(i) grants;

(ii) loans and loan guarantees other than those available on the commercial market;

(iii) forgiveness of debt;

(iv) equity infusions on terms inconsistent with commercially reasonable investment practices;

(v) preferential provision of goods and services; and

(vi) public sector ownership of commercial shipyards on terms inconsistent with commercially reasonable investment practices.

(C) Direct official support for investment in the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including the kinds of support listed in clauses (i) through (v) of subparagraph (B), and any restructuring support, except public support for social purposes directly and effectively linked to shipyard closures.

(D) Assistance in the form of grants, preferential loans, preferential tax treatment, or otherwise, that benefits or is directly related to shipbuilding and repair for purposes of research and development that is not equally open to domestic and foreign enterprises.

(E) Tax policies and practices that favor the shipbuilding and repair industry, directly or indirectly, such as tax credits, deductions, exemptions and preferences, including accelerated depreciation, if the benefits are not generally available to persons or firms not engaged in shipbuilding or repair.

(F) Any official regulation or practice that authorizes or encourages persons or firms engaged in shipbuilding or repair to enter into anticompetitive arrangements.

(G) Any indirect support directly related, in law or in fact, to shipbuilding and repair at national yards, including any public assistance favoring shipowners with an indirect effect on shipbuilding or repair activities, and any assistance provided to suppliers of significant inputs to shipbuilding, which results in benefits to domestic shipbuilders.

(H) Any export subsidy identified in the Illustrative List of Export Subsidies in the Annex to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade or any other export subsidy that may be prohibited as a result of the Uruguay Round of trade negotiations.

(6) The term "vessel" means any self-propelled, sea-going vessel—

(A) of not less than 100 gross tons, as measured under the International Convention of Tonnage Measurement of Ships, 1969; and

(B) not exempt from entry under section 441 of the Tariff Act of 1930.

(b) HEARING AND REVIEW PROCEDURES.—The Secretary shall make determinations under sections 112(c), 113(d)(2), and 113(d) and conduct reviews under section 112 (b), (e), and (f), section 113(d)(3), and section 114(c), under the hearing procedures applied by the Secretary under section 774 of the Tariff Act of 1930 (19 U.S.C. 1677c) with respect to hearings required or permitted under title VII of the Tariff Act of 1930. A determination by the Secretary under section 112(c), 113(d)(2), or 114(d) is subject to judicial review under section 516A of the Tariff Act of 1930 (19 U.S.C. 1516a) under the applicable procedures and standards applied under that section for reviewable determinations described in subsection (a)(2)(B) of that section.

(c) PROPRIETARY INFORMATION.—Information submitted to the Secretary in regard to the making of any determination under sections 112(c), 113(d)(2), and 114(d) and reviews conducted under section 112 (b), (e), and (f), section 113(d)(3), and section 114(c), shall be treated as proprietary if it fulfills the requirements of subsection (b) of section 777 of the Tariff Act of 1930 (19 U.S.C. 1677f(b)). Access to proprietary information under protective order shall be permitted under, and governed by, subsection (c) of such section 777.

(d) INFORMATION USED IN MAKING DETERMINATIONS OR REVIEWS.—The Secretary shall verify all information relied upon in making any determination under sections 112(c), 113(d)(2), and 114(d) or review under section 112 (b), (e), and (f), section 113(d)(3), and section 114(c). If the Secretary is unable to verify the information submitted, the Secretary shall use the best information available as the basis for action. Whenever a party refuses or is unable to produce information requested in a timely manner and in the form provided, the Secretary shall use the best information otherwise available.

(e) PUBLIC AVAILABILITY OF DETERMINATIONS AND REVIEW DECISIONS.—The Secretary shall make available for public inspection the text of all determinations and review decisions made under sections 112, 113, and 114.

(f) SPECIAL PROVISIONS RELATING TO THE SUBSIDIZED SHIPYARD LIST.—

(1) STATUTORY LISTINGS.—For purposes of section 112, unless the Secretary determines, with clear and convincing evidence, that a foreign shipyard does not receive or benefit from, directly or indirectly, subsidies, a foreign shipyard (including a shipyard in a country that was a party to negotiating a multilateral agreement for the elimination of shipbuilding subsidies in the Organization for Economic Cooperation and Development Working Party 6 on October 16, 1991) is deemed to be on the list established under that section until the earlier of the date—

(A) the Secretary publishes the list of subsidized shipyards under paragraph (2)(C); or

(B) the foreign country in which the shipyard is located signs a trade agreement with the United States that provides for the immediate elimination of subsidies for that shipyard.

(2) TIME LIMIT ON INITIAL LISTINGS.—Within 120 days after the effective date of this subtitle, the Secretary shall—

(A) conduct an investigation under section 112(b) with respect to all foreign shipyards;

(B) make a determination under section 112(c); and

(C) publish in the Federal Register a list of the foreign shipyards that have been determined to be receiving or benefiting from a subsidy for the construction or repair of vessels.

(g) EFFECTIVE DATE OF SUBTITLE.—This subtitle and the amendments made by this subtitle take effect on the date of the enactment of this Act; except that—

(1) no penalty provided for under section 112(g) may be imposed before the 120th day after such date of enactment;

(2) subsection (h) (relating to civil action remedies) of section 112 takes effect on the 1st anniversary of such date of enactment; and

(3) section 114 (relating to vessel repair subsidy declarations) applies to vessel repairs made in foreign shipyards after December 31, 1993.

SEC. 116. CONFORMING AMENDMENTS.

(a) ENTRY REQUIREMENTS FOR VESSELS.—Section 434 of the Tariff Act of 1930 (19 U.S.C. 1934) is amended by inserting "the construction subsidy certification and the repair subsidy declaration required under sections 113 and 114 of the Shipbuilding Trade Reform Act of 1992," after "or document in lieu thereof,".

(b) PENALTIES FOR VIOLATIONS OF ARRIVAL, REPORTING, AND ENTRY REQUIREMENTS.—Section 436 of the Tariff Act of 1930 (19 U.S.C. 1436(a)) is amended—

(1) by redesignating paragraph (4) of subsection (a) as paragraph (7);

(2) by striking "or" at the end of paragraph (3) of subsection (a);

(3) by inserting after paragraph (3) of subsection (a) the following:

"(4) to present to a customs officer when making entry under section 434 or 435 a subsidy certification or declaration required under section 113 or 114 of the Shipbuilding Trade Reform Act of 1992 that is forged, altered, or false without revealing the facts;

"(5) to attempt to enter or clear any vessel to which a prohibition on arrival, entry, or clearance in the United States applies under section 113(d)(5) or 114(f) of the Shipbuilding Trade Reform Act of 1992;

"(6) to fail to remove promptly from the United States any vessel to which a prohibition on remaining in the United States applies under section 113(d)(5) of the Shipbuilding Trade Reform Act of 1992; or";

(4) by striking "(3)" in paragraph (7) (as redesignated by paragraph (1)) of subsection (a) and inserting "(6)"; and

(5) by adding at the end the following new subsection:

"(e) PROVISIONS RELATING TO SUBSIDY CERTIFICATIONS AND DECLARATIONS.—If the Secretary has reason to believe that an unlawful act under this section relating to a vessel construction subsidy certification or repair subsidy declaration required under section 113 or 114 of the Shipbuilding Trade Reform Act of 1992 has been committed, the Secretary shall—

"(1) undertake any investigation necessary to ascertain whether action authorized under this section against the master of the vessel, or the vessel, or both, is warranted; and

"(2) if the vessel involved is not covered by such a subsidy certification or declaration and the information obtained during that investigation indicates that there is reason to believe that the vessel does not meet the requisite certification or declaration requirements under such section 113 or 114, provide that information to the Secretary of Commerce.".

Subtitle B—Treatment of Vessels Under the Countervailing and Antidumping Duty Laws

SEC. 121. APPLICATION OF COUNTERVAILING AND ANTIDUMPING DUTY LAWS TO VESSELS.

(a) IN GENERAL.—Subtitle D of title VII of the Tariff Act of 1930 is amended by adding after section 771B the following new section:

"SEC. 771C. SPECIAL RULES IN APPLYING TITLE TO FOREIGN-MADE VESSELS.

"(a) DEFINITION.—The term 'vessel' means any vessel of a kind described in heading 8901 or 8902.00.00 of the Harmonized Tariff Schedule of the United States of not less than 100 gross tons, as measured under the International Convention on Tonnage Measurement of Ships, 1969.

"(b) VESSELS CONSIDERED AS MERCHANDISE.—A vessel is merchandise for purposes of this title only if the construction of the vessel was carried out in a foreign country which—

"(1) is not a signatory to a trade agreement with the United States that provides for the immediate elimination of the dumping of vessels and the subsidizing of vessel construction in that country; or

"(2) is a signatory to a trade agreement described in paragraph (1) but was not, as determined by the administering authority, in compliance with its obligations under the trade agreement during the construction.

"(c) APPLICATION OF SUBTITLES A AND B.—

"(1) IN GENERAL.—In applying subtitles A and B with respect to vessels constructed, reconstructed, or repaired in foreign countries—

"(A) a vessel shall be treated as sold for importation into the United States when a United States person enters into a contract for—

"(i) the construction or reconstruction of the vessel by, or the purchase (or leasing, if the equivalent of a purchase) of the vessel after construction or reconstruction from, the builder; or

"(ii) the repair of the vessel; and

"(B) a vessel sold for importation into the United States shall be treated as being offered for entry for consumption under the tariff laws at the time of its first arrival at a port or place in the United States after construction, reconstruction, or repair, regardless of where the vessel is registered or documented.

"(2) DEFINITION.—For purposes of paragraph (1), the term 'United States person' means—

"(A) any individual or entity described in subsection (a) of section 12102 of title 46, United States Code;

"(B) any agent or other person acting on behalf of any individual or entity referred to in subparagraph (A); or

"(C) any person directly or indirectly owned or controlled by any individual or entity referred to in subparagraph (A).".

(b) PROSPECTIVE APPLICATION TO CONTRACTS.—The amendments made by subsection (a) of this section apply to a vessel built or repaired under a contract entered into after the date of enactment of this Act.

TITLE II—CONTINGENCY RETAINER FLEET PROGRAM

SEC. 201. SHORT TITLE.

This title may be cited as the "Maritime Reform Act of 1992".

SEC. 202. PURPOSE OF THE MERCHANT MARINE ACT, 1936.

Section 101 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1101) is amended to read as follows:

"SEC. 101. FOSTERING DEVELOPMENT AND MAINTENANCE OF MERCHANT MARINE.

"The Secretary of Transportation shall carry out this Act in a manner that ensures the existence of an operating fleet of United States documented vessels that is—

"(1) sufficient to carry the domestic water-borne commerce of the United States and a substantial portion of the water-borne export and import foreign commerce of the United States and to provide shipping service essential for maintaining the flow of such domestic and foreign water-borne commerce at all times;

"(2) adequate to serve as a naval auxiliary in time of war or national emergency;

"(3) owned and operated by citizens of the United States, to the extent practicable;

"(4) composed of the best-equipped, safest, and most modern vessels;

"(5) manned with the best trained and efficient personnel who are citizens of the United States; and

"(6) supplemented by modern and efficient United States facilities for shipbuilding and ship repair.".

SEC. 203. CONTINGENCY RETAINER FLEET PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.) is amended by inserting after title III the following new title:

"TITLE IV—CONTINGENCY RETAINER FLEET PROGRAM

"SEC. 401. ESTABLISHMENT OF CONTINGENCY RETAINER FLEET.

"The Secretary of Transportation shall establish a fleet of active, militarily useful vessels to meet Department of Defense and other security requirements, enhance sealift capabilities, and maintain a presence in international commercial shipping of United States documented vessels. The fleet shall be known as the 'Contingency Retainer Fleet'.

"SEC. 402. COMPOSITION OF FLEET.

"The Fleet shall consist of privately owned United States documented vessels for which there are in effect operating agreements.

"SEC. 403. VESSELS ELIGIBLE FOR ENROLLMENT IN FLEET.

"(a) IN GENERAL.—A vessel is eligible to be enrolled in the Fleet if the Secretary decides, in accordance with this section, that it is eligible. The Secretary may decide whether a vessel is eligible to be enrolled in the Fleet only pursuant to an eligibility decision application submitted to the Secretary by the owner or operator of the vessel. The Secretary shall make such a decision by not later than 90 days after the date of submittal of an eligibility decision application for the vessel by the owner or operator of the vessel.

"(b) VESSEL ELIGIBILITY AND LISTING.—The Secretary shall decide that a vessel is eligible to be enrolled in the Fleet if—

"(1) the Secretary of Defense decides that the vessel is of a design and in a condition that is militarily useful for meeting the sealift needs of the United States during national emergencies;

"(2) the person that will be the contractor with respect to an operating agreement for the vessel agrees to enter into an operating agreement with the Secretary for the vessel under section 404;

"(3) the vessel is or will be—

"(A) built in the United States;

"(B) built in a foreign shipyard before the date of enactment of the Maritime Reform Act of 1992; or

"(C) built under a contract entered into after that date, in a foreign shipyard that on the date the contract is entered is not on the list established under section 112 of the Shipbuilding Trade Reform Act of 1992;

"(4) the person that will be a contractor with respect to an operating agreement for the vessel is a citizen of the United States; and

"(5)(A) the vessel is not more than 15 years of age on the date of submittal of an eligibility decision application for the vessel; or

"(B) if the vessel is not in existence on that date—

"(i) the person that will be the contractor with respect to an operating agreement for the vessel has entered into a binding contract with a shipyard for the delivery of a vessel that the Secretary decides will otherwise be eligible under this subsection; and

"(ii) an operating agreement for the vessel is entered into by not later than 30 months after the date of submittal of the application.

"(c) TIME LIMIT FOR SECRETARY OF DEFENSE.—The Secretary of Defense shall make a decision under subsection (b)(1) regarding a vessel within 30 days after receiving notification from the Secretary of the submittal of an eligibility decision application for the vessel.

"(d) NOTICE OF NONELIGIBILITY DECISION.—

"(1) DETERMINATION.—The Secretary shall make determinations under subsection (b)(2) through (5) for each vessel for which an eligibility decision application is submitted under this section.

"(2) WRITTEN EXPLANATION.—The Secretary shall provide to the person that submits an eligibility application for a vessel a written explanation of any decision that the vessel is not eligible for enrollment in the Fleet.

"(e) LIST OF ELIGIBLE VESSELS.—

"(1) IN GENERAL.—The Secretary shall maintain a list of vessels that the Secretary decides in accordance with this section are eligible to be enrolled in the Fleet.

"(2) REMOVAL OF VESSELS FROM LIST.—The Secretary shall remove a vessel from the list maintained under this subsection, and the vessel shall not be an eligible vessel for purposes of this title—

"(A) at any time that the conditions for eligibility under subsection (b) are not fulfilled for the vessel; or

"(B) if the status of the person who submitted an eligibility decision application for the vessel, as owner or operator of the vessel, changes and after that change—

"(i) the owner or operator of the vessel fails to submit a new eligibility decision application for the vessel; or

"(ii) such an application is not approved by the Secretary.

"SEC. 404. OPERATING AGREEMENTS, GENERALLY.

"(a) REQUIREMENT FOR ENROLLMENT OF VESSELS.—

"(1) IN GENERAL.—A vessel shall be enrolled in the Fleet only if it is an eligible vessel for which the owner or operator of the vessel applies for and enters into an operating agreement with the Secretary under this section.

"(2) OPERATING AGREEMENTS EFFECTIVE BEFORE FISCAL YEAR 2001.—The Secretary shall enter into operating agreements that are effective before October 1, 2000, to the extent that amounts are available for fiscal years ending on or before that date from appropriations or under section 407(b).

"(3) OPERATING AGREEMENTS EFFECTIVE AFTER FISCAL YEAR 2001.—The Secretary may enter into operating agreements that are effective after September 30, 2000, to the extent that amounts are available from appropriations for fiscal years beginning after that date.

"(b) PRIORITY FOR AWARDING AGREEMENTS.—The Secretary shall enter into operating agreements according to the following priority:

"(1) VESSELS UNDER ODS CONTRACTS.—For operating agreements that are effective before September 30, 2000, any vessel that is or will be owned or operated by a person that—

"(A) is a party to an operating-differential subsidy contract entered into under title VI; and

"(B) is or will be operating that vessel under that contract;

if the authority to operate the vessel under the contract is terminated under an agreement with the Secretary.

"(2) OTHER VESSELS OWNED BY CITIZENS.—To the extent that amounts are available after applying paragraph (1), any vessel that is—

"(A) owned and operated by a person that is a citizen of the United States under section 2 of the Shipping Act, 1916; and

"(B) on the list maintained under section 403(e).

"(3) OTHER VESSELS.—To the extent that amounts are available after applying paragraphs (1) and (2), any vessel that is—

"(A) owned and operated by a person that is eligible to document a vessel under chapter 121 of title 46, United States Code; and

"(B) on the list maintained under section 403(e).

"(c) PROHIBITION ON ENTERING AGREEMENTS.—The Secretary may not enter into an operating agreement for a vessel that is—

"(1) covered by an operating-differential subsidy contract under title VI; and

"(2) not offered and accepted for enrollment in a sealift readiness program approved by the Secretary of Defense.

"(d) AGREEMENTS REQUIRED IF FUNDS AVAILABLE.—To the extent that there are vessels on the list maintained under section 403(e) that are not enrolled in the Fleet, the Secretary shall enter into operating agreements within 30 days after the availability of amounts necessary for those agreements.

"(e) EXPIRATION OF OFFERS FOR AGREEMENTS.—Unless extended by the Secretary, an offer by the Secretary to enter into an operating agreement under this section expires 120 days after the date of the offer.

"(f) TERMINATION OF AGREEMENT FOR FAILURE TO PLACE VESSEL.—An operating agreement entered into by the Secretary pursuant to subsection (b)(1), and the rights under that agreement, are terminated at the end of the 90-day period beginning on the date the agreement is entered into unless a vessel from the list maintained under section 403(e) is covered by the agreement before the end of that period.

"(g) REPAYMENT REQUIREMENT.—A person that is required under this Act or the Maritime Reform Act of 1992 to enroll in the Fleet a replacement for a vessel in the Fleet shall be liable to the United States Government for all amounts received as payments for the vessel under this title if the person does not enroll the replacement vessel within the period required by law for that enrollment.

"(h) BINDING OBLIGATION OF GOVERNMENT.—An operating agreement constitutes a contractual obligation of the United States Government to pay the amounts provided for under that agreement.

"SEC. 405. TERMS OF OPERATING AGREEMENTS.

"(a) OPERATING AGREEMENT REQUIREMENTS.—An operating agreement shall, during the effective period of the agreement, provide the following:

"(1) OPERATION AND DOCUMENTATION.—The vessel covered by the operating agreement—

"(A) shall be operated in the foreign trade or domestic trade allowed under a registry

endorsement for the vessel issued under section 12105 of title 46, United States Code;

"(B) may not be operated in the coastwise trade of the United States or in mixed coastwise and foreign trade, except for coastwise trade allowed under a registry endorsement issued for the vessel under section 12105 of title 46, United States Code; and

"(C) shall be documented under chapter 121 of title 46, United States Code, by not later than the effective date of the operating agreement.

"(2) ANNUAL PAYMENTS.—The Secretary shall pay the contractor, in accordance with this subsection, the following amounts for each fiscal year in which the vessel is operated in accordance with the agreement:

"(A) For fiscal year 1994, $2,300,000.

"(B) For each fiscal year after fiscal year 1994, $2,100,000.

"(3) AVAILABILITY OF VESSEL.—

"(A) IN GENERAL.—On a request of the President during time of war or national emergency or when considered by the President, acting through the Secretary in consultation with the Secretary of Defense, to be necessary in the interest of national security, and subject to subparagraph (B), the contractor as soon as practicable shall, as specified by the Secretary—

"(i) make the vessel covered by the agreement available to the Secretary under a time charter; or

"(ii) provide space on the vessel covered by the agreement to the Secretary on a guaranteed basis.

"(B) CONDITION FOR CHARTER.—The Secretary shall allow a contractor to comply with this paragraph by providing space on a vessel under subparagraph (A)(ii) unless the Secretary determines that it is necessary in the interest of national security that the contractor make the vessel available under a time charter.

"(4) DELIVERY OF VESSEL.—The contractor shall deliver a vessel to the Secretary pursuant to a time charter under paragraph (3)(A)(i), as specified in the request for the vessel—

"(A) at the first port in the United States the vessel is scheduled to call after the date of the request;

"(B) at the port in the United States to which the vessel is nearest on the date of the request; or

"(C) in any other reasonable manner authorized by the agreement and specified in the request.

"(5) DELIVERY COSTS.—The Secretary shall reimburse the contractor for costs incurred by the contractor in delivering the vessel covered by the agreement to the Secretary in accordance with the agreement.

"(6) COMPENSATION.—The Secretary shall pay the contractor, as provided in the operating agreement, reasonable compensation at reasonable commercial rates for the period of time the vessel is chartered or the contractor provides space on the vessel under paragraph (3).

"(7) REQUIRED OPERATION.—The vessel covered by the operating agreement shall be operated for at least a minimum amount of time annually, as specified in the operating agreement.

"(8) SUBSTITUTION OF VESSELS.—The contractor may substitute for the vessel covered by the agreement another vessel on the list maintained under section 403(e).

"(b) PAYMENTS.—

"(1) IN GENERAL.—The amount required to be paid by the Secretary each year to a contractor under an operating agreement pursuant to subsection (a)(2)—

"(A) shall be paid at a pro rated amount at the beginning of each month in equal installments; and

"(B) except as provided in paragraph (2), may not be reduced by reason of operation of the vessel covered by the agreement to carry civilian or military preference cargoes under—

"(i) section 901(a), 901(b), or 901b;

"(ii) section 2631 of title 10, United States Code; or

"(iii) the Act of March 26, 1934 (48 Stat. 500).

"(2) REDUCTION FOR PREFERENCE CARGO.—A contractor with respect to a vessel may not receive any payment under this title for any day in which the vessel is engaged in transporting more than 5,000 tons of preference cargo described in paragraph (1)(B) that is bulk cargo (as defined in section 3 of the Shipping Act of 1984).

"(c) REDELIVERY OF VESSELS.—The Secretary shall, upon the termination of the need for which a vessel is delivered under an operating agreement, return the vessel to the contractor—

"(1) at a place that is mutually agreed upon by the Secretary of Defense and the contractor; and

"(2) in the condition in which it was delivered to the Secretary, excluding normal wear and tear.

"(d) TERMINATION OF OPERATING AGREEMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an operating agreement entered into under this title shall terminate September 30, 2000.

"(2) EXCEPTION.—An operating agreement that is first effective after September 30, 2000, shall terminate September 30, 2007.

"(e) TRANSFER OF OPERATING AGREEMENTS.—A contractor under an operating agreement may transfer the agreement (including all rights under the agreement) to any other person that is a citizen of the United States, after notification of the Secretary in accordance with regulations prescribed by the Secretary. A person to whom an agreement is transferred may receive payments from the Secretary under the agreement only if the vessel to be covered by the agreement after the transfer is on the list maintained under section 403(e).

"SEC. 406. NONCONTIGUOUS TRADE RESTRICTIONS.

"(a) PROHIBITION.—

"(1) IN GENERAL.—Except as provided in this section, a contractor may not receive any payment under this title if—

"(A) the contractor or a related party with respect to the contractor, directly or indirectly owns, charters, or operates a vessel engaged in the transportation of cargo in noncontiguous trade, other than in accordance with a waiver under subsection (b) or (c); or

"(B) for noncontiguous trade for which there is a waiver under subsection (b) or (c), there is a—

"(i) material change in the domestic ports served from the ports permitted to be served under the waiver;

"(ii) material increase in the annual number or the frequency of sailings from the number or frequency permitted under the waiver; or

"(iii) material increase in the annual capacity utilized from the annual capacity permitted under the waiver.

"(2) LIMITATIONS ON PROHIBITION.—Paragraph (1)—

"(A) applies to a contractor only in the years specified for payments under the operating agreement entered into by the contractor;

"(B) does not apply with respect to the contract carriage of noncontainerizable or nontrailerizable cargo on barges; and

"(C) does not apply with respect to transportation of liquid fuel in bulk that is not in a container or trailer.

"(b) GENERAL WAIVER AUTHORITY.—

"(1) IN GENERAL.—Except as provided in subsection (c), the Secretary shall waive the application of subsection (a) to a contractor pursuant to an application submitted in accordance with this subsection, unless the Secretary finds that—

"(A) the waiver would result in unfair competition to any person that operates vessels as a carrier of cargo in a service exclusively in the noncontiguous trade for which the waiver is applied;

"(B) existing service in that noncontiguous trade is adequate; or

"(C) the waiver will result in prejudice to the objects or policy of this title or Act.

"(2) TERMS OF WAIVER.—Any waiver granted by the Secretary under this subsection shall state—

"(A) the domestic ports permitted to be served;

"(B) the annual number or frequency of sailings that may be provided; and

"(C) the annual volume of cargo permitted to be carried or cubic feet of barge capacity permitted to be utilized under the waiver, or for container or trailer service the annual 40-foot equivalent shipboard container or trailer capacity permitted under the waiver.

"(3) APPLICATIONS FOR WAIVERS.—An application for a waiver under this subsection may be submitted by a contractor and shall describe, as applicable, the nature and scope of—

"(A) the service proposed to be conducted in a noncontiguous trade under the waiver; or

"(B) any proposed material change or increase in a service in a noncontiguous trade permitted under an existing waiver.

"(4) ACTION ON APPLICATION AND HEARING.—

"(A) NOTICE AND PROCEEDING.—Within 30 days after receipt of an application for a waiver under this subsection, the Secretary shall—

"(i) publish a notice of the application; and

"(ii) begin a proceeding on the application under section 554 of title 5, United States Code, to receive—

"(I) evidence of the quantity and quality of the existing service in the noncontiguous trade for which the waiver is applied;

"(II) a description of the proposed service or proposed material change or increase in a previously permitted service;

"(III) the projected effect of the proposed service or proposed material change or increase in existing service; and

"(IV) recommendations on conditions that should be contained in any waiver for the proposed service or material change or increase.

"(B) INTERVENTION.—Any interested person may intervene in a proceeding under subparagraph (A).

"(C) HEARING.—Before deciding whether to grant a waiver under this subsection, the Secretary shall hold a public hearing, reasonable notice of which shall be published.

"(5) DECISION.—The Secretary shall complete all proceedings and hearings on an application under this subsection and issue a decision on the record within 180 days after receipt of the application.

"(c) EXISTING NONCONTIGUOUS TRADE OPERATORS.—

"(1) IN GENERAL.—The Secretary shall waive the application of subsection (a) to a contractor pursuant to an application submitted in accordance with this subsection if the Secretary finds that the contractor, or a related party or predecessor in interest with respect to the contractor—

"(A) engaged in bona fide operation of a vessel as a carrier of cargo by water—

"(i) in a noncontiguous trade on July 1, 1992; or

"(ii) in furnishing seasonal service in a season ordinarily covered by its operation, during the 12 calendar months preceding July 1, 1992; and

"(B) has operated in that service since that time, except for interruptions of service resulting from Operation Desert Storm or over which the contractor (or related party or predecessor in interest) had no control.

"(2) TERMS OF WAIVER.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the level of service permitted under a waiver under this subsection shall be the level of service provided by the applicant (or related party or predecessor in interest) in the relevant noncontiguous trade during the 6 calendar months preceding July 1, 1992, or in the case of seasonal service during the 12 calendar months preceding July 1, 1992, determined by—

"(i) the domestic ports called; and

"(ii) the number of sailings actually made, except as to interruptions in the service in the noncontiguous trade resulting from Operation Desert Storm or over which the applicant (or related party or predecessor in interest) had no control.

"(B) CERTAIN CONTAINERIZED VESSELS.—If an applicant under this subsection was offering service as an operator of containerized vessels in noncontiguous trades with Hawaii, Puerto Rico, and Alaska on July 1, 1992, a waiver under this subsection shall permit the applicant to conduct—

"(i) 104 sailings each year from the West Coast of the United States to Hawaii with an annual capacity allocated to the service of 75 percent of the total capacity of the vessels employed in the service;

"(ii) 156 sailings each year in each direction between the East Coast or Gulf Coast of the United States and Puerto Rico with an annual capacity allocated to the service of 75 percent of the total capacity of the vessels employed in the service; and

"(iii) 103 sailings each year in each direction between Washington and Alaska with an annual capacity allocated to the service in each direction of 100 percent of the total capacity of its vessels employed in the service on July 1, 1992.

"(C) CERTAIN TUGS AND BARGES.—If an applicant under this subsection was offering service as an operator of tugs and barges in noncontiguous trades with Hawaii, Puerto Rico, and Alaska on July 1, 1992, a waiver under this subsection shall permit the applicant to conduct—

"(i) 17 sailings each year in each direction between ports in Washington, Oregon, and Northern California and ports in Hawaii with an annual barge house cubic foot capacity and annual barge deck 40-foot equivalent unit container capacity in each direction of 100 percent of total capacity of its barges employed in the service during the 6 calendar months preceding July 1, 1992, annualized;

"(ii) 253 sailings each year in each direction between the East Coast or Gulf Coast of the United States and Puerto Rico with an annual 40-foot equivalent unit container or trailer capacity in each direction of 100 percent of the capacity of its barges employed in the service on July 1, 1992;

"(iii) 37 regularly scheduled tandem tow sailings and 10 additional single tow sailings each year in each direction between Washington and the Alaskan port range between and including Anchorage and Whittier with an annual capacity allocated to the service in each direction of 100 percent of the total capacity of its barges employed in the service on July 1, 1992;

"(iv) 8 regularly scheduled single tow sailings each year in each direction between Washington and points in Alaska (other than the port range between and including Anchorage and Whittier, except occasional deviations to discharge incidental quantities of cargo) with an annual capacity allocated to the service in each direction of 100 percent of the total capacity its barges employed in the service on July 1, 1992;

"(v) any other unscheduled contract containerizeable tug and barge service between Washington and Alaska; and

"(vi) sailings in tug and barge service in noncontiguous trade in addition to the sailings described in clauses (i) through (v), except that—

"(I) the cargo capacity actually utilized under this subparagraph in a calendar year in a service described in clause (i) or (ii) may not exceed the capacity permitted under that clause; and

"(II) the cargo capacity actually utilized under this subparagraph in a calendar year in a service described in subparagraph (iii), (iv), or (v) may not exceed the sum of the capacities permitted under those clauses.

"(D) ANNUALIZATION.—Capacity otherwise required by this paragraph to be permitted under a waiver under this subsection shall be annualized if not a seasonal service.

"(E) ADJUSTMENTS.—

"(i) IN GENERAL.—The annual capacity permitted under a waiver under this subsection shall be adjusted for each calendar year to reflect changes in the total volume of trade on the noncontiguous trade route for which the waiver is issued. Such an adjustment may not be considered to be a material change or increase in service under the waiver for purposes in subsection (b)(3)(B).

"(ii) LIMITATION.—An increase in capacity under this subparagraph shall apply only to the extent the contractor actually uses the increased capacity to carry cargo in the permitted service in the calendar year immediately following the preceding increase in gross product. However, if a contractor operating exclusively containerized vessels in that trade on July 1, 1992, carries an average load factor of at least 90 percent of permitted capacity (including the capacity, if any, both authorized and used under the previous sentence) during 9 months of any one calendar year, then in the next following calendar year and thereafter, the requirement that additional capacity shall be used in the immediately following year does not apply.

"(3) APPLICATIONS FOR WAIVERS.—For a waiver under this subsection a contractor shall submit to the Secretary an application certifying the facts required to be found under paragraph (1)(A) or (B), as applicable.

"(4) ACTION ON APPLICATION.—

"(A) NOTICE.—The Secretary shall publish a notice of receipt of an application for a waiver under this subsection within 30 days after receiving the application.

"(B) HEARING PROHIBITED.—The Secretary may not conduct a hearing on an application for a waiver under this subsection.

"(C) SUBMISSION OF COMMENTS.—The Secretary shall give every person operating a cargo vessel in a noncontiguous trade for which a waiver is applied for under this subsection and who has any interest in the application a reasonable opportunity to submit comments on the application and on the description of the service that would be permitted by any waiver that is granted by the Secretary under the application.

"(5) DECISION ON APPLICATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall complete all proceedings on an application under this subsection and issue a decision on the record within 180 days after receipt of the application.

"(B) EXPEDITED CONSIDERATION.—Subject to the time required for publication of notice and for receipt and evaluation of comments by the Secretary in accordance with this paragraph, in the case of an application for a waiver under this subsection that is submitted to the Secretary at the same time the applicant applies for inclusion of a vessel in the Fleet to be operated under the waiver, the Secretary shall complete all proceedings on an application under this subsection and issue a decision on the record by not later than the date on which the Secretary offers to enter into an operating agreement with respect to that vessel.

"(6) CHANGE OR INCREASE IN SERVICE.—Any material change or increase in a service that is subject to a waiver under this subsection is not authorize except to the extent the change or increase is permitted by a waiver under subsection (b).

"(d) ANNUAL REPORT ON WAIVERS.—Each waiver under this section shall require that the person granted the waiver submit to the Secretary each year an annual report setting forth for the service authorized by the waiver—

"(1) the ports served during the year;

"(2) the number or frequency of sailings performed during the year; and

"(3) the volume of cargo carried or cubic feet of barge capacity utilized, or, for containerized or trailer service, the annual 40-foot equivalent shipboard container or trailer capacity provided during the year.

"(e) DEFINITIONS.—In this section—

"(1) the term 'noncontiguous trade' means trade between—

"(A) the contiguous 48 States; and

"(B) Alaska, Hawaii, or Puerto Rico; and

"(2) the term 'related party' means—

"(A) a holding company, subsidiary, affiliate, or associate of a contractor; and

"(B) an officer, director, agency, or other executive of a contractor or of a person referred to in subparagraph (A).

"SEC. 407. FUNDING FOR CONTINGENCY RETAINER FLEET OPERATING AGREEMENTS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary any amounts necessary for each of fiscal years 1994 through 2000 for operating agreements.

"(b) TRANSFER OF BALANCES FROM OPERATING-DIFFERENTIAL SUBSIDY PROGRAM.—Any amounts otherwise available for operating differential subsidy contracts under title VI that are no longer required for those contracts are available, until expended, for operating agreements.

"SEC. 408. DEFINITIONS.

"In this title:

"(1) CONTRACTOR.—The term 'contractor' means an owner or operator of a vessel that enters into an operating agreement for the vessel with the Secretary.

"(2) ELIGIBILITY DECISION APPLICATION.—The term 'eligibility decision application'

means an application for a decision by the Secretary under section 403 that a vessel is eligible to be enrolled in the Fleet.

"(3) ELIGIBLE VESSEL.—The term 'eligible vessel' means a vessel that the Secretary decides under section 403 is eligible to be enrolled in the Fleet.

"(4) FLEET.—The term 'Fleet' means the Contingency Retainer Fleet established under section 402.

"(5) FLEET OPERATOR.—The term 'Fleet Operator' means a person that is a party to an operating agreement with the Secretary in effect under this title.

"(6) OPERATING AGREEMENT.—The term 'operating agreement' means an operating agreement entered into by the Secretary under section 404.

"(7) SECRETARY.—The term 'Secretary' means the Secretary of Transportation.

"(8) UNITED STATES DOCUMENTED VESSEL.—The term 'United States documented vessel' means a vessel that is documented under chapter 121 of title 46, United States Code.".

(b) ELIGIBILITY OF OLDER VESSELS.—

(1) IN GENERAL.—Notwithstanding subsection (b)(5)(A) of section 403 of the Merchant Marine Act, 1936, as amended by this Act, the Secretary of Transportation shall decide that a vessel that is more than 15 years of age on the date of submittal of an eligibility decision application for the vessel under that section is eligible to be enrolled in the Contingency Retainer Fleet if—

(A) the application is submitted to the Secretary by not later than 90 days after the effective date of that section; and

(B) in the case of a vessel that is more than 25 years of age on the date of submittal of the application—

"(i) the person submitting the application agrees to acquire a replacement for the vessel from among vessels on the list maintained under section 403(e); and

(ii)(I) in the case of a vessel to be replaced with a new vessel, the person submitting the application has entered into a binding contract with a shipyard for the delivery of the replacement vessel, and an operating agreement for the vessel and the replacement vessel is entered into under title IV of that Act by not later than 30 months after the effective date of that section; or

(II) in the case of a vessel to be replaced with an existing vessel, the person submitting the application acquires the replacement vessel from among vessels on the list maintained under section 403(e), and an operating agreement for the vessel and the replacement vessel is entered into under title IV of that Act by not later than 12 months after the effective date of that section.

(2) TERMINATION OF ELIGIBILITY.—A vessel that is otherwise eligible to be enrolled in the Contingency Retainer Fleet pursuant to paragraph (1)(A) or (B), respectively—

(A) shall not be eligible to be enrolled in the Fleet if a replacement for the vessel is not delivered or acquired by the date required by that paragraph for that enrollment; and

(B) shall be removed from the list maintained under section 403(e) of the Merchant Marine Act, 1936, as amended by this Act, effective on that date.

(c) LIMITATION ON PAYMENTS.—Notwithstanding section 405(a)(2) of the Merchant Marine Act, 1936, as amended by this Act, or the terms of any operating agreement (as that term is used in that section), the United States Government is not obligated to pay, and the Secretary of Transportation may not pay, any amount pursuant to that section for any day in which a vessel that is covered by an operating agreement is under a charter to the United States Government that was entered into before the date of the enactment of this Act.

SEC. 204. OPERATING-DIFFERENTIAL SUBSIDY CONTRACTS.

(a) PROHIBITION ON NEW CONTRACTS.—Section 601 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1171) is amended by adding at the end the following:

"(c) After the effective date of this subsection, the Secretary of Transportation may not enter into any new contract under this title.".

(b) TERMINATION OF EXISTING CONTRACTS.—Notwithstanding any other provision of this Act, any contract in effect under title VI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1171 et seq.), on the day before the date of enactment of this Act—

(1) shall continue in effect under its terms and terminate as set forth in the contract, unless voluntarily terminated on an earlier date by the persons (other than the United States Government) that are parties to the contract; and

(2) may not be renewed.

(c) EXEMPTION OF BULK CARGO ODS VESSELS FROM OPERATING RESTRICTIONS.—Section 506 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1156) is amended—

(1) by inserting "(a)" after "SEC. 506."; and

(2) by adding at the end the following new subsection:

"(b) This section does not apply to any liquid or dry bulk cargo vessel for which operating-differential subsidy is required to be paid under a contract under title VI that is in force on the effective date of this subsection, effective upon the termination date of the contract (as set forth in the contract as in effect on the effective date of this subsection).".

(d) RESTRICTIONS ON OPERATIONS OF ODS VESSELS.—Title VI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1171 et seq.), as amended by this Act, is further amended by adding at the end the following:

"SEC. 616. LIMITATION ON APPLICATION OF RESTRICTIONS ON OPERATIONS.

"Sections 605(c), 804, and 805, this section, and the essential service requirements in section 601(a) and 603(a), do not apply to a contractor if—

"(1) the contractor submits an eligibility decision application to the Secretary under title IV for all of the vessels operated by the contractor under an operating-differential subsidy contract;

"(2) all of those vessels for which operating agreements are offered by the Secretary under title IV are enrolled in the Contigency Retainer Fleet; and

"(3) all of those vessels that the Secretary decides are not eligible to be enrolled in the Contingency Reserve Fleet are not eligible solely because the Secretary of Defense decided that the vessels were not militarily useful under section 403(b)(1).".

(e) TERMINATION OF OPERATING DIFFERENTIAL SUBSIDY FOR OLDER VESSELS.—Section 605(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1175(b)), is amended by adding the following new sentence at the end of the subsection: "After September 30, 1992, the Secretary of Transportation may not enter any new formal order under this subsection.".

SEC. 205. TRADE-IN OF OBSOLETE VESSELS.

Section 510(a)(2)(B) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1160(a)(2)(B)) is amended to read as follows: "(B) is built in the United States or is built under a contract entered into after the date of the enactment of the Maritime Reform Act of 1992 in a foreign shipyard that is not included in the list published by the Secretary of Commerce under section 112 of the Shipbuilding Trade Reform Act of 1992, and is documented under chapter 121 of title 46, United States Code.".

SEC. 206. CONSTRUCTION RESERVE FUND.

Section 511(a)(2) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1161(a)) is amended to read as follows: "(2)(A) constructed in the United States, (B) the construction of which is aided by a mortgage insured under title XI, or (C) was constructed under a contract entered into after the date of the enactment of the Maritime Reform Act of 1992 in a foreign shipyard that is not included in the list published by the Secretary of Commerce under section 112 of the Shipbuilding Trade Reform Act of 1992; and".

SEC. 207. CONSTRUCTION-DIFFERENTIAL SUBSIDY.

(a) REPEAL OF DOCUMENTATION REQUIREMENT.—Section 503 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1153) is amended by striking the second sentence.

(b) TERMINATION OF SPECIAL TAX TREATMENT OF DEPOSITS INTO RESERVE FUNDS.—Section 511(c) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1161(c)), is amended by adding at the end the following new sentence: "This subsection does not apply to amounts deposited in a construction reserve fund after the date of enactment of the Maritime Reform Act of 1992.".

(c) ELIMINATION OF CONSTRUCTION DIFFERENTIAL SUBSIDY RESTRICTIONS.—Title V of the Merchant Marine Act, 1936 (46 App. U.S.C. 1151 et seq.), as amended by this Act, is further amended by adding at the end the following:

"SEC. 512. LIMITATION ON RESTRICTIONS.

"Notwithstanding any other provision of law or contract, all restrictions and requirements under sections 503, 506, and 802 applicable to a liner vessel constructed, reconstructed, or reconditioned with the aid of construction-differential subsidy shall terminate upon the expiration of the 25-year period beginning on the date of the original delivery of the vessel from the shipyard.".

SEC. 208. DEFINITIONS APPLICABLE TO MERCHANT MARINE ACT, 1936.

Section 905 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1244), is amended—

(1) by striking subsection (a) and inserting the following:

"(a) Each of the terms 'foreign commerce' and 'foreign trade' mean—

"(1) trade between the United States and a foreign country; or

"(2) trade between foreign ports."; and

(2) by striking subsection (c) and inserting the following:

"(c) The term 'citizen of the United States' means a person eligible to own a documented vessel under chapter 121 of title 46, United States Code.".

SEC. 209. CONSTRUCTION LOAN GUARANTEES.

(a) VESSEL CONSTRUCTION REQUIREMENT.—Section 1103(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1273(b)) is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2) The Secretary may not guarantee an obligation for a vessel under this title unless the vessel—

"(A) is built in the United States; or

"(B) is built under a contract entered into after the date of the enactment of the Maritime Reform Act of 1992 in a foreign shipyard that is not included in the list published by the Secretary of Commerce under section 112

of the Shipbuilding Trade Reform Act of 1992.".

(b) PRIORITY LOAN GUARANTEES FOR VESSELS IN COASTWISE TRADE.—Section 1103 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1273) is amended by adding at the end the following:

"(g) In guaranteeing, or committing to guarantee obligations under this title, the Secretary of Transportation shall give priority to guarantees and commitments for vessels that will be engaged in coastwise trade over guarantees and commitments for vessels that will be engaged in foreign commerce.".

(c) REPEAL.—Section 1104B of the Merchant Marine Act, 1936 (46 App. U.S.C. 1274a) is repealed.

SEC. 210. GOVERNMENT-IMPELLED CARGOS.

(a) VESSELS ELIGIBLE FOR CARGOES.—Section 901(b) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241(b)) is amended—

(1) in paragraph (1), by striking "For purposes of this section, the term 'privately owned United States-flag commercial vessels'" and all that follows through the end of the paragraph and inserting a period; and

(2) by adding at the end the following new paragraph:

"(3) In this section and section 901b, the term 'privately owned United States-flag commercial vessel' means a privately owned vessel that is documented under chapter 121 of title 46, United States Code, that—

"(A) was built in the United States;

"(B) was documented under chapter 121 of title 46, United States Code, before the date of enactment of the Maritime Reform Act of 1992;

"(C) does not transport under section 901b or this section on any voyage more than 5,000 tons of bulk cargo (as defined in section 3 of the Shipping Act of 1984), and—

"(i) was built in a foreign shipyard before the date of enactment of the Maritime Reform Act of 1992; or

"(ii) is built under a contract entered into after the date, in a foreign shipyard that on the date the contract was entered was not on the list published under section 112 of the Shipbuilding Trade Reform Act of 1992;

"(D)(i) is built under a contract entered into after the date of enactment of the Maritime Reform Act of 1992, in a foreign shipyard that on the date the contract was entered was not on the list published under section 112 of the Shipbuilding Trade Reform Act of 1992; and

"(ii) is not more than 3 years old when documented under chapter 121 of title 46, United States Code; or

"(E) has been documented under chapter 121 of title 46, United States Code, for at least 3 years, and—

"(i) was built in a foreign shipyard before the date of enactment of the Maritime Reform Act of 1992; or

"(ii) is built under a contract entered into after that date, in a foreign shipyard that on the date the contract was entered was not on the list published under section 112 of the Shipbuilding Trade Reform Act of 1992.".

(b) CLERICAL AMENDMENT.—Section 901b of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241f) is amended by adding at the end the following:

"(f) For the definition of the term 'privately owned United States-flag commercial vessel', see section 901(b)(3).".

SEC. 211. REEMPLOYMENT RIGHTS FOR CERTAIN MERCHANT SEAMEN.

(a) IN GENERAL.—Title III of the Merchant Marine Act, 1936 (46 App. U.S.C. 1131) is amended by inserting after section 301 the following new section:

"SEC. 302. (a) An individual who is certified by the Secretary of Transportation under subsection (c) shall be entitled to reemployment rights and other benefits substantially equivalent to the rights and benefits provided for by chapter 43 of title 38, United States Code, for any member of a Reserve component of the Armed Forces of the United States who is ordered to active duty.

"(b) An individual may submit an application for certification under subsection (c) to the Secretary of Transportation not later than 45 days after the date the individual completes a period of employment described in subsection (c)(1)(A) with respect to which the application is submitted.

"(c) Not later than 20 days after the date the Secretary of Transportation receives from an individual an application for certification under this subsection, the Secretary shall—

"(1) determine whether or not the individual—

"(A) was employed in the activation or operation of a vessel—

"(i) in the National Defense Reserve Fleet maintained under section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744), in a period in which that vessel was in use or being activated for use under subsection (b) of that section;

"(ii) that is requisitioned or purchased under section 902 of this Act; or

"(iii) that is owned, chartered, or controlled by the United States and used by the United States for a war, armed conflict, national emergency, or maritime mobilization need (including for training purposes or testing for readiness and suitability for mission performance); and

"(B) during the period of that employment, possessed a valid license, certificate of registry, or merchant mariner's document issued under chapter 71 or chapter 73 (as applicable) of title 46, United States Code; and

"(2) if the Secretary makes affirmative determinations under paragraph (1) (A) and (B), certify that individual under this subsection.

"(d) For purposes of reemployment rights and benefits provided by this section, a certification under subsection (c) shall be considered to be the equivalent of a certificate referred to in paragraph (1) of section 2021(a) of title 38, United States Code.".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to employment described in section 302(c)(1)(A) of the Merchant Marine Act, 1936, as amended by subsection (a), occurring after August 2, 1990.

(c) EMPLOYMENT ENDING BEFORE ENACTMENT.—Notwithstanding subsection (b) of section 302 of the Merchant Marine Act, 1936, as amended by this Act, an individual who, in the period beginning August 2, 1990, and ending on the date of the enactment of this Act, completed a period of employment described in subsection (c)(1)(A) of that section may submit an application for certification under subsection (c) of that section with respect to that employment not later than 45 days after the date of the enactment of this Act.

(d) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Transportation shall issue regulations implementing this section.

SEC. 212. VESSEL FINANCING.

(a) ELIMINATION OF MORTGAGEE RESTRICTIONS.—Section 31322(a) of title 46, United States Code, is amended to read as follows:

"(a) A preferred mortgage is a mortgage, whenever made, that—

"(1) includes the whole of the vessel;

"(2) is filed in substantial compliance with section 31321 of this title; and

"(3)(A) covers a documented vessel; or

"(B) covers a vessel for which an application for documentation is filed that is in substantial compliance with the requirements of chapter 121 of this title and the regulations prescribed under that chapter.".

(b) ELIMINATION OF TRUSTEE RESTRICTIONS.—

(1) REPEAL.—Section 31328 of title 46, United States Code, is repealed.

(2) CONFORMING AMENDMENT.—Section 31330(b) of title 46, United States Code, is amended in paragraphs (1), (2), and (3) by striking "31328 or" each place it appears.

(c) REMOVAL OF MORTGAGE RESTRICTIONS.—Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808), as amended by this Act, is further amended—

(1) in subsection (c)—

(A) by striking "and sections 31322(a)(1)(D) and 31328 of title 46, United States Code,"; and

(B) in paragraph (1) by striking "mortgage," each place it appears; and

(2) in subsection (d)—

(A) in paragraph (1) by striking "transfer, or mortgage" and inserting "or transfer";

(B) in paragraph (2) by striking "transfers, or mortgages" and inserting "or transfers";

(C) in paragraph (3)(B) by striking "transfers, or mortgages" and inserting "or transfers"; and

(D) in paragraph (4) by striking "transfers, or mortgages" and inserting "or transfers";

SEC. 213. PLACEMENT OF VESSELS UNDER FOREIGN REGISTRY.

(a) IN GENERAL.—Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808), as amended by this Act, is further amended by adding at the end the following:

"(e) Notwithstanding subsection (c)(2), the Merchant Marine Act, 1936, or any contract entered into with the Secretary under that Act, the Secretary of Transportation shall allow a documented vessel to be placed under a foreign registry if at least one replacement vessel of a capacity that is equivalent or greater, as measured by deadweight tons, gross tons, or container equivalent units, as appropriate, is documented under chapter 121 of title 46, United States Code, by the owner of the vessel placed under foreign registry.".

(b) APPLICATION.—The amendment made by subsection (a) applies to vessels that are placed under foreign registry after the date of enactment of this Act.

SEC. 214. EFFECTIVE DATE.

The amendments made by this title are effective on the date which is 120 days after the date of enactment of this Act.

SEC. 215. REGULATIONS.

(a) IN GENERAL.—The Secretary of Transportation shall prescribe regulations as necessary to carry out this title.

(b) INTERIM REGULATIONS.—The Secretary of Transportation may prescribe interim regulations necessary to carry out this title and for accepting eligibility decision applications under section 403 of the Merchant Marine Act, 1936, as amended by this Act. For this purpose, the Secretary of Transportation is excepted from compliance with the notice and comment requirements of section 553 of title 5, United States Code. All regulations prescribed under the authority of this subsection that are not earlier superseded by final rules shall expire 270 days after the date of enactment of this Act.

SEC. 216. STUDY.

(a) IN GENERAL.—After providing public notice and opportunity for comment, the Secretary of Transportation shall conduct a study of—

(1) the impact of this Act on the international competitiveness of United States

documented vessels and whether this Act has had a favorable or unfavorable impact on the ability of United States documented vessels to compete successfully with foreign-flag vessels;

(2) whether continuation of the Contingency Retainer Fleet program established by this Act would assist the international competitiveness of United States documented vessels;

(3) whether the Contingency Retainer Fleet program should be continued, modified, or discontinued;

(4) alternatives that are or should be available to operators of United States documented vessels if the Contingency Retainer Fleet program is discontinued; and

(5) any other issues related to promoting the international competitiveness of United States documented vessels that the Secretary considers appropriate.

(b) REPORT.—The Secretary of Transportation shall submit to the Congress a report on the findings and conclusions of the study required by subsection (a) by not later than 4 years after the date of enactment of this Act, which shall include such recommendations as the Secretary considers appropriate.

TITLE III—AMENDMENTS RELATED TO CAPITAL CONSTRUCTION FUNDS; PHASEOUT OF DUTY ON EQUIPMENT AND REPAIRS OF VESSELS IN FOREIGN COUNTRIES

Subtitle A—Amendments Related To Capital Construction Funds

SEC. 301. AMENDMENTS OF MERCHANT MARINE ACT, 1936.

(a) CHANGES IN VESSELS TO WHICH CAPITAL CONSTRUCTION FUNDS APPLY.—

(1) The second sentence of section 607(a) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1177) is amended to read as follows: "Any agreement entered into under this section shall be for the purpose of providing replacement vessels, additional vessels, or reconstructed vessels, documented under the laws of the United States for operation in the foreign or domestic commerce of the United States or in the fisheries of the United States and shall provide for the deposit in the fund of the amounts agreed upon as necessary or appropriate to provide for qualified withdrawals under subsection (f)."

(2) Paragraph (1) of section 607(k) of such Act (defining eligible vessel) is amended to read as follows:

"(1) The term 'eligible vessel' means any vessel—

"(A) documented under the laws of the United States, and

"(B) operated in the foreign or domestic commerce of the United States or in the fisheries of the United States.

(3) Paragraph (2) of section 607(k) of such Act is amended to read as follows:

"(2) The term 'qualified vessel' means any vessel—

"(A) documented under the laws of the United States,

"(B) issued a construction subsidy certificate under section 113 of the Shipbuilding Trade Reform Act of 1992, and

"(C) which the person maintaining the fund agrees with the Secretary will be operated in the foreign or domestic commerce of the United States or in the fisheries of the United States.

Such term shall not include any towing vessel, barge, or dry or liquid bulk vessel operated in the coastwise trade other than the noncontiguous trade."

(4) Paragraph (1) of section 607(f) of such Act is amended by striking the last sentence.

(b) TREATMENT OF FUND EARNINGS.—

(1) Section 607 of such Act is amended by adding at the end thereof the following new subsection:

"(n) TAXATION OF EARNINGS ON INVESTMENTS.—

"(1) IN GENERAL.—The tax imposed by chapter 1 of the Internal Revenue Code of 1986 shall be determined—

"(A) by excluding from gross income the taxable earnings from the investment and reinvestment of amounts held in a capital construction fund, and

"(B) by increasing the tax imposed by such chapter by the product of the amount of such taxable earnings and the highest rate of tax specified in section 1 (section 11 in the case of a corporation) of such Code.

"(2) MAXIMUM RATE ON CAPITAL GAINS.—If there is a net capital gain on amounts held in a capital construction fund, the rate of tax taken into account under paragraph (1)(B) with respect to such gain shall not exceed the rate applicable to net capital gain under section 1(h) or 1201(a) of such Code, as the case may be.

"(3) COORDINATION WITH DEDUCTION FOR NET OPERATING LOSSES.—Any earnings excluded from gross income under paragraph (1) shall be excluded in determining taxable income under section 172(b)(2) of such Code.

"(4) TAXABLE EARNINGS.—For purposes of this section, the term 'taxable earnings' means net earnings determined with the following modifications:

"(A) There shall be excluded interest income exempt from taxation under section 103 of such Code.

"(B) If the person maintaining the fund is a corporation, there shall be excluded the percentage applicable under section 243(a)(1) of such Code of any dividend received by the fund with respect to which such person would (but for paragraph (1)(A)) be allowed a deduction under section 243 of such Code.

"(C) Losses from the sale or exchange of capital assets shall be allowed only to the extent of gains from such sales or exchanges."

(2) Subparagraph (D) of section 607(b)(1) of such Act is amended by inserting "reduced by the tax imposed on such receipts under subsection (n)" after "in such fund".

(3) Subparagraph (C) of section 607(d)(1) of such Act is amended by striking "shall not be taken into account" and inserting "shall be taken into account as provided in subsection (n)".

(4) Paragraph (2) of section 607(e) of such Act is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end thereof the following new subparagraph:

"(F) the taxable earnings (as defined in subsection (n)) of the fund for any taxable year beginning after the date of the enactment of the Maritime Reform Act of 1992."

(5) Paragraph (3) of section 607(e) of such Act is amended by adding at the end thereof the following new sentence:

"Any amount included in the taxable earnings (as defined in subsection (n)) of the fund for any taxable year beginning after the date of the enactment of the Maritime Reform Act of 1992 shall not be taken into account under this paragraph."

(6) Paragraph (4) of section 607(e) of such Act is amended by adding at the end thereof the following new sentence:

"In the case of taxable years beginning after the date of the enactment of the Maritime Reform Act of 1992, any amount included in the taxable earnings (as defined in subsection (n)) of the fund shall not be taken into account under subparagraph (B), and subparagraphs (C) and (E) shall not apply."

(c) TREATMENT OF CERTAIN LEASE PAYMENTS.—

(1) Paragraph (1) of section 607(f) of such Act is amended by striking "or" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", or", and by inserting after subparagraph (C) the following new subparagraph:

"(D) the payment of amounts which reduce the principal amount (as determined under regulations) of a qualified lease of a qualified vessel or of a barge or container which is part of the complement of a qualified vessel."

(2) Paragraph (4) of section 607(g) of such Act is amended by inserting "(or to reduce the principal amount of any qualified lease)" after "indebtedness".

(3) Subsection (k) of section 607 of such Act is amended by adding at the end thereof the following new paragraph:

"(10) The term 'qualified lease' means any lease with a term of at least 5 years."

(d) AUTHORITY TO MAKE DEPOSITS FOR PRIOR YEARS BASED ON AUDIT ADJUSTMENTS.—Subsection (b) of section 607 of such Act is amended by adding at the end thereof the following new paragraph:

"(4) To the extent permitted by joint regulations, deposits may be made in excess of the limitation described in paragraph (1) (and any limitation specified in the agreement) for the taxable year if, by reason of an audit adjustment to a prior taxable year which became final during the taxable year, the amount of the deposit could have been made for such prior taxable year."

(e) TREATMENT OF CAPITAL GAINS AND LOSSES.—

(1) Paragraph (3) of section 607(e) of such Act is amended to read as follows:

"(3) The capital gain account shall consist of—

"(A) amounts representing long-term capital gains (as defined in section 1222 of such Code) on assets referred to in subsection (b)(1)(C), reduced by

"(B) amounts representing long-term capital losses (as defined in such section) on assets held in the fund."

(2) Subparagraph (B) of section 607(e)(4) of such Act is amended to read as follows:

"(B)(i) amounts representing short-term capital gains (as defined in section 1222 of such Code) on assets referred to in subsection (b)(1)(C), reduced by

"(ii) amounts representing short-term capital losses (as defined in such section) on assets held in the fund, and".

(3) Subparagraph (B) of section 607(h)(3) of such Act is amended by striking "gain" and all that follows and inserting "long-term capital gain (as defined in section 1222 of such Code), and".

(4) The last sentence of subparagraph (A) of section 607(h)(6) of such Act is amended by striking "28 percent (34 percent in the case of a corporation)" and inserting "the rate applicable to net capital gain under such section 1(h) or 1201(a), as the case may be".

(f) COMPUTATION OF INTEREST WITH RESPECT TO NONQUALIFIED WITHDRAWALS.—

(1) Subparagraph (C) of section 607(h)(3) of such Act is amended—

(A) by striking clause (i) and inserting the following new clause:

"(i) no addition to the tax shall be payable under section 6651 of such Code, and", and

(B) by striking "paid at the applicable rate (as defined in paragraph (4))" in clause (ii) and inserting "paid in accordance with section 6601 of such Code".

(2) Subsection (h) of section 607 of such Act is amended by striking paragraph (4) and by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(3) Subparagraph (A) of section 607(h)(5) of such Act, as redesignated by paragraph (2), is amended by striking "paragraph (5)" and inserting "paragraph (4)".

(g) OTHER CHANGES.—

(1) Section 607 of such Act is amended by striking "the Internal Revenue Code of 1954" each place it appears and inserting "the Internal Revenue Code of 1986".

(2) Subsection (c) of section 607 of such Act is amended by striking "interest-bearing securities approved by the Secretary" and inserting "interest-bearing securities and other income-producing assets (including accounts receivable) approved by the Secretary".

SEC. 302. AMENDMENTS OF INTERNAL REVENUE CODE OF 1986.

(a) TREATMENT OF FUND EARNINGS.—

(1) Section 7518 of the Internal Revenue Code of 1986 is amended by redesignating subsections (h) and (i) as subsections (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

"(h) TAXATION OF EARNINGS ON INVESTMENTS.—

"(1) IN GENERAL.—The tax imposed by chapter 1 shall be determined—

"(A) by excluding from gross income the earnings from the investment and reinvestment of amounts held in a capital construction fund, and

"(B) by increasing the tax imposed by such chapter by the product of the amount of such earnings and the highest rate of tax specified in section 1 (section 11 in the case of a corporation).

"(2) MAXIMUM RATE ON CAPITAL GAINS.—If there is a net capital gain on amounts held in a capital construction fund, the rate of tax taken into account under paragraph (1)(B) with respect to such gain shall not exceed the rate applicable to net capital gain under section 1(h) or 1201(a), as the case may be.

"(3) COORDINATION WITH DEDUCTION FOR NET OPERATING LOSSES.—Any earnings excluded from gross income under paragraph (1) shall be excluded in determining taxable income under section 172(b)(2).

"(4) TAXABLE EARNINGS.—For purposes of this section, the term 'taxable earnings' means net earnings determined with the following modifications:

"(A) There shall be excluded interest income exempt from taxation under section 103.

"(B) If the person maintaining the fund is a corporation, there shall be excluded the percentage applicable under section 243(a)(1) of any dividend received by the fund with respect to which such person would (but for paragraph (1)(A)) be allowed a deduction under section 243.

"(C) Losses from the sale or exchange of capital assets shall be allowed only to the extent of gains from such sales or exchanges."

(2) Subparagraph (D) of section 7518(a)(1) of such Code is amended by inserting "reduced by the tax imposed on such receipts under subsection (h)" after "in such fund".

(3) Subparagraph (C) of section 7518(c)(1) of such Code is amended by striking "shall not be taken into account" and inserting "shall be taken into account as provided in subsection (h)".

(4) Paragraph (2) of section 7518(d) of such Code is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end thereof the following new subparagraph:

"(F) the taxable earnings (as defined in subsection (h)) of the fund for any taxable year beginning after the date of the enactment of the Maritime Reform Act of 1992."

(5) Paragraph (3) of section 7518(d) of such Code is amended by adding at the end thereof the following new sentence:

"Any amount included in the taxable earnings (as defined in subsection (h)) of the fund for any taxable year beginning after the date of the enactment of the Maritime Reform Act of 1992 shall not be taken into account under this paragraph."

(6) Paragraph (4) of section 7518(d) of such Code is amended by adding at the end thereof the following new sentence:

"In the case of taxable years beginning after the date of the enactment of the Maritime Reform Act of 1992, any amount included in the taxable earnings (as defined in subsection (h)) of the fund shall not be taken into account under subparagraph (B), and subparagraphs (C) and (E) shall not apply."

(7) Paragraph (1) of section 7518(g) of such Code is amended by striking "subsection (h)" and inserting "subsection (i)".

(b) TREATMENT OF CERTAIN LEASE PAYMENTS.—

(1) Paragraph (1) of section 7518(e) of such Code is amended by striking "or" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", or", and by inserting after subparagraph (C) the following new subparagraph:

"(D) the payment of amounts which reduce the principal amount (as determined under regulations) of a qualified lease of a qualified vessel or of a barge or container which is part of the complement of a qualified vessel."

(2) Paragraph (4) of section 7518(f) of such Code is amended by inserting "(or to reduce the principal amount of any qualified lease)" after "indebtedness".

(c) AUTHORITY TO MAKE DEPOSITS FOR PRIOR YEARS BASED ON AUDIT ADJUSTMENTS.—Subsection (a) of section 7518 of such Code is amended by adding at the end thereof the following new paragraph:

"(4) To the extent permitted by joint regulations, deposits may be made in excess of the limitation described in paragraph (1) (and any limitation specified in the agreement) for the taxable year if, by reason of an audit adjustment to a prior taxable year which became final during the taxable year, the amount of the deposit could have been made for such prior taxable year."

(d) TREATMENT OF CAPITAL GAINS AND LOSSES.—

(1) Paragraph (3) of section 7518(d) of such Code is amended to read as follows:

"(3) The capital gain account shall consist of—

"(A) amounts representing long-term capital gains (as defined in section 1222) on assets referred to in subsection (b)(1)(C), reduced by

"(B) amounts representing long-term capital losses (as defined in such section) on assets held in the fund."

(2) Subparagraph (B) of section 7518(d)(4) of such Code is amended to read as follows:

"(B)(i) amounts representing short-term capital gains (as defined in section 1222) on assets referred to in subsection (a)(1)(C), reduced by

"(ii) amounts representing short-term capital losses (as defined in such section) on assets held in the fund, and".

(3) Subparagraph (B) of section 7518(g)(3) of such Code is amended by striking "gain" and all that follows and inserting "long-term capital gain (as defined in section 1222), and".

(4) The last sentence of subparagraph (A) of section 7518(g)(6) of such Code is amended by striking "28 percent (34 percent in the case of a corporation)" and inserting "the rate applicable to net capital gain under such section 1(h) or 1201(a), as the case may be".

(e) COMPUTATION OF INTEREST WITH RESPECT TO NONQUALIFIED WITHDRAWALS.—

(1) Subparagraph (C) of section 7518(g)(3) of such Code is amended—

(A) by striking clause (i) and inserting the following new clause:

"(i) no addition to the tax shall be payable under section 6651, and", and

(B) by striking "paid at the applicable rate (as defined in paragraph (4))" in clause (ii) and inserting "paid in accordance with section 6601".

(2) Subsection (g) of section 7518 of such Code is amended by striking paragraph (4) and by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(3) Subparagraph (A) of section 7518(g)(5) of such Code, as redesignated by paragraph (2), is amended by striking "paragraph (5)" and inserting "paragraph (4)".

(f) OTHER CHANGES.—

(1) Subsection (b) of section 7518 of such Code is amended by striking "interest-bearing securities approved by the Secretary" and inserting "interest-bearing securities and other income-producing assets (including accounts receivable) approved by the Secretary".

(2) Paragraph (1) of section 7518(e) of such Code is amended by striking the last sentence.

(3) Subsection (j) of section 7518 of such Code is amended by striking "this section." and inserting "the Maritime Reform Act of 1992."

(4) Section 136 of such Code is amended by striking paragraph (4) and by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(5) Subparagraph (B) of section 543(a)(1) of such Code is amended to read as follows:

"(B) interest on amounts set aside in a capital construction fund under section 607 of the Merchant Marine Act, 1936, (46 App. U.S.C. 1177), or in a construction reserve fund under section 511 of such Act (46 App. U.S.C. 1161),".

SEC. 303. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this subtitle shall apply to taxable years beginning after the date of the enactment of this Act.

(b) DEFINITION OF QUALIFIED VESSEL.—The amendments made by paragraphs (2) and (3) of section 301(a) shall apply to withdrawals made after the 120th day after the date of the enactment of this Act for any construction or reconstruction for which the contract is entered into after such 120th day.

(c) TAXATION OF EARNINGS.—The amendments made by sections 301(b) and 302(a) shall apply to earnings after December 31, 1992, in taxable years ending after such date.

(d) CHANGES IN COMPUTATION OF INTEREST.—The amendments made by sections 301(f) and 302(e) shall apply to withdrawals made after December 31, 1992, including for purposes of computing interest on such a withdrawal for periods on or before such date.

Subtitle B—Phaseout of Duty on Equipment and Repairs of Vessels in Foreign Countries

SEC. 311. PHASEOUT OF DUTY ON EQUIPMENT AND REPAIRS OF VESSELS IN FOREIGN COUNTRIES.

(a) REDUCTION.—Effective October 1, 1993, subsection (a) of section 466 of the Tariff Act of 1930 is amended by striking "50 per centum" and inserting "25 per centum".

(b) REPEAL.—Effective October 1, 1994, section 466 of such Act is hereby repealed.

TRIBUTE TO PASTOR AND MRS. GROVER WILLCOX

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. PAYNE of New Jersey. Mr. Speaker, let me take this opportunity to bring to my colleagues attention the work of two dedicated individuals, Pastor and Mrs. Grover Willcox. Pastor and Mrs. Willcox have been toiling in the vineyards, in one capacity or another, their entire lives in an effort to make our communities and the world better places.

Forty-five years ago, they founded the Calvary Gospel Church. The church became one of the stabilizing institutions in the south ward of Newark, NJ, during the 1960's and 1970's. The church recognized the changing fabric of the community. Rather than preach the ways of the past it developed programs and policies to serve this metamorphic entity. It became a net for the community, allowing it to breathe, to grow, and change all the while helping it to retain many of its best qualities.

Pastor and Mrs. Willcox will be leaving the Calvary Gospel Church this year. They will not be retiring, but continuing with eager anticipation of the most exciting ministry of their lifetime. The Willcoxes will be working overseas. Pastor and Mrs. Willcox who are both in their seventies, will be leaving for Uganda, East Africa, to begin a new ministry under the authority of the Church of Uganda.

Mr. Speaker, I am sure my colleagues will want to join me as I extend my best wishes to Pastor and Mrs. Grover Willcox. They are true examples of the gospel phrase, "Let my work speak for me."

NO MORE U.S. TAXPAYERS' MONEY FOR EXPORTING U.S. MANUFACTURING JOBS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. BROWN. Mr. Speaker, on this last day of session for the 102d Congress, I want to commend Congressman DAVID OBEY, Senator PAT LEAHY and their colleagues who helped produce the conference report on the fiscal year 1993 foreign operations appropriations bill. In the waning days of session, they had many complex and difficult issues to resolve, but none were more important than taking immediate action to stop the U.S. Agency for International Development [AID] and other Federal agencies from continuing to spend American taxpayers' dollars to export U.S. manufacturing jobs.

I was glad to help investigators from "60 Minutes" and the National Labor Committee in support of worker and human rights in Central America to expose AID's misguided policies less than 2 weeks ago. Those disclosures, including film of AID officials condoning and encouraging blacklisting of foreign workers who dare to stand up for their basic rights, outraged Americans from coast to coast who demanded immediate legislative action.

I very much appreciate that the members of the House and Senate Appropriations Committee recognized the need to act and that they incorporated much of my bill—the American Jobs Retention Act of 1992 (H.R. 6075)—in the conference report on the fiscal year 1993 Foreign Operations Appropriations Act.

Specifically, that legislation prohibits AID and other Federal agencies from spending any appropriated funds in three respects: First, for any financial incentive for a business in the United States to relocate offshore; second, for establishing or developing foreign export processing zones; or third, for any project of activity that contributes to the violation of internationally recognized worker rights as defined in the Trade Act of 1974, including within any foreign export processing zones.

While I doubt that this legislation, when signed into law will accomplish all that is necessary to redirect AID and other Federal agencies that are involved in dispensing U.S. foreign assistance, it will at least stop their most egregious mistakes. I have already enlisted the help of the U.S. General Accounting Office [GAO] in ferreting out the full scope and details of AID's job-exporting incentives and activities, so when their report comes back to the Congress next year, it should help lay a foundation for fundamental reform of U.S. foreign assistance programs.

H.R. 2502

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. RICHARDSON. Mr. Speaker, in the waning hours of the 102d Congress, I had great hope that we could pass a critical piece of legislation, H.R. 2502, establishing the Jemez National Recreation Area in the Jemez Mountains of the Santa Fe National Forest in New Mexico. Despite the fact that no objections were raised regarding the substance and merit of this bipartisan bill, it has been killed for this Congress.

This legislation has tremendous support in my district and the State of New Mexico. I have worked hard with local citizens and the New Mexico congressional delegation to develop a bill that everyone can support, and I will reintroduce and seek early action on this measure at the beginning of the next Congress.

H.R. 2502 is the culmination of a long process that began at the grassroots level in northern New Mexico almost 3 years ago. I want to thank my colleagues, Chairman VENTO of the National Parks and Public Lands Subcommittee, and Chairman MILLER of the Interior Committee, for their hard work and assistance with this bill.

The protection of the Jemez Mountains has long been one of my top environmental priorities. These volcanically formed mountains and valleys, mixed conifer and deciduous trees, streams, small ponds, steep canyons, and brilliantly colored rimrocks make up one of the most spectacular areas of the country. The Jemez is also one of the richest areas of biological diversity in the Southwest. The largest elk herd in New Mexico migrates through the area, and the mountains provide critical habitat for many Federal and State listed threatened, endangered, and sensitive species including the peregrine falcon, goshawk, Jemez Mountain salamander, and others.

The Jemez also contain one of the highest densities of archaeological and cultural sites in North America, estimated at 15 sites per square mile and totaling approximately 30,000 sites. This includes large ancient Pueblo Indian village sites, the largest of which contains over 1,800 rooms. The Jemez Pueblo Indians regard these mountains as the breath of life of their existence, and continue to use numerous religious sites in the Jemez.

The Jemez is also a very popular public recreation area. National forest figures show that approximately half a million people a year visit the area to camp, hike, fish, hunt, backpack, rock climb, and cross country ski. These people visit not only from around New Mexico, but around the country. The area is truly a recreation mecca.

Despite all of this, the Jemez Mountains are under assault from the reckless and irresponsible strip mining of pumice, a material used to stone wash jeans. In fact, the major pumice mining operator in the Jemez, who is not even a member of the New Mexico Mining Association, has shown nothing but blatant disregard for Federal and State environmental laws. Over the last few years, New Mexicans have become justifiably alarmed about this degradation of the Jemez, resulting in my appointment of a citizens committee to develop a proposal to create a national recreation area [NRA]. Representatives from environmental organizations, timber companies, and concerned citizens held several meetings and worked diligently to produce a viable NRA proposal.

Since then, compelling testimony has been given at two congressional hearings, I have held several town meetings in the Jemez area, and thousands of New Mexicans have called or written to express their support for an NRA in the Jemez. H.R. 2502 will provide protection for 57,000 acres of some of the most beautiful land in the country. This legislation directs the Forest Service to develop a comprehensive management plan for the recreation area that addresses issues relating to native Americans, cultural resources, wildlife, recreation, mining, and visitors. Because the Jemez Mountains are considered sacred by the Jemez Pueblo. I included language in the bill that protects the Pueblo's right to access to the area for religious and cultural activities.

In addition, I have worked hard to ensure that local land owners may continue with traditional uses of the land such as grazing, hunting, and timber harvesting. This legislation

withdraws the lands within the recreation area from mining, but protects the rights of those with existing mining operations. However, under the bill they will be required to reclaim the land as close as possible to its conditions prior to mining. H.R. 2502 also provides for a more efficient, expedient process for the Secretary of Agriculture to review mining claims in the area.

In addition, no patents shall be issued for public lands in the recreation area, maintaining access and availability of these lands for the half a million citizens who visit there annually. Finally, the bill will provide much needed recreational and interpretive facilities, as well as a visitors center.

Mr. Speaker, it is critical that we look to the future and protect areas like the Jemez for our children and our children's children. This legislation will do just that. I urge my colleagues to join me in this effort.

Mr. Speaker, I insert in the RECORD the attached articles from the New Mexican and the Albuquerque Journal that chronicle the threat to the Jemez:

[From the New Mexican, May 23, 1992]

ESPAÑOLA DEVELOPER ACCUSED OF POLLUTING RIVER

(By Keith Easthouse)

An environmental group has filed notice it intends to sue an Española asphalt plant owner over what it says are repeated violations of federal environmental laws.

Gove Burnett, an attorney with New Mexico Citizens for Clean Air and Water, said Friday the 1,500 member group will sue Richard Cook, owner of Española Transit Mix Co., for allegedly discharging pollutants into the Rio Grande in violation of the federal Clean Water Act.

Burnett said the suit will also contend that Cook stockpiled dredged gravel within the channel of the Rio Grande in violation of Federal law.

Once again, Mr. Cook is exhibiting his renowned recalcitrance about environmental protection," Burnett said.

Cook was out of town Friday and could not be reached for comment.

The suit will seek a permanent injunction for any activities that violate the Clean Water Act, Burnett said.

Burnett said the suit would also seek, in accordance with the act, penalties of $10,000 a day for every day that Cook is violating the act.

As required by the act, a notice of intent to sue was filed earlier this month with the U.S. Environmental Protection Agency. The filing is required two months before an actual lawsuit is filed.

Cook has a history of problems with governmental regulators. In 1988, the EPA fined him $2,500 for violations of the Clean Water Act in connection with the asphalt plant, which also produces concrete, sand and gravel.

Last year, in an out-of-court settlement, Cook agreed to pay the New Mexico Environment Department $50,000 after he was charged with air quality permit violations at the same plant.

Since 1977, the U.S. Army Corps of Engineers has on several occasions ordered Cook to halt gravel dredging and stockpiling activities on the Rio Grande without proper federal permits.

Cook, a 65-year-old Española native, is involved in mining, housing, road construction and other ventures, and has extensive commercial holdings in the Española area. He is considered the richest man in Rio Arriba County.

Attention has focused sharply on Cook since 1988, when he staked mining claims on more than 10,000 acres in the Jemez Mountains and opened a pumice mine over the opposition of environmentalists.

He now is trying to convert 1,520 acres worth of claims—all in the Santa Fe National Forest—into private property under a procedure called "patenting." The procedure is allowed under the General Mining Law of 1872.

In an interview last year, Cook defended his environmental record, saying, "Anyone who does business today will be cited by the EPA and other regulatory agencies."

New Mexico Citizens for Clean Air and Water claimed in a statement that waste water from a gravel cleaning operation and an asphalt truck washing site at the transit mix plant have for several years washed from settling ponds directly into the Rio Grande.

According to the group, the discharges are highly acidic and in one case caused a massive fish kill.

Burnett said the discharges violate the Clean Water Act because Cook does not have a federal permit to discharge pollutants into a waterway.

The lack of a permit was confirmed by Jim Piatt of the state Environment Department's surface water bureau.

"There is an ongoing, unpermitted discharge that is high in sediments and may contain spills of compounds including oils," Piatt said.

Eric Ames, a lawyer who works with Burnett, said Cook could solve the problem by simply building a dam to prevent spillage from the settling ponds.

[From the Albuquerque Journal, June 16, 1992]

EPA ORDERS PLANT TO STOP POLLUTING RIVER

(By Ben Neary)

The U.S. Environmental Protection Agency this month ordered Española businessman Richard Cook to stop discharging pollutants into the Rio Grande at his asphalt and concrete plant along the river.

According to state and federal regulators, Cook's Española Transit Mix company has a long history of violations of the federal Clean Water Act. Just last month, a citizens group filed notice it intends to sue to force Cook to stop violating the law.

Myron Knudson, director of the EPA's Water Management Division in Dallas, wrote to Cook on June 8 informing him he faces a possible fine or other administrative penalty for violating the act.

Cook doesn't hold a National Pollutant Discharge Elimination System permit for his plant, which sits on the east bank of the Rio Grande on the north side of Española. Such permits are required for all pollutant discharges into U.S. waters and require ongoing monitoring and reporting.

In his letter this month, Knudson notes the EPA cited Cook's Española Transit Mix company last July for an unpermitted pollution discharge.

Knudson stated the EPA required Cook's company to apply for a discharge permit and begin submitting monitoring reports last summer. "To date, EPA has no records of having received this information," he wrote to cook.

Attempts to reach Cook for comment Monday were unsuccessful. Repeated attempts to reach EPA officials for comment also were unsuccessful.

The New Mexico Citizens for Clean Air and Water filed notice last month that the group intends to sue Cook to stop violations of the Clean Water Act at his plant. The business sells ready-mixed asphalt and concrete, and raw sand and gravel.

The group sent Cook formal notice May 6 that it intends to sue him under a provision that allows citizen enforcement of the law. The law requires a 60-day notice period before citizen groups can file a suit, so it can't be filed until early July.

Grove Burnett, a Glorieta lawyer representing the group, said last month the suit will ask a federal judge to impose fines of $10,000 a day against Cook, and seek an order forcing him to reimburse the group for the costs of the suit.

Jim Platt, chief of New Mexico's Surface Water Quality Bureau, told the Journal last month officials from his office, the EPA, the U.S. Army Corps of Engineers and representatives from local Indian tribes met with Cook in April to discuss discharges into the river.

"What we walked away from there with, was that he (Cook) basically told us he had no intention of changing what he was doing," Platt said then. "So it is a problem."

He was unavailable for comment Monday.

Jim Wood, with the regulatory branch of the Corps of Engineers in Albuquerque, said last month his agency has cited Cook four times for violations of the water act. One of those is pending. "We believe Mr. Cook pushed material out into the Rio Grande to create a working area (without a permit)," he said of the pending case.

Wood said it appears Cook either doesn't understand the act or feels he can work in the area without complying with it.

Wood said agency records indicate Cook first was informed of possible violations in the late 1970s, and said permit requirements have been explained to him many times.

In addition to the dredging situation, Platt said his office has monitored liquid seeping from settling ponds at Cook's plant into the Rio Grande. He said the state hasn't sued Cook to stop the unpermitted discharges because the EPA hasn't delegated enforcement of the federal water law to the state.

Platt said Española Transit Mix paid the state a $50,000 fine about a year ago for violations of air quality regulations.

Eric Ames, a lawyer in Burnett's firm, said Monday that despite the EPA's order, the firm still intends to go ahead with its suit on behalf of the New Mexico Citizens for Clean Air and Water.

[From the New Mexican, June 17, 1992]

ESPAÑOLA MAN TOLD TO HALT RIVER DUMPING

Española businessman Richard Cook has been ordered to stop discharging pollutants into the Rio Grande from his asphalt and concrete plant.

Myron Knudson of the U.S. Environmental Protection Agency in Dallas wrote Cook on June 8 saying he faces a possible fine or other administrative penalty for violating the Clear Water Act.

Cook declined to comment Tuesday.

State and federal regulators have said Cook's Española Transit Mix Co. has a long history of violations of the act.

A citizens group last month filed notice it intends to sue to force Cook to stop violating the law.

Cook doesn't hold a National Pollutant Discharge Elimination System permit for his plant.

Such permits are required for all pollutant discharges into U.S. waters and require monitoring and reporting.

Knudson said the EPA cited the company last July for an unpermitted pollution discharge.

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"What we walked away from there with was that he (Cook) basically told us he had no intention of changing what he was doing," Piatt said. "So it is a problem."

[From the Albuquerque Journal North, Sept. 9, 1992]

COOK TOLD TO HALT ROADWORK IN ARROYOS

(By Karen Peterson)

The U.S. Army Corps of Engineers has ordered businessman Richard Cook to stop roadwork in two La Cienega-area arroyos and remove all material blocking water flow before Monday.

Corps engineer Dan Beck said he notified the Española businessman Friday that culverts and low-water crossings on a road across the arroyos southwest of Santa Fe were inadequate for floodwater flows. By blocking the arroyos, Cook violated the national Clean Water Act, Beck said.

Cook said Tuesday he plans to redesign and then rebuild the arroyo crossings on the road serving about 175 acres of undeveloped land. Until then, Cook said, he will remove the present culverts and fill material.

The corps notified Cook last month that he could face fines of up to $10,000 a day if the crossings continued to block storm flows.

Santa Fe County officials also notified Cook in August that he was in violation of ordinances requiring county approval for the road before it could be built.

To obtain county approval, Cook must submit a plat for the land and prove that the owner has allowed the work.

Cook said the property owner Charles Williams, has sanctioned the road. Cook said he will file a plat with the county after a survey is completed.

La Cienega residents, some of whom successfully opposed a gravel pit Cook wanted to build on the property last year, complained to the corps and the county land-use office about the road and the filled arroyos.

[From the New Mexican, Sept. 10, 1992]

TIME GROWS SHORT FOR JEMEZ-PROTECTION ACT

Even though Congress is barely back from its recess, our senators and representatives can't wait to adjourn and campaign for the November elections. By this time next month, they'll be like third-graders waiting for the sound of the afternoon school bell.

This is a time when good regional legislation can be lost in the pell-mell rush to leave Washington—and that's only one reason New Mexico's senators should have acted sooner to create the Jemez National Recreation Area. It's not too late, but when it is, it will be too late to save some of our state's most precious mountainlands.

An act creating such an area, 100,000 areas in an archaeologically rich area to the south of Valle Grande and running toward Jemez Sprints, has the support of the Jemez, Picuris and San Ildefonso Pueblos, as well as the Los Alamos County Council.

It would not, despite what its opponents claim, prohibit cattle grazing. It would allow timbering on a small, local community scale. it would allow mining operations like those now being carried out by Copar Pumice Co.

However, the act would stop Copar's impending purchase of 1,500 acres of precious mountain land for $2.50 an acre—and it should. That ridiculous land price is part of the 120-year-old federal mining law under which so much of the American West has been despoiled. If Congress fails to create this recreation area before adjournment, Copar will take title to that land for the price of a used car.

The House of Representatives already has passed the Jemez Mountain Recreation Area act introduced by Rep. Bill Richardson. The same bill was introduced in the Senate by Sen. Jeff Bingaman. It's the one the Senate should pass.

However, Legislative aides to New Mexico's other Senator Pete Domenici, want to weaken that legislation, leaving the Jemez Mountains vulnerable mine-scarring, overtimbering and other effects of commercial exploitation. Domenici and Bingaman sit on the Senate Energy and Natural Resource committee, whose staff would draft and write any amendments to the act. Domenici however, is a minority-party member, Bingaman, as a member of the Senate majority should be exerting considerably more influence to push this legislation through Congress.

It's not asking that much. Most recreation-area laws put twice as much acreage under federal protection. Richard son's request for 100,000 acres is a reasonable one, which may be one reason it went unopposed by the rest of New Mexico's House delegation and gained quick approval of the lower chamber.

Bingaman, Domenici and Richardson plan to meet tomorrow in an attempt to reach a agreement on the bill. Such agreement is long overdue.

The Jemez Mountains already are under heavy stress from pumice mining, from timbering and from 600,000 people a year using it as a recreation area. Some cyanide-leach gold mining operations also are poised to pounce on those stately mountains.

The Jemez National Recreation Area act would stave off reckless use of an important part of the range. Once again we urge Sen. Domenici to lose no more time moving this act forward in its original form.

[From the Santa Fe New Mexican, Sept. 14, 1992]

FEDS, COUNTY PREPARED TO MAKE LIFE HOT FOR COOK

(By Rebecca Roybal)

The U.S. Army Corps of Engineers has ordered Española businessman Richard Cook to stop construction in two arroyos in La Cienega.

Meanwhile, Santa Fe County land use director Gilbert Chavez said the county will take legal action against Cook if he doesn't obtain a permit for a road Cook built over the two arroyos.

Cook has irritated both government agencies by building a road more than three weeks ago across two arroyos behind The Downs at Santa Fe County officials said he needs a county permit to build a road. The Corps of Engineers said he disrupted water flow in the arroyos when he put in culverts to carry water under the road. The Corps also said the culverts are too small.

Cook said last week that after he obtains a county permit for the road, he will replace the culverts in the arroyos with larger cement pipes called low-water crossings.

Reynaldo Romero, mayordomo of the La Cienega Ditch Association, said that because the culverts installed by Cook are so small, they could be washed away, causing the springs to be contaminated with sediment. The springs supply water to some wells and for irrigation, Romero said.

In a letter to Cook, Army Corps of Engineers district engineer Michael DeBow said, "I must order you to immediately cease and desist from any further filling or construction in Arroyo del Chamiso and Arroyo Hondo.

"The fill that you have discharged into these arroyos must be removed so that it will not restrict the passage of expected high flows. Please remove these materials by Sept. 14."

The letter said Cook is in violation of the Clean Water Act, and that "legal or administrative action could result in a fine of up to $25,000 per day and/or imprisonment."

Cook said in a telephone interview last week that he had not yet received the letter from the Corps, but said he is willing to comply with their demands.

Cook said he will apply for the county permit when his surveyor completes a required plat of the area. He said he does not know when that will be.

Chavez said Cook should have obtained the permit two weeks ago.

"I'm tired of waiting around for Cook to come in," Chavez said.

[From The New Mexican, Sept. 17, 1992]

MINE OWNER SEEKS OK TO OPEN NEW JEMEZ MINE

(By Keith Easthouse)

An Española businessman is seeking U.S. Forest Service permission to quadruple the size of his pumice mining operation in the Jemez Mountains.

Richard Cook, owner of Copar Pumice Company, wants to open a new .35-acre mine two miles west of his existing mine, a 33-acre site that went into operation in the late 1980s.

The new mine off State Road 4 west of the Valle Grande would be located in the heart of the proposed Jemez Mountains National Recreation Area. It would also be near a subdivision and the federally protected East Fork of the Jemez River.

Contacted by telephone Wednesday, Cook said he has submitted an operating plan for the new mine, with the Jemez District of the Santa Fe National Forest. Like the existing mine, the new one would be a strip mine.

"It's an extension of the same mine," Cook said. He added that he hopes to start mining at the new site by 1994.

The proposal was sharply criticized by environmentalists, who said it demonstrated the need for members of the New Mexico congressional delegation to settle their differences and create a national recreation area in the Jemez Mountains.

"This is a real clear indication of why an NRA is necessary," said Henry Oat of the East Fork Preservation Coalition. "We need to prevent this kind of piecemeal destruction of the Jemez Mountains."

Cook responded that the new mine would create more jobs.

Rep. Bill Richardson, D-N.M., carried a bill establishing a 100,000-acre NRA through the House last November. But the bill has stalled in the Senate, where it is being sponsored by Sen. Jeff Bingaman, D-N.M. and opposed by Sen. Pete Domenici, R-N.M.

Richardson accused Cook of "perpetrating an egregious insult to the people of northern New Mexico.

"Passing my bill is the only way to stop these excesses and preserve these beautiful mountains," Richardson said.

A national recreation area could not stop Cook from expanding his mine because he's already staked a valid mining claim at the site. Under the 1872 Mining Law, anyone with a valid mining claim can mine public lands.

Oat said a national recreation area would allow the Forest Service to impose stricter land restoration requirements on Cook, and possibly reduce the size of the mine.

He also said that if an NRA is established, the Forest Service would compile an environmental impact statement for the proposed mine and that process typically takes over a year.

Repeated attempts to reach the Forest Service official handling Cook's application were unsuccessful.

According to Oat, the public will be given a chance to comment on Cook's operating plan in October and the Forest Service is planning a tour of the site in early November.

Oat said Cook deliberately submitted his operating plan before an NRA was established in an attempt to avoid restrictions.

Cook, however, said Oat was, "just blowing a lot of smoke."

"The NRA won't make any difference whatsoever," Cook said. "We're submitting this long in advance so we can go through all the regulations."

Donna Smith, a resident of the Sierra de los Pinoś subdivision near the proposed new mine site, said she was in shock about Cook's proposal.

"I just learned about it this morning," said Smith, who supports Richardson's NRA bill. "Everybody here is real upset."

[From the Albuquerque Journal, Sept. 17, 1992]

COPAR SEEKS 135 MORE ACRES

(By Ben Neary)

Copar Pumice Co. has filed a plan to mine on an additional 1.35 acres of federal land in the Jemez Mountains.

Company president Richard Cook of Española said Wednesday his company filed the plan because he expects pumice deposits on an existing 33-acre mine site will only last through next year.

Cook said he expects to be mining in the new area in 1994.

Repeated attempts to reach officials with the Jemez Ranger District were unsuccessful Tuesday and Wednesday.

Cook has applied to convert mining claims on 1,520 acres of federal land to private ownership under a provision of the federal mining law. The 135-acre site is on the land he seeks to acquire, and Cook said it borders the 33-acre site where Copar has been mining for the last few years.

Pumice is coarse, volcanic rock used in construction materials and for such things as making stone-washed fabrics.

Environmental groups recently lost a lawsuit in which they asserted the Forest Service erred when it approved mining on the 33 acres. The groups claimed the federal agency failed to consider the cumulative effect of the mining and other activities in the area, including timber harvesting.

Concern over the prospect that Cook could get ownership of the 1,520 acres has prompted members of New Mexico's congressional delegation to sponsor legislation to create a national recreation area in the Jemez.

The House passed a bill last year sponsored by Rep. Bill Richardson, D-N.M., that would prevent Cook from getting ownership of the land and require that any land mined in the area under pre-existing claims be returned to its premining condition. Sen. Jeff Bingaman, D-N.M., has sponsored identical legislation in the Senate.

However, Sen. Pete Domenici, R-N.M., has said he sees problems with the bill. He has said he will sponsor an amendment under which miners could still get ownership of land for mining, but would have to return it to the federal government when they're finished. Negotiations among the congressional staff members are continuing.

Henry Oat, spokesman for the East Fork Preservation Coalition, said Wednesday a Forest Service official told him this week the 135-acre site is two miles west of Copar's existing 33-acre mine, on the north side of the highway.

Oat speculated that Cook filed his operating plan now to get classified as an existing operation in case the recreation area legislation passes, so he wouldn't have to reclaim sites to their original condition.

Cook denied that, saying, "Henry's wrong, as usual." He said the only purpose in filing the mining plan now is to give the Forest Service time to work on it.

Cook said the market for pumice looks good these days. He said that if production and growth continue at the same rate he expects to be able to double his work force of 50 in a few years.

Oat said his group is still considering the ramifications of the proposed operation. "I think it's pretty obvious that an environmental impact statement will be required on this," he said.

TRIBUTE TO LT. GEN. LAVERN WEBER (RETIRED)

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. MONTGOMERY. Mr. Speaker, LaVern Weber is retiring from his position as executive director of the National Guard Association of the United States after more than 8 years of service. I want to pay tribute to Vern for his many years of dedicated service to the National Guard, the National Guard Association and to this country.

Born and raised in Oklahoma, LaVern Weber enlisted in the U.S. Marine Corps in 1942 and saw service during World War II. He attended Marine Corps Officer Candidate School and received a commission as a second lieutenant in 1945. After the war, he began service in the National Guard in 1948 when he became a member of the Oklahoma National Guard. He was called to active duty with Oklahoma's famed 45th (Thunderbird) Infantry Division and served as a battalion S–3—operations and training officer—in Korea during the war.

After his return from Korea, he served in various staff assignments, rising to be the division chief of staff. In 1965, the Governor appointed him to be the adjutant general of the Oklahoma National Guard and concurrent promotion to the rank of major general.

While serving as the adjutant general, he played an increasing role in National Guard affairs at the national level. He served in various positions within the National Guard Association from 1965 until 1971. He also served on the Army Reserve Forces Policy and later the Defense Department's Reserve Forces Policy Board.

In 1971 Vern was named by the President to be the director of the Army National Guard in the National Guard Bureau. The National Guard Bureau is the agency within the Pentagon that is the official channel of communications between the Departments of the Army and Air Force and the 54 States and territories which command the National Guard. In 1974, he was appointed as the Chief of the National Guard Bureau and was reappointed in 1978 for an additional 4-year term. In 1979, LaVern Weber was promoted to the rank of lieutenant general while serving as the chief of the National Guard Bureau. He was the first National Guard officer and the first Guard Bureau Chief to attain three star rank. At the completion of his term in the Guard Bureau, he was reassigned as the Deputy Commanding General for Mobilization at Headquarters, U.S. Forces Command.

LaVern Weber retired from military service in 1984 after 42 years of service. Still wanting to serve the National Guard, he began working the next day as the executive director of the National Guard Association. In this position he has served for over 8 years and will officially retire February 1, 1993.

During his tenure as chief of the National Guard Bureau, Vern was instrumental in the National Guard becoming a full partner as a result of the total force policy promulgated in 1973 as the military policy of the future. This was most evident when in 1991 during Desert Storm, the National Guard units were mobilized and deployed as a vital part of our military strategy.

As executive director of the National Guard Association, Vern has served during some of the most historic events in modern history. Events such as the Berlin wall coming down, the demise of the Soviet Union, the end of the cold war and the winning of the Persian Gulf war. Through the association, many task forces and study groups were created to provide additional views on issues of concern for our military and the Congress. They are too many to list, but a few of note were tactical fighter, tracked vehicle, drug interdiction and the force structure task forces.

During his tenure, the association has been instrumental in passage of legislation which improved the lot of National Guardsmen, such as the Montgomery GI bill, incapacitation pay, commissary privileges, survivor benefit program, and VA home loans for reservists.

During the mid-1980's, several Governors threatened to withhold consent for National Guard units to be deployed overseas for training. Together with the association, I introduced an amendment to preclude the Governors from playing politics with Guard training. This did not resolve the issue. Two Governors filed suit in Federal court to overturn the amendment as unconstitutional. It was the Guard Association who helped at every level of the fight right up to the Supreme Court. In June 1990, the Supreme Court ruled unanimously 9–0 to uphold the constitutionality of the amendment and lock in place the right of Congress to determine national training.

In the last few years, a new threat to the National Guard has arisen. As the pressures to reduce the DOD budget have increased, Pentagon planners have attempted to reduce our reserves in order to preserve more active

duty forces. Vern Weber has been one of the leaders to work with the Congress to define an alternative force structure with more reliance upon the Guard and Reserves. This struggle is not over and I know he will continue to help where he can.

Wherever he is, whether on his farm in Oklahoma or here in the Washington DC area, I know he will still be working to improve the National Guard. Vern Weber has been one of the stalwarts of the National Guard for over 40 years. He has been helpful and has accomplished much in his years of leadership. I have known him as a friend and a fighter for the National Guard. I will miss him dearly. I wish him well in retirement and thank him for his devotion to the National Guard.

BROADCAST PIONEER STANLEY HUBBARD

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. RICHARDSON. Mr. Speaker, Stanley S. Hubbard is one of America's true broadcasting pioneers. Having always been on the cutting edge of new ideas and technologies, it should come as no surprise to those in the broadcast industry that Mr. Hubbard is once again on the verge of another broadcasting venture: Direct Broadcast Satellites [DBS].

I would like to insert in the RECORD an article about Stanley Hubbard's dream for the future: "Throwing Cable a Curve Ball." If the past can predict anything about the future, then Mr. Hubbard and the television consumers he hopes to serve have much to look forward to.

I insert the article in the RECORD:

THROWING CABLE A CURVE BALL

(By David Blemesderfer)

Stanley S. Hubbard has a grand vision for the future of the American television industry. It's a vision based on his latest broadcasting venture: direct broadcast satellites (DBS), or satellite-to-home broadcasting, which he plans to have up and running by early 1994.

In Hubbard's not-so-distant future, napkin-size satellite dishes will be as commonplace in U.S. homes as VCRs, picking up more than 100 channels of programming provided, via satellite, by his United States Satellite Broadcasting (USSB) company and Hughes Communications' DirectTv Venture. Viewers will be able to choose from pay-per-view movies, subscription TV fare, sports, special-interest offerings and free mass-entertainment programming—all with a laser disc-quality picture and compact disc-quality sound.

A pipe dream? Some may say so, given the many failed attempts to get satellite-to-home broadcasting off the ground in the U.S. Communications Satellite Corp. (Comsat) ended a highly touted satellite venture in 1984 after being unable to find partners; United Satellite Communications, which relied on large, professionally installed dishes, had fewer than 10,000 subscribers when it filed for bankruptcy in 1985; and Sky Cable, a joint venture promising 100-plus channels of programing, became DirectTv when it ended in June 1991.

Although satellite television is popular in Britain and Japan, its widespread adoption in the U.S. has been hindered in part by the presence of cable TV in about 60 percent of U.S. homes. Other reasons: the high cost of satellite-receiving equipment—often more than $2,000—and the large size of the antenna—typically 10 feet or more in diameter.

Hubbard, owner of Twin Cities-based Hubbard Broadcasting Inc., a television and radio station group, has himself experienced a series of setbacks in this DBS ambitions, dating back to 1981 when he applied for his DBS license. At that time, he was promoting a three-channel, advertiser supported service that would broadcast programs directly to homes as well as to affiliated local television stations.

It took Hubbard until 1984 to get final DBS authorization from the Federal Communications Commission (FCC), and by then he had modified his plan to offer six channels of programing via two satellites that would be supported by a combination of pay and advertising dollars. His projected start date was 1988, but he ran into difficulties obtaining financing.

But Hubbard remained an undaunted DBS believer. In June 1991, USSB put down $50 million on an in-excess-of $100 million deal with General Motors' California-based Hughes Communications Inc. for the purchase of 5 to 16 transponders (signal emitters) on a satellite to be designed, built and launched by Hughes Aircraft—part of a $600 million investment for Hughes. Hubbard's partners in the deal include Nationwide Mutual Insurance, the Pittway Corp. Fire alarm company, and media investor Burt Harris. Projected launch date is December 1993, with service starting by early 1994.

All of Hubbard's delays in getting to this point may have turned out to be a blessing in disguise. Recent advances in satellite technology have made DBS a much more feasible alternative that it was just a few short years ago. The development of digital-compression technology has made it possible to squeeze four TV channels—or eight movies—into the space previously contained by one. Instead of Hubbard's five transponders beaming just five channels, they can beam a minimum of 20.

At the same time, advances have been made in the development of high-powered satellites that can send stronger digitized signals from a much higher spectrum of the electromagnetic frontier. And while most existing satellite systems broadcast on C-band frequencies, DBS systems use higher radio frequencies on an FCC-allocated portion of the Ku-band known as the Broadcast Satellite Service (BSS) band. The BSS standard calls for wider spacing of satellites, which reduces interference from neighboring satellites and thus makes it easier for small dishes to discriminate between them.

All that will be needed to pick up Hubbard's DBS signal is a decoder box and a flat dish just 18 inches in diameter, available at retail electronics stores for a starting price (including remote control) of about $700. Viewers will simply hook the dish up to their television, and point it out the window.

Once those dishes are up, Hubbard plans to offer viewers a wide range of programming choices on between 20 and 25 channels, with digital-quality audio and video—including high-definition television (HDTV) capabilities. He promises at least one free, advertiser-supported channel; at least eight channels of pay-per-view movies; and subscription channels similar to such current cable stations as Home Box Office (HBO).

Hubbard also promises new mass entertainment programming created specifically for his DBS service, as well as what could become his most distinctive offering: niche, or "affinity," programming. Niche programming is special programming offered to any group linked by a common interest, be it religious, ethnic, cultural or any other affiliation. Since Hubbard's satellite will cover the entire country, small pockets throughout the U.S. can be grouped together to form a viable viewing base.

If Hubbard's DBS venture proves a success, it will be just the next in a long string of pioneer broadcasting efforts in the Hubbard family, dating back to Hubbard's father, Stanley Eugene (S.E.) Hubbard, founder of Hubbard Broadcasting.

As Hubbard tells it, his father was experimenting with television as early as 1938. After World War II, he applied to the FCC for a television license amid much skepticism of the new broadcasting medium. "You could not get people to put money into television at that time," says S.S. Hubbard. "People said TV would never work."

But TV did work, and Hubbard Broadcasting Inc. grew into a large and profitable communications conglomerate. Corporate Report Minnesota magazine estimates that the privately owned company generated $180 million in 1989 revenue from its properties, which include ABC affiliate KSTP-TV and KSTP AM and FM in the Twin Cities; four television stations in smaller Minnesota towns; three in New Mexico; one in St. Petersburg, Florida; CONUS 24-hour news satellite network; and USSB.

S.S. Hubbard, 59, became president of the family company in 1967, and was named CEO by the board in 1983. He has since been grooming his own children to take over the business. Daughter Ginny, 29, is general manager of KSTP AM; daughter Julie, 24, is assistant to the president, daughter Kari, 32, is director of the Hubbard Foundation, a charitable organization; and sons Stan, 31, and Rob, 27, are actively involved with the CONUS and USSB operations.

Like his father's application for a television license, Hubbard's application to the FCC for a DBS license in 1981 came amid much skepticism within the broadcasting industry. There were only 13 applicants, and just eight passed initial FCC scrutiny. By 1984, half had bowed out, including CBS and NBC parent RCA.

It's a decision those networks may come to regret, says Hubbard. Because once DBS takes off, he foresees network television stations decreasing in number in each city, providing just localized programming and moving most network programming to DBS—if the DBS operators will have them.

Hubbard also sees DBS gradually replacing cable, since it holds several likely advantages for viewers. There will be no basic monthly fee to pay, which can run more than $20 a month for cable, so eventually the investment in receiving equipment will pay for itself.

DBS also has the potential to be more price-competitive than cable. Although Hubbard and his parents will have invested about $300 million by launch date, including programming costs, without having a single subscriber, their service will be instantaneously available to every television household in the U.S. and most of Canada. With about 100 million U.S. households, that means it will cost Hubbard about $3 per home to access every home. Cable operators, by contrast, must pay hundreds of dollars per home to equip new homes with cable.

"We don't have to run any cables; we don't have to make any installations; we don't have to have trucks running around maintaining systems; we don't have to have all the local infrastructure," says Hubbard.

Hubbard says he also senses that many people are not satisfied with their current cable service. "Whenever I go around the country, whenever I tell someone about DBS, they often say the same thing: 'Does that mean I can get rid of my cable?' We're not out to get rid of anybody. We can co-exist with everybody."

Even if DBS doesn't spell the end of cable, it will certainly bring some much-needed price competition to the market, Hubbard's DBS will compete with both cable systems and other DBS operators.

Hughes has plans to broadcast 40 channels of programming, called DirecTV, from the satellite it shares with Hubbard and an additional 60 or 70 channels on a second one it plans to launch in summer 1994. DirecTV will offer pay-per-view movies, professional and college sports, cable-like channels and blocks of special-interest programming.

Hubbard may also face competition from other medium-powered DBS services that will likely beat him to the marketplace. PrimeStar, which is scheduled to reach all areas of the U.S. by mid-1993, promises seven big-city superstitions; three channels of round-the-clock, pay-per-view movies; nine audio channels; and a Japanese-language channel originating in Japan.

The main drawback of such offerings as compared to Hubbard's future DBS service is that they will use less powerful satellite and broadcast from a weaker Ku-band frequency, meaning the'll require a professionally installed dish at least 48 inches in diameter—nearly three times as large as that required to receive Hubbard's signal.

Competition could also come from other companies now vying for the remaining high-powered DBS frequencies allotted by the FCC. Hubbard explains, however, that it takes three years to build and launch a satellite, giving him and Hughes at least a three-year head start over any competing offering-enough time to develop an entrenched viewer base that will be difficult to uproot. "All the dishes are going to be pointed at this satellite," says Hubbard. "You're going to have a terrible time trying to get people to move their dishes, because what programming are you going to get that's different from what we'll be offering?"

Perhaps even more significant, Hubbard and Hughes' satellite location is considered the best of the eight orbital spots the FCC has set aside for U.S.-owned high powered DBS satellites. It provides the most uniform angle to cities across the country, reaching at least 99.7 percent of the U.S., 85 percent of the Canadian population, and northern Mexico. And only two of the other seven spots can even reach the entire U.S. Companies not acquiring one of those locations would be forced to launch multiple satellites into separate eastern and western slots to reach the whole nation.

Hubbard also takes heart in the success of DBS in Japan. Japan's government-supported broadcaster, NHK, launched a two-channel DBS satellite in 1987. More than 4 million (12 percent) of Japanese house-holds now receive the service, and that's predicted to reach 10 million by 1995.

Hubbard projects breaking even in the second year of his DBS venture, and to be profitable by 1996. He says his worst-case scenario is 10 million dishes being sold at the end of 10 years. "That would still be a fantastic business," he says. "But that's not what's going to happen."

What's going to happen, he says, is that between 40 and 45 million homes will have a dish by the end of five years. "You'll buy a dish, and your neighbor will see something they like on it and they'll buy a dish. And within the next 10 or 12 years, DBS will be the dominant means of mass communication in this country. There's no way to stop it."

S. 2936, THE COMPETITIVENESS POLICY COUNCIL REAUTHORIZATION

HON. THOMAS R. CARPER

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. CARPER. Mr. Speaker, as chairman of the subcommittee of jurisdiction, I rise in strong support of S. 2936, the Competitiveness Policy Council reauthorization bill that has been passed by the Senate, and is now before the House.

The Council's authorization expired on September 30, of this year, and its reauthorization is critical to allow its continuing efforts to recommend competitiveness strategies to the Congress and the President on trade, education, training, technology, manufacturing, corporate governance, infrastructure, and capital formation issues.

The pending authorization extends the Council for 2 years and reduces the amount of the authorization from $5 million to $2.5 million. The bill also makes a few technical changes in the Competitiveness Policy Council Act including the designation of the Council as an agency within the meaning of section 3132 of title 5, United States Code. These changes would enable the Council to establish positions in the Senior Executive Service.

The bill would also rename the Council to eliminate the confusion between it and other organizations in Washington with a similar name.

Mr. Speaker, the Council was slow to get off the ground given the extraordinary time it took to select Council members. The Council issued its first report in March 1992, setting forth a broad outline of issues the Council hopes to address in the coming years. This report has already been a great help to those both inside and outside of Government, and has been the inspiration for a number of hearings on Capitol Hill. I anticipate that future reports from the Council will serve as invaluable resources to legislators as they consider legislation affecting the competitiveness of this country.

The Council's mandate to provide the advice of experts from all walks is as valid as it was when Congress first mandated its formation in 1988. I urge my colleagues to support this reauthorization bill.

BIOGRAPHY OF JUDGE RICHARD H. CHAMBERS

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. MOORHEAD. Mr. Speaker, I would like to resubmit the biography of Judge Richard H. Chambers which was originally submitted for the RECORD with my remarks on September 29, 1992, 28554. The updated and corrected version of this information is as follows:

BIOGRAPHY OF JUDGE RICHARD H. CHAMBERS

Judge Chambers was appointed to the U.S. Court of Appeals for the Ninth Circuit on April 30, 1954, and entered on duty May 13, 1954. He served as chief judge from August 6, 1959, to June 30, 1976. He took senior judge status on December 31, 1976. He is a graduate of the University of Arizona, receiving an A.B. degree in 1929, and Stanford University, receiving an L.L.B. degree in 1932. During World war II he served in the U.S. Army Air Corps, 1942–45.

Judge Chambers was a member of the Judicial Conference of the United States, 1959–76; the Committee on Judicial Statistics, 1960–69; the executive committee, 1970–75; and chairman of the Committee on Pacific Ocean Territories, 1976–82.

Judge Chambers was married to the former Mary Martin, now deceased, and has two daughters: Martha Chambers Froese and Janet Chambers Crews. On September 16, 1989, he married Eileen A. Engett, his present wife. He is a member of the American Bar Association, the American Law Institute, the American Judicature Society, and the Institute of Judicial Administration.

"HAIL TO THE CANDIDATE" PUBLISHED BY THE SMITHSONIAN INSTITUTION PRESS

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. EMERSON. Mr. Speaker, I rise today to pay tribute to a recent literary achievement on American political history, "Hail to the Candidate," written by Keith Melder, curator of the Smithsonian Institution, with collaborators Ralph E. Becker, Edith P. Mayo, and William L. Bird, Jr. As a lover of both history and politics, I believe this book captures the quintessence of America's 200 year fascination with Presidential campaigns. A chronicle of the changing character of American electioneering, this book captures the intensity and popularity of campaigns past and displays the array of devices candidates have used to project a positive image of themselves and negative image of their opponents.

Drawing on archival photographs and a vivid legacy of buttons, banners, sewing boxes, pipes, pitchers, snuff boxes, parade floats, bumper stickers, fliers, marching regalia, gadgets, and other novelties, Keith Melder traces the rise of political campaigns in 19th century America. From Andrew Jackson's campaign to Lincoln's, from William Henry Harrison's to Teddy Roosevelt's, large number

of citizens participated in hurrah-style celebrations of democracy, unleashing deep emotions and outpourings of enthusiasm, partisanship and popular delight. Melder also shows how electioneering became more restrained and less festive and joyful as new techniques of mass communication replaced rallies and parades, campaign symbols, and political artifacts and, sadly, reduced mass participation.

Tracing the history of Presidential images from the first, sedate campaign of George Washington to the video images of Ronald Reagan and George Bush, "Hail to the Candidate" also focuses on political party appeals to women, television, and on pollsters, to describe the ever-changing political race to become President.

A vital component in piecing together this vast array of political history is the Becker Collection. Keith Melder has used more than 200 illustrations, mostly in color, capturing the carnival nature of Presidential campaigns, from a George Washington pitcher and inaugural buttons to Teddy Roosevelt's teddy bears and Jimmy Carter peanuts. He has painstakingly researched every Presidential election, including the issues, the candidates, and the parties, and has produced a beautifully written chronicle of the changing character of the election process.

The Becker Collection, over 20,000 items of political Americana, provides a wealth of election material that anyone interested in American politics will find rewarding. After reading Keith Melder's outstanding discussion of each of the Presidential campaigns, one is compelled to head right for the Smithsonian to see the Harrison snuff box from 1840, the Jefferson banner of 1800, the McKinley paper hat of 1896, and the Eisenhower stockings for women embroidered with "I like Ike."

Dr. Shirley Anne Warshaw, assistant professor at Gettysburg College, stated in her book review:

> As the era of technology has ushered in mass campaigning, we have lost a piece of our history and the grand era where everyone participated in the campaign with a button, badge, medal, lapel device, or banner on their door. We no longer sing campaign songs or repeat campaign slogans. Campaigns are now the sole province of the television camera. "Hail to the Candidate" reminds us that although television has opened the campaign and broadened our knowledge of our candidates, it has also ushered in the end of an era.

What if electioneering remains a spectator activity? For those who collect and appreciate the lively spectacle and the colorful device of traditional campaigning, the future is not especially appealing. As collector and Smithsonian Institution donor Ralph E. Becker has observed:

> Past campaigns were the grand era of the button, badge, medal, lapel device, symbols of the election process, * * * a multiassortment of paraphernalia known as political Americana. These symbols all played an emotional and essential role for almost two hundred years in broadcasting the image of the candidate and influencing the voter. Posterity is the loser in this new game of political campaigning. As the onset of a new technological era in American politics drawns, the age of 'Tippencanoe and Tyler Too' is no more.

Mr. Speaker, the Ralph E. Becker collection has been used in many major exhibitions at the Smithsonian over the past 30 years. He has been active in the Washington community and began contributing his extensive collection of political artifacts to the National Museum of American History in 1958 and received the James Smithson Silver Medal in 1975 in recognition of his generosity. He has a distinguished record with the 30th Infantry Division in the European Theater, served as an Ambassador to Honduras, was a founding trustee and general counsel for the John F. Kennedy Center appointed by President Eisenhower in 1958, and is currently serving as an honorary trustee. In 1990, I had the privilege of serving with Ralph Becker on the Eisenhower Centennial Commission. Mr. Becker served on this Commission as we sought to pay tribute to our 34th President, and honored President Eisenhower's contributions to the cultural achievements which he bestowed upon this Nation.

Even more recently, Ralph Becker has been aggressively pursuing yet another endeavor. Mr. Becker has spearheaded an ad hoc committee to recognize the contributions of President Eisenhower to our 42,795-mile System of Interstate and Defense Highways. By congressional mandate, we will soon be commemorating President Eisenhower's accomplishments in this area by officially designating our Interstate System, the Dwight D. Eisenhower Interstate System. This fitting tribute will serve as a reminder of President Eisenhower's work in developing this country's Interstate System. Mr. Becker's work in this area, as in all projects that he pursues, has been tireless.

Mr. Speaker, I commend to my colleagues the book, "Hail to the Candidate," and I applaud the diligent work of Ralph E. Becker.

TRIBUTE TO JOSEPH J. CICIPPIO

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. McDADE. Mr. Speaker, I rise to pay tribute to Joseph J. Cicippio, a man of great courage and dignity. On September 12, 1986, Mr. Cicippio was seized as he walked to his job as comptroller of the American University of Beirut by terrorists who would hold him captive for 1,908 days. For more than 5 years, Mr. Cicippio endured the cruelty of his captors, who ignored every diplomatic and humanitarian effort to secure his release and the release of the other innocent people they held hostage.

In just 4 short days, citizens across the Nation will mark the 500th anniversary of the discovery of the New World, an event which changed the course of history. A vast, unexplored new land beckoned to those courageous souls who dared to set sail across the Atlantic. Some came to find new adventures, and others to find riches, but, by the time of the Puritans and Pilgrims, they mostly came to find freedom.

Our great Nation was founded on the principle of freedom, and it is a treasure cherished by our citizens today. As a young boy growing up in Norristown, PA, Joseph Cicippio, like schoolchildren across America, learned about our Founding Fathers' struggle for liberty and their painstaking efforts to create a government that would guarantee the freedom of its citizens. But on September 12, 1986—1 day before his 56th birthday—Mr. Cicippio lost his freedom, abducted by four gunmen outside his home.

For 1,908 days, Joseph Cicippio lived under the reign of hostile terrorists in Lebanon. During the more than 5 years he was held, he endured the horrible atrocities inflicted by his captors while being isolated from the outside world. During this ordeal, he did not know that four grandchildren had been born, that his eldest son Joseph, Jr. and his sister Rose had passed away. But he somehow found the strength to survive, so that one day he would be free again.

Mr. Speaker, I am honored that Joseph J. Cicippio will come to Scranton, PA, to help us mark Columbus Day. This man of strength and courage is a source of inspiration for the people of our Nation and can enlighten us all about the tremendous value of freedom.

CABLE TO CARRY CLOSED CAPTIONING

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. ECKART. Mr. Speaker, I wish to clarify the meaning of two sections of the cable bill, sections 314(g)(1) and 315(b)(3)(A). The sections specify the content of the signals that cable operators are required to carry pursuant to the act. The statutory language of these sections is clear, unequivocal, consistent, and controlling. Since the joint explanatory statement of the committee of conference does not fully describe the content of the statutory language, the meaning of these sections should be interpreted using the relevant passages from the House report language which analyze identical language in the House-passed bill, H.R. 4850, which follows:

SECTION 615

> Subsection (G)(1) [of section 615] requires cable systems to carry the entire primary audio, accompanying video, and line 21 closed caption transmission of each qualified local public television station, unless otherwise agreed upon by the cable operator and the station, including (to the extent technically feasible) program-related material carried in the vertical blanking interval [VBI], on subcarriers or through other enhancements of the signal, that may be necessary for receipt of programming by handicapped persons or for educational or language purposes.
>
> Public television stations have pioneered the use of broadcast spectrum to deliver closed-captioning, descriptive video and other important program-related services that serve the special needs of vision- or hearing-impaired viewers. For example, to serve visually impaired individuals, PBS uses a channel in the aural subcarrier to provide a descriptive video service, which narrates the key visual elements of programming. Similarly, PBS serves non-English speaking audiences by using a channel in the aural subcarrier to simulcast selected pro-

grams in a second language. PBS also delivers lesson plans and other data on the VBI to accompany the educational programming delivered to the Nation's schools."

SECTION 614

Subsection (b)(3)(A) [of section 614] requires that a cable system retransmit in its entirety the primary audio and video signal and the closed captioning transmission of each local commercial television station carried on the system, and, to the extent technically feasible, also retransmit any program-related material transmitted by the broadcaster on a subcarrier or in the vertical blanking interval [VBI]. The committee intends that the cable operator shall retain discretion whether or not to retransmit other material which may be transmitted in the vertical blanking interval or on subcarriers which may be unrelated to the main program service. Carriage of other program-related material in the vertical blanking interval and on subcarriers or other enhancements of the primary video and audio signal (such as teletext and other subscription and advertiser-supported information) is left to the discretion of the cable operator. The committee does not intend that this provision be used to require carriage of secondary uses of the broadcast transmission, including the lease or sale of time on subcarriers or the vertical blanking interval for the creation or distribution of material by persons or entities other than the broadcast licensee. Moreover, where appropriate and feasible, operators are free to strip signal enhancements (such as ghost-cancelling) from the broadcast signal and employ such enhancements at the system headend. It is the committee's intent that these provisions not impede the use by cable operators of technological improvements that better would facilitate the delivery of broadcast television programming to subscribers.

The committee encourages cable operators, when retransmitting a commercial or public broadcast station's signal or a cable programming service, to preserve and deliver to consumers intact all enhancements of that signal provided for the purposes of wider access for under-served audiences, including closed captioning which utilizes the VBI, and video descriptions and alternative languages which employ the separate audio program [SAP] channel. The committee also encourages cable operators to pass on to consumers without alteration similar future services which may evolve, such as program information and identification which also may be placed in the VBI.

The committee notes that television manufacturers estimate that 10 million televisions with the caption feature will be sold next year and at least 20 million per year thereafter. The committee believes it is essential that more cable television programming be accessible to people with hearing disabilities, through the greater use of the closed-captioning technology by cable programmers. It has come to the committee's attention that only 4 percent of basic cable programming and 35 percent of pay cable programming is captioned, compared with 70 percent of network television and nearly 100 percent of nationally broadcast public television programming. The committee urges the cable industry to be more responsive to serving this constituency by captioning more of its programming.

TERM LIMITS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. MICHEL. Mr. Speaker, I rise today to inform you and my colleagues that when the House convenes for the beginning of the 103d Congress, I intend to ask for a separate rollcall vote on my reform proposal to limit the terms of committee chairman and ranking majority members to three consecutive 2-year terms.

I make this announcement today to suggest to the majority that, in addition to your own reforms, we actively work together to achieve this worthy objective as well as other reform initiatives to be presented to the new Congress.

The historic 103d class will want to make an immediate impact on the operations of this House, and I believe this term limitation will signal to the rest of the country that the Congress heard the cry for reform and will heed to their desires.

Limiting terms of committee chairmen will allow more Members to have a greater role in influencing legislation, will tell Members of the 103d class that they don't have to wait 20 years to be a chairman, and will mean a continual flow of new ideas from the different philosophical and regional interests of our parties.

I urge my majority colleagues to adopt his reform, but if they do not, Republicans will offer this term limitation on opening day.

TRIBUTE TO JAN DAVIS

HON. BUD CRAMER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. CRAMER. Mr. Speaker, I rise today to pay a most fitting tribute to one of America's many unsung heroes, NASA astronaut Dr. Jan Davis. A true champion for education and space exploration, Dr. Davis will return to her hometown of Huntsville, AL, on October 8, 1992, for a golden homecoming.

Dr. Davis and her husband, NASA astronaut Mark Lee, were the first husband-wife team to fly in space, participating in NASA's latest successful mission aboard the space shuttle *Endeavor* in September. We, in Huntsville and in Alabama, are extremely proud of Dr. Davis and her many accomplishments. She is an extraordinary woman who has proven to be a valuable asset to NASA's team and to America's team.

A graduate of Auburn University, Dr. Davis worked for NASA's Marshall Space Flight Center as an aerospace engineer for 8 years before winning a spot in the astronaut corps. Dr. Davis did her graduate research at the University at Alabama in Huntsville, studying the long-term strength of pressure vessels due to the viscoelastic and characteristics of filament-wound composites. She holds one patent and has authored several technical papers.

In 1986, she was named as team leader in the structural analysis division, and her team was responsible for the structural analysis and verification of the Hubble space telescope [HST], the HST maintenance mission, and the advanced x-ray astrophysics facility. In 1987, she was also assigned to be the lead engineer for the redesign of the solid rocket booster external tank attach ring.

Dr. Davis became an astronaut in June 1987, and is qualified for assignment as a mission specialist on space shuttle flight crews. Her initial technical assignment was in the Astronaut Office Mission Development Branch, where she provides technical support for the tethered satellite system, the Italian upper stage, the PAM upper State, and spacelab missions. She then served as a capsule communicator [CAPCOM] in mission control communicating with shuttle crews for STS–37, 39, 40, 43, and 44. In addition to being certified as an operator of the remote manipulator system [RMS] mechanical arm, Dr. Davis is a member of the EVA cadre.

Mr. Speaker, Dr. Davis is a true American hero. She has dedicated her life to space exploration and scientific research. She has served our country well and should be commended for her hard work and great successes. For as long as we continue to have the Dr. Jan Davis of the world, America will continue to be triumphant in its endeavors.

"DOUBLE TEN": A CELEBRATION OF THE 81ST BIRTHDAY OF THE REPUBLIC OF CHINA

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. HORTON. Mr. Speaker, I want to offer my congratulations to the people of the Republic of China on Taiwan as they celebrate the 81st birthday of their nation. The celebration will take place on October 10 of this year, hence the name "Double Ten."

My wife Nancy and I have traveled to Taiwan in the past and met with President Lee, who is a fellow Cornell alumnus. During our trips, we have been impressed by the people of Taiwan, who are hard-working, goal-oriented, and resolved to succeeding in the world market. The people of the Republic of Taiwan are to be commended for their industriousness because that, more than anything else, is the reason for their nation's economic success.

Today, I want to offer my best wishes to my friends, the people of the Republic of China on Taiwan, for continued success as they move into the 21st century. I am confident that the next 40 years will be as successful as the last 40 years.

STUDY IN COAST GUARD AUTHORIZATION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. GOODLING. Mr. Speaker, I want to thank the House and Senate conferees on the

Coast Guard reauthorization bill for including a study of Coast Guard buoy chain procurement practices. I appreciate the support of Congressman DAVIS and the Merchant Marine and Fisheries Committee—not to mention the assistance of Chairman WALTER JONES—whose leadership will most certainly be missed.

I must also recognize the outstanding work of Rebecca Feemster Dye, minority counsel on Merchant Marine and Fisheries. Without her tireless efforts, we would not be able to look into this issue this year. Although a study of procurement practices is not what I had originally intended, I certainly appreciate the cooperation of Chairman HOLLINGS and Senator DANFORTH in allowing us to examine this issue more closely.

It was my constituent, William Westerhold, and several chain manufacturers located in Pennsylvania's 19th Congressional District who brought to my attention the fact that the Coast Guard is not bound by the same procurement policies as is the Department of Defense. As the Coast Guard is part of the Department of Transportation, buoy chain procurements are currently covered by the Buy American Act and the Federal acquisition regulation which are intended to level the playing field between U.S. domestic bidders and foreign bidders. However, U.S. manufacturers have been virtually shut out of the market due to predatory pricing by foreign competitors and very few U.S. manufacturers are able to regularly bid buoy chain solicitations.

I am pleased that a study was included in the Coast Guard reauthorization bill to closely examine the effect current policy has on American industry. While this is important from an economic standpoint, it is also vital that we determine the effect our dependence on foreign sources for buoy chain has on national security. I look forward to the results of this study and am pleased it was included in the conference report.

RESTRICTIVE RULES IN 102D CONGRESS SET RECORD

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. SOLOMON. Mr. Speaker, the Rules Committee majority, as an arm of the Democratic leadership in this House, has made this 102d Congress an historic one in a very negative sense of the term. According to our ongoing tabulations of order of business resolutions reported by the Rules Committee, 66 percent of these rules restricted the amendment process in this Congress, compared to only 37 percent open rules.

In the last Congress, 55 percent of the rules were restrictive, compared to 46 percent in the previous Congress. Compare these recent figures to the situation in the 95th Congress, in 1977–78, when 85 percent of the rules were open and only 15 percent were restrictive.

While other nations are beginning to breathe the free aid of democracy and open debate, the U.S. Congress is moving backward by limiting its freely elected Members' right to fully represent their constituents during the most critical stage of the legislative process.

Mr. Speaker, with a large infusion of new Members coming to the House next year, I hope you will reverse this restrictive rule policy before it become necessary for the freshmen to revolt and reassert the rights that should be theirs under our free system of government. At this point I insert the data on "Open versus Restrictive Rules." The tables follow:

OPEN VERSUS RESTRICTIVE RULES—95TH–102D CONGRESSES

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		No.	Percent [2]	No.	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars and Surveys of Activities," 95th–101st Congresses; "Notices of Action Taken," Committee on Rules, 102d Congress, through Oct. 6, 1992.

OPEN VERSUS RESTRICTIVE RULES REPORTED IN 102D CONGRESS

Rule No. H. Res.	Rule type	Bill No. and subject	House action on rule
27	C	Three resolutions on Mideast situation.	Adopted voice vote, 1/10/91.
105	MC	H.R. 1315—resolution Trust Corporation.	Adopted 272–146, 3/12/91.
111	MC	H.R. 1175—Desert Storm authorization.	Adopted 247–171, 3/13/91.
112	MC	S. 419—Resolution Trust authorization.	Adopted voice vote, 3/13/91.
114	O	H.R. 355—Reclamation drought assistance.	Adopted voice vote, 3/21/91.
123	MC	H. Con. Res. 121—Budget Resolution.	Adopted 392–9, 4/12/91.
136	0	H.R. 1455—Intelligence authorization fiscal year 1991.	Adopted voice vote, 5/1/91.
137	O	H.R. 1988—NASA authorization.	Adopted voice vote, 5/2/91.
138	O	H.R. 1236—Flood insurance mitigation.	Adopted voice vote, 5/1/91.
144	MC	H.R. 7—Brady gun bill	Adopted 405–16, 5/8/91.
147	O	H.R. 1415—State Dept. authorization.	Adopted voice vote, 5/14/91.
148	O	S. 248—Niobrara River	Adopted voice vote, 5/14/91.
156	MO	H.R. 2100—Defense authorization.	Adopted 250–56, 5/20/91.
162	MC	H.R. I—Civil rights	Adopted PQ:259–165; A:247–175; 6/4/91.
169	O	H.R. 2038—Intelligence authorization.	Adopted voice vote, 6/12/91.
170	MO	H.R. 2508—Foreign assistance authorization.	Adopted voice vote, 6/11/91.
177	MC	H.R. 2621—Foreign Operations appropriations.	Adopted 264–135, 6/19/91.
178	O	H.R. 429—Reclamation projects.	Adopted voice vote, 6/20/91.
189	MC	H.R. 2212—Regarding MFN for China.	Adopted voice vote, 7/10/91.
190	O	H.R. 2282—NSF authorization.	Adopted voice vote, 7/11/91.
191	O	H.R. 656—High Performance Computing Act.	Adopted voice vote, 7/11/91.
192	O	H.R. 1989—American technology preeminence.	Adopted voice vote, 7/11/91.
197	O	H.R. 1096—BLM authorization.	Adopted voice vote, 7/23/91.
202	MC	H.R. 2507—NIH authorization.	Adopted voice vote, 7/25/91.
203	O	H.R. 14—Flight Attendants' Duty Act.	Adopted voice vote, 8/1/91.
206	C	H.J. Res 313—Overseas base closures.	Adopted 262–161, 7/30/91.
210	C	H.R. 3201—Unemployment compensation.	Adopted voice vote, 8/2/91.

OPEN VERSUS RESTRICTIVE RULES REPORTED IN 102D CONGRESS—Continued

Rule No. H. Res.	Rule type	Bill No. and subject	House action on rule
219	O	H.R. 2967—Older Americans Act amendments.	Adopted voice vote, 9/12/91.
221	MC	H.R. 3040—Unemployment insurance reform.	Adopted PQ: 214–141; A: 230–128; 9/16/91.
225	O	H.R. 1426—Lumbee Indians.	Adopted voice vote, 9/26/91.
226	O	H.R. 2900—Housing GSE's.	Adopted 405–0, 9/25/91.
227	C	S. 1722—Unemployment compensation.	Adopted PQ: 257–163; A: VV; 9/25/91.
231	O	H.R. 3039—Defense production.	Adopted voice vote 10/2/91.
240	O	H.R. 2369—Flint Hills Prairie Monument.	Adopted voice vote, 10/15/91.
241	O	H.R. 1470—Price fixing	Adopted 412–0, 10/10/91.
247	MO	H.R. 3371—Crime bill	Adopted 233–193, 10/16/91.
252	MC	H.R. 2950—Highway bill	Adopted PQ: 319–104; A: 323–102; 10/23/91.
259	MO	H.R. 3489—Export Administration.	Adopted voice vote, 10/29/91.
266	MO	H.R. 6—Financial institutions.	Adopted 210–208;10 10/31/91.
269	O	H.R. 932—MicMac Indians.	Adopted voice vote 11/12/91.
270	C	S. 1745—Civil Rights Act	Adopted 327–92, 11/7/91.
275	MC	H.R.—Family and Medical Leave Act.	Adopted 269–156; 11/13/91.
277	MC	H.R. 2094—FDIC improvement.	Adopted voice vote, 11/13/91.
278	MO	H.R. 2130—NOAA authorization.	Adopted voice vote, 11/20/91.
279	MO	H.R. 2929—California Desert Protection Act.	Adopted 269–135; 11/22/91.
280	C	H.R. 3575—Unemloyment compensation.	Adopted 391–37; 11/14/91.
283	MO	H.R. 3595—Medicaid moratorium.	Adopted 382–41, 11/19/91.
288	C	H.R. 3644—Presidential Campaign Fairness.	Adopted
289	C	H.R. 3768—FDIC improvement.	Adopted voice, 11/21/91.
299	MC	H.R. 3750—Campaign reform.	Adopted 246–180, 11/25/91.
320	MC	H.R. 3435—RTC Restructuring.	Adopted PQ: 248–144, A: VV; 11/26/91.
374	MC	H.R. 4210—Economic growth.	Adopted 244–178, 2/26/92.
375	MC	H.R. 3844—Haitian Refugee Protection Act.	Adopted Div. 45–27, 2/26/92.
386	MC	H. Con. Res. 287—Concurrent resolution on the budget.	Adopted PQ: 248–172; A: 239–182; 3/4/92.
403	MO	H.R. 3553—Higher Education Act amendments.	Adopted vice vote, 3/25/92.
410	C	H.R. 3732—Budget Process Reform Act of 1992.	Adopted PQ: 242–177; A: VV; 3/31/92.
412	C	H.R. 4704—Federal Home Loan Bank Act.	Adopted 228–193, 4/1/92.
432	O	H.R. 4364—NASA multiyear authorization 1992.	Adopted 419–0, 4/29/92.
442	MC	H.R. 3090—Family Planning Amendments Act.	Adopted 273–146, 4/30/92.
443	MC	H.R. 2056—Shipbuilding Trade Reform Act.	Adopted 290–115, 5/13/92.
444	MC	H.R. 2039—Legal Services authorization.	Adopted 238–167–1, 5/6/92.
447	MC	H.R. 4990—Budget rescission authority.	Adopted PQ:257–160; A:240–178; 5/7/92.
452	O	H.R. 4111—SBA Credit Crunch Relief Act.	Adopted voice vote, 5/13/92.
454	C	H.R. 5132—Disaster emergency supplemental.	Adopted PQ:262–139; A:298–106; 5/14/92.
457	O	H.R. 4691—Aviation reauthorization.	Adopted voice vote, 5/19/92.
459/464	MO	H.R. 776—National energy strategy.	Adopted voice vote, 5/20–21/92
474	MO	H.R. 5006—National defense authorization 1993.	Adopted 257–136, 6/3/92.
475	MC	H.R. 5260—Unemployment Compensation amendments 1992.	Adopted PQ:232–182; A:225–182; 6/9/92.
480	MC	S. 250—National Voter Registration Act.	Adopted PQ:256–163; A:264–157; 6/16/92.
482	O	H.R. 5055—Coast Guard authorization fiscal year 1993.	Adopted voice vote, 6/22/92.
483/489	MO	H.R. 4996—Jobs Thru Export Act of 1992.	Adopted voice vote, 6/17/92.
486	O	H.R. 5099—Central Valley Project Improvement Act.	Adopted voice vote, 6/17/92.
487	O	H.R. 3247—National Undersea Research Program.	Adopted voice vote, 6/29/92.
488	O	H.R. 4310—National Marine Sanctuary reauthorization.	Passed under suspension, 8/3/92.
494	O	H.R. 2637—Waste Isolation Pilot Plant Act.	Adopted voice vote, 7/21/92.

OPEN VERSUS RESTRICTIVE RULES REPORTED IN 102D CONGRESS—Continued

Rule No. H. Res.	Rule type	Bill No. and subject	House action on rule
493	O	H.R. 4484—Maritime Administration authorization.	Adopted voice vote, 9/9/92.
495	O	H.R. 5095—Intelligence authorization.	Adopted voice vote, 6/25/92.
499	MC	H.R. 5427—Legislative branch appropriations.	Adopted PQ:254–171; A:244–179; 6/24/92.
501	MC	H.R. 5368—Foreign Operations appropriations.	Adopted 246–177, 6/25/92.
503	C	H.J. Res. 517—Railroad labor-management dispute.	Adopted voice vote, 6/25/92.
510	MC	H.R. 5100—Trade Expansion Act of 1992.	Adopted PQ:247–167; A:252–163; 7/8/92.
514	C	H.J. Res. 502/H.R. 5318—Regarding MFN China.	Adopted voice vote, 7/21/92.
522	MO	H.R. 4312—Voting Rights Act.	Adopted voice vote, 7/23/92.
523	MO	H.R. 4850—Cable TV	Adopted voice vote, 7/23/92.
527	MO	H.R. 5620—Supplemental appropriations, fiscal year 1992.	Adopted PQ:207–199; A:230–174; 7/28/92.
529	O	H.R. 5679—VA/HUD appropriations, fiscal year 1993.	Adopted PQ:237–180; A:253–163; 7/29/92.
530	O	H.R. 5678—Commerce, Justice appropriations, 1993.	Adopted PQ:240–176; A:250–162; 7/30/92.
531	O	H.R. 5191—Small business equity enhancement.	Adopted voice vote, 7/30/92.
532	C	H.R. 4318—Miscellaneous tariff.	Adopted 243–150, 7/31/92.
537	MC	H.R. 5334—Housing and community development.	Adopted PQ: 244–163; A:251–154; 8/5/92.
540	O	H.R. 4394—Merchant Mariners documents.	Adopted voice vote, 9/9/92.
541	O	H.R. 5466—Airline competition.	Adopted voice vote, 8/11/92.
543	MC	H.R. 3603—Family preservation.	Adopted PQ:247–166; A:220–196; 8/6/92.
545	C	H.R. 4547—Freedom Support Act.	Adopted voice vote, 8/6/92.
551	MC	H.R. 4323—Neighborhood Schools Act.	Adopted 232–153, 8/12/92.
555	MO	H.R. 4706—Child safety and consumer product safety.	Adopted voice vote, 9/9/92.
561	O	H.R. 450—Homestead Act.	Adopted voice vote, 9/15/92.
562	O	H.R. 3724—Indian Health Care Act.	Adopted voice vote, 9/15/92.
563	MO	H.R. 5231—Competitiveness Act of 1992.	Adopted PQ:241–163; A:240–160; 9/16/92.
569	MC	H.R. 3596—Consumer Reporting Act of 1992.	Adopted voice vote, 9/24/92.
570	MO	H.R. 5754—Water Resources Development Act.	Adopted 269–141, 9/23/92.
573	MC	H.R. 3298—Farm credit bank and safety soundness.	Adopted voice vote, 9/23/92.
574	MO	H.R. 918—Mineral exploration and development.	Adopted 251–146, 10/4/92.
578	MC	H.R. 5192—Veterans health care amendments.	Adopted voice vote, 10/1/92.
580	C	H.J. Res. 553—Continuing appropriations.	Adopted PQ:231–186; A:213–204; 9/30/92.
584	MC	H.R. 1637—Black lung benefits restoration.	Adopted voice vote, 10/1/92.
589	C	S 3144—Military Health Care Act.	Adopted voice vote, 10/2/92.
590	MC	S. 1696—Montana Wilderness Act.	Adopted voice vote, 10/2/92.
593	MO	S. 2681—Hawaiian Health Care Act.	Adopted voice vote, 10/4/92.

Rule type: O—Open; C—Closed; MO—Modified Open; MC—Modified Closed.

INTERNATIONAL CONSORTIUM FOR INNOVATIVE TRANSPORTATION TECHNOLOGY [ICITT]

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. ROE. Mr. Speaker, I would like to take a brief moment to express my disappointment that the Intermodal Surface Transportation Efficiency Act [ISTEA] technical corrections bill could not be completed before the end of this Congress. Included in the House version of the bill was a project of extreme importance to the aerospace and aviation industry.

New Jersey's Stevens Institute of Technology, the Florida Institute of Technology, and the University of Limerick in Ireland were authorized to receive funding to establish the International Consortium for Innovative Transportation Technology [ICITT]. This consortium would have worked to enhance, encourage, and formalize scientific and academic interaction with the aviation industry. In so doing, the consortium would have worked to foster the development of commercial aerospace and aviation technologies and maintenance, while increasing the ability of the aviation industry to be competitive in international markets. In addition to university participation, the consortium is also supported by the Harris Corp., long a leader in air traffic control systems worldwide, and Guinness Peat Aviation in the Republic of Ireland, the largest commercial purchaser of United States-built aircraft in the world.

I am inserting an article from the Washington Post of October 1, 1992, which reports on a National Research Council conclusion that—

Without strong cooperation between commercial interests, universities and government to define the policies with the greatest potential payoff, and to work in a concerted fashion toward their development, the U.S. standing in aeronautics will continue to erode.

While the report urges NASA to play a leading role in research efforts, I believe aviation research consortiums such as ICITT will add significantly to efforts aimed at maintaining the U.S. position as the world leader in aircraft manufacturing. This is just the type of cooperation that the ICITT would foster.

Several months ago, I described the details of this project and its participants to my colleagues. I certainly don't have to remind my colleagues of the importance of maintaining a forward-looking position in aerospace and aviation technologies. However, I must emphasize that it is imperative that we maintain both industry and university research within our country and with our friends in other countries of the world if we are to continue to effectively compete in the global aerospace markets. I urge my colleagues on both the respective authorizing and appropriation committees to provide the necessary Federal funding for the ICITT during the next session of Congress to ensure this worthy endeavor moves forward.

I thank my colleagues for their consideration.

[From the Washington Post, Oct. 1, 1992]

EMPHASIZING AERONAUTICS, NOT SPACE—NASA URGED TO SHIFT FUND TO BUTTRESS CIVIL AVIATION RESEARCH

(By Don Phillips)

The National Aeronautics and Space Administration should increase its budget for civil airliner and air traffic control research, even if it means a cutback in NASA's military and space programs, the National Research Council said yesterday.

The council, an arm of the National Academy of Sciences, said the U.S. status as the world leader in aircraft manufacturing will continue to erode if NASA does not enter into a major cooperative program with industry, universities and other government agencies to develop a new generation of airliners.

Research should continue on an efficient and environmentally acceptable supersonic transport, the council said, but emphasis should be placed on new subsonic airliners to replace the best that the United States now has to offer, such as the Boeing 747-400 and the McDonnell Douglas MD-80. The short-haul aircraft market, including helicopters and tilt-rotor craft, also should be emphasized, the report said.

If not, it said the United States will lose out to more aggressive foreign manufacturers.

"The fact that the U.S. market share in aeronautics is eroding is well documented," according to the report. "The ultimate cause of eroding market share is that, for a variety of reasons, foreign competitors are able to market products that have lower total ownership costs than U.S. products."

The council noted that the European consortium Airbus Industrie has moved into second place in the world civil aviation market behind the Boeing Co. of Seattle, dropping McDonnell Douglas to No. 3.

The council concluded: "Without strong cooperation between commercial interests, universities and government to define the policies with the greatest potential payoff, and to work in a concerted fashion toward their development, the U.S. standing in aeronautics will continue to erode."

Only NASA has the talent and experience to do the basic research and test the new concepts that will be necessary, the report said.

To do the necessary work, NASA's budget must increase, the report said. If no extra money is available, money should be shifted from "less vital" programs in NASA or from military and space-related resources.

Specifically, the council said:

NASA should take the lead in major technological development of subsonic aircraft and be the "primary contributor" to technologies that reduce environmental impact, including ozone depletion, airport noise, engine emissions and sonic booms.

NASA should enlarge its support of short-haul research, and balance rotorcraft and conventional short-haul aircraft.

NASA, the Federal Aviation Administration and the U.S. aircraft industry must work together to address the environmental problems of commercial aviation. It is "imperative" to develop better methods of measuring potential environmental damage and to begin developing engineering solutions.

NASA and the FAA should launch a program to "significantly increase" the capacity of the world-wide aviation system, beginning with the U.S. air traffic control system.

NASA must take the lead in aerodynamic research and "vastly strengthen" its aircraft propulsion research with "much greater emphasis on subsonic transport propulsion systems."

NASA should play a "major role" in the development of avionics and control systems and expand research into "the cause, nature and alleviation of human error."

ENVIRONMENTAL REPORT SUPPORTS NEED FOR STARK CARBON TAX BILL, H.R. 1086

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. STARK. Mr. Speaker, one of the most respected environmental think tanks, Worldwatch Institute, recently issued its annual "State of the World 1992: A Worldwatch Institute Report on Progress Toward a Sustainable Society." I am pleased to see their emphasis on the use of tax and economic policies to reduce greenhouse gases, more specifically, to reduce carbon emissions that contribute heavily to air pollution, acid rain, and global warming.

Last year I introduced a carbon tax bill, H.R. 1086, that would place a tax on fossil fuels based on their carbon content. It is wishful thinking to believe that appeals to our morals or conscience will lead to positive and responsible policies and actions concerning the environment. The United States is one of the largest producers of greenhouse gases, yet it lags behind the rest of the industrialized world in addressing the problem. In his report "Building a Bridge to Sustainable Energy" Worldwatch researcher Christopher Flavin describes the measures being taken in Europe to combat the problem:

> Several European countries have already enacted taxes on carbon, and the European Commission has proposed a community-wide combination energy-carbon tax equivalent to $10 per barrel of oil. Such levies could push the world into a new era in which the drive for sustainable energy is vastly accelerated.

It is time to bring our country up to this same level of thought regarding the environment. We must rethink and restructure our energy policies. A carbon tax is a good basis for a responsible energy policy that promotes the economy and the environment. It will address the issue at a basic level, money. It will compel those that cause the damage to bear the cost of repairs.

For those who think that saving the environment is too expensive, I believe that a carbon tax will have positive effects on a market economy. As stated by Lester R. Brown, president of Worldwatch:

> Taxing environmentally destructive activities, such as carbon emissions, the generation of hazardous waste, and the use of virgin materials, permits the market to operate unimpaired, taking advantage of its inherent efficiencies while steering it in an environmentally sustainable direction. For example, taxing carbon emissions discourages the use of fossil fuels, while encouraging investments in energy efficiency and renewable sources of energy.

A carbon tax will promote investment and jobs in the research and development of alternative energy and new technologies. The revenues generated by this tax could be used toward the deficit, new strategies, or environmental reconstruction.

Procrastination on this issue will only make the problems and the solutions worse. Worldwatch researcher Sandra Postel attributes the lack of attention to environmental issues to denial:

> . . . denial often runs particularly deep among those with heavy stakes in the status quo, including the political and business leaders with power to shape the global agenda.

We have the power to shape this agenda. We have the power to make the changes to insure the survival of ourselves and the environment. As Ms. Postel also says, "Extraordinary change is possible when enough courageous people grasp the need for it and become willing to act." We should be those people.

TRIBUTE TO SANTA MONICA HIGH SCHOOL ORCHESTRA—CHAMPION OF VIENNA MUSIC FESTIVAL COMPETITION

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. LEVINE of California. Mr. Speaker, I rise today to pay special tribute to a group of young people that have brought great honor to their school and to our community. The 85 member orchestra of Santa Monica High School recently participated in the international youth and music festival in Vienna, one of the most prestigious musical competitions in the world, and emerged as champion. Their great achievement is heightened by the fact that they are the first regular public high school ever to earn such distinction.

The International Youth and Music Festival is run by the nonprofit Association for International Cultural Exchange and is sponsored by the city of Vienna and the Austrian Ministry of Education and Arts.

The Santa Monica High School orchestra was invited to attend the event by a talent scout in spring, 1991. Orchestra members and their families spent the following months raising the $100,000 needed to cover the cost of the 2-week long trip. The student musicians collected donations by given concerts at local venues and by playing at weddings and for community groups.

The competition began in Vienna on July 11. On that day, the Santa Monica orchestra joined 30 other musical groups for an opening concert festival. Over the next 3 days, the groups were ranked by judges and the Santa Monica High School orchestra was selected to play in the final round. The school's chamber orchestra was also chosen for the final round of competition.

On July 16, the Santa Monica group was declared the winner. In addition, the chamber group of the orchestra's best string players won special recognition for excellence. The student musicians were also bestowed with the honor of playing the final concert of the festival.

The students in the Santa Monica High School orchestra have set a fine example. They have once again demonstrated that American students are among the most talented anywhere in the world. This is a proud moment for a fine school and an outstanding group of young people and teachers.

The talented musicians of the highly lauded Santa Monica High School Orchestra are: Carolina Aguirre, Bill Alexander, Holly Axe, Allison Bagley, J.C. Beeson, Laura Benedict, Henry Bigelow, Mai Bloomfield, Laura Cannon, Christina Caro, Helen Chang, Allen Chao, Jennifer Chao, Ya Yin Chiang, Jennifer Cho, Jerel Davis, Ryan Dorin, Graham Dunn, Forest Erickson, Chester Englander, Marjan Farid, Brian Ferguson, Jamie Fisher, Nicole Flaten, Jeremy Fleider, Jaime Goodrich, Masha Gutkin, Thomas Hartman, David Hearn, Allison Hiroto, Annie Hsu, Allison Inouye, Amira Jarmakani, Nicole Johnigan, Thian Lung Jong, Lauren Keeler, Cheryl Kohfeld, Courtney Kuroda, Andrew Lee, Norman Lee, Diana Liem, Amir Marcus, Matt Marcy, Daniel Mayhew, Kevin McKeown, Christina Nagao, Miki Nakamura, Laura Novak, Kurt Outwater, Kyung Hee Park, Patrick Poon, Leanne Rocha, Anthony Rydbeck, Bryan Sanders, Hans Schoellhammer, Anna Sew Hoy, Connie Shih, Toya Smith, Daniel Stevens, Jeremy Stevens, Tahira Stewart, Catherine Sundeen, Emi Tabibian, Kaya Taylor, Glenda Tistaert, Steve Tistaert, Gabe Trop, Christine Tsau, Jerry Tseng, Stanislav Velicky, Christina Vredevoe, Ben Wang, Jane Wang, Tammy Wang, Tom Wang, Ben Wendel, Justin Wolff, Catherine Wong, Amir Yaghmai, Lance Yang, Allison Yen, and Jeff Edmons, the conductor.

I ask my colleagues to join with me in honoring these talented young men and women.

ANGELES NATIONAL FOREST CENTENNIAL

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. MOORHEAD. Mr. Speaker, I wish to recognize the centennial of the Angeles National Forest in Los Angeles County, CA. This year long celebration has been comprised of many events, including the dedication of Muir Peak, the family meeting to honor forest service retirees, and the Big Santa Anita Historical Society Symposium to present the history of the Angeles Forest.

Founded on December 20, 1892, as the San Gabriel Timberland Reserve, the Angeles was home to the Nation's first uniformed park ranger service. The forest has endured every kind of incursion, from forest fires to gold rushes, and possesses an amazing array of natural resources. It stands a lasting reminder of the importance of preserving the beauty and inhabitants of America's wildernesses.

The Angeles attracts more than 32 million visitors annually, making it the second most popular of America's 156 national forests. It provides diversified recreation opportunities for the millions of people that live in the cities and communities of southern California. Skiing, water sports, and camping are among the activities enjoyed by the park's visitors. The Angeles also hosts a variety of agricultural research projects, as well as the Mount Wilson Observatory and the Table Mountain Jet Propulsion Laboratory. At the forefront of the effort to preserve California's wildlife, the park is home to healthy communities of several endangered species, including the Nelson big-

horn sheep and the unarmored threespine stickleback fish.

None of this would be possible, however, without the efforts of the men and women of the U.S. Forest Service who see to the daily operation of the Angeles. The success of the forest and the safety of its visitors depends on many people, including rangers, biologists, fire specialists, and others. It is the dedication of these professionals that makes the splendor of the Angeles available for all to enjoy.

Mr. Speaker, the centennial of the Angeles National Forest is a historic occasion for the park and for the people of southern California.

TRIBUTE TO THE LATE FRANK KARSTEN, U.S. REPRESENTATIVE FROM MISSOURI

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. GONZALEZ. Mr. Speaker, I rise in tribute to the memory of our former colleague, the late Frank Karsten, a Representative from the First District of Missouri who served in Congress from 1947 until 1969 during which time he distinguished himself in many ways, not the least of which was as a stalwart advocate of most of the Democratic legislation which was enacted during that time.

He was an assistant Democratic whip, a member of the House Ways and Means Committee, and chairman of the Subcommittee on Budget and Accounting. He was author of the Budget and Accounting Act of 1950 which modernized the Federal Government's accounting and auditing procedures, and of the Narcotics Manufacturing Act, which set up a system for licensing and controlling the manufacture of narcotic drugs. He also took the lead in revamping the handling of surety bonds for Government officials, a change that is estimated to save millions of dollars annually.

Further, he was a highly compassionate and innovative helper to the disabled.

His tenure with the Congress actually began in 1934 when he went to work for the late John J. Cochran. Cochran represented the northern St. Louis district which would eventually overwhelmingly elect, with Cochran's strong endorsement, Frank Karsten to succeed him. Karsten not only served Cochran as administrative assistant but served as staff director of two congressional committees as well.

A native of my home city of San Antonio where he was born on January 7, 1913, Frank Karsten eventually returned home to San Antonio in 1977 where he died on May 14 of this year.

Karsten was destined to be a Congressman from Missouri, instead of Texas, when his family moved from San Antonio to St. Louis in 1925. He graduated from the public schools in St. Louis. He was 20 years old when he answered a want ad in St. Louis placed by his Congressman, John Cochran, for a job in Washington. That began a long and close friendship.

When Cochran lost both of his legs to illness, Karsten designed and built a better wheelchair than what was available on the market at the time. President Franklin D. Roosevelt was so impressed, he asked Karsten to build one for him—which he did.

Karsten also designed and built an improved pair of artificial legs for Cochran. At the time there had been nothing published on artificial legs since 1840. Karsten taught Cochran how to use the new legs, and subsequently gave these instructions to the Air Force which now includes this information in its manual for disabled veterans.

After coming to Congress, Karsten also worked with the blind and helped pass legislation to eliminate barriers.

While in Washington, Karsten earned both a bachelor's degree and a doctorate of law from George Washington University. He was admitted to the District of Columbia Bar in 1946, but did not practice then because he was elected to Congress 6 months later. After he left Congress in 1969, he practiced law in Washington until he went to San Antonio in 1977.

He is survived by his wife, the former Opal Osborne, who he married in Washington in 1936; his daughter, Verne K. Brown of Houston; four grandchildren, and two great grandsons. A son, Frank Jr., preceded him in death.

He is also survived by his son-in-law, the Rev. J.W. Brown of Houston, who assisted in services for him at St. Francis Episcopal Church in San Antonio. Burial was in Mission Burial Park South.

Mr. Speaker, my fellow colleagues, I feel honored to bring to your attention the wonderful legacy which our former colleague has left to us. I wish to quote his daughter, Verne K. Brown:

> He was a caring husband and father, was interested in his constituents, and had tremendous human compassion. My father was a hero in our eyes.

MODERNIZATION OF THE WEATHER SERVICE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. SCHEUER. Mr. Speaker, my colleague from Pennsylvania [Mr. WALKER] is correct that a relocation requiring certification is linked to office moves outside the local commuting or service area, and that the Science Committee intends that the definition of "local commuting area" to be the same as that found in the Federal Personnel Manual. However, the Federal Personnel Manual and other regulations published by the Office of Personnel Management defines "local commuting area" not as a fixed distance as my colleague suggests but rather as "any population center, or two or more neighboring ones, and the surrounding localities in which people live and can reasonably be expected to travel back and forth to their usual employment." Basically, if employees at the office that is being moved are eligible for reimbursement of moving expenses by the Government, the move is a relocation outside of the local commuting area.

I also note that the act permits the NWS to transfer service responsibility to another office without going through the certification process. This is to allow discreet changes in service responsibilities may be made simply by notifying Congress in the appropriate budget justifications. However, this is not a loophole by which the NWS can transfer the bulk of its operations or staff from one of its old offices to one of its new offices without certifying that there will be no degradation of services. The Secretary of Commerce cannot escape his or her responsibility to certify that there will be no degradation of services as a result of the relocation of offices by transferring the bulk of the warning and forecast responsibilities to the new offices and simply calling it a change of operations. When the bulk of services, or equipment or staff has moved to a new office outside the local commuting or service area, that's a relocation.

Finally, the certification requirements of the act apply to all Weather Service Offices and Forecast Offices, just as the certification requirements of Public Law 100–685 which this act is amending. Two weeks ago, a Federal court in Pennsylvania ruled that the NWS' river forecast centers were forecast offices to which the certification requirements applied. No change in the scope of the law is intended. There is no reason to exclude the river forecast centers from the certification or notification requirements. The services provided to local communities by the river forecast centers are as important as the services provided by other kinds of weather offices. The loss of life in flooding is comparable to that of tornadoes and exceeds the loss of life from hurricanes. According to the Federal Emergency Management Agency, flooding causes greater economic loss annually than does other severe weather events.

LOOK GOOD * * * FEEL BETTER PROGRAM HELPS CANCER PATIENTS

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. ROWLAND. Mr. Speaker, we all are well aware of the rising toll of cancer in our country. According to the American Cancer Society, approximately one of every three people in the United States will develop cancer. One of every nine women will develop breast cancer in her lifetime.

Early detection and improved methods of treatment are helping us fight this disease. Fortunately, we now have another weapon in our fight. Look good * * * feel better is a nationwide public service program that helps women learn to overcome the appearance-related side effects of radiation and chemotherapy treatment. Women are regaining not only control over their appearance but also a renewed sense of self-confidence and well-being. Sponsored by the American Cancer Society, the Cosmetic, Toiletry, and Fragrance Association Foundation, and the National Cosmetology Association, look good * * * feel better is available free of charge throughout the United States in hospitals, comprehensive cancer centers, and other community settings.

This remarkable program was profiled in the July–August 1992 issue of FDA Consumer, the magazine of the U.S. Food and Drug Administration. I am happy to commend this article and this program to the attention of my colleagues.

[From FDA Consumer, July–August, 1992]

COSMETIC HELP FOR CANCER PATIENTS

(By Cheryl Platzman Weinstock)

Sometimes the 36-year-old cancer patient lets herself remember when she had the energy to "run around with her kids like a maniac" and stay up until the early hours of the morning. That was before a recurrence of Hodgkin's disease forced her to begin the chemotherapy treatment that left her nauseated, fatigued, somewhat dispirited, and bald.

Before chemotherapy, Sharon (who asked that her last name not be used) had beautiful, jet-black hair. Now she keeps a strawberry blond wig handy for those times she says she "needs a good laugh" to help her "escape" from the side effects of chemotherapy, as well as the reality of having cancer.

"The wig has bangs coming down. I never used to wear bangs," she says. "Sometimes I put on long, dangling earrings with the wig and some of the cosmetics that they gave me when the hospital made me up. It's pretty funny because I'm not the kind of person that used to use all this stuff."

Her mother, Dorothy (who also asked that her last name not be used), helped coax Sharon from her hospital room to the "Look Good * * * Feel Better" workshop at North Shore University Hospital, Manahasset, N.Y., where she was receiving her treatment. Dorothy says her daughter was quite skeptical and felt she didn't want to be bothered with having anyone teach her individualized skin care and makeup techniques, or how to work with wigs, turbans and scarves.

But once they started working on her, "Sharon got such a kick out of it and laughed for hours afterwards. The thing a mother looks for is her child's happiness," says Dorothy. "While having your child have cancer is not a happy thing, for those moments, Sharon's smile was my smile, too."

The notion that it's hard to weather going through an arduous course of radiation or chemotherapy treatment without looking good and feeling good about oneself has gained scientific respect, according to Julia Rowland, Ph.D., director of psycho-oncology research, Georgetown University Medical Center, Washington, D.C.

"Looking good despite what we may be going through can help one take control again and can be a critical component to the healing process by providing powerful psychological benefits," says Rowland.

COURSE AVAILABLE

The "Look Good * * * Feel Better" course, available to Sharon and others around the country, was developed jointly for national use by the Cosmetic, Toiletry, and Fragrance Association (CTFA) Foundation, the National Cosmetology Association, and the American Cancer Society nearly three years ago. It's an attempt to help patients learn to minimize the side effects of cancer drugs and radiation treatment, which can cause changes in hair, complexion and nails.

"Look Good * * * Feel Better" teaches hands-on beauty techniques in group or one-on-one makeover workshops conducted by specially trained, volunteer cosmetologists in hospitals, community centers, and salons.

According to Carolyn Deaver, vice president, CTFA Foundation, the program is also operating in Australia and will be launched in Canada this year. Though the current program is geared for women, a similar program for men undergoing cancer treatment is expected to be developed.

If a patient is unable to attend a makeover workshop, there is a video and brochure available free of charge, which can be used at home.

Here are some of the problems that these programs and pamphlets tackle.

HAIR LOSS HARD TO TAKE

Drugs capable of killing cancer cells can also attack normal cells. This accounts for many of chemotherapy's unpleasant side effects.

Hair loss, although temporary, and not always a side effect of chemotherapy, is often cited by patients who experience it as the most devastating cosmetic side effect of chemotherapy.

"Every time I pass a mirror and look at my bald head," says 43-year-old Corrine Wenze of South Farmingdale, N.Y., "it's a constant reminder of my disease. Even when I look at babies I cringe because they remind me I have only about six loyal strands of my own hair."

Wenze says that when she first found out she had breast cancer she "wallowed very well by playing video games for nearly a month. I wanted to fall into a hole and disappear. I didn't believe I could have cancer.

She continues, "you know the surgeon sent me home without my breast and then sent me through cancer treatment. It wasn't until I went to the "Look Good * * * Feel Better" program that I picked up. They made me feel more cared for by caring for me and then showing me how to care for myself."

Rowland says losing one's hair if often the first overwhelming confrontation patients have with their illness. Until that point, they might have easily hidden their disease from everyone, including themselves.

According to cosmetologists, the best time to start looking for a wig is before the first chemotherapy treatment. Synthetic wigs are the easiest to maintain because they don't need to be set and are not affected by humidity like natural hair. They're also less costly than natural hair wigs.

Bijan Safai, M.D., chief of Memorial Sloan-Kettering Cancer Center's dermatology service in New York City, says that in most cases, patients' hair begins to grow back within a few weeks after their chemotherapy treatment ends. But if a wig does not fit right and exerts excessive pressure at certain points, the hair follicles at those points will die and hair will never grow back. So he recommends wigs that don't need to be glued or taped down, and that don't require elastic bands that hold them tightly against the scalp.

Frequently, the cost of a wig is reimbursable by third-party payers if it is prescribed as a "cranial prosthesis" by a physician. Other options cancer patients can consider are brightly colored scarves, turbans or hats.

William Cahan, M.D., senior attending surgeon at Memorial Sloan-Kettering, says many of his male cancer patients choose to wear hairpieces close to their natural hair color and style while undergoing cancer treatment. However, some prefer to have fun wearing hats such as French berets and beanies with propellers. Like Sharon choosing to wear a strawberry blond wig, these men seem to get through their treatment by self-kidding.

CHEMOTHERAPY DRIES SKIN

Chemotherapy is easier on the skin than on the hair. Even so, whatever a person's skin type, chemotherapy will make skin drier because the drugs interfere with oil and sweat glands. Keeping skin as moist as possible during treatment is important to keep it looking young and healthy. Moisture can also prevent cracking and chapping, which can lead to infection in the cancer patient, whose immune system is suppressed.

Cancer patients are advised never to pull, tug or scrub the face too hard. Overzealous cleansing can strip away the remaining natural oils. Soap-free face cleansers that gently cleanse makeup and oil without drying skin are preferable. Safai recommends using an antimicrobial soap, however, to effectively clean areas like the armpits and genitals, which are prone to infection.

Moisturizing day and night can slow down the skin's loss of moisture by leaving behind a filmy deposit of oil. The oil not only helps retard moisture evaporation, but also makes the surface of the skin softer and more pliable. This may be especially important for hands and soles of the feet, which may become sore and blistered. Rubber gloves should be used when doing household chores.

Cancer patients are advised to moisturize with products containing sunscreens with a sun protection factor (SPF) of at least 15 because people undergoing chemotherapy may be more sensitive to harmful ultraviolet rays. (For more on sunscreens, see "Cool Tips for Summer Safety" in the June 1992 FDA Consumer and "No Safe Tan" in the May 1991 FDA Consumer.)

Dry, chapped lips can be helped with nonpigmented lip balms or petrolatum-based products, according to Harley Haynes, M.D., a dermatologist with Brigham and Women's Hospital and Harvard Medical School. He recommends using lipstick only when the lips are in good condition. Chemotherapy may also affect the nails, retarding their growth and, in many cases, causing them to become thin and brittle and develop horizontal grooves.

It's not a good idea to cover the nails with acrylics or other types of wraps, say Haynes, since these materials can trap bacteria that may cause infection. Instead, the nail can be clipped short and moisturized with lotions. A light-color nail polish will camouflage any nail imperfections. But to prevent nails from drying out, only non-acetone-based nail polish remover should be used.

Cancer patients who have professional manicures should bring their own implements to guard against infection. Cuticles should be pushed back rather than cut.

SKIN REACTIONS TO RADIATION

Radiation treatment, unlike chemotherapy, affects only the skin that is irradiated or close to the point of irradiation. Its most common effect is a brief, intense sunburn-like reaction that causes blistering, says Alan Lorincz, M.D., professor of dermatology, University of Chicago, Pritzer School of Medicine.

Sometimes, however, a chronic skin condition may occur in which the treated skin thins and loses elasticity and may become lighter or darker. This skin needs to be treated especially gently with emollients and sunscreen products with a high sun protector factor. It can be expected to be more susceptible than the rest of the person's skin to chronic irritation and breakdown.

During chemotherapy and radiation treatment skin will, in general, become more sensitive to allergens or irritants. So cancer patients are advised not to share any of their hygiene products with anyone else and not to use old products that have changed in appearance, ardor or texture.

NOT A TIME TO EXPERIMENT

In general, it's not a good time to experiment with new brands of products, unless products usually used become irritating. Some cancer patients, however, want to experiment with cosmetics to try to camouflage certain facial effects of cancer treatment, such as skin discolorations, blotchiness, dark circles under the eyes, or loss of eyebrows and lashes. Experts advise trying out only one product at a time for several days before starting a second new product.

After taking the necessary precautions (see accompanying article), cancer patients will find that cosmetics can be important tools, says Rita Davies, a volunteer cosmetologist with the American Cancer Society.

Foundation and concealer are good for evening out skin tone. Eye crayons applied in a feathery motion can give the appearance of lashes, and brow powders can create natural-looking eyebrows. Mascara that has a wand with a small comb can help give body to remaining eyelashes.

Cosmetics can give a lift not only to the face, but to a cancer patient's outlook on life. As Rowland says, "I think we under-estimate the impact of outward appearances. If we put on a costume we feel differently about ourselves. If we put on special clothes we feel differently about ourselves. Similarly, cosmetics are a way to fortify the self during chemotherapy or radiation."

PRESCRIPTION DRUG PRICES: TOO MUCH TO SWALLOW

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. STARK. Mr. Speaker, prescription drug prices are threatening the health of Americans. Recent reports indicate that pharmaceutical corporations within the Fortune 500 averaged profit margins four times the size of the median Fortune 500 company in 1991. With extreme political pressure in 1992 to limit their profit margins, only a handful are rumored to be doing so. At the same time, America's elderly are the largest financiers of growing pharmaceutical marketing schemes.

It is enough to make you sick.

This is how it works. Pharmaceutical companies reside in an uncommon marketplace. Considering the consumer cannot usually choose the drug being prescribed, drug prices are shielded from real competition. Pharmaceutical companies pass along indirect costs that would normally be swallowed by other industries.

The burden of the price gouging is paid by individuals directly from their pocketbooks. A September 1992 Families USA Report states that the average consumer pays for 57 percent of their drug costs out-of-pocket, without help from insurance. The elderly are affected the most. Elderly Americans spend 2½ times as much on prescription drugs as the non-elderly, and pay for 64 percent of the costs out-of-pocket. From 1985–91, the top 20 elderly prescription drug prices rose 79 percent. Four of those drugs more than doubled their prices in the same time period.

Examples? How about Naprosyn? From 1985 to 1991 its price rose 10 different times, totaling a 45-percent increase. The costs of Lopressor and Persantine rose nine times, accumulating increases of 118 percent and 92 percent, respectively.

With all of these price hikes occurring, the Pharmaceutical Manufacturers Association claims that it needs millions of federally funded tax credits for R&D.

The Families USA Report shows that half of the pharmaceutical companies' annual increase in prices went to marketing and administrative costs. Why, during a period of economic crisis, where pharmaceuticals are reaping record profits, is the Federal Government allowing itself to be lobbied for millions in R&D that can instead come directly from the companies' ballooning advertising budgets?

The very drugs that may enhance or save lives are becoming too expensive to purchase. Bottom line.

American companies with American workers and federally funded dollars are ransacking American wallets and savings accounts. They are pillaging the fixed incomes of our elderly in the name of profit.

We, the Congress, cannot watch this injustice any longer. In an era that demands compassion, irresponsible acts of greed must be confronted.

The following are spreadsheets and charts drawn from Medical Advertising News, September 1992, and the Families USA Report, September 1992, which further detail the situation.

PHARMACEUTICAL SPREADSHEETS

Company	Sales worldwide (billions)	Percent change from 1990	Earnings worldwide (billions)	Percent change from 1990	R&D (billions)	Marketing, advertising, promos, and administrative (billions)
Johnson and Johnson	$12.45	10.8	$1.46	27.8	$0.98	$5.11
Bristol-Myers Squibb	9.37	10.6	2.06	17.6	.99	4.47
Smith Kline Beecham	8.76	NA	1.19	NA	.81	2.91
Merck & Co., Inc.	8.02	12.6	2.12	19.1	.98	2.57
Abbott Laboratories	6.88	11.7	1.09	12.7	.67	1.51
Roche Group	6.66	8.4	1.04	51.9	1.21	2.27
Glaxo Holdings	6.32	21.9	1.64	24.6	.88	2.29
Amer. Home Products	6.22	13.1	1.38	11.8	.43	2.97
Pfizer, Inc.	5.94	12.6	.72	NA	.76	2.74
Eli Lilly and Company	5.73	10.3	1.31	16.6	.77	1.54
Ciba-Geigy Group	5.47	8.6	.89	19.6	1.53	2.61
Hoechst Group	5.43	8.4	.89	NA	1.73	7.21
Bayer Group	5.31	7.5	1.11	NA	1.81	6.81
Eastman Kodak Co	4.92	13.1	NA	NA	NA	NA
Sandoz, Ltd.	4.48	9.6	.81	4.5	.94	3.21
Warner-Lambert Co	3.97	9.4	.03	NA	.42	2.31
Rhone-Poulenc Rorer	3.82	5.8	.33	125.5	.44	1.36
3M	3.78	7.1	1.15	NA	.91	3.32
Schering-Plough Corp.	3.61	8.8	.65	14.2	.42	1.51
Imperial Chemical	2.97	8.7	NA	NA	NA	NA
Procter and Gamble	2.88	15.1	NA	NA	NA	NA
Wellcome	2.86	15.1	.44	36.2	.41	NA
Marion Merrell Dow	2.85	15.8	.59	20.1	.39	.95
The Upjohn Co	2.74	13.9	.54	17.9	.49	1.34
American Cyanamid Co	2.64	14.1	.36	1.7	.49	1.57

TABLE 1.—OUTPATIENT PRESCRIBED MEDICINE USE, 1987

	Percent of persons with prescription medicines		Average Total cost of outpatient prescribed medicines			Percentage distribution of financing for prescribed medicines							
						Out-of-pocket		Private insurance		Medicaid		Other	
	<65	65+	<65	65+	Top 25 percent of users of all ages	<65	65+	<65	65+	<65	65+	<65	65+
All persons	50.4	80.1	$125	$311	$505	53.5	63.7	31.6	22.2	9.7	8.7	5.3	5.4
Sex:													
Male	43.2	76.5	123	296	545	51.5	61.5	32.4	25.8	7.7	4.9	8.4	7.8
Female	57.4	82.6	126	321	482	54.9	65.0	31.0	20.1	11.0	11.0	3.1	3.9
Race:													
White	53.5	80.8	127	315	510	53.9	64.9	34.1	23.3	6.8	6.5	5.3	5.3
Black	39.6	76.9	122	295	462	48.5	51.6	14.6	12.6	31.1	30.3	5.8	5.5
Other	35.4	69.1	95	221	515	58.3	56.7	18.4	7.6	18.9	27.1	4.3	8.6
Ethnicity:													
Hispanic	36.3	71.7	110	292	675	53.0	53.3	19.6	5.5	18.8	38.9	8.6	2.4

TABLE 1.—OUTPATIENT PRESCRIBED MEDICINE USE, 1987—Continued

	Percent of persons with prescription medicines		Average Total cost of outpatient prescribed medicines			Percentage distribution of financing for prescribed medicines							
						Out-of-pocket		Private insurance		Medicaid		Other	
	<65	65+	<65	65+	Top 25 percent of users of all ages	<65	65+	<65	65+	<65	65+	<65	65+
Non-Hispanic	51.8	80.3	126	311	500	53.5	64.0	32.3	22.6	9.1	8.0	5.1	5.5
Marital status:													
Married	55.5	79.6	156	312	507	53.2	62.1	37.1	28.3	3.2	4.1	6.6	5.6
Single	46.8	80.7	98	310	504	53.9	65.7	24.2	15.0	18.4	14.2	3.6	5.1
Disability status:													
Non-Disabled	49.8	77.6	115	276	479	54.3	64.4	32.8	24.7	7.8	5.3	5.1	5.6
IADL only	80.2	87.3	510	374	641	52.4	63.8	18.5	15.3	23.9	17.1	5.2	3.8
Any ADL	87.7	93.0	408	478	615	41.3	61.3	22.1	17.1	28.4	16.1	8.3	5.5
Income levels:													
Lowest quintile	47.6	82.9	157	336	532	49.4	59.4	13.1	8.9	29.7	26.8	7.8	5.0
Second quintile	48.5	79.2	117	312	513	59.2	69.7	29.1	18.0	7.3	5.6	4.4	6.8
Third quintile	51.8	81.3	132	307	494	53.2	66.8	36.7	25.0	4.5	3.4	5.6	4.8
Fourth quintile	52.8	79.9	105	306	521	53.9	61.4	40.6	33.8	1.4	1.8	4.1	3.0
Highest quintile	51.5	77.1	114	292	467	53.1	61.9	42.6	27.6	.5	3.0	3.8	7.6

Notes.—Data do not include over-the-counter or undetermined medicines prescribed by a physician. Other includes: other federal programs—CHAMPUS, CHAMPVA, Supplemental Security Income, Indian Health Service facility or contract, Intertribal Council, Alaska Native Corporation and Veteran's Administration; other state and local medical assistance such as community health centers; payments from worker's compensation; and other sources, such as automobile insurance or charity. As documented in the report, prescription drug costs have risen considerably since 1987. Additionally, an evaluation of the NMES indicates a 34 percent underreporting rate for prescription drug expenditures.

Source: Lewin-ICF analysis of 1987 National Medical Expenditure Survey.

TABLE 4A.—PRICE INCREASES OF TOP 20 BRAND NAME DRUGS FOR PERSONS UNDER AGE 65: 1985–91

Brand name	Cumulative percent increase 1985–91	Average annual percent increase 1985–91
Top 20 average	82	10
Zantac	66	9
Synthroid	110	13
Tenormin	NA	NA
Inderal	129	16
Ortho-Novum	63	9
Xanax	106	13
Naprosyn	45	6
Dyazide	65	9
Premarin	148	17
Amoxicillin	3	0
Ceclor	82	11
Cardizem	42	6
Lopressor	118	14
Motrin	8	1
Capoten	85	11
Procardia	90	11
Feldene	92	12
Clinoril	72	12
Vasotec	NA	NA
Entex LA	150	17

Note.—Generic drugs and drugs for which the sample size was not adequate were excluded in order to obtain reliable estimates. The term NA is used in cases in which the drug was not on the market for the entire period from 1985 to 1991.

Source: Compiled by Stephen W. Schondelmeyer, PRIME Institute, University of Minnesota, from data in the Master Drug Data Base by Medispan.

TABLE 4B.—PRICE INCREASES OF TOP 20 BRAND NAME DRUGS FOR PERSONS AGE 65 AND OVER: 1985–91

Brand name	Cumulative percent increase 1985–91	Average annual percent increase 1985–91
Top 20 average	79	10
Synthroid	110	13
Dyazide	65	9
Cardizem	42	6
Zantac	66	9
Procardia	90	11
Capoten	85	11
Tenormin	NA	NA
Inderal	129	16
Lanoxin	96	13
Naprosyn	45	6
Clinoril	72	12
Lopressor	118	14
Persantine	92	12
Feldene	92	12
Lasix	59	8
Aldomet	61	8
Insulin-Regular	47	7
Timoptic	31	5
Theo-Dur	56	8
Isordil	120	14

Note.—Generic drugs and drugs for which the sample size was not adequate were excluded in order to obtain reliable estimates. The term NA is used in cases in which the drug was not on the market for the entire period from 1985 to 1991.

Source: Compiled by Stephen W. Schondelmeyer, PRIME Institute, University of Minnesota, from data in the Master Drug Data Base by MediSpan.

TRIBUTE TO HON. WALTER B. JONES

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. ROSE. Mr. Speaker, Walter B. Jones served in this Chamber for 26 years. During his tenure, Chairman Jones was the champion of agricultural programs and legislation to save one of our Nation's most precious resources—our coastal lands. He was a friend of farmers throughout America, and his wisdom, experience, and knowledge of agricultural matters and the agricultural community were always a tremendous source of insight.

The Honorable James G. Martin, Governor of North Carolina, declared September 22, 1992, as "Walter B. Jones Day," in recognition of the outstanding accomplishments of this fine North Carolinian. I too would like to honor this remarkable legislator, and exemplary statesman, as well as the legacy he has left to his fellow North Carolinians.

TRIBUTE TO HON. WALTER B. JONES

HON. J. ALEX McMILLAN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. McMILLAN of North Carolina. Mr. Speaker, I rise today to pay tribute to the former dean of the North Carolina congressional delegation, the Honorable Walter B. Jones.

Congressman Jones came to Congress in a special election in February 1966, and served North Carolina as the chairman of a committee that was very important to our State, the Committee on Merchant Marine and Fisheries. He also served for years on the Agriculture Committee. He served with great distinction in both regards and North Carolina will miss his leadership.

We may be seeing the end of an era where Representatives such as Walter Jones serve their constituents and States for long periods of time. Perhaps we will see more abbreviated tenures and more change in leadership of the committees in the near future.

But we know that Walter Jones wanted to serve his district and the people of North Carolina and this Nation where he could use his talents and interests the best. He did that with distinction.

His North Carolina constituents and his colleagues will miss him and we extend to his family and friends our thanks for sharing him with us.

HONORING WALTER JONES

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. COBLE. Mr. Speaker, I would like to honor the life of the late Walter Jones.

Following his funeral at the Memorial Baptist Church, Greenville, NC, I turned to Congressman CASS BALLENGER and said, "What a choir." "The Mormon Tabernacle Choir could have done no better," he replied. Walter Jones would have liked that. That choir and Rev. David Vess and Rev. E.T. Vinson saw to it that Walter's final remembrance was a fitting and appropriate one.

As was mentioned during this service, Walter Jones extended heart service not lipservice to his many constituents.

I served with Walter Jones' son in the North Carolina General Assembly and served with him in the Congress of the United States.

I am better for having known these two outstanding citizens.

TRIBUTE TO HON. WALTER B. JONES

HON. WILLIAM J. JEFFERSON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. JEFFERSON. Mr. Speaker, I rise to honor the memory of our late colleague, the Honorable Walter B. Jones, of the First District of North Carolina. For me, he was Mr. Chairman, the leader of this body's Merchant Marine and Fisheries Committee.

Chairman Jones was a colleague and a friend. His advice to me was always encouraging and almost avuncular in tone. He was a caring man, a gentle spirit, a sensitive human being.

When I joined the Merchant Marine and Fisheries Committee at the beginning of this Congress, Chairman Jones was immediately collegial in his demeanor and concerned about my district's stake in the work of his committee. He welcomed me with an openness reserved to those far more expert in the arcane matters of the committee's jurisdiction than I was at that time. And he never wavered in his words of encouragement and in his support of my district.

Mr. Speaker, John F. Kennedy, in a speech to the Massachusetts State Legislature raised four essential questions testing a public servant's success in discharging his duties. Said the future President:

And when at some future date the high court of history sits in judgment on each of us, recording whether in our brief span of service we fulfilled our responsibilities to the State, our success or failure, in whatever office we hold, will be measured by the answers to four questions: First, were we truly men of courage; second, were we truly men of judgment; third, were we truly men of integrity * * * finally, were we truly men of dedication?

In the short time I knew him, Walter B. Jones was a person of courage, of judgment, of integrity, and of dedication. Although there were twists and turns on the long road of his life, he was at all times material to his tenure in the House—a quintessential public servant. He shall be missed, but our lives have been enriched immeasurably by the short time he spent with us on this Earth.

TRIBUTE TO HON. WALTER B. JONES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. CRANE. Mr. Speaker, Congress and the Nation have lost a dedicated Member of the House of Representatives with the death of our colleague, Walter B. Jones of North Carolina.

Chairman Jones served his constituents well during the 26 years he served following his special election to fill a vacancy.

For years, we often saw him wheelchair-bound as he made his way to the floor of the House or to committee meetings. But he carried on his duties as if he had no handicap. He was an inspiration to all of us as he so ably performed his congressional duties.

Farmers in his district were certainly well represented by Walter as he chaired the Tobacco and Peanuts Subcommittee of the House Agriculture Committee. While his efforts on behalf of his farmer constituents took on a high profile because of the chairmanship of the subcommittee, he never forgot the other residents of his North Carolina congressional district. And his record as chairman of the House Merchant Marine and Fisheries Committee was one of constant activity as he tried to aid an ailing merchant marine industry as well as assist the fishing community.

North Carolina and the Nation were well-served, indeed, by Chairman Walter B. Jones.

WALTER JONES ALWAYS PUT NORTH CAROLINA FIRST

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. NEAL of North Carolina. Mr. Speaker, those of us from North Carolina who served with Representative Walter B. Jones feel a particular sense of loss.

When we referred to Walter as the dean of our delegation, we were not conferring an honorary title. He was a hard-working dean. Walter prodded us, kept us informed and literally brought us together on matters of special importance to North Carolina.

Even as his health declined and he moved about in a wheelchair, Walter Jones kept abreast of the issues. He knew what was important for North Carolina, and he made sure that we knew too. Even though he provided fine national leadership as chairman of the Merchant Marine and Fisheries Committee, Walter always remembered the needs and interests of the folks back home and never failed to stand up for them. That's the way we will remember him best.

The 281,000 North Carolinians whose jobs depend on tobacco are especially indebted to Congressman Jones for his fine stewardship of the tobacco programs during the years that he was chairman of the Peanuts and Tobacco Subcommittee. Walter understood the complex farm programs and was attuned to the needs of rural America; that expertise greatly benefited the Nation, as well as his own largely rural constituency.

Representing some of the most beautiful coastal and farming areas in the Nation, Walter Jones also developed a strong concern for protecting the environment. After the *Exxon Valdez* oilspill, he led the way in passing legislation to discourage future spills and provide for cleanups. He also pushed through a bill to halt oil and gas drilling off the North Carolina Outer Banks, which were in his district. Not long ago, Walter mobilized many of us to help preservationists acquire some government-owned land to expand the Nags Head Woods nature preserve.

These are only a few of his accomplishments for North Carolina and the Nation. To those who served with Walter, he was a wonderful friend and counselor. When I was first elected to the House, Walter Jones and his administrative assistant, Floyd Lupton, were among the first people to whom I turned for advice and assistance. They were unfailingly generous and helpful. I have continued to seek their counsel over the years.

Walter Jones served his State and his country with dedication and distinction, continuing his work despite frequent physical pain and discomfort. We can all learn from his example.

TRIBUTE TO THE MEMORY OF WALTER B. JONES

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. BLACKWELL. Mr. Speaker, I rise today to pay tribute to the memory of one of the greatest leaders to walk through these noble Halls.

After my election to Congress last November, I had the good fortune to join the Committee on Merchant Marine and Fisheries.

Despite the fact that my tenure on the committee has been brief, I feel that the handful of times I had the opportunity to work with Chairman Jones have been some of the most valuable times I have spent here thus far.

For more than 35 years, Walter B. Jones fought hard for his constituents in eastern North Carolina, including many of whom are economically disadvantaged minorities.

In addition, Chairman Jones' successful efforts to fight for a ban of off-shore oil drilling are still with us today. Walter Jones recognized the importance of preserving marine life, and maintaining safe and sound policies for our coastal waterways.

It is my sincere hope, that as the House welcomes its new class of Members in the next Congress, that these men and women embody the spirit of a Member like Chairman Jones.

All the Members of this House are indeed fortunate to have served with Walter Jones. I know that personally, I hope to emulate the leadership and exceptional representative qualities that made Chairman Jones such a diligent leader in this body.

God bless you Chairman Jones. You will be sorely missed.

TRIBUTE TO WALTER B. JONES

HON. H. MARTIN LANCASTER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. LANCASTER. Mr. Speaker, the life of Walter B. Jones, Member of Congress, makes me proud to be a North Carolinian and a Member of this institution.

No Member of Congress, past or present, has better exemplified that precious balance between serving the interests of those who elect us to Congress and serving the greater good of our United States. And Walter did this with good grace and abundant good humor for 26 years. His sense of humor and gentle wit were as evident at the final hearing over which he presided as chairman of the House Committee on Merchant Marine and Fisheries as they were two decades earlier when he represented his constituency on the Agriculture Subcommittee on Tobacco and Peanuts.

When he departed, he left the Committee on Merchant Marine and Fisheries with the status and reputation—if not the official designation—of a major committee. Certainly, Walter's legislative initiatives have had a major beneficial impact on the maritime industry, the

U.S. Merchant Marine, the Coast Guard, the fisheries, the environment, and the people he represented.

To name a few initiatives:

The Oil Pollution Act of 1990.

The Jones amendments to the Coastal Zone Management Act restoring States' jurisdiction over their own coastal areas.

The all-but-completed repeal of the boat-user fee.

Balance between the environment and economy in management of the Arctic National Wildlife Refuge.

Saving the coastal regions from ill-advised oil and gas drilling on the Outer Continental Shelf.

Initiating, supporting, and saving oceanographic research programs.

Supporting the United States in shipping policies.

The blossoming of the National Marine Sanctuaries Program.

Working to preserve and manage our fisheries and to preserve the way of life of our commercial fishermen and their families.

The list of national accomplishments is long.

It is good to reflect that Walter's long, lonely crusade to bring back the U.S. merchant marine fleet was totally vindicated when it became obvious during the Persian Gulf war that this vital and patriotic segment of our national defense needed more ships, as Walter had insisted for years.

As chairman of the Agriculture Subcommittee on Tobacco and Peanuts, Walter looked after the interests for many years of the farmers and agribusinesses of the greatest tobacco-producing region in the world, the people who voted for him and sent him to Congress.

As for personal service to his constituents, Walter's health problems frequently required him to get about in a wheelchair in recent years—but no one who ever asked him for help in the North Carolina First ever doubted that when it became necessary, Walter could walk on water.

Walter Jones had a great impact on me personally, as well. He was a close friend and supporter and served as both mentor and ally for more than 30 years. As a young page in the North Carolina General Assembly, I greatly admired Congressman Jones who was then a young legislator. When I arrived in Washington as a freshman Congressman 6 years ago, he took me under his wing and helped me in so many ways. I can only express my gratitude now and hope that I expressed it well enough when he was with us.

Mr. Speaker, it is my fervent hope that with the passing of Walter Jones, we will not rush to dismantle the committee that he made great, nor allow his initiatives to languish. Rather, it is my hope that we will honor his memory with vigorous, renewed efforts to accomplish the good things that he started, and to preserve the good laws and policies he left us.

[From the Raleigh (NC) News & Observer, Sept. 17, 1992]

JONES' LEGACY OF SERVICE

U.S. Rep. Walter B. Jones, North Carolina's senior congressman, who died Tuesday, at 79, wasn't a flamboyant orator, and he didn't do the kinds of flashy deeds guaranteed to make headlines. He was steadily conservative in style, although his voting record in recent years had a liberal strain. What mattered most to Jones, and to the people of his 1st District, was that he knew how to get things done for the folks back home.

That's why the voters of his district sent him to Congress 12 times, mostly by overwhelming margins. He knew them. He knew their needs. And thanks to his seniority, he knew how to fill those needs.

The Farmville Democrat was a powerful voice for the tobacco farmers of this state, and for all farmers, for they comprised a good part of his constituency. In 1981, despite a low profile and poor health, he took over the chairmanship of the House Merchant Marine and Fisheries Committee—a pertinent post considering that the Outer Banks were in his district.

In that role, Jones was credited by his colleagues with making something of a committee that had lingered in obscurity. He opposed reductions in the maritime budget proposed by the Reagan White House, and he helped draw up legislation regulating oil spills—following the infamous Exxon Valdese spill in 1989. He was a leader in efforts to block any drilling for natural gas off the North Carolina coast so long as questions remain about drilling's effects on the environment.

Jones' first priority, however, always was his duty to help his constituents. It was an old-fashioned idea that a congressman was first a public servant, not a public figure. Walter Jones nurtured that idea, and filled the role admirably.

[From the Coastland Times, Sept. 17, 1992]

WALTER

The dignity of his position warranted the title, "The Honorable Walter B. Jones, Member of the United States House of Representatives." More simply, he was "Congressman Jones." To his aides and staff he was "The Boss."

But to the people of the former First Congressional District of North Carolina he was, simply "Walter." And so he will be remembered by the people he represented in the national government.

Although he became a powerful force in the House, to the folks back home he was a friend. He believed that his primary responsibility was to represent those folks, and he put his belief into everyday practice.

There are examples of his efforts everywhere, particularly in coastal North Carolina. Every time we cross the new Washington Baum Bridge between Manteo and Nags Head, we see an example of his efforts to improve transportation in Dare County.

Owners of property on the oceanfront or in other zones where flooding could be a problem are indebted to Jones for his legislation which provided funds for moving structures out of harm's way.

The Coast Guard owes Jones much for his regular battles to protect the service from irresponsible budget slashing. Those efforts doubtless resulted in the saving of lives and successful actions against drug traffic.

The list is long, for his influence was great, and his efforts on behalf of his constituents were untiring. Withal, his work in Congress was not limited merely to the First District but to the best interests of the United States.

While Walter's seat in Congress is now empty, his place in the hearts of his constituents is secure.

[From the Elizabeth City (NC) Daily Advance, Sept. 18, 1992]

JONES MADE CAREER OF SERVING THE VOTERS

For a quarter of a century, North Carolinians in this corner of the state have turned to one man to represent them in Congress. He must have done his job pretty well, or well enough to earn the support of so many people for so long.

Walter B. Jones Sr. left that legacy to the region when he died Tuesday in a Norfolk Va., hospital. Jones, who was 79, died from complication from pneumonia from which he had been suffering since late last month.

Jones' physical condition had been deteriorating for years. In a wheel chair much of the time, the 14-term congressman was nevertheless a tireless worker for his constituents. He built his support and ultimately his Congressional career by looking after the needs of residents in the 1st District. Ironically, Jones had announced his retirement at the end of the current term.

A review of his duties and accomplishments bear out the winning strategy of how Jones made his way in Washington for 26 years.

His two key committee appointments put him in a powerful position to aid constituents in the district. First as a member of the House Agriculture Committee and chairman of the panel's subcommittee on Tobacco for many years, Jones was given leverage to respond to the issues and concerns of what is a predominantly an agrarian district—and state.

Later, he was named to the House Merchant Marine and Fisheries Committee. He became its chairman in 1981. It was in that capacity that his influence was most pronounced and effective.

Under Jones leadership the committee has been a key proponent of marine sanctuary legislation and policy to protect the country's valuable coastal and ocean areas. Among his work there was the designation of a sanctuary for the USS Monitor off the state's coast.

He was also a key force behind legislation on fisheries policy to protect and rebuild valuable fish stocks in both inland and ocean sources. That also included environmental stipulations to protect dolphin and sea turtles.

Jones also is credited with authoring legislation to reform the National Flood Insurance program, giving greater protection to coastal-dwellers.

He amended the Clean Water Act in 1988 to establish the Albemarle Sound-Pamlico Estuarine System in North Carolina. That launched the five-year, $5 million state and federal APES study for management of that system.

Jones was also instrumental in increasing the number of National Wildlife Refuges in the 1st District from seven to 11 during his tenure.

One of the crucial actions taken involving Merchant Marine was the Oil Pollution Act of 1990. The act created new standards to prevent oil spills, increased liability for those responsible and set up the industry sponsored Superfund to clean up spills.

And Jones has been a friend to the Coast Guard in helping fund its various operations like the National Strike Force and keeping area bases sufficiently funded and staffed.

The list goes on and on . . . .

Many residents close to Elizabeth City will remember the influence of Walter B. Jones in keeping the dismal Swamp Canal open and operating when the U.S. Army Corps of Engineers and others were trying to close it.

Jones never made much of a splash on major national and international issues during two and half decades in congress. His name was never mentioned on key votes.

His time spent in Washington was devoted to serving the people of the 1st District—something he did very well. His influence and effectiveness will be missed.

[From the Washington (NC) Daily News, Sept. 17, 1992]

WALTER JONES SERVED WELL FOR A PERIOD OF 26 YEARS

(By Ashley B. Futrell)

Walter B. Jones, congressman from North Carolina's First District for a period of 26 years, served his constituents well and faithfully.

In his death North Carolina has lost a leader who in his lifetime faced a lot of challenges and in each one he gave his best. He was aided by a fine staff including his chief assistant, Floyd Lupton, of Beaufort County.

Mr. Jones enjoyed a long tenure in public service. A businessman, he was mayor of Farmville, and he served in the North Carolina Senate before going to Congress. While in the Senate he distinguished himself as a man who never backed away from the political ideals in which he believed.

In Congress over those 26 years, the last few when he had to get around in a wheelchair, he still had that determination in his mind and that fight in his heart. He became chairman of the House Committee on Merchant Marine and Fisheries, and as such he wielded enormous influence.

He was also a member of the House Agricultural committee and chairman of the subcommittee on tobacco and peanuts.

So we take a look at his tenure in office and we see a man dedicated to serving in the areas which would most benefit his people. Having about half the coastal area of North Carolina in his district, Mr. Jones took a leading part in the fight against oil drilling off the coast as well as the methods proposed for saving the Hatteras lighthouse. And fishing rules and regulations were always part of his daily routine in Congress.

The death of Walter Jones ends an era. We now start a new one. What he did, what he meant, and what he truly was, shine so brightly in this hour. We've lost a good man.

[From the Virginia Pilot]

WALTER B. JONES

(David O. Loomla, Coast editor)

Wonder how 90 percent of the members of the U.S. House of Representatives manage to get reelected every two years, despite repeated scandals and deepening deficits? Just review the career of U.S. Rep. Walter B. Jones, D–N.C.

Jones, who died last week at age 79 after representing northeastern North Carolina in Raleigh and Washington for most of the past 40 years, rose to dean of North Carolina's congressional delegation by becoming king of constituent service.

"He just liked to help people," explained H.V. "Bobby" Owens Jr. of Nags Head, a close political ally for nearly 40 years.

To break political stalemates in Washington, some students of political science say, members of Congress should start showing some leadership and stop exercising followership.

That means, the academics say, members of Congress should pay less attention to changeable public opinion and pay more attention to the nation's unfinished business.

For Jones, the concerns of his constituents were the nation's unfinished business.

After all, that's the way the Founding Fathers foresaw the function of the House of Representatives. They envisioned a popularly elected legislative body that would be finely attuned and responsive to the popular will. For caution and cooler reflection, they created the U.S. Senate.

Jones was among the most senior members of the popularly responsive House. And his experience showed.

For example, when Mobil Corp. announced four Septembers ago that it planned to explore for natural gas 45 miles northeast of Cape Hatteras, Jones was regarded as a supporter of the oil industry, even a recipient of its well-lubricated political largess.

But a year later, as he prepared to run for a 13th term, the congressman attended a hearing at Manteo High School called to hear public comment on the proposed drilling project. Opponents of the project were well-organized and well-represented at the meeting and the incumbent's prospective challenger for the Democratic nomination was in attendance that evening.

Jones seated himself at a wooden table on the stage in the high school auditorium and, when introduced, promptly announced his opposition to Mobil's offshore drilling plans. The audience erupted in an ovation.

It was a characteristic Jones performance. His constituency was his audience, not Mobil Corp., not some national energy policy that encouraged domestic self-sufficiency. Jones' constituents wanted nothing of the oil company or its plans. Jones aligned himself with them.

In the process, it also should be noted, his probable opponent saw the handwriting on the wall that night in Manteo. Soon after, he withdrew from the race. Jones won renomination and re-election easily, against token Republican opposition.

Jones' record was not without some missteps. He was among members who bounced checks at the House bank before the practice was widely reported last year and the bank was dismantled. Jones wrote 63 bad checks. In April, he explained that he was not aware of the system's "unprofessional banking practices."

There were a couple of other similar incidents. But on Wednesday morning, as a funeral procession bore Walter Jones for the last time through the intersection of Budleigh Street and U.S. Route 64/264 in downtown Manteo, a knot of sidewalk admirers recalled only his personal services to them and their community.

"We've lost the best friend we've ever had," said Dottie Fry, Dare County register of deeds. "He denied no one. He answered everyone's needs."

Lois Twyne tearfully recalled when her son's need for care was tangled in red tape, and Walter Jones untangled it overnight.

"Flags for Babe Ruth leagues, the seniors center on the beach, I mean, just a phone call," Twyne said. "He was just a dear friend."

Most Americans equate politicians with selfishness. But in Manteo and around northeastern North Carolina last week, constituents of Walter Jones, trying to return endless favors, said their late congressman represented the opposite—selflessness.

[From the Virginia Pilot, Sept. 20, 1992]

CONGRESSMAN WALTER B. JONES

Representative Walter B. Jones was in politics for most of his life—a member of Farmville, NC commission in 1948 and the town's mayor from 1949 to 1952—and a member in the U.S. House of Representatives from the mid-1960's until his death last week.

Long ailing himself, Mr. Jones could do little to aid the long-ailing and bitterly divided U.S. merchant-marine industry. As chairman of the House of Representatives' Merchant Marine and Fisheries Committee, he aspired to arrest language to expand the volume of U.S. imports and exports carried by American ships included in an omnibus trade bill.

He was more successful aiding his constituents, a congressman's bread and butter business. "Helping folks is what politics is all about'" he said and believed. The folks of North Carolina's 1st District—mostly poor and rural and reaching westward from the Outer Banks—whom he knew so well agreed. "Ol' Walter," many called him, affectionately, last returning him to Congress in 1990 with 65% of the vote, the same percentage he had won in the 1988 contest.

He battled to prevent oil drilling off the Carolina coast and to strengthen all states' powers to block such activity. But he championed drilling in the Arctic National Wildlife Refuge, inviting environmentalists' criticism. He said yes to the use of force to evict Iraq from Kuwait and so deny Saddam Hussein effective control over more than half of the globe's oil reserves.

Illness, age and redistricting prodded Mr. Jones not to stand for re-election this year. His health had been fragile for many years when pneumonia fell on him at age 79. He will be remembered fondly, he served his district well.

[From the Goldsboro (NC) News-Argus, Sept. 17, 1992]

"HEART SERVICE" A FITTING TRIBUTE TO JONES

"He gave heart service, not lip service."

So spoke a constituent of Walter B. Jones who represented the First Congressional District in the U.S. House of Representatives for almost 28 years.

No finer tribute could have been paid to Walter Jones or any other member of Congress.

Mr. Jones died Tuesday after a three-week bout with pneumonia. He was 79.

"Heart service" rather than "lip service" has been the hallmark of congressional representation in that district for generations.

That was the centerpiece of the service of the late Lindsay C. Warren, Sr., the "lion of Beaufort," who served the First District as its congressman until chosen to be the nation's first comptroller general. He served in that important capacity under both Democratic and Republican administrations.

Mr. Warren was succeeded in Congress by the late Herbert C. Bonner who perpetuated the tradition of constituent service. When people living in the First District wrote their congressman, responses went out on the same day letters were received.

And they weren't "lip service" responses.

Walter Jones remained in Congress long after he could have retired with full benefits. He did so despite increasing physical disabilities. During his last term he had to rely on a wheel chair to get to and from the House chamber because of circulation problems in his legs.

Like his predecessors, Walter Jones not only looked after his constituents, he stayed abreast of matters of importance to the nation and the world.

As was the case with Lindsay Warren and Herbert Bonner, the key was maintaining a bright, efficient and dedicated staff.

The offices of Walter Jones, Herbert Bonner and Lindsay Warren were not dumping grounds for political hacks seeking compensation for services rendered on the campaign trail.

They were offices where staff members came to work early and remained until every detail had been attended to, realizing that the next day would bring its own matters demanding attention and recognizing that to put off meant to pile up.

Not only was "heart service, not lip service" a fine tribute to Walter Jones, it was a fitting description of a dedicated friend and representative of the people of the First Congressional District.

[From the Greenville (NC) Daily Reflector, Oct. 2, 1992]

WALTER B. JONES

No one will miss Walter B. Jones more than the average 1st District citizen.

The citizen, whether in Currituck, Pamlico or Pitt County, always knew Congressman Jones was there to help. For 26 years, Jones worked the system on behalf of his constituents. He chased down Social Security checks. He solved problems with the Veterans Administration.

Jones even battled the Internal Revenue Service on occasion—if that's what it took to make government work for the people who depended on him.

Congressman Jones, 79, who died Tuesday, took pride in serving the farmers and merchants and hard-working men and women of eastern North Carolina. He always spoke kindly of the people who elected him to office and never failed to answer the many letters that flooded his Washington, D.C., office.

There was nothing more important to him than the people.

Because of this belief, the congressman's constituent service grew to legendary proportions. Everyone knew the best way to solve a problem with the federal government was to ask Jones for help.

Somewhere along the way Jones the man became an institution. For someone growing up in eastern North Carolina, there were a couple of constants: tobacco was king and Jones was congressman.

But there was more to Congressman Jones than constituent service. For years he protected the agriculture interests of North Carolina and in 1981, after assuming the chairmanship of the Merchant Marine and Fisheries Committee, he turned his considerable skills to protecting the state's coastline.

He used his position to effectively top proposed off-shore drilling near the Outer Banks. He supported environmental measures to study the Pamlico-Albemarle Estuary.

Nationally, Jones fought attempts to cut the U.S. Coast Guard budget. He sought to protect the nation's dwindling merchant fleet. He supported the ever-growing aquaculture industry. The list could go on and on.

Although Jones was set to retire at the end of this year, a 1st District without Walter B. Jones will still take adjustments. Farmville—his adopted hometown and where he served as mayor—will miss him. Pitt County—which he represented in the state house and senate—will miss him.

And the state and nation will miss him. Not only because of his service to his community but because he was a kind and decent man.

Walter B. Jones cared about his community and served it well. One last time, we thank him

[From the Carteret County News-Times, Sept. 16, 1992]

WALTER B. JONES

With the death yesterday of Congressman Walter B. Jones, who represented North Carolina's First District for 26 years, we have lost a valued patron in Washington.

The dean of North Carolina's congressional delegation, Mr. Jones, 79, was elected to Congress in 1966. In the wake of redistricting last year by the General Assembly that gerrymandered the First District along racial lines and moved Carteret County and other counties that has comprised the district's home base into the Third District, Mr. Jones announced his retirement.

Mr. Jones gained stature when he became chairman in 1981 of the House Merchant Marine and Fisheries Committee, which dealt with coastal affairs ranging from the Coast Guard to commercial fishing to the nation's merchant marine. Although he was not in good health when the Merchant Marine chairmanship opened in 1981, Mr. Jones wanted the job and convinced the House leadership to let him have it.

The Almanac of American Politics, a reference book, said Mr. Jones took "an aging and often ailing committee and pumped some life and verve into it." It cited a comprehensive bill regulating oil spills completed after the Exxon Valdez oil spill off Alaska in March 1989.

Under his tenure, the committee fought efforts by the Reagan administration to cut the maritime budget and retained a close relationship with industry.

Mr. Jones relinquished the committee chairmanship to Rep. Gerry Studds of Massachusetts last week.

A strong advocate of agricultural interests in eastern North Carolina, Mr. Jones chaired two House Agricultural subcommittees earlier in his congressional career—the Cotton, Rice an Sugar subcommittee followed from 1972 to 1980 by the Tobacco and Peanut subcommittee, a position he used to continually press to maintain the tobacco price support system.

An attribute that held Congressman Jones in good stead with his constituents was his ability to gather and maintain a strong congressional staff that was responsive. Together with Floyd Lupton, his administrative assistant who retired last year, Congressman Jones championed whatever affected the First District or his constituents.

"The people in this district have known that they've had a congressman for 26 years that cared about them and loved them and he and his staff were among the best at serving the people," his son, Walter B. Jones Jr. said yesterday. "I don't think anyone can question that."

No one can, or will.

TRIBUTE TO THE HONORABLE WALTER B. JONES

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. PANETTA. Mr. Speaker, I rise to pay tribute to the late and the most Honorable Walter B. Jones, our colleague, who passed away Tuesday, September 15. I had the privilege of working closely with Walter Jones for the last 15 years of his long and venerable congressional career. His help as chairman of the House Merchant Marine and Fisheries Committee was indispensable to my effort to designate the Monterey Bay Sanctuary and in a wide range of other environmental, agricultural and fishing initiatives and programs for the central coast of California and for the Nation. Walter never said much, but he got a lot done. He got a lot done not just for the good people of North Carolina, but for the American people and our natural resources as well. Walter shepherded a great many good works through his committee with consummate skill and tact. He was a true legislative craftsman, rarely taking time to boast of his accomplishments but prodigious in his output year after year.

Walter was also a generous, patriotic, and devoted colleague of ours, devoted to his Nation, his home State of North Carolina, and his family. Yet he held a global vision, and as the chairman of the Committee on Merchant Marine and Fisheries, he strived to preserve and protect our fragile oceans and coastal environments, to give future generations the opportunity to live with their breathtaking beauty. His considerable support was crucial in passing legislation to protect the California coast and other parts of the American coastline from offshore oil drilling. His farsighted support for oceanographic research, marine mammal and environmental protection laws set an example for all to follow, ensuring that our oceans remain untainted and teeming with marine life. Selflessness was one of Walter Jones' strongest traits, devoting 43 years, over half of his life, as a servant of the public trust. He represented northeastern and coastal North Carolina for 26 years.

Walter's legacy includes more than legislation alone. I refer to his intangibles, things that cannot be easily quantified but which profoundly influenced everyone who knew him. We will not soon forget Walter's strength of character, his wisdom, his tireless pursuit of justice, and his desire to serve his fellow Americans. The people of the central coast of California join with me, with the State of North Carolina and with all Americans in praising his memory. Mr. Speaker, I would like to ask my colleagues to join me in a tribute to Walter Jones' memory. He was a great Congressman, and I will miss him.

TRIBUTE TO WALTER B. JONES

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. BATEMAN. Mr. Speaker, I wish to express the deep sadness I feel at the loss of our esteemed colleague, Walter B. Jones, chairman of the Merchant Marine and Fisheries Committee.

I have been fortunate enough to serve on the Merchant Marine and Fisheries Committee under the distinguished leadership of Congressman Jones. Chairman Jones was dedicated to revitalizing the Merchant Marine industry, and under his leadership the House passed the Shipbuilding Trade Reform Act earlier this year. He also led committee efforts to protect the Nation's ocean and coastal resources, develop effective fisheries management policies, and strengthen the U.S. Coast Guard. Perhaps his most important achievement as chairman was the passage of the Oil Pollution Act of 1990. This bill established

stricter requirements for oil carrying vessels, improved oil spill response efforts, and will certainly help protect our environment for decades to come.

I witnessed first-hand the strength and fairness with which he conducted committee business, and he will certainly be missed.

Congressman Jones' 13 consecutive terms in the House of Representatives is a testament to the faith that the citizens of the First District of North Carolina placed in him. As dean of the North Carolina congressional delegation, Walter Jones brought many improvements to his State, and especially to the outer banks which he represented.

It is sad to know that Congressman Jones was to retire at the end of this Congress, and that he will not have the opportunity to enjoy a much deserved and well earned retirement.

Walter B. Jones was a real southern gentleman. He will be sorely missed. My heart goes out to Mrs. Jones, Walter's family, and the excellent Merchant Marine Committee staff that served him so well.

TRIBUTE TO WALTER B. JONES

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. DE LA GARZA. Mr. Speaker, there have been many illustrious and distinguished Americans who have served in this body, but few have combined such a long and faithful representation of their congressional district with so many notable achievements as did our late colleague and my good friend, Walter Jones, to whom we pay tribute today.

It is impossible in this brief time to recognize all that Walter Jones accomplished in his years here in this body, but if there's one thing I do know it's that the usual plaudits do not nearly do him justice.

When I think of Walter Jones many words spring to mind—effective, capable, dynamic, consummate. He was all these and more.

To be a constituent of his was to be blessed with excellent political leadership, for if you had a problem or needed help, Walter Jones would move mountains to do it for you. He would do nothing less for those of us who were his friends and colleagues.

Many are the fond memories I have of our long association, and I will miss him a lot. Walter Jones was truly one of a kind.

To his family go my very deepest sympathy and prayers.

TRIBUTE TO WALTER B. JONES

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. STOKES. Mr. Speaker, I want to thank my colleagues for reserving this time to pay tribute to our dear friend and colleague, Walter B. Jones. The death of this esteemed legislator brings to a close nearly 40 years of distinguished public service to his constituency and to the Nation. I am proud to join in this special order honoring our good friend and late colleague.

Mr. Speaker, Walter Jones crusaded tirelessly on behalf of his constituents for close to four decades. As the mayor of Farmville, NC; as a member of both houses of the North Carolina Legislature; and as the U.S. Representative of North Carolina's First District since 1966, Walter Jones' career in public service is matched by few.

Although Walter Jones had been in Congress only 2 years prior to my arrival in 1969, it was clear at that point that this individual would play an integral role in this body. Rising to the chairmanship of the Committee on Merchant Marine and Fisheries, Walter Jones heightened the public's awareness of crucial maritime issues, taking an aging and often ailing committee and pumping some life and verve into it. It was Chairman Jones that worked tirelessly on a bill regulating oil spills after the *Exxon Valdez* incident off Alaska in March 1989 and it was Walter Jones who repeatedly fought efforts by the Reagan administration to cut the maritime budget.

During his tenure in Congress, it was rare that Chairman Jones spoke from the floor. Instead, the efficacy of this distinguished gentleman was evidenced through his diligent committee work on issues vital to his constituents; namely, agricultural products such as tobacco and peanuts. As a member of the Committee on Agriculture and the chairman of the Subcommittee on Peanuts and Tobacco for 8 years, Walter Jones pressed to maintain the price support system for his district which encompassed one of the poorest and most agricultural regions of North Carolina.

Mr. Speaker, we are deeply saddened at the passing of Walter Jones. His distinguished career has left an indelible mark on the U.S. Congress and his influence in this body will extend over generations of politicians yet to arrive in Washington. This institution has benefited over the years from his insight and strong leadership and his presence will certainly be missed. I wish the family of Walter B. Jones my heartfelt condolences on the loss of this exceptional individual and may they find comfort in knowing that his mark in government will be a permanent part of history.

TRIBUTE TO HON. WALTER B. JONES

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. ALEXANDER. Mr. Speaker, today we are gathered on the floor of this House to remember with deep appreciation our colleague, Walter Jones.

Our sympathy is with Chairman Jones' wife, Elizabeth Fischer Jones, and his children and grandchildren.

Walter Jones was elected to Congress in 1966 and has served as a distinguished Member of this body for 26 years. Prior to his arrival in Washington, he committed himself to serve as mayor of Farmville, NC from 1949 to 1953 and then as a representative in the North Carolina General Assembly and the State Senate until 1965. Walter Jones came to Congress by way of a special election on February 5, 1966. I am pleased to have served 12 terms of his 13-term tenure as a fellow Member and as a friend.

Walter Jones and I shared the same floor in the Cannon House Office Building for many years. We ran into each other frequently as we fulfilled our obligations as Members of this House Representatives.

Walter was always warm, friendly, and jovial, no matter what the circumstances.

During my time as chief deputy whip, I frequently called on Chairman Jones for his support of the Democratic position. He was always cooperative.

We miss Chairman Jones and his dedication to improving the lives of his fellow Americans, thinking not only of the people of North Carolina but the good of the Nation as well.

He was elected chairman of the Committee on Merchant Marine and Fisheries in 1981, and also served as chairman of its Subcommittee on Merchant Marine. Prior to this he worked for many years as the chairman of the House Committee on Agriculture Subcommittee on Tobacco.

Walter, as chairman of the Committee on Merchant Marine and Fisheries held a very strong and genuine concern for the sea. He was aware of my interest in the ocean as well and of my status as a professionally licensed diver. In fact, I once received a map of shipwrecks that had occurred off the Atlantic coast from Mrs. Jones. It still hangs on the wall in my office and will always serve as a reminder of my good friend.

Under his leadership the Committee on Merchant Marine and Fisheries was able to achieve many of the goals set by Chairman Jones. Some of these include:

The Oil Pollution Act of 1990 which was designed to deal with the problem of oilspills by creating new standards for the prevention of such spills, increase liability limits for those companies responsible for oilspills, and establishing a fund, financed by industry, to help compensate the victims of spills.

Passage of the Shipping Act of 1984, a major rewrite of the laws regulating the ocean transportation of goods to and from the United States. He continued these efforts by recently serving on an advisory commission which reviewed the implementation of the 1984 act and made recommendations for change.

Passage of the Foreign Shipping Practices Act that gave the Federal Maritime Commission the authority to investigate and take action against foreign policies which discriminate against U.S. carriers.

Walter Jones had many other accomplishments.

His strong advocacy of increased oceanographic research here in the United States. He managed to protect the Sea Grant Program from elimination by the administration and has been a proponent of a modern and efficient fleet of research ships for the National Oceanic and Atmospheric Administration.

Under Chairman Jones' leadership, the National Marine Sanctuary Program has grown tremendously. When Congressman Jones took over the committee, the sanctuary program consisted of three sites covering 1,350 square

miles. By the end of this year, it will include 13 sites totaling nearly 11,000 square miles.

Chairman Jones aided in obtaining prohibitions in the use of large-scale drift nets in tuna fishing in order to protect dolphin and other untargeted marine fish and birds and was successful in efforts to rebuild declining striped bass stocks. In the past 4 years, Chairman Jones has won over $1 million in improvements for the National Marine Fisheries Service Laboratory in his home State of North Carolina.

I have been fortunate to serve in Congress with such a dedicated public servant.

TRIBUTE TO WALTER B. JONES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. ANDERSON. Mr. Speaker, I rise in tribute to a friend of mine, Walter Jones, who left us Tuesday, September 15. In every man's life, he encounters a few people who are far from ordinary—men whom he feels a great sense of privilege to have the opportunity to know and to work with. Walter Jones was one of those men. His record of public service and accomplishment is open for all to see. The impatient will not make it through a reading of his rich life, the length and breadth of which would make most men blush. I had the opportunity to work with Walter on a range of legislation, ranging from the Marine Mammal Protection Act to the Oil Spill Pollution and Prevention Act. We all come here to make a difference. Walter succeeded fantastically. This Congress and the State of North Carolina have lost first, a gentleman and second, a legislator of unsurpassed commitment and dedication. I have lost a friend.

My association with Walter goes back some 24 years and our service on the Merchant Marine and Fisheries Committee together. From that starting point of a decided lack of seniority, he rose to become chairman and I his ranking majority member until I left to take the chairmanship of the Public Works Committee. I was honored to be able to rejoin Walter's committee in the 102d Congress. But what gave me even more pleasure than our official work together was the evenings we spent in conversation at his home. With the warmth of Elizabeth's presence added to his own, the evenings were always looked forward to. Friendships can be hard to hold in the House. I was lucky to have an enduring one with Walter Jones. I mourn his passing and extend my heartfelt sympathy to his wife, Elizabeth, and children. He marked a path that few men can follow. My wife Lee and I are just two of the many that will miss him.

IN HONOR OF WALTER B. JONES

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. GOSS. Mr. Speaker, as a sophomore member, I was not as fortunate as some of the other members of this committee who had the opportunity to establish a long relationship with Chairman Jones. I only had 4 years to work with and to get to know Walter Jones, but those 4 years are filled with fond memories and much respect for an effective chairman and legislator.

Just yesterday I overheard some people talking about how much they were going to miss "the chairman." They commented on his gentle nature and shared a few humorous anecdotes. When they finished with their stories, there was a moment of awkward silence. But then someone broke the silence with the following comment that proved much comfort: "He didn't have an enemy in the world." Of course, everyone agreed.

The citizens of North Carolina, the merchant marine and the Coast Guard will miss Walter Jones' zealous representation. The members of the Merchant Marine and Fisheries Committee will miss his guidance and expertise. We will also miss his quick wit. Anyone who has ever come in contact with Walter Jones will always remember these attributes, not to mention his warm heart and endearing smile.

HONORING REPRESENTATIVE WALTER B. JONES

HON. W.G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. HEFNER. Mr. Speaker, on September 15 an important voice fell silent.

It was a voice of grace and charm, the voice of the truest of gentlemen.

It was a voice that knew the difference between speaking out, and merely being outspoken.

A voice that championed the big causes and the small, yet never betrayed a difference.

A voice of leadership and strength, that spoke only with genuine humility and thoughtfulness.

It was, in the truest sense, the voice of a man that could "talk with crowds and keep his virtue, or walk with kings nor lose the common touch."

That voice, Mr. Speaker, belonged to Congressman Walter B. Jones of North Carolina.

Walter Jones came to this House in 1966 to represent the people of the First District of North Carolina, and that is exactly what he did. His people came first, because to him they were first. And all of us who served with Walter Jones, and all who will serve after him, can take a lesson from that. If ever there was anyone who never forgot where he came from, or why he came, it was Walter Jones.

Today we honor his memory and his achievements—about which there certainly is much to be said. But I will close with my most important recollection of Walter Jones, the one I hold most vividly and closest to my heart. And that is that in all our many conversations—I had over 18 years of friendship—no negative word about another human being ever crossed his lips.

That is the mark of a special and extraordinary man. That, Mr. Speaker, was the mark of Walter Jones.

TRIBUTE TO REPRESENTATIVE WALTER JONES

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. VALENTINE. Mr. Speaker, I rise in tribute to our late colleague, and my close friend for nearly four decades, Walter Jones.

Walter Jones represented the First District of North Carolina for a quarter century. In that time, he came to be revered by the people he represented as well as by those with whom he served in the House.

For the people of eastern North Carolina who earn their livelihood from the soil or the sea, Walter Jones was a leader who put their interest first. As a senior member of the House Agriculture Committee and chairman of the House Merchant Marine and Fisheries Committee, he never lost sight of his responsibility to the farming and fishing families of the First District.

I met Walter when we both served in the North Carolina House of Representatives in 1955. Even at that early point in his political career, he was an outstanding legislator who authored the law that made automobile liability insurance a requirement in North Carolina.

When I came to the U.S. House of Representatives in 1981, I naturally looked to my longtime friend Walter Jones for guidance. He was a model Representative who used the power of his office for the betterment of both his district and our Nation.

Walter will be missed by all of us in the House and by the people of the First District, but his legacy of effective leadership will inspire those of us who served with him and those who will come after him for many years. If we all accomplish as much for our constituents as Walter did, this institution and our Nation will have been enriched.

PRAISING WALTER B. JONES

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. BENNETT. Mr. Speaker, I rise to praise the fine leadership of Chairman Walter B. Jones and to express my sadness at his passing. He and his wife have been a great team for strengthening our merchant marine and improving the environment of our Nation. My deepest sympathy goes out to her and we all join in praising the great accomplishments which Chairman Jones has brought about for our country, not only in the legislation which came from his chairmanship of the Committee on Merchant Marine and Fisheries, but in the other legislative victories that he has had for the benefit of our Nation and his constituents.

HONORING WALTER B. JONES

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. QUILLEN. Mr. Speaker, today I join my colleagues to honor my good friend, Walter B. Jones of North Carolina. His strong and legendary leadership in the Congress, as well as his stewardship for the interests of the people of the First District of North Carolina, will not be forgotten.

Walter was first elected in 1966 to the Congress and was elected chairman of the House Merchant Marine and Fisheries Committee in 1981. He literally took the helm as chairman to help promote beneficial laws regarding coastal areas and fisheries policy. Walter was in the forefront of efforts to prevent and assess liability for marine oilspills, oceanographic research, and environmental concerns for the protection of valuable coastal and ocean areas. His accomplishments as chairman of the Merchant Marine and Fisheries Committee in strengthening America are unparalleled.

In my 30 years in Congress, I enjoyed my association with Walter who was a steadfast and zealous Representative for his people, the voters of northeastern and coastal North Carolina. He will be deeply missed.

He was instrumental in congressional efforts to bring back a U.S.-flag merchant fleet capable of being pressed into service in an emergency, which proved to be a key component in our military readiness in the gulf war. His vision was the guiding impetus for this achievement.

It was a great pleasure to have known Walter and to have worked with him on many national and international issues, and my heartfelt sympathy goes out to his family.

TRIBUTE TO WALTER B. JONES

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. HUGHES. Mr. Speaker, today we pay tribute to our former colleague, Walter B. Jones, who served in this House with distinction for 26 years.

In those 26 years, Walter never faltered in his beliefs, regardless of the degree of their popular appeal. He was caring and compassionate. Walter championed the causes in which he believed with tenacity, and did not yield. He cared deeply about the welfare of his constituency and his country.

Walter was certainly a friend to the Merchant Marine community. He became chairman of the Merchant Marine and Fisheries Committee in 1981 and admirably served in that capacity for 12 years. Under his leadership, the committee was an effective and able steward of its jurisdiction over the U.S. merchant marine, the U.S. Coast Guard, fisheries and wildlife management and conservation, ocean policy, marine pollution, and offshore energy resources.

His accomplishments were as numerous as they were diverse. The development and passage of the Oil Pollution Act of 1990 and the Foreign Shipping Practices Act, strident efforts to revitalize our merchant marine and modernize our fleet of oceanographic research vessels, and successful expansion of the National Marine Sanctuary Program are but a few examples.

Walter was a man of integrity who made significant contributions to his country. He was an outstanding steward of the interests of his constituents in North Carolina's First Congressional District and served the House of Representatives well. Indeed, Walter's friendship and leadership are a great loss to the Merchant Marine and Fisheries Committee and to this Congress.

TRIBUTE TO WALTER JONES

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. JACOBS. Mr. Speaker, we hurt, those of us who loved our colleague, Walter Jones. And that was all of us.

It would be difficult to imagine an unkind or unfriendly word from Walter. Our hearts go out to his family.

HONORING THE LATE WALTER B. JONES

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mrs. LOWEY of New York. Mr. Speaker, I rise to pay tribute to the Honorable Walter B. Jones, chairman of the House Committee on Merchant Marine and Fisheries. It was a privilege and honor to know him and to serve with him on the Merchant Marine Committee.

Chairman Jones was fair and honest and steadfast in his commitment to the things that matter in this body—integrity, dignity, and democracy. Although my time serving in the House and on the Merchant Marine Committee has been relatively brief, my memories of Chairman Jones are rich with examples of his wit, his candor, and his lack of pretense. Chairman Jones commanded the respect of his colleagues—not just because of his seniority or his chairmanship—but because of the way he did his job.

While he could break up a tense committee meeting with a humorous remark, Chairman Jones was serious about helping the First District of North Carolina. He did not take lightly the privilege of congressional service bestowed upon him 12 times by his constituents. In the midst of a grueling conference on the Oil Pollution Act of 1990, he cleverly used his position to insert a provision which delayed a questionable gas drilling project off the coast of North Carolina. Newspapers across the Tar Heel State hailed his triumph, comparing him to a nimble football halfback. Nothing pleased him more than doing right by his constituents.

Despite his declining health, Congressman Jones was an effective chairman, deeply committed to representing the interests of the marine environment and economy. He took over the leadership of the committee in 1981 at a difficult time. Over the past decade, he helped to transform the committee into one the Congress' leading advocates for environmental protection and economic growth.

Under Chairman Jones' leadership, the Merchant Marine and Fisheries Committee has energetically fulfilled its jurisdictional mandates and played a leading role in the formulation of major policy initiatives in oilspill prevention, coastal zone management, energy policy, ocean dumping, fisheries management, clean water, as well as numerous other areas.

Chairman Jones was a Congressman of the "old school," but he was open to change, and he treated all other members of his committee and this House with equanimity and respect. He welcomed me to the House and his committee, and set an example for conduct that will be missed. Walter Jones left a legacy of legislative accomplishment and personal integrity of which any Member of this House would be proud. I am honored to say that I served with him.

IN TRIBUTE TO HON. WALTER B. JONES OF NORTH CAROLINA

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mrs. MINK. Mr. Speaker, I rise today with other Members of this House to pay special tribute to the long, distinguished service of the Honorable Walter B. Jones from the great State of North Carolina.

Walter Jones came to Congress in 1966. He was a Member of the 89th Congress class of which I was a Member also. There are only a few remaining who are still serving. We came to Washington on the coattails of Lyndon Johnson, but some like Walter Jones stayed on.

Walter Jones was chair of the House Merchant Marine and Fisheries Committee. He had charge of a wide variety of important ecological and environmental legislation.

When I returned to the House in 1990 after nearly 14 years away, I was saddened to see Walter in frail health. Despite his personal problems, he carried on his work tirelessly, and was always there to serve the needs of his colleagues and their constituencies.

My staff tells me often how his committee functions the best on Capitol Hill and how responsive and helpful his staff always is. There is not one that is surly and arrogant as so many are on other committees. It is undoubtedly to the credit of Chairman Jones that this mission of service was enshrined in his staff's job description that has given them such an enviable reputation. He leaves the House with a great void of leadership.

When I returned to the House in 1990 some of my constituents urged me to seek membership on the Merchant Marine Committee, however my colleague from Hawaii sought this assignment so I declined. I genuinely regret not having had this opportunity to serve under Chairman Jones.

The needs of my State of Hawaii required us to place great reliance on the work of this Committee, but we always knew we had a friend in Chairman Jones. We had confidence that under his guidance, our special concerns unique to an island State would be safeguarded.

His place in this House and his role as a leader of his State will be forever written in the pages of our history.

I take this time to honor his work, to honor his faith in this institution and to honor the people of the First District of North Carolina who saw fit to send him to the service of his Nation for 26 consecutive years. Aloha, Walter Jones.

IN HONOR OF THE LATE CHAIRMAN WALTER B. JONES

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. SAXTON. Mr. Speaker, today I rise in honor of the late chairman, Walter B. Jones, under whose leadership the Committee on Merchant Marine and Fisheries established itself as one of the most bipartisan and dynamic organizations within Congress.

As a member of the minority party, I began my first term in 1984 and was granted my request to serve on Merchant Marine and Fisheries. In a very short period of time, I began to realize that behind the committee's success and vitality was the fairness Walter Jones extended to all the committee members—regardless of their partisan loyalties.

Issues were examined with factual integrity, regional sensitivity, and national need. The degree of expertise on committee staff is exceptional and the cooperation extended to Members has been a characteristic unique in my 8 years experience here in Congress.

However, Walter Jones will not only be missed for his fairness in leadership but also for his quick wit and sense of humor which characterized his style of southern charm and diplomacy.

It was an honor to serve with him.

MINNESOTA STATE UNIVERSITY STUDENT ASSOCIATION CELEBRATES ITS 25TH ANNIVERSARY

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. PENNY. Mr. Speaker, while a student at Winona State University I participated in the Minnesota State University Student Association [MSUSA] as an officer and a concerned student. My experience in MSUSA helped prepare me for future leadership positions including being the first student on the Minnesota State University Board, a member of the Minnesota State Senate, and a Member of Congress. On November 6, 1992, MSUSA will celebrate its 25th anniversary representing Minnesota State University students at its annual fall conference. I will be addressing MSUSA at a dinner to recognize both this occasion and the fifth anniversary of the Penny Fellowship, which was created by MSUSA to encourage students to take a leadership role in serving their communities.

MSUSA was formed in 1967 as an informal coalition of student leaders to represent their peers at the seven State universities in Minnesota—Bemidji, Mankato, Metropolitan (Twin Cities), Moorhead, St. Cloud, Southwest (Marshall) and Winona. A branch campus in Akita, Japan opened in 1990. Today the association has evolved into an independent, nonprofit corporation, funded and operated by students, serving more than 66,000 students.

MSUSA has encouraged students to become active participants in the decisions that affect them, working on behalf of many valued causes over the years. State university students have worked to establish child care facilities and stabilize State tuition. They have advocated increased work-study wages, simplified transfer between State universities, improved cultural diversity, and made great strides toward fairer State and Federal financial aid programs, including the recently completed Higher Education Act reauthorization.

There are many admirable programs sponsored by this student association. MSUSA's various legislative liaisons have given students the opportunity to voice their concerns at critical points, in the decisionmaking process. The Monitor, the association's newspaper, has the largest circulation of any State system newspaper, and the MSUSA Federal Credit Union, based at Mankato State University, is the only systemwide student credit union in the country.

Mr. Speaker, I would like to finally recognize the current officers of MSUSA: Steven B. Carswell, State chair from Winona State University; Leroy L. McClelland, State vice chair from Mankato State University; Jill F. Peterson, State treasurer from St. Cloud State University; and Frank X. Viggiano, executive director from Metropolitan State University. I extend my congratulations and wish them all success on this occasion.

A TRIBUTE TO NORMA L. COWART

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. HUBBARD. Mr. Speaker, I take this opportunity to pay tribute to my friend Norma L. Cowart, who died January 31, 1992, at age 54 of cancer.

A native of Sebree, in Webster County, KY, Norma L. Cowart was valedictorian of the Sebree High School class of 1955. She attended Western Kentucky University in Bowling Green, KY, and St. Louis School of Nursing in St. Louis, MO.

Marriage took Norma to San Diego, CA, in 1968.

From 1985 until her death Norma L. Cowart served as administrative assistant at the California School of Professional Psychology in San Diego. She was an expert in the field of mental health. Norma L. Cowart was of much help to thousands of people with whom she came in contact.

She was known and admired in Kentucky and California.

The session on March 16 of the 1992 Kentucky General Assembly was adjourned in honor of Norma L. Cowart upon a motion by State Senator Henry Lackey of Henderson, KY.

On February 4 this year, at a memorial service honoring the life of Norma L. Cowart, Dr. Thomas F. McGee, director of the California School of Professional Psychology, said at All Saints Episcopal Church in San Diego:

When Norma Cowart became ill in the summer of 1989 she was beset by considerable pain and uncertainty. Yet she performed her work admirably and also remained available to others. As Norma grappled with a life threatening illness she taught us profound lessons about dignity, determination and quiet courage.

An active member of the California Democratic Party, Norma L. Cowart was a delegate to the California Democratic Convention in 1988 and served several years as treasurer of the Clairemont-Mesa Democratic Club in San Diego.

Norma Cowart's mother, Martine McCurry Wise of Sebree, KY, is one of my favorite constituents, a dear friend and always has been very active in my election campaigns. Martine Wise is a beloved, outstanding Kentuckian who was always so proud of her only child.

Norma Cowart's father is highly respected Herbert Melton of Sebree, who is naturally also very proud of his daughter's accomplishments.

Other survivors include Norma's husband, Richard Lee Cowart of San Diego; three sons—Mark Wheetley and Jeff Wheetley, both of Oakland, CA, and Greg Wheetley, of Hudson, FL; and two stepdaughters—Lisa Lucas of San Diego and Sue MacBride of Carlsbad, CA.

My wife Carol and I extend to the family of Norma L. Cowart our sympathy.

POST-COLD WAR ASIA-PACIFIC COOPERATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues a recent speech delivered at the Asia Society in New York on October 1 by His Excellency, Wong Kan Seng, Foreign Minister of Singapore. This informative speech on Asia was brought to my attention by former Member of Congress, John Brademas.

The speech follows:

SPEECH BY MR. WONG KAN SENG, FOREIGN MINISTER OF SINGAPORE TO THE ASIA SOCIETY, NEW YORK, ON OCTOBER 1, 1992

POST-COLD WAR ASIA-PACIFIC COOPERATION

1. The defeat of communism and the collapse of the Soviet empire is creating a new global dynamic. World affairs will increasingly be determined by the interplay between the US, Japan and Germany. Russia and other states of the CIS still have power-

ful military forces but they are preoccupied with their internal affairs and for many years to come can at best play a secondary role on the international stage. Natural economic forces, technology and conscious policy choices are attracting other states into the orbits of the three major powers. By design or default, a more complex pattern of cooperation and competition in a regionalized world is emerging to replace Cold-War alliance systems and superpower competition as the defining architecture of a new international order.

2. Europe, Asia and the Americas are not tightly disciplined systems. Each has its own internal interplay, for instance between Britain, France and Germany within the EC. Nor will the three groupings be entirely separate or closed. Institutional links exist. NATO spans the Atlantic, just as APEC bridges the Pacific and, more tentatively, the ASEAN Post-Ministerial dialogues bring together major players in Europe, North America and Asia. There will still be global institutions such as the UN.

3. Even in the worst case of a total collapse of the Uruguay Round, there will be no sudden apocalyptic end to world trade. Stresses and strains will certainly increase and life will become less comfortable for everyone. But an outright declaration of economic war is unlikely and protectionism will only grow gradually, with a slowdown in trade occurring over several years, perhaps a decade or more. Technology and production techniques will ensure that there are seepages through even the highest "fortress" walls. It is difficult to conceive of a world in which Europe, the Americas and Asia can do entirely without each other's goods and services. But the inter-connections and interdependencies only increase the uncertainty, complexity and sensitivity of the emerging dynamic between Europe, Asia and the Americas. Even changes at the margins of these relationships can reverberate with far-reaching effect.

AMERICA AND THE ASIA-PACIFIC DYNAMIC

4. I want to focus on relations within East and Southeast Asia and between East and Southeast Asia and the US. I believe that the Asia-Pacific is an area that is both of great promise and major uncertainty. For the last two decades or so, East and Southeast Asia has been generally characterized by high growth and, barring a catastrophic event such as war, will continue to grow relatively faster than other regions well into the next century. The benefits of proximity and the high degree of economic complementarity that exists between the developed Asian countries, the NIEs and near-NIEs like Thailand and Malaysia, have engendered a natural division of labour and interdependence that will help sustain growth even in the worst case of a collapse of the Uruguay Round. There is an expanding web of cross-investments and trade in the region. There is no shortage of capital, skilled labour, technology and management talent. Huge infrastructure projects are in the pipeline that will provide a powerful economic stimulus for East and Southeast Asia, even in a world of three trading blocs.

5. The success of East and Southeast Asia has created enormous new markets and great opportunities for all. But high growth has also led to a questioning of the usefulness of a GATT-based multilateral trading system and required uncomfortable and often painful readjustments. In 1965, North America (defined as the US and Canada) accounted for 37% of world GDP. By 1990, North America's percentage declined to about 26%. Even if Mexico is added in, its share is still under 30%. East and Southeast Asia's share of world GDP has nearly doubled from below 10% in 1965 to 18% in 1990. Japan alone increased from 4.5% of world GDP in 1965 to over 13% in 1990. In the year 2000, the projected combined GDP of Japan, the Asian NIEs and ASEAN would equal that of the US, and would be about 4/5 of the EC's GDP. China's enormous potential, if realised, could eventually be as radically dislocating. In 50 years' time, China's economy would be as large as that of the US, if present growth is not disrupted by political uncertainties. All these developments present tremendous economic opportunities for the United States if it stays engaged with the East and Southeast Asian region.

THE NECESSITY AND DIFFICULTY OF ADJUSTMENT

6. Across the Pacific, states are reorienting their relationships to reflect this altered distribution of global power. None finds it easy. US-Japan relations are the best known, and the most important, of the relationships undergoing adjustment. But it is only one dimension of a broader process. China, Korea and ASEAN, among others, are looking for a new modus vivendi with each other and with the US. In the post-Cold War world, this is occurring without the benefit of a clear shared strategic vision or threat perception to focus issues and help contain economic and political stresses. It is occurring in an environment where Washington can no longer dictate outcomes on the basis of superior economic clout or strategic necessity, but where no other power or combination of powers has yet replaced America as systemic arbitrator.

7. This is a situation without precedent in the half century since the end of the Second World War. It is not at all clear how these processes will work themselves out under these unique circumstances. The equation would be simpler were the US clearly marginal. But it is not. The US is still of critical importance to even the fastest growing of the East and Southeast Asian economies. In 1990, trade with the US was 17% of total ASEAN trade; 28% of total Japanese trade; 28% of Korean trade and 11% of China's, to cite but a few examples. And, as is well known, US trade across the Pacific (including Australia and New Zealand) is now more than US trade with Europe. These trends are not likely to change soon. Clearly, the US and Asia need each other and will remain enmeshed with each other. Adjustments are nevertheless necessary. Therein lies the unique challenge.

8. Several factors differentiate US relations with East and Southeast Asia from US relations with Europe. First, relations across the Pacific lack the established institutional structures of the Atlantic. NATO helped America and Europe ride out several "crises of confidence". If NATO's usefulness in the post-Cold War world is now being questioned, the very fact that a clear multilateral structure exists is still a stabilising influence and a basis on which readjustments can be made and a US presence anchored. By contrast, in East and Southeast Asia, US leadership expressed itself in a series of bilateral arrangements which could prove more fragile in the post-Cold War world. APEC is an institution of great promise that could form the basis of a new trans-Pacific architecture. But it is still a new organization, in a delicate state of development, and will reflect as well as absorb and contain the emerging stresses and strains.

9. Second, even at the height of the Cold War, the strategic rationale of the US presence in East and Southeast Asia was never as stark or as simple as in Europe. Except perhaps in Korea, there was never a single line to be held or "wall" to come tumbling down. In Asia, the East-West ideological divide formed only an overlay on a more nuanced matrix of conflict and cooperation, as for example in the case of China-Japan relations. These complexities are now coming to the fore.

10. Finally, it is a fact that the cultural divide across the Pacific is deeper than that across the Atlantic. This is a delicate subject, but it does no one any good to deny that sensitive and primordial issues of ethnicity, culture and values exist as an inchoate undercurrent to debates on trade and other matters. Although seldom made explicit, such issues, for example, lurk just beneath the surface of questions on the "fairness" or otherwise of Japanese economic structures and practices. Race underpins the disquiet and unease with which some regard the success of East and Southeast Asian economies. It would be tragic if what is now only latent becomes overt, the more so since the West is no longer in a position to force its value system on ever more confident and economically successful Asian states.

11. These factors will complicate trans-Pacific adjustments. There is a natural tendency for Americans caught up in the hurly-burly of the daily congressional debates, blow-by-blow newscasts and electioneering of a rumbustious democracy to see key relationships bilaterally; as separate and distinct from other relationships. I want now to focus on the major countries and critical relationships and share with you my sense of the dynamics and how each relationship acts and reacts upon the other.

JAPAN

12. Japan is undeniably a major power, exercising significant and growing influence in East and Southeast Asia. This influence is now primarily economic, but Tokyo aspires to a more broadly based global role. It is clear that this cannot be gainsaid. The orderly management of international affairs requires a larger Japanese role. It is equally clear that anxieties about Japanese power envelop much of the Pacific Rim. Japan's Asian neighbours would prefer that Tokyo eschews the status of a military power. It remains to be seen whether this is possible in the long-run. In the meantime, a lack of clarity in Japan's articulation of its own interests and aspirations adds to the anxieties. The ambiguity reflects Japan's ambivalence about its own past; its factious political structures; its cumbersome decision-making processes; and, in the final analysis, the profound insecurity with which Japan, conscious of its might yet uncertain about the precise parameters of its future, regards the post-Cold War world.

13. US-Japan relations throw some of the contradictions and complexities into high relief. At once still close political-military allies but also economic rivals, Tokyo and Washington both want to preserve the positive elements of their relationship. But neither is certain how to do so and both find the process of adjustment difficult. The US and Japan were never true or equal partners. Japan was subordinate. America wants Japan to play a bigger role, but still in a way prescribed by America. This is not realistic. Japan will no longer be content to simply bankroll US leadership without due consideration of its distinct national interests. But sufficient common political and strategic ground cannot be assumed. The end of the Cold War has ushered in an era in which as-

sessments of national political and economic interests will be based on a more ambiguous and fluid calculus of costs and benefits in the context of ever more blurred distinctions between ally and adversary.

14. There are already clear differences on key issues, for instance, in the way Tokyo approaches aid to Russia and other states of the CIS. Unlike the US, Japan is not convinced it should help Russia. The economic interdependence of the US and Japan, which provided a measure of stability through mutual economic deterrence, may also loosen over time if NAFTA takes off and Japan's reorients its economic relations even more towards Asia. At the very least, the process of joint US-Japan decision-making will take more time. But publics on both sides of the Pacific are already weary of the endless debates and are getting impatient. They are not in the mood to appreciate the nuance that may henceforth be necessary.

15. Moreover, adjustments to US-Japan relations, if they are to be successful, cannot just be undertaken bilaterally. The challenge for Tokyo and Washington in the 1990s and into the next century, will be to develop a new strategic concept, appropriate to new international circumstances, but also acceptable to Japan's neighbors, in particular China and Korea. In the worst case scenario, a Japan that loses confidence in the US security umbrella, or an America that tires of providing for the defense of its economic rival, could trigger an East Asian arms race. If Japan acquires the ability to project power to protect its interests, Korea and China will react by building up their own forces. A reunified Korea will not be an insignificant military power, and China's defence modernization programme has already occasioned some concern. Other Asian states will also have no choice but to increase defence spending. American interests will certainly not be unaffected.

16. A total rupture of US-Japan relations is unlikely. The most probable prognosis is for the relationship to hold, albeit with strains and stresses. But a prolonged period of acrimony with Japan, debilitating to both sides, can also result in Japan conceiving of its political and military policy options in terms more and more distinct from America, even if it stops short of a complete break. This can itself impel a disruption of present stability and a loosening of America's relationships throughout Asia.

17. The key to avoiding such a situation is a restoration of America's economic competitiveness. Otherwise its ability to maintain healthy relations with Japan and a reassuring military presence in East and Southeast Asia will be increasingly questioned domestically. It seems inevitable that America will go through a more introspective phase, irrespective of who wins this November. But America's longterm economic health will depend not only on its ability to grapple with its domestic problems but also its ability to maintain strong links with, and take advantage of the great economic opportunities in the dynamic Asian economies, including Japan.

CHINA

18. In the longer term, China's impact could be even more significant than Japan's. In the decade since 1980, China, despite Tiananmen, grew by almost 10% annually and there are good prospects for more growth. With its huge population and resource base, China, unshackled by ideology, will become an economic force to be reckoned with. Hong Kong, Taiwan and Southeast Asia are catalysts for growth, providing effective management, capital and technology. Beijing's commitment to economic reform and development has created a strong immediate interest in maintaining a peaceful international environment. But at the same time, economic success and modernization means that the gap between Beijing's potential and its capabilities is being narrowed and will continue to narrow. China is today an important regional power with growing global influence. Chinese nationalism is a constant factor and China will increasingly have the means to assert its national interests and to react effectively if it considers those interests threatened. How it does so is a key question which will have a profound influence on China's neighbours and the US.

19. One of China's primary interests, which blends Chinese nationalism with the self-interest of China's leaders, is the preservation of a distinctively Chinese political culture, without too much influence of Western ideas and values. There are major uncertainties surrounding the transition to a post-Deng Xiaoping era. It will not be an easy succession and I do not pretend to be able to foresee the end result. But I believe the basic parameters have already been set.

20. The distinction between "reformers" and "conservatives" oversimplifies more nuanced attitudes. There is a basic consensus among all Chinese leaders on the need to continue economic reforms. There is no turning back, even if the pace may slow down. All Chinese leaders are also infused with a sense of 4,000 years of Chinese history which impels them towards strong central government and a visceral fear of disorder. No Chinese leader sees a strong correlation between economic reform and political change. The younger generation of Chinese leaders are better educated, more market-oriented and pragmatic. But they are not democrats-manque. Even a dissident like Fang Lizhi has cautioned against too quick changes. China will evolve. Change is inevitable and communist ideology no longer holds the Chinese people in thrall. But political change will come at China's own pace and while the final result may well be a looser political system, it will certainly not be a "democracy" as America understands the term. For almost a hundred years, the primary motivation of all attempts at reform in China, from that of the Kuang-hsu Emperor in 1898 through the Communist revolution of 1940 and Deng Xiaoping's "Four modernizations", has been Chinese nationalism. Unlike Russians, the Chinese have never had any ambition to be considered good Europeans or Westerners.

21. Here the dynamic of the post-Cold War world can bring American and Chinese interests into conflict. The collapse of the Soviet Union and the changed international context has removed a clear strategic rationale for close US-China relations. Tiananmen has dispelled American romanticism about the political implications of China's economic reforms. There is now a greater tendency for Americans to view China as a recalcitrant Communist state rather than a reformist one, while deepened economic relations have created new strains and issues. Simultaneously there is concern in Beijing about a unipolar world centered on Washington. The US insistence on human rights and its attempts to promote "democracy" have heightened suspicions that America is engaged in a programme of "peaceful evolution" aimed at the overthrow of the Chinese Communist Party, at the very time when the collapse of the Soviet Union has strengthened the resolve of Chinese leaders to avoid destabilising political changes.

22. This is a situation that requires sophistication, realism and patience, if US-PRC relations are not to be seriously disrupted. I do not foresee a return to a totally adversarial relationship. The US is economically important to China and there is a US$12 billion trade surplus in China's favour. China has behaved pragmatically, for example, by concluding a MOU on the monitoring and control of exports made by prison labour. It is possible for the US and China to continue to work together. But if China is continuously and clumsily harried over human rights; if there are insulting and recriminatory annual MFN battles in Congress and a persistent effort to force the pace and direction of political evolution; or worse still, if there are rash attempts to use Hong Kong or Taiwan as levers to try and force political changes on China, this will certainly give a sharper and more xenophobic edge to Chinese nationalism.

23. This has implications not just for China's relations with the US and other Western countries, but on how China ultimately relates to its neighbours like Japan, Korea, Southeast Asia and also the world. If American support for human rights goes beyond words, China can be expected to find ways to exert countervailing pressure on American interests elsewhere in the world. By the turn of the century, China's coastal regions are likely to at least become an NIE. An economy of this size will require careful interface with the international system. It is in the interest of all to keep China peacefully engaged during this formative phase, particularly since it increasingly will have the capability to try to reshape any international order it regards as threatening to Chinese interests. Even if it tries to do so peacefully, or if it fails, the very attempt will be profoundly unsettling for all.

CHINA-JAPAN RELATIONS

24. China-Japan relations are the key relationship in the Asia-Pacific after US-Japan relations. In the long run it could be even more significant. The likelihood of continuing difficulties with Washington has given both China and Japan a strong immediate incentive to maintain good, or at least reasonable, relations with each other. Beijing has muted its criticism of Japan's attempts to seek a larger political role. It needs Japan's technology and investment. Tokyo wants an insurance policy. But the relationship is not intimate and complicated by many centuries of cultural ambivalence on both sides. China is still suspicious about Japan's military ambitions and will react if there is a Japanese military build-up. Nor are the Chinese likely to allow the Japanese to monopolise a strong leadership role in Asia, a position they envisage for themselves. They may eventually challenge Japanese leadership in East and Southeast Asia, possibly in combination with Korea. On its part, Japan is concerned with China's build-up of its military capabilities and its assertion of its claims over the Senkaku Islands. Neither really relishes the ideas of being left alone to contest the other for influence in Asia.

25. Paradoxically, therefore, in the long-run both China and Japan need good relations with the US to have good relations with each other. Both would secretly prefer that the US holds the ring between them, even if neither will ever admit so openly. Chinese strategic thinkers have already informally mooted the idea of a "small triangle" of the US, China and Japan to take the place of the old "big triangle" of the US,

China and the Soviet Union. This is also in America's interests, and in the interests of the other Asian states.

26. Whether Sino-Japanese relations grow closer, or whether the two Asian giants eventually contend for influence, their neighbors will be left in an uncomfortable position with narrower policy options and being forced to make unsettling choices. Nor is either scenario likely to be beneficial to American interests. No matter who eventually emerges the victor, a competition for influence is likely to be at America's expense because both Beijing and Tokyo will seek to organize the other Asian states on their side. On the other hand, Japan can move closer to China only by emphasising its "Asianness" over the more universal values it shares with America and the broader international community. While it is natural that East and Southeast Asian countries will eventually want to find more common ground with each other, it is in no one's interest if this results in exclusionary policies. This is more likely if Sino-US or US-Japan relations sour badly.

CONCLUSION

27. The inescapable conclusion is no alternative balance in the Asia-Pacific can be as comfortable as the present one with the US as the major player. The present situation in East and Southeast Asia provides optimal conditions for growth, stability and prosperity. Although there are uncertainties in Cambodia and on the Korean Peninsula, I would venture the bold statement that at no time since the end of the Second World War have things been better in the region. I would further suggest that this current situation is not inimical to US interests, even though the day-to-day economic dislocations may be distressing to workers out of jobs and to the politicians who must face them. But if the US economy cannot afford a US role, or if US voters decide to opt out of Asia, then a new balance will have to be. Whatever happens, Singapore and our ASEAN partners will have no choice but to adapt. We have few means of influencing the great games now underway.

28. I have suggested that trans-Pacific adjustments are inevitable and will be complex. This is a counsel of realism not one of despair. To ensure that the adjustments will be minimally disruptive, a trans-Pacific effort is also required. The US economy must regain its competitiveness. No matter who wins in November, there is an urgent need for all Americans and both political parties to bite the bullet and focus on the hard issues that they have hitherto avoided: cut down on deficit spending, increase savings and investments and improve America's educational system so as to be able to compete internationally. Asia must also do what it can to facilitate this process. This means:

Firstly, keep the US engaged: Asia-Pacific cooperation must be anchored on the bedrock of a continued US diplomatic, military and economic presence. This means healthy bilateral relations with the US and open markets to prevent domestic pressures for "managed" trade from building up in America. East and Southeast Asia needs an outward-looking, self-confident US with a robust economy. America, for its own future, needs to reinvigorate its economic and strategic involvement with the dynamic Asian side of the Pacific. Asian economic dynamism, on the positive side, can both spark and spur a new era of American competitiveness.

Secondly, work for a successful Uruguay Round: East and Southeast Asia can continue to grow even if the Uruguay Round fails, but at a slower pace and with far more stresses and strains. The ideal is for Asia-Pacific growth and cooperation to be open and occur in the context of a healthy multilateral trading system which will keep the US and NAFTA engaged with the Asian side of the Pacific. There is no good substitute for GATT. The key issues in the Uruguay Round have to be settled between the US and the EC. But East and Southeast Asia can do more in terms of market access, especially in politically sensitive and symbolic areas like rice and services, if only not to give excuses for protectionism.

Thirdly, institutional creativity: The Atlantic Community, whatever its shortcomings, draws together the United States and the European powers. Asia is far more diverse. But the need for trans-regional links will take on greater urgency as the pace of geopolitical and economic changes quickens in the Asia-Pacific region. The states of East and Southeast Asia will need to find ways of promoting peace and stability, to build up mutual confidence, and to resolve conflicts of interest. The US is a significant partner in this search. Economic cooperation through APEC provides a common basis to build up trans-regional links. The ASEAN states are exploring political and security dialogues with their Dialogue Partners and other countries in the Asia-Pacific region. These are hopeful beginnings that can grow into networks and communities of interests linking the Asia-Pacific region.

29. Great changes are afoot. We should be no less ambitious in devising the political, economic and institutional solutions that will maximise the prospect that these changes will be peaceful and progressive for the peoples of the Asia-Pacific region.

MANKINDS PROGRESS IN 20TH CENTURY SHAPED BY BREAKTHROUGHS IN COMMUNICATIONS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. FASCELL. Mr. Speaker, If there is one theme that I have consistently been interested in and championed during my 38 years in the Congress, it is communications and the free flow of information between and among the people of the world. Whether manifested in the creation of the Board for International Broadcasting [RFE/RL], Radio and TV Marti, VOA Europe, the Communications Satellite Act, the creation of the Communications and Information Policy Bureau at the State Department, or in monitoring the Helsinki accords, my interest and dedication have been consistent throughout the years.

It would seem self-evident to me how fundamental the process of communications is to the relationship between people. If I say to you that I think you are wearing a handsome yellow tie and you think that I said that you are a yellow coward, then we are going to have a problem between us. When this type of misunderstanding occurs between nations it usually leads to more than just embarrassment. I must be free to say what I think but I also must say it in such a way that you will get the proper message that I am trying to deliver. Both the speaker and the listener have a responsibility in the process of communications.

A free flow of information is a vital component of political, economic and social structure of the United States and, indeed, of the Western world as we know it. Without free access to the media of communications, both to speak and to listen, our democratic government process, our competitive free market economy, and our open and mobile structure could not exist. This may be the most important lesson that the new governments in Eastern Europe and the former Soviet Union have to learn. The Western principle of freedom of speech will have to be fully incorporated at all levels of society if they are to transition to a market economy.

In the 88th Congress as the chairman of the Subcommittee on International Organizations and Movements, I chaired the first of dozens of hearings which were entitled "Winning the Cold War: The U.S. Ideological Offensive." During this series of hearings, which extended into subsequent Congresses, we attempted to look at the role effective communications—or the lack thereof—played both in our government-to-government diplomacy and in our other relationships with other nations. This has since become known as public diplomacy. We examined the nature and scope of the ideological challenge. We reviewed and appraised the tools which the U.S. Government uses to meet that challenge, and we explored the contribution of private American citizens and organizations abroad in advancing U.S. foreign policy objectives. We were particularly looking at the area of foreign policy operations that strive to inform foreign audiences, influence their attitudes, and move them to action.

The record of these hearings are printed in eight parts in the proceedings of the Committee on Foreign Affairs, 88th Congress first session, volumes I and VI. We had an exceptional list of witnesses including such distinguished individuals as Edward R. Murrow, George Meany, J. Leonard Reinsch, Eric Sevareid, John Richardson, Averell Harriman, and Walt Rostow to name only a few. In addition to looking at the official Government public diplomacy efforts we also looked at the impact abroad of U.S. private information and mass media, the impact of the activities of private U.S. organizations, and the problems and techniques of international communications.

The 20th century breakthrough in communications technology ranks with the great forces which have shaped mankind's progress through history. Its influence on human behavior and on world affairs already exceeds that of splitting the atom. In a relatively brief span, modern communications technology has changed the way of life in all societies. It has transformed the developed societies, caused centuries old traditions and customs to be questioned in the developing societies and been both the cause and the solution of conflicts between the two societies. Later in this series of hearings we concentrated on how modern communications influenced foreign policy. (Part X of Winning the Cold War)

Within our society we have been able to assimilate the changes brought on by modern communications technology, using it to fashion a more affluent and progressive environment for our people. The impact of modern communications technology on the rest of the world has been quite different. New images and

ideas began to challenge habits of thought long shaped by local traditions. When the sense of mankind's interdependence spread, with disruptive consequences for the existing order, the stage had been set for the great economic, social and political revolutions of our age. Our subcommittee found it astonishing that the United States, the country which adapted internally to the 20th century breakthrough in communications with ease and contributed so much to the development of the art and the science of communications, had not paid more attention to the impact of these developments on world affairs.

Further, the Subcommittee on International Organizations and Movements looked at the role of the behavorial sciences and the national security to determine what they tell us about human attitudes and motivations, and how this knowledge could be applied to governmental undertakings designed to carry out the foreign policy of the United States. (Part IX of our Winning the Cold War series). We found, much to our dismay, that the bulk of the foreign affairs research in the behavorial science field was being conducted by the military establishment which led us to worry about the overmilitarization of U.S. foreign policy and to call for improved coordination of Government-sponsored research in foreign affairs.

In the 92d Congress, the major communications issue was the future of Radio Free Europe and Radio Liberty. It was an open secret that the radios started in the midst of the cold war were funded by the Central Intelligence Agency. While there was much disagreement in Congress—the Senate wanted to kill the radios—about the need for such surrogate radios, we were able to reach a consensus which addressed the major concerns. There was general agreement that they were needed to further the goal of open communications between peoples. It was also generally agreed that the radios should be governed in their day-to-day operations by a public-private corporation, that they must become independent to increase their credibility. That if they reported news using the principles of a free press, the questions of credibility and interference in domestic affairs would largely take care of themselves. In the end a compromise was reached that extended the funding long enough for a Presidential commission to study the question in depth and make recommendations to the President and Congress. The enabling legislation which created the Board for International Broadcasting was eventually passed in October 1973.

During the 95th Congress as chairman of the Subcommittee on International Operations, I conducted a major review of the framework for the conduct of U.S. public diplomacy and considered alternative structures for improving the effectiveness of future U.S. programs. The Murphy Commission—Commission on the Organization of the Government for the Conduct of Foreign Policy—had accepted the Stanton panel—an earlier panel which looked at the Government information and cultural programs—recommendation that the public diplomacy function should be placed in the Department of State. While I disagreed with this recommendation, and still do, it was obvious that both the President and the Congress wanted to look at the question of restructuring our public diplomacy efforts. The position that I supported and that which was eventually adopted by the President in his reorganization plan was to leave the U.S. Information Agency as an independent agency, but to take the Cultural Affairs Bureau out of the State Department and place it into USIA and to keep the Voice of America as an integral part of USIA. If the fall of the Communist ideology, the breaking up of the former Soviet Union and the election of democratic governments should lead to the creation of a free press in the former Communist countries, then the Congress should again examine the question of the effectiveness of the United States public diplomacy structure.

The free flow of information was again challenged during the 96th Congress by proposed actions of the United Nations Education, Scientific and Cultural Organization [UNESCO] which was considering the licensing of journalists. Many of the members of UNESCO, mostly developing nations, were concerned about the impact of the modern communications upon the cultural stability—read: political stability—of their nations. Many of these nations were angry that the world press only reported on the bad stories, poverty, corruption, and so forth, and did not report any of the progress that the underdeveloped world had made. The Soviet Union and their surrogates and a small number of developed nations, where able to seize upon this frustration for political purposes. A number of members of UNESCO were seeking to control access to news coverage only to journalists that were on some accredited master list. In my 38 years in Congress this may have been the most insidious plot to control the free flow of information. Fortunately the United States, largely due to the influence of the size of our contribution to the organization, was able to table this effort. Alas, no one that I know of has yet solved the problem, if indeed, it is one, of the press covering mostly the bad stories.

To return to 1962, I would like to comment on the importance of the Communications Satellite Act of that year to the free flow of information and to the development of the telecommunications industry as we know it today. In August 1962, President Kennedy signed into law the Communications Satellite Act, maybe the most significant addition to communication law since the Communications Act of 1934. The purpose of this legislation was to create a private corporation to act as the United States participant in a commercial communications satellite system. This system is what we know today as Intelsat and the U.S. corporation created by the 1962 act, is today's Comsat. Intelsat was established in cooperation and conjunction with other countries as part of an improved global communications network. It was to be responsive to public needs and national objectives serving the communications needs of the United States and other countries and contributing to world peace and understanding.

You will recall that in the early 1960's the United States and the Soviet Union were locked in a race for space. It was recognized that whichever nation could launch a successful communications satellite would be able to dictate the future use of space for communications purposes. History shows that the United States won that race by successfully launching the AT&T Telstar satellite and thereby giving the world the technology that would make Intelsat possible. For 30 years Intelsat has handled the bulk of the satellite telecommunications traffic while the Soviet system, Intersputnik, was used mostly by the Soviet Union and the Warsaw Pact nations, handling only a small percentage of the traffic that Intelsat was carrying.

For over 30 years, Intelsat has served the world well. Bringing together both the developed and the developing world—clearly accomplishing its objective of contributing to world peace and understanding. But, having said that, the world moves on, and telecommunications technology has made possible a wide array of services that were only thought of as science fiction in 1962.

Over the last decade a debate has taken place, mostly in the United States and the Western European nations, over whether Intelsat has been responsive to public and national needs. This led the President, in 1984, to declare that it was in the U.S. national interest to permit satellite systems separate from Intelsat. In 1986, the Committee on Foreign Affairs held a series of hearings on this issue and concluded that indeed certain new telecommunications services could be provided by separate systems without harming the core of the Intelsat business. Later that year we amended the 1962 act to reflect the new realities of the communications world.

More recently, I have been active in an effort to permit separate systems to compete directly with Intelsat. Again the administration has also recognized that it is in the best interest of United States and world telecommunications consumers to have greater competition. Last year the administration notified the world that in 1997 we would remove all restrictions on separate systems and allow them to directly compete for public switched traffic which is the core of the Intelsat business. But do not cry for Intelsat. Even as you read this the new Director General is making changes in the organization that will make it more like a regular business and less like an international organization. In 5 years the concerns will likely not be about the impact of separate systems on Intelsat but whether a separate system can survive against a streamlined Intelsat. The future Congress should give particular attention to the implementation of this policy.

Mr. Speaker, in closing I want to say that I hope that future Congresses will give sufficient attention to communication and information policy. I hope that they will give adequate attention to the funding of our public diplomacy infrastructure because they are so important. In the aftermath of the fall of the Communist doctrine there is much to be done. But, there is no more important job than to secure for these nations the freedom of speech and a free press. A free press is the underpinning of any democracy, without it the other institutions of a democracy fail.

THE NEED FOR SUPERFUND REFORM

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. SYNAR. Mr. Speaker, next year the Superfund reauthorization process will begin. I believe it will be one of the most important environmental policy debates of the 1990's.

Twelve years ago, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA] amid much hoopla and hope. We thought we had come up with a way to clean up the Love Canals of America relatively quickly and sensibly. But as we review the progress of the program to date, nearly everyone agrees that Superfund has fallen well short of our expectations.

Earlier this year, in my capacity as chairman of the Government Operations Committee's Subcommittee on Environment, Energy, and Natural Resources, I requested detailed information from EPA on the status of Superfund cleanups. We are still evaluating the data the Agency provided. But by the most optimistic count, only 149 Superfund sites have been cleaned up. Of course, the EPA Administrator has asserted that progress at Superfund sites is much greater. However, much of the most recent EPA Superfund data trumpeting progress should be viewed with considerable skepticism. For example, the Agency claims that cleanup construction is underway at 615 sites. But our limited analysis of the data provided to us by EPA appears to show that at over 200 of the 615 sites, the permanent long-term remedial actions called for by the law have not even begun. Instead, EPA is counting a variety of other interim, short-term actions, such as removal of leaking drums, as cleanup construction. These so-called removal actions are indeed important. But they are not what Congress had in mind when it required EPA to select and implement permanent cleanup remedies. To count these important, but interim, removal actions as cleanup construction is grossly misleading, and does not address the more fundamental question of how much progress has really been made in 12 years.

There are many explanations for the disappointing cleanup record. Slow program startup, lack of commitment to Superfund by the Reagan administration, EPA staff turnover, and technical and scientific uncertainties regarding cleanup standards and technology, have all contributed to some of the delays in moving cleanups forward.

It also seems clear, however, that the liability system that Congress created in Superfund to raise the cleanup funds from the private sector bears considerable responsibility for many of the problems we have seen. When we set up the current strict, joint and several liability system, Congress recognized it might be unfair in some cases. But we also thought that any concern it provoked in the private sector would be overcome by the realization that the task at hand was modest. We were wrong. The task is monumental. Instead of the few hundred sites we initially anticipated requiring Federal attention, we will likely have over 2,000 before long. Instead of a few hundred million dollars in cleanup costs, we are facing a cleanup bill of $50 billion or more. The stakes are much higher than we thought; the environmental challenge much greater; and, consequently, the incentives for responsible parties to challenge the system and to dispute potential liability are greater as well.

This is where the lawyers come in. The liability assessment process has turned out to be a bonanza for environmental lawyers. Legitimate—and some not-so-legitimate—disputes over who should pay for cleanup have had a perverse result: Prompt cleanup activity at scores of sites has been overwhelmed and stymied by the debate over liability issues.

I have recently read two studies of the Superfund cleanup process in my own State of Oklahoma. The studies were conducted by the national environmental trust fund project, primarily funded by AIG, a group of insurers seeking to reform the Superfund liability scheme. Each one offers a clue as to what's wrong with the existing program. At Compass Industries in Tulsa, the cleanup actually has moved forward smoothly, relative to other sites around the country. Although EPA named 245 potentially responsible parties [PRP's] the two major PRP's have agreed to perform the bulk of the cleanup work. However, in accordance with the law, those 2 have asked 181 others to contribute. If Compass Industries follows the pattern of many other sites, many of these 181 parties will refuse, touching off costly litigation that may go on for years.

But even though the cleanup has gone well by Superfund standards, Compass Industries does offer some examples of what plagues the current liability system. For example, in order to raise the cleanup funds, EPA needed to determine who contributed waste to the site. It took EPA 18 months to come up with all of the names of waste contributors. Unbelievably, at the end of it all, EPA's list even included individuals who had sent their pets for burial on the property which eventually became a Superfund site. Now, ultimately, these pet owners were absolved of liability. But the fact that they were named in the first place as contributors to the contamination suggests Superfund's potential for leveling massive liability on people and companies that are, by any reasonable standard, hazardous waste innocents. This potential is directly related to the strict, joint, and several liability system passed by Congress which acts retroactively and disregards fault and history in handing out cleanup bills.

A second Superfund site in Oklahoma, the Sand Springs Petrochemical Complex in Tulsa, offers evidence of a different kind of Superfund problem. Battles have raged over the proper remedy and who should pay. EPA has sued one PRP which has, in turn, filed 3 contribution actions against about 215 other PRP's. Moreover 2 of those named by the original PRP have named an additional 99 defendants. Sixty outside law firms have been brought in, along with in-house counsel for 23 companies. Today, cleanup of a portion of the site has finally begun, but progress on other cleanup actions remains stalled. This site's history graphically illustrates how lawyers and the legal issues—and the astronomical costs associated with both—can dominate the cleanup process at sites with multiple PRP's. And most Superfund sites have multiple PRP's.

Further evidence of Superfund's disappointing results is shown by the overall cleanup status of the Oklahoma sites. The 10 national priorities list sites in my State have a total of 16 operable units. In other words, 16 separate cleanup plans must be developed and carried out before the Superfund story in the State is finished. Today, only 2 of these 16 are in the final remedial action phase. I am sure my colleagues have even more devastating examples of similar problems at Superfund sites in their own backyards.

If it is clear that the liability system may be responsible for much of what ails Superfund the question is: What do we do about it?

Congress' chief concern was—and remains—the quality of human health and the environment near these dumps. We must reform Superfund to get back to that goal. We cannot continue to tolerate the waste of substantial public and private-sector dollars on noncleanup activity.

It takes far too long to move a site through the system today—10 years on average. Clearly, this is in part due to liability issues. But there are other factors at work as well, not the least of which is the fact that many sites pose scientific challenges that take years to sort out.

If we can accomplish these goals by tweaking the current system so that it move sites through the cleanup process more quickly and without as much legal wrangling, we should do so. However, if we need to restructure the liability scheme to accomplish these sound goals, then we should not shy away from doing so in the naive belief that the devil we know is better than the devil we don't know.

Clearly, the issues will take time for us to sort through and will require sufficient study. but it does appear that a system which puts a premium on assessing liability invites legal warfare, a result which is fundamentally at odds with the goals of the statute.

Some suggest that abandoning the current system would violate the polluter pays doctrine, which holds that those who create environmental problems should pay to clean them up. It is true that when we created Superfund, we operated on the sound principle that polluters should pay for their past acts. Many in Congress assumed that the polluters at issue were irresponsible companies who had dumped an indiscriminate array of toxic wastes, often at sites where such waste did not belong.

To be sure, some of these people undoubtedly have been targeted by Superfund enforcers. But increasingly, it appears as if many, if not most, of the 20,000 PRP's named so far are not the midnight dumpers Congress had in mind in 1980. Instead, they are thousands of small- and medium-sized businesses, municipalities, individuals, hospitals, and others who never broke any laws, who sent their waste where they were told—often to government-permitted facilities—and who did not and do not fit the popular definition of irresponsible polluters.

I believe strongly in the polluter pays approach to environmental law. Accountability is critical to ensuring responsible corporate be-

havior. But it does not serve the environment or the public to rely solely on doctrinaire notions like polluter pays if, as in the case of Superfund, or public policy objective is not being achieved.

As Congress begins the reauthorization process, we must ask ourselves whether the program we created in 1980, given what we know today about the scope and cost of the problem, is right for the 1990's and the next century.

Clearly, the Superfund status quo is unacceptable. We cannot tolerate a program which generates so few cleanups, a program which encourages the responsible Agency, EPA, to concoct all manner of public relations schemes to inflate its accomplishment, and a program which is disappointing to thousands of citizens who live near Superfund sites.

I look forward to working with my colleagues on these critical decisions as Congress undertakes the process of reauthorizing the act.

SCOPE OF THE NEW PROHIBITION ON STATE-SANCTIONED SPORTS GAMBLING

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. BROOKS. Mr. Speaker, prior to final Senate passage of S. 474, the Professional and Amateur Sports Protection Act, but after final House passage, several Senators stated for the record their understanding that certain gambling activities currently lawful in Wyoming and New Mexico would continue to be lawful under the legislation.

I think it would be useful to revise and extend the remarks I made during the House debate on S. 474 October 5, to make it clear that, while the particular activities discussed in the Senate colloquies may well continue to be lawful under the legislation, this will be true only to the extent that the activities fit within one of the exceptions specified in section 3704 of the new law. The House Judiciary Committee report on H.R. 3371, the omnibus crime bill which contained the sports gambling provision, made clear that the specified exceptions to the general prohibition against State-sanctioned sports gambling are to be strictly construed. In keeping with this principle, additional specified exceptions were incorporated into the sports gambling provision during the conference on the crime bill and during subsequent Senate consideration.

There are no implied exceptions not stated in section 3704. There are no competitive sporting events—that is, in which any real-world athlete or team of athletes is competing against any other real-world athlete or team of athletes—that are not games within the meaning of section 3702. And there are no lotteries, sweepstakes, or other betting, gambling, or wagering schemes based on any such game or games, or on any athlete's performance in such games, that do not fall within the prohibition of that section.

WORKING FOR ARKANSAS' FIRST CONGRESSIONAL DISTRICT

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. ALEXANDER. Mr. Speaker, this is for the best people in the world: The people who live in the First Congressional District of Arkansas. I want to thank them for the opportunity to represent them for the past 24 years. We formed a partnership 24 years ago to fulfill a dream that I had for the First District. That dream encompassed three goals: Create jobs; expand domestic and international markets for our products; and improve the quality of life.

One of the biggest problems in the First Congressional District was a lack of capital. To make these goals a reality, we needed Federal investment for infrastructure, as well as other programs such as education, job training, business counseling, small business loans, health care facilities, and transportation systems. That's why I fought for a seat on the Appropriations Committee.

Together, we built a strong Federal/State/local partnership. Our efforts secured over $1.2 billion of Federal investment in many improvements including new harbor construction at Osceola, west Memphis and Helena. Numerous water and sewer systems were built throughout the district providing 66,000 more families with clean, healthy drinking water.

Over a 20-year period our partnership with Arkansas farmers resulted in important reforms in the Federal law governing rice production. In 1991 Arkansas rice production increased by 65 percent and farmer rice income increased by 96 percent.

During the past 18 years we have obtained Federal appropriations to build industrial parks, new and improved highways, airports, health facilities, and vo-tech schools. Through hard work and determination we have seen real results to make the First District a good place to live.

These many achievements have occurred despite the economic difficulties of the last decade. Today there are 13,000 more people working in manufacturing jobs in Arkansas' First District than 20 years ago. In fact, although agriculture continued to be an important factor in the region's economy, 92 percent of the personal income in the First Congressional District came from nonfarm sources by 1990.

This change is a direct result of Federal capital investment. By pumping Federal dollars into the public infrastructure, private investment has increased. It is a simple equation: when you provide roads, bridges, and harbors private industry will bring jobs to the district.

A number of Federal departments and agencies have made important contributions to this public works investment partnership. These include the Farmers Home Administration, Economic Development Administration, Federal Highway Administration, Federal Aviation Administration, Environmental Protection Agency, and Department of Housing and Urban Development.

The work of still another Federal group has been vitally important to the economic and community development of the First Congressional District. Since 1969 the U.S. Corps of Engineers has invested more than $821.9 million in water resource development and management programs in the district.

In addition to the work on the harbor projects mentioned earlier, the corps' work in flood control, river navigation, hydroelectric power generation, rural and urban water supply, and outdoor recreation has been a critical factor in allowing the communities and cities of the region to strengthen and protect their economic development.

The continuing importance of Federal Government activities to the First Congressional District is illustrated by the fact that in 1989 the value of Federal Government spending and obligations in the district equaled 42 percent of the total personal income for all 24 counties in the First District.

The First District's industrial base has been able to change and grow as a result of Federal investment in public works. Its people have benefited from education and training, increased health care, and growth in job opportunities.

Clearly, Federal investment, along with local dollars, in highways and bridges, sewer systems, water plants, industrial parks, airports, hydroelectric dams, and harbors has increased industrialization.

More investment in the infrastructure is needed. A redirection of Federal dollars toward such programs would go a long way toward increasing U.S. productivity at home and our competitiveness in world markets.

Since we embarked on our partnership 24 years ago, over $1.2 billion in capital improvements have made their way to the First District; over 66,000 rural families have clean, healthy drinking water; more than 80,000 new jobs have been created by the infusion of Federal funds; and the new energy policy means that the multi-billion-dollar fuels market will be opened up to Arkansas farmers.

As I move into the future, I look forward to working with my friends in the First Congressional District to continue their drive for more jobs, bigger markets, and further enrichment of the quality of life for our children.

PRODUCTION OF RICE IN ARKANSAS

	Area harvested (1,000 acres)	Production (1,000 cwt)		Arkansas percent of United States	Payments to growers			Estimated farm income (million)
		Arkansas	Total United States		(dlrs/cwt) rough rice price	Deficiency payment	Total payment	
1970	438	21,024	83,754	25.1	5.41	0	5.41	$113.7
1971	441	22,271	85,768	26.0	5.62	0	5.62	125.2
1972	441	21,939	85,439	25.7	7.20	0	7.20	158.0
1973	533	25,424	92,765	27.4	13.30	0	15.30	389.0

PRODUCTION OF RICE IN ARKANSAS—Continued

	Area harvested (1,000 acres)	Production (1,000 cwt)		Arkansas percent of United States	Payments to growers			Estimated farm income (million)
		Arkansas	Total United States		(dlrs/cwt) rough rice price	Deficiency payment	Total payment	
1974	710	32,760	112,394	29.1	11.40	0	11.40	373.5
1975	898	40,775	128,437	31.7	8.54	0	8.54	348.2
1976	847	40,362	115,648	34.9	7.25	1.70	8.95	361.2
1977	837	35,396	99,223	35.7	9.79	0	9.79	346.5
1978	1,090	48,505	133,170	36.4	8.47	.78	9.25	448.7
1979	1,020	44,064	131,947	33.4	10.60	0	10.60	467.1
1980	1,280	52,615	146,150	36.0	12.30	0	12.30	647.2
1981	1,540	69,610	182,742	38.1	9.37	.28	9.65	671.7
1982	1,330	57,037	153,637	37.1	8.51	2.71	11.32	645.7
1983	915	39,159	99,720	39.3	9.18	2.77	11.95	468.0
1984	1,150	52,900	138,810	38.1	8.51	3.76	12.27	649.1
1985	1,050	54,597	134,913	40.5	6.70	3.90	10.60	578.7
1986	1,020	54,060	133,356	40.5	7.20	4.70	11.90	643.3
1987	1,010	53,025	129,603	40.9	7.60	4.82	12.42	658.6
1988	1,210	64,735	159,891	40.5	6.90	4.31	11.21	725.7
1989	1,140	63,840	154,487	41.3	7.46	3.56	11.02	703.5
1990	1,200	60,000	156,088	38.4	6.75	4.16	10.91	654.6
1991 [1]	1,260	66,780	154,457	43.2	7.53	3.07	10.60	707.9
1992 [2]	1,320	71,280	166,662	42.8	NA	4.21	NA	NA

[1] Rough rice price estimated.
[2] Area and production estimated; deficiency payment forecast.

IN HONOR OF EVA GLADSTEIN

HON. LUCIEN B. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. BLACKWELL. Mr. Speaker, it is with great pride that I rise today to pay tribute to an individual of remarkable ability and integrity, Ms. Eva Gladstein.

Eva Gladstein has demonstrated outstanding commitment to the city of Philadelphia. She has worked tirelessly at the forefront of the community to primarily insure that all persons have access to adequate and affordable housing.

In 1973, she began her activities by uniting with other tenant activists to lobby city council for legislation that would insure tenants the right to bargain collectively with their landlords. Her involvement in community-oriented activities such as this has caused Eva Gladstein to become one of the most well-respected leaders in the city.

Ms. Gladstein has proven time and time again, that hard work and dedication to a worthy cause pays off. Eva realized the need for the restoration of dignity in the area of public housing and addressed such by becoming the cofounder of Tenants Action Group of Philadelphia [TAG], a group that has enjoyed much success over the years. In the early years of its formation, she served as a volunteer and in many ways expressed her concern for the needs of others. In 1987, she decided to concentrate fully on her efforts and thus became executive director. In this position, she has exemplified that she is a true team player and as a result has built TAG into a real success story.

Today, TAG has become a full-fledged organization with a 40-person staff and a $1.9 million operating budget. It has implemented a variety of effective programs, and has started an extremely successful subsidiary corporation referred to as Tenant's Rental Assistance Corp.

Ms. Gladstein and her colleagues at TAG have worked to fight homelessness and to provide access to fair housing. They have been instrumental in assisting tenants in bringing about prompt and adequate resolutions to their problems, and have promoted loan and grant programs. Although she is no longer an employee at TAG, she continues her affiliation as a member of its board of directors.

Mr. Speaker, Eva Gladstein is definitely an exceptional leader in the struggle for everyday people. I am extremely proud to know her. On November 20, 1992, TAG will recognize her as their guest of honor at its 19th annual banquet. I would like to ask my colleagues to join with me in personally congratulating Eva Gladstein on such achievements.

HUMAN RIGHTS AND DEMOCRACY

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. FASCELL. Mr. Speaker, of the many issues on which I have worked in my 38-year tenure in the House of Representatives and on its Committee on Foreign Affairs, none has been more compelling or personally gratifying than the promotion of respect for human rights and democratic ideals. The question of man's inhumanity toward his fellow man—and women—has been one which has long troubled and perplexed me. Looking back over the last four decades, I am struck that the accomplishments of which I am most proud are those that attempted to grapple with that question and that reflect, at their core, my strong belief in the inherent dignity of mankind.

During the 35 years, I served on the Committee on Foreign Affairs, the world has witnessed a remarkable transformation. In the aftermath of the greatest violation of human rights the world has even known, the Holocaust, the doctrine of totalitarianism dashed hopes for freedom throughout Eastern Europe and the Soviet Union. Early in my congressional career, in 1956, the courageous Hungarian uprising was crushed by Soviet guns. As Fidel Castro imposed communism on the island nation of Cuba, the Cuban people and their dreams of democracy were betrayed. In 1961, freedom lovers everywhere watched with horror as the Berlin Wall went up. In China, North Korea, and in Southeast Asia, communism with its denial of individual rights reigned. Throughout the 1960's, African leaders who had finally won their independence from colonial powers, denied basic civil and political rights to their citizenry. In 1968, the Prague Spring experiment of socialism with a human face came to an abrupt and brutal end when Soviet tanks rolled into Czechoslovakia. In our own hemisphere, military dictatorships in nearly every country committed massive human rights abuses, including the deaths and disappearances of thousands, under the guise of fighting communism.

It is remarkable that against this dismal backdrop, even a flicker of the flame of freedom stilled burned. The extraordinary democratic revolution that has swept across the globe in recent years—from Russia to Chile, from Nicaragua to Lithuania, from the Philippines to South Africa, from Poland to Paraguay, from Albania to Zambia—is testimony to the indomitable human spirit. From the late 1970's when Latin American dictatorships began to give way to freely elected governments to 1986, when people power ousted Philippine dictator Ferdinand Marcos in 1987 when the Chilean people rejected the military regime of Augusto Pinochet to the most dramatic event in tumultuous 1989, when the Berlin Wall—and the tyranny it represented—came tumbling down, the political landscape of the entire world has been breathtakingly altered.

As chairman of the Committee on Foreign Affairs, I was fortunate to witness these historic events and am proud of the small part that the committee's efforts may have played in nurturing support for fledging democrats and human rights activists around the world. I am particularly proud of the institutions the committee helped to create whose enduring legacy is the promotion of democracy and respect for human rights. Chief among these is the Commission on Security and Cooperation in Europe, otherwise known as the Helsinki Commission, and the National Endowment for Democracy [NED].

In August 1975, the United States, Canada, the Soviet Union and 32 European nations signed the Helsinki Final Act of the Conference on Security and Cooperation in Europe [CSCE], a blueprint for the conduct of East-West relations. It became evident that the Soviet Union and other Warsaw Pact signatories had no intention of complying with the document's human rights provisions. What also became apparent was that the United

States and its NATO allies would not push the U.S.S.R. and the East Europeans to live up to the promises they made to respect human rights and fundamental freedoms. In September 1975, a month after the signing of the Final Act, a congressional delegation, headed by Speaker Carl Albert, visited Moscow. A member of that delegation, freshman Republican Representative Millicent Fenwick, met with Soviet Jewish refuseniks and other human rights activists who urged the West not to squander the opportunity afforded by the signing of the Helsinki Final Act to press the Soviet Union and its allies to respect human rights. With that, the idea of a Helsinki monitoring commission was born.

Mrs. Fenwick, who passed away earlier this month, returned to Washington and introduced legislation to create such a commission. It was referred to the Subcommittee on Political and Military Affairs, which I chaired. After a series of public hearings before my subcommittee, during which both the human rights and East European ethnic communities expressed their strong support for the concept, Congress adopted the legislation to create a joint legislative-executive branch commission whose chief mission was to monitor and encourage compliance with the human rights and humanitarian provisions of the Helsinki accords. Despite strong opposition form Secretary of State Henry Kissinger, who urged President Ford to veto the measure, on May 12, 1976, the legislation creating the Commission—Public Law 94–304—was signed.

I chaired the Commission from 1976 until 1985, during some of the most heated moments of the cold war. During those 9 years, we fought an uphill battle within the U.S. Government and within the NATO alliance to elevate human rights to its rightful place on the East-West diplomatic agenda. The Commission spearheaded the effort to utilize the Helsinki review process to focus attention on the egregious human rights abuses of the Soviet and East European regimes. We based our efforts on the premise advanced by the late Nobel Peace laureate and human rights champion Andrei Sakharov that genuine security and lasting peace are inextricably linked to respect for human rights.

We actively endorsed and supported the Helsinki Monitors in the U.S.S.R., charter 77 in Czechoslovakia, KOR, the Workers Defense Committee in Poland and the other brave men and women who called attention to abuses of human rights and were, in fact, the precursors to the democratic civic movements of the late 1980's. Year after year, the Commission nominated the courageous members of these unofficial groups to receive the Nobel Peace Prize, we raised their cases at hearings, in letters and speeches, and attempted to draw public attention to their plight—and the causes they espoused—in congressional resolutions and at the CSCE review meetings. I served as vice chairman of the United States delegation to the 1977 Belgrade review meeting and the Madrid review meeting, which opened in November 1980 in the acrimonious aftermath of the Soviet invasion of Afghanistan, continued through the hopeful Solidarity period in Poland, its brutal suppression and the imposition of martial law there, and finally adjourned in September 1983, after having endorsed a number of Commission initiatives to promote respect for human rights, including the convening of the first CSCE experts meeting on human rights. At these meetings, the Commission worked hard to ensure that the victims of human rights abuses were not forgotten.

In the aftermath of the cold war and the breakup of the Soviet Empire, it is hard to believe that human rights and democratic reform were not always central themes in our bilateral relationships with the U.S.S.R. and other Warsaw Pact nations. Yet, all too often in the mid-1970's, human rights concerns were relegated to a back burner as more important and pressing matters, such as trade or arms control consumed U.S. negotiators. It was the persistent efforts of the Helsinki Commission and the Committee on Foreign Affairs which, through the 1970's and 1980's, passed resolution after resolution urging the President and Secretary of State to raise human rights at every meeting between the United States and the U.S.S.R. that finally resulted in this issue receiving the attention it was due.

Since the lifting of the Iron Curtain, the CSCE process has gained increased visibility and stature. The Charter of Paris for a New Europe, signed in November 1990 by the leaders of the CSCE nations who now number 51, sets out the framework for the conduct of relations in the post-cold-war period and contains ringing endorsements of democracy and human rights. Congressional participation in the revitalized CSCE and its new institutions was ensured with the creation of the CSCE Parliamentary Assembly, which held its inaugural session in July 1992 in Budapest, Hungary. As a private citizen, I will have the opportunity to continue my involvement in CSCE since I was recently nominated by the United States as one of its three human rights experts willing to make themselves available to implement the new human rights mechanism in CSCE.

Our work in CSCE is all the more rewarding when one considers that, in 1976 when the Commission began its work, none of us could have imagined the impact of our actions nor the power of the ideals we espoused. We were privileged to have the chance to lend moral support to a remarkable band of men and women who, at great personal risk, defended the fundamental rights of their fellow human beings and to be associated with so noble an endeavor. It is particularly gratifying that many of the human rights activists we defended went on to play active roles in the democratic revolutions that took place in their countries and today are leaders of their freely elected governments.

The idea of providing direct support to those who advocate respect for human rights and democratic reforms in their own countries was the premise behind the proposal to establish an Institute for International Human Rights to openly carry out programs to promote universal respect for and observance of human rights and fundamental freedoms. In March 1978, Representative Don Fraser, who authored a number of important congressional human rights initiatives, and I introduced H.R. 11326 to create just such an agency. In April 1978, we held a series of joint public hearings before Representative Fraser's Subcommittee on International Organizations and the Subcommittee on International Operations, which I chaired. The legislation received widespread support from the U.S. human rights experts who testified.

We envisioned an independent body which would make grants to indigenous human rights groups in foreign countries, sponsor conferences and seminars on human rights, support the publication and dissemination of materials on human rights, and provide assistance for research and studies on human rights. While this legislation was never enacted into law, my conviction that the U.S. Government should provide support for nongovernmental efforts to promote respect for human rights and democratic ideals remained strong. In 1983, that conviction found expression in legislation to create the National Endowment for Democracy [NED].

Based on the premise that the nongovernmental elements of civil society in our democracy—especially trade unions, business associations, and the political parties—were the best suited to help build democratic institutions in other countries and that it was in the long-term interest of the United States to nurture and support transitions to democracy around the world, the Congress passed and the President signed H.R. 2915, legislation which I proposed to create the National Endowment for Democracy—Public Law 99–164. NED's mandate was to support respect for human rights and democratic reform through grants to a wide array of indigenous nongovernmental organizations who, working with their counterparts in the United States, would build the institutions and culture necessary for democracy to take hold and flourish.

In its 9 years of existence, the National Endowment for Democracy has dispensed over $200 million in close to 80 countries including support for the banned Polish trade union Solidarity, the Chinese prodemocracy movement, the independent newspaper La Prensa in Nicaragua, and the forces supporting free election in Chile, Kuwait, and Zambia. It has established itself as an important ally of democrats around the world and enjoys broad bipartisan support in the Congress for its mission.

Mr. Speaker, in the last few years, the connection between political development and economic development has been widely recognized. Democratic political reform is now regarded as critical to ensuring long-term economic well-being in the developing world. The two go hand-in-hand. As part of the Foreign Affairs Committee's efforts over the last several years to reform the Foreign Aid Program, the committee advocated the concept that the promotion of democracy should be one of the four main objectives of U.S. foreign assistance. We endorsed a program to actively promote respect for human rights and democracy both tying a country's level of foreign assistance to its commitment to respect human rights and by using foreign aid to fund political development programs. This initiative was first found in H.R. 2655, the committee's 1988 comprehensive rewrite of foreign aid legislation. While this bill was not enacted, I am heartened to see that the Agency for International Development, which administers our foreign assistance programs, endorsed this concept in its December 1990 paper on de-

mocracy and currently spends about $200 million a year in its human rights and democratic initiatives program. The concept of using foreign assistance funds to conduct programs to promote respect for human rights and democratic reform was first incorporated into the law in 1976 when the Foreign Affairs Committee adopted Representative Fraser's amendment to the Foreign Assistance Act of 1961, and added section 116(e) creating a human rights fund Public Law 95–88.

Congress also initiated the concept of conditioning—or prohibiting—foreign assistance to a government based on that government's human rights record. Starting in 1973, Congress enacted a number of legislative provisions intended to assure that U.S. foreign policy formulation and practice include consideration of the status of human rights in other countries. Congress has written general human rights provisions into bilateral and multilateral foreign assistance legislation—sections 502B and 116 of the Foreign Assistance Act of 1961—and it has restricted or cut off assistance to a number of individual countries on human rights grounds. Congress also imposed human rights conditions on economic benefits such as most-favored-nation [MFN] trading status and loans in the international financial institutions.

Congress also took the lead in ensuring that the promotion of human rights would be institutionalized with the State Department. We established an Assistant Secretary of State for Human Rights and Humanitarian Affairs—section 624(f) (1) and (2) of the Foreign Assistance Act of 1961. We mandated the annual country reports on human rights practices prepared by the Department of State and submitted to the Committee on Foreign Affairs and its Senate counterpart, the Committee on Foreign Relations, on the status of human rights in every country of the world—section 502B of the Foreign Assistance Act of 1961.

At times, Mr. Speaker, other measures have been necessary to ensure that the issue of human rights receives the attention it warrants from the administration. Bipartisan support is very helpful to the success of any such effort to promote democracy and respect for human rights. In 1984, together with Republican Senator Charles Percy, who chaired the Senate Foreign Relations Committee, I introduced and the Congress passed House Joint Resolution 605, the congressional resolution on torture—Public Law 98–447. That measure attempted to provide guidelines to U.S. policymakers and offered specific instructions to U.S. diplomats on how to implement policy in opposition to the deplorable practice of torture in foreign countries. It was an effort to have the State Department deal with one of the most egregious human rights violations in a consistent and comprehensive manner, regardless of where these abuses were committed. I regret to say that, 8 years after the passage of this resolution, U.S. diplomats in many countries still do not address this issue in as vigorous a fashion as it merits.

Country-specific legislation, which cuts off or limits assistance to a particular country, gained popularity in the late 1970's when it became apparent that the generic human rights provisions in the law were not being implemented. In fact, no administration—Democrat or Republican—has ever invoked section 502B of the Foreign Assistance Act of 1961, which prohibits security assistance to any country "the government of which engages in a consistent pattern of gross violations of internationally recognized human rights," although military aid has been suspended by the executive branch on human rights grounds. Since 1973, Congress has adopted country-specific human rights conditions on United States policy toward and assistance to Chile, South Korea, Uganda, Cambodia, El Salvador, Argentina, South Africa, Pakistan, Nicaragua, Haiti, Liberia, Kenya, Ethiopia, Guatemala, Peru, Iraq, China, and Cuba.

On a personal note, I have long been interested in the plight of the beleaguered Cuban people. Because so many victims of Castro's repressive policies sought refuge in my congressional district, I was personally touched by their suffering. One of my first foreign policy initiatives in the Congress was legislation I introduced in 1961, when the true nature of Castro's regime became known, to exclude representatives of the Cuban Government from inter-American meetings (H. Con. Res. 216). Since then, I have made it my duty to speak out forcefully and frequently on the plight of the Cuban people. In 1988, Representative BILL BROOMFIELD, the ranking minority member on the Foreign Affairs Committee, and I flew to Geneva to lobby the 44th session of the U.N. Commission on Human Rights to investigate Cuban human rights abuses. Earlier this year, Congress adopted the Cuba Democracy Act, H.R. 4618, which I cosponsored with Representative ROBERT TORRICELLI, chairman of the Subcommittee on Western Hemisphere Affairs, and which promotes a peaceful transition to democracy in Cuba—Public Law 102–484. With the worldwide demise of communism, an enlightened public opinion in this country and abroad, and the courageous efforts of democratic activists inside Cuba who yearn to be free, the downfall of the Cuban Communist regime is inevitable. Just as Communists around the world have been defeated at the ballot box, the ultimate weapon of democracy, I am confident that Castro and his cronies will also be defeated in the near future.

As I look around the world in the fall of 1992, I realize that Cuba joins an ever-shrinking number of countries whose governments continue to deny their peoples' hopes for liberty and democracy. Yet, while the number of repressive governments may be dwindling, far too many people still live under the yoke of tyranny. In looking toward the future, it is imperative that the United States be vigilant in its support for democratic change everywhere, not just where it is politically convenient. After all, aspirations for freedom are universal: all people, regardless of race, sex, nationality, religion, historical tradition or cultural differences, share the desire to be treated with dignity and respect, and to participate in decisions affecting their lives. The right to freedom of thought, speech, travel, to be free from torture and arbitrary arrest, and to practice one's religion freely should be granted to all people. All governments should be held to the same standards, those which are embodied in the Universal Declaration of Human Rights, the International Covenants on Human Rights, and reaffirmed in a number of regional treaties. While the realization of these lofty goals in such places as China, Iraq, Saudi Arabia, and Cuba may be difficult and take time, we should not hesitate to support them. The truly remarkable progress made in Eastern Europe and the former Soviet Union in just 17 years, from 1975 when the Helsinki Final Act was signed to now, offers great inspiration and encouragement.

The United States has a large inventory of weapons in its diplomatic arsenal to promote increased respect for human rights and political reform. Public statements by high-level U.S. officials, including the President and Secretary of State indicating our commitment to a new world order that includes respect for civil and political rights and the rule of law in all countries of the world should be made. Foreign assistance and economic benefits should always be conditioned on a government's demonstrated commitment to respect human rights and promote democratization. Diplomatic representations to governments to release political prisoners, end the practice of torture, and allow greater freedom of the press, assembly, association, movement, and religion should be made. Just as the human rights issue was incorporated into every bilateral diplomatic meeting between the United States and the Soviet Union during the last decade, it should also become a regular aspect of our bilateral relationships with every other offending nation.

The United States can also help build or strengthen democratic institutions and more tolerant attitudes by providing direct support through the National Endowment for Democracy to fledging law associations, educational centers, independent journals, human rights groups, and other indigenous elements of civil society; by assisting governments interested in administrative and judicial reform with technical expertise; through the scholarship and exchange programs of the U.S. Information Agency; and through expanded coverage of human rights and democracy issues by the Voice of America.

In my retirement, I plan to continue my involvement in the promotion of respect for human rights and democratic reform. I am very proud of the committee's and the Congress' contribution to the enormous global effort in behalf of human rights and democracy and look forward to being involved as a private citizen in the future.

SALUTING SISTER JOAN FOLEY AND THE CONNECTIONS JOB DEVELOPMENT PROGRAM

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. YOUNG of Florida. Mr. Speaker, I rise today to bring to the attention of my colleagues a remarkable program which is bringing together employers and those who are seeking entry-level jobs in Pinellas County, FL, which I am privileged to represent.

The Connections Job Development Program, developed and administered by Sister

Joan Foley of the Roman Catholic Medical Mission Sisters, is a job referral clearinghouse serving unskilled and minimally skilled workers. This program has placed almost 80 workers in this year alone, and has done an outstanding job in providing assistance to those who have a real need for assistance in obtaining employment. The program has succeeded through a combination of support from the community and the persistence of the program's staff.

Sister Joan Foley's dedication to assisting those in our community who come to her needing assistance is displayed through her excellent followup, and has been a key factor in helping her clients achieve self-sufficiency.

Mr. Speaker, I commend the Connections Job Development Program and Sister Joan Foley for providing a much-needed service and, following my remarks, I would like to include for the benefit of my colleagues an article about her work.

[From the Tampa Tribune, July 25, 1992]

MAKING CONNECTIONS, NUN HELPS PUT JOBS TOGETHER

(By Tim McLaughlin)

NEW PORT RICHEY.—Hit by the recession and a burgeoning number of people looking for jobs, Florida is often not the hoped for promise land many think of when they move here searching for work.

The state's unemployment rate was 7.9 percent, while in Pasco County, it was 8.5 percent in May.

But Sister Joan Foley, a Roman Catholic Medical Mission Sister, is trying to alleviate some of the heartache of joblessness by running a free employment service that links workers with employers.

Her not-for-profit Connections Job Development Program is designed primarily for those seeking entry-level jobs—positions in restaurants, fast-food eateries, nursing homes and similar businesses that need unskilled or minimally skilled workers.

Since January, the program has helped nearly 80 people find jobs, a fact that thrills Sister Joan.

"I feel that the person has gained so much; that his or her dignity has increased and I feel great about that," she says. "I think they have learned something in the process and I feel privileged that we've been part of that process of helping them get back in the mainstream of life.

"I especially like to work with those who are homeless, or just about homeless, or the working poor," says the nun who moved to Pasco County in June 1989, after working at the Free Clinic in St. Petersburg for a year and a half.

Her devotion to aiding the poor began during the 16 years she spent in Pakistan as a medical technologist at a hospital run by the Medical Mission Sisters.

Even though she attended Catholic schools growing up, she did not consider becoming a nun until after graduating from college in Virginia.

SISTERLY DESIRE

After graduating, she worked as a laboratory technician at Georgetown Medical School for a year.

"It was during that time that I had this great desire to become a sister and it scared me to death because I had this active social life," Sister Joan says. "But I really had this desire to consecrate my life to God."

A film about the Medical Missions Sisters she had seen in high school helped influence her decision.

"I guess what impressed me the most was that it was a way for women to contribute," she says.

After 2½ years with the Medical Missions Sisters in Philadelphia, she went to Pakistan in 1958.

I fell in love with the country and the people," she recalls. "I saw so much development while I was there, it was tremendous."

In Pakistan, she became interested in helping people become more self-reliant. She brought that interest to Pasco County when she moved there in 1989.

"I found that there weren't any programs to help people in self-reliance," she says. "The basis of this program is to help people work toward self-reliance, dignity and hope by connecting with jobs."

A computer database allows the Connections staff to match applicants with available positions. Connections has 280 employers on file and since January has listed 144 available positions. In addition, 258 applicants are listed and categorized according to their three main job preferences.

The Connections staff contacts employers in the area each week to inquire about job openings and then tries to match clients in the files with those jobs.

Sheryl Chausse, 24, of New Port Richey had been looking for work for nearly two months before going to the Connections office in December. The program placed her as a companion for an older woman and recently found housekeeping work for her.

In an effort to make candidates more marketable the Connections staff interviews applicants extensively to assess their skills, thereby better matching individuals to job requirements.

In addition, the Connections staff verifies references before sending an applicant to a business and then provides follow-up after placement to try to enhance job retention and satisfaction.

Occasionally, the Connections staff will see an applicant who is not ready for a job. This may be because of problems with alcohol or drug dependency, or because the applicant has no marketable job skills.

REFERRALS

Those with alcohol or drug problems are referred to rehabilitation programs and when they are ready will continue with the job referral process. If an applicant is totally unskilled, Connections refers them to the Private Industry Council, which provides training for low-income people.

Rosemary Brando, manager of Bill's Lighthouse Restaurant in Tarpon Springs, has hired three employees through the Connections program and finds the quality of the candidates comparable with those recruited through other means.

Job search support groups organized by Connections meet twice a month at the program's office in the former Queen of Peace church on Washington Street in New Port Richey. As many as 14 people attend the meetings to help each other cope with the frustrations of unemployment and job hunting.

Funding for Connections comes in part from Catholic pastors in the area, who help with Sister Joan's salary which, although small, allows her to pay living expenses.

The Medical Missions Sisters gave her a grant she used to buy a computer for her record keeping and to hire two workers to help her volunteer staff.

To reinforce contacts, mailers describing the program are sent to area businesses.

Connections also advertises its services through social assistance organizations, including the Florida Department of Health and Rehabilitative Services, the Salvation Army, Paso County Social Services, the Human Development Council and the St. Vincent De Paul Society.

Sister Joan says she knows how important the assistance provided by these organizations is in helping people get back on their feet.

"They do a wonderful job with direct service—meaning food, money for rent," she says. "But then I say, 'Let us help them to make the next step, which is toward self sufficiency by getting that job.' And it helps them [the disadvantaged] to know that at least somebody's trying to help them on the second step."

STAFF APPRECIATION

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. ROYBAL. Mr. Speaker, as I prepare to retire after 30 years as a Member of the U.S. House of Representatives, and some 43 years of total public service, I want to take this opportunity to express my deep appreciation to the many professional staff members who have worked in my congressional offices, and on the committees which I have served on as member or chairman.

In expressing my sincere thanks to these dedicated and hard working public servants, I look back at some of my most memorable accomplishments while in Congress. I realize that without the assistance and loyal efforts of these individuals, these victories would not have been possible.

I am especially grateful to these professionals for the many legislative victories we achieved. Among these successes are the first funding of America's AIDS research and treatment programs; the first funding of our country's expanding Alzheimer's Disease Center, and Alzheimer's research, education, and care efforts; the original enactment and continuing appropriations for our nationwide bilingual education program which continues to enrich the educational opportunities of all; the authorization and funding of the multibillion dollar Los Angeles metro rail rapid transit system—not only one of the largest public works projects in U.S. history, but an essential element to business expansion, job development and a strong, healthy economic future for people throughout the Los Angeles basin; and, the introduction of comprehensive health insurance, to assure that every American has the right to affordable quality health and long-term care, and is protected against the devastating costs of acute and chronic illness, and nursing home care.

Other important accomplishments of past years include the Congregate Housing Services Program, emphasizing the provision of in-home services for the elderly; establishment of the Aging Center of Mental Health at the National Institute of Mental Health; adoption of the Bilingual Voting Rights Act; increased funding for the tuberculosis program; additional emphasis and appropriations for minority health; expansion of programs for the developmentally disabled; funding for programs of

the elderly blind; substantially increased support for the Center For Disease Control Laboratories and other facilities, as well as the Public Health Service, migrant health centers, and community-based organizations for direct AIDS outreach programs; creating scholarship programs for minority students; working toward providing housing, employment, and tax services for the elderly; establishing and serving as first chairman of the congressional Hispanic caucus; greatly expanding Customs officer staffing for west coast air and sea port facilities in order to expedite handling of fast-growing passenger and cargo traffic; the improvement of law enforcement in order to enable the Customs Service to better interdict and stop the flow of illegal drugs to our country; the construction of the long-needed new Federal building and court house in Los Angeles; increasing appropriations so that government can collect from those who evade taxes; securing protection for the Postal Service program which allows nonprofit mailers to continue to provide information on cancer, heart disease, disaster relief, and other health, educational, charitable, and scientific subjects of interest to the American public.

Mr. Speaker, as an additional expression of my appreciation for the efforts of the many individuals who have worked for me over the years, I would like to include in the CONGRESSIONAL RECORD at this point, the names of these outstanding public employees: Jorge Lambrinos, Christinia Mendoza, Rick Gonzalez, Joel Lane, Kathleen Sengstock, Darryl Stephens; Magdalena Prado, Mercy Cavazos, Eva Garcia, Henry Lozano, Rita Moreno, Alvin Parra, Betsy Phillips, Bill Smith, Aubrey A. (Tex) Gunnels, Jenny Mummert, Richard Veloz, Valerie Batza Soroka, Austin Hogan, Mary Wunderlich, Paul Ceja, Jose Vazquez, Carolyn Griffith, Stephanie Jones, Alexis Brown, Claudia Ocampo, Meredith Jones, Jennifer Johnson, Gladys Rodriguez, Ted Kimmerly, Kathy Gardner-Cravedi, Melanie Modlin, Jeff Kincheloe, Dan Maldonado, Harry Pachon, Nancy Naylor, Myrna Diaz, Rich Terlep, Anna Marie Lamberti, Maria Torres-Ysita Schwinberg, Ruben Rivas, Edgar Rivas, Mary Ruth Joyner, Gale Smith, Irene Bueno, Andy Araujo, Julia Metcalfe, Linda Olivas-Miramontes, Linda Gabriel, Gary Christopherson, Nancy Smith, Diana Jones, Denise Flaim, Mary Hanlon, Brian Lutz, Fernando Torres-Gil, Manuel Miranda, Judith Lee, Peter Reinecke, Yvonne Santa Anna, Amy Melnick, Sam Seidel, Marjorie Wampler, David Boubion, Anthony Knettel, Roger Thomas, Allen Johnston, Lowell Arye, Esther Urbano, Deborah Weisberg, Alberto Alvarado, Paula Campos, Brent Jaquet, Diane Lewis, Manuel Meneses, Lupe Morales, Leonard Palace, Consuelo Rodriguez, Helen Romero, Ann Salecker, Ellen (Nell) Sandridge, Beverly Segal, David Soble, Barbara Sterling, Baltazar Yanez, Michael Tirado, Edward Avila, Clara Ignatius, Enger Johnson, Viveca Meyer, Carmen Navarro, Edward Gordon Pell, Lawrence Redmond, Julia Beryl Zafren, Sandra Cahill, Ada Blevins, Mary Thiel, Elaine Sierra, Carol Galloway, Donna Shelby, Michael Fuentes, and the many other dedicated congressional employees who have worked in my offices since January 1963, when I was first sworn in as a Member of Congress from California.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT—SAFETY FLARES

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. ROE. Mr. Speaker, we have already enacted into law in the Intermodal Surface Transportation Efficiency Act of 1991 and reaffirmed in the report on the Intermodal Surface Transportation Technical Corrections Act that section 1041(b) of ISTEA states that section 393.95 of title 49 of the code of Federal Regulations shall be applied so as to provide that fusees-flares be approved as alternative emergency warning devices with reflective triangles. It is the purpose of this language to remove any ambiguities which might result from the use of the term "reflecting signs".

MORAL PRINCIPLE IN THE YUGOSLAV CRISIS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. DYMALLY. Mr. Speaker, I would like to acknowledge the recent remarks of Dimitrij Rupel, the Minister of Foreign Affairs of the Republic of Slovenia, which was published in several leading American newspapers.

Even before his official nomination, Dr. Rupel earned the title of Slovenian Foreign Minister, due to his efforts to run a more independent foreign policy than his predecessors and to obtain international recognition for Slovenian sovereignty and independence.

Born in 1946, Dr. Rupel studied sociology and literature and received his Ph.D. in sociology in 1976 from Brandeis University, Boston, MA. For over a decade he taught at the department of sociology, political sciences and journalism—now called department of social sciences—of the University of Ljubljana, as an associate professor of sociology.

Dr. Rupel entered politics in 1989 as cofounder of the Slovenian Democratic Union, an opposition party, and became its first president. Earlier he was editor of the student newspaper Tribune and of magazines Problemi and Nova Revija, all with distinct dissident reputations.

Dr. Rupel, if I may add, is the author of several novels. I commend his remarks to the rest of my colleagues.

MORAL PRINCIPLE IN THE YUGOSLAV CRISIS

(By Dimitrij Rupel)

To distant observers the conflict in Bosnia and Herzegovina has become an evening news cliche, a small island of chaos wherein the new world order seeks to find its footing. However, the stakes in this "provincial clash" are greater than they may seem.

Inept resolution of this crisis would mean that the utilization of violence as a political principle will find new adherents wherever the relationships of ethnic identity, nationalism and constitutional democracy are at issue. Resolution of the conflict in Yugoslavia, one may argue, calls into question the very nature of "provinciality" as the modern world seeks to find workable new models for dealing with intractable hostilities.

Resolution of this crisis will create more than a mere footnote to the aftermath of the Cold War. The means by which peace is restored to Bosnia and Herzegovina will become a pattern for regions in the world where similar conflicts are either latent or already in full bloom.

The choices before us are stark in their implications and their simplicity. We can be guided by the "perverted principle" whereby terror and human misery are justified by the simple fact of military victory.

Continued human suffering in Bosnia and Herzegovina underline the saliency of moral principle as a catalyst for action. However academic the debate over the resolution of territorial demands may appear to be, however archaic the argument for moral principle as a guiding force may seem, the magnitude of this human tragedy makes it clear that moral responsibility for the outcome will fall squarely on the international community.

Morality as a basis for political action is often invoked as an afterthought, too rarely as a forethought. Yet there is much historical evidence that can compel us to seek a just and moral solution to the Yugoslavian crisis.

America achieved independence through a struggle over a moral cause—democracy—and it was the moral cause—abolition—that justified the victory of the Union over the secessionist Confederacy.

It was a moral cause—constitutional democracy—that gave my nation, Slovenia, authority to declare its independence from centralized communist rule. Our actions would have been justified even in the absence of the European community's Badinter Commission, which recognized that Yugoslavia was in a state of genuine dissolution and that its constituent republics were not merely in pursuit of rogue secession.

All but the most intransigent partisans agree that the killing in Bosnia and Herzegovina must be stopped. The costs of inaction can be measured in the twisted inspiration that terror, "ethnic cleansing" and concentration camps offer to chauvinists anywhere in the world. Borrowing the words of President Bush, the potency of the situation demands quick and moral resolution "no matter what it takes."

Escalation of the conflict—the downing of the UN relief plane and the attack on the UNPROFOR supply convoy—has already reached outrageous proportions. The agreement between the Bosnian Croats and Moslems, concluded in secrecy on August 27 and made public on September 8, bodes poorly for resolution from within: resident Serbs will be excluded from any future participation in the government of Bosnia and Herzegovina for the mere fact of their ethnic origin and regardless of their civic allegiance.

These increasingly desperate actions are ominous demonstrations of the "perverted principle" at work, and provide a moral imperative to the international community to act without further delay.

At the London Conference, Slovenia proposed a four-point framework for resolving this human tragedy. Our proposal calls for:

1. Immediate and effective humanitarian assistance to all endangered populations;

2. The establishment of "safe zones" in which endangered populations could seek peaceful haven and to which refugees could return. Among those most in need of such

refuge are Bosniacs (i.e. Bosnian Moslems) and non-partisan refugees of all ethnic groups;

3. Negotiations among the three constituent nations of Bosnia and Herzegovina, to establish the territorial and political sovereignty of Bosnia and Herzegovina and to guarantee the autonomy of its constituent administrative units;

4. Legal status and political support for the Bosniacs. Both Serbs and Croats enjoy the full support of their respective ethnic states; without such support the Bosniacs will remain at a disadvantage in any political outcome.

So that the "perverted principle" does not undermine these negotiations, the international community must ensure that negotiations do not favor de facto gains extorted by partisan military action to date. The threat of economic, diplomatic and military isolation must be held out as a real consequence of any failure of foreign armed forces and heavy artillery to be withdrawn from Bosnia and Herzegovina.

Support must also be ensured for the UN Secretary General's "Agenda for Peace" proposal, restoring the status quo ante with regard to military gains by Serbian and Montenegrin forces. In the meantime, the world must follow the United Nations' lead excluding Serbia and Montenegro (and their common state, the "Federal Republic of Yugoslavia"), from all international organizations, pending achievement of legal status and conformation to rules set forth by the European Community for recognition.

The United States must ultimately decide its own course of action. However, Americans would do well to recall the words of Thomas Paine, who argued in "The Rights of Man" that "My country is the world, and my religion is to do good." The immorality of the Yugoslavian conflict is clear, while the moral imperative—and suffering humanity—await resolution.

ADOPTION OF SPECIAL NEEDS CHILDREN

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. PASTOR. Mr. Speaker, as the 102d Congress comes to a close, I wish to pay tribute to an organization in my district which is committed to helping special needs children and their families.

The Aid to Adoption of Special Kids, AASK-Arizona, located in Phoenix, AZ, is a licensed private, nonprofit adoption and child placement agency. An affiliate of AASK-America, it is dedicated to the placement of special needs children into permanent, loving homes. Since its inception in 1988, the agency has strived to build and preserve families through adoption, specialized foster care, postplacement support and community consultation.

There is a special group of children who require our special care and attention. They tend to be older, school-age children, some from minority families, while others in tight-knit sibling groups. Many of these children are either physically or mentally challenged, and others have emotional problems. Some of these special needs children are drug or alcohol exposed infants or toddlers, premature infants who require intensive care services following birth, children with medical complications or chronic illness, or children infected with the HIV virus.

These children live in foster homes, group homes or institutions. Most have never had the stability and security of a permanent family. All of these children desperately need and want families and homes of their own.

Providing services to over 400 families and children per year, AASK-Arizona helps families to assist their special needs children to develop to their fullest potential. By providing healthy, nurturing families especially prepared to address the challenges these children present, the ultimate intervention for these children usually mean adoption or specialized foster care services which result in permanent, stable placements within their birth, extended or adoptive homes. The responsible and caring placement of these special needs children prevents their neglect, abuse and exploitation. It also establishes a sound family environment, prevents inappropriate institutionalization, improves their development, and leads to their economic self-sufficiency.

The American family is struggling to survive under enormous pressures today. Families who adopt children, particularly special needs children, often feel these pressures heightened as they face challenges unique to those building families in this way.

I salute AASK-Arizona—and similar organizations across the country—which continues to look beyond the typical, the normal, the acceptable, and the expected in seeking the unique and quality services so rightly deserved by these very special children and their supportive families.

TRIBUTE TO THE NATIONAL ITALIAN-AMERICAN FOUNDATION

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. GUARINI. Mr. Speaker, on October 3, I had the distinct privilege to participate in the 17th annual National Italian-American Foundation gala dinner at the Washington Hilton Hotel. On that occasion, nearly 3,000 people from around the country and abroad filled the hotel, making it the largest of NIAF's gala dinners.

First Lady Barbara Bush, as well as Gov. Bill Clinton, addressed the crowd. Also in attendance were actress Sophia Loren, baseball legend Joe DiMaggio, and a distinguished group of special guests from the entertainment, sports, business, political, and cultural worlds.

The dinner brought increased attention to the accomplishments of Italian-Americans and Italians, which is especially appropriate since we are celebrating the 1992 Columbus Quincentenary. NIAF founding chairman and inspirational leader Jeno F. Paulucci, one of the country's most successful entrepreneurs, was honored this year with a Lifetime Achievement Award for Humanitarian Service. Sophia Loren received NIAF's Quincentenary Award, and Cesare Romiti, CEO of Fiat SPA, received NIAF's Lifetime Achievement Award in Business.

Other distinguished guests at the event included NIAF Chairman Frank D. Stella; U.S. Ambassador to Italy, Peter Secchia; Italy's Ambassador to the United States, Boris Biancheri; His Eminence James Cardinal Hickey; the Secretary of Health and Human Services, Dr. Louis Sullivan; the Director of the FBI, Judge William Sessions; the president of the Motion Picture Association, Jack Valenti; the commissioner of the National Football League, Paul Tagliabue; actor Paul Sorvino; comedian Fred Travelena; author Gay Talese, and Olympic Gold Medalist Mark Lenzi.

My distinguished colleague and good friend from New Jersey, BOB TORRICELLI, served with great effectiveness as the 1992 dinner chair. Representative NANCY PELOSI, who chaired the 1991 gala, was also in attendance, as were Representatives DANTE FASCELL, LARRY LAROCCO, JOHN LAFALCE, LEON PANETTA, and TOM FOGLIETTA. Another distinguished colleague who was there was my good friend FRANK ANNUNZIO, one of the founders of the National Italian-American Foundation. FRANK ANNUNZIO has made enduring contributions to NIAF over its 17-year history, especially with respect to its education programs. As he was to the House of Representatives, FRANK ANNUNZIO was an enormous resource to NIAF and he will be missed. From the Senate, PAT LEAHY of Vermont attended the dinner. We were also joined by the distinguished former chairman of the House Judiciary Committee, Peter Rodino.

In Mrs. Bush's remarks at the dinner, she said that Italian-Americans embody the "finest values any people could have—hard work, loyalty, openness, warmth, and a deep deep love of family, friends and God. Italian Americans are so good at holding on to their heritage and embracing this country at the same time."

Governor Clinton said:

> Italian-Americans have brought excellence to every area of our national life; to politics and business; to entertainment and the arts; to sports and law; to education and to plain old time-honored hard work.

The dinner was the highlight of a weekend which featured important conferences on diverse topics, including the Columbus Quincentenary, Tourism in Italy, and the Right to Die proposal, which was sponsored by NIAF's Medical Council and the National Italian American Bar Association.

Furthermore, on October 3, the NIAF Board of Directors elected its new officers for the next 3 years. Elected as chairman was Frank Stella of Detroit. Elected as vice chairman was Arthur J. Gajarsa of Washington, DC. Also elected as vice chairman was Joseph Maselli of New Orleans. I was honored by being elected president. The senior vice president is Dr. Ken Ciongoli of Vermont. Secretary is Agnes Vaghi of Maryland, treasurer is Donald Santarelli of Washington, DC, and general counsel in Janice Zarro of Washington, DC.

A distinguished board of directors was also chosen, and a complete list of members follows. Elected to the board of directors were Lee Iacocca, chairman and CEO of Chrysler Corp. and Louis G. Rosetti, president and CEO of Rosetti Architects. They join Stephen

R. Aiello; Thomas V. Angott; Hon. FRANK ANNUNZIO; D.F. Antonelli, Jr.; Joseph E. Antonini; Alfred A. Checchi; Dr. A. Kenneth Ciongoli; Arthur J. Decio; Joseph V. DelRaso; John A. DiBiaggio; Edward DiLoreto; Hon. PETE V. DOMENICI; Lucy A. Falcone; Hon. DANTE B. FASCELL; Hon. VIC FAZIO; Robert A. Georgine; Nicholas A. Gordano; Richard A. Grasen; Hon. FRANK J. GUARINI; Antonio M. Marinelli; Dr. Rocco L. Martino; Gary S. Messina; Mario V. Mirabelli; Hon. CONSTANCE A. MORELLA; Mario T. Noto; Paul F. Oreffice; Jeno F. Palucci; Leandro P. Rizzuto; Hon. Peter W. Rodino, Jr.,; Gilbert Simonetti, Jr.; Dr. Aileen Riotto Sirey; Agnes E. Vaghi; Jack Valenti; Frank Visco; Salvatore J. Zizza.

NIAF is also well served by a network of distinguished regional vice presidents who are as follows: Frank M. Grazioso, New England; Salvatore M. Salibello, upper mid-Atlantic; Matthew J. DiDomenico, Sr., lower mid-Atlantic; Stephanie L. Razzano, National Capital; Hon. John Gale, southeast; Eugene R. Casagrande, D.D.S., southwest; George J. Silvestri, Jr., mid-Pacific; Michael A. Rivisto, northwest; and Francesco Nicotra, Italy.

I would also like to pay tribute to the great NIAF staff, led by longtime Executive Director Alfred M. Rotondaro, who provides leadership, director and vision for the foundation.

In just 17 years, NIAF has emerged as the national advocacy organization for the more than 15 million Italian-Americans. Its mission is to help Italian-Americans preserve the values and accomplishments of their heritage, and to ensure that the American public is aware of the contributions that Italians and their descendants have made to the United States throughout its history.

NIAF funds cultural and educational programs and projects, awards scholarships and internships, and monitors the media to ensure a fair and balanced portrayal of Italian-Americans. NIAF also works with other Italian-American organizations to sponsor exchange programs and conferences. NIAF has emerged as a critical liaison between Italy and the United States culturally, politically and economically.

There is a growing sense of enthusiasm about NIAF and its future. Its programs have brought it much success, especially the scholarship program, the Media Institute, and the Public Policy Institute, which is committed to advocating service in the executive and judiciary for qualified Italian-Americans.

As a result of NIAF's special weekend, we have developed a new spirit and a plan of action for a brighter and more productive future. NIAF is the leading voice of the Italian-American community, and will continue to make a difference in the lives of Italian-Americans—and in the lives of all Americans.

HONORING ADOLPH GALLUCCIO, SUE AMORESANO, AND JIM SINFOROSA

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. ROE. Mr. Speaker, I take great pleasure in rising today to pay tribute to three outstanding citizens of my Eighth Congressional District in New Jersey. Adolph Galluccio, Sue Amoresano, and Jim Sinforosa will be honored at the Third Annual Inter County Business Association Dinner on Sunday, November 1, 1992 at the Cotillion Restaurant in Garfield, NJ.

The Inter County Business Association is a nonprofit organization established by its founders to give and sponsor educational lectures, and to actively participate in the members' communities and churches with fundraisers for charitable causes. Members include individuals from Passaic and Bergen Counties with their own professional practice or business and professionals who are employed by others. Their motto is: Learn, Earn, and Give.

Programs such as the Passaic County Partnership for Training, Work, and Rehabilitation and the Paterson Community Partnership are fine examples not only of the association's work but of what can be accomplished when bright and successful people turn their attention toward creating opportunities for others. A great deal of discussion is given to what can or should be done. This group is speaking volumes with their action.

This year they will honor three outstanding members who have contributed tremendously to their communities and the association.

Adolph Galluccio was born and raised in Paterson, NJ where he attended public school and the Oakland Military Academy. After receiving an undergraduate degree from Hartwick College, he went on to graduate from Seton Hall Law School in 1964 and was the recipient of the Bureau of National Affairs Award in Washington, DC. For the past 27 years, he has been a partner in the law firm of Browne & Galluccio in Paterson.

Adolph has been an active volunteer performing many charitable works and serving on community committees. He has served on the board of directors at Paterson Catholic High School and is a volunteer lecturer at Ramapo High School in Franklin Lakes. He has participated extensively in charitable activities throughout the Paterson Diocese, including the board of Eva's Kitchen, the Cursillo Movement, and as president of the Good Timers at Blessed Sacrament Roman Catholic Church in Riverside which he has attended his whole life. Adolph has also worked with the Diabetes Association and Tomorrow's Children Fund. In addition, he is chairman of the Fund Raising Committee for the city of Paterson's 200th anniversary.

Married for 31 years to the former Dorothy D'argenio, he has four children; Michael, Terri-Lynne Bowers DeFino, Karen, and Mark. He has also been blessed with four grandchildren; Jamie, Scott, Christofer, and Grace.

Sue Amoresano was born in Pine Mountain Valley, GA. After several years working in the banking industry, she owned and operated a branch office of ADP Insurance Associates in Paterson. Currently she is director of the office of special events for the city of Paterson's Department of Community Development.

Sue is involved in a multitude of civic organizations including: Hillcrest Civic Association, Joseph W. Pizza Civic Association, Ladies Auxiliary of St. Joseph's Rest Home, Xaverian Fathers of Wayne Missionaries, Passaic County Round Table, and Gateway Tourism Council. She is also an active supporter of St. Gerard's Roman Catholic Church in Paterson serving on their fundraising committee, as a eucharistic minister, and commissioner to the community Policing Pilot Program in Paterson.

Sue is very involved in the bicentennial celebrations surrounding the city of Paterson, serving on the Paterson 200 Committee's finance and fundraising committees and acting as coordinator of bicentennial celebrations for the city of Paterson. In addition, she works with underprivileged senior citizens and is presently coordinating an Adopt a Grandparent program.

She has two daughters Anna Marie and Lisa and one grandson Justin.

James Sinforosa has been a lifelong resident of Haledon, NJ and currently works for Kaytes Ford in Butler. He is the past president and currently on the board of directors of the Passaic County Council on Alcoholism and Drug Prevention. He has also coordinated and participated in many fundraisers for organizations such as: Pompton Valley Christian Association Food Pantry, American Heart Association, Toys for Tots, St. John's Cathedral in Paterson, and St. Gerard's Roman Catholic Church, also in Paterson.

James is a parishioner at St. Paul's Roman Catholic Church in Haledon and has two daughters, Monica and Nadine.

Mr. Speaker, it is organizations such as the Inter County Business Association and citizens such as Adolph Galluccio, Sue Amoresano, and James Sinforosa that highlight what is best about our Nation. Individuals banding together to lend their talents and experience in the assistance of others.

Mr. Speaker, I am proud to represent the Eighth Congressional District of New Jersey and such exemplary constituents as these. They are truly examples to which we all can aspire.

TRIBUTE TO DEREK WALCOTT

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. DYMALLY. Mr. Speaker, I rise to pay homage to one of the most magnificent bards of the English language. The Nobel Prize Committee has acknowledged what the people of the Caribbean have long known—that Derek Walcott is one of the great writers of the 20th century. This modern day Homer is a man whose lyrical poetry has inspired people around the world.

The Swedish Academy of Letters in awarding him the world's most prestigious honor, the Nobel Prize for Literature, said that "in him, West Indian Culture has found its great poet." A previous Nobel Laureate, Joseph Brodsky, called Walcott the best poet the English language has today.

It is a matter of great encouragement that Derek Walcott's writing gets better with age. Critics have hailed as his greatest work his latest work, an epic poem which the 62-year-old writer published in 1990. "Omeros" is a 64-chapter masterpiece that the Los Angeles Times said "weaves his many strands into a

whole" and "blends elements of the Odysseus legend and the turbulent West Indian world.

Derek Walcott was born in St. Lucia and made his debut at the age of 18 with his first book "25 Poems." In 1962 he published his most widely acclaimed collection of poems: "Green Night." In addition to his poetry Walcott has been honored as a playwright. He received an Obie Award in 1970 for "Dream on Monkey Mountain." In that play as one observer noted "he tapped into a mythical source * * * about identity and going back to your roots that's close in its own way to Shakespearean Theatre."

In addition to his writing Derek Walcott is a distinguished teacher of poetry and creative writing at Boston University where he is one of the most sought after instructors on the campus.

I am proud, Mr. Speaker, that my final remarks on the floor of this great House are in tribute to this great teacher and poet who shares my Caribbean ancestry.

CONGRESS HAS FAILED TO LEARN THE LESSONS OF THE 1980'S

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. DREIER of California. Mr. Speaker, 18 days after taking office, President Bush put the thrift cleanup in motion by taking action that led Congress to pass the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. After FIRREA became law, the President established four goals for those responsible for the cleanup:

First, protect depositor accounts. Preserve the savings of ordinary working people who trusted the Government's insurance commitment and then had to rely on its promise for protection.

Second, shut down failed thrifts at the lowest cost to the taxpayers. Since 1989, 725 institutions with $378 billion in assets have been transferred to the RTC. This was not a bailout. The stakeholders in these institutions, the stock and bondholders, were wiped out. They didn't get a dime.

Third, make the wrongdoers pay the price. To date, 1,300 persons have been indicted nationwide and there have been nearly 1,500 civil actions against directors, officers, accountants, and lawyers.

Fourth, restore the industry to profitability. The thrift industry, which lost $13 billion from 1988–91, has already reported $2.8 billion in profits for the first 6 months of 1992. This means there is now more money available to strengthen the insurance fund and provide low-cost mortgages to middle-income families.

All of these goals are being met except one. The depositors have been protected, the failed thrifts closed, and the wrongdoers are being made to pay for what they did. However, by not funding the RTC, we are falling short in achieving the second goal—shutting down these failed thrifts at the least cost to the taxpayers. Completing the cleanup and finishing the job requires the cooperation of Congress. But, like many of the President's other domestic initiatives, Congress has chosen to be obstructionist.

On April 1, 1992, the House of Representatives halted the RTC's funding. The agency has been without funds to complete the cleanup for 6 months. It will take at least another 6 months for the 103d Congress to meet, organize and vote for RTC funding. This 1-year delay in funding has escalated the cost of the cleanup by an estimated $2 billion. Now the taxpayers have to start paying all over again because the congressional leadership refuses to act.

Congress continues to ignore the lessons history teaches. The thrift regulators of the 1980's repeatedly asked Congress for the authority to recapitalize the insurance fund, at first with industry funds only. Congress refused to act, thrift industry losses mushroomed and the exposure to the taxpayers grew exponentially. Without RTC funding, Congress is risking the same disastrous financial consequences.

PROFESSIONAL AND AMATEUR SPORTS PROTECTION ACT—A CLARIFICATION

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. BRYANT. Mr. Speaker, prior to the Senate's vote last month on the Professional and Amateur Sports Protection Act, S. 474, some Senators stated their understanding that certain activities currently lawful in Wyoming and New Mexico would continue to be lawful under the legislation. These colloquies occurred after the House already had passed the bill. As far as I am concerned the particular activities discussed will continue to be lawful under the bill only because—and only to the extent that—they were lawful as of October 2, 1991, and were conducted during the period specified in section 3704(a)(2).

Wyoming specifically allowed Calcutta wagering by certain entities, and other specified activities, well before October 2, 1991, pursuant to Wyoming Code section 6–7–101 through 103. That law was amended most recently in March 1991. The New Mexico statute authorizing parimutuel bicycle wagering was adopted in April 1991 and became effective on July 1, 1991, and likewise was implemented prior to October 2, 1991. The sports pools, sport tabs and fantasy leagues authorized by Montana in the spring of 1991, likewise will continue to be legal—because, and only because, the requirements of section 3704(a)(2) are satisfied. The legislation operates prospectively, not retrospectively, and these States came in under the wire with these games.

No activities that otherwise fall within the sweeping proscription of section 3702 will be lawful under the legislation in these or any other States if authorized by statute or a State-tribal compact after October 2, 1991, or August 31, 1990, in the case of State or tribal lotteries, unless specifically and expressly exempted by section 3704, regardless of the nature of the sports activity involved or the type of wagering. There are no implied exemptions not stated in section 3704. There are no competitive sporting events—events in which the performance of any real world athlete or team of such athletes is measured against the performance of any other real world athlete or team of such athletes—that are not games within the meaning of section 3702. And there are no lotteries, sweepstakes, or other betting, gambling or wagering schemes based on any such game or games, or on any such athlete's performance or performances therein, that do not fall within the prohibition of that section.

CONFERENCE REPORT ON H.R. 5504

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. LIVINGSTON. Mr. Speaker, the conference report on H.R. 5504, the fiscal year 1993 Defense Appropriations Act, expressed the concern of the conferees over the general decline in the health of the American shipbuilding industry. As one of the provisions for defense conversion, the conferees directed that $15 million be utilized to establish and implement viable opportunities for conversion of the defense-oriented shipbuilding industry to market driven commercial production activities, help maintain the defense industrial base, and further the development and maintenance of an adequate merchant marine.

This action by the conferees was ostensibly based on requests by leading U.S. shipyards, corporations, and other organizations, including the American Bureau of Shipping, for applied research and development funding to assist them in undertaking construction in the United States of the largest passenger ship in the world: the Phoenix World City. This ship would be the first large passenger ship built in this country in over 40 years, and, it is projected to be the first of a fleet of three such ships which will fly the American flag and operate, manned by American crews, on both coasts and in Hawaii. While the impact of this national project will be nationwide, a number of yards in my State of Louisiana and along the gulf coast are already actively involved and thousands of Louisiana shipyard workers could directly benefit from the R&D program earmarked in H.R. 5504 and the possible construction work that could follow.

This project may have important economic significance not only for the shipbuilding industry, but for corporations across the Nation, for our merchant marine, and for domestic ports and tourism. I believe it was the intention of the conferees that these funds be utilized to help bring the American shipbuilding industry to a point at which this major passenger ship construction project can be realized in U.S. shipyards and the industry thereby positioned to address other commercial opportunities that will surely follow.

TRIBUTE TO CONGRESSMAN WILLIAM L. DICKINSON UPON HIS RETIREMENT FROM THE UNITED STATES CONGRESS HON. RICHARD T. SCHULZE

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

November 2, 1992

Mr. SCHULZE. Mr. Speaker, the 103d Congress of the United States will see many new faces this January. While this is probably a good thing, it does not come without a great cost in the form of lost institutional memory. Upon his retirement from this honored institution, my very good friend, Congressman William L. Dickinson, will take with him 28 years of reflection on historic legislation and stories about how this nation's governing body has performed.

Perhaps no aspect of the legacy Bill leaves behind is grander than that of cofounder of the Congressional Sportsmen's Caucus. This body was formed with the express mission of conserving America's great heritage of outdoor life, wildlife in all its variety, wildlife habitat, the environment and preserving the role and tradition of the hunter in wildlife management. His inspirational leadership in this cause has rallied over 138 Members of Congress to forge a committed alliance which champions wildlife and the environment. Many generations of outdoor enthusiasts will benefit from Bill's pioneering vision of the Congressional Sportsman's Caucus.

Bill's contribution to his country does not end as a chief defender of the environment; Bill is ever vigilant in the matter of America's national defense. He cares deeply about his country and about the individual soldiers who willingly place their lives at the threshold of death to preserve the liberties that resonate in the soul of every worthy American. As Commander in Chief, President Ronald Reagan could not have revitalized the American military machine without the assistance of Congress. As the ranking Republican on the House Armed Services Committee, Bill worked in close harmony with President Reagan to achieve the miracle of the 1980's—a turnaround military force unprecedented in human history. In its hopeless effort to keep pace with this American headway, the cold war Union of the Soviet Socialist Republics crumpled under the weight of its own false premises. Despite the opposition's clamor to change the course of these great events by sapping the defense budget and paying for pork instead of power, Bill Dickinson clung to the wheel of the ship of state, staying the course which lead America into safer harbors.

Mr. Speaker, America owes Bill a great deal of thanks for his service. I thank the good people of Alabama for sending him here. My grandchildren, and all generations hence, shall profit from the rich heritage of a blossoming environment in a world rich with the promise of peace. Thank you Bill Dickinson.

EXTENSION OF THRIFT CAPITAL DEDUCTION TO ENCOURAGE CREDIT AVAILABILITY

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. McCOLLUM. Mr. Speaker, yesterday the President signed H.R. 5334, the Housing and Community Development Act of 1992. Section 953 of the law authorizes the Office of Thrift Supervision to extend the time by which thrifts must deduct from capital their investments in certain subsidiaries. The Director of the OTS will be able to establish an alternative schedule for the deduction of investments in subsidiaries engaged in activities not permissible for a national bank, thus allowing the institutions more time to divest themselves of these subsidiaries. Although it is narrower than a similar amendment I successfully offered to banking legislation last fall, only to see it stripped out in the final version, this provision is very important in light of the current economic conditions affecting the market for the sale of these subsidiaries.

Under the former law, thrifts were required to deduct from capital at least 25 percent of their investment in these subsidiaries. The deduction increased to 40 percent on November 1, 1992. The full amount of the investments had to be deducted by July 1, 1994. For certain thrifts, section 953 authorizes the OTS to delay the 40 percent deduction until July 1, 1994, and the full deduction until July 1, 1996.

Thrifts are eligible for this extension only if they are adequately capitalized or are in compliance with an approved capital restoration plan and not critically undercapitalized. In addition, the OTS must determine that the extension would not constitute an unsafe or unsound practice, would not increase the risk to the deposit insurance fund, and would not be likely to result in the association's being in an unsafe or unsound condition.

Opportunity for relief under the new authority becomes effective now that the bill has been enacted. However, because the existing deduction requirement is scheduled to increase to 40 percent within a few days, there will not be enough time for institutions to make application to the OTS and for the OTS to process the applications for the extension before November 1. Congress did not intend that institutions eligible for the extension be required to increase their capital deduction on November 1, only to reduce the deduction later after the OTS has had an opportunity to review applications under the new law. The OTS should therefore allow a limited, temporary reprieve for institutions making application under the new law while the OTS reviews the applications.

In correspondence to Members of Congress, OTS Director Timothy Ryan has noted that in normal times the separate subsidiary capitalization requirement would be sufficient incentive for most thrifts to get out of the real estate development business by divesting themselves of such subsidiaries. However, these are not normal times. Severe liquidity constraints in many real estate markets have dried up the pool of potential buyers of such companies. As a result, thrifts have had to hold on to these assets, resulting in a severe contraction in the overall lending capacity of these institutions. Furthermore, without the extension provided in the new provision, many thrifts with real estate subsidiaries would have been forced to sell the subsidiaries at extremely depressed prices in a market that is already severely depressed.

This provision will allow certain thrifts additional time to sell real estate assets in a more orderly fashion and hopefully in a less distressed market. This will encourage such institutions to resume normal lending operations and will help alleviate credit constrictions that some sectors of our economy are facing.

This provision carefully balances prudent capital requirements and responsiveness to the very real problem of credit availability.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 1992

Mr. ROE. Mr. Speaker, H.R. 2950, the Intermodal Surface Transportation Efficiency Act of 1991, contains provisions that authorize funding for certain construction, reconstruction, equipment, and programmatic costs associated with the development of university research institutes contained in the legislation Pub. L. 102–240.

In reviewing the issues of intent of our Committee in the funding of these institutes, I wish to clarify for the record that it was the Congressional intent that the enactment into public law on December 18, 1991, should serve as the commencement date for reimbursement of funds expended for the construction, reconstruction, equipment, and programmatic costs of these institutes. In addition, given the high expectations we have for these institutes to accomplish their mission of applied research, development, and transfer of technology, we need to provide adequate research facilities. Therefore, the Committee's intent was that up to 50-percent of the funding provided could be used for purposes of construction, reconstruction, and equipment from the date of enactment of the legislation.

Mr. Speaker, I salute the efforts of our university research institutes and urge them to continue to make gains in the improvement of our nation's infrastructure for many years to come.

IT'S TIME FOR FUNDAMENTAL REFORM OF SUPERFUND

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. LENT. Mr. Speaker, in 1980, I participated in drafting what many viewed as the most important environmental law ever enacted: the Comprehensive Environmental Re-

sponse, Compensation, and Liability Act, also known as Superfund. The law represented an ambitious and worthy effort to clean up the Nation's worst hazardous waste sites. When the 103d Congress convenes next January, one of the issues it will be faced with is the reauthorization of Superfund. I will not be here to participate in that process, but I can tell my colleagues who will be that this is a law crying out for fundamental reform.

More than a decade after its creation, it is a sad fact that the Superfund Program Congress envisioned is increasingly seen as the largest, costliest, and least effective environmental cleanup program in our history.

Despite 12 years and repeated attempts by the Environmental Protection Agency [EPA] to jump start Superfund, it is clear that the law is just not working. Consider just one example out of hundreds around the country—the Shore Realty site in my home district on Long Island. The site was placed on the national priorities list [NPL] in 1984. While a large settlement was recently reached with many parties to design the final cleanup, much of the previous decade has been consumed by litigation over who should pay the bill. The private lawyers and State and Federal environmental enforcers think the Superfund process has worked well. They would, because they've been kept quite busy. But others in the community are victims of a process which places a higher premium on pointing the finger than isolating the contaminated soil in a way that protects the public's health.

The root cause of Superfund's ineffectiveness is its fundraising mechanism, a strict retroactive liability system founded on the concept that individual polluters should pay the cost of cleanup. In 1980, this notion seemed appropriate because Congress believed the number of individual polluters responsible for our hazardous waste problems to be relatively small, and thought that identifying the culprits would be easy.

Based on those assumptions, a system for establishing individual liability on a site-by-site basis—making polluters pay—seemed the fairest and most efficient means to raise money for cleanup, without penalizing the taxpayers. Even in 1986, when I participated in efforts to fine tune Superfund to promote more settlements and accelerate cleanups, Congress still believed that the liability system could work. At that point, we assumed the EPA's inefficient management practices had prevented Superfund from working properly. In reality, however, the true scope and severity of America's hazardous waste problems goes much deeper. This is not just a management problem. What we are faced with is a law that is fundamentally flawed.

Very simply, there are more sites to clean up than anyone expected, and accurately and completely reconstructing records for disposal activities which occurred 20, 30, 40 or more years ago—in order to assign responsibility for cleanup—is painstaking and often impossible. As a result, disputes over who should pay at each site are common.

Perhaps these disputes would not be of much consequence except for one fact: under a key provision of Superfund's liability system, any one potentially responsible party [PRP] can be held accountable for the entire cost of the cleanup at a site, regardless of what or how much waste they contributed. With potentially massive liability staring them in the face, many PRP's feel they have an obligation to employees and shareholders to find the maximum number of other parties to share the financial burden. The result is cascades of lawsuits as EPA sues PRP's, PRP's sue EPA, PRP's sue other PRP's, and PRP's sue their insurers.

Consequently, Superfund's liability system, instead of generating maximum dollars for prompt cleanup, creates a bottomless pit of litigation which continually drains resources from our economy and does nothing to improve our environment.

While few people dispute that certain PRP's were negligent in their past waste management practices, we now know that many Superfund sites did not result from irresponsible or careless behavior, but were instead the unintended byproduct of decades of technological and industrial advancement. At the Shore Realty site, the owner targeted by the State did not contribute a drop of pollution to the site. He merely acquired it for real estate development.

Where there was irresponsible behavior at Superfund sites, it was often by operators who are no longer around to pay for cleanup. Instead, the check is being handed to scores of businesses who disposed of their waste at the site. And in some cases, the people who now find themselves hit with Superfund liability sent their wastes to facilities recommended by EPA or State officials. Their view is that they handled their waste properly, they sent it to where the Government told them to, and asking them years later to fork over tens of millions to clean up the site is patently unfair. And they're right.

Over the past decade, more than 20,000 PRP's have been caught in Superfund's liability vortex, including small businesses, local governments, schools, hospitals, and even individuals. They are held retroactively liable for past disposal activities that were legal at the time. At one site in Connecticut alone, EPA recently named 1,294 PRP's who must now sort out cleanup responsibilities and cost allocation. In 9 years at Shore Realty, 257 PRP's, 208 law firms, and 442 insurance companies have spent countless millions—probably approaching what will eventually be spent on cleanup—on litigation with EPA, the State, and one another. This is a tragic waste of limited private and public resources. Every penny spent on lawyers is one less penny spent on the environment. You can bet our German, Japanese, and other international competitors are laughing all the way to the bank.

The liability debate is not an abstract public policy exercise. Those trapped in the liability mess are offered two equally distasteful, but all too real, choices—accept potentially devastating—and often unfair—liability or plunge into protracted, costly litigation. For many, the economic impact of either choice can be severe—budget deficits declining property values, reduced capital investment, and stalled development.

From an environmental perspective, Superfund's cleanup record speaks for itself. Despite expenditures of almost $11 billion in public funds, and unknown billions in private-sector money, fewer than 10 percent of the over 1,200 sites on the EPA's priority list have been completely cleaned up. With approximately 100 new sites being added to the list each year, estimates are that complete cleanup could take decades and cost billions of additional dollars.

The challenge facing the next Congress will be how to reform Superfund so it achieves its original goals. It is clear to me that Superfund's liability system cannot function as an efficient fundraising tool because it intrinsically encourages prolonged wrangling over who pays, rather than moving to rapid, cost-effective cleanup. Without correcting this basic error in the program's design, Superfund's defects cannot be eliminated.

Many of those who will serve in the next Congress will have campaigned on a change agenda. They will have told voters that they are problem solvers, people not captured by special interests or the ideological dogma of the right or the left. I hope so. The country will not be served by a Superfund reauthorization debate where old, shopworn slogans are trotted out by business and environmentalists. The challenge is to come up with a practical solution and pass it.

In 1986, we tried piecemeal reform. The record tells us this effort did not work. We need to think bigger. Of all the ideas I have seen recently, the proposal to create a larger Superfund and eliminate retroactive liability for Superfund sites before a certain date appears to offer the greatest hope of recasting Superfund into a commonsense cleanup program that works. It deserves serious consideration by the Congress.

My final advice to my colleagues on this issue is simple: keep asking yourself what will work, not that will satisfy special interest groups or ideologies. If you stay focused on practical solutions, I am confident we will see enacted a new Superfund which finally gives the American people what they expect—fast, efficient, long-term cleanup.

SUPERFUND REAUTHORIZATION

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 9, 1992

Mr. TAUZIN. Mr. Speaker, 12 years ago, Congress enacted what may have been the most ambitious and far-reaching environmental law in America's history. Since the passage of the Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA], commonly known as Superfund, it has been controversial. But there has been one constant: few of those who have had direct experience with the law like it, and even fewer think it is working as Congress originally hoped.

In 12 years, only 7 percent of the more than 1,200 sites on the national priorities list [NPL] have been completely cleaned up. This is a depressing record. At the rate we're going, Superfund cleanups will be continuing well into the 21st century. It has become clear that Superfund's cleanup mission has been obscured by innumerable, often legitimate, dis-

putes between and among Federal and State agencies, private parties, environmental activists, citizens, lawyers, and consultants over who should pay, which remedies should be chosen, and what cleanup levels should be achieved.

In the next Congress, we will begin the Superfund reauthorization process. I intend to be a major participant in that debate and expect to introduce legislation to reform the program. For now, I would like to lay out my thoughts on what is wrong with Superfund and suggest a few principles around which reform of the statute should focus.

THE LIABILITY SYSTEM

The dominant characteristic of Superfund is the financing of cleanup. At some point in the process, EPA or the State agency proceeds against some number of potentially responsible parties [PRP's] to pay for cleanup. The fundraising device used by Superfund is retroactive, strict, joint and several liability for all parties connected to a site: owners, operators, transporters, and generators of toxic wastes. In 12 years, we have learned that this fundraising system has several profound consequences which appear to directly affect Superfund's ability to achieve its goals.

First, most parties, faced with cleanup costs averaging over $26 million per site, immediately hire lawyers, who then play a major role in the process. The Superfund process has become characterized by repeated disputes over who will pay for cleanup, disputes which usually result in several major lawsuits at each site. The litigation mentality which permeates the process is fundamentally inconsistent with achieving prompt cleanup.

Second, there is a strong sense among participants that Superfund is unfair. And this view powerfully influences behavior of many parties. Under Superfund's retroactive, joint and several liability system, companies are liable if they deposited waste at the site at any time in the past (whether it was legal at the time or not), and they are liable for the whole cleanup amount, even if they deposited only a fraction of the total waste.

Some call this the polluter pays doctrine of Superfund. To many, it is the essence of the law. But I think we must question the practical applicability of the doctrine in this case. Most of us think of corporate polluters as people who did something wrong—the midnight dumpers who acted under cover of darkness and outside the law. But the truth is most PRP's do not fall into this category. I suspect there are few Members of this House who have not heard from some law-abiding constituent—probably even scores of them—who acted legally and responsibly, sent their wastes where they were supposed to send it, only to discover years later that they are, in the eyes of Superfund, toxic criminals and evil polluters. An entire universe of responsible, law-abiding businesses have been labeled as polluters.

In fact, many people incorrectly think you are only liable for Superfund cleanups if you sent hazardous wastes like barrels of toxic drums to a site. But the touchstone of Superfund liability is whether the waste you contributed to a site contains a hazardous substance. If so, you're on the hook. Thus, if you sent a newspaper to a site—not what we normally regard as a heinous act of corporate pollution—you are potentially liable because the ink contains a hazardous substance. It may seem absurd—and it is—but that is how the law was written. And there is one more absurd wrinkle: if you purchased property which turns out to be contaminated by the activities of previous owners, you are a polluter in the eyes of Superfund even though you didn't have anything whatsoever to do with the presence of hazardous waste or hazardous substances at the site.

I hope when we begin the reauthorization debate, we look beyond the slogan and at the reality of who we have tagged as polluters.

Third, in practice EPA tends to target large, deep pocket PRP's to finance cleanup rather than truly casting as broad a net as possible to ensure that all parties pay their fair share. In some respects, this is understandable: EPA's imperative is to raise enough money to do the cleanup. It cares little from whence the money comes. But this approach has serious consequences. A joint letter from Congressmen DINGELL, SWIFT, LENT, and RITTER to EPA in March 1991, expressed the concern that EPA's approach "may be creating a series of disincentives to settlement at Superfund sites and may also be generating unnecessary litigation among PRP's." Later, the letter said the policy can create unfair results as some PRP's not targeted by EPA "escape liability entirely because the time and effort required to pursue them to judgment may exceed their likely share of the costs."

The joint letter also pointed out the other unhappy byproduct of EPA's selective policy: an explosion in litigation as those targeted by EPA pursue private contribution litigation against others. In fact, this is precisely how even a small company with a tiny share of the waste becomes a likely target for payment. Not surprisingly, the payments assessed of small PRPs by larger ones, both for cleanup and for legal expenses incurred by the PRP group, are large enough to be a severe hardship on a small firm.

Fourth, the disputes between EPA and PRP's are not the only hallmarks at Superfund sites. Among PRP's themselves, there is constant debate over how to fairly divide up responsibility—and these can hold up agreement with EPA. Issues such as volume versus toxicity—one company may have deposited waste in less volume than another, but its waste is far more toxic—and culpability (one PRP argues that it obeyed the rules of the time, while concurrently arguing that a transporter shall bear more responsibility because it knew of negligent disposal practices by the operator), as well as the extent of testing to be performed and the nature of the cleanup remedies to recommend add together to prolong intra-PRP disputes and delay cleanup at many sites.

There are other Superfund problems, such as difficult scientific questions and EPA personnel turnover, but the liability system is by far the biggest.

REFORM INITIATIVES

To be sure, Congress and EPA have tried to improve the program—and to some degree it is better. In 1986, Congress gave EPA de minimis settlements, and nonbinding allocations of responsibility.

Beyond these tools, the current regime at EPA has attempted to use its enforcement powers more aggressively, to some positive effect. There are more settlements with PRP's, resulting in more work commitments. But it remains to be seen whether this translates into faster cleanup work or lower overall transaction costs. In fact, the use of "enforcement first," as it is known, may be the single greatest reason for the proliferation of their party lawsuits which have received so much press and congressional attention in the past 2 years.

TRANSACTION COSTS

One of the most obvious collateral effects of Superfund is the creation of massive transaction costs, especially in the private sector. The RAND Institute for Civil Justice recently reported aggregate transaction cost data for five Fortune 100 companies of 21 percent for all toxic wastesites between 1986 and 1989, but between 30 and 40 percent at multiparty sites. The National Paint and Coatings Association survey of its members, mostly smaller businesses, reported average transaction costs of 77 percent. And this does not include the nearly $500 million a year RAND found that insurers were spending on Superfund, nearly half of which was spent to defend PRP's in their disputes with EPA.

Any way you look at it then, diversion of corporate resources to fundamentally unproductive activity related to Superfund liability are high, especially for a country already facing competitive challenges from abroad.

CLEANUP STANDARDS—HOW CLEAN IS CLEAN

The Superfund law that was enacted in 1980 did not contain any detailed statutory standards for cleanups. The 1986 amendments pointedly increased the detail and complexity of statutory cleanup standards. Overall, the 1986 changes established two important principles for cleanup standards: permanence and ARAR's

Regarding permanence, section 121 of the law requires as a general rule that remedial actions which achieve permanence are preferred over those that do not. In practice, this philosophy may be used as a blanket defense to objections that proposed remedial actions go far beyond steps needed to reduce actual risks to acceptable levels.

Regarding ARAR's, section 121 also requires that remedial actions achieve cleanup levels that meet all legally applicable or relevant and appropriate standards under any Federal environmental law and any State environmental or facility siting standard that is more stringent than Federal law. This means that cleanups must be designed to meet standards that may far exceed levels necessary to protect human health and the environment. For instance, "recommended maximum contaminant levels" under the Safe Drinking Water Act arguably, are applicable or relevant and appropriate. RMCL's generally are set at lowest detectable levels, and in some cases at zero—a level that in almost all instances is impossible to achieve and unnecessary for protectiveness at many Superfund sites.

Permanence and ARAR's, taken together, may result in many extreme, and very expensive Superfund remedies that go far beyond what is required to protect the environment

and public health. One of the issues we must examine, therefore, is whether we need to change the current standards in the law so remedy selection is based more on comprehensive, site-specific, risk-based decisions rather than generic cleanup standards in the statute.

TAX ISSUES

Another critical area for us to explore during Superfund reauthorization—and one directly related to liability—is the Superfund taxing scheme. According to the IRS, annual Superfund taxes totaled $1.1 billion in 1989. About $570.5 million of this was generated by the petroleum tax in CERCLA. Another $246 million—in 1990—came from the chemical feedstock tax. Of this, about $49 million was paid by petroleum companies. Finally, petroleum companies pay about $24 million to Superfund through the corporate environmental tax. In other words, Superfund taxes paid by petroleum activities alone come to about $643 million—56 percent of all the money raised by Superfund taxes.

I believe this may represent an unfair and unjustifiable tax burden on this important American industry. To the extent this industry is concentrated in producing States like Louisiana, it may mean that Superfund indirectly hinders our economic growth. This is a source of special concern since I believe that the problem of cleaning old hazardous waste sites is a societal problem, not one which should be borne disproportionately by a single industry. It may be that the petroleum and chemical industries produced many of the substances which gave rise to the Superfund sites. But it is equally true that society at large—every small business, every individual, and every town—benefitted from the products and technological advances associated with these products.

I am also troubled because it appears that the current tax scheme may result in a massive shifting of resources from States like Louisiana to other States, with some States receiving a large percentage of Superfund dollars and major contributing States with significant toxic waste problems receiving comparatively little. Redressing this inequity is one of my major goals in Superfund reauthorization.

SUPERFUND'S ALLEGED BENEFITS

In recent years, as debate over Superfund has stepped up, some of its defenders have argued that the law's defects discussed above are overwhelmed by positive benefits, chiefly that the law as constituted creates incentives for due care and for voluntary clean up of non-NPL sites. But the evidence supporting these claims is very thin as of now, and it is critical that new data be developed on both points. At the same time, we need to examine whether the existing system creates some harmful side effects. For example, what is the financial impact of Superfund on large and small business PRP's of having delays? Do companies choose not to locate new facilities in otherwise attractive locations due to a fear of becoming a PRP by mere ownership?

CONCLUSION

Superfund is a troubled program. I believe the case for fundamentally overhauling it is compelling, though precisely how to go about it is still an open question. At the least, though, we should be guided by a few clear principles:

First, we need a liability system that minimizes the battles over cleanup and cost allocation. It is difficult to think how we can get there without rethinking retroactive, strict, joint and several liability.

Second, we need to address the issue of how clean is clean. We cannot keep pouring tens of millions of dollars into cleanups to extract the last drop of pollution. We need to put in place rational, definable cleanup standards so we don't always require gold-plated cleanups.

Third, we need to reevaluate the tax structure to eliminate any inequities that exist regarding the generation and spending of Superfund dollars.

Fourth, we need a system which moves much faster, which minimizes the delays and transaction costs associated with the current approach. Again, it is hard to see how to get there from here without overhauling the existing liability system.

Fifth, we need to insure that each region of the country is receiving its fair share of Superfund cleanup spending.

I look forward to addressing all of these issues early next year.