

A VERY SPECIAL VOICE OF AMERICA

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. MICHEL. Mr. Speaker, for 38 years, a voice of America has been broadcasting over the airwaves of the Voice of America [VOA], sending a message of freedom and hope to millions who lack freedom. This voice has been described as a mellifluous bass, with a warm tone and crisp diction. It is the voice of Willis Conover, one of the most successful foreign policy spokesmen the United States of America has ever been blessed with.

The truly amazing thing about Willis Conover's success in telling our Nation's story to the world—and especially to the world behind the Iron Curtain during the cold war—is that he never makes foreign policy pronouncements, never even refers to politics, and, in fact, never propagandizes at all. What he has done—and what he continues to do—is to talk about the very best in American music, with an emphasis on jazz, and then play recordings of the various jazz masters. That's it, just good music, intelligent, informed commentary on the music, and a commitment to excellence. But what an impact such a formula has had on foreign audiences. In Willis Conover's own words:

My formula is simply to play the best music. I don't sell America, which is not for sale. Nor do I sell jazz: the music speaks for itself.

It is precisely Willis Conover's willingness to let the best of America's music speak for itself which has made him a hero to those denied freedom. They knew when they tuned in Mr. Conover that they were not going to be subjected to political commentary, but to jazz, America's indigenous musical art form, a music rooted in ordered freedom, the very symbol of what America should stand for around the world. His credibility to listeners of VOA has been a tremendous advantage in making VOA itself trusted around the world.

Mr. Speaker, I plan soon to introduce a resolution putting the House of Representatives on record as formally saluting this American spokesman, whose work is all but unknown to his fellow Americans. At this time I wish to insert in the RECORD an article by David Burns, "30 Million Know His Voice—You Don't," published in World Monitor magazine, February 1993.

30 MILLION KNOW HIS VOICE—YOU DON'T

(By David Burns)

His voice is a mellifluous bass. The tone is warm, the diction crisp, the delivery slow and careful. Some 30 million people hear the voice daily. Millions around the world recognize it instantly. But few Americans would. "The Voice of America needed a voice that could cut through the static and fading

which sometimes afflicts shortwave," he explains. "So I slowed down the pace and stretched out the delivery.

"But, not—with—pauses. No-o-o, what I tried to do-o-o was pro-o-lonng the vov-elllllls. I thought of it as bel canto singing."

The world knows this voice, and knows the music it introduces on radio. The voice is Willis Conover's. The music is America's jazz.

For 38 years Conover's "Music USA" program has swung out on the Voice of America (VOA), the radio arm of the US Information Agency that tells "America's story to the world." The estimate of 30 million listeners daily comes from The New York Times. Whatever the exact number, there is general agreement that "Music USA" has a larger and more loyal audience than any other continuing international broadcast.

Not many people in that audience are Americans. Under the law, VOA programs are not allowed to be broadcast in the United States.

A Latin American diplomat called Conover the US's best goodwill emissary. Several US journalists said he was America's most influential "ambassador" to Communist-bloc countries during the Cold War—a view shared even by some US diplomats. When Poland's President Lech Walesa invited Conover to a state dinner at Poland's Washington embassy, the ambassador told him, "In my country, you are a legend."

For several decades, Conover's broadcasts were the only link to jazz for musicians in Eastern Europe. In the 1960s and 1970s, when listening to VOA was politically dangerous, Eastern Europeans secretly recorded his program, often using old X-ray film instead of acetate for discs.

His listeners know that whether he plays early Louis Armstrong or recent Wynton Marsalis, they will hear the best jazz America has to offer.

Conover thinks his radio style may also paved the way for VOA's broadcasts in "Special English"—simplified English spoken slowly. Many listeners say they learned English by listening to his shows. "If I don't speak English so good, Willis," one of them wrote, "it's your fault!"

Conover's on-air comments are brief, never cute or clever. The emphasis is on jazz and the artists who create it. He wears well.

"My formula is simply to play the best music. I don't sell America, which is not for sale. Nor do I sell jazz: The music speaks for itself. I see myself as a kind of messenger. I visualize one listener, an intelligent person listening carefully, not some crowd out in 'radio land.'"

Now in his early 70s, Conover is as busy as when he started in radio in 1939. He broadcasts six 45-minute "Music USA" jazz programs every week, worldwide, in English. He's heard each night in several hundred cities in Western and Eastern Europe. He has a tape of every "Music USA" he's done, more than 20,000 of them.

He also does two 30-minute world-wide broadcasts of what he calls "enduring popular songs—the singers and instrumentalists who are concerned with quality, not the latest fad."

Then there's "Music With Friends," a weekly half-hour broadcast in Poland. "It's the kind of records you play for people when they drop by," he explains.

Finally, he squeezes in special music programs aimed at countries his regular shows have missed.

What ties all this together is Conover's love and appreciation of American jazz.

"Jazz is America's classical music," he says. "Some say rock is just another form of jazz, as Dixieland, swing, and bop were. My mind tells me this could be true, my heart tells me it's false."

More than loving jazz, Conover believes in it. To him jazz and America mean the same thing: freedom.

"Jazz is a liberating kind of music. It helps people stand up straight," he says. "Every emotion—love, anger, joy, sadness—can be communicated with the vitality and spirit that characterize our country at its best—which is of course the same freedom that people everywhere should enjoy."

President Reagan, in a letter congratulating Conover on his contributions to jazz and international broadcasting, quoted from two Bulgarian émigrés to America:

"We are two lucky escapees from behind the Iron Curtain. We have been living for years with you, your voice, and your music. There is absolutely no way that we can describe what enormous importance you have for somebody living there. . . . You are the music, you are the light, you are the voice of America. You are America."

Conover has traveled to some 50 countries, and his presence has triggered tumultuous scenes. He is still amazed at his first arrival in Warsaw in 1959. When the plane landed, he saw dignitaries, young girls with flowers, reporters with cameras and tape recorders, a band, and an immense crowd pushing forward despite police barriers, all obviously waiting for a VIP.

Only when Conover stepped through the aircraft door and the crowd broke into a deafening cheer did he realize it was waiting for him. "I was stunned!" he says. "I have never been so surprised in my life! As we drove into town young people rode alongside on bicycles and motorscooters and waved at me."

"What's going on?" he asked an official from the American Embassy. "Tonight and tomorrow night, jazz musicians from all over Poland are coming at their own expense to demonstrate to you what they have learned from listening to your programs," the official answered.

Musicians in the former Soviet Union credit Conover with inspiring the revival of jazz there.

Several years ago, the Leningrad Dixieland band, together with a mob of fans greeted him on arrival. One exuberant Russian musician greeted him warmly, "Villisi! You are my father!"

Conover quickly puts this praise in perspective.

"It's not me but the musicians heard on my programs who deserve the credit," he says. "To me, Louis Armstrong is the heart of jazz, Ellington its soul, and Basie its happy dancing feet. The soloist who moves

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

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

me more than anyone else in Ben Webster, the tenor saxophone star with Duke for many years. Ben Webster playing a ballad like "Where Are You?" or "Chelse Bridge." Nothing can touch that."

Over his four decades of broadcasting, Conover has interviewed writers, composers, and other artists, as well as just about all the major jazz figures, including giants like Armstrong, Ellington, Billie Holiday, and Dizzy Gillespie.

"I am awed by few of the artists I meet," he says. "I can usually converse with them easily enough. With some artists, though, I remember little of what was said because I kept telling myself, 'That's Igor Stravinsky or Fred Astaire or Jorge Luis Borges sitting there and talking with me!'"

Willis Clark Conover Jr. was born in 1920 in Buffalo, New York, the son of a career Army officer. At 14 he played a radio announcer in a school play, and his career was set. By 18 he was working at a small Maryland radio station.

In 1942 he was drafted. Since he had interviewed celebrities as a civilian broadcaster, the Army thought he should interview inductees. Stationed at Fort George G. Meade, Maryland, near Washington, D.C., Conover worked weekends playing jazz for a local radio station.

When the war ended, he stayed in Washington, broadcasting jazz. With its large black population, Washington was a good town to hear jazz and see jazz musicians. Conover got to know many of them and promoted a number of jazz concerts.

Washington jazz enthusiasts remember with great affection his Saturday midnight concerts at The Howard, a theater that was a very important venue for black entertainers.

"When I was master of ceremonies for Louis Armstrong during a run at The Howard, I shared a dressing room with [trombonist] Jack Teagarden," Conover recalls, pronouncing "Louis" not as "Louie" but as "Lewis," the way Armstrong himself did. (This voice of jazz is a perfectionist, a world-class proofreader who wants to be sure whether bandleader Moten's name is Benny or Bennie, even though the listener would never know.)

"Earl Hines [the great pianist] was in the next room, and Louis was down the hall. Jack had a little radio built into his trombone case. He would have it playing. If something interesting came on, he'd pick up his trombone and start playing along with it. Louis would hear him, pick up his horn, and start playing. I thought, 'My God, what an experience this is!'"

In 1954 the Voice of America decided to broaden its musical programs. Conover was a natural for VOA's new jazz show—he had years of experience, an encyclopedic knowledge, an infectious enthusiasm.

He was hired as a contract employee, and has remained "on contract" ever since. So he has a reply when bureaucrats or other critics complain, such as the American woman traveling abroad who wrote, "Is that wild, weird music what you're spending my tax dollars for?" Conover: "Fortunately, I'm not on the staff. I'm available for gigs."

The gigs have included narrating jazz concerts in Carnegie Hall, Washington's Kennedy Center, the White House, and international festivals in 40 other countries. Also, Conover long kept his night jobs hosting jazz radio programs for commercial stations and networks in Washington and, for a while, in New York.

Indeed, if you took a taxicab in Washington most nights during the last 30 years, you

probably heard Conover on a local AM radio station. He was a favorite of local cab drivers.

But VOA is his true love. He quit his New York job after a few years because "what I was doing at the Voice had more meaning for me."

He's retired from most of his commercial broadcasting work now. And a few years ago he licked cancer. Today his focus still is VOA, and completing his autobiography.

Conover tapes a week's worth of VOA programs in three long sessions in a studio that he calls a "cluttered little dive" in the shadow of the Capitol dome—there's only one spare chair for a visitor or interviewee. His engineer is Efim Drucker, a Russian émigré who was a teenager in the Soviet Union when he first heard Conover.

In China there was another Conover fan, a writer and artist named Evelyn Tan. Ten years ago she wrote him telling how much his programs meant to her. They later met and soon were married (it was Conover's second marriage). A journalist and commercial artist, Tan is an assistant editor for the international edition of USA Today and is editing her husband's autobiography.

Willis Conover is one of the fortunate. He loves his work and his work loves him. In almost every country but his own he is as well known as any American jazz artist, especially among jazz musicians.

In the dark years of the Cold War, Willis Conover and his music offered the best of America. He played the songs and showed the light.

THE PASSING OF THURGOOD MARSHALL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. GILMAN. Mr. Speaker, I rise to join with my colleagues in noting the passing of one of the great Americans of the 20th century, both in his impact on our society and in his moral certitude which became an inspiration for generations.

Thurgood Marshall was born in 1908, a bygone era when the abolition of slavery and the Civil War were living memories. Thurgood Marshall was the great-grandson of a black man who was kidnapped in Africa and sold into slavery in America. His grandfather was a slave who enlisted in the Union Army during the Civil War to fight for freedom and equality for all. Thurgood Marshall was raised in a place and time when Jim Crow was the law of the land and racial prejudice and discrimination were taken for granted.

In that atmosphere, Thurgood Marshall early grasped the inequities in his world, and determined to create a society better for all. With his keen intellect and instinctive gift for the law, he worked his way through Lincoln University, a black school in Pennsylvania, and graduated first from his class from the Howard University Law School in 1933.

After gaining renown for successfully arguing civil rights cases, Thurgood Marshall was appointed, first as an assistant, and then as chief legal counsel to the NAACP. In 1939, he used that position to create the NAACP Legal Defense and Education Fund. As the head of

that system from 1940 to 1961, Thurgood Marshall became the most outspoken and adept champion of equal rights before the bar.

Thurgood Marshall's finest moment perhaps came in 1954, when he successfully argued the Brown versus Topeka case before the U.S. Supreme Court. His concise arguments, which will be analyzed by students for centuries to come, awakened first the Court and finally all Americans to the simple fact that segregation based on skin pigmentation is inherently unequal; that it harms the minority students as well as our society as a whole.

During his years before the bar, Thurgood Marshall argued successfully against poll tax laws, against housing discrimination, and against all white primary elections. He was the catalyst in the successful and highly publicized desegregation of the high schools in Little Rock, AK.

In 1961, President John F. Kennedy appointed Thurgood Marshall to the U.S. Court of Appeals. In 1965, President Lyndon B. Johnson appointed him Solicitor General of the United States—the first African-American to hold this position. While Solicitor General, Thurgood Marshall's arguments won Supreme Court approval for the Voting Rights Act of 1965, a piece of legislation which historians now tell us is perhaps the single most significant and far-reaching law passed by Congress in the past 50 years.

In 1967, President Johnson appointed Thurgood Marshall to be the first African-American ever to serve on the U.S. Supreme Court. At the time of this history-making appointment, President Johnson noted that Thurgood Marshall had won all but 3 of the 32 cases he had argued before the Supreme Court. "That's a batting average of .900!" President Johnson exclaimed at that time, little realizing that Thurgood Marshall would become the last Supreme Court Justice to be successfully appointed by a Democratic President for a quarter century.

During that quarter century on the Supreme Court, Thurgood Marshall consistently proved to be the champion of the underdog and the oppressed. As the conscience of the Court, Justice Marshall consistently reminded us that the law exists to protect the individual, not the other way around. Often, Justice Marshall cast the deciding vote in landmark cases. Other times, Justice Marshall was in the minority in defending the rights of the oppressed. In still other situations, Justice Marshall was a lone voice calling in a wilderness. Whatever the case, however, Justice Thurgood Marshall never failed to touch the hearts and the minds of all Americans.

When Thurgood Marshall passed away this past weekend, our colleague, the gentleman from Georgia, Mr. LEWIS said: "We must recognize the great role he played in history. We must never forget his contributions to American society. Justice Marshall has truly helped America live up to its creed and philosophy."

Mr. Speaker, I urge all of our colleagues to join in expressing condolences to the family of Justice Thurgood Marshall, and to join me in saluting an American whose life proved that one person can indeed make a significant difference.

IN SUPPORT OF PRESIDENT CLINTON'S REVISION OF THE GAG RULE

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. ENGEL. Mr. Speaker, I rise today to applaud President Clinton for his January 22 revision of the highly restrictive title X gag rule. Thanks to his sensitivity and respect for the rights of both doctor and patient, millions of women will no longer be purposefully denied important medical information by the U.S. Government.

As most of us know by now, title X funds more than 4,000 family planning clinics nationwide, serving more than 4 million women annually. The clinics provide services including birth control information, yearly gynecological exams, prenatal care, and abortion services. Thanks to President Clinton, every individual once again has the right to receive full medical information about their health care options, regardless of whether or not they are able to afford a private doctor or must use a family planning clinic.

Now, under President Clinton's leadership, we must work towards reaffirming every woman's basic right to choose. Over the past 12 years, Federal and State Governments as well as all levels of the judicial system have slowly stripped away abortion rights. Today, in several States, only the most barren shreds of abortion rights remain intact. Now we must work to assure that reproductive choice is available to all women, regardless of the State in which they reside.

That is why I urge my colleagues to support the Freedom of Choice Act. This legislation will codify the principals in *Roe versus Wade* and prevent States from stripping away the constitutional rights of women. While I applaud President Clinton for his courage and compassion in his recent gag rule revision, like many citizens I will not be completely satisfied until we fully restore the basic right of reproductive choice to all Americans.

THE CROATIAN PARTY OF RIGHTS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. TRAFICANT. Mr. Speaker, I submit the following statement by the Croatian Party of Rights to my colleagues for their consideration:

CROATIAN PARTY OF RIGHTS,
Zagreb, January 15, 1993.

To the American People and the U.S. Congress.

We as leaders of the opposition Croatian Party of Rights and members of Croatian Parliament, and respectively as Vice-President of the Parliamentary Committee for Human Rights and President of the Parliamentary Committee for Petitions and Complaints, wish to inform you, the American People and your representatives in the United States Congress of further undemocratic acts being committed by the Govern-

ment of the Republic of Croatia. This letter is in specific reference to upcoming parliamentary elections scheduled for Sunday, February 7, 1993, called by the Ruling Party and its President, the President of Croatia, strongman Franjo Tudjman. The sole purpose of the forthcoming elections is for the consolidation of the dictatorship President Tudjman has already created together with his henchmen.

The February 7th elections will elect parliamentary members to a second house of Croatian Parliament. The date of the elections was only made public knowledge one month prior to the election day, leaving little time for opposition parties to organize, properly prepare and successfully get a candidate of their own on the ballot.

The ruling party in Croatia, the Croatian Democratic Union, wrote the electoral laws governing the elections. Having majority rule in the existing one-house of Croatian Parliament via fraudulent elections held last August, it was able to pass the entire code, refusing all opposition amendments to the code. There are serious breaches of democratic principles in the existing election code, all of which lead our party to protest these elections by boycotting our participation in them.

Irregularities in the code include: i) refusal to establish multiparty electoral overseeing commissions; ii) using a proportional electoral system (ideal for a political climate in which there are four or more significant political parties in question) under present political circumstances (one can only really speak of two or three main parties), and iii) lack of second round elections in circumstances in which it would be warranted.

Vladimir Seka, Vice-President of the Government of Croatia, recently stated that the Ruling Party has every right to choose whichever kind of election code and system it prefers. The author of the new election code, Professor Smiljko Sokol, now justifies the use of the proportional system of establishing party candidates in these elections, by saying that two parties are enough for the proportional electoral system to be used, despite the fact that he himself wrote a law textbook asserting that at least four parties are necessary to use such a system.

It is unfortunate, but we are compelled to emphasize that the situation in Croatia as regards law and democracy is far from normal, and that lawlessness very often is condoned and even initiated by the Ruling Party, particularly when the victim of this lawlessness and criminal behaviour is/are members or parties of the Opposition. The Croatian Party of Rights has done extensive work in documenting such abuses. Since Mr. Paraga's letter to the United States Congress, documented in the Congressional Record of February 11, 1992, the human rights and democracy situation in Croatia has deteriorated.

In the past year, 26 members of the Croatian Party of Rights were killed in circumstances which were not combat-related and suggest political motives and for which no official police investigations were conducted. For many of these killings, the Croatian Party of Rights has evidence which shows that members of the Croatian Police and Army were involved. In recent days, I, Mr. Paraga, was informed by high level Croatian officials that an assassination attempt against me is under preparation. This is not the first time I have been informed of such news. On September 22, 1991, the then Vice President of the Croatian Party of Rights, Ante Paradzik, was gunned down by ma-

chinegun fire in an automobile in which I too was supposed to be travelling and was not only due to a last-minute change in plans. Only days before the murder were we informed that the Government was planning our assassination.

It is the desire of the Croatian Party of Rights to further freedom and democracy in Croatia and to battle all which hinders the same. We call upon you, the American People, to appeal to your duly-elected representatives in Congress to show strength and resolve toward governments, and particularly in this case toward the Croatian Government, in demanding that inalienable democratic principles be upheld throughout the world and that no government be rewarded for using political power for opportunistic gain.

Respectfully yours,

D. PARAGA,
President,
Member of Parliament.

INTRODUCTION OF SECURITIES LEGISLATION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. MARKEY. Mr. Speaker, today I and several of my colleagues are introducing four separate bills that, together, would enhance the quality of securities regulation, augment the safety and efficiency of the Nation's securities markets, and improve the protection of investors generally. While each bill addresses a discrete set of issues, they are all inextricably linked by the common goal of combating excess and abuse. Fueled by the twin engines of deregulation and the greed is good mentality of the 1980's, securities fraud and abusive practices continue to flourish in several areas. In 1990, in partial response to such activities, Congress passed the Market Reform Act of 1990, the most significant reform of the securities laws in decades.

This year, we will seek to complete that job by enacting legislation that would: Reform the \$4 trillion government securities market in the aftermath of the Solomon Bros. scandal; improve Securities and Exchange Commission [SEC] oversight of the financial planner industry and enhance consumer protections in the wake of the \$100 million Institutional Treasury Management scandal; protect investors threatened by abusive rollups of their limited partnerships; and require auditors of public companies to take reasonable steps to detect fraud in response to the contributory role of the auditors in the S&L scandal and other debacles like ZZZZ Best, College Bound, and Fruehauf Trailer Corp.

GOVERNMENT SECURITIES REFORM

Accordingly, I join with Representative DINGELL, chairman of the Committee on Energy and Commerce, and Representative FIELDS, ranking Republican on the Subcommittee on Telecommunications and Finance, and Representatives SYNAR, WYDEN, and COOPER in introducing, first, the Government Securities Reform Act of 1993. After a lengthy investigation into the regulation of the government securities market—punctuated by the Salomon

Bros. scandal—and revelations of widespread violations by other securities firms and bank dealers, the Subcommittee on Telecommunications and Finance found evidence that the Treasury Department and the Federal Reserve had largely turned a blind eye to the potential for wrongdoing in the government securities market. The subcommittee also found that the SEC, which is supposed to be the Nation's cop on the beat, lacked many of the tools needed to detect and deter fraud and bring wrongdoers to justice.

The bill we are introducing today would rectify this situation and other problems uncovered by the subcommittee by: First, extending the SEC's authority to prescribe specific anti-fraud and antimaniipulation rules to the government securities market; second, requiring government securities brokers and dealers to develop internal controls aimed at preventing fraud, manipulation, or other wrongdoing; third, providing regulators with an early warning of potential problems by requiring reports of large concentrations of positions in the Treasury market; fourth, assuring that government securities brokers and dealers maintain transaction records adequate to allow the SEC to carry out its surveillance and enforcement activities; fifth, lifting current restrictions that prevent the National Association of Securities Dealers [NASD] and the appropriate regulatory agencies for financial institutions from developing and applying normal sales practice and other rules of fair practice to the government securities activities of the entities they regulate; and sixth, providing the SEC with backstop price transparency authority to assure all investors and market participants access to government securities market price information.

INVESTMENT ADVISERS

I am also joining today with Representatives BOUCHER, DINGELL, FIELDS, and others in introducing the Investment Adviser Regulatory Enhancement and Disclosure Act of 1993. The investment adviser industry continues to be the most unregulated sector of the securities industry. This is due in large part to a grossly underfunded SEC, whose inspection budget has remained flat while the number of investment advisers and assets under their management have soared. While outright theft of investor assets has marked the investment adviser industry in recent years, as testified to by the Institutional Treasury Management scandal in which numerous small towns, counties, and government pension plans in Iowa, California, and Colorado were defrauded of more than \$100 million, more subtle abuses have also taken a substantial toll on investors of all income levels. The conflicts of interest that arise whenever commissions or other items of value are earned by an investment adviser cloud the objectivity that investors expect of an adviser. Inadequate disclosure defeats the investor's ability to make properly informed investment decisions.

Accordingly, this bill would provide for the following: first, higher registration fees for investment advisers to fund more SEC inspections and surveys of unregistered advisers; second, specific direction to the SEC to examine more frequently higher risk advisers; third, an express suitability provision, with a record-keeping requirement to verify the suitability determination; fourth, authority to the SEC to

designate a self-regulatory organization to conduct examinations of investment advisers; fifth, enhanced disclosure through brochures containing generic information, transactional reports in advance of transactions and confirmed following transactions revealing commission amounts and the existence of third party payments to advisers, and periodic reports containing summaries of all charges incurred by a customer over time, all amounts received by the adviser with respect to a client's account, and a rundown of all securities positions held in an account at the end of the period; sixth, fidelity bonding for advisers with custody of or discretion over client assets; seventh, disqualification from being an investment adviser for a felony conviction; and eighth, the assurance of confidentiality with respect to personally identifiable financial information unless disclosure is consented to.

LIMITED PARTNERSHIP ROLLOUPS

Another segment of the securities marketplace in which abuses have occurred to the substantial detriment of the investing public is in the area of limited partnerships. To remedy such abuses, I am also introducing today, along with Representatives DINGELL, FIELDS, SYNAR, SLATTERY, WYDEN, COOPER, MORAN, and NEAL, the Limited Partnership Rollup Reform Act of 1993. Since 1980, approximately \$150 billion has been invested in limited partnerships. This form of investment enables large numbers of small investors to participate in the purchase of commercial office buildings, residential apartment buildings, shopping malls, or oil and gas extraction. These investments tend to be long-term and illiquid. In recent years, however, a growing number of limited partnerships have been reorganized, or rolled up, into new business entities, often with very different investment objectives and characteristics, and almost always leading to very substantial losses in investor equity. Provided that a majority of the limited partners vote to approve the rollup, 100 percent are forced to accept securities in the successor entity—a phenomenon known as a cram down, since it crams often worthless securities down on many unwilling participants.

Today, there are an estimated 8 million limited partners who are at risk of being subjected to abusive rollups. This bill would assist them by: First, allowing certain preliminary communications among investors regarding the proposed transaction to be exempted from requirements to file soliciting materials with the SEC; second, prohibiting the payment of any contingent or differential compensation for soliciting proxies or consents in conjunction with the rollup transaction; third, requiring investors to be provided with access to lists of holders of the securities that are the subject of the transaction; fourth, establishing requirements aimed at ensuring that rollup soliciting materials are clear, concise, and understandable and include important information regarding the transaction and its effects; fifth, requiring rollup soliciting materials to include an independent fairness opinion; and sixth, establishing a minimum solicitation or offering period of 60 days.

AUDITOR ACCOUNTABILITY

Perhaps most costly to taxpayers and investors alike has been abuse in the auditing context. I am joining Representatives WYDEN and

DINGELL today in introducing legislation that would reestablish auditors as a bulwark against corporate fraud and abuse. Active participation by accountants in fraudulent schemes and the willingness to turn a blind eye to fraud have together contributed to the massive bailout of the savings and loan industry. As Ernst & Young's recent \$400 million settlement for its part in that debacle amply demonstrates, the abdication of an auditor's responsibility to investors comes at a high cost. But not all instances of auditor abuse are in the financial services sector. While those examples are striking because the public costs may include a taxpayer bailout, abuses in non-financial settings harm investors just as much—witness the cases of ZZZZ Best, College Bound, Cascade International, Miniscribe, Crazy Eddie, Phar-Mor, and Fruehauf Trailer Corp.

In order to compel greater accountability on the part of auditors of public companies, the legislation introduced today would: first, require audits of financial statements to include, in accordance with methods prescribed by the SEC, procedures designed to provide reasonable assurance by detecting certain illegal acts, identify certain related party transactions, and evaluate the issuer's ability to continue as a going concern; second, require an accountant who becomes aware of the existence of an illegal act to evaluate whether it was likely to have occurred and the likely effect on the company's financial statements; third, require an auditor to inform management and the board of the existence of illegal acts that are not clearly inconsequential; fourth, require the issuer, once the board has been informed of the auditor's conclusions, to inform the SEC within 1 business day, serving contemporaneous notice to the auditor of its timely action; fifth, require the auditor, failing such notice, to notify the SEC—and, if it so elects, to resign from the engagement—within 1 business day of a failure to so notify the SEC; and sixth, preclude private rights of action against auditors for any finding, conclusion of statement expressed in reports of illegalities made to the SEC.

MANAGED ACCOUNT PROHIBITIONS

In addition, I am introducing, along with Representative FIELDS, legislation that would repeal the managed account provisions of section 11(a) of the Securities Exchange Act of 1934. Currently, section 11(a) prohibits exchange members from effecting securities transactions on national securities exchanges of which they are members for accounts managed by the member or its associated persons. This provision was enacted because of securities industry concerns about impediments to fair competition among money managers and potential conflicts of interest resulting from the combination of money management and brokerage functions. Changes in the securities markets, including the elimination of fixed commissions and expanded access to exchange membership, have obviated the need for this provision. Accordingly, this bill would repeal the restriction and add instead the requirement that any member of a national securities exchange effecting transactions for such managed accounts obtain authorization prior to engaging in such practice. Annual statements disclosing the aggregate amount

received by the exchange member in effecting such transactions must also be provided.

GUARDIANSHIP RIGHTS AND
RESPONSIBILITIES ACT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Ms. SNOWE. Mr. Speaker, today I am reintroducing the Guardianship Rights and Responsibilities Act. This bill would require States to adopt and enforce laws which would provide basic protection and rights to wards and individuals subject to guardianship proceedings, as a condition of eligibility for receiving funds under the Medicaid Program.

At least 500,000 individuals across the country, particularly the elderly, are being affected by guardianship, the judicial process which transfers the decisionmaking responsibility from a person who has been declared to be incapable of handling his or her own affairs to another person. This legal system, which severely limits an individual's personal autonomy, has considerable problems and widespread abuses which are becoming an increasingly serious issue. Horror stories abound about guardians who embezzle assets, force unnecessary nursing home care, provide substandard care, or otherwise abuse the individual for whom they are responsible.

In 1987, the Associated Press conducted an unprecedented study which collected information on more than 2,200 guardianship cases across the country. The results were dramatic, and indicated that wards often lose their basic civil rights without cause, frequently without the protections afforded criminal defendants. For example, in 44 percent of the cases studied, the ward did not have legal representation. Another 49 percent were not even present at their proceedings. Other findings included gaps in due process, inadequate or incorrect definitions of incompetency, inadequate monitoring by the courts, and inadequate qualifications of the guardians.

Another significant problem is that many individuals may simply be unable to manage their checkbook, but under a full guardianship they lose rights which they may be able to handle responsibly, such as the right to vote or to determine the kind of medical care they will receive. Most States do provide for limited guardianships which restrict the guardian's power, while allowing the ward to make decisions in some areas. In reality, however, the courts grant few limited guardianships.

In recent years, many States have completely revised their guardianship laws. I am pleased to point to my own State of Maine as a leader in reforming its standards for guardianships and conservatorships. Much remains to be done, though, and there are additional problems of management and monitoring of guardianships, partially because of overloaded court systems.

The legislation which I am reintroducing today would require, as a condition for participating in the Medicaid Program, that States revise their state plans to assure basic protections and rights for individuals subject to

guardianship proceedings. As approximately 50 percent of wards will become nursing home residents, Medicaid will most likely finance their care and, therefore, should be an important vehicle for protecting their civil rights.

My bill would require that State laws stipulate that these individuals be provided with proper and timely notice, in large print and plain language. Under my proposal, all such individuals would have the right to counsel, to be heard by a jury, and to have the right of appeal upon request. The individual would also have the right to be present if a determination of incapacity is made, unless the court determines, based upon professional assessment, that he or she has waived the right to be present or is clearly physically incapacitated. Wards must also, when feasible, have their personal preferences taken into account, and be entitled to participate in all decisions which affect them. In addition, the bill provides for a system of standards, training, and oversight of guardians; annual court review of guardianship orders to determine if the guardianship should be continued, modified, or terminated; and procedures for wards who are moved to another State.

Mr. Speaker, I strongly believe that the Guardianship Rights and Responsibilities Act is even more timely now than when I first introduced it in 1988. The value of personal autonomy to health and well being, and maintaining the dignity and independence of residents, is a central focus of the nursing home reform provisions of OBRA'87 which are now being implemented. The nursing home residents bill of rights, based on legislation which I introduced, is one of the fundamental components of that reform.

Likewise, as we continue to move toward building State and local home and community-based long-term care systems, protecting the rights of older individuals in less restrictive settings will become even more important. And, as the number of elderly over age 85 rapidly expands in the coming years, so, too, will the number of individuals most likely to be incapacitated. Therefore, I urge support for this bill to help ensure the rights of impaired older individuals who are most vulnerable to exploitation.

A WARNING ON KOSOVA

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Ms. MOLINARI. Mr. Speaker, as Serbian aggressors play games at peace talks in Geneva, their campaign of ethnic genocide and terror against Bosnian civilians reaches new, horrific proportions. I am sad to report that 1 year after my visit to former Yugoslavia, the senseless brutality which I witnessed there goes on virtually unchecked by Western leaders.

It is no secret that Serbian strongman Slobodan Milosevic has chosen the Republic of Kosova, with its 90 percent Albanian majority, as the next victim of his bloody expansionist drive. Already, civilians in Kosova are denied basic rights and liberties. Schools have

been closed and civilians have been beaten and killed.

International experts agree that Kosova's two million Albanians, who lack any means to defend themselves from the inevitable attack, will suffer a fate possibly worse than the Bosnians. Only immediate Western action against the Serbian aggressors will prevent the impending Kosova tragedy and put an end to terror in the Balkans once and for all.

Kosova's Prime Minister, Dr. Bujar Bukoshi recently travelled to several Western capitals to sound a warning and appeal to international leaders for assistance. In the address before the European Parliament's Commission on Foreign Affairs and Security in Brussels, January 7, Prime Minister Bukoshi outlined five basic myths in the debate over Kosova which must be exposed if the world is to understand the Balkans conflict accurately.

In addition, he called for Western support and understanding, deployment of a United Nations peacekeeping force and many more international observers, and recognition of Kosova's desire to determine its own political future. Finally, the Prime Minister appealed to parliamentarians around the world to visit Kosova, to see its dire condition for themselves. I commend this speech to my colleagues with grave sincerity.

REMARKS BY DR. BUJAR BUKOSHI, PRIME
MINISTER, REPUBLIC OF KOSOVA

Mr. Chairman, Members of the European Parliament, Ladies and Gentlemen:

It is my great privilege and high honor to speak with you today, as a representative of the valiant people of the Republic of Kosova.

The purpose of my visit here is to sound the alarm about the dangerous situation in the Republic of Kosova where Albanians live under the harshest of martial law conditions, with all civil, human and national rights repressed and abrogated by the Belgrade regime.

My purpose is also to urgently appeal to the international community for timely assistance and support in order to avoid an incredible slaughter which would make Bosnia pale in comparison.

The European Parliament understands our predicament. You have seen matters the way they are, not the way in which you had hoped they would be in the Balkans.

Your approach, based on the facts and a sincere commitment to relieving suffering, has resulted in passage of many resolutions of support by the European Parliament. The people of Kosova express their gratitude and appreciation.

Today, world leaders in increasing numbers and the international news media have identified Kosova as a powder-keg, ready to explode at any moment.

It is believed by most observers and analysts that our country is next on the ethnic genocide list of Serbia. Kosova needs preventive, pre-emptive action by the United Nations and the world community.

Events in recent weeks alarm us. They should alarm the United Nations and the world community, as well.

The recent Serbian elections has intensified the danger in Kosova. Despite certain voting irregularities, the results show that the great majority of Serbians said "No!" to peace.

With the election of accused war criminals and extreme nationalists, the way has been cleared in Serbia for expanding the treachery in Kosova.

In recent weeks, Serbia has massed troops in Kosova. Serbian-led Yugoslav troops and paramilitary forces are being deployed in large numbers, particularly near the Albanian border.

Meanwhile, Serbian refugees from Croatia and Bosnia-Herzegovina are being brought to Kosova to change the demographic makeup of the region.

Our policy has been to resist peacefully the repression and abrogations of our civil, human and national rights over the last two years. We have contended that our differences with Serbia can be resolved without bloodshed.

Now, we are not sure.

The people of Kosova are virtually defenseless. We have no weapons. We have no ammunition. There is no Albanian police force or militia.

We are heartened by the warning to Serbia by U.S. President Bush that the U.S. is prepared to intervene militarily if Serbia attacks Albanians in Kosova.

Some have suggested that the world should "draw a line" in Kosova. The U.S. and others have concluded that if the war spreads beyond Bosnia, the entire fabric of the Balkans faces possible unraveling. The ultimate result could be an armed conflict that draws in key countries of Europe.

There are two problems with the concept of "drawing a line" in Kosova at this point.

First, the argument should not be used as an excuse for inaction in strictly enforcing the no-fly zone over Bosnia, nor for refusing to lift the arms embargo imposed on the free republics of former Yugoslavia. Both actions are long overdue and should be ratified by the United Nations Security Council.

Second, drawing the line across our republic in effect consigns Kosova to oblivion. The facts are that today the Serbs have supplemented their previous military forces in Kosova with new troops that were withdrawn from Macedonia. The Belgrade regime has heavy artillery and advanced weaponry in place surrounding most of our cities. They have calculated trajectories and other technical details of launching a barrage on our people. They have even identified specific apartments that are occupied by Serbs so they will be protected when an attack is launched.

In short, the Serbs are prepared at a moments notice to decimate our country with their overwhelming fire power and fanatical determination.

If, in fact, Serbia is prepared to launch simultaneous attacks on the unarmed, unprotected Albanians in Kosova, then a catastrophe of unimaginable proportions will occur.

Close to 2 million men, women and children would be wiped out within a matter of hours in an unprecedented campaign of ethnic genocide.

By the time the line is crossed, it will be too late to come to Kosova's defense. In the dust of our demise, the international community will find itself in a conflagration pitting many nations of the region against each other, with tens of thousands of additional refugees, and thousands of senseless massacres. Then it will be too late.

The signs are not encouraging. The West has not yet reached a negotiated end to the Serbian aggression in the Balkans, despite well-meaning efforts by Cyrus Vance and Lord Owen. The peace process has not worked yet for those republics who have declared their freedom through self-determination.

While the United Nations has made a noble effort to feed hungry people, it has not dealt

with the causes of the problem. Merely dealing with symptoms, while humanitarian, is not sufficient.

The peace today in Kosova is fragile. There is still time for a political solution. The conflict holds very powerful and destructive potential and will not go away. It will explode if nothing is done soon.

As I speak with you today, the government and people of Kosova ask for five actions that will deal with the causes of this conflict.

First, we ask for your support and understanding. On the one hand, the Balkans problem is complicated by history, ethnic biases, and internal politics. On the other hand, it is very simple. There is an aggressor which has been identified by every international organization and human rights group. There are victims, including the innocent people of Slovenia, Croatia, Bosnia-Herzegovina and Kosova. Today, what matters is support of opposing the aggressor while aiding the victims.

Five basic myths permeate debate over Kosova. They must be exploded, if the world is to understand the Balkans crisis accurately.

Myth Number 1: The conflict in Kosova is a religious conflict.

This is no more a religious conflict than World War II was a religious war. Albanians are Christians and Muslims. Come to Prishtina and you will see the acceptance and tolerance.

Myth Number 2: The war has its roots in historic rights which the Serbian people feel for our area.

The Serbs are demanding historical rights of those dead for 500 years, while suppressing the human rights of those who live there now.

Myth Number 3: Serbians are heroes and will bog down any force that tries to stop them.

In fact, the Serbs are not heroes. Heroes don't slaughter innocent women and children, they do not starve and frighten to death old people, they do not destroy the lives and the respect of young women in rape camps.

Myth Number 4: Serbians have been subjected to human rights violations at the hands of the Albanian majority.

In fact, not one single Serb has been killed in Kosova in the last 20 years as the result of political intimidation or persecution.

Myth Number 5: Kosova wants to change existing borders, unite with Albania, and form a Greater Albania.

In fact, Kosova is not asking for a change in borders or reconfiguration of established sovereign nations.

Suggestions to the contrary are merely typical Communist lies.

A second action by the international community is absolutely essential. Kosova urgently appeals to the United Nations for a peace-keeping force in sufficient numbers to repeal Serbian aggression, restore Albanian basic rights, and protect the people of this country from the hands of the "Butcher of the Balkans," as Time magazine this week, and other international media previously, have described Slobodan Milosevic. This is an essential step in resolving the problem.

A year ago, the legitimate government of the Republic of Bosnia-Herzegovina appealed to the United Nations to send peace-keeping troops before it was too late. The U.N. didn't respond then, and it was too late. We urgent appeal to the U.N. to avoid the same mistake this time.

Third, the international community must recognize the legitimate desire of the people

of Kosova to determine their own political future. They have spoken through referendums and elections. The will of the people must be respected.

Fourth, our nation must be flooded with international observers, and they must come as soon as possible. While we have 16 CSCE monitors currently, many more are needed.

The urgency is underlined by the apparent failure of the Conference on former Yugoslavia to convince the Belgrade regime to accept the peace plan for Bosnia. We can be sure that if the latest round of peace talks fails, Serbia might very well move against Kosova within days. International observers will be a line of defense against the expansion of aggression.

And fifth, we ask representatives of the European Parliament, the U.S. Congress, and legislative bodies of other free nations to come to Kosova. We invite you to talk with our people, to see for yourselves, the extent of the repression and abrogation of our civil, human and national rights by the cruel Serbian occupiers.

We in Kosova stand at a crossroad. We are defenseless, yet we believe the international community understands that a sword of Damocles hangs over us. Our vulnerability makes us both insecure yet steadfast in our commitment to freedom and democracy.

We ask for action by the United Nations before it is too late.

In summary, I can say that the situation is very tense in Kosova, the explosion of the conflict by Serbs seems to be imminent.

That is why we appeal to the international community to pay special attention to Kosova, and to take the adequate measures in order to prevent the conflict. We need a U.N. presence in Kosova immediately.

We hope for the support of everyone, and especially for your understanding of this critical issue.

The European Parliament has been a reliable ally on the side of peace, freedom, and human rights. We look forward to continuing to work closely with you in solving the problems in Kosova and in stabilizing the region. These are worthy goals that serve the legitimate desires of our people while respecting the sanctity and worth of every individual human being.

It has been said that those who do not learn from the mistakes of history are condemned to repeat them. Let us hope and pray that we have learned the lessons of history well with respect to the Balkans, and that we will act wisely and courageously in preventing any repetition of the mistakes of the past.

OUT OF THE DARK AGES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. FRANK of Massachusetts. Mr. Speaker, Exceptional Parent is a very valuable magazine, published in Boston and fulfilling an extraordinarily important function: providing information to and a voice for the parents of children with disabilities. I know this magazine in part because of my long admiration for one of the two publishers, Dr. Stanley Klein, who has a distinguished record of work on behalf of people in need of assistance in our society. At a recent conference that I attended presided over by Dr. Klein, he told me of a fascinating

article that was appearing in the magazine written by Barbara Roberts, now the Governor of Oregon, but once a private citizen confronted with a lack of adequate public policy for children such as her own autistic son. As Governor Roberts recounts in this very important article, her initial approach to government was as a parent. It is a very important story, and I ask that it be reprinted here, in the hopes that it will serve as an inspiration to others who will cast aside the council's of cynicism about our political system, and instead being to use the kind of citizen resources which Barbara Roberts put to such good use 20 years ago.

Today people of Oregon are fortunate to have a Governor of Barbara Roberts' integrity and commitment; and all Americans can benefit from learning how this remarkable woman began the career that led her to the Governorship.

OUT OF THE DARK AGES

(By Governor Barbara Roberts)

Today, you and thousands of people in America have some understanding of autism. Autism as a disabling condition is finally out of the dark ages. But I remember the pain of parenthood during those dark ages. My son Mike is 36 and autistic.

I remember when Mike was sent home from public school in the first grade—not for the day but forever. I remember the "authority" who said the cause of autism was clear: refrigerator mother. I remember my son's caseworker telling me that if I wanted to help my son, I had to understand that I was a major part of the cause.

Today, my son works in the bookstore at Mount Hood Community College where he has worked since 1983. He is a success. Not a doctor or a lawyer, but a man working almost full time; living in his own apartment and paying his own bills.

Mike is succeeding beyond my wildest dreams—and in spite of the experts. Oh, he still marches to a different drummer, but he's darn sure a member of the band!

A lot of people are responsible for that: teachers, counselors, friends, a patient employer, me, Mike and a group called the National Society for Autistic Children. The Oregon Chapter, a fledgling group in the early 1970s, had the audacity to come to the Oregon Legislature to ask, even demand, public education for our children.

There were a couple of charity groups for children back then but certainly no advocacy groups. Sometimes people put their hands out for children, but few put their fists up and demanded what was right for kids like ours.

But our little group was fortunate. The Parkrose School District was in a federally funded research project to see if "emotionally disturbed" children could be educated in public school. Our children were in school, and we didn't intend to take them home when the money ran out. So we began to organize.

We invited then-State Rep. Frank Roberts to one of our meetings and asked him to introduce legislation at our request. He agreed. The bill required public education for children with emotional disabilities in Oregon and created state and local advisory groups—groups that had to include parents.

And then we began to advocate. We started a speakers' bureau. We talked to Kiwanis and Rotary. We added new members and supporters. We opened a little bank account. We wrote to the newspapers and legislators. And we got ready to lobby our bill at the Capitol.

Rep. Roberts warned us our chances of success in the 1971 session were slim. He said new ideas take years, especially if they ask for money. But we were undeterred.

I agreed to become our group's lobbyist. I was recently divorced and raising my two sons without child support. Although I was working full time at low wages, I took every Friday off and spent it at the Capitol lobbying for our special bill.

I had no experience. I was scared and I couldn't afford to buy a cup of coffee for a senator or representative. I didn't even know where the restrooms were. But I was determined. I knew our cause was right, and the rest I could learn. And I did. I worked for five months and talked to every senator and representative.

I convinced the Senate Education Committee to hold an evening hearing so members of our group could attend. One of the 30 people who came was my then-teenage son. He had written his own testimony and wanted to share how wonderful it was to be in school with other children, how much he was learning and how much other kids were learning about him.

The committee and then the Senate passed our bill unanimously. Then every member of the House except one voted for our bill—and he was in the men's room.

We'd done it, despite two professional lobbyists from the school boards association working full time against our bill. The mountain of government was movable, and we had moved it. From then on, I knew that one person could make a difference.

Out of the dark ages.

It's been more than 20 years since our bill was signed into law, and many things have changed. Representative Frank Roberts became Senator Roberts and my husband. A new generation of parents and professionals have come along to advocate for the special needs of so many of these special children.

My political credentials have expanded since I was that green, lost, citizen lobbyist. Today, as governor of Oregon, I have a unique opportunity to work for programs and policies that give every Oregonian the chance to succeed to the best of his or her ability.

There have been other political and legislative successes in my life but nothing quite like that first bill that took my son out of the dark ages.

(In recognition of her advocacy for the rights of children and people with disabilities, Gov. Roberts has received two Civil Liberties Awards and a Distinguished Service Award from the Oregon Commission for the Handicapped.)

TRIBUTE TO LIONEL LINDER

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. SUNDQUIST. Mr. Speaker, just before the new year, the editor of the Commercial Appeal in Memphis, my friend Lionel Linder, was killed in a tragic automobile accident.

Lionel was a man of genuine integrity who made an important, and I believe, lasting contribution to Memphis and to the Midsouth region. He was a first-rate journalist—objective, fair. He reestablished the Commercial Appeal as an important and respected voice.

Lionel was, above all, a decent human being, and we will miss him very much.

Few captured the man and his contribution better than his colleagues at the Commercial Appeal, and I ask that their farewell editorial be reprinted in its entirety in the CONGRESSIONAL RECORD.

[From the Commercial Appeal, Jan. 2, 1993]

LIONEL LINDER—LAUGHTER, ACHIEVEMENTS
ETCH MEMORY OF EDITOR

As an editor, Lionel Linder was first and foremost a newspaperman.

He shaped this newspaper's editorial policy, promoted causes, spoke to civic groups about controversial issues and argued, sometimes passionately, about what he thought elected office holders should and should not do.

But the driving force in his career and the deepest passion of his daily work was a dedication to produce the best possible newspaper.

In four years at The Commercial Appeal, he accomplished more than some editors do in a whole career. He was killed Thursday night in a car accident.

While setting high professional standards for his staff, he also set high standards of leadership and personal responsibility for himself. He raised the quality of the newspaper by example and instruction, not by criticism and harangue. He preferred to teach rather than to complain.

Reputations can be misleading. Linder continually challenged reporters to probe behind appearances to the facts—in news events, in the performances of public officials, in government budgets.

His own reputation was at times misleading, too. When he came to Memphis from the editorship of The Detroit News, the story filtering into The Commercial Appeal newsroom was that he tended to be a hard-nosed—even a hard-hearted—conservative.

And yet one of the first decisions he made about the newspaper's editorial policy was to support a tax increase for education.

Linder was indeed a fiscal conservative. But he also was strongly pro-growth. The central theme of his editorial policy for Memphis was to promote whatever would help make the city and its residents more prosperous. Out of economic growth, he believed, would come greater opportunity for all Memphians and a more confident, productive city.

In the interest of growth, he consistently supported reform of the state tax system, which he thought imposed unfair burdens on many Tennesseans and failed to provide adequate, dependable revenues for essential public services.

He believed enthusiastically in both the ideal and the practical effectiveness of free markets and private enterprise, while opposing the hindrances of government regulation. But he also believed in sensible government investment in programs and projects that would stimulate economic development and the expansion of human resources.

Specifically, he wanted to see Memphis improve its schools, complete downtown redevelopment, build up its tourist industry, give all its citizens safe streets and homes, and encourage every individual to excel.

Linder was one of the city's strongest boosters for a National Football League franchise. Coming from Detroit, he knew firsthand the excitement that professional football generates. He thought a franchise would attract visitors, make Memphians more optimistic and create a better national image for the city.

Then again, he didn't like to see any worthwhile cause fail. He supported expan-

sion of the zoo, improvements in the arts, neighborhood preservation and successful fund drives by United Way and other charitable organizations.

His disputes with elected officials and civic leaders usually revolved around methods, not goals—or around what he saw as mismanagement, dishonesty, incompetence or self-serving politics.

Linder was quick, for instance, to challenge environmental experts about the dangers of nuclear power and global warming. Why, he wanted to know, do other experts, as fully accredited as the doomsayers, downplay the dangers? How should the average reader deal with the conflicting opinions?

As an editor, he wanted editorials to reflect a healthy skepticism about claims of omniscience; as a newsman, he wanted news reports to cover all sides of such issues.

Because of his broad experience in journalism, in Washington, Detroit and elsewhere, Linder was well-equipped to take over the editorship of the Commercial Appeal in 1988. He brought to Memphis the fresh viewpoints of an outside professional at a time when the city and the newspaper were struggling to redefine their roles. Memphis wanted to become the South's new big metropolitan center; The Commercial Appeal wanted to report changes in the city and the region more aggressively, accurately and thoroughly, while expanding its appeal to an increasingly varied readership.

Linder came here, in a way, as a newspaper doctor, not because The Commercial Appeal was sick but because it needed guidance to reach a new level of performance.

One of his major contributions was to sharpen the newspaper's writing and to focus news stories on certain carefully defined objectives. He wanted most stories to include more context—the background and impact of events—so that readers would understand them more easily.

Under his direction, the newspaper's Neighbor sections grew providing readers with far more news about their own parts of the city than they had ever seen. Other sections grew as well, including Business, Sports and Appeal.

A hallmark of Linder's tenure, in fact, is the increased amount of news that The Commercial Appeal publishes, especially local news. His annual Letter from the Editor, which appeared on the opposite editorial page Friday, re-emphasized his commitment to adding services and features.

Those who had the pleasure and privilege of working with Linder may remember three personal characteristics above all others: His laughter, his rapid-fire conversation and his sensitivity.

Passers-by usually knew which Linder was in his office talking with visitors or staff members. Contagious laughter would bounce through the door as though there were a show going on inside. The editor enjoyed the parade of life.

He made little effort to restrain his enthusiasm for that parade—and for his work. When he wasn't laughing about odd ideas and curious personalities, he was talking about them—talking faster than most people can think.

But in the midst of the hottest news breaks or the most maddening excesses of government, Linder was just as quick to respond to the needs and concerns of his staff or his readers.

His abilities as a newsman were superb. Perhaps as important, he was one of the most likable editors in the business.

EXTENSIONS OF REMARKS

UKRAINIAN INDEPENDENCE DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. GILMAN. Mr. Speaker, the now free people of independent Ukraine commemorated their historic independence day. On January 22, 1919, at St. Sophia Square in Kiev, independence was affirmed and the newly created United Ukrainian Republic proclaimed. Among the tenets adopted for the new republic were democratic ideals of individual freedom, representative government, and a respect for human rights.

This legislation of Ukraine's right to self-determination was cruelly quashed by Communist invasion and rule soon thereafter. For more than seven decades to follow, this unique people, with its own culture, language, heritage, and customs, was suppressed and made subservient to Soviet communism. Tyranny became the order of the day, followed by artificially induced famines, mass killings and deportations, and Russification of the Ukrainian land, language, and culture. The miracle we have been witness to these past 2 years is the result of persistent commitment on the part of the Ukrainian people to their dream of renewed freedom and independence.

On August 24, 1991, the Ukrainian people once again declared their independence. Founded on the precepts of the 1919 proclamation, the Ukrainian people have once again thrown off the shackles of repression and have renewed their commitment to democratic ideals. While we celebrate with them the historic events of the past 18 months, we are mindful that this independence was born more than 70 years ago, and only now is able to take its first steps to lasting freedom. Let the Congress and the American people express their support for this historic occasion, knowing that for this newly independent and democratic state to flourish, it will require our ongoing support and guidance.

Mr. Speaker, I invite my colleagues to join in celebrating this important milestone with all Ukrainians, as well as those Americans of Ukrainian origin. Let us hope that the future holds only the bright promise of tomorrow for the independent people of Ukraine.

HONORING JAMES A. NEARY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. ENGEL. Mr. Speaker, it is with great pleasure that I recognize the retirement of a dedicated employee from the city of Yonkers in my congressional district. For the past 45 years, Mr. James A. Neary has served the people of Yonkers, including the last 28 years as Superintendent of Water.

Over this time, Mr. Neary has been honored by his colleagues in Westchester County and has chaired local and State water works associations. Mr. Neary's devotion to his work has been an example and inspiration to the many

January 26, 1993

city employees who have come into contact with him.

On behalf of my constituents in the city of Yonkers, I thank and congratulate James Neary for his loyal service to the community, and I wish him and his family good health and happiness in the days ahead.

IT WON'T BE A PRETTY SIGHT IF AMERICA GOES BANKRUPT

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. KYL. Mr. Speaker, I recently had the opportunity to read the book, *Bankruptcy 1995*, by Harry E. Figgie, Jr. and Gerald Swanson, a book which should be required reading for every Member of this body. It outlines just what the Nation can expect if Congress fails to solve the widening deficit problem.

A constituent of mine, Bob Howard, reviewed the book in the January 15, 1993 edition of the *Scottsdale Progress*. I not only commend his column to my colleagues, but urge every Member of the House to get a copy of *Bankruptcy 1995*, review it, and begin to cast the tough votes needed to put our economic house in order.

I ask that Mr. Howard's review be reprinted in the RECORD at this point:

IT WON'T BE A PRETTY SIGHT IF AMERICA GOES BANKRUPT
(By Bob Howard)

I have just read a horror story that really frightened me. I have had a few sleepless nights since finishing the story. In the book an entire culture is destroyed by an unthinkable monster. Families are destroyed, industries grind to a halt and the American standard of living meets its demise.

Unfortunately, you will not find this book in the fiction area of the library. The book is *Bankruptcy 1995* by Harry E. Figgie Jr. with Gerald J. Swanson. Mr. Figgie was a co-chairman to President Reagan's Private Sector Survey on Cost Control, also known as the Grace commission, and is the CEO and founder of Figgie International Inc., a Fortune 500 company. Dr. Swanson is an association professor of economics at the University of Arizona.

The message they bear is chilling to say the least. They tell us that unless we immediately change our government's spending habits, the country will be bankrupt in 1995.

1995 is the year when it is projected that our interest payment on the national debt will exceed the amount we will collect in taxes. Even if we used every cent we collect to pay the interest on the projected debt, it will not be enough. The Grace commission had a consulting firm, Data Resources of Lexington, Mass., make projections of the national debt through the year 2000. As of 1991, we were right on the projection and still climbing.

The book is filled with interesting facts and figures. Did you know that the national government has run a deficit budget for every year since 1964 except 1969? President Johnson's annual deficit in 1964 was \$5.9 billion; that rose to \$25.2 billion in 1968. Mr. Nixon did a little better, but Gerald Ford ran a deficit of \$53.2 billion in 1975 and \$73.7 billion in 1976. Of course, then came Carter

whose lowest deficit was \$40.2 billion in 1979. He managed to run up a \$73.8 billion deficit in 1980.

President Reagan put them all to shame. In his first year in office, only once did he run a deficit under \$100 billion. The highest years was 1985 when the annual deficit was \$221.2 billion. And Mr. Bush's administration set a new record when the estimated annual deficit for 1992 hit \$399.7 billion.

Mr. Figgie does not point the finger just at the president or at the Congress. He thinks all politicians are to blame for their unwillingness to make tough decisions and say no to someone. Entitlements or defense or whatever are not the sole source of the problem. The problem is an out-of-control government that keeps spending money we do not have.

So, you are saying, how will it affect me? Mr. Figgie says we need only look at Bolivia, Brazil and Argentina. When Bolivia hit a similar situation in 1985, they experienced an inflation rate of 11,749 percent! Argentina experienced inflation of 672 percent in the same year. In 1988, Brazil experienced a rate of nearly 1,000 percent.

When the deficit is such a high percentage of Gross Domestic Product, government borrowing absorbs all the savings of the country and more. The only choices left are to borrow from foreigners or print more money. Foreigners will not loan you money when they see you will not be able to pay it back. Printing more money results in inflation.

Imagine the value of your savings being wiped out in a matter of months by hyperinflation. Mr. Figgie describes the "week from hell" when the rest of the world comes to the realization that the American government is not going to be able to meet its debt service. The feeding frenzy he describes is not pretty.

His suggestions for change are simple. Recognize the problem for what it is. Establish a deficit war cabinet and establish specific goals now. Don't raise taxes (the politicians will just find new ways to waste the money), do cut spending and send more things to the private sector. One of the best comments he makes is that we must realize that "Government is not the answer to every problem a country faces."

Mr. Figgie spends an entire chapter suggesting ways you can influence your congressmen and others to make debt reduction our highest priority. He suggests letters to them, to the newspapers, and the formation of action groups to crusade on this issue. It sounds a little dull. It is not quite the same as taking up a great moral issue like abortion or capital punishment. But, if he is correct, I would suggest to you that failing to take action on this issue could have greater consequences for the American culture than all the other issues combined.

I hope you will read this book. If you agree that deficit spending is something that we can no longer condone in our government, then write a letter to our senators and representatives to let them know our point of view. Or you can just cut out this column and send it in. Do it now while you are thinking about it. We can each make a difference, but we need to act now.

INTRODUCTION OF THE LOCAL PARTNERSHIP ACT OF 1993

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. CONYERS. Mr. Speaker, the dismal effects of the recession are still with us.

The number of people with full-time jobs is still much lower than it was more than 2 years ago. In June 1990, according to the Department of Labor, 98.4 million people had full-time jobs. Last month only 97.5 million adults had full-time jobs. So the Nation is almost a million full-time jobs short of simply returning to where it was 2½ years ago. And simply returning to where we were in 1990 is not, of course, the type of change that the American voters insisted upon in the recent election.

This stagnation in employment has occurred even though the recession, according to President Bush's Council of Economic Advisers, ended in March 1991. Moreover, President Bush's Council of Economic Advisers predicted this month that we will have to wait 3 more years—until 1996—to have the unemployment rate fall to its 1990 level of 5.5 percent. This slow decline in unemployment is unacceptable.

The recession also compounded the fiscal siege of our local governments. Direct Federal financial aid to the Nation's 39,000 cities, towns, and counties has declined by 37 percent in the last decade, from \$16.6 billion in fiscal year 1981 to \$10.5 billion in fiscal year 1990. After adjusting for population changes and inflation, the decline during the decade in such aid, according to the General Accounting Office [GAO], is 61 percent. At the same time, the Federal Government has required local governments to spend money to meet national standards without providing funds to offset these local expenditures.

Throughout the Nation, our cities, towns, and counties are being forced to raise local taxes and to cut vital services. Local governments have shed the fat in their budgets and are now cutting into muscle and bone. This fiscal squeeze is illustrated by the findings of a recent study by GAO of four Michigan local governments: Detroit, Saginaw, Saginaw County, and St. Clair Shores. GAO found, for example, that since 1987 Detroit initially increased income and utility taxes and added a garbage tax. Detroit also postponed capital projects and contracted with private firms to supply some municipal services. As budget pressures continued, Detroit was forced to lay-off police officers, close a health center and recreational areas. The GAO study, "Michigan Communities, Services Cut in Response to Fiscal Distress," found that the other three Michigan communities, though not as financially distressed as Detroit, were forced in recent years to make similar responses to the recession and the decline in Federal aid to local governments.

During the recent Presidential campaign, then-Governor Clinton set forth a program to address these problems. He called for \$20 billion a year in new Federal investment. He went on to say that he would "make States and local governments responsible for project development and management."

Today I am introducing legislation, the Local Partnership Act of 1993 that builds on this fundamental principle of Federalism: that the Federal Government should not make the detailed decisions on how best to make the public investments that are vital to our present and future economic growth.

The Local Partnership Act of 1993 [LPA] is essentially the same bill that passed the Committee on Government Operations last year, when it was supported by a majority of both the Democrats and the Republicans on the committee.

The LPA authorizes the appropriation of \$3 billion for fiscal years 1993 and 1994 to be sent directly to local governments by the Secretary of Housing and Urban Development within 60 days of the actual appropriation. The local governments must return the money if it is not spent within a year.

The Federal money must be used to rehire laid off workers, restore services, or expand programs that are overburdened because of the recession. The LPA funds must be spent in six high priority areas: education, public safety, health, social services, such as emergency food and shelter, public works projects, or activities mandated by Federal law, such as the Federal Water Pollution Control Act or the Americans With Disabilities Act.

The money is targeted to the most needy urban and rural localities. Under the LPA's formula more Federal funds go to areas whose residents have a low per capita income and a high unemployment rate. Any local government whose residents have a per capita income greater than 160 percent of the State's per capita income is not eligible to receive any funds. The allocation formula also rewards local self-help, by giving more funds to those local governments that have imposed high taxes relative to their residents' income. GAO has prepared a computer printout showing how much of the \$3 billion would go to each local government.

The LPA provides that any funds actually appropriated for the LPA must be offset by cuts in other appropriations.

Despite this provision, the LPA will create jobs. A report prepared by the Congressional Research Service, using a special computer run of the DRI/McGraw-Hill economic model, shows that shifting \$3 billion from defense appropriations to grants to State and local governments would create about 23,600 new jobs in some parts of the economy and would eliminate about 11,500 jobs in other parts of the economy, for a net increase of about 12,100 jobs. This net increase occurs, according to CRS, for two reasons: the defense-related parts of the economy are less labor intensive and rely more heavily on imports than do the sectors related to State and local governments. I request unanimous consent to include in the RECORD the attached articles from the Detroit Free Press and the New York Times about this CRS study.

In conclusion, Mr. Speaker, with the Local Partnership Act we can both create jobs and invest in the Nation's infrastructure without increasing the Federal budget deficit. Now that the cold war is over, this only makes sense in both human and economic terms. I urge my colleagues to support this important legislation.

[From the Detroit Free Press, Jan. 25, 1993]

**TAPPING PENTAGON COULD CREATE JOBS,
CONGRESSIONAL STUDY SAYS**

(By Larry Margasak)

WASHINGTON.—Shifting money from the Pentagon to state and local governments could create two jobs for every one it eliminates, says a congressional study that is being challenged by defense industry executives.

The study, to be released today, assumed that \$3 billion in defense money was transferred to programs such as education, roads and sewer construction.

Congressional researchers said 23,600 jobs could be created under such a scheme, and 11,500 lost. The study found that fewer support jobs are created by the Defense industry.

Done at the behest of Democratic Rep. John Conyers of Detroit, a Pentagon critic, the study is an early salvo in the annual debate over the size of military spending.

The Pentagon has a budget of \$289.3 billion in fiscal 1993. When the 1994 budget is debated in the coming months, lawmakers for the first time will be able to shift money from the military to domestic programs without running afoul of a deficit-cutting plan approved several years ago.

The study said jobs would continue to increase in direct proportion to the amount of money diverted from Pentagon accounts: "If the magnitude of the reallocation were increased by tenfold, then the job creation estimate would increase by tenfold."

Defense industry representatives say Conyer's proposal is poor policy as well as unfair to workers.

"The idea that you can convert an aircraft factory to a storm door factory—that dog don't hurt," said Robert O'Brien, Washington spokesman for major defense contractor McDonnell Douglas Corp.

"In the aerospace industry, you would have a large number of highly skilled employees looking for jobs," said David Vadas, an economist for the Aerospace Industries Association, which represents 55 companies.

"These are jobs that generate exports. We contribute to the national security of the nation," he said.

[From the New York Times, Jan. 26, 1993]

SHIFT OF SPENDING SEEN AS A BENEFIT

(By Martin Tolchin)

WASHINGTON, Jan. 25.—The Federal Government could generate a net increase of more than 12,000 jobs by shifting \$3 billion from military industries to state and local jurisdictions, according to a Government study released today.

Such a move, while eliminating 11,500 jobs in military industries, would create 23,600 new jobs, the study by the Congressional Research Service of the Library of Congress found.

The study provides ammunition for many analysts who urge converting military spending into increased spending on domestic programs, rather than using it to help reduce the Federal budget deficit.

"Think of all the positive things we could accomplish by peacetime uses of this funding, and we wouldn't increase the deficit a dime," said Representative John Conyers Jr., the Michigan Democrat who is chairman of the Government Operations Committee and requested the study.

Mr. Conyers today reintroduced a bill to authorize such a \$3 billion shift in spending. The committee approved the legislation in the waning days of the last Congress, but the

bill was strongly opposed by President George Bush and never reached the House floor.

CHANGE IN EMPHASIS

In his Presidential campaign, Bill Clinton pledged a shift in Federal resources to domestic uses from military ones. "The end of the cold war permits us to reduce defense spending while still maintaining the strongest defense in the world," he said at the Democratic National Convention, "but we must plow back every dollar of defense cuts into building American jobs right here at home."

In spite of those sentiments, the new President's top budget officials have placed deficit reduction at the top of the new Administration's economic agenda, so the extent to which military cuts will be shifted to domestic programs is uncertain.

The study issued today estimated a net increase of 4,054 jobs for each \$1 billion shifted. "If the magnitude of the reallocation were increased by tenfold, then the job creation estimate would increase by tenfold," the study said.

If the spending was shifted, guided-missile producers would lose 1,280 jobs, radio and television communication equipment manufacturers would lose 1,819 jobs and 2,264 jobs would be cut in business services.

Industries that would gain more than 1,000 jobs involve construction or repair of highways and streets (4,174 jobs); new sewers (2,761 jobs); engineering, architectural and surveying services (2,334 jobs); maintenance and repair (1,270); and nursing and personal care services (1,140 jobs).

**TAX DEDUCTIONS FROM GROSS
INCOME**

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Ms. SNOWE. Mr. Speaker, today I am pleased to reintroduce legislation which gained strong support in the last Congress. This bill would provide tax deductions from gross income for individual taxpayers who maintain a household which includes a dependent who has Alzheimer's disease or a related disorder. This measure would allow deductions or expenses, other than medical, which are related to the home health care, adult day care, and respite care of an Alzheimer's victim.

Since the first Alzheimer's bills were introduced in the 97th Congress, we have all grown more aware and knowledgeable about this disease and the impact it has on both the individual and the family. Indeed, in a report published by the Subcommittee on Human Services of the House Select Committee on Aging, of which I am the ranking minority member, we discovered the extent to which families remain involved in the care of the family members who suffer from Alzheimer's and other such dementias. Family care remains one of the most critical factors in preventing or delaying nursing home utilization. As discussed in a landmark study published by the Office of Technology Assessment, a significant number of caregivers of dementia victims spend more than 40 hours a week in direct personal care.

In the face of the continued and intense involvement of the family caregiver, services

that provide respite from the ongoing pressures of care become essential in the caregivers ability to support the Alzheimer's victim at home. Home health care, adult day care, and long-term respite care all provide opportunities to free caregivers from their caregiving responsibilities and are crucial in enabling employed caregivers to continue working. Most caregivers willingly provide care for dependent and frail elderly family members. Even so, the presence of these supportive services can be a crucial factor in continued caregiving activities.

Many families are trying to cope with the needs of a dependent older Alzheimer's victim with no financial or professional help. While we seek to provide Government programs for such victims, we should also provide some tax relief for those expenses related to their continued care in the home. Perhaps, by such action we can delay the institutionalization of dementia victims. Surely we can provide financial relief to their caregivers.

**TRIBUTE TO THE TENNESSEE
FARM BUREAU**

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. SUNDQUIST. Mr. Speaker, for the third year in succession, the Tennessee Farm Bureau has been awarded the American Farm Bureau Presidential Award, an achievement matched by only a handful of State organizations. I want to commend Tennessee Farm Bureau President Joe Hawkins and his staff on the presidential award, as well as for earning 13 gold star awards for excellence in program areas and membership.

In my State, the Tennessee Farm Bureau remains the strongest and best respected voice for agriculture. I am proud to join in saluting its achievements.

MAJOR SECURITIES LEGISLATION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. DINGELL. Mr. Speaker, I am pleased to join my colleagues on the Energy and Commerce Committee in introducing today several major pieces of securities legislation aimed at curbing deceitful practices and enhancing the ability of the SEC to provide for the honesty and efficiency of this Nation's capital markets.

Accordingly, I join Mr. WYDEN in sponsoring the Financial Fraud Detection and Disclosure Act to clarify the fraud detection and disclosure obligations of the auditors of public companies. The principal provision of this bill is its requirement of earlier warning to the SEC of certain illegal acts by companies registered with the Commission. To protect auditors from frivolous and harassment lawsuits, the bill specifically provides that no independent public accountant shall be liable in a private action for any finding, conclusion, or statement expressed in a report required by the legislation.

I join Mr. MARKEY, the chairman of our Subcommittee on Telecommunications and Finance, in sponsoring the Government Securities Reform Act and the Limited Partnership Rollup Reform Act. The government securities legislation addresses, in a targeted manner, certain regulatory deficiencies identified in the wake of the Salomon bidding scandal. Accordingly, the bill addresses large position reporting, recordkeeping and broker-dealer supervision responsibilities, sales practice rules and the prevention of fraudulent and manipulative acts and practices, as well as market information with respect to government securities. The limited partnership rollup legislation would curb abusive rollup transactions and provide for better investor protection, especially with respect to the rights of dissenting limited partners.

I also join with Mr. BOUCHER in cosponsoring the Investment Adviser Regulatory Enhancement and Disclosure Act to provide a fee structure for registrants and applicants in order to provide the SEC with adequate resources to cover the costs of supervision and regulation of investment advisers and their activities, and to clarify the disclosure and suitability obligations of investment advisers with respect to advisory clients. Over the past 10 years, the examination cycle for registered investment advisers has slowed from once every 12 years to once approximately every 30 years. The GAO has sounded an alarm that, in its current state, the Advisers Act is doing more harm than good. And the big securities fraud case involving Steven Wymer revealed a number of dangerous loopholes in the current regulatory and supervisory system. This bill needs to be enacted promptly.

Finally, section 11(a) was added to the Exchange Act by the Securities Acts Amendments of 1975. The managed account provisions of section 11(a) prohibit exchange members from effecting securities transactions on national securities exchanges of which they are members for accounts managed by the member or its associated persons. Section 11(a) was enacted at the request of the securities industry to respond to concerns regarding impediments to fair competition between money managers, and potential conflicts of interest resulting from the combination of money management and brokerage functions. Legislation is being introduced to eliminate this restriction, provided that prior authorization before engaging in the practice of effecting such transactions is obtained and disclosure of commissions paid to affiliated brokers is made. Compliance with any rules the Commission prescribes with respect to these conditions is also required. While I am not cosponsoring this legislation, I will not oppose its being reported by the committee and its consideration on the floor along with the investment advisers bill.

These bills all enjoy strong bipartisan support and were reported unanimously by the committee in the last Congress. The limited partnership rollup, financial fraud detection, investment adviser, and 11(a) bills were all passed by the House without controversy under suspension of the rules. I urge my colleagues' continued support for this important legislation to enhance the integrity and fairness of our markets and to make sure that the

markets work for investors as well as for honest market professionals.

NATIONAL COMMISSION ON ENVIRONMENT AND NATIONAL SECURITY, H.R. 575

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. GILMAN. Mr. Speaker, today I am reintroducing legislation, H.R. 575, which establishes a National Commission on the Environment and National Security. With the end of the cold war, the collapse of the Soviet economy and Soviet influence in Eastern Europe, and new agreements between the Soviet Union and the major market economies, traditional military and political threats to national security have declined. At the same time, local and global environmental problems have become more widespread and serious. These threats—including deforestation, global warming, depletion of the ozone layer, desertification, natural resource depletion, and acid rain—all affect the well-being of present and future generations as well as causing or worsening instability and violent conflict.

Yet this shift has been given too little attention in Congress or by the administration. Currently, no institution in Congress or the executive branch is charged with analyzing this different meaning of national security and its implications. The Commission on the Environment and National Security would fill that void by examining the changing nature of U.S. national security interests in relation to environmental threats and recommend how to reorder our national security priorities.

This legislation provides for a 14-member commission with powers to conduct hearings, secure assistance from Federal agencies, and subpoena witnesses. The Commission would be composed of Presidential and congressional appointees. It would prepare and submit a preliminary report on its findings within 18 months of its creation and a final report within 2 years. The report would assess the threats to national security posed by environmental threats in light of new scientific knowledge. On the basis of this analysis, the report would examine policy and funding needs and make specific recommendations for giving national security-related environmental threats adequate priority.

Accordingly, I urge my colleagues to support H.R. 575, and insert the full text of the bill in the RECORD at this point:

H.R. 575

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Commission on the Environment and National Security Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) new threats to the global environment, including to the earth's climate system, the ozone layer, biological diversity, soils, oceans, and freshwater resources, have arisen in recent years;

(2) such threats to the global environment may adversely affect the health, livelihoods, and physical well-being of Americans, the stability of many societies, and international peace;

(3) in recent years, the definition of national security of the United States has been broadened, both in official White House documents and in legislation, to include economic security as well as environmental security;

(4) with the end of the Cold War, the dramatic reduction of the military threat to United States interests, and the new recognition in world politics of the urgency of reversing global environmental degradation recognized at the Earth Summit in Rio in June 1992, the global environment has taken even greater importance to the United States;

(5) the extent and significance of such threats to United States security has not been fully evaluated by the Congress or the executive branch, and responses to global environmental threats have not yet been fully integrated into United States national security policy; and

(6) the United States Government currently lacks a focal point for assessing the importance of such new environmental threat to the national security of the United States and their implications for United States global security policy.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the National Commission on the Environment and National Security (hereinafter in this Act referred to as the "Commission").

SEC. 4. DUTIES OF COMMISSION.

(a) **STUDY.**—The Commission shall study the role in United States national security of security against global environmental threats, in light of recent global political changes and the rise of new environmental threats to the earth's natural resources and vital life support systems, including such threats referred to in section 2.

(b) **REPORT.**—The Commission shall submit a preliminary and final report pursuant to section 8, each of which shall contain—

(1) a detailed statement of the findings and conclusions of the Commission on the matters described in subsection (a); and

(2) specific recommendations with respect to—

(A) ways in which the United States might integrate concerns about global environment threats into its national security and foreign policy;

(B) priority international action to respond to global environmental threats and likely resource commitments required to support them; and

(C) possible institutional changes in the executive and legislative branches of the United States Government that may be needed to ensure that such new environmental threats receive adequate priority in the national security policies and budgetary allocations of the United States.

SEC. 5. MEMBERSHIP.

(a) **NUMBER AND APPOINTMENT.**—The Commission shall be composed of 14 members, to be appointed not later than 30 days after the date of the enactment of this Act, as follows:

(1) 2 members appointed by the President.

(2) 3 members, 1 of whom shall be a Senator, appointed by the President pro tempore of the Senate from among the recommendations made by the majority leader of the Senate.

(3) 3 members, 1 of whom shall be a Senator, appointed by the President pro tempore

of the Senate from among the recommendations made by the minority leader of the Senate.

(4) 3 members, 1 of whom shall be a member of the House of Representatives, appointed by the Speaker of the House of Representatives.

(5) 3 members, 1 of whom shall be a member of the House of Representatives, appointed by the minority leader of the House of Representatives.

(b) **ADDITIONAL QUALIFICATIONS.**—The Commission members (not including the members of Congress) shall be chosen from among individuals who—

(1) are scientists, environmental specialists, experts on national and international security, or analysts who have studied the relationship between the environment and national security, and

(2) are not officers or employees of the United States.

(c) **POLITICAL AFFILIATION.**—Not more than one-half of the members appointed from individuals who are not Members of Congress may be of the same political party. With respect to members who are Members of Congress, not more than one-half may be of the same political party.

(d) **CONTINUATION OF MEMBERSHIP.**—If a member was appointed to the Commission as a Member of Congress and the member ceases to be a Member of Congress, or was appointed to the Commission because the member was not an officer or employee of any government and later becomes an officer or employee of a government, that member may continue as a member for not longer than the 60-day period beginning on the date that member ceases to be a Member of Congress, or becomes such an officer or employee, as the case may be.

(e) **TERMS.**—

(1) **IN GENERAL.**—Each member of the Commission shall be appointed for the life of the Commission.

(2) **VACANCIES.**—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(f) **BASIC PAY.**—

(1) **RATES OF PAY.**—Except as provided in paragraph (2), each member of the Commission shall be paid at a rate not to exceed the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which such member is engaged in the actual performance of duties of the Commission.

(2) **PROHIBITION OF COMPENSATION OF MEMBERS OF CONGRESS.**—Members of the Commission who are Members of Congress may not receive additional pay, allowances, or benefits by reason of their service on the Commission.

(g) **TRAVEL EXPENSES.**—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(h) **QUORUM.**—8 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(i) **CHAIRPERSON.**—The Chairperson of the Commission shall be elected by a majority of the members.

(j) **MEETINGS.**—The Commission shall meet at the call of the Chairperson.

SEC. 6. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) **DIRECTOR.**—The Commission shall have a Director who shall be appointed by the Chairperson. The Director shall be paid at a rate not to exceed the maximum rate of

basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) **STAFF.**—Subject to rules prescribed by the Commission, the Chairperson may appoint and fix the pay of additional personnel as the Chairperson considers appropriate.

(c) **APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.**—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of the title 5, United States Code.

(d) **EXPERTS AND CONSULTANTS.**—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the maximum annual rate of basic pay payable for GS-18 of the General Schedule.

(e) **STAFF OF FEDERAL AGENCIES.**—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

SEC. 7. POWERS OF COMMISSION.

(a) **HEARINGS AND SESSIONS.**—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) **POWERS OF MEMBERS AND AGENTS.**—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) **OBTAINING OFFICIAL DATA.**—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) **GIFTS, BEQUESTS, AND DEVICES.**—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(e) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(g) **SUBPOENA POWER.**—

(1) **IN GENERAL.**—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter

under investigation by the Commission. The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) **FAILURE TO OBEY A SUBPOENA.**—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) **SERVICE OF SUBPOENAS.**—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) **SERVICE OF PROCESS.**—All process of any court to which application is made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(h) **IMMUNITY.**—Except as provided in this subsection, a person may not be excused from testifying or from producing evidence pursuant to a subpoena on the ground that the testimony or evidence required by the subpoena may tend to incriminate or subject that person to criminal prosecution. A person, after having claimed the privilege against self-incrimination, may not be criminally prosecuted by reason of any transaction, matter, or thing which that person is compelled to testify about or produce evidence relating to, except that the person may be prosecuted for perjury committed during the testimony or made in the evidence.

(i) **CONTRACT AUTHORITY.**—The Commission may contract with and compensate government and private agencies or persons for the purpose of conducting research or surveys necessary to enable the Commission to carry out its duties under this Act, and for other services.

SEC. 8. REPORTS.

(a) **PRELIMINARY REPORT.**—The Commission shall submit to the President and the Congress a preliminary report not later than 18 months after the date on which all the members of the Commission have been appointed.

(b) **FINAL REPORT.**—The Commission shall submit a final report to the President and the Congress not later than 2 years after the date on which all the members of the Commission have been appointed.

SEC. 9. TERMINATION.

The Commission shall terminate 60 days after submitting its final report pursuant to section 8(b).

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Amounts shall be made available to carry out this Act only to the extent such amounts are made available in advance in appropriations Acts.

JUSTICE THURGOOD MARSHALL

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. KANJORSKI. Mr. Speaker, I rise today in sadness at the death of a respected jurist

and in appreciation for a lifetime of public service.

In sadness, I note the passing of a great leader in American history, Justice Thurgood Marshall, the conscience of the Court.

Few people have touched so many lives as Justice Marshall has. As a young lawyer for the NAACP, this great-grandson of a slave fought discrimination across our country, winning landmark decisions in the struggle for civil rights. As a Federal judge he was fair to all parties. As Solicitor General he represented the United States before the highest court in the land. As a Justice of the Supreme Court he applied our laws with iron consistency and full respect for individual rights under the Constitution. Through it all, Thurgood Marshall never wavered in his commitment to simple justice.

In appreciation, I want to recognize Justice Marshall's greatest accomplishment—his contribution to liberty.

Thurgood Marshall developed the legal strategy that broke the walls of State-sponsored segregation. Some would have accepted life as it was. Thurgood Marshall, however, was devoted to human progress. Some would have destroyed what is good in our country to root out what was bad. Thurgood Marshall knew the principles we hold dear are often higher than the acts we commit. But he also knew we had written our principles into a Constitution we have dedicated ourselves to follow.

As a young man fighting discrimination case-by-case, and as a Justice of the Supreme Court interpreting our Nation's highest law, Thurgood Marshall knew that we Americans have only to live up to our own standards. He helped heal many of the wounds racism has inflicted. It is because of his hard work that we can imagine a time when our country will draw equally upon the talents of all Americans.

Dr. Martin Luther King, Jr., told us of the mountaintop; Justice Thurgood Marshall was the guide who led our way and kept us on a steady course. Dr. King used civil disobedience to realize the dream; Thurgood Marshall used the law of the land to bring justice into our lives. The legacy of Justice Marshall is a jurisprudence of respect.

There is in legal philosophy a perennial debate, asking if law can be separated from virtue, whether or not legal texts derive their force from moral content. For me the answer is clear and forthright: By establishing our Government under the Constitution and the Bill of Rights, by adopting the Civil War amendments and the right of women's suffrage, we have committed ourselves to building a moral and decent nation.

Thurgood Marshall's greatest accomplishment was to help us fulfill our highest aspiration, inscribed in stone above all who enter the Supreme Court: "Equal Justice Under Law."

INTRODUCTION OF THE INVESTMENT ADVISER REGULATORY ENHANCEMENT AND DISCLOSURE ACT OF 1993

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. BOUCHER. Mr. Speaker, today I am introducing legislation that addresses a matter of great importance to consumers who have entrusted their financial decisionmaking, and often their life savings, to financial planners. In this bill, we are providing consumers with the means to learn more about the financial planner with whom they choose to deal—about their education and business background and about whether the advice they are giving is objective or has been influenced by the financial interest of the planner.

More and more people are using financial planners to help plan for their children's education and for their retirement years. Since 1981, the financial planning industry has grown dramatically from 5,100 to 17,500 registered investment advisers. The assets managed by financial planners and investment advisers have grown from \$450 billion in 1981 to more than \$5 trillion today.

Meanwhile, the number of SEC personnel devoted to oversight of the financial planning industry has declined—from an inadequate 64 in 1990 to an even more inadequate 46 staff members today.

The number of consumers who are using financial planners has increased. So too has the number of consumers who are losing their savings. Avoidable losses may be as high as \$1 billion annually. These losses occur in a variety of ways. Some are simply the result of outright theft. Other losses are the result of the churning of client accounts which exhaust the funds through unnecessary expenses.

A more typical form of abuse is self-dealing, which occurs when a planner encourages a client to purchase a financial product for which the planner receives a special fee or commission when the product is sold, but which may be totally unsuitable for the client. Financial planners hold themselves out to be objective advisers, but some of them are more product salespersons than they are objective sources of information. Often the consumer does not know the extent of the commissions or other incentives that the planner is receiving for offering this supposedly objective advice.

The legislation we are introducing today, the Investment Adviser Regulatory Enhancement and Disclosure Act of 1993, addresses these problems in a number of ways.

First, we provide additional resources for investment adviser supervision by the SEC through the payment of a modest annual fee by investment advisers. Currently, a one-time \$150 registration fee is charged. The new fee will range from \$300 to \$7,000 depending upon the assets which the adviser has under management. The additional resources provided by these annual fees will be used by the SEC to fund more frequent inspections of registered investment advisers, which is so desperately needed.

Second, we require the SEC to conduct regular examinations of investment advisers, as

well as more frequent inspections of certain advisers based on enumerated risk factors, such as whether they have custody of client funds, authority to exercise investment discretion, are newly registered, or have been found to have deficiencies during previous examinations. We also require the SEC to conduct surveys to determine the extent of, and reasons for, the failure to register of persons required to do so under the Investment Advisers Act of 1940, and to report to Congress on the results of those surveys.

Third, we give the SEC the authority to designate one or more self-regulatory organizations to conduct examinations of investment advisers.

Fourth, we impose a suitability requirement to ensure that the investment products advisers recommend are suitable for the clients to whom they are being recommended. We require investment advisers to maintain records that may be used by the SEC to verify suitability determinations.

Fifth, we require investment advisers to disseminate to prospective clients information concerning their education and business background, compensation arrangements, nature of the services they are offering, and their business practices. They also must disclose any conflicts of interest which could reasonably be expected to impair the rendering of disinterested advice. In addition, they must inform prospective clients about how they may obtain information concerning their disciplinary history and registration status. We also require advisers to prominently disclose in the brochure whether they receive sales commissions and that remedies may be available to clients with respect to disputes arising out of the investment adviser-client relationship.

Sixth, we require an investment adviser to disclose to his clients before a purchase or sale is effected the amount of sales commissions and fees they will be charged, whether the adviser will receive all or a portion of those commissions and fees, and whether the adviser will receive any third party payments, such as fees from the issuer of a security, for each transaction the adviser recommends. This disclosure may be made orally, but it must be confirmed in writing after the sale or purchase is executed. The SEC may, by rule, permit a client to waive, in writing, the right to this disclosure.

Seventh, investment advisers must provide their clients with periodic written reports that include the sales commissions and fees paid by the clients, as well as any other amounts received by the adviser with respect to his clients' accounts, and a statement of the clients' holdings at the beginning and end of the reporting period. The purpose of this provision is to provide investors with a document they can use to compare the costs charged by the investment adviser they are using with those charged by other advisers for comparable services.

Eighth, to protect consumers from unscrupulous advisers who embezzle or steal their assets, we require investment advisers who have custody of client assets or who exercise investment discretion to obtain a fidelity bond.

Ninth, in another effort to protect consumers from unscrupulous advisers, we prohibit anyone who has been convicted of a felony within

the last 10 years from registering as an investment adviser.

Finally, we provide consumers with the assurance that the financial information they provide to their investment adviser will not be disclosed without their consent. We do create exceptions for the disclosure of information as needed to effect transaction for clients, as well as for the provision of such information to the SEC and State securities regulators.

I am pleased to be joined by several of my colleagues on the Energy and Commerce Committee, including the full Committee Chairman, Mr. DINGELL, the Telecommunications and Finance Subcommittee chairman, Mr. MARKEY, and the subcommittee's ranking member, Mr. FIELDS, in introducing this legislation.

I hope my colleagues will join me in supporting this measure. It will substantially improve the regulation of financial planners and investment advisers and will provide consumers with the types of protections they need to protect their assets.

TRIBUTE TO THE CLARKSVILLE/
FORT CAMPBELL YMCA

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. SUNDQUIST. Mr. Speaker, I want to call to the attention of my colleagues the fine work of the Clarksville/Fort Campbell YMCA. Those who represent military communities, as I do, understand the contributions the Armed Services YMCA of the United States makes and how valued these services are by military families.

The Clarksville/Fort Campbell YMCA recently won national recognition for two of its initiatives. One of them, a cost-free child care exchange, is serving as a model for other military communities. Parents volunteer their time helping to watch the children of others, for which they receive points which can be redeemed when they need child care assistance. The program has been hugely successful and has been presented to other Armed Services YMCA's as a model.

The Clarksville/Fort Campbell YMCA has also begun the popular and much-acclaimed water babies program.

I salute Executive Director Robert Knight and his staff for the many services they provide, without fanfare perhaps, but never without fail to the military community in Clarksville and Fort Campbell.

SOCIAL SECURITY PRORATE BILL

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Ms. SNOWE. Mr. Speaker, today I am pleased to reintroduce legislation which would prorate the Social Security check in the month of a beneficiary's death.

Currently, when a Social Security beneficiary dies, his or her last monthly benefit

check must be returned to the Social Security Administration. This provision often causes serious problems for the surviving spouse because he or she is unable to financially subsidize the expenses accrued by the late beneficiary in their last month of life. This provision seems particularly problematic when a beneficiary dies late in the month.

Does current law assume that a beneficiary has not incurred expenses during his or her last month of life? The simple answer is "yes." However, the financial situation the surviving spouse often faces is not so simple. It often entails having to return money that has already been spent.

The current law creates problems given that the surviving spouse incurs expenses for the late beneficiary up until the date of death. Legislation to change this law is necessary because many spouses find themselves faced with additional financial burdens during these emotionally trying times which could potentially be relieved if these benefits were prorated.

My bill would correct the current inequity while saving on both cost and administrative hassle. This bill would allow the spouse of the beneficiary who dies in the first 15 days of the month to receive one-half of his or her spouse's regular benefit. The spouse of a beneficiary who dies in the latter half of the month would receive the full monthly benefit.

Mr. Speaker, it is not often enough that Congress can take an action as simple as this that will have such a direct and positive impact on Social Security beneficiaries. Certainly, this is a bill that is both sensible and necessary. I believe this is a fair and simple way to deal with an unfair situation. I hope that I will have the full support of my colleagues.

MAGIC MOST ADMIRER IN POLL;
HUH?

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. BURTON of Indiana. Mr. Speaker, I want to call to the House's attention an article written by Bill Benner in the Indianapolis Star on November 26, 1992. Mr. Benner highlights our society's ruinous tendency to condone, even honor, persons who practice self and socially destructive behaviors.

I make special note of this article not to belittle Ervin "Magic" Johnson. Magic was a fantastic basketball player who elevated his profession to new levels. His athletic achievements should be marveled at and praised. Rather, I submit this article to remind ourselves that we as a society must not honor or glorify the personal behaviors that Magic practiced by proclaiming him and other such persons as role models. Publicly condoning or supporting the kinds of irresponsible and immoral behaviors that Magic and others like him practice is socially suicidal.

Let me remind my colleagues that as of January 1, 1993, the Centers for Disease Control [CDC] has recorded 260,000 cases of AIDS in the United States. The CDC has also conservatively estimated that another one million Americans are infected with the HIV virus

that causes AIDS. In addition, 27 percent of all births in America today are to single mothers; with an astounding 60 percent of all births to black Americans being out-of-wedlock. Finally, one-half of all marriages in the United States now end in divorce and broken homes.

In the face of these cultural catastrophes, it is extremely troubling that we continue to herald individuals like Magic as role models for our children. These epidemics, which threaten to destroy our next generation, are largely the result of our failure to condemn the infidelity and promiscuousness engaged in by many publicly acclaimed persons. By pretending to ignore these persons' irresponsibility while continuing to exalt them as role models, we have prodded our youth to follow their examples. But do we want our children to emulate these lifestyles that are spreading the most deadly plague visited upon the world in centuries and that are bringing thousands of children into this world without a loving, two-parent home?

Instead of glorifying self-destruction, we must hold up role models for our children who are of strong moral character. Men and women who are God-fearing, self-controlled, responsible, and dedicated to their families. These are the characteristics we need reproduced throughout our Nation if we are to solve the great social crises facing us. However, if we continue to uplift irresponsibility, we will only encourage more of it, and our country simply cannot endure more broken families and AIDS cases.

I insert Mr. Benner's article into the RECORD at this point:

[From the Indianapolis Star, November 26, 1992]

MAGIC MOST ADMIRER IN POLL; HUH?
(By Bill Benner)

News item:

"Magic Johnson beat out 'Dad' and Chicago Bulls star Michael Jordan as the most admired man in America in a poll of 3,000 Santa Clara (Calif.) teen-agers."

Geez, I finished second. Well, not just me, but the millions of fathers across America.

We finished second to a guy who contracted the HIV virus through unprotected, promiscuous sex with unknown partners. We finished second to a guy who felt obliged to describe to a national television audience his sexual liaison with six women at the same time.

Yes, just the kind of guy you would want teen-agers to consider, as the article went on to explain, "their most respected male role model."

My first response is to say, consider the source. If there is any place in America where values and morality are out of whack, it's California.

But this is just another indication of the totally out of proportion importance we place on games and the people who play them.

Those of you who stumble across this column occasionally may recall that this is a soap box I've climbed on before. And, as a sports columnist, I must plead guilty to being a part of the process that contributes to the glorification of athletes.

I also admit that I admire Magic Johnson. As a basketball player.

He could do some things on the court that were truly extraordinary.

But as the "most respected male role model?"

Uh, sorry.

Yet, somehow, we have come to believe that people with special athletic talents are inherently special people, and the ability to average 30 points a game, throw a 90-mph fastball or rush for 100 yards makes them automatically deserving of our admiration and respect.

Admiration for their talent, maybe. But respect comes with a qualifier. It should be earned.

Some athletes have. And some do qualify as role models for our children.

I'll even give you the name of one who has the HIV virus.

Not Magic Johnson * * * but Arthur Ashe.

Off the top of my head, here are some others deserving of the admiration of our youth: Julius Erving, one of the classiest athletes I've ever been around.

Arnold Palmer, who never met a stranger.

Ex-Chicago Bear Walter Payton, who ran hard every play and never complained.

Dave Dravecky, the Giants pitcher who lost his pitching arm to cancer but continues to display incredible courage.

Heather Farr, who would have been an LPGA star but also is fighting cancer with the same kind of courage.

Butler legend Tony Hinkle, who died two months ago but left a legacy of loyalty and a lesson on how to be both a coach and a gentleman.

Just to name a few.

But there are even more people out there who can qualify as sports role models for our youth.

How about the hundreds of thousands of parent and volunteers who give their time to administer, coach and officiate youth leagues and programs, not just in football, basketball and baseball, but in tennis, gymnastics, swimming, soccer, wrestling and track and field? How about the cops who run Police Athletic League sports programs in inner city neighborhoods? How about all of those who bring the joy of sports and competition to the mentally and physically disabled through Special Olympics?

As we gather around tables on this Thanksgiving Day, these are the people in sports—the ones doing it for love, not for money—who deserve our gratitude, our respect and, yes, our admiration.

Same goes for our parents, our teachers and our clergy.

Magic Johnson? Yes, he was one terrific basketball player.

Nothing more, nothing less, no matter what a bunch of kids in California might think.

But, Dads, there is good news in that survey.

At least we finished ahead of Michael Jordan.

FEDERAL RESERVE REFORMS INTRODUCED

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. HAMILTON. Mr. Speaker, today I am introducing two bills that would make substantial improvements in the structure and practices of the Federal Reserve System—the Monetary Policy Reform Act of 1993 and the Federal Reserve Reform Act of 1993.

These bills address three issues of great importance to the American economy and our

system of democratic government—the public accountability of those who make important monetary policy decisions, the current absence of any channel of formal communication between the Federal Reserve and the administration, and the veil of secrecy surrounding policymaking at the Federal Reserve.

The Federal Reserve occupies an anomalous position within the Government of the United States. It is an enormously powerful institution, but it does not conform to the normal standards of Government accountability. Power without proper accountability simply does not fit into the American system of democracy.

Through its control over monetary policy the Federal Reserve affects the lives of all Americans. It has the power to decide who prospers and who fails. The path that the Federal Reserve sets for monetary policy and interest rates affects every business person, worker, consumer, borrower and lender in the United States and has a major impact on the overall performance of the economy, as we became painfully aware during the 1990-91 recession and the anemic recovery since.

The independence that the Federal Reserve must have to insulate monetary policy from political pressures also removes the Fed from the normal processes of accountability that apply to every other agency of the Federal Government. We must address a very difficult and perplexing problem—how to make the Federal Reserve more accountable to the American people without jeopardizing its independence and its ability to conduct monetary policy free of political pressure.

No other government agency enjoys the Fed's prerogatives.

Monetary policy is decided in secret, behind closed doors.

The Federal Reserve is not required to consult with Congress or the administration before setting money or interest rate targets, even though its power affects the financial well-being of every American.

The Fed waits 6 weeks before releasing policy decisions.

The President, who is responsible for the performance of the economy and is blamed if things go wrong, often must wait until late in his term to appoint a new Chairman of the Federal Reserve Board. President Clinton, for example, will not be able to appoint a new Fed Chairman until March 1996.

The Fed's budget is not published in the U.S. Government budget, even though it spends about \$1.7 billion per year. Only 7 percent of Federal Reserve expenditures are detailed in the U.S. Government budget for fiscal year 1992—the \$115 million spent by the Board of Governors.

The presidents of the 12 Federal Reserve banks, who participate in monetary policy decisions on the Federal Open Market Committee [FOMC], are neither appointed by the President nor confirmed by the Senate.

Even though the Federal Reserve engages in more than \$1 trillion in transactions in the money markets each year, most of these activities are exempt from audit by the GAO or any other outside agency.

The bills that I am introducing today aim to make the Federal Reserve more accountable to the American people, not by giving politi-

cians control but by making duly appointed public officials solely responsible for the conduct of monetary policy, by creating a formal channel of communication between the President and the Federal Reserve, and by providing Congress and the American people with more and better information on the Federal Reserve's policies and procedures.

I would now like to discuss these two bills.

MONETARY POLICY REFORM ACT OF 1993

The Monetary Policy Reform Act of 1993 would vest sole responsibility for the conduct of monetary policy and open market operations in the seven-member Board of Governors of the Federal Reserve System and would create a special new Federal Open Market Advisory Council through which the presidents of the regional Federal Reserve banks could advise the Board on monetary policy.

The Federal Reserve System consists of the Board of Governors in Washington and the 12 regional Federal Reserve banks. The Board of Governors has seven members, who are appointed by the President and confirmed by the Senate to 14-year terms. The Governors of the Federal Reserve are thus duly appointed Government officials who are responsible to the President and Congress, and through them to the American people, for their conduct in office.

The Federal Reserve bank presidents, in contrast, owe their jobs to the boards of directors of the regional banks—boards dominated by local commercial banks. Neither the President nor Congress has any role in selecting the presidents of the Federal Reserve banks. Some of the bank presidents are career employees, others have backgrounds in banking, business and academics; none are duly appointed Government officials. Nonetheless, they participate in monetary policy decisions through their membership on the FOMC, where they cast 5 of the 12 votes that determine monetary policy and interest rates.

The role of the Federal Reserve bank presidents—and the broader issue of the influence of the Nation's banks and of private interests on the Federal Reserve—has been a source of concern ever since Congress decided to establish the Federal Reserve in 1913:

In the initial draft of the Federal Reserve Act, some Members of Congress proposed that the Nation's banks be allowed to appoint up to half of the members of the Federal Reserve Board. President Wilson's position, which was adopted by Congress, was that: The Government should control every member of the Board on the ground that it was the function of the Government to supervise this system, and no individual, however respectable should be on this Board representing private interests.

During the 1920's, when uncoordinated open market operations by the Federal Reserve banks were disrupting the markets for Treasury securities, Treasury Secretary Andrew Mellon argued that the properly appointed public officials on the Federal Reserve Board, and not the Federal Reserve banks, should be responsible for regulating open market operations and that: The Federal Reserve banks shall not make any further purchases of Government securities, or bills, for the purpose of increasing their earning assets without

first getting the express approval of the Federal Reserve Board.

When Congress rewrote the banking laws during the 1930's, the Federal Reserve Board's Chairman, Marriner Eccles, with the full support of President Roosevelt, proposed to vest sole responsibility for open market operations in the Board, along with its other responsibilities for monetary policy. This provision was opposed by the banks; in the final draft of the Banking Act of 1935, a rotating group of five Federal Reserve bank presidents was allowed to share voting responsibility for open market operations with the seven members of the Board of Governors of the Federal Reserve, the new formal name for the Federal Reserve Board.

This situation, in which private individuals who are neither appointed by the President of the United States nor confirmed by the Senate nonetheless directly participate in monetary policy decisions, is an anomaly in our system of democratic government. Nowhere else in the Government are private individuals similarly permitted to participate in decisions which have an enormous influence over the prosperity and well-being of millions of Americans.

Almost all Government agencies make extensive use of private citizens in an advisory status. The Federal Reserve, for instance, has three major advisory panels which meet with the Board of Governors three to four times a year—the Federal Advisory Council, a panel of 12 bankers which advises the Board of Governors "on all matters within the jurisdiction of the Board," according to the Federal Reserve's 1990 annual report; the Consumer Advisory Council, composed of academics, State government officials, representatives of the financial industry, and representatives of consumer and community interests, which advises the Board on consumer financial services; and the Thrift Institutions Advisory Council, composed of representatives from credit unions, savings and loan associations, and savings banks, which advises the Board on issues pertaining to the thrift industry. Other Government agencies have similar advisory panels.

But nowhere other than the Federal Reserve are representatives of private interests permitted to have a vote on Government policy. This is the proper function of Government officials who have either been elected by the people or duly appointed and confirmed in the appropriate manner, and that is the way it should be at the Federal Reserve as well.

The bill that Representative OBEY and I are introducing today would address this controversy by going back to the first principles laid out by Presidents Wilson and Roosevelt, that properly appointed Government officials should be responsible for the conduct of monetary policy at the Federal Reserve.

The Monetary Policy Reform Act of 1993 has two major provisions. First, the bill would dissolve the Federal Open Market Committee and make the Board of Governors of the Federal Reserve responsible for monetary policy and open market operations. Second, it would create a Federal Open Market Advisory Council, through which the presidents of the 12 Federal Reserve banks could advise the Board of Governors on regional economic conditions and other factors affecting the con-

duct of monetary policy and open market operations. The bank presidents would no longer have a vote on monetary policy, but the Board of Governors would still have the benefit of their advice.

Power without accountability does not fit the American system of democracy. In no other Government agency do private individuals make Government policy. The Monetary Policy Reform Act of 1993 will now apply this same principle of democracy to the Federal Reserve.

This bill is also being introduced in the Senate today by Senators PAUL SARBANES, the vice chairman of the Joint Economic Committee; JIM SASSER, chairman of the Senate Budget Committee; DONALD RIEGLE, chairman of the Senate Banking Committee; and BYRON DORGAN, who cosponsored the bill during the last Congress while he was a Member of this House.

FEDERAL RESERVE REFORM ACT OF 1993

The Federal Reserve Reform Act has five major provisions:

First, it would require the Secretary of the Treasury, the Chairman of the Council of Economic Advisers, and the Director of the Office of Management and Budget to meet three times a year on a nonvoting basis with the Federal Open Market Committee, to consult on monetary and fiscal policy.

Two of the required meetings would take place just before the FOMC sets its annual money growth targets in February and July and reports to Congress, as required by the Full Employment and Balanced Growth Act of 1978. The third meeting would occur in the fall at the start of the administration's annual budget cycle. These meetings will bring together the key members of the fiscal and monetary policymaking teams.

The purpose of the meetings is to improve the flow of information between the administration and the Federal Reserve. Currently, there is no formal channel of communication between the President and the Fed. At times, various Presidents and their economic advisers have been reduced to carrying on policy disputes by publicly sniping at the Fed through the press.

In the past, the Fed Chairman and the Treasury Secretary tried to maintain some communication through informal weekly breakfast meetings, but this process depends too heavily on the personalities involved; Under Treasury Secretary Nicholas Brady, the process broke down and the meetings became very sporadic. I understand that Chairman Greenspan and Treasury Secretary Lloyd Bentsen plan to reinstate the weekly breakfast meetings, and I welcome that.

But it is not enough. These meetings do not involve all the major participants in monetary policy decisions and this process requires no formal presentation or discussion of economic goals or plans. Under the Federal Reserve Reform Act, the administration will have a formal avenue to present its program for the economy to the FOMC and lay out its goals and targets for monetary policy. The members of the FOMC will also have an avenue to convey their concerns about fiscal policy to the administration. Communication will flow both ways.

Second, the bill would allow the President to appoint a Chairman of the Federal Reserve

Board—with the advice and consent of the Senate—1 year after taking office, at the time when the first regular opening would occur on the Federal Reserve Board. This would make the Fed Chairman's term basically coterminous with the term of office of the President of the United States.

The current Chairman of the Board of Governors, Alan Greenspan, was appointed by President George Bush and will hold that office until March 1996, more than 3 years into President Clinton's term. Fortunately, Chairman Greenspan appears to want to work with, not against, President Clinton. Even though Mr. Greenspan was not appointed by President Clinton, we all hope that will not cause any significant problems with monetary policy or the recovery of the economy. But if it turns out that Chairman Greenspan cannot work together with President Clinton, the result could be serious damage to the American economy and a paralysis of economic policy. This is a risk the country should not take.

The Federal Reserve Reform Act would address this by having the President appoint the Fed Chairman to a 4-year term beginning 1 year after taking office, when there will be a new vacancy on the Board in any event. Each appointee will still be subject to Senate confirmation, as under current law. Giving the President 3 years of a term with a Federal Reserve Chairman of his own choosing is surely preferable to the possibility under current law of a lengthy period where the President and Fed Chairman cannot work together.

Third, this bill would require the FOMC to disclose immediately any changes in the targets of monetary policy, including its targets for monetary aggregates, credit aggregates, prices, interest rates, or bank reserves.

The FOMC currently keeps major policy decisions secret for 6 weeks after they are made and carried out. Most other Government agencies must not only publish decisions in the Federal Register before they can take effect, most in fact must publish proposed decisions for public comment before they can even be issued in final form.

While secrecy may help insulate the Federal Reserve from criticism, secrecy has two economic costs.

First, secrecy makes capital markets operate less efficiently. The Federal Reserve's position on this can be defended only if you believe that ignorance is better than knowledge. But one of the major conclusions of microeconomic theory is that thorough and complete information is a requirement for markets to work efficiently. This applies to financial markets as well as to markets for goods and services.

Second, secrecy is unfair to small investors. When the Federal Reserve makes a policy change, large investors and Wall Street firms can employ experts to monitor the Federal Reserve and decipher its activities in the financial markets. This gives them an advantage over small investors, borrowers, and others who don't have resources to employ "Fed-watchers" to interpret and anticipate Fed policy changes.

The solution is immediate release of Federal Reserve policy decisions, as the bill would require. This is a change that is widely supported by economists and participants in financial markets.

Fourth, the bill would permit the Comptroller General to conduct more thorough audits of Federal Reserve operations, by removing selected current restrictions on GAO access to the Federal Reserve.

The General Accounting Office is the watchdog of Congress. It carries out that responsibility through financial and program audits of Government agencies. These audits are of tremendous value to Congress. Not only do they ferret out waste, fraud and abuse, they perform the even more important function of telling Congress when programs are not working and where programs can be improved.

For many years, from the mid-1930's to the late 1970's, the Federal Reserve was exempt from GAO audits along with the other bank regulatory agencies, on the grounds that its funds were not appropriated by Congress. In 1978, the Federal Banking Agency Audit Act authorized the GAO to audit the bank regulatory agencies, allowing full audits of the Comptroller of the Currency and the Federal Deposit Insurance Corporation and limited audits of the Federal Reserve. Since then, the GAO has conducted numerous audits of the Fed's regulatory activities. These audits have provided useful suggestions for reducing costs at the Federal Reserve, improving regulatory programs, and strengthening the banking system with no noticeable harm to the Federal Reserve or its effectiveness in regulating member banks.

Currently, the GAO is prohibited access to any Federal Reserve functions involving, first, transactions with a foreign central bank or foreign government, second, any deliberations or actions on monetary policy matters, or third, any transactions made under the direction of the FOMC. Our bill would remove the last two restrictions while retaining the restriction against GAO access to transactions with foreign central banks or foreign governments.

The final provision of the bill would require that the Federal Reserve's annual budget be published in the budget of the U.S. Government. The Fed would submit its budget for the current year and the 2 following years to the President by October 16 of each year, and the President would be required to print the Fed's budget in the Government budget without change.

The Federal Reserve's expenditures are not subject to approval by either the President or Congress, unlike the budgets of other Government agencies.

Despite the fact that the Federal Reserve takes in and spends billions of dollars each year, the Federal Reserve's budget is not conveniently available to Congress or the public. Only a small fraction of the Fed's \$1.7 billion of operating expenses were included in the U.S. Government budget for fiscal year 1993—just the \$115 million of expenses incurred by the Board of Governors in Washington. The details on this part of the Fed's budget, only 7 percent of the Federal Reserve's total spending, appeared in part four of the budget, at the very end of the section entitled "Government-Sponsored Enterprises."

During 1993, the revenues of the Federal Reserve System will be about \$20 billion. A small fraction of these revenues, less than \$1 billion, will consist of payments by banks for services provided by the Fed. Most will consist

of interest received from the Treasury on the Fed's holding of U.S. Government securities, which the Fed acquired during open market operations conducted for monetary policy purposes. Out of this \$29 billion, paid mostly by taxpayers, the Federal Reserve will incur approximately \$1.7 billion in operating expenses. About \$1 billion of this will be for personnel costs. The rest will be for supplies, travel expenses, telephone and postage, printing money, maintenance of equipment, amortization of buildings, etcetera. The remainder of the Fed's revenues will be returned to the Treasury, where it is listed in the budget as an offsetting receipt.

The Federal Reserve Reform Act will not reduce the Federal Reserve's control over its own budget. The bill will not subject the Federal Reserve to the congressional appropriations process, nor will it give either Congress or the administration any control over the Federal Reserve's spending. All it does is require that the data be published conveniently in the U.S. Government budget, where spending by every other Government agency is already listed. This includes the Supreme Court, which has its budget published in the Government budget without any loss of independence.

Adopting the bill would thus implement a basic principle of democracy that no Government agency should take in and spend billions of dollars without having its budget readily accessible to the public.

The Federal Reserve Reform Act is being cosponsored by Representative DAVID OBEY, who will be chairman of the Joint Economic Committee during the 103d Congress. On the Senate side, the bill is also being introduced today by Senator BYRON DORGAN, who also sponsored it in the House last year.

In conclusion, in our Nation, the Government must be accountable to the people. The Federal Reserve, with its enormous power over the economy and the well-being of the American people, does not meet the normal standards of accountability in a democracy. The bills that Representative OBEY and I are introducing today will make the Fed more accountable without impairing its ability to conduct monetary policy. The bills do not impose Presidential or congressional or other outside controls on Fed policy. Instead, our bills address the complex problem of increasing Federal Reserve accountability in a democratic society without jeopardizing the Federal Reserve's independence or injecting politics into monetary policy.

In the 75 years since the Federal Reserve System was created, Congress has made a number of changes in its structure and procedures, adding responsibilities and powers from time to time and periodically revising its relationship with Congress and the administration. The bills that Representative OBEY and I are introducing today continue this process by proposing a handful of evolutionary changes in the practices and structure of the Federal Reserve.

INDIA REPUBLIC DAY: AN OCCASION TO CELEBRATE SHARED UNITED STATES-INDIA COMMITMENT TO DEMOCRACY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. PALLONE. Mr. Speaker, today, January 26, is one of the most important dates on the calendar for the people of India, as well as for Indians who have settled in our country and throughout the world. Today marks the celebration of Republic Day, a national holiday that inspires a degree of pride for Indians akin to the feeling that the Fourth of July engenders in Americans.

On January 26, 1950, India became a Republic, devoted to the principles of democracy and secularism. At that time, Dr. Rajendra Prasad was elected as the nation's first President. Since then, despite the difficult challenges of sustaining economic development while reconciling her many ethnic and religious factions, India has stuck to the path of free and fair elections, a multiparty political system and the orderly transfer of power from one government to its successor.

Although most Americans are perhaps unfamiliar with the anniversary that Indians celebrate today, there is a rich tradition of shared values between the United States and India. India derived key aspects of her constitution, particularly its statement of fundamental rights, from our own Bill of Rights. Just as the United States proclaimed its independence from the British colonial order, so was India born of the struggle for freedom and self-determination. The Indian independence movement under the inspired leadership of Mahatma Gandhi had strong moral support from American intellectuals, political leaders, and journalists. One of the greatest American leaders of the 20th century, Dr. Martin Luther King, Jr., derived many of his ideas of nonviolent resistance to injustice from the teachings and the actions of Mahatma Gandhi. Thus, we see a clear pattern of Indian and American democracy inspiring and enriching one another at every historical turn.

In the years since Indian independence, United States-India relations have not always lived up to the potential that our shared values and commitment to democracy would argue for. Now that the cold war is behind us, there is a growing need for the two largest democracies of the world to come closer and work together on a wide variety of initiatives, from security cooperation in southern Asia to environmental protection initiatives. In 1991, trade between India and the United States was over \$5 billion, and figures from the first three quarters of last year show a 10-percent increase from 1991. Given the recent liberalization of the Indian economy, I expect that figure to rise manifold over the coming years. I also hope that United States companies will initiate joint ventures with Indian companies. Given the number of highly trained personnel in India, it will benefit both countries in the long run. Through the caucus, I will be working for policies that encourage this type of cooperation.

As a means of generating interest and support for better United States-India ties, I am in

the process of organizing a congressional caucus on India. Our goals will include lobbying the new administration to adopt a new focus on foreign policy that recognizes the staggering importance of India, with her 800 million people, as an important partner in building world peace and prosperity. We also intend to enhance the involvement of Americans of Indian descent in our political process. In the coming weeks, I will be contacting my colleagues, urging them to get involved in building a better relationship between our country and India—a truly great world power that has been way ahead of much of the rest of world in its commitment to the democratic values we hold dear.

Once again, let me congratulate India and all of her people on this exciting and special occasion.

NATIONAL BREAST CANCER
STRATEGY ACT

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mrs. LLOYD. Mr. Speaker, today Representative PELOSI and I, along with 23 other breast cancer advocates in the House, are pleased to reintroduce the National Breast Cancer Strategy Act, a comprehensive strategy originally introduced by our friend and former colleague Mary Rose Oakar to attack the epidemic of breast cancer striking American women. Congresswoman Oakar served as a tenacious champion in the battle against breast cancer and has made many important contributions in this area. Her efforts will be carried on through the reintroduction of this bill. This bill is identical to the one introduced in the 102d Congress and endorsed by the Breast Cancer Coalition.

It remains unconscionable that women have been dying for decades, yet we still do not know how to prevent breast cancer nor do we have a cure. It is also a national shame that in our great country, full of the finest talent in the world, breast cancer research has been given so little priority for so long.

The National Breast Cancer Strategy Act is aimed at developing a comprehensive research strategy to end this disease which claimed the lives of 46,500 women and threatened the lives of 181,000 women in 1992 alone. First, the bill would establish an Office on Breast Cancer under the Assistant Secretary of Health to ensure a unified strategy and to coordinate the activities of the agencies of the Federal Government and other public and private entities.

The bill also seeks to establish a Breast Cancer Commission modeled after the AIDS Commission to examine current efforts in both the public and private sectors relating to prevention, early detection, treatment, education, and research on breast cancer. Tragically, 200,000 individuals lost their lives to AIDS during the past decade and 500,000 women lost their lives to breast cancer during the same timeframe. Certainly we can do more to save the lives of women in our Nation from this epidemic and the formation of a commission with national stature offers a good start.

The National Breast Cancer Strategy Act also reaches out to assist our research labs and provides the National Cancer Institute with \$300 million to support biomedical and behavioral research, research training, the dissemination of health information, and other programs pertaining to breast cancer. And, in order to ensure to attract our best and brightest research talent, the bill establishes a Rose Kushner Scholarship Program to encourage breast cancer research efforts in exchange for repayment of educational loans.

Last, but certainly not least, the bill calls for full funding of the specialized programs of research excellence [SPORES] in breast cancer, prostate cancer, and lung cancer.

On behalf of women and families whose lives have been affected by breast cancer, I urge my colleagues to lend their support to this important research bill and cosponsor the National Breast Cancer Strategy Act.

THE COLORADO WILDERNESS
PRESERVATION ACT OF 1993

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. SKAGGS. Mr. Speaker, I am very pleased to introduce today, along with my Representatives SCOTT MCINNIS and PAT SCHROEDER, the Colorado Wilderness Preservation Act of 1993. This legislation is the same as that being introduced today in the Senate. It is the end product of nearly 12 years of very difficult negotiations with and among many interest groups.

This bill reflects a very significant agreement among members of the Colorado delegation. For those familiar with the geography and issues of the West, it will come as no surprise that this long struggle and the agreement in today's bills related primarily to the question of water.

In October 1992, a compromise on water rights language was finally agreed to by all parties and was passed by the Senate in the final minutes of the 102d Congress. Unfortunately, for procedural reasons, the House was not able to act on the bill. The bill I'm introducing today includes the exact same water compromise.

There is nothing that now stands in the way of passing this landmark bill and providing deserving and long-awaited protection for over 766,000 acres of Colorado.

The lands included in this bill are among the best in Colorado, and that is no small distinction.

Many of Colorado's 54 peaks over 14,000 feet high will be granted wilderness protection in this bill, along with some of the largest expanses of alpine tundra in America, hundreds of cascading mountain streams, breathtaking mountain meadows, and thousands of acres of prime old growth forests.

These lands comprise a major portion of those that deserve wilderness protection. Many others have been left out of this bill and deserve further consideration for possible future legislation.

We who are now alive have been entrusted with these marvelous lands as their stewards.

It is our responsibility to ensure that they remain part of the natural heritage that we leave for future generations.

In addition to the many people in Colorado who have worked so hard and patiently to bring us to this point, I thank several key Members of Congress for their help in crafting this agreement. I especially appreciate the efforts of our former House colleague BEN NIGHTHORSE CAMPBELL, who will today introduce this proposal as a new Senator. I am pleased that our senior Senator, Mr. HANK BROWN, is joining BEN in that introduction. Both of these gentlemen have worked together in a thoughtful way to make this consensus possible.

Clearly, also, none of this would be happening without the yeoman's work and sincere personal dedication of recently retired Senator TIM WIRTH. To him, especially, I dedicate this bill.

I also thank Congressmen GEORGE MILLER and BRUCE VENTO, both for their help in reaching compromise on this water issue and for their insistence on a quality product reflecting the important national interests involved here.

The preamble of the Wilderness Act reads, in part:

A wilderness in contrast with those areas where man and his own work dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain.

Nowhere else in the United States Code is there another passage of statutory language with such poetry. This is understandable. Even Congress can have its emotions stirred when it passes a wilderness act.

I urge the House to once more experience that pleasure and make quick work of this legislation. The agreements have been reached, the language is crafted, and, most important, the spectacular wild lands of Colorado await our gentle yet decisive action to protect them for all time.

NATIONAL GOOD TEEN DAY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. TRAFICANT. Mr. Speaker, I am introducing legislation today to designate January 16, 1994, as National Good Teen Day. As you may know, January 16, 1993, was designated as National Good Teen Day by Congress and the administration last year (Public Law 102-503).

The concept of Good Teen Day was created by Mr. Robert Viencsek, instructor of English at Salem High School in Salem, OH. It was at his initiative that Salem City schools, the mayor of Salem and the Ohio House of Representatives recognized January 16, 1992, as Good Teen Day. He brought the concept to my attention last year and asked that I introduce his resolution at the national level.

In both 1992 and 1993, the Salem City school district celebrated the designation with various festivities. This past year, Salem High School held an assembly where essay and art

contestants were honored and excerpts of letters from famous people regarding their teen years were read. I was fortunate enough to be a speaker at the assembly. Mr. Viencek is already planning a statewide Miss Good Teen Day pageant as part of next year's celebration.

I hope that with subsequent national designations, beginning with my 1994 resolution, other communities will begin to observe the creation of a day to focus on the positive qualities of America's youth. Our Nation's teenagers represent an important part of our society. The many physical and emotional changes and character-building experiences that teenagers go through are an important concern. It is often easy to stereotype teenagers as either those who have problems or those who excel. Teenagers should not simply be recognized for their intelligence, abilities, skills and talents, but rather for the good which is inherent in all human beings.

Teenagers are the future of our great country. There are more than 24 million teenagers in the United States according to the 1990 census. Therefore, I believe that Mr. Viencek's idea should not be limited to one locality, but expanded once again to the national level. I encourage my colleagues to join me in honoring the teens across America by cosponsoring National Good Teen Day.

AN OUTSTANDING PUBLIC SERVANT RETIRES

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. MOORHEAD. Mr. Speaker, I rise today to pay tribute to a remarkable public servant.

Richard Dixon, chief administrative officer of Los Angeles County, is retiring after almost 35 years of exemplary service to the people of Los Angeles County. Richard's retirement is an occasion to recognize the important contributions he has made to county government, not just in Los Angeles County, but across the Nation as well.

On March 1, 1987, Richard Dixon was unanimously appointed as chief administrative officer by the Los Angeles County Board of Supervisors. As the chief administrative officer, Richard has the responsibility of administering a county budget of over \$13 billion and some 87,000 county employees. This is no small responsibility, Mr. Speaker, and Richard Dixon has carried out this mission with dedication, energy, and with remarkable creativity and foresight.

Mr. Speaker, prior to his being appointed the chief administrative officer, Richard had served the county with distinction for nearly three decades including stints as county treasurer and tax collector as well as county budget officer.

For his outstanding service, Richard has received many awards from his peers. These have included the City and State magazine's Outstanding County Executive of 1988 Award, Southern California Personnel Management Association's Emery E. Olson Award in 1989, and the Outstanding Public Servant Award from the New York Municipal Forum in 1992.

Richard also has served in many philanthropic capacities, including the immediate past president of the Government Finance Officers Association, member of the corporate board of directors of United Way, advisory board of the UCLA Graduate School of Business, the board of directors and the executive committee of the Los Angeles County Economic Development Corp., the National Association of Counties taxation and finance steering committee, the national board of directors of the Privatization Council, the editorial board of the Municipal Finance Journal, and the board of advisors of the Public's Capital.

Richard is a graduate of Pomona College and UCLA and has been a frequent speaker at the Public Securities Association, National League of Cities, Government Finance Officers Association, and other professional seminars around the country and internationally.

Mr. Speaker, Richard Dixon's long and distinguished career has been one selflessly dedicated to advancing county government and the needs of people. I salute Richard Dixon on the occasion of his retirement. He has been and will continue to be a credit to the county and the other institutions which he so ably has served.

TRIBUTE TO ROSS BASS

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. ROSTENKOWSKI. Mr. Speaker, America lost a distinguished political leader when our former colleague Ross Bass died early this year. He was in Congress for a dozen years and regularly displayed a type of courage and leadership that many of us remember well.

Ross Bass and I served together briefly on the Ways and Means Committee. We shared a belief that government should—and must—play a positive role in American society. He voted for civil rights legislation, for instance, when it was not a popular idea in his home State of Tennessee. Nonetheless, he believed it was the right thing to do—and voted accordingly.

The voters respected his independence, electing him to the Senate on the basis of his record here in the House of Representatives.

At a time when the voters are cynical and suspicious of their elected representatives, it is good to remember this good man. Our memory of his service could serve as an example for many of us today as we confront a new set of difficult problems.

TRIBUTE TO THE CINCINNATI JUNIOR STRINGS

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. GRADISON. Mr. Speaker, as Representative to the Second Congressional District of Ohio, I ask my colleagues to join with

me in recognizing the Cincinnati Junior Strings as ambassadors of good will.

The Cincinnati Junior Strings is a string orchestra of the preparatory department, College Conservatory of Music, University of Cincinnati. It is comprised of 60 young and gifted musicians from ages 8 to 15, representing all racial and ethnic backgrounds from both the inner city and the suburbs.

In June 1992, this impressive group traveled to the Far East to perform in Hong Kong, Singapore, and China. While in Singapore, the Cincinnati Junior Strings performed for the dedication ceremonies of the outdoor amphitheater at the World Trade Center. They also performed three concerts for the Singapore Festival of the Arts. In 2 weeks these young people performed 10 concerts, representing the university and the State of Ohio in exemplary fashion.

I commend the Cincinnati Junior Strings, the directors, and the parents, for dedicating themselves to enriching our society both in the United States and abroad.

A BILL TO AMEND SECTIONS 401(a)(17) AND 401(1) OF THE INTERNAL REVENUE CODE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. COBLE. Mr. Speaker, today I am reintroducing legislation from last term to amend an arcane provision of our Tax Code governing retirement plans. The need for taking this action was brought to my attention by two constituents, James and Cynthia Matthews, who are being penalized pursuant to the Tax Reform Act of 1986 because they are married to each other.

The Matthews are both licensed physicians practicing in a five-person medical group. The organization's corporate stock is divided equally among the members; each participates in a tax-qualified retirement plan.

Section 401(a)(17) of the Tax Code limits the annual compensation for each employee participating in a qualified trust retirement plan to \$200,000. This figure is adjusted annually for inflation. In lay terms, compensation is simply that amount of money attributed each year to an employee who participates in such a retirement plan. As a practical matter, compensation is the basis from which the employee draws his or her benefits upon retirement.

The provision hurts working couples with this further restriction: Any 5-percent owner of an affected company or employee who is one of the 10 highest paid company workers in a given year, his or her spouse, and any of their lineal descendants who have not attained 19 before the close of the year are considered one employee for the purposes of section 401(a)(17). In effect, this means that the Matthews, by virtue of their marriage, cannot participate in their retirement plan as individuals to the same extent as the other three group members.

Congress enacted this measure primarily to discourage small businesses from padding

their payrolls and pension plans with spouses and children of key employees who do little, if any, work. This scenario necessarily contrasts with that involving the Matthews, both of whom routinely devote 70 hours or more per week to their practice. Given this background, the limitations imposed on legitimately hard-working couples by section 410(a)(17) hardly seem fair.

My bill corrects this problem in a narrowly confined and straightforward way. For the purposes of determining each employee's compensation, the restriction attributing compensation between spouses will not apply if both spouses are licensed to perform services in the same professional field and perform these services on a full-time basis for the same employer. This slight adjustment will ensure that both spouses are treated equitably and equally, relative to each other as well as their co-workers. It should be noted that my bill would retain the section 401(a)(17) restriction in all other cases.

In this regard, I more than welcome any suggestions from my colleagues, especially those serving on the Ways and Means Committee, as to how the overall abuse leading to the creation of section 401(a)(17) can be eliminated in a just manner. I am not interested in spotlighting this particular bill so much as I am in supporting a vehicle which can pass and will afford the Matthews and others like them the relief they deserve.

Mr. Speaker, selective application of section 401(a)(17) of the Tax Code is not the front-burner issue of the 103d Congress. But it does speak to a basic concern which permeates all our work: fairness. I urge my colleagues to support me in this endeavor.

TRIBUTE TO JOHNNY MOST

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. MOAKLEY. Mr. Speaker, this month the city of Boston lost one of its most beloved public figures. Johnny Most, the voice of the Boston Celtics for over 37 years, passed away at the age of 70. In a world where the word "legend" is used far too often Johnny Most was the real thing. Johnny's unique style and boundless devotion captured the hearts and minds of Celtics fans throughout the world. His presence "high above courtside" will be sorely missed but not soon forgotten.

Johnny was easily as much a part of the Celtic family as Larry Bird or Red Auerbach. Red has always credited him for creating the Celtics popularity in New England and, other than Red, Johnny is the only nonplayer in Celtics history whose presence elicited immediate standing ovations from the Boston Garden crowd. Tommy Heinson, a former Celtics player and coach, perhaps said it best when he stated that "Johnny Most brought basketball into the kitchens, the living rooms, and, most of all, into young boys bedrooms late at night. He portrayed basketball as a morality play in an area that was known mostly as a hockey town. He made heroes of us all and I dare say there aren't any people today with

pen or word of mouth that could portray it any better than Johnny did."

Johnny Most was possessed with an indomitable spirit and passion that carried over into everything he did. As his health declined in recent years, Johnny remained active in radio and charitable activities. If a child was sick or money needed to be raised for a cause, Johnny would be there if only by sheer force of will. His only love in life greater than the Celtics was for his family, especially his children and it is for this love that he would most want to be remembered.

Johnny Most is an institution in Boston that will not be forgotten and cannot be duplicated. Words will never do justice to the love and affection with which his memory will be cherished. Some are surprised when they find out that Johnny's avocation in life was poetry. Celtics fans everywhere, though, know that Johnny Most was poetry every time that he picked up a microphone.

THE EIGHTH ANNUAL OBSERVANCE OF THE BIRTH OF MARTIN LUTHER KING, JR.

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. SAWYER. Mr. Speaker, on Monday, January 18, 1993, we observed the 64th anniversary of the birth of America's greatest civil rights leader, Dr. Martin Luther King, Jr.

Martin Luther King, Jr. was the central force in the civil rights movements during the time of its greatest achievements, from 1957 to 1968. The civil rights movement was not a struggle for black Americans alone. It was a struggle to ensure equality of opportunity for all Americans. While imprisoned for demonstrating in Birmingham, AL, Dr. King issued his "Letter from Birmingham City Jail," in response to his critics. In that letter he stated, "Injustice anywhere is a threat to justice everywhere." This statement is just as true today as it was when it was written 30 years ago.

This year is a very special year for the King family and the nation as a whole. Nineteen ninety-three marks the 10th anniversary of the establishment of the Martin Luther King, Jr. Federal Holiday Commission, on which I have the pleasure to serve; the 10th anniversary of the enactment of the King holiday; the 25th anniversary of Dr. King's tragic assassination in Memphis, TN; and the 30th anniversary of the March on Washington and Dr. King's timeless "I Have A Dream" speech.

Nineteen ninety-three also will be a year of opportunities. We have a new administration and Congress that better represent the diversity of our country. Now is the time to renew our commitment to Dr. King's legacy of equality and social progress through nonviolence. Now is the time to address the consequences of rapid change in the racial and ethnic composition of our population. Now is the time to prepare our young people to participate fully in a service-oriented economy that often demands a higher level of skills and training. Following these steps is the only way that we can keep Dr. King's dream alive for all of us.

I want to commend the work of the Martin Luther King, Jr. Federal Holiday Commission. In particular, I want to recognize the selfless work of its Chairperson, Mrs. Coretta Scott King; its executive director, Mr. Lloyd Davis; and the many dedicated and committed staff members. When the Commission first began its work, only 17 States observed the King holiday. Today, thanks to the coordinating efforts of the Commission, all but one State observes Dr. King's birthday with a paid holiday, and over 100 foreign countries celebrate the occasion, as well.

In providing assistance and guidance to States and organizations with respect to the observance of the King holiday, the Commission responds to thousands of inquiries and distributes a wide array of educational materials. The Commission also publishes a newsletter, *Living the Dream*, which provides information to holiday observers around the country.

Equally important, the Commission has sponsored activities which promote Dr. King's goals of racial equality and nonviolent social change. His teachings are promoted through the Commission's participation in projects on issues such as drug abuse, illiteracy, voter registration, and urban economic development.

This year the Commission is planning some very exciting events. Included among these events are a unity ceremony; an observance at the Lincoln Memorial on the 30th anniversary of the historic March on Washington, which will include the dedication of the First Amendment Museum; and the National "I Have A Dream" Youth Assembly.

The First Amendment Museum will honor individuals, such as Dr. King, who went to the Lincoln Memorial to exercise their rights of freedom of speech, assembly, and petitioning the government to redress wrongs. The concept for this museum originated from a group of Scottsdale, AZ, high school students who wanted to become involved in the democratic process and committed themselves to a project that will help pass on Dr. King's legacy to future generations. While this project was not directly sponsored by the Commission, the Commission should be recognized for the substantial technical and educational assistance it provided to the Department of the Interior.

The 5th Annual National "I Have A Dream" Youth Assembly will be held in Washington, DC. The first youth assembly was attended by approximately 210 young people. Since that time, attendance has grown to over 900. The assembly is built around Dr. King's appeal for youth to make a career of humanity by committing themselves to becoming better persons, helping America to be a greater nation, and working for a finer world in which all persons might live freely with justice and opportunity.

These two events get to the heart of what the Commission is all about: passing Dr. King's legacy and teachings to our children who will shape the future of the community of nations.

As chairman of the Subcommittee on Census and Population, which has oversight responsibility for Federal holidays and holiday commissions, I would be remiss if I did not mention that the Commission's work has been

hampered by a lack of sufficient funds. The Commission received no Federal funding prior to 1990, and experienced difficulty developing a successful fundraising program, due primarily to the competition of hundreds of other worthy causes seeking assistance from a shrinking pool of private funds.

Fortunately, support for the King holiday continues to grow. Thus, the commissioners, directors, staff, and volunteers press on.

Achievement of social change through non-violent means in the former Soviet Union demonstrates the universality of Dr. King's principles and message. As we contemplate Dr. King's influence worldwide, we must face a continuing challenge here at home. It is a challenge to carry out Dr. King's unfinished agenda and a vision which consists of peace, racial and cultural harmony, and inclusiveness.

Now, more than ever before in our Nation's history, achieving racial and cultural harmony is a necessary goal and a formidable task. Results of the 1990 census revealed that the fabric of our population is more diverse than ever. Twenty-five percent of us are people of color. During the 1980's, the black population increased by 13 percent; the Asian population more than doubled; the Hispanic population grew by 53 percent; and the native American population rose by 38 percent. As we all are aware, cultural and language differences can often lead to social division and economic inequality. As Dr. King stated in this "I Have A Dream" speech, "We cannot walk alone." We can't.

The King holiday presents the opportunity for us to renew our commitment to Dr. King's dream of achieving racial harmony, cultural tolerance, and equality of economic opportunity. His vision must be our vision. His principles must be our guide. His hope must be the hope of our youth.

THE OCCASION OF THE CITY OF
NORWALK'S COMMUNITY TRIB-
UTE TO BOB WHITE

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. TORRES. Mr. Speaker, I rise today to recognize my good friend, Bob White, former mayor of the city of Norwalk. Bob is being honored for his 24 years of dedicated public service at a special ceremony on January 30, 1993.

Bob was born and raised in Norwalk, CA. In 1943, he received his bachelor of science degree in education from the University of Southern California. He also completed a variety of graduate courses at California State University, Los Angeles, and at the University of Southern California. A veteran of World War II, he served in active sea duty for the U.S. Coast Guard. In 1943, he married his lovely wife and partner, Frances. They have two children and five grandchildren.

In 1946, Bob began his 34 year teaching career with the Los Angeles Unified School District. He served as a teacher and coach at Washington High School from 1946-68. He then joined the faculty at South Gate High

School and taught a variety of classes, including physical education, math, and drivers' education, until his retirement in 1980. As an adjunct to his teaching career, Bob spent 12 years as a professional baseball player and manager with the New York Yankees organization. He also managed the Salt Lake City Bees.

Bob's service to the people of Norwalk has spanned over two decades. He served five terms as mayor, and numerous terms as a council member. During his 24 years, the city of Norwalk has grown in size and stature, and today is one of California's finest cities. His legislative accomplishments included implementing major residential, commercial, and industrial revitalization, significant transportation projects, and a variety of social service programs.

While maintaining an active role in civic service, Bob also has been a member of the Southeast Recreation and Park District Board of Directors, March of Dimes-Norwalk, and Boy Scouts of America-Frontier District. He has held positions with the League of California Cities, Southern California Association of Governments, National League of Cities, U.S. Mayors, and California Contract Cities Association. In 1984, he was elected as an alternate member of the Los Angeles County Transportation Commission and in 1989, was appointed to the League of California Cities Transportation Committee.

Mr. Speaker, it is with pride that I rise to recognize my friend and one of Norwalk's esteemed residents, Bob White, and I ask my colleagues in the U.S. House of Representatives to join me in saluting him for his outstanding record of service to the residents and community of Norwalk.

LAWYER REFLECTS ON ERA AS
KING OF THE COURTS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. JACOBS. Mr. Speaker, if you have not yet met Owen Mullin, you have not yet met the most unforgettable character you could ever meet.

Indianapolis Star writer Joe Gelarden was exactly the right person to describe this latter day Clarence Darrow, Indianapolis's Owen M. Mullin.

[From the Indianapolis Star, Nov. 29, 1992]

LAWYER REFLECTS ON ERA AS KING OF THE
COURTS

(By R. Joseph Gelarden)

Once upon a time, Deputy Prosecutor John Commons was skillfully presenting his case in a major murder trial. It seemed to be going smoothly.

Out of the blue, one of the defense lawyers asked a prosecution witness if the police had given one of the codefendants special treatment—chicken dinners and conjugal visits with his girlfriend—while in custody.

The questions forced Commons to switch his strategy. Now he had to spend much of his time defending the police and making excuses for their actions.

On final argument, the defense lawyer argued his client was innocent—that he was

really the victim of a conspiracy between the police and the defendant who got the special favors.

Verdict: Acquittal.

Commons was stunned. "I had been Mullinized," he said.

For more than a generation beginning in the mid-1950's, it was a good bet that a deputy prosecutor seen walking from a courtroom with a blank look after losing an open-and-shut case had been "Mullinized."

The prosecutor's office once required rookies to attend training sessions to guard against the ailment, which had a simple cause: a smallish, gray-haired, smiling Irish lawyer named Owen M. Mullin.

Lawyers, judges and cops agreed: "Ownie" was the best. In Indianapolis, he was the man. The guy that bank robbers, politicians and even the cops went to when they got in Dutch. Despite a mid-career slip that got him in a jam of his own with the tax man, Mullin got the big cases. The old lawyers still told their new legal associates to sit in on this trial or that trial and watch Ownie work. They would marvel at his ability to take over a courtroom with his style, flair and demeanor.

In an era that demanded that lawyers don three-piece suits and use pseudo-Victorian English, Mullin would simply talk to the jury, joke with the jury and, most of all, convince the jury his client was really the victim—of the system.

He's 75 now. His gray mane is thinning on top, his official office is closed, his longtime aide Bobbi Kennison, likewise a courthouse fixture, has retired. By the end of the year, Mullin will have only a handful of cases left. He is semi-officially retired, unless, of course, somebody (with cash) calls with a simple case that won't take much time.

FROM HUMBLE BEGINNINGS

The Ownie Mullin story reads like a textbook study of the American Dream.

A tough kid, only a generation removed from Ireland's poverty, uses pluck and brains to rise from Fountain Square and Irish Hill to the inner circle of city leaders. After his political career, he parlays his gift of gab and connections into a successful criminal law career.

Mullins was born in 1918, two blocks from Fountain Square, the son of a woman born in Ireland's County Mayo and a man one generation removed from Mayo.

Mullin was reared in "the old neighborhood," as the St. Patrick Catholic parish was called. His father was a mailman, three uncles were cops, and his brother Jim is a retired cop. He graduated from the old (pre-Emmerich) Manual High School in 1935 with a special award for scholarship but the Depression postponed college.

"I was lucky to get on with Gregg Cleaners as a dress washer for \$11 a week for a 54-hour week," he said.

It had taken him five years to work his way up to a route truck driver when the pre-war draft registration came along.

"In December 1940, a sergeant promised me that if I enlisted, I would get out in one year. That all changed on December 7th, 1941, when Japan attacked Pearl Harbor."

Mullin, by then an Army sergeant, quickly found himself in officers' training. Soon he was a captain, commanding an infantry company based in England. Then came D-Day and the invasion of Europe.

"A few weeks after the landing, we found ourselves racing into Cherbourg and into the Saar, where the real fighting began."

That fighting took him through France and Belgium and into Germany, where an en-

emy's artillery shell put him in the hospital for a while. When he rejoined his outfit, the 87th Division, the unit raced around the Siegfried line in Germany, shot through Coblenz and ended the war in Czechoslovakia.

When he got home from World War II, Mullin worked for a while as an Associated Press copy clerk, then went to Butler University on the GI Bill. After a couple years, he went to Indiana University Law School, passed the bar and hung out his shingle.

Even with a brand-new shingle, Mullin found it tough to break into the law business. Like many of his classmates, he found his military training had taught him more than one way to solve a problem.

Along with guys such as Phil Bayt and John Christ, Mullin drifted into politics and quickly acquired some clout.

Bayt was elected mayor in 1950. For men such as Christ and Ernie Burke, political work led to seats on the Municipal Court bench.

For Mullin, it was a dual success: He was appointed city attorney and elected county and district Democratic Party chairman.

Party infighting led Mullin to resign as city attorney and re-enter private law practice in the late 1950s. His chances for a fair hearing had improved, he says: with his pals Burke and Christ on the bench, "things got better for me."

MAKING HIS CASE

Several years ago, a deputy prosecutor urged the jury to disregard the antics of the defense lawyer. "Don't believe anything that doesn't come from the witness stand," he thundered.

Moments later, the defense lawyer began his final argument by walking over to the witness stand and sitting down.

Mullinized again. Mullin says he lost his first nine jury trials, and felt he would never become a success. Then he started watching the good trial lawyers, men such as Dave Lewis, Sam Blum and Ed Ryan.

"I figured that criminal law is like poker. There are a few rules, like, you don't put your guy on the stand and try your case when you are questioning prospective jurors. "But you can use strategy within the rules. Using that tactic, you could make your case about three times with each juror."

"Well, that changed everything. I tried to indoctrinate the jury and convince them that my man was a helpless pawn and the victim of those crooked police."

And if Mullin did it just right, he had a jury that was leaning toward him from the start.

Once the jury was seated, Mullin would listen to the evidence and absorb it, but rarely get into a debate over side issues. "Each case turns on one or two points. I concentrated on them," he said.

"On cross-examination, I would do things like get the police to admit that they were supposed to take notes about everything, but they don't, so I would always criticize them for sloppy police work."

Mullin rarely made an opening statement. Instead, he told the jury he would present evidence from the witness stand. But he had already made his points again and again as the jury was being picked.

Then he would cross-examine prosecution witnesses for "as long as the judge would let me."

Mullin explained that in the old days, lawyers could cross-examine witnesses over just about anything. Questions such as: "It's a fact you ran around with so-and-so's wife at a time when . . . ?

"I would ask stuff that didn't have anything to do with the case. But it made the (prosecution witness) look less than credible. You can't do that anymore. But I did it for about 30 years."

TESTING THE LIMITS

In one case, Millin was defending a woman accused of murder. She had passed a lie detector test, but the prosecutor could keep any reference to the test out of evidence by offering an objection.

Mullin wanted jurors to know about the lie detector test, but every time he tried to get it before them, the prosecutor would object.

So he questioned a police detective over and over, getting deeper and deeper into the case. It was a Friday afternoon and the jury, judge and lawyers were anxious to go home for the weekend. But Mullin kept up his questioning.

Finally, he asked the detective if one of the witnesses used to live at another address. The detective didn't remember.

Mullin saw an opening: "Wasn't that discussed at the bond hearing (held before the trial)?" The detective said he guessed so.

Mullin said: "If the prosecutor has no objection, to save time, I'll just put the transcript of the bond hearing in evidence." And the prosecutor said OK.

Then Mullin asked one of his legal associates to read the transcript—which contained the information that the woman had passed the lie detector test.

The prosecutor was livid—and Mullinized.

FOLLOW HIS RULES

Mark Shaw, a Brown County lawyer and former Mullin associate, calls the affable Irishman his mentor.

"I have practiced with two of the nation's best lawyers: F. Lee Bailey and Melvin Belli. I have seen other big-timers, Gerry Spence and James Neal. Ownie was head and shoulders over those guys," Shaw says.

Here is Shaw's version of Mullin's rules of the criminal law practice:

Learn the names of the jurors—first and last. In your final argument, you say Mr. Smith or Mrs. Smith. Name all 12 of them as though you have known them all of your life.

You need only one juror on your side. The prosecutor needs all 12 to vote for conviction.

It is never "the defendant and the defense lawyer." It is "we." The jury will decide guilt or "innocence on the basis of both of you.

You must talk about "we." Put your hands on the defendant—even if the guy is an ax murderer. Show your personal feelings—your positive feelings, anyway—about the defendant.

Make the jury think about everything but the evidence. Pound jury members with the reasonable-doubt argument. Even if it has nothing to do with the case, give the jury a reason to find the defendant not guilty.

Sometime in the late 1970s, they changed the rules on Mullin. The Supreme Court and the Indiana General Assembly got tough with criminals and their lawyers.

In recent years, Mullin has slowed down. It was not as much fun as it had been. The men charged with bank robbery and tavern fight shootings were replaced with child molesters.

"Look, at that time, the law was a paradise for someone like me. It was vague, outmoded. I knew the way around the rules then, and the strategy of most cases was the same," he said.

The change came with the passage of the Indiana Criminal Code of 1977. Lawmakers

began requiring consecutive sentences and got serious about the habitual-criminal laws. Judges started handing out long sentences.

Mullin is philosophical about the change.

"The average guy, the only crime he commits is when he gets drunk and drives his car into someone. Well, unless you have a lot of money and can get someone like (Indianapolis lawyer) Jess Paul, one of the better drunk-driving defense lawyers in the country, you are going to get convicted."

But the cap on his career came when prosecutors began to file more and more child molestation cases.

"As a defense lawyer, I believed that most of them (his clients) were not guilty."

In most cases, he says, criminal prosecution is not appropriate.

"In my 45 years of practice, unfortunately, it seems to me that most child molesters are sick people. I am not sure we are helping them with the criminal justice system."

NOT WHAT IT USED TO BE

For Mullin, once the king of the Indianapolis criminal court lawyers, the guy who used to enjoy using his wits and style to beat the odds and keep his man out of jail, the rules changed the game he loved.

"Walter Myers Jr., a good lawyer, once asked me why I wanted to practice law. I answered that I like the idea of taking a guy against the odds and winning a case.

"He told me I would be disappointed. In most cases you will have, nobody wins. Everybody gets hurt."

Mullin looked at his desk, and smiled as he reflected on the statement.

Then he said: "Myers was right."

TRIBUTE TO STEVEN BERNHEIM

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. ACKERMAN. Mr. Speaker, I am honored to pay tribute to Steve Bernheim, who recently retired as lieutenant governor of the Long Island North Division of Kiwanis International, having served in that capacity from 1991 to 1992. In addition, Mr. Bernheim was a member of the Nassau East Kiwanis Club, and served as its distinguished president for two terms. Steve has made praiseworthy contributions toward improving the lives of his fraternity, his friends, and his neighbors.

Steve is the New York district chairman for public relations and, presently, serves as assistant to the president/director of communications at the State University of New York College of Technology at Farmingdale. Before coming to the field of higher education, Mr. Bernheim was a journalist, and he also worked in numerous government positions.

Steve has been active in many professional organizations at both local and national levels. Currently, he is serving as chairman on sports safety for ASTM and has been a well-known professional sports official with the National Hockey League for the past 21 years. In addition, he is a nationally recognized expert in the field of sports litigation.

Steve has been able to balance his active community involvement with his commitment to his occupation. Mr. Bernheim is a practicing attorney and partner in the Massapequa, NY law firm of Stuart E. Davis, PC. Steve and his

wife, Nancy, have been involved in various philanthropic and community activities and they pride themselves on their commitment to the betterment of the Long Island community.

Mr. Speaker, individuals like Steve Bernheim help to make Long Island, and our Nation a better place in which to live.

LEGISLATION TO REPEAL THE SOCIAL SECURITY EARNINGS LIMIT

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. FIELDS. Mr. Speaker, today I am introducing legislation that will repeal an outdated Federal regulation that forces older Americans to quit their jobs or face a reduction in Social Security benefits if they continue to work.

Currently, people aged 65 to 69 lose \$1 in Social Security benefits for every \$3 they earn over \$10,560. This penalty on senior citizens who draw Social Security and also continue to work was first enacted during the Depression era when jobs were scarce. The theory behind the earnings test was that persons should receive retirement benefits only if they are out of the work force.

However, the economic realities of the 1930's no longer apply to the labor force demands of today. America now faces a shrinking employment pool. Yet under current law, employers are deprived of some of the most hard-working, dependable, and highly skilled participants of our labor force. In fact, it is estimated that 700,000 older Americans would enter the work force if the Social Security earnings test was eliminated.

Those people who paid into the Social Security system their entire working life should not be penalized because they continue to be working, productive citizens. Many senior citizens remain active in the work force for the benefit of their emotional, mental, and physical health. Others simply need the supplemental income for expenses that fixed incomes cannot support. Reducing people's Social Security benefits because they continue to earn money just doesn't make any sense.

Mr. Speaker, similar legislation has been introduced by several of my colleagues. Repealing the Social Security earnings limit is an idea whose time has come. I will work with my colleagues to ensure that this issue remains a top priority for the 103d Congress so that older workers receive the financial security they deserve.

FAIR MARKET GRAZING FOR PUBLIC RANGELANDS ACT OF 1993: TIME TO STOP FEEDING OFF THE TREASURY

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. SYNAR. Mr. Speaker, I rise today along with my good friend Representative RALPH

REGULA of Ohio to introduce the Fair Market Grazing for Public Rangelands Act of 1993. Enactment of this measure will be good for both the taxpayers and the environment.

The Fair Market Grazing for Public Rangelands Act will improve the management of 250 million acres of publicly-owned rangelands administered by the Department of the Interior's Bureau of Land Management and the Department of Agriculture's U.S. Forest Service. Equally important, this act could save the taxpayers more than \$325 million over the next 5 fiscal years.

Mr. Speaker, in 1934, in the midst of the Dust Bowl era, Congress enacted the Taylor Grazing Act in an effort to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, and to provide for their orderly use, improvement, and development. But it has not been an easy job.

This year the taxpayers may lose another 80 cents for every dollar spent to administer the Federal Grazing Program. Notwithstanding this sorry performance, the Federal grazing fee has actually declined in each of the past 2 years from \$1.98 per Animal Unit Month [AUM] to \$1.86 per AUM, even though private land lease rates and other market indexes have consistently increased—an Animal Unit Month is the amount of forage required to sustain one animal unit—a cow and calf, mature horse or five sheep—for 1 month. An AUM is a standard unit of measure used to price forage regardless of the carrying capacity—or biological productivity—of any particular tract of land.

Mr. Speaker, the benefits of low-cost Federal grazing have not been widely shared. Public rangeland grazing permit holders complain that it costs them a lot more to operate on Federal lands. I question that assertion to be sure, they have to handle their cattle, pay veterinarians bills, dig stock ponds, fix fences, provide salt, transport stock to pasture and sometimes the animals must be replaced. But ranchers all over the United States have the same expenses and they must either buy and pay taxes on their own land, or pay \$4.25 to \$11 per AUM to a State wildlife agency for grazing rights, or pay as much \$20 per AUM to lease private land.

Only 2 percent of the 932,000 cattle producers in the country graze their cattle on Bureau of Land Management and Forest Service land. Only 23,600 ranches and farms of the total 240,300 livestock producers in the 16 Western and Great Plains States have public rangelands grazing permits, with 14 percent of these producers grazing livestock on both Forest Service and BLM administered rangelands.

For years, many of my Oklahoma constituents—and many of the people who oppose Federal grazing fee increases—have told me: "Congressman, what you need to do is run the Government more like a business!" Well I agree. It is time to run public rangelands more like a business. After all, what is wrong with the marketplace? I think marketplace principles are the essential ingredients needed to allow the taxpayers to improve the management of 250 million acres of public rangelands administered by the Department of Interior's Bureau of Land Management and the Department of Agriculture's U.S. Forest Service.

Running the Government more like a business does not mean that livestock grazing

should be removed from public rangelands. In fact, I think that livestock grazing is a valid and valuable use of suitable public lands when it is managed by resource professionals. I believe that proper livestock grazing on public rangeland can benefit wildlife habitat, by managing both wildlife and livestock in concert. And, I am convinced that a healthy livestock industry is an important element in maintaining western open space.

Although I have repeated those observations in virtually every statement I have ever made on Federal grazing, many of my detractors continue to accuse me of wanting to "get cattle off public lands." That is simply not true. My efforts have always focused on the economics of public land ranching rather than any arguments of special interest groups. Unfortunately, instead of joining a debate on the facts, many public land ranchers have preferred to see any effort to discuss this important public policy issue as a threat to rural lifestyles, Western values or anything but the unreasonably low cost of Federal grazing rights.

Believe it or not, I have never singled out grazing fees or public land ranchers. In fact, I favor placing all resource uses on public lands—including western range programs—on a "pay as you go" basis. I think it is time for Congress to give all commercial use of public lands a good dose of free enterprise.

However, Mr. Speaker, I do not believe that retaining below-cost grazing rights for the 23,600 public rangeland livestock producers is essential to maintaining Western values. It is quite the opposite. I contend that Western virtues of self-reliance and independence are poorly served by a policy that protects a few producers from competition and the market place. I think the merits of the Western way of life will survive a reasonable increase in Federal grazing fees. It will be good for both the taxpayers and good, old fashioned competition.

The existing Federal grazing fee formula is fatally flawed. It only protects public land ranchers from the rigors of the marketplace by keeping the Federal grazing fees unrealistically low. Even the Secretaries of the Interior and Agriculture have admitted that the current grazing fee formula overstates the costs of doing business by "double counting" the expenses of doing business on public lands. As a result, the formula is not fair to the taxpayers. And it is not fair to private land ranchers who must compete against Federal Government subsidies.

While Federal rangeland issues have been a source of continuing political controversy and debate throughout most of this century, the arguments have changed very little since the first grazing fees were instituted in 1906. In fact, whenever I prepare to debate these questions, I am reminded of the words of Representative John Andrew Martin of Colorado during the debate on the Taylor Grazing Act:

As I listened to the debate this afternoon I reflected that Members of this body could go back into the debates of Congress 25 or 26 or 28 years ago, and not only find everything that has been said against this bill here this afternoon but 20 times more.

It is true, the same arguments you will hear today were made 58, 80 and 87 years ago. Each time Congress considers charging fair

market value for the privilege of grazing on public lands, the same old arguments are raised to prevent it. I think it is time for a change.

Today, more than 58 years after passage of the Taylor Grazing Act, much of the public rangeland is still in unsatisfactory condition. In fact, the Bureau of Land Management's own reports show that as much as 60 percent of the public rangeland will continue to be in fair to poor condition well into the next century.

According to a recent report by the Secretaries of the Interior and Agriculture, the Federal Grazing Program costs more than \$73 million to administer, but grazing fees equal only \$27 million—of which, more than \$5 million was sent back to the States. So even the past administration admitted that the annual subsidy to grazing program from the taxpayers is at least \$50 million each year.

The only people that would be harmed by raising Federal grazing fees would be those people who have these under-priced Federal grazing leases. They would lose their subsidy and have to compete with the other 98 percent of all livestock producers, who have no Federal leases.

We will all have to make sacrifices to put the Federal Government back on track. Government charity is as difficult to stop on western rangelands as it is in the ghettos of our major cities. Since cattle prices have been at a reasonably high level for the past 3 years, isn't it time that everyone paid their fair share? I think it is.

I introduce this legislation today, because I am concerned about the future of our rangelands. I want to head grazing management in the right direction. I believe that unless grazing fees are increased, the taxpayer will continue to subsidize livestock that represents only 2 percent of total U.S. meat production; the costs of the grazing program will continue to exceed receipts; and the Government will continue to encourage overgrazing of our public lands.

Mr. Speaker, I believe Congress should begin to phase-in a more realistic grazing fee beginning immediately. The Fair Market Grazing for Public Rangelands Act of 1993 does just that. This new Federal rangeland grazing fee structure would produce a fiscal year 1993 grazing fee for Bureau of Land Management and U.S. Forest Service lands in 16 Western States of \$2.56 per AUM. National Grasslands and so-called Eastern National Forests are covered by other rules and regulations and are therefore excluded from this measure. Beginning in fiscal year 1994, the balance of the fair market value for Federal grazing rights would be phased-in as the Federal rangeland grazing fee is increased by no more than 33 percent per year until it is equal to the so-called westwide application of a modified market value fee system as described by the Secretaries of Interior and Agriculture in reports to Congress in 1986 and 1992. Under this so-called Modified Market Value Fee System, the fiscal year 1994 grazing fee would be approximately \$3.41 per AUM. The fiscal year 1995 fee could be raised to \$4.52 per AUM. And, in fiscal year 1996, the grazing fee could increase again to \$5.36 per AUM, depending on market conditions.

As a result of this action, Congress could reduce the gazing subsidy significantly over

the next 5 fiscal years. In turn, these savings can be used to fully fund Federal range improvement activities on a "pay as you go" basis.

Simply stated, Mr. Speaker, the Fair Market Grazing for Public Rangelands Act of 1993 requires the return of reasonable value for the lease of publicly-owned assets. It is fair. It is reasonable.

I urge all of my colleagues to join as co-sponsors of the Fair Market Grazing for Public Rangelands Act of 1993. It will be good for both the taxpayers and the environment.

TRIBUTE TO LT. CHRIS L.
DICKERSON, U.S. NAVY

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. SISISKY. Mr. Speaker, Lt. Chris Dickerson, U.S. Navy is completing his tour of duty as liaison officer at the Department of the Navy's Office of Legislative Affairs. I would like to take this opportunity to recognize some of his superlative accomplishments.

Chris received his commission from the U.S. Naval Academy in 1984 and was later designated a naval flight officer in April 1986. Chris gained operational experience flying the F-14 Tomcat aircraft, serving with VF-101 and VF-142 at NAS Oceana. In addition, Chris served on the joint staff.

Since reporting to the Navy's Office of Legislative Affairs in January 1991, I have had the opportunity to observe his performance on both a formal and informal basis. I personally relied upon him to organize and execute a major congressional delegation to the North Atlantic Assembly in Madrid, Spain. Chris' efforts, enhanced our relationship with our NATO allies. As a well seasoned traveler, escorting a myriad of Members of Congress and their staffs, Chris epitomizes the highest standards of professional conduct, leadership, and desire for perfection.

Chris has been instrumental in maintaining the flow of information between the Navy and Congress. He has promptly resolved thousands of time sensitive and difficult congressional inquiries. He operates easily under pressure and his advice is always accurate.

I have every reason to expect that Chris will perform in an outstanding fashion in his next assignment to carrier air wing two, NAS Miramar, CA. The Navy should continue to task Chris with the toughest of assignments.

Lt. Chris Dickerson is respected for his knowledge and honesty by my colleagues on both sides of the aisle. I know that they as well as I, will miss him and wish him "fair winds and following seas."

HONORING AIR PRODUCTS AND
CHEMICALS, INC.

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. ZIMMER. Mr. Speaker, IndustryWeek recently named the Air Products and Chemi-

icals, Inc. facility in South Brunswick, NJ as one of America's Best Plants of 1992.

The managers and employees of Air Products won this accolade because of their teamwork and their dedication to quality. The role of management at this South Brunswick plant is clear; it is to serve the workforce. The plant is an example of what can be accomplished when employees and managers work together.

The plant's strong employee involvement and empowerment programs have made it one of the 10 most innovative plants in the United States. Once a month, workers are encouraged to share ideas for improvement with management. In these meetings production workers are able to earn trust and accountability. As a result, they work more hours unsupervised than they do supervised.

Since opening in 1974, the plant's goal has been to strive continuously to achieve optimum efficiency. With the installation of a state-of-the-art recycling system and implementation of improved yield programs, the plant has been able to withstand two serious recessions without laying off a single worker.

Mr. Speaker, I ask my colleagues to join me in saluting the South Brunswick facility as a model for all American industry.

IN HONOR OF RAY RAWSON, JR.

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. BILBRAY. Mr. Speaker, I rise today to honor the life of a longtime Nevada resident and mourn the passage of Ray Rawson, Jr.

A longtime Las Vegas resident and father of State Senator Ray Rawson, Mr. Rawson had resided with his family in Las Vegas since 1952. A master carpenter, he started Rawson Construction, Co., and specialized in custom homes and other buildings in the Las Vegas area.

He served his country during World War II by assisting the fledgling nuclear research program in building underground bunkers in Washington State. Eventually, after two decades of experience in the southern Nevada building industry, he retired with his wife, Mable, to Logandale, where he tended to his orchard of grapes, apricots, and peaches.

Throughout his life, Ray Rawson continued his active involvement in the Church of Jesus Christ of Latter-day Saints. He served as elders quorum president and a second counselor in the high priests. He and his wife served as volunteers in the St. George LDS Temple.

I ask my fellow members to join me now in honoring the passing of this vital member of the southern Nevada community and expressing our deepest sentiments to his family.

IS THIS PROGRESS?

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. EMERSON. Mr. Speaker, last Friday, on the 20th anniversary of Roe versus Wade, President Clinton signed several Executive Orders which reversed many of the pro-life policies that have developed over the years. With a stroke of the pen, President Clinton has determined that taxpayer dollars will be used to refer pregnant women to abortion clinics, that abortions will be provided in federally-supported military hospitals overseas, that Federal dollars will be used to support the practice of inducing abortions for fetal tissue research, and that Federal taxpayer dollars may now be given to organizations which actively promote abortion in other countries. The result of all of this is clear: Federal taxpayer dollars will be used to support a multimillion dollar industry that survives by taking the lives of unborn children, even though an overwhelming number of Americans do not support Federal funding of abortion.

President Clinton campaigned on the theme of "change." This may be "change" Mr. Speaker, but is it progress?

TRIBUTE TO ELIZABETH M. RAUCH

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. TALENT. Mr. Speaker, I rise today to honor Elizabeth M. Rauch, an outstanding individual who I am privileged to represent from Missouri's Second Congressional District. This week she is being honored as the St. Charles County, MO Chamber of Commerce's Person of the Year, in recognition of her lifetime devotion to others.

Ms. Rauch is a role model for all Americans. She gives of herself, not for personal betterment, but for the improvement of those around her. Over the years, Ms. Rauch has joined numerous community organizations, and she has left a lasting impact on each of them. She has always quickly earned the respect of her peers and, as a result, is greatly valued by them. She has held leadership positions in many of these organizations, and has made each of them better.

Not surprisingly, she has often received each organization's highest level of recognition. When she volunteered for the local Red Cross, she became chairman of their junior program, their hospital volunteers program, and their blood service program. In recognition, she was awarded the Red Cross Clara Barton Service Award. At a local school, the Academy of the Sacred Heart, she founded a mother's club to get parents more involved with the school. Now, years later, she chairs their endowment fund. She supports local Lindenwood College by serving on the board of directors. And she continues to support her local hospital, where she has been a volunteer for 34 years, by serving on their advisory board and their foundation board.

This Friday, she will once again be honored—this time as the chamber of commerce's Person of the Year. Incidentally, this is not the first time the chamber has recognized her contributions to the St. Charles community; 8 years ago she was awarded the chamber's Humanitarian Award.

Mr. Speaker, Elizabeth Rauch is a truly remarkable woman. It is a great honor for me to represent such an outstanding individual in Congress.

THE REPRODUCTIVE FREEDOM PROTECTION ACT

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mrs. LOWEY. Mr. Speaker, we are embarking on an important mission on behalf of women and physicians across the country. I have introduced legislation aimed at reducing the rash of abortion-related harassment which is on the rise around the country.

While much of Congress' legislative focus in the past has rightly been on thwarting the policies of antichoice administrations, we must now confront antiabortion groups that have taken the law into their own hands and are successfully reducing access to abortion in communities around the Nation.

Extreme radical activists within the anti-abortion movement are acting as vigilantes, not only in blocking clinics, but in harassing, intimidating, and threatening doctors. They are picketing homes, frightening children, and threatening the lives of abortion providers. Through these despicable means, they are making it difficult, if not impossible, for women to obtain abortions. In effect, they are saying that it does not matter what the Supreme Court or elected officials say. These people intend to impose their own views on American women through extra-legal means. Today we remind those groups that abortion is still legal in this country, and that we are committed to keeping it that way.

One courageous abortion provider, Dr. Sue Wicklund, flies 200 miles from Minnesota to North Dakota each week to provide abortion services. Why? Because she is committed to preserving the right to choose for women in a State that has no abortion providers of its own. And her reward? Her home is picketed, her driveway blocked, and fliers have been distributed at her daughter's school saying that Dr. Wicklund is a baby killer. Her pleas for help to local law enforcement authorities have gone unanswered. She has to hire private security guards to protect her home.

And she is not alone. Health care providers in nearly every State face similar instances of harassment and stalking. In too many cases, local law enforcement officials have not enforced existing statutes which prohibit such behavior.

Organizers of these groups have let it be known that we have not seen anything yet. As antichoice forces see a change in the political tides toward protecting abortion rights, they are turning increasingly to antichoice terrorism to achieve their political goals. During the last

year, antichoice groups have stepped up their terrorism, targeting clinics in acid attacks and the doctors who perform abortions with a variety of forms of harassment. Randall Terry of Operation Rescue has said "We're going to do everything we can to torment these people, to expose them for the vile, blood-sucking hyenas that they are." He also advocated violence when he led a prayer for tragedies to befall the families of abortion providers.

This approach was encouraged by the Supreme Court's recent ruling in Bray which held that Federal courts and law enforcement agencies have no authority to stop antichoice protesters who block access to abortion services. If this decision is allowed to stand, the women of America will not have the full support of the Federal Government in protecting their fundamental right to choose.

If we believe in law and order in this country, we cannot sit idly by and accept such threats of violence. Despite the heroic efforts of clinic staff, physicians, and supporters of the right to choose, these vigilantes are having an impact on access to abortion services in the United States. Increasing numbers of physicians are refusing to provide this service, not because they do not support the right to choose, but because they fear for their lives and for their families' safety.

The result of their fear is more than evident. Twenty years after Roe versus Wade, 83 percent of counties in the United States have no abortion services, and every year the number of abortion providers in the United States drops. Additionally, the number of medical schools requiring abortion training has plummeted to 12 percent.

If these trends continue, women may have a legal right to make childbearing choices, but they may not be able to exercise those rights. Indeed, the legal right to choose will be meaningless if women have no practical access to critical services.

Now is the time to turn the tide and stop these illegal and heartless acts that are jeopardizing women's health care. Abortion providers and women who want abortion services cannot wait any longer for full protection under the law. We must protect those providing safe, legal abortion services and the women who are seeking to exercise their constitutionally-protected right. We cannot leave health care providers and women vulnerable to those who threaten violence notwithstanding legal protection for abortion rights.

The Reproductive Freedom Protection Act, H.R. 519, would require local governments to enforce existing harassment and disorderly conduct laws against antichoice fanatics as a condition for receiving community development block grant [CDBG] funds.

Congress has already enacted a requirement that localities enforce trespassing laws during clinic blockades in order to receive those funds. H.R. 519 simply expands that requirement by calling on communities also to protect abortion providers and women seeking abortions in the conduct of their personal and professional lives.

We cannot continue to condone the actions of individuals who take the law into their own hands. We must stop them before they take away access to abortion services altogether. We must pass legislation to prod local govern-

ments to enforce already existing local harassment laws to preserve the rights of American women and their physicians.

The legislation I introduced has the endorsement of the National Coalition of Abortion Providers, the National Abortion Federation, the National Abortion Rights Action League, Planned Parenthood Federation of America, the Westchester Coalition for Legal Abortion, and New York State Family Planning Advocates.

I look forward to working with my colleagues to pass this critical legislation.

RENAMING THE BEAVER, UT, POST OFFICE TO HONOR ABE MURDOCK

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Mr. HANSEN. Mr. Speaker, I rise today on behalf of the citizens of Beaver, UT, to introduce legislation which pays tribute to Mr. Abe Murdock, a former U.S. Congressman and Senator. It is an honor to bring a bill to the floor which proposes to rename Beaver's post office as the Abe Murdock U.S. Post Office Building. You may recall that the House unanimously passed this bill during the 102d session. Unfortunately, the Senate attached a provision which could not be agreed to and the bill did not see the light of day. It is my hope that we can pay homage to a respected man in the 103d Congress by officially renaming the Beaver, UT, post office after him.

In 1923, Abe Murdock was elected county attorney of Beaver County where he established a respected reputation as a specialist in irrigation law. He held this position for 9 years and was then elected to the U.S. House of Representatives. He served three terms as a

Representative where he was a strong defender of the working man and organized labor. In 1941, Abe Murdock won a seat in the U.S. Senate. As a Senator, he was actively involved in guaranteeing Utah was granted its fair share of water from the Colorado River. He was a member of the Senate Committees on Public Lands and Surveys, Territories and Insular Affairs, Post Offices and Post Roads, Banking and Commerce, and Judiciary. His influence contributed greatly to Utah's becoming a leading State in the West.

In 1949, President Truman appointed him to the National Labor Relations Board where he served two 5-year terms. He was then appointed to a Presidential panel which addressed labor-management relations in the atomic energy industry. As a panel member, Mr. Murdock's insight and experience made a significant contribution.

Abe Murdock was a man of integrity and fortitude; Utah is proud of his representation. His family, friends, and associates ask for your support in placing his name on the Beaver City Post Office to honor his life of public service.

MAKING CONGRESS ACCOUNTABLE TO THE PEOPLE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 26, 1993

Ms. DELAURO. Mr. Speaker, with the spirit of the inaugural still fresh in our minds, it is important that Congress act quickly in a manner that demonstrates that we hear and will heed the call of the American people for change and accountability. Nowhere can we make a stronger case than here at home.

Last Wednesday President Clinton challenged this institution to begin the process of

reform. He called on us to "reform our politics, so that power and privilege no longer shout down the voice of the people."

We in Congress have an obligation to the people who sent us here. Change begins with accountability to the people. That's why today I have personally taken two steps that I hope will set an example for others concerned about reforming our institution.

Today I announced that rather than accept the 3.2 percent [\$4100] cola given to members of Congress in January, I will devote that portion of my salary to a scholarship account I have established that offers scholarships to students from across my district. Two years ago I began this tradition by refusing to personally accept the congressional pay raise, instead opening this scholarship. I believe it difficult for members of Congress to continue to accept regular pay increases—even COLA's—while working families are struggling to cope with a prolonged recession.

I have also co-sponsored legislation introduced by Congressman CHRIS SHAYS that demands that Congress become accountable to all the laws that govern the rest of our nation. We have for too long made laws that apply to the rest of America but failed to implement rules that will apply these same laws to Congress. These are good laws: the Americans with Disabilities Act, the Fair Labor Standards Act, the Civil Rights Act to name a few.

Congress will win the respect of the people when it begins to show that it understands what they feel. That we feel the same pain that they do, that we will make the same sacrifices they are forced to, and that we can live within the rules we establish for the rest of the nation.

I urge my colleagues to follow this lead. Remember the challenge the people gave to our government last November—and act.